5-27-86
Vol. 51 No. 101

federal register

Tuesday
May 27, 1986

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

5-27-86
Vol. 51 No. 101
Pages 19051-19148

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Briefings on How To Use the Federal Register—
For information on briefings in Seattle, WA, and San Francisco, CA, see announcement on the inside cover of this issue.

Selected Subjects

Air Carriers
Federal Aviation Administration
Transportation Department

Aviation Safety
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Flood Insurance
Federal Emergency Management Agency

Food Additives
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Grant Programs—Housing
Housing and Urban Development Department

Mineral Royalties
Minerals Management Service

Nuclear Materials
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Reporting and Recordkeeping Requirements
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Revenue Sharing Office

Surface Mining
Surface Mining Reclamation and Enforcement Office

Water Pollution Control
Environmental Protection Agency

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

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

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

WHO: The Office of the Federal Register.

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

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

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

SEATTLE, WA

WHEN: July 22; at 1:30 pm.

WHERE: North Auditorium, Fourth Floor, Federal Building, 915 2nd Avenue, Seattle, WA.

RESERVATIONS: Call the Portland Federal Information Center on the following local numbers:

Seattle	206-442-0570
Tacoma	206-383-5230
Portland	503-221-2222

SAN FRANCISCO, CA

WHEN: July 24; at 1:30 pm.

WHERE: Room 2007, Federal Building, 450 Golden Gate Avenue, San Francisco, CA.

RESERVATIONS: Call the San Francisco Federal Information Center, 415-556-6600

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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.

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Presidential Documents

Title 3—

The President

Proclamation 5489 of May 21, 1986

National Farm Safety Week, 1986

By the President of the United States of America

A Proclamation

Our remarkable agricultural system has enabled our Nation to make great strides in efforts to conquer hunger and to meet the food and fiber needs of our people as well as countless others around the world. But we cannot afford to let up in the battle against accidental injuries and illnesses that take an unduly high toll of those whose toil is responsible for this abundance.

Each year, many thousands of farm and ranch residents and workers are seriously or fatally injured at work, in the home, during recreation, and in traffic accidents.

Although much has been accomplished over the years to make farm life safer and healthier, much more remains to be done. Everyone in the agricultural community should make renewed efforts to be informed about potential hazards and take steps to minimize those dangers. This includes the conscientious use of mechanical safeguards like protective equipment and safety belts. I commend our farm equipment manufacturers for their emphasis on building safeguards into their equipment and warning of possible hazards in operational misuse, but there is no substitute for vigilance and common sense in using equipment. Awareness, on the job and off, is the surest way to avert mishaps and tragedies.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of September 21 through September 27, 1986, as National Farm Safety Week. I urge all those who live and work on farms or ranches to take necessary precautions to protect their safety and health—on the job and off. I also urge leaders in the agricultural community to bolster safety and health efforts in your area by example and by educational programs. I encourage all Americans to participate in appropriate events and activities in observance of National Farm Safety Week.

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

Ronald Reagan

[FR Doc. 86-11807
Filed 5-22-86; 12:06 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 51, No. 101
Tuesday, May 27, 1986

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1955

Sale of Unsuitable Single Family Housing (SFH) Inventory Property

Correction

In FR Doc. 86-11331, beginning on page 18435 in the issue of Tuesday, May 20, 1986, the effective date should have read "May 20, 1986".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket Number 86-ANE-1, Amdt. 39-5311]

Airworthiness Directives; General Electric Company (GE) CF6-50 and -45 Turbofan Engines.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires the removal from service of certain high pressure turbine rotor (HPTR) stage 1 disks installed on certain GE CF6-50 and -45 turbofan engines. The AD is needed to prevent crack initiation in the HPTR stage 1 disk forward embossment radii which could result in an uncontained HPTR stage 1 disk failure.

DATES: Effective June 29, 1986. Compliance required as indicated in the body of the AD. Incorporation by Reference—Approved by the Director of the Federal Register on June 29, 1986.

ADDRESSES: The applicable service bulletin (SB) may be obtained from General Electric Company, 1 Neumann Way, Cincinnati, Ohio 45215.

A copy of the SB is contained in the Rules Docket, Number 86-ANE-1, Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jeff Blazey, 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) 273-7090.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations (FAR) to include an AD which would require the removal from service of certain HPTR stage 1 disks installed on certain GE CF6-50 and -45 turbofan engines was published in the Federal Register on March 11, 1986, (51 FR 8332).

The proposal was prompted by the finding that certain CF6-50 and -45 HPTR stage 1 disks may contain forward embossment radii contours which do not conform to the FAA approved type design. This condition adversely affects the fatigue strength of the disk, requiring its removal from service.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received. The commenter was in agreement with the proposal. Accordingly, the proposal is adopted without change to the compliance requirements.

Conclusion

The FAA has determined that this regulation involves 99 HPTR stage 1 disks installed in some CF6-50 and -45 engines, core modules, or stocked as spares, and that the approximate cost per disk is $99,000. It was also determined that a substantial number of small entities are not affected as these engines are installed on large transport aircraft, the operators of which are not 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 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 Part 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 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.

§ 39.13 [Amended]

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

General Electric Company: Applies to General Electric (GE) CF6-50 and -45 turbofan engines.

To prevent possible failure of high pressure turbine rotor (HPTR) stage 1 disk, accomplish the following:

(a) Remove from service, in accordance with General Electric (GE) Alert Service Bulletin (SB) A72-859, Revision 1, dated January 1, 1986, those HPTR stage 1 disks identified by specific serial numbers listed in GE Alert SB A72-859, Revision 1, under Paragraph 2., Table 1, for inspection to determine conformance with the FAA approved type design.

(b) Compliance required as follows:

(1) For those disks with less than 5,490 flight cycles since new on the effective date of this AD, comply prior to the accumulation of 5,500 flight cycles

(2) For those disks with 5,490 or greater flight cycles since new on the effective date of this AD, comply within the next 10 flight cycles.

(c) Those HPTR stage 1 disks which do not conform to the FAA approved type design will be retired from services.

(d) Those HPTR stage 1 disks which conform to the FAA approved type design may be returned to service.

Note: 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.

Aircraft may be ferried in accordance with the provisions of FAR Part 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 may adjust the compliance time specified in this AD.

GE Alert SB A72-859, Revision 1, dated January 1, 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 General Electric Company, 1 Neumann Way, Cincinnati, Ohio 45215. This document also may be examined at the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, except Federal holidays.

This amendment becomes effective on June 29, 1986.

Issued in Burlington, Massachusetts, on May 8, 1986.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 86-11821 Filed 5-23-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-AGL-7]

Alteration of Control Zone and Transition Area; Muncie, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the Muncie, Indiana, control zone and transition area to accommodate increasing turbojet operations at Delaware County-Johnson Field, Indiana.

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

This docket action is being processed simultaneously along with control zone/transition area alterations at Alexandria and Anderson, Indiana, Docket Nos. 86-AGL-5 and 86-AGL-6, respectively.

EFFECTIVE DATE: 0901 UTC, August 28, 1986.

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

SUPPLEMENTARY INFORMATION:

History

On Tuesday, March 25, 1986, the Federal Aviation Administration (FAA) proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Muncie, Indiana, control zone and transition area (51 FR 10225).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Muncie, Indiana, control zone and transition area to accommodate increasing turbojet operations at Delaware County-Johnson Field. The control zone is being expanded to the southeast and north and is being reduced to the northwest. The transition area radius is being expanded 1.5 miles and all extensions are being deleted.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

Adoption of the Amendment

PART 71—[AMENDED]

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

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Muncie, IN [Amended]

Within a 5-mile radius of Delaware County-Johnson Field (lat. 40°14'31" N., long. 85°23'47" W.); within 3 miles each side of the Muncie VORTAC 125 radial, extending from the 5-mile radius zone to 8.5 miles southeast of the VORTAC; within 3 miles each side of the Muncie VORTAC 014 radial, extending from the 5-mile radius zone to 8.5 miles north of the VORTAC; and within 3 miles each side of the Muncie VORTAC 321 radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

§ 71.181 [Amended]

3. Section 71.181 is amended as follows:

Muncie, IN [Amended]

That airspace extending upward from 700 feet above the surface, within an 8.5-mile radius of Delaware County-Johnson Field (lat. 40°14'31" N., long. 85°23'47" W.).

Issued in Des Plaines, Illinois, on May 15, 1986.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 86-11823 Filed 5-23-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 86-AGL-5]

Alteration of Transition Area—Alexandria, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the Alexandria, Indiana, transition area to accommodate an existing VOR Runway 27 Standard Instrument Approach Procedure (SIAP) to Alexandria, Indiana, Airport.

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

This docket action is being processed simultaneously along with control zone/transition area alterations at Anderson and Muncie, Indiana, Docket Nos. 86-AGL-6 and 86-AGL-7, respectively.

EFFECTIVE DATE: 0901 UTC, August 28, 1986.

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

SUPPLEMENTARY INFORMATION:

History

On Tuesday, March 25, 1986, the Federal Aviation Administration (FAA) proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Alexandria, Indiana, transition area (51 FR 10224).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Alexandria, Indiana, transition area to accommodate an existing VOR Runway 27 SIAP to Alexandria, Indiana, 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 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

PART 71—[AMENDED]

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

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

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

§ 71.18 [Amended]

2. Section 71.181 is amended as follows:

Alexandria, IN [Amended]

That airspace extending upward from 700 feet above the surface, within a 5 mile radius of Alexandria Airport (lat. 40°14'00" N., long. 85°38'15" W.) and within 1.5 miles each side of the 090° bearing from the airport, extending from the 5 mile radius area to 13 miles east of the airport excluding that portion which overlies the Anderson, Indiana, and Muncie, Indiana, transition areas.

Issued in Des Plaines, Illinois, on May 15, 1986.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 86-11824 Filed 5-23-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-AGL-6]

Alteration of Control Zone and Transition Area, Anderson, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the Anderson, Indiana, control zone and transition area to accommodate increasing turbojet operations at Anderson Municipal Airport.

The intent of this action is to eliminate the extensions to the control zone and transition area.

This docket action is being processed simultaneously along with control zone/transition area alterations at Alexandria and Muncie, Indiana, Docket Nos. 86-AGL-5 and 86-AGL-7, respectively.

EFFECTIVE DATE: 0901 UTC, August 28, 1986.

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

SUPPLEMENTARY INFORMATION:

History

On Tuesday, March 25, 1986, the Federal Aviation Administration (FAA) proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Anderson, Indiana, control zone and transition area (51 FR 10226).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Anderson, Indiana, control zone and transition area to accommodate increasing turbojet operations at Anderson Municipal Airport. This action eliminates all control zone and transition area extensions which were found to be unwarranted in accordance with present control zone and transition area criteria.

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

impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

Adoption of the Amendment

PART 71—[AMENDED]

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

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Anderson, IN [Amended]

Within a 5-mile radius of Anderson Municipal Airport (lat. 40°06'32" N., long. 85°36'57" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

§ 71.181 [Amended]

3. Section 71.181 is amended as follows:

Anderson, IN [Amended]

That airspace extending upward from 700 feet above the surface, within an 8.5-mile radius of Anderson Municipal Airport (lat. 40°06'32" N., long. 85°36'57" W.).

Issued in Des Plaines, Illinois, on May 15, 1986.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 86–11822 Filed 5–23–86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86–AGL–9]

Alteration of Transition Area; Bellaire, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the Bellaire, Michigan, transition area to accommodate a new VOR Runway 2 Standard Instrument Approach Procedure (SIAP) to Antrim County Airport.

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

EFFECTIVE DATE: 0901 UTC, August 28, 1986.

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

SUPPLEMENTARY INFORMATION:

History

On Tuesday, March 25, 1986, the Federal Aviation Administration (FAA) proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Bellaire, Michigan, transition area (51 FR 10228).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Bellaire, Michigan, transition area to accommodate a new VOR Runway 2 SIAP to Antrim County Airport. The alteration consists of an extension from the 11-mile radius to 27 miles southwest of the airport with a 4.75 mile width each side of the Traverse City VORTAC 037 radial.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

PART 71—[AMENDED]

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

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Bellaire, MI [Amended]

That airspace extending upward from 700 feet above the surface, within an 11-mile radius of Antrim County Airport (lat. 44°59'19" N., long. 85°11'54" W.) and within 3 miles each side of the 198° bearing from the airport and extending from the 11-mile radius area to 14 miles south of the airport and within 4.75 miles each side of the Traverse City, MI VORTAC 037 radial, extending from the 11-mile radius to 27 miles southwest of the airport, excluding that portion which overlies the Traverse City, Michigan, transition area.

Issued in Des Plaines, Illinois, on May 15, 1986.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 86–11825 Filed 5–23–86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86–AGL–10]

Alteration of Transition Area; Rice Lake, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the Rice Lake, Wisconsin, transition area to accommodate a new VOR Runway 36 Standard Instrument Approach Procedure (SIAP) to Rice Lake Municipal Airport.

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

EFFECTIVE DATE: 0901 UTC, August 28, 1986.

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

SUPPLEMENTARY INFORMATION:

History

On Tuesday, March 25, 1986, the Federal Aviation Administration (FAA) proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Rice Lake, Wisconsin, transition area (51 FR 10227).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Rice Lake, Wisconsin, transition area to accommodate a new VOR Runway 36 SIAP to Rice Lake Municipal Airport. The alteration consists of an 8.5 miles expansion to the south of the VOR from the 5-mile radius with a width of 3 miles each side of the VOR 174 radial.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

PART 71—[AMENDED]

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

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Rice Lake, WI [Amended]

Add the words "; and within 3 miles each side of the Rice Lake VOR 174 radial extending from the 5-mile radius area to 8.5 miles south of the VOR." to the end of the present transition area description.

Issued in Des Plaines, Illinois, on May 15, 1986.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 86-11826 Filed 5-23-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-ANM-22]

Alteration of Billings, MT, Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the size of the Billings, Montana, Control Zone. During an annual review, it was determined that the Billings Control Zone could be reduced in size and still contain the instrument approaches to the Logan Field Airport.

EFFECTIVE DATES: 0901 UTC, July 1, 1986.

FOR FURTHER INFORMATION CONTACT: Katherine G. Paul, ANM-535, Federal Aviation Administration, Docket No. 86-ANM-22, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Telephone: (206) 431-2535.

SUPPLEMENTARY INFORMATION:

History

On February 28, 1986, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the size of the Billings, Montana, Control Zone (51 FR 7081).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the size of the Billings, Montana, Control Zone to contain all Instrument Flight Rule arrivals and departures.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

PART 71—[AMENDED]

Adoption of Amendment

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

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

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

2. § 71.171 is amended as follows:

Billings, Montana (Revised)

Within a 5-mile radius of the Logan International Airport (45°48'29" N lat./108°32'25" W long.) and within 2 miles each side of the 113° bearing from the airport extending from the 5-mile radius area to 7 miles east of the airport; and that airspace between the 220° bearing clockwise to the 170° bearing from the airport extending from the 5-mile radius area to a 6-mile radius.

Issued in Seattle, Washington, on May 14, 1986.

Temple H. Johnson, Jr.,

Acting Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 86-11598 Filed 5-23-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 385

[Docket No. 60581-6081]

Export Licensing; Controls on Exports to South Africa; Information Collection Control Numbers

AGENCY: Export Administration, Commerce.

ACTION: Final rule; notice of OMB approval.

SUMMARY: The Export Administration Regulations (EAR) contain provisions relating to the licensing of all exports to the South African military and police and prohibits the exports of all computers, computer software, or goods or technology to service computers to all apartheid enforcing entities of the South African Government. The final rule containing these provisions was published in the Federal Register on November 18, 1985 (50 FR 47363) with an effective date of October 11, 1985. This document adds the Office of Management and Budget (OMB) control number 0625-0156 to the information collection requirements of the rule.

DATE: The regulation became effective on October 11, 1985.

FOR FURTHER INFORMATION CONTACT: Betty Ferrell, Regulations Branch, Export Administration, Telephone (202)388-3856.

SUPPLEMENTARY INFORMATION: OMB control number 0625-0156.

As required by the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, Export Administration submitted this regulation to OMB for approval of the reporting requirement on prohibiting the export of computers, computer software, or goods or technology to service computers to all apartheid enforcing entities of the South African Government, even though the export could be made under general license to other parties in South Africa. A license authorizing resale within the Republic of South Africa or Namibia, may also require identification of customers to whom the ultimate consignees have sold the computers, with further identification of customers at six month intervals until all computers exported under the license have been sold. As stated in the final rule, the approval of this reporting requirement was pending with OMB. On December 30, 1985, OMB approved this collection of information assigned control number 0625-0156.

List of Subjects in 15 CFR Part 385

Communist countries, Exports, Reporting and recordkeeping requirements.

Accordingly, Part 385 of the Export Administration Regulations (15 CFR Parts 368-399) is amended as follows:

PART 385—(AMENDED)

1. The authority citation for 15 CFR Part 385 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app 2401 et. seq., as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223, 50 U.S.C. 1701 *et seq.*; E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985).

2. OMB control number 0625-0156 is added to the end of § 385.4 to read as follows:

§ 385.4 Country Groups T & V.

* * * * *

(Information collection requirements in paragraph (a) approved by the Office of Management and Budget under control number 0625-0156)

Dated: May 20, 1986.

Walter J. Olson,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 86-11741 Filed 5-23-86; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 176

[Docket No. 85F-0268]

Indirect Food Additives; Paper and Paperboard Components; Slimicide

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of *n*-dodecylguanidine hydrochloride as a slimicide in paper and paperboard intended for use in contact with food. This action responds to a petition filed by Betz Laboratories, Inc.

DATES: Effective May 27, 1986; objections by June 26, 1986.

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

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of September 13, 1985 (50 FR 37437), FDA announced that a petition (FAP 5B3847) had been filed by Betz Laboratories, Inc., Trevose, PA 19047, proposing that § 176.300 *Slimicides* (21 CFR 176.300) be amended to provide for the safe use of *n*-dodecylguanidine hydrochloride as a slimicide in paper and paperboard intended for use in contact with food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the food additive is safe, and that the regulation should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the Federal Register of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an abbreviated environmental assessment under 21 CFR 25.31a(b)(1).

Any person who will be adversely affected by this regulation may at any time on or before June 26, 1986 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, Part 176 is amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR Part 176 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. In § 176.300(c) by alphabetically inserting a new item in the list of substances to read as follows:

§ 176.300 Slimicides.

* * * * *

(c) * * *

List of substances	Limitations
* * * * *	
n-Dodecylguanidine hydrochloride.	At a maximum level of 0.20 pound per ton of dry weight fiber.
* * * * *	

Dated: May 15, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86–11765 Filed 5–23–86; 8:45 am]

BILLING CODE 4160–01–M

21 CFR PART 177

[Docket No. 85F–0518]

Indirect Food Additives; Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of ethyleneacrylic acid copolymers containing up to 25 weight-percent of polymer units derived from acrylic acid in contact with food. This action responds to a petition filed by the The Dow Chemical Co.

DATES: Effective May 27, 1986; objections by June 26, 1986.

ADDRESS: Written objections may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of December 9, 1985 (50 FR 50233), FDA announced that a petition (FAP 5B3877) had been filed by The Dow Chemical Co., Midland, MI 48674, proposing that § 177.1310 *Ethylene acrylic acid copolymers* (21 CFR 177.1310) be amended to provide for the safe use of ethylene-acrylic copolymers containing up to 25 weight-percent of polymer units derived from acrylic acid in contact with food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the food additive is safe, and that the regulation should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the **Federal Register** of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an abbreviated environmental assessment under 21 CFR 25.31a(b)(1).

Any person who will be adversely affected by this regulation may at any time on or before Ju... 26, 1986 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under

authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, Part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR Part 177 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. In § 177.1310 by revising paragraphs (a) and (b), by redesignating existing paragraph (c) as paragraph (d), and by adding new paragraph (c) to read as follows:

§ 177.1310 Ethylene-acrylic acid copolymers.

* * * * *

(a) The ethylene-acrylic acid copolymers consist of basic copolymers produced by the copolymerization of ethylene and acrylic acid such that the finished basic copolymers contain no more than:

(1) 10 weight-percent of total polymer units derived from acrylic acid when used in accordance with paragraph (b) of this section; and

(2) 25 weight-percent of total polymer units derived from acrylic acid when used in accordance with paragraph (c) of this section.

(b) The finished food-contact articles made with no more than 10 percent total polymer units derived from acrylic acid, when extracted with the solvent or solvents characterizing the type of food and under the conditions of its intended use as determined from tables 1 and 2 of § 176.170(c) of this chapter, yield net acidified chloroform-soluble extractives not to exceed 0.5 milligram per square inch of food-contact surface when tested by the methods prescribed in § 177.1330(c), except that net acidified chloroform-soluble extractives from paper and paperboard complying with § 176.170 of this chapter may be corrected for wax, petrolatum, and mineral oil as provided in § 176.170(d)(5)(iii)(*b*) of this chapter. If the finished food-contact article is itself the subject of a regulation in Parts 174, 175, 176, 177, 178 and § 179.45 of this chapter, it shall also comply with any specifications and limitations prescribed for it by that regulation.

Note.—In testing the finished food-contact article, use a separate test sample for each extracting solvent.

(c) The finished food-contact layer made with basic copolymers containing more than 10 weight-percent but no more than 25 weight-percent of total polymer units derived from acrylic acid and with a maximum thickness of 0.0025 inch (2.5 mils) may be used in contact with food types I, II, IVB, VIA, VIB, VIIB, and VIII identified in table 1 of § 176.170(c) of the chapter under conditions of use B through H as described in table 2 of § 176.170(c) of this chapter, and in contact with food types III, IVA, V, VIIA, and IX identified in table 1 of § 176.170(c) of this chapter under conditions of use E through G as described in table 2 of § 176.170(c) of this chapter.

* * * * *

Dated: May 15, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86–11763 Filed 5–23–86; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 178

[Docket No. 81F–0350]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of butyric acid, 3,3-bis(3-*tert*-butyl-4-hydroxyphenyl)ethylene ester as an antioxidant for olefin polymers. This action responds to a petition filed by American Hoechst Corp.

DATES: Effective May 27, 1986. Objections by June 26, 1986.

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

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of November 24, 1981 (46 FR 57645), FDA announced that a petition (FAP 1B3584) had been filed by American Hoechst Corp., Somerville, NJ 08876, proposing that 21 CFR 178.2010 of the food additive regulations be amended to provide for the safe use of butyric acid, 3,3-bis(3-*tert*-butyl-4-hydroxyphenyl)ethylene ester as an antioxidant and/or stabilizer for olefin polymers by removing current restrictions on food type and temperature.

FDA has evaluated the data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe, and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25) that was published in the Federal Register of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an environmental assessment under 21 CFR 25.31a(a).

Any person who will be adversely affected by this regulation may at any time on or before June 26, 1986 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a

waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives; Food packaging; Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, Part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR Part 178 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. In § 178.2010(b) by revising the entry for "Butyric acid, 3,3-bis(3-*tert*-butyl-4-hydroxyphenyl)ethylene ester" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
Butyric acid, 3,3-bis(3-*tert*-butyl-4-hydroxyphenyl)ethylene ester (CAS Reg. No. 32509-66-3).	For use only: 1. At levels not to exceed 0.5 percent by weight of olefin copolymers complying with § 177.1520(c) of this chapter, items 3.1 and 3.2 except that when used in contact with foods described as types III, IV-A, V, VII-A, and IX in Table 1 of § 176.170(c) of this chapter, the olefin copolymers may only be used under conditions of use E, F, and G set forth in Table 2 of § 176.170(c) of this chapter. 2. At levels not to exceed 0.5 percent by weight of olefin polymers complying with § 177.1520(c) of this chapter, item 1.1, 3.1, or 3.2 (where the copolymers complying with items 3.1 and 3.2 contain not less than 85 weight-percent of polymer units derived from propylene). 3. At levels not to exceed 0.2 percent by weight of olefin polymers complying with § 177.1520(c) of this chapter, items 2.1, 2.2, 3.1, and 3.2.

* * * * *

Dated: May 15, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-11764 Filed 5-23-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 883

[Docket No. R-86-1292; FR-1675]

Section 8 Housing Assistance Payments Program—State Housing Agencies

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

ACTION: Final rule; technical amendment.

SUMMARY: This rule corrects an erroneous cross reference in 24 CFR Part 883—Section 8 Housing Assistance Program—State Housing Agencies.

DATE: June 27, 1986.

FOR FURTHER INFORMATION CONTACT: Grady Norris, Assistant General Counsel for Regulations, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 755-7055. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: 24 CFR 883.408(b) deals with the possible effect that delays during the period an assisted project is being constructed or rehabilitated may have on section 8 contract rents. Through an error, reference is made in the paragraph to "paragraph (d) of this section". The reference should be to "§ 883.305(b)(2)".

This rule makes the necessary correction, which is technical only and is not intended to have any substantive effect, since the rule as amended on March 28, 1983 (48 FR 12709) was originally intended to make the same cross reference as this document supplies. (This conclusion is supported by the parallel provisions found in Part 880. In § 880.401(b), a cross-reference correctly identifies § 880.204(b)(2) as the provision stating the grounds for allowing an increase in contract rents where there are construction delays. Section 880.401(b) is parallel to § 883.408(b), the rule corrected here, and § 880.204(b)(2) is parallel to the corrected cross-reference provision—§ 883.305(b)(2).)

Procedural Requirements

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the proposed rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on April 21, 1986 (51 FR 12036); under Executive Order 12291 and the Regulatory Flexibility Act.

The catalog of Federal Domestic Assistance program number is 14.156.

Under 5 U.S.C. 605(b) (The Regulatory Flexibility Act), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 24 CFR Part 883

Grant programs—Housing and community development, Rent subsidies, New construction and substantial rehabilitation.

Accordingly, 24 CFR Part 883 is amended to read as follows:

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—STATE HOUSING AGENCIES

1. Paragraph (b) of § 883.408 is revised to read as follows:

§ 883.408 Construction or rehabilitation period.

* * * * *

(b) Delays. Extensions of time may be granted for the reasons specified in the Agreement. However, contract rents will be increased only for the reasons stated in § 883.305(b)(2) of this part.

* * * * *

Dated: May 19, 1986.

Silvio J. DeBartolomeis,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 86-11796 Filed 5-23-86; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 8082]

Procedure and Administration; Definition of Partnership Item; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final rule.

SUMMARY: This document contains two corrections to the final regulations that were published in the **Federal Register** on April 18, 1986 (51 FR 13212). Those regulations, issued as Treasury Decision 8082, relate to the definition of "partnership item" under the rules for the tax treatment of partnership items.

FOR FURTHER INFORMATION CONTACT: Cynthia Grigsby of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:LR:T). Telephone 202-566-3318 (not a tollfree number).

SUPPLEMENTARY INFORMATION:

Background

Section 6231(a)(3) of the Internal Revenue Code provides that a "partnership item" is any item that must be taken into account for a taxable year of a partnership under any income tax provision to the extent that the regulations provide that the item is more appropriately determined at the partnership level rather than at the partner level. Treasury Decision 8082 set forth items that the Internal Revenue Service considers to be more appropriately determined at the partnership level.

Need for Correction

As published, T.D. 8082, in two locations, used the word "determination" when the intended word was "item".

Correction of Publication

Accordingly, the publication of Treasury Decision 8082, which was the subject of FR Doc. 86-8762, is corrected as follows:

§ 301.6231 [Corrected]

Paragraph 1. In § 301.6231(a)(3)-1, on page 13214, third column, in the 9th line of the flush material following paragraph (c)(2)(iv), the language "determination is not a partnership item." is removed and the language "item is not a partnership item." is added in its place.

§ 301.6231 [Corrected]

Par. 2. In § 301.6231(a)(3)-1, on page 13215, first column, in the first sentence of the flush material that follows paragraph (c)(3)(iv), the language "therefore, the determination" is removed and the language "therefore, that item" is added in its place.

Donald E. Osteen,

Acting Director, Legislation and Regulations Division.

[FR Doc. 86-11795 Filed 5-23-86; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 218

Collection of Royalties, Rentals, Bonuses, and Other Monies Due the Federal Government

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: The Minerals Management Service is amending 30 CFR 218.154 to correct cross-references to certain paragraphs in 30 CFR 250.12 resulting from previous amendments to that regulation.

EFFECTIVE DATE: May 27, 1986.

FOR FURTHER INFORMATION CONTACT: Dennis Whitcomb, Chief, Rules and Procedures Branch, (303) 231-3432 in Lakewood, Colorado.

SUPPLEMENTARY INFORMATION:

I. Background

Revisions to regulations in 1979 resulted in paragraphs (c) and (d) of 30 CFR 250.12 being redesignated as paragraphs (a) and (b). (44 FR 61886 October 26, 1979). In addition, a new paragraph (c) was added to 30 CFR 250.12 in 1984 covering deepwater leases. (49 FR 17449 April 24, 1984). The current 30 CFR 218.154 contains references to certain 30 CFR 250.12 paragraphs numbered prior to the 1979 and 1984 revisions. The following amendments to 30 CFR 218.154 are necessary to correct the cross-references to 30 CFR 250.12:

Paragraph	Current reference	Correct reference
218.154(a)	30 CFR 250.12(c).	30 CFR 250.12(a)(1)(ii).
	30 CFR 250.12(d)(1).	30 CFR 250.12(a)(1)(iii)
	30 CFR 250.12(d)(4).	30 CFR 250.12(a)(1)(iv)
218.154(b)(1)	30 CFR 250.12(d)(1).	30 CFR 250.12(b)(1).
	None	30 CFR 250.12(c).
218.154(b)(2)	30 CFR 250.12(d)(3).	30 CFR 250.12(a)(1)(i).
	None	30 CFR 250.12(c).

II. Procedural Matters

Administrative Procedure Act

The changes included in this rulemaking are technical corrections only and not substantive changes. Accordingly, pursuant to 5 U.S.C. 553(b), it has been determined that it is unnecessary to issue proposed regulations before the issuance of this final regulation. For the same reason, it has been determined that in accordance with 5 U.S.C. 553(d), there is good cause to make this regulation effective upon publication in the **Federal Register.**

Executive Order 12291 and Regulatory Flexibility Act

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Paperwork Reduction Act of 1980

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act of 1969

The Department of the Interior has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required under the National Environmental Policy Act of 1969 [42 U.S.C. 4332(2)(C)].

List of Subjects in 30 CFR Part 218

Coal, Continental shelf, Electronic funds transfers, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Oil and gas exploration. Public lands-mineral resources.

Under authority of the Secretary of the Interior contained in 43 U.S.C. 1334,

30 CFR Part 218 is hereby amended as set forth below:

Dated: May 14, 1986.

J. Steven Griles,

Assistant Secretary, Land and Minerals Management.

Subchapter A—Royalty Management

PART 218—[AMENDED]

30 CFR 218 is amended as follows:

1. The authority citation for Part 218 is revised as follows:

Authority: The Act of February 25, 1920 (30 U.S.C. 181 *et seq.*) as amended; the Act of May 21, 1930 (30 U.S.C. 301–306); the Minerals Leasing Act for Acquired Lands (30 U.S.C. 351–359), as amended; the Act of March 3, 1909 (25 U.S.C. 396), as amended; the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) as amended; the Act of May 11, 1938 (25 U.S.C. 396a–396q), as amended; the Act of February 28, 1891 (25 U.S.C. 397), as amended; the Act of May 29, 1924 (25 U.S.C. 398); the Act of March 3, 1927 (25 U.S.C. 398a–398e); the Act of June 30, 1919 (25 U.S.C. 399), as amended; R.S. § 441 (43 U.S.C. 1457), see also Attorney General's Opinion of April 2, 1941 (40 Op. Atty. Gen. 41); the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 *et seq.*), as amended; the Act of December 12, 1980 (Pub. L. 96–514, 94 Stat. 2964); the Combined Hydrocarbon Leasing Act of 1981 (Pub. L. 97–78, 95 Stat. 1070); the Outer Continental Shelf Lands Act (43 U.S.C. 1331 *et seq.*), as amended; Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262); Secretarial Order No. 3071 of January 19, 1982, as amended; Secretarial Order 3087, as amended; The Indian Mineral Development Act of 1982 (25 U.S.C. 2010 *et seq.*); and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 *et seq.*).

2. In § 218.154, paragraphs (a) and (b) are revised to read as follows:

§ 218.154 Effect of suspensions on royalty and rental.

(a) If under the provisions of 30 CFR 250.12(a)(1) (ii), (iii) or (iv), the Director, with respect to any lease, directs the suspension of both operations and production, or, with respect to a lease on which there is no producible well, directs the suspension of operations, no payment of rental or minimum royalty shall be required for or during the period of suspension.

(b) The lessee shall not be relieved of the obligation to pay rental, minimum royalty or royalty for or during the period of suspension if the Director:

(1) Under the provisions of 30 CFR 250.12 (b)(1) or (c) approves, at the request of a lessee, the suspension of operations or production, or both, or

(2) Under the provisions of 30 CFR 250.12 (a)(1)(i) or (c) suspends any operation, including production.

* * * * *

[FR Doc. 86–11749 Filed 5–23–86; 8:45 am]

BILLING CODE 4310–MR–M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Approval of Permanent Program Amendments From the Commonwealth of Kentucky Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of program amendments submitted by Kentucky as modifications to the State's permanent regulatory program (hereinafter referred to as the Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments, submitted on August 3, 1984 and revised on October 12, 1984, pertain to the cancellation of surety bonds on undisturbed areas of permits which are not in compliance with all contemporaneous reclamation standards.

After providing for public comment and conducting a thorough review of the program amendments, the Director has determined that the amendments meet the requirements of SMCRA and the Federal regulations and is approving them. The Federal rules at 30 CFR Part 917 codifying decisions concerning the Kentucky program are being amended to implement this action. This final rule is being made effective immediately to expedite the State program amendment process and encourage States to conform their programs with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

EFFECTIVE DATE: May 27, 1986.

FOR FURTHER INFORMATION CONTACT: W. Hord Tipton, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504. Telephone: (606) 233–7327.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Interior approved the Kentucky program (47 FR 21404–21435) on May 18, 1982. Information pertinent to the general background and revisions to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval, can be found in the May 18, 1982 **Federal Register**. Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 917.11, 30 CFR 917.15, 30 CFR 917.16 and 30 CFR 917.17.

II. Submission of Amendments

On August 3, 1984, Kentucky submitted a number of proposed amendments for OSMRE review (Administrative Record No. KY–592). These materials included Senate Bill 285, revising Sections 350.066 through 350.070 of the Kentucky Revised Statutes (KRS), and a new subchapter (405 KAR 10:035) of the Kentucky Administrative Regulations (KAR) to implement the statutory revisions. On August 31, 1984, OSMRE announced receipt of the proposed amendments and opened the public comment period (49 FR 34529–34530). Since only one person expressed an interest in a public hearing, a public meeting was held on September 25, 1984 in place of the scheduled hearing. A summary of the meeting can be found in the Kentucky Administrative Record (KY–603). On October 12, 1984, Kentucky submitted a revised version of 405 KAR 10:035, partially in response to concerns raised at the public meeting (Administrative Record No. KY–604). Accordingly, on January 23, 1985, OSMRE reopened the public comment period for 15 days (50 FR 2998).

On June 5, 1985, OSMRE notified Kentucky of its concerns with the proposed amendments and requested further clarification, which the Commonwealth provided by letter of July 24, 1985 (Administrative Record No. KY–652).

III. Director's Findings

After a thorough review pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, the Director finds that the proposed amendments, as submitted on August 3, 1984 and revised on October 12, 1984, are no less stringent than SMCRA and no less effective than the Federal regulations.

Senate Bill 285 amends KRS 350.066 through 350.070 to provide that, upon receipt of a copy of a notice of noncompliance issued to a permittee for failure to maintain contemporaneous reclamation, a surety may notify the permittee that surety on any area disturbed after thirty days from the

effective date of the surety's notice may be refused unless the violation is abated. The bill further provides that the surety's notice shall become effective upon approval by the Natural Resources and Environmental Protection Cabinet ("NREPC" or "Cabinet") and that within thirty days of receipt of a notice of cancellation, the Cabinet shall: (1) Accept a suitable substitute bond or bonds, (2) amend the permit to delete the unbonded acreage or (3) revoke the permit for lack of bond.

The proposed regulations at 405 KAR 10:035 implement the provisions of Senate Bill 285 by requiring two separate notices with different effective dates. After issuance of a notice of noncompliance for failure to maintain contemporaneous reclamation, the surety may send a notice ("notice of intent to cancel") to the permittee and the Department of Surface Mining Reclamation and Enforcement ("Department") of its intent to request cancellation of bond coverage on any area disturbed after thirty days from the effective date of the surety's notice of intent to cancel, if the violation is not abated by that date. The effective date of this notice is the date of receipt by the insured or seven days after mailing, whichever occurs first. If the surety desires to cancel the bond after the thirty-day notice period, it must send a separate notice of cancellation to the permittee and the Department. This notice does not take effect until approved by the Cabinet. The regulations further provide that the Cabinet shall approve the notice of cancellation only if the operator has not abated the violation, the surety has complied with all notice requirements and the Cabinet has (1) revoked the permit, (2) deleted the area subject to cancellation from the permit, or (3) accepted and approved a substitute bond. To ensure that there is no confusion as to the extent of residual bond coverage, 405 KAR 10:035 section 1(2)(b)(8) requires that the surety acknowledge in the notice of cancellation that it will not be relieved of liability for areas disturbed prior to the State's approval of the cancellation, i.e., liability is not limited to lands disturbed prior to thirty days following the effective date of the notice of intent to cancel.

While the permittee may request a hearing on any order revoking the permit or revising its area, 405 KAR 10:035 section 2(2)(b) provides that the order shall be affirmed unless the permittee can establish that bond coverage was not cancelled and that the violation was abated at the time the order was issued, or that a substitute bond was approved by the Cabinet. At 405 KAR 10:035 section 3, Kentucky also forbids any release of bond after cancellation until the entire area originally covered by the bond has been reclaimed in accordance with the criteria and requirements of 405 KAR 10:040 section 2, unless a substitute bond is obtained.

The Federal regulations at 30 CFR 800.20(b) allow the cancellation of surety bond coverage on undisturbed lands upon request of the permittee, if approved by the regulatory authority. They also require that the regulatory authority decide whether to approve such a request within thirty days after receipt of a notice of cancellation. The regulations proposed by Kentucky (405 KAR 10:035 section 3) similarly require the Cabinet to act upon a notice of cancellation within thirty days of receipt. Therefore, while there is no direct Federal counterpart to this proposed amendment, the Director finds that Senate Bill 285 and 405 KAR 10:035, as submitted on August 3, 1984 and revised on October 12, 1984, are no less stringent than the requirements of section 509 of SMCRA and no less effective than the Federal regulations concerning bonding at 30 CFR Part 800.

IV. Public Comment

The Director solicited public comments on the proposed amendments by **Federal Register** notice published on August 31, 1984 (49 FR 34529–34530) and on revisions to those amendments by notice in the January 23, 1985 **Federal Register** (50 FR 2996). One person requested a public hearing, in response to which OSMRE held a public meeting on September 25, 1984, which was attended by two individuals, Leon Ellis and Mark McGraw, representing one surety company. A summary of the meeting appears in the Kentucky Administrative Record (KY–603). During the two comment periods (August 31, 1984 through October 1, 1984 and January 23, 1985 through February 7, 1985), OSMRE received written comments from the Surety Association of America and from Thomas J. FitzGerald. Comments of the latter party were submitted on behalf of the Kentucky Governmental Accountability Project of the Kentucky Resources Council, the Kentucky Conservation Committee and the Cumberland Chapter of the Sierra Club.

A summary of the comments received and the Director's response to them appears below.

1. The Surety Association of America states that the operator should be barred from disturbing additional land immediately upon receipt of the notice of noncompliance and that sureties should have the unilateral right to cancel a bond (without the prior approval of the Cabinet) by serving proper notice to the obligee and the principal. Mr. Ellis and Mr. McGraw also reiterated the latter point in the public meeting. As discussed in the Director's Findings section of this notice, the Federal regulations at 30 CFR 800.20(b) require that any proposed cancellation of a surety bond take effect only upon approval by the regulatory authority. In addition, the Director believes that the nature of the remedial action specified in any notice of noncompliance for noncontemporaneous reclamation is best determined on a site-specific basis at the discretion of the regulatory authority. An operator may be capable of both continued mining and timely abatement of the violation. Under such circumstances, barring the disturbance of any additional area might be inappropriate.

2. Mr. Ellis and Mr. McGraw objected to the requirement that the surety serve notice on the permittee by certified mail, stating that regular mail should be sufficient, or that provisions should be made for situations where certified service could not be made. In the revised version of 405 KAR 10:035 section 1(1)(b) submitted October 12, 1984, Kentucky has retained the requirement that both notices be sent to the permittee by certified mail; however, it has provided that the effective date of the notice of intent to cancel shall be the date of receipt by the permittee or seven days after mailing, whichever occurs first. In addition, the effective date of the notice of cancellation is dependent only upon the date of approval by the Cabinet, not the date of receipt by the permittee. Therefore, the commenter's objections have been addressed by the State.

3. Mr. Ellis and Mr. McGraw state that the length of time between the surety's mailing of a notice of cancellation and the Cabinet's approval of that notice is unknown and that the operator could continue to increase the area of disturbance and the surety's liability during the processing period. The Director agrees with this statement, but he finds that it is not in conflict with or less effective than any Federal requirement.

4. Mr. Ellis and Mr. McGraw expressed concern that certain provisions of 405 KAR 10:035 section 3, which requires that the bond for the entire permitted area at the time of cancellation be forfeited if the permit is revoked, will act as a disincentive to

sureties considering use of this amendment.

Without evaluating the validity of the commenters' concern, the Director finds that these provisions neither conflict with nor are no less effective than any Federal requirement.

5. Mr: Ellis and Mr. McGraw state that the escrow provisions of the State bond forfeiture program are unworkable and inequitable. Since this amendment does not involve the escrow provisions of the State forfeiture program, the Director is not addressing this comment.

6. Mr. FitzGerald states that Senate Bill 285 is internally inconsistent with respect to when bond coverage actually ceases and that the attempt of 405 KAR 10:035 to resolve this conflict is subject to attack as being *ultra vires*, especially under the provisions of Kentucky House Bill 334, which, Mr. FitzGerald alleges, strictly prohibits regulations from interpreting or expanding upon statutes. Specifically, he states that the statute does not clearly authorize the use of two separate notices. The Director agrees that the statute contains ambiguities, but he believes that the proposed regulations reasonably harmonize these differences and that no irreconcilable conflicts exist. In addition, the Director evaluates proposed State program amendments only for consistency with the approved State program, SMCRA and the Federal regulations, not for consistency with any State statutes (such as House Bill 334) or regulations governing the issuance of State regulations in general. Until otherwise adjudicated, the Director presumes that all regulations have been or will be promulgated in accordance with all applicable State legal requirements.

7. Mr. FitzGerald also states that Senate Bill 285 is arbitrary, unduly punitive and inconsistent with Federal law in that it has the effect of categorically limiting the time for abatement of a noncontemporaneous reclamation violation to thirty days without regard to conditions beyond the operator's control. The Director does not agree. The statute and proposed regulations do not alter the abatement periods available to the operator; they provide only that the surety may cancel bond coverage on undisturbed areas if the violation has not been abated by the time the Cabinet acts upon the surety's notice of cancellation. Although the time period during which the operator may abate the violation and avoid bond cancellation is indefinite, it may frequently be shorter than the time period for abatement specified in the notice of noncompliance. However, the Director finds that such provisions do not conflict with and are not less effective than the Federal requirements.

8. Mr. FitzGerald states that the provisions of this amendment requiring that, after cancellation, the surety remain obligated to the full extent of the bond, even where the Cabinet deletes all undisturbed acreage from the permit, presents an irreconcilable conflict with KRS 350.070(1), which requires that the Cabinet release the bond for each acre by which a permit is reduced. The Director is not convinced that a conflict exists, since KRS 350.070(1) applies to permit revision applications submitted by the permittee, not mandatory deletions by the Cabinet, and since Senate Bill 285 would take precedence by virtue of its more recent origin. Furthermore, even if the provisions of KRS 350.070(1) should prevail, the proposed amendment would still be no less effective than the Federal requirements since the Federal regulations at 30 CFR 800.20(b) and 800.15(c) allow the cancellation of surety bond coverage on undisturbed areas, with a concomitant reduction in bond amount upon approval by the regulatory authority.

9. Mr. FitzGerald expresses concern that, while the proposed amendment does not prohibit the permittee from further disturbing areas *not* deleted from the permit area, it does exempt the surety from any liability for such disturbances. The Director finds that the commenter is misinterpreting the term "disturbed area" and defined at 405 KAR 7:020 section 1(30) and is misreading the statute, which states that "Nothing contained herein shall be construed to relieve the surety of its liability for areas disturbed within the thirty day notice period. The surety shall remain obligated for the full extent of the bond for reclamation of all areas disturbed prior to the Cabinet's approval of the cancellation." The statute provides no liability exemption for disturbed areas redisturbed after cancellation; indeed, such redisturbance is a necessary part of reclamation. Proposed 405 KAR 10:035 section 3(1) provides that the Cabinet shall not release any portion of a bond for a permit area or increment thereof after cancellation unless and until all disturbed areas on the permit or increment have been reclaimed in accordance with the criteria and requirements of 405 KAR 10:040, or until a substitute bond is filed and approved. The definition of "disturbed area" at 405 KAR 7:020 section 1(30) provides that, once disturbed, an area remains classified as disturbed until reclamation is complete and the performance bond is released. Hence, the commenter's concerns are unfounded.

10. Mr. FitzGerald also states that the provisions of the proposed amendment which would allow cancellation of the bond and revocation of the permit to occur simultaneously without prior hearing conflict with KRS 350.028(4), and that an operator might thus be able to continue operating without bond while challenging the revocation of his permit. The Director believes that this scenario will not occur since KRS 350.028(4), which requires a public hearing prior to permit revocation, applies only to permit revocation proceedings resulting from pattern of violations determinations. While the general provisions of 405 KAR 7:090 section 1 may be interpreted as requiring a hearing prior to any permit revocation, proposed 405 KAR 10:035 section 2 specifically provides otherwise.

V. Director's Decision

The Director, based on the above findings, is approving the proposed amendments as submitted on August 3, 1984 and revised on October 12, 1984. The Federal rules at 30 CFR Part 917 are being amended to implement this decision.

VI. Additional Determinations

1. Compliance With the National Environmental Policy Act

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

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

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSMRE is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

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

3. Paperwork Reduction Act

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

List of Subjects in 30 CFR Part 917

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

Dated: May 20, 1986.

James W. Workman,

Deputy Director, Operations and Technical Services.

PART 917—KENTUCKY

30 CFR Part 917 is amended as follows:

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

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 917.15 is amended by adding a new paragraph (s) as follows:

§ 917.15 Approval of regulatory program amendments.

* * * * *

(s) The following amendments concerning surety bond cancellation on permits in noncompliance with contemporaneous reclamation requirements, as submitted on August 3, 1984 and revised on October 12, 1984, are approved, effective May 27, 1986. Revisions to the Kentucky Revised Statutes at 350.066 through 350.070 as contained in Senate Bill 285, and the addition of a new subchapter to the Kentucky Administrative Regulations at 405 KAR 10:035.

[FR Doc. 86–11769 Filed 5–23–86; 8:45 am]

BILLING CODE 4310–05–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6714]

Suspension of Community Eligibility; Withdrawal

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule, withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing the final rule published on Tuesday, May 13, 1986, 51 FR 17483 due to technical error. The communities listed in this rule that are in noncompliance on May 15, 1986, will be given an additional 30 days to comply with the National Flood Insurance Program (NFIP) regulations of FEMA. Each community will be notified by letter and publication in the Federal Register.

EFFECTIVE DATE: May 27, 1986.

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 44 CFR Part 64

Flood insurance—floodplains.

PART 64—[AMENDED]

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

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

§ 64.6 [Amended]

2. Section 64.6 is amended by removing the entries added to the table as listed in the rule published at 51 FR 17483.

Julius W. Becton, Jr.,

Director, Federal Emergency Management Agency.

[FR Doc. 86–11778 Filed 5–23–86; 8:45 am]

BILLING CODE 6718–03–M

Proposed Rules

Federal Register
Vol. 51, No. 101
Tuesday, May 27, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 0 and 2

Revision to Ex Parte and Separation of Functions Rules Applicable to Formal Adjudicatory Proceedings: Extension of Comment Period

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On March 26, 1986 (51 FR 10393), the NRC published for public comment a proposed rule to revise its procedures dealing with ex parte communications and separation of adjudicatory and nonadjudicatory functions. The comment period for this proposed rule is to expire on May 27, 1986. The law firm of Shaw, Pittman, Potts & Trowbridge, on behalf of a number of its electric utility clients, has requested a thirty-day extension of the comment period. The request is granted. However, in view of the importance of the proposed rule and the desirability of developing a final rule as soon as practicable, the NRC will not grant any further extensions of the comment period. The extended comment period now expires on June 26, 1986.

DATE: The comment period has been extended and now expires June 26, 1986. Comments received after this date will be considered if it is practical to do so but assurance of consideration cannot be given except as to comments received before this date.

ADDRESSES: Send written comments or suggestions to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Paul Bollwerk, Office of General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (202) 634-3224.

Dated at Washington, DC, this 20th day of May, 1986.

For the Nuclear Regulatory Commission.

John C. Hoyle,
Assistance Secretary of the Commission.

[FR Doc. 86-11810 Filed 5-23-86; 8:45 am]
BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86-ASO-21]

Proposed Designation of Transition Area, Falmouth, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate the Falmouth, Kentucky, transition area to accommodate Instrument Flight Rule (IFR) operations at Gene Snyder Airport. This action will lower the base of controlled airspace from 1,200 to 700 feet above the surface in the vicinity of the airport. An instrument approach procedure is being developed to serve the airport and the controlled airspace is required for IFR aeronautical activities.

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

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO-530, Manager, Airspace and Procedures Branch, Docket No. 86-ASO-21, P.O. Box 20636, Atlanta, Georgia 30320.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-ASO-21." The postcard will be date/time stamped and returned to the commenter. All communications received before the specific closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the

Federal Aviation Regulation (14 CFR Part 71) that will designate the Falmouth, Kentucky, transition area. This action will provide controlled airspace for aircraft executing a new instrument approach procedure to Gene Snyder Airport. If the proposed designation of the transition area is found acceptable, the operating status of the airport will be changed to IFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6B dated January 2, 1986.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

The Proposed Amendment

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

PART 71—[AMENDED]

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

Authority: 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. §71.181 is amended as follows:

Falmouth, KY—[New]

That Airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Gene Snyder Airport (Lat. 38°42'12" N., Long. 84°23'33" W); excluding that portion which coincides with the Cincinnati, KY, transition area.

Issued in East Point, Georgia, on May 15, 1986.

Thomas H. Protiva,

Manager, Air Traffic Division, Southern Region.

[FR Doc. 86-11831 Filed 5-23-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-AWP-7]

Proposed Amendment to the Fort Huachuca, AZ, Transition Area

AGENCY: Federal Aviation Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the description of the Fort Huachuca, Arizona, transition area. This action will expand the 700 foot transition area west of the Libby AAF/Sierra Vista Municipal Airport (lat. 31°35'00" N., long. 110°20'30" W.). This will provide controlled airspace for military radar approaches to Libby AAF.

DATE: Comments must be received on or before July 14, 1986.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP-520, Docket No. 86-AWP-7, Air Traffic Division, P.O. Box 90027 WWPC, Los Angeles, California 90009.

The official docket may be examined in the Office of the Regional Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6W14, 15000 Aviation Boulevard, Lawndale, California.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division, at the above address.

FOR FURTHER INFORMATION CONTACT: Frank T. Torikai, Airspace Specialist, Airspace Branch, AWP-520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90260; telephone (213) 297-1649.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspce Docket No. 86-AWP-7." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Airspace Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California 90260, 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 NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, Air Traffic Division, P.O. Box 92007 Worldway Postal Center, Los Angeles, California 90009. Communication must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the description of the Fort Huachuca, Arizona, transition area. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not

warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety/transition areas.

The Proposed Amendment

PART 71—[AMENDED]

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

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 C.F.R. 11.69.

§ 71.181 [Amended]

2. § 71.181 is amended as follows:

Fort Huachuca, AZ—[Amended]

After "Fort Huachuca, AZ, (lat. 31°35'00" N., long. 110°20'30" W.)" add "within 5 miles each side of the Libby AAF VOR 273° radial, extending from the VOR to 12 miles west of the VOR."

Issued in Los Angeles, California, on May 15, 1986.

Wayne C. Newcomb,

Manager, Air Traffic Division.

[FR Doc. 86-11830 Filed 5-23-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-AGL-14]

Proposed Establishment of Transition Area; Pontiac, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish the Pontiac, Illinois, transition area to accommodate a new VOR-A Instrument Approach Procedure (IAP) to Pontiac Municipal Airport.

DATE: Comments must be received on or before July 7, 1986.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Regional Counsel, AGL-7, Attn: Rules Docket No. 86-AGL-14, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

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

An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

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

SUPPLEMENTARY INFORMATION:

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 and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with these comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AGL-14." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition airspace area near Pontiac, Illinios.

The development of a new VOR-A IAP requires that the FAA designate airspace to ensure that the procedure will be contained within controlled airspace.

The minimum descent altitudes for this procedure may be established below the floor of the 700-foot controlled airspace.

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

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

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

PART 71—[AMENDED]

The Proposed Amendment

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

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Pontiac, Illinois [New]

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Pontiac Municipal Airport (Lat. 40°51'30" N., Long. 88°38'15" W.) and within 2 miles either side of the Pontiac VORTAC 059 radial extending from the 5 mile radius southwest to Pontiac VORTAC.

Issued in Des Plaines, Illinois, on May 15, 1986.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 86-11829 Filed 5-23-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-AGL-13]

Proposed Establishment of Transition Area; Peru, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish the Peru, Illinois transition area to accommodate a new NDB Runway 36 Standard Instrument Approach Procedure (SIAP) to Illinois Valley Regional—Walter A. Duncan Field.

DATE: Comments must be received on or before July 7, 1986.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Regional Counsel, AGL-7, Attn: Rules Docket No. 86-AGL-13, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

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

An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

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

SUPPLEMENTARY INFORMATION:

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 aspect of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AGL-13." The postcard will be dated/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

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

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition airspace area near Peru, Illinois.

The development of a new NDB Runway 36 SIAP requires that the FAA designate airspace to ensure that the procedure will be contained within controlled airspace.

The minimum descent altitudes for this procedure may be established below the floor of the 700-foot controlled airspace.

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

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

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

PART 71—[AMENDED]

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

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Peru, Illinois [New]

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Illinois Valley Regional—Walter A. Duncan Field (Lat. 41°20'58" N., Long. 89°09'14" W.) and within 3 miles either side of the Valley NDB (VYS) 205° bearing extending from the 5 mile radius area to 8.5 miles southwest of the airport.

Issued in Des Plaines, Illinois, on May 15, 1986.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 86-11828 Filed 5-23-86; 8:45 am]

BILLING CODE 4910-13-M

Office of the Secretary

14 CFR Parts 204 and 291

[Docket No. 44036, Notice No. 86-4]

Aviation Proceedings; Limitation on Fitness Determination; Revocation of Operating Authority

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department is proposing to adopt a rule that would automatically revoke the authority of carriers who do not begin operations within one year of being found fit or who, having begun and then ceased operations, remain dormant for any subsequent one-year period. It would do so by substituting provisions to this effect for the existing 204.8 and 291.15. These sections currently required a new fitness determination for dormant carriers proposing to start operations, but they do not terminate the authority of carriers that choose not to start service at all or that, having started and stopped, choose not to resume.

DATE: Comments on the proposed rule must be received on or before June 26, 1986.

ADDRESS: Comments should be directed to the Documentary Services Division, Docket 44036; Office of the Secretary, Department of Transportation, 400 Seventh Street, SW., Room 4107, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jeffrey B. Gaynes or Patricia T. Szrom, Office of Aviation Operations, Department of Transportation, 400 Seventh Street, SW., Room 6402, Washington, DC 20590. (202) 472-5418 or (202) 755-3812.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this rulemaking action by submitting such written data, views, or agruments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions. Communications should identify the regulatory docket number and be submitted in duplicate to the address listed above. Commenters wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on Docket No. 44036. The postcard will be date/time stamped and returned to the commenter. All communications received between the specified opening and closing dates for comments will be considered by the Assistant Secretary For Policy and International Affairs before taking action on any further rulemaking. Also, this proposal may be changed in light of comments received. All comments submitted will be available for examination in the rules docket both before and after the closing date for comments. A report summarizing each substantive public contact with DOT personnel concerned with this rulemaking will be filed in the docket.

Background

Under section 401(r) of the Federal Aviation Act of 1958, as amended, the fitness requirement for those carriers holding a certificate under section 401 is a continuing one. The Department of Transportation has the authority under section 401(r), after notice and hearing, to modify, suspend, or revoke an air carrier's certificate if it is no longer fit, willing, and able to operate, or if it violates any Department reporting requirements to implement the continuing fitness requirement. Similar provisions apply to commuter air carriers and section 418 all-cargo carriers. The FAA and the Department can directly monitor the continuing fitness of carriers that are actually operating in air transportation. Carriers that are not operating, even though they have been certificated or otherwise authorized to provide service for which a fitness finding is needed, pose a special problem of how to review their continuing fitness.

In June 1982, the Civil Aeronautics Board sought to address this problem by amending Parts 204 and 291 of the Board's Economic Regulations.[1]

The new rules, condified as §§ 204.8 and 291.15 of the Regulations, sought to ensure that carriers who had been found fit but who had not operated for two years or more would have their fitness reevaluated before they could begin (or resume) operations.

The Board's action rested on the assumption that when a carrier did not begin service for an extended period following a fitness determination, the carrier's plans that formed the basis of the fitness determination would have greatly changed. The Board thus had "no assurance that the applicant found fit is essentially the same applicant that begins service years later." 45 FR 73086, November 4, 1980. The Board concluded that two years was the longest time that it could reasonably assume that a fitness finding remained valid. Beyond two years, a new fitness evaluation was necessary. New data must be submitted to permit such an evaluation.

In the meantime, though, the carrier would retain its certificate.That is to say, while the carrier could not operate under the certificate until the new fitness review was complete, the certificate itself would not be revoked. The new rules required a fitness reevaluation only when dormant carriers actually planned to begin operations. Thus, nothing in the rules barred dormant certificated carriers without plans to operate from keeping their certificates indefinitely. In short, the rule did not in any way address the intrinsic merits or demerits of certificate dormancy *per se*.

Several factors explain this approach. One important factor was procedural. At the time the new rules were developed, the Board subjected most new certificate applicants to oral evidentiary hearings. These could be complex, lengthy, and burdensome to the applicant, as well as a drain on Board resources. Once an applicant had successfully passed through this process and been certificated, the Board understandably felt that while an extended period of dormancy might cast doubt on a carrier's current fitness to operate, simplified (show cause/non-hearing) procedures were preferred in establishing whether the doubts were justified. The carrier generally should not be subjected to another oral hearing. If the carrier's certificate had been revoked for dormancy and the carrier later reapplied, it would have stood in the guise of a new applicant and been subjected to the rigorous initial certification procedures. The new rules, by leaving the dormant applicant still certificated, provided an acceptable "half-way" approach. By not requiring certification *de novo*, they allowed for much greater administrative flexibility and an easing of the regulatory burden.

They also served the Board's then prevailing regulatory philosophy. Although adopted in 1982, the new rules originated in a Notice of Proposed Rulemaking adopted in October 1980.[2]

[1] Regulations ER-1307 and ER-1308, 47 FR 52979 and 52991, November 24, 1982.

[2] 45 FR 73085, November 4, 1980.

This was still at a critical early period of airline deregulation. The focus at that time was still very much on relieving to the extent possible the legacy of 40 years of restricted market entry. The Board did not want to appear to detract from deregulatory principles by placing a threat of revocation over new entrants. Revocation for dormancy would have been seen as arguably inconsistent with this philosophy, especially when viewed in the light of the just described procedural burdens places upon new applicants.

Most important, though, at the time the new rules were developed, the Board's experience under deregulation was still relatively limited. The Board had yet to realize the vast numbers of carriers that would secure authority but then not use it. Nor could the Board appreciate the full impact this would have on its ability to perform the continuing fitness function. Thus, the Board as yet had no concrete basis on which to conclude that the mere fact of dormancy might justify a carrier's loss of authority. In these circumstances, it chose to leave aside the issue of dormancy *per se* and to address dormancy only as it related to the imminent starting of operations.

By 1984, the Board's experience had grown considerably. So had the number of dormant certificate holders. The Board realized it was facing an ever increasing problem of simply keeping abreast of the universe of certificated carriers. Unless it could correct this situation, fulfilment of its 401(r) responsibilities would be jeopardized. Gradually, the Board was coming to realize that dormancy *per se* could be a problem. The Board responded with a compromise approach that sought to meet the growing problem without upsetting the policies that had guided the 1982 rules.

Specifically, the Board canvassed its records for carriers that had been dormat for extended periods—generally one year or more. It then sent the carriers letters by certified mail seeking to learn if the carriers still wished to retain their authority. If a carrier responded affirmatively, no further action was taken. If a carrier responded negatively or failed to respond, the Board issued a show cause order to revoke its authority under section 401(r). If a carrier objected, the tentative decision to revoke was rescinded. Only if a carrier did not object did the Board revoke its authority. Objecting carriers did not have to show immediate plans to operate nor submit new fitness data. In essence, they needed do little more than answer their mail. If they did, they theoretically could remain non-operational in perpetuity.

Thus, the new approach retained the spirit of the 1982 regulations in not attacking dormancy *per se*. At the same time, it succeeded in eliminating the limited segment of dormat certificates in the hands of entities that had become moribund or had lost any remaining interest in commencing air operations. As such, it was helpful in reducing somewhat the scope of the universe that the Board had to monitor under section 401(r) of the Act.

The Board followed the approach in a number of 1984 orders.[3] After sunset, having encountered the same difficulties that had motivated the Board, we continued the approach.[4]

Just as with the Board, though, as our experience has grown, so has our awareness of the problems in fulfilling our section 401(r) mandate. While a useful step, the approach developed by the Board in 1984, and that we have since followed, still does not answer our current concerns. We must go further in the direction that the Board had already begun.

For we have come tentatively to conclude what the Board in 1984 was intuitively beginning to sense: namely, that long dormat certificates present inherent problems, and that keeping them alive on mere request, subject to evaluation only when operations are imminent, presents serious risks incompatible with the performance of our continuing fitness review function.

We recently discussed one aspect of this problem at length. In Order 86–1–11, at 3–4, we said:

> [T]here are important fitness concerns which do not arise from a dormant carrier's imminent operations and which section 204.8 does not address—and was not intended to address. Our principal problem in this area had been that certificates of long-dormant carriers have been, and continue to be, a source for those who seek to avoid our fitness requirements by buying an existing but unused certificate. We had to address this problem in a series of regulatory actions earlier this year. *See* Orders 85–5–45 and 85–2–4. We currently are investigating several other incidents of this nature. The common thread in all these cases has been the central role played by a dormant certificate. While we could, of course, continue to respond in an *ad hoc*, after-the-fact fashion, experience has demonstrated the need for administrative action that limits the potential for harm to the public and makes such future corrective responses unnecessary.

It is precisely such action that we propose to implement by this rulemaking.

But our concerns go beyond the problem of potential trafficking in certificates alluded to above. They go to something far more fundamental. For we now have come to realize that in a universe so full of dormant certificates, we simply cannot rely upon a system that leaves retention of a certificate solely to the discretion of a dormant carrier to advise us of developments affecting its certificate authority. In the CAB's and our own desire to ease the reporting burden on certificated carriers—a policy we intend to maintain—we have left ourselves in a position where we often remain uninformed of even the most fundamental changes affecting dormant carriers during the period of their dormancy. In these circumstances, a period of two years after our initial fitness finding now appears to be too long to permit carriers to begin operations without our taking a fresh look at their fitness.

We now believe, based on our own and the CAB's accumulated experience, that after one year, fitness findings for dormant carriers are essentially no longer valid. We have decided that the best way to deal with our section 401(r) responsibilities is to ensure that authority that is supported by stale fitness findings automatically ceases to exist. The device we are proposing here, automatic revocation for dormancy after one year, will give us a key tool to carry out our section 401(r) responsibilities.

Where a certificate has long been dormant, our very ability to monitor the holder's status is seriously compromised. During an extended period of dormancy, carriers tend to undergo substantial changes in management, financial resources, and even compliance disposition. They often fail to comply with our insurance and reporting requirements. They may move their offices (often without notifying us), enter into receivership, or even cease to exist. Meanwhile, they retain their certificates, a retention which implies to the world that they have continued to be found fit by the U.S. Government. The nature of these changes, of course, is not new. Indeed, some of these changes were cited in the rulemaking establishing §§ 204.8 and 291.15. What *is* new is the unforeseenably high number of carriers who have sought authority but then failed to use it.

As of April 1, 1986, there were 266 carriers holding certificates under section 401 or 418. Of these, 103 were dormant. Only 14 of the 103 were

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[3] *See, e.g.*, Orders 84–12–101, 84–12–17, and 84–9–18.

[4] *See*, Orders 86–1–11 and 85–3–77.

certificated within the preceding twelve months. Eliminating from the 103 those carriers whose certificates were in the process of revocation under the Board's 1984 approach, and those carriers who had undergone two-year fitness reviews or other recent evaluations, there still remained over 70 dormant carriers that we would need to monitor. With so many carriers, many or all of which are undergoing the types of changes we described, it has become difficult if not impossible for us to say with confidence that a dormant carrier remains fit. At a time of staff shortages and severe budgetary constraints, we simply cannot oversee so broad a universe of dormant authority and be confident that the public is fully protected.

The Rule

To respond to the problems just described, we are proposing to rescind §§ 204.8 and 291.15 and to establish a new rule whereby all air carriers receiving authority for which a fitness determination is required must either begin operations within one year of its receipt, or be deemed no longer fit and have their authority automatically revoked.

Furthermore, carriers who secure authority, begin operations within the year, but then cease operating would have one year from the date they ceased operations to begin again. If they did not resume, their authority would be revoked. If they sought to resume within the year, they could do so only after notice to the Department. Such notice must include information of any substantial changes in operations as well as in the carrier's management, financial position, or compliance disposition, as prescribed by our regulations. The Department would conduct fitness inquiries where appropriate.

Existing carriers, regardless of when they received their last fitness evaluation, would get one year from the effective date of the rule in which to operate, but they must in every instance file a notice and updated fitness information as just described, before they could begin operations.

The procedures for these notice/information requirements would parallel those currently in effect under §§ 204.8 and 291.15, although the advance filing period would be shortened (from 90 days to 45 days) to ease the burden on carriers actively interested in starting or resuming service. Exemptions from even the shorter period could be granted for good cause shown. While we must provide our staff with an adequate opportunity to review the information we receive and to clarify any unresolved questions, we do not intend our rule to prevent carriers whose continuing fitness can be readily established from quickly resuming operations. Thus, for example, if a carrier had a planned structural reorganization that called for a brief system-wide shutdown and rapid resumption of service, such as within a matter of just a few days, we would expect that an exemption from the 45-day advance filing requirement normally would be available to allow for service to resume as the carrier intended.

By "begin operations", we would mean using any authority of the same type for which fitness findings had been made, *i.e.*, authority of a type that would not represent a "substantial change" under our regulations. Thus, if a carrier had been found fit and received a section 401 certificate for scheduled foreign air transportation but was not serving all of its foreign routes, the rule would not call for revocation of the dormant foreign route authority.[5] But if a carrier had been found fit both for charter and for scheduled foreign air transportation and was only using the charter authority, then the scheduled authority would be revoked. Similarly, if a carrier had been found fit for both section 401 passenger operations and section 418 cargo operations but had not operated under the section 401 certificate, then its passenger authority would be revoked.

Furthermore, we intend "begin operations" to mean actually conducting flights.[6] We do not want to encourage carriers to engage in the various activities associated with providing air service, such as advertising, taking reservations, selling, ticketing etc., solely for the purpose of avoiding revocation at a time when they have no genuine plans to fly.

Saying this, we recognize that a certain amount of lead time is essential before a new or long dormant carrier can put its flights in the air. Where good cause is shown, we will be prepared to grant exemptions from this rule to accommodate the needs of carriers seriously endeavoring to inaugurate air service.

We do not expect to be granting such requests frequently or routinely, however. Our experience has shown that of the 89 previously non-operating carriers certificated since the 1978 Airline Deregulation Act that actually began operating and currently hold authority, 69—nearly 80 percent of the total—inaugurated service within one year of certification.[7] Most of the remaining 20 carriers that eventually operated began within the first half of the second year following certification; they almost certainly were advanced enough in their preparations at the twelve-month mark following certification to have made an adequate showing for an exemption from the start-up rule.

We thus see the new rule as having virtually no negative impact on the carriers that are truly interested in entering the marketplace and commencing operations. The carriers who will be affected—and this is precisely our intent—are those carriers who, while having undergone initial and sometimes subsequent fitness determinations, have simply remained dormant and appear destined to do so for the foreseeable future. In light of the difficulties we described above, when we balance the benefits of keeping alive these long dormant certificates against the costs in terms of our ability to fulfill our continuing fitness role, and the potential harm to the public if we fail in that role, we tentatively conclude that a revocation policy is now essential.

In saying this, we do not mean to imply any weakening in our commitment to the liberal entry principles of deregulation. A critical predicate to our tentative conclusions here is the fundamental change that has occurred between DOT and CAB procedures on certification of new entrants. As we noted above, the CAB subjected new entrants to lengthy and burdensome fitness proceedings. The more streamlined procedures of §§ 204.8 and 291.15 were at least a partial response to this.

The Department has followed an altogether different approach. We have eschewed oral hearing procedures except in the most extraordinary circumstances. We have processed virtually all initial fitness applications on a purely paper record and generally without the multiple rounds of exhibits and briefs associated with formal proceedings. The result has been that new applicants are being certificated

[5] This does not mean, however, that we might not choose to revoke the authority for other reasons, such as under section 401(g)(3) of the Act.

[6] In this connection, we intend to work closely with the FAA in monitoring the status of previously dormant carriers.

[7] When the CAB adopted §§ 204.8 and 291.15, it naturally had only limited experience on which to base its assessment of the time new carriers normally would need to begin operations. It thus looked to a prominent case, Midway Airlines, which involved an 18 month startup, in concluding that a two year period might be necessary. The experience we have now developed shows that the Midway example was in fact atypical and that a one-year period should be sufficient in nearly all instances to allow time for startup.

quickly and with a minimum of regulatory interference.

The obvious consequence of this simplified approach is that revocation need no longer represent a significant procedural barrier to future entry. A carrier that obtained a fitness determination, failed to operate, and thus lost its authority, could reapply without prejudice. If the authority sought in its new application were comparable to that sought in the old, and if previously submitted materials were still valid, the carrier would have little more to do than what had been required under §§ 204.8 or 291.15. The major distinction would be that until the carrier reapplied, and pending completion of the new certificate process, the carrier would be without a certificate. From a practical standpoint, this should not represent a significant difference to the carrier. In terms of the carrier's ability quickly to enter the marketplace, little will have changed.[8] But it represents a critical difference to the Department, since that is one less dormant certificate we must monitor.

Thus, under the proposed rule, the procompetitive policies of the Act will be preserved. But they will be preserved in a way fully consistent with our duty under the fitness function to protect the traveling and shipping public. This need to balance a liberal entry policy with a heightened vigilance on fitness was at the very heart of the amendments to section 401(r) in the Airline Deregulation Act. What we propose today simply represents an additional mid-course correction, following upon corrective steps already begun by the CAB, and based upon the additional years of deregulation experience. It is thus no more than a further step designed to achieve the balance that Cngress plainly intended all along.

Executive Order 12291, Regulatory Flexibility Act, and Paperwork Reduction Act of 1980

This proposed action has been reviewed under Executive Order 12291, and it has been determined that this is not a major rule. It will not result in an annual effect on the economy of $100 million or more. There will be no increase in production costs or prices for consumers, individual industries, Federal, State or local governments, agencies or geographic regions. Furthermore, this proposed rule would not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. These proposed regulations would result in no net change in reporting burden for certificated air carriers. Accordingly, a regulatory impact analysis is not required.

This proposed regulation is significant under the Department's Regulatory Policies and Procedures, dated February 26, 1979, because it involves important Departmental policies. Its economic impact should be minimal and a full regulatory evaluation is not required.

I certify that this rule will not have a significant economic impact on a substantial number of small entities.[9] The ability of such entities to engage in certificate operations essentially will be unaffected by the proposed regulation.

Economic Impact Analysis

Because of the Department's streamlined certification procedures, carriers needing to reapply for certificate authority by virtue of this rule would face filing requirements and procedures closely comparable to those that exist under the Department's current continuing fitness rule. The proposed rule's impact therefore should be minimal and a full regulatory evaluation is not required.

List of Subjects

14 CFR Part 204

Air Carriers, Reporting and recordkeeping requirements.

14 CFR Part 291

Administrative practice and procedure, Air carriers, Freight, Reporting and recordkeeping requirements.

Proposed Rule

For these reasons, the Department proposes to amend 14 CFR Chapter II as follows:

[8] It might be argued that at least one thing will have changed. Under the old rules, during months 13–24, dormant carriers could enter the marketplace with no regulatory involvement whatsoever. Now, they conceivably could have to undergo new—albeit streamlined—fitness evaluations if still dormant in that period. However, as we pointed out, an exemption would be available on proper showing. More important, even under the Board-adopted rules, dormant carriers were not assured they would enjoy a full two years before having to resubmit to a fitness determination. The Board's NPRM stated expressly that "If necessary, the fitness of a carrier could be reassessed before the two year period has elapsed." 45 FR 73086, November 4, 1980.

[9] For purposes of its aviation economic regulations Departmental policy categorizes certificated air carriers operating small aircraft (60 seats or less or 18,000 pounds maximum payload or less) in strictly domestic service as small entities for purposes of the Regulatory Flexibility Act.

PART 204—[AMENDED]

1. The authority citation for Part 204 continues to read as follows:

Authority: Secs. 204, 401, 407, 419, Pub. L. 85–726, as amended, 72 Stat. 743, 754, 766, 92 Stat. 1732; 49 U.S.C. 1324, 1371, 1377, 1389.

2. The existing § 204.8 in Subpart A of 14 CFR Part 204, Data to support fitness determinations, would be rescinded, and a new § 204.8 would be added, to read as follows:

§ 204.8 Revocation for dormancy.

(a) Except as provided in paragraph (b), an air carrier that has not begun initial operations to provide the air transportation for which it was found fit, willing, and able, and for which it was granted authority by the Department or by the Civil Aeronautics Board, within one year of the date of that finding, or that, for any period of one year after the date of such finding, has not provided any air transportation for which that type of finding is required, shall be deemed no longer to continue to be fit to provide such air transportation and, accordingly, its authority to provide such air transportation shall be revoked automatically.

(b) For all air carriers that were the object of fitness findings made by the Department of Transportation before the effective date of this rule, or made by the Civil Aeronautics Board, the one-year periods referred to in paragraph (a) of this section shall each run from the effective date of this rule and not from the date of those fitness findings.

(c) An air carrier found fit by the Department of Transportation after the effective date of this rule and that begins initial operations within one year but then ceases operations, shall not resume operations without first filing all the data required by §204.4 or §204.7, as applicable, at least 45 days before it intends to provide any such air transportation. The Department will entertain requests for exemption from this 45-day advance filing requirement for good cause shown. If there has been no change in data submitted previously in connection with a prior evaluation of the carrier's fitness, the carrier shall file a statement to that effect signed by one of its officers. The carrier may contact the Chief, Special Authorities Division, Office of Aviation Operations, to find out what data are already available to the Department and need not be included in the refiling. A carrier to which this paragraph applies shall not provide any air transportation for which it is required to be found fit, willing, and able until the Department either decides that the carrier continues to meet that

requirement, or finds that the carrier is fit, willing, and able to perform such air transportation. During the pendency of the Department's consideration of a data submission under this paragraph, the revocation period set out in paragraph (a) of this section shall be stayed. If the decision or finding by the Department on the issue of the carrier's fitness is favorable, a new one-year revocation period will begin, effective as of the date of the Department's decision or finding.

(d) The provisions of paragraph (c) of this section shall apply to all air carriers that were the object of fitness findings made by the Department before the effective date of this rule or made by the Civil Aeronautics Board, who either are not now operating under the authority for which they were found fit or who are operating under such authority but later cease operations and seek to resume before expiration of the one-year revocation period.

(e) For purposes of this section, the date of a Department decision or finding shall be the service date of the Department's order containing such decision or finding, or, in cases where the Department's decision or finding is made by letter, then the date of such letter.

(f) For purposes of this section, references to operations and to the providing of air transportation shall refer only to the actual performance of flight operations under an operating certificate issued to the carrier by the FAA.

PART 291—[AMENDED]

3. The authority citation for Part 291 continues to read as follows:

Authority: Secs. 101, 102, 204, 401, 407, 408, 416, 418, Pub. L. 85–726, as amended, 72 Stat. 740, 743, 766, 767; 49 U.S.C. 1301, 1302, 1324, 1371, 1377, 1378, 1386, 1388, unless otherwise noted.

4. The existing § 291.15 in Subpart B of 14 CFR Part 291, Domestic Cargo Transportation, would be rescinded, and a new § 291.15 would be added, to read as follows:

§ 291.15 Revocation for dormancy.

(a) Except as provided in paragraph (b), an all-cargo air carrier that has not begun initial operations to provide the air transportation for which it was found fit, willing, and able, and for which it was granted authority by the Department or by the Civil Aeronautics Board, within one year of the date of that finding, or that, for any period of one year from the date of the most recent such findings, has not provided any air transportation for which that type of finding is required, shall be deemed no longer to continue to be fit to provide such air transportation and, accordingly, its authority to provide such air transportation shall revoked automatically.

(b) For all all-cargo air carriers that were the object of fitness findings made by the Department of Transportation before the effective date of this rule, or made by the Civil Aeronautics Board, the one-year periods referred to in paragraph (a) of this section shall each run from the effective date of this rule and not from the date of those fitness findings.

(c) An all-cargo air carrier found fit by the Department of Transportation after the effective date of this rule and that begins initial operations within one year but then ceases operations, shall not resume operations without first filing all the data required by § 291.11 at least 45 days before it intends to provide any such air transportation. The Department will entertain requests for exemption from this 45-day advance filing requirement for good cause shown. If there has been no change in the data submitted previously in connection with a prior evaluation of the carrier's fitness, the carrier shall file a statement to that effect signed by one of its officers. The carrier may contact the Chief, Special Authorities Division, Office of Aviation Operations, to find out what data are already available to the Department and need not be included in the refiling. A carrier to which this paragraph applies shall not provide any air transportation for which it is required to be found fit, willing, and able until the Department either decides that the carrier continues to meet that requirement, or finds that the carrier is fit, willing, and able to perform such air transportation. During the pendency of the Department's consideration of a data submission under this paragraph, the revocation period set out in paragraph (a) of this section shall be stayed. If the decision or finding by the Department on the issue of the carrier's fitness is favorable, a new one-year revocation period will begin, effective as of the date of the Department's decision or finding.

(d) The provisions of paragraph (c) of this section shall apply to all-cargo air carriers that were the object of fitness findings made by the Department before the effective date of this rule or made by the Civil Aeronautics Board, who either are not now operating under the authority for which they were found fit or who are operating under such authority but later cease operations and seek to resume before expiration of the one-year revocation period.

(e) For purposes of this section, the date of a Department decision or finding shall be the service date of the Department's order containing such decision or finding, or, in cases where the Department's decision or finding is made by letter, then the date of such letter.

(f) For purposes of this section, references to operations and to the providing of air transportation shall refer only to the actual performance of flight operations under an operating certificate issued to the carrier by the FAA.

Authority: 49 U.S.C. 1324, 1371, 1377, 1386, 1388, 1389.

Issued in Washington, DC, on May 16, 1986

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 86–11568 Filed 5–23–86; 8:45am]

BILLING CODE 4910–62–M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 2

[Docket No. 60457–6057]

Revision of Trademark Fees

Correction

In FR Doc. 86–11193, beginning on page 18290 in the issue of Friday, May 16, 1986, make the following correction: On page 18291, in the middle column, in the first line of the third complete paragraph, "paragraph (g)" should read "paragraph (q)".

BILLING CODE 1505–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[OW-FRL-3021-2]

Water Pollution Control; National Primary Drinking Water Regulations; Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule, notice of public meeting.

SUMMARY: A one day public meeting will be held to discuss aspects of the National Primary Drinking Water Regulations. The purpose of the meeting is to discuss regulatory issues regarding potential use of point-of-use treatment devices (POU), point-of-entry treatment devices (POE), or bottled water by public water systems to meet the

National Primary Drinking Water Regulations.

EPA proposed criteria and procedures for public water systems using POU, POE, and bottled water to meet proposed volatile synthetic organic chemical maximum contaminant levels (Federal Register of November 13, 1985, Vol. 50, No. 219 on page 46930). The preamble to the proposed rulemaking for the revised primary drinking water standard for fluoride (Federal Register of November 14, 1985, Vol. 50, No. 220 on page 47162) also discussed POU, POE, and bottled water. These notices proposed conditions under which POU and POE might be considered suitable means of compliance. The use of bottled water was rejected as a suitable means of compliance, but could be allowed as an interim means of reducing an "unreasonable risk" to health. The final rule for fluoride (Federal Register of April 2, 1986, Vol. 51, No. 63 on page 11400) did not address the use of decentralized technologies, but deferred this decision to a later date. The Agency has received and is currently considering a number of comments on these aspects of the proposed rules. These are novel concepts in the development of drinking water regulations. Consequently, the Agency has decided to conduct a public meeting to discuss the issues and hear the opinions of interested parties.

The fundamental issues EPA would like to discuss include: (1) Whether POU, POE, and bottled water can be considered best technology generally available (BTGA); (2) whether (a) POU, POE, and bottled water can be considered suitable means of compliance, (b) only POE and POU can be considered suitable means of compliance, (c) only POE can be considered suitable means of compliance, or (d) none of these options can be considered suitable means of compliance, and (3) whether POU and bottled water can be considered as interim means of compliance during a short-term emergency or during the term of a variance or an exemption. Public comments are requested on these issues by June 15, 1986.

Those who are encouraged to attend include: Interested citizens, public health officials, water utility managers, engineers, scientists, bottled water suppliers, public interest groups, equipment manufacturers, consultants, and anyone else interested in the application of POU, POE, or bottled water as methods of compliance with drinking water regulations.

DATE: Thursday, June 5, 1986, from 9:00 am to 4:00 pm

ADDRESS: The meeting will be held at: Environmental Protection Agency, Room 3, North Conference Area, Waterside Mall Level, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mrs. Nancy Dillon, Office of Drinking Water (WH–550D), 401 M Street, SW., Washington, DC 20460. Office location and telephone number: Room EB–55, Waterside Mall, Washington, DC (202) 382–3022.

SUPPLEMENTARY INFORMATION: The meeting will start with a presentation by EPA on the use of POU, POE, and bottled water. Members of the public who wish to make statements or presentations on these issues will be next on the program. The program of presentations will be followed by an informal open discussion of the issues. Any member of the public wishing to attend the public meeting is encouraged to register in advance. Please contact Mrs. Nancy Dillon at the telephone number mentioned above. At that time, please let Mrs. Dillon know if you wish to make a presentation. A paper entitled "Point-of-Use Treatment Devices, Point-of-Entry Treatment Devices, and Bottled Water Issues Related to the Revised National Primary Drinking Water Regulations" which provides a brief explanation of the issues and possible options is also available from Mrs. Dillon at the above address and telephone number.

Dated: May 15, 1986.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 86–11788 Filed 5–23–86; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 141

[OW–FRL–3021–3]

National Primary Drinking Water Regulations; Volatile Synthetic Organic Chemicals; Availability and Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of information pertaining to a proposed rule; request for comment.

SUMMARY: EPA is making available additional laboratory performance data for analytical methods used to analyze volatile synthetic organic chemicals (VOCs) in drinking water. The Agency proposed Maximum Contaminant Levels (MCLs) for VOCs in the Federal Register of November 13, 1985, 50 FR 46902. The Agency is also requesting comment on the possible approval of other additional methods for analyzing VOCs.

DATE: Comments on these data must be submitted on or before July 11, 1986.

ADDRESS: Send written comments to Comments Clerk, Criteria and Standards Division, Office of Drinking Water (WH–550D), Environmental Protection Agency, 401 M Street, SW., Washington DC 20460. Supporting data are available for inspection during normal business hours at the EPA, Room 55 East Tower, 401 M Street, SW., Washington DC 20460.

FOR FURTHER INFORMATION CONTACT: Joseph A. Cotruvo, Ph.D., Director, Criteria and Standards Division, ODW (WH–550D), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (202–382–7575).

SUPPLEMENTARY INFORMATION: In the Federal Register of November 13, 1985, 50 FR 46902, EPA proposed Maximum Contaminant Levels (MCLs) for eight volatile synthetic organic chemicals (VOCs). An MCL for tetrachloroethylene (another VOC) was not proposed at that time as new data relating to the Recommended Maximum Contaminant Level (RMCL) were made available for a 45 day public comment period. EPA proposed approving several analytical methods for use in measuring the MCL for the eight VOCs and tetrachloroethylene.

EPA provided laboratory performance data for seven VOCs in the proposal (table 3, page 46907) to support the proposed laboratory performance requirements and the determination of the MCL. These data were summarized from Water Pollution Performance Evaluation Studies using the 600 series methods (i.e., EPA's wastewater methods for volatile synthetic organic compounds; Methods 601, 602 and 624). EPA did not have performance data at that time from performance evaluation studies for vinyl chloride and 1,1-dichloroethylene. In the proposal, EPA stated that it was conducting additional laboratory performance data-gathering activities for the VOCs. This effort involved the inclusion of performance evaluation samples for all nine VOCs in Water Supply Performance Evaluation Study #17. Laboratories were requested to use the 500 series methods (i.e., EPA's drinking water methods for volatile synthetic organic chemicals; Methods 502.1, 503.1 and 524.1). The summary results of this study for participating EPA and State laboratories are summarized in table 1, and these data (in complete form) are in the public record for this rulemaking.

TABLE 1—PERFORMANCE OF EPA AND STATE LABORATORIES IN WATER SUPPLY PERFORMANCE EVALUATION STUDY #17

Contaminant	T.V.[1] (ug/L)	Mean (ug/l)	Range of reported values	No. of labs	No. of labs outside ±20% T.V.	No. of labs outside ±40% T.V.
Vinyl Chloride	1.90	2.12	0.53 to 5.66	24	19	11
	8.74	8.42	3.55 to 23.5	26	14	9
	12.7	16.5	7.86 to 82.1	27	15	7
1,1-Dichloroethylene	2.38	3.10	0.79 to 13.0	32	19	10
	4.75	6.26	2.99 to 22.2	33	15	8
1,2-Dichloroethane	1.51	1.77	0.99 to 5.66	33	12	6
	5.36	5.39	1.42 to 9.23	37	4	3
1,1,1-Trichloroethane	2.64	2.67	1.50 to 4.55	37	12	7
	216	221	85.9 to 648	37	11	4
Carbon Tetrachloride	2.51	2.48	0.35 to 7.24	37	20	9
	6.66	6.37	4.0 to 16.8	38	15	3
Trichloroethylene	1.74	1.70	0.23 to 2.39	36	10	1
	5.53	5.39	3.4 to 9.13	38	7	2
Benzene	2.78	2.80	1.29 to 5.05	37	11	4
	5.80	6.21	3.3 to 11.9	37	12	5
Tetrachloroethylene	2.16	2.64	0.73 to 24.0	37	10	2
	8.74	8.06	1.09 to 10.3	38	4	1
P-Dichlorobenzene	3.64	3.55	1.3 to 5.83	31	13	4
	776	739	420 to 1160	32	14	2

[1] T.V. = "true value."

A number of public comments were received concerning EPA's proposal for use of the three 500 series methods (Methods 502.1, 503.1 and 524.1) in the monitoring requirements. Several commenters stated that in addition to the 500 series, the three 600 series methods (Methods 601, 602 and 624) should be included as approved analytical methods for use in the monitoring requirements. The commenters noted that many laboratories were already using the 600 series methods, the methods were essentially the same as the 500 series methods, and the 600 series methods had been validated. In addition, it was suggested that quality control (QC) requirements be included in the 500 series methods, similar to the 600 series methods. EPA is considering these comments and requests further public comment on whether to approve the 600 series methods for measuring drinking water contaminants and whether to adopt the QC requirements in the 600 series methods methods to the 500 series methods. EPA has placed in the public record for this rulemaking: (1) The three 600 series methods, (2) their validation studies, and (3) laboratory performance evaluation data from laboratories using these methods. Public comments are requested on all related issues, including the text of these methods, the QC requirements and data establishing laboratory performance.

The complete data are available for inspection during normal business hours at the address given above.

Dated: May 15, 1986.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 86-11787 Filed 5-23-86; 8:45 am]

BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 51, No. 101
Tuesday, May 27, 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

Northern Virginia Electric Cooperative, Inc.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of 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 Part 1500–1508), and REA's Environmental Policies and Procedures (7 CFR Part 1794), has made a Finding of No Significant Impact (FONSI), with respect to a project proposed by Northern Virginia Electric Cooperative, Inc. (NOVEC) of Manassas, Virginia. The project consists of the construction of a new district office building with associated facilities to be located in Prince William County, Virginia, in the community of Gainesville, approximately 457.3 meters (1,500 feet) southeast of the intersection of State Route 674 and U.S. Highway 29/211.

FOR FURTHER INFORMATION CONTACT: REA's FONSI and Environmental Assessment (EA) may be reviewed at or obtained from the office of Mr. Joseph R. Binder, Director, Northeast Area-Electric, REA, South Agriculture Building, Room 0241, Washington, D.C. 20250, telephone: (202) 382–1420, or at NOVEC's office (Mr. Harry K. Bowman, Manager), P.O. Box 2710, Manassa, Virginia 22110, telephone: (703) 368–3111.

SUPPLEMENTARY INFORMATION: REA has reviewed NOVEC's Borrower's Environmental Report (BER) and has determined that it represents an accurate assessment of the environmental impacts of the proposed project. NOVEC's project consists of an office building, including a parking garage; a vehicle maintenance garage; a warehouse; employee and visitor parking areas; an outside storage yard; a storm water retention pond; and a microwave tower. The total land area to be affected by the proposed construction activity will be 6 hectares (14.77 acres).

REA determined that the proposed project will have no effect on cultural resources; it will have no effect on threatened or endangered species or critical habitat; it will have no effect on prime forestland or rangeland; and it will not be located in a floodplain or wetland area. The proposed project site consist of approximately sixty (60) percent prime farmland soils. However, the site cannot be considered viable as prime farmland because it is zoned for industrial use and economically unavailable for agricultural production. The construction site is bordered by State Route 674 to the south, commercial and industrial development to the east and west, and a railroad track to the north. Such land does not constitute prime farmland under the regulations (7 CFR Part 658) implementing the Farmland Protection Policy Act (7 U.S.C. Part 4201 *et seq.*). No other matters of environmental concern are raised by the project.

Alternatives considered for the proposed office building and associated facilities were no action, expansion of the existing headquarters facility, and alternative sites.

In accordance with REA's 7 CFR Part 1794, NOVEC advertised and requested comments on the environmental aspects of the proposed project. No comments were received. Also, in accordance with REA's 7 CFR Part 1794, NOVEC's BER is serving as REA's EA. REA has made an independent evaluation, based on NOVEC's BER, of the environmental impacts of the proposed project and concurs in the BER's scope and content. REA has concluded that approval to construct the project would not constitute a major Federal action significantly affecting the quality of the human environment. Consequently, an Environmetal Impact Statement is not necessary.

This program is listed in the Catalog of Federal Assistance as 10.850—Rural Electrification Loans and Loan Guarantees. 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 consulation with State and local officials.

Dated: May 20 1986.

Harold V. Hunter,

Administrator.

[FR Doc. 86–11777 Filed 5–23–86; 8:45 am]
BILLING CODE 3410-15-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board.

Dates of meeting: Wednesday–Friday, 11–13 June 1986.

Times of meeting: 0830–1630 hours.

Places: LOGCEN, Ft. Lee, VA.

Agenda: The Army Science Board Ad Hoc Subgroup for TRADOC Operations Research Activity (TORA) (TRADOC Analysis Center (TRAC)) will meet for briefings by analytic agencies. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86–11876 Filed 5–23–86; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Endowment Grant Program; Establishment of Fiscal Year 1986 Deadline Date for Raising Matching Funds Under the Endowment Grant Program

The Secretary establishes July 15, 1987 as the deadline date by which an institution of higher education selected to receive an endowment grant under the Endowment Grant Program Fiscal Year 1986 funding competition must raise its required matching funds.

The Endowment Grant Program is authorized by section 333 of the Higher Education Act of 1965, as amended, 20 U.S.C. 1065a. Under that program, the Secretary awards matching grants to eligible institutions of higher education to enable them to establish or increase endowment funds. In order to receive the proceeds of an endowment grant, the grantee institution must match the Federal grant on a dollar-for-dollar basis. Under § 628.41(b) of the Endowment Grant Program regulations, 34 CFR 628.41(b) the Secretary annually establishes a deadline date by which an institution must raise the required matching funds.

The Department of Education Appropriation Act, 1986, Pub. L. 99-178, provides that the funds appropriated under that Act for the Endowment Grant Program are available for obligation until September 30, 1987. The Secretary, however, has established July 15, 1987 as the deadline date by which an institution selected to receive an endowment grant under the Fiscal Year 1986 funding competition must raise its required matching funds. The July 15 date has proven to be one that allows a reasonable time period for an institution to raise matching funds while also allowing sufficient time for processing of the grants.

Subject to other limitations in the statute, the maximum endowment grant an institution may receive is an amount equal to the amount of matching funds it raises by July 15, 1987.

Available Funds.

The Department of Education Appropriation Act, 1986, appropriated $23,208,000 for the Endowment Grant Program for Fiscal Year 1986. However, the Balanced Budget and Emergency Deficit Control Act of 1985, Pub. L. 99-177, has reduced this amount to $22,210,000.

Further Information

For further information, contact Dr. Caroline J. Gillin, Director, Division of Institutional Development or Ms. Anne Price-Collins, Chief, Challenge Grant and Endowment Branch, U.S. Department of Education, Room 3042, Regional Office Building 3, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone (202) 732-3335.

(20 U.S.C. 1064-1069c)

Dated: May 21, 1986

William J. Bennett,

Secretary of Education

[FR Doc. 86-11794 Filed 5-23-86; 8:45 am]

BILLING CODE 4000-01-M

Working Group of the National Advisory Committee on Accreditation and Institutional Eligibility; Meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of a "working group" of the National Advisory Committee on Accreditation and Institutional Eligibility. The first part of this meeting will be open to the public. After an initial discussion of the items on the agenda and the opportunity for public participation, the meeting will be closed to prevent the premature and possibly unwarranted disclosure of adverse information regarding the practices and procedures of some accrediting agencies. This notice describes the functions of the NACAIE Committee. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of its opportunity to attend and to participate.

DATES: June 12 and 13, 1986.

ADDRESS: U.S. Department of Education, 400 Maryland Avenue, SW. (ROB-3, Room 4082), Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: James B. Williams, Special Assistant, Office of the Deputy Assistant Secretary for Higher Education Programs, Office of Postsecondary Education, 400 Maryland Avenue, SW. (Room 3915, ROB-3), Washington, DC 20202 (202/245/9700).

SUPPLEMENTARY INFORMATION: The National Advisory Committee on Accreditation and Institutional Eligibility is authorized by section 1205 of the Higher Education Act, as amended by Pub. L. 98-374 (20 U.S.C. 1145). The Committee advises the Secretary of Education regarding his responsibility to publish a list of national recognized accrediting agencies and associations, State agencies recognized for the approval of public postsecondary vocational education, and State agencies recognized for the approval of nurse education.

The Committee also advises the Secretary of Education regarding policy affecting both recognition of accrediting and approval bodies, and institutional eligibility for participation in Federal funding programs. The part of the meeting on June 12 and 13 devoted to the taking of and discussion of testimony will be open to the public.

Agenda Topics

The principal agenda topics, which are based on the Secretary's charge to the Working Group, include:

- What, if anything, should each accrediting agency require as a condition of accreditation of all institutions it accredits in terms of minimum standards irrespective of the institutions' particular mission and purpose?
- What institutional and student output measurements should accrediting agencies use to determine whether institutions are meeting their stated objectives and how best to measure the outputs?
- Should the Criteria for Recognition contain specific requirements related to the "consumer protection" and "truth-in-advertising" practices of an institution in its relationship with its students?
- Whether standards of reciprocity should be established among accrediting agencies for recognizing an institution which has lost or been denied accreditation by another agency?
- Should the Secretary require a recognition criterion to ensure that the Department is notified on a timely basis of an adverse action taken by accrediting agencies against an institution?

The "working group" assumes control of the agenda once the meeting begins, and may consider other matters related to accreditation and institutional eligibility that fall within the Committee's purview.

Advisory Information

The "working group" will meet from 9:30 a.m. to 4:30 p.m. on Thursday, June 12, and from 9:30 a.m. to 3:30 p.m. on Friday, June 13, local time. The "working group" requests written testimony on the issues before it. To be considered by the "working group" all written testimony must be received by June 3, 1986. Requests to testify orally will be considered by the "working group," but only from those persons or groups presenting written testimony. Requests to testify orally must accompany the written testimony, and must be received by June 3.

A record will be made of the proceedings and will be available for

public inspection at the Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 3915, ROB–3), Washington, DC between the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Signed at Washington, DC, on May 21, 1986.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 85–11791 Filed 5–23–85; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Notice of Intent to Grant Partially Exclusive Patent License; Corazonix Corp.

Notice is hereby given of an intent to grant to Corazonix Corporation, of Oklahoma City, Oklahoma, a partially exclusive license to practice in the United States the invention described in U.S. Patent No. 4,413,531, entitled "Doppler Flowmeter". The patent is owned by the United States of America, as represented by the Department of Energy (DOE).

The proposed license will be partially exclusive, i.e., limited to the field of use of biomedical applications and subject to a license and other rights retained by the U.S. Government, and will be subject to a negotiated royality provision. DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. 209(c), unless within 60 days of this notice the Assistant General Counsel for Patents, Department of Energy, Washington, DC 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interests of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to the invention in the United States, in which applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously in the field of use of biomedical applications.

The Department will review all written responses to this notice, and will grant the license if, after expiration of the 60-day notice period, and after consideration of written responses to this notice, a determination is made, in accordance with 35 U.S.C. 209(c), that the license grant is in the public interest.

Issued in Washington, DC, on May 16, 1986.

J. Michael Farrell,

General Counsel.

[FR Doc. 86–11757 Filed 5–23–86; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

DOE/NSF Nuclear Science Advisory Committee; Notice of Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee.

Date & Time: June 16, 1986 from 9:00 a.m. to 6:00 p.m., June 17, 1986 from 8:30 a.m. to 12:00 noon.

Place: University of Washington, Administration Building, Room 142 Seattle, WA 98195.

Contact: John R. Erskine, Division of Nuclear Physics, U.S. Department of Energy, Washington, DC 20545, (301) 353–3613.

Purpose of the Committee: To advise the Department of Energy and the National Science Foundation on the scientific priorities within the field of basic nuclear science research.

Tentative Agenda:

June 16

- Budget presentation from DOE and NSF.
- Presentation and discussion of the draft report from the Subcommittee on Facility Construction, which is charged to review proposals for the upgrade of research facilities at the University of Illinois, Lawrence Berkeley Laboratory, Massachusetts Institute of Technology, and Oak Ridge National Laboratory, and to review the scientific capabilities of the planned Relativistic Heavy Ion Collider facility at Brookhaven National Laboratory.
- Public comment.

June 17

- Discussion deliberation, and action on the draft report of the Subcommittee of Facility Construction.

Discussion and possible activation of the proposed NSAC Subcommittee on Nuclear Theory and the NSAC Instrumentation Subcommittee.

- Public comment.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact John Erskine at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on May 21, 1986.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 86–11758 Filed 5–23–86; 8:45 am]

BILLING CODE 6450–01–M

Western Area Power Administration

Proposed Post–1989 Allocation of Power; Pick-Sloan Missouri Basin Program-Western Division and Fryingpan-Arkansas Project

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Proposed allocation of power from the Pick-Sloan Missouri Basin Program-Western Division and Fryingpan-Arkansas project.

SUMMARY: The Post-1989 General Power Marketing and Allocation Criteria (Criteria) for the sale of energy with capacity from the Pick-Sloan Missouri Basin Program-Western Division (P-SMBP-WD) and the Fryingpan-Arkansas Project (Fry-Ark) by the Western Area Power Administration (Western) were published in the **Federal Register** on January 31, 1986 (51 FR 4012). Within these Criteria was a call for applications for power. Applications for power were accepted at Western's Loveland Area Office (LAO) until the close of business on April 1, 1986. The proposed energy with capacity allocations published herein are the result of these applications.

DATES: Comments must be received in writing no later than the close of business on July 28, 1986. A public comment forum is scheduled for June 10, 1986, in Denver, Colorado.

ADDRESS: Comments should be sent to: Mark N. Silverman, Area Manager, Loveland Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539. (303) 224–7201.

SUPPLEMENTARY INFORMATION:

I. Regulatory Procedural Requirements

These allocations are based upon the provisions of the Reclamation Act of 1902, approved June 17, 1902 (ch. 1093, 32 Stat. 388); the Reclamation Project Act of 1939, approved August 4, 1939 (43 U.S.C. 485h(c)); and the Department of Energy Organization Act of 1977, approved August 4, 1977 (42 U.S.C. 7152, 7191); and are more specifically based upon the provisions of the Flood Control Act of 1944, approved December 22, 1944 (58 Stat. 891); the Fryingpan-Arkansas Projects Acts of 1962 and 1974, approved August 16, 1962 (Pub. L. 87–590, 76 Stat. 389), and October 27, 1974 (Pub. L. 93–493, 88 Stat. 1497); and acts amending or supplementing all of the foregoing legislation.

II. Background of the Allocation Procedures

Power is presently marketed by the LAO under three separate marketing plans. These are: The Pick-Sloan Missouri Basin Program power marketing plan, the Fry-Ark marketing plan, and the power marketing plan for the sale of P-SMBP-WD excess capacity (P-SMBP-WD Excess Capacity). Under each plan customers were allocated seasonal Contract Rates of Delivery (CROD). The P-SMBP-WD marketing plan went into effect in 1962. The Fry-Ark marketing plan was published on June 23, 1981 (46 FR 32491), and the P-SMBP-WD Excess Capacity marketing plan was published on August 30, 1982 (47 FR 38187). Of these three marketing plans, only the P-SMBP-WD marketing plan provided for the sale of capacity and energy. The two other marketing plans provided only for the sale of capacity. The energy associated with the marketed capacity was either provided from non-Federal resources or was provided by Federal resources with the provision that the energy was to be returned to the Federal System in the form of pump-back water. Contracts for all three marketing plans expire on the last day of the September billing period in 1989.

The Proposed Post-1989 General Marketing Criteria were published in the **Federal Register** on August 23, 1983 (48 FR 38279). This publication included an announcement of public information and public comment forums on the Proposed Criteria and a final request for Applicant Profile Data (APD). The APD were required for any applicant to be considered eligible for an allocation of energy with capacity from the P-SMBP-WD and Fry-Ark under the proposed Criteria. Interested parties were initially given until November 15, 1983, to submit this data. The deadline was later extended to December 30, 1983 (48 FR 54880, December 7, 1983). The final Criteria were published January 31, 1986 (51 FR 4012). In the final Criteria two additional areas were added to the original LAO marketing area. These are the Mountain Parks Rural Electric Association service area in Colorado west of the Continental Divide, and that portion of the State of Kansas located in the Arkansas River Basin west of the eastern borders of the counties intersected by the 100th Meridian. Interested parties within these additional areas had until April 1, 1986, to submit APD. The Criteria also required all interested parties to submit a request for the capacity to be associated with their energy allocation by close of business on April 1, 1986.

III. Proposed Post-1989 Power Allocation

The proposed allocations for energy with capacity are based on the principles set forth in the "General Power Marketing and Allocation Criteria" published in the **Federal Register** on January 31, 1986 (51 FR 4012).

A. Marketable Resources

The LAO markets power generated at 18 powerplants located in Colorado, Wyoming, and Montana. These resources were divided between potential new and existing customers. The marketable resources available seasonally, per group, by operationally integrating these powerplants are:

	Winter		Summer	
	Energy (MWh)	Capacity (MW)	Energy (MWh)	Capacity (MW)
New Customers	75,750	51.9	93,844	58.2
Existing Customers	856,791	586.6	1,061,456	658.3
Totals	932,541	638.5	1,155,300	716.5

B. Salt Lake City Area Office Allocations

Allocations from the Salt Lake City Area (SLCA) Integrated Projects will be allocated by Western's Salt Lake City Area Office (SLCAO) in the near future. Notwithstanding the statement in the final General Power Marketing and Allocation Criteria regarding limitations on energy allocations, the proposed allocations for the P–SMBP–WD and Fry-Ark contained in this **Federal Register** notice do not consider allocations from the Colorado River Storage Project or the SLCA Integrated Projects. Allocations from all other Federal resources were considered in accordance with the final LAO marketing criteria. The SLCAO will consider these proposed LAO allocations when calculating proposed allocations from the Integrated Projects to customers who may receive energy with capacity allocations from the LAO and SLCAO.

C. Proposed Post-1989 Allocations of Energy with Capacity

With the exception of the Project Use and Existing Special Use loads defined in section VI.C of the Criteria and Warren Air Force Base, whose existing contract will not terminate prior to the effective date of the Criteria, all eligible applicants have been allocated energy with capacity hereunder as defined in section V.C. of the Criteria. The seasonal energy reserved for existing customers was allocated according to the proportion each existing customer's long-term firm CROD, in effect on April 1, 1986, from P–SMBP–WD and Fry-Ark resources, bears to the total of all existing customers' long-term firm CRODs. The seasonal energy reserved for new customers was allocated according to the proportion each new customer's average energy consumption in 1980, 1981, and 1982, bears to the total of all new customer's average energy consumption in the same period. The summer allocation to the Northern Colorado Water Conservancy District was based on the estimated average energy it would have used had it been allowed to operate during the years 1980 through 1982. The estimated energy use figures were based on the actual hydrology for those 3 years. This special treatment recognizes the fact that pumps operated by the Northern Colorado Water Conservancy District create more energy for the LAO to market to all customers.

Capacity was allocated based on the eligible customers; capacity requests. Since there was not enough capacity available to meet all requests from existing customers, those customers who requested less than the system plant factors of 33.4 percent in the winter and 36.7 percent in the summer had their capacity requests limited proportionally.

The proposed individual allocations are:

EXISTING CUSTOMERS

	Winter		Summer	
	Energy (MWh)	Capacity (MW)	Energy (MWh)	Capacity (MW)
Colorado				
Burlington	1,579	1.088	2,520	1.510
Colorado Springs	98,889	57.932	112,891	61.706
Denver Water Board	2,861	2.164	4,114	2.840
Fleming	395	0.304	465	0.352
Fort Morgan	13,410	16.208	16,811	16.723
Frederick	437	0.162	448	0.166
Haxtun	987	0.680	1,212	0.726
Holyoke	2,180	1.504	3,422	2.050
Julesburg	719	0.493	1,116	0.692
Lyons	423	0.285	332	0.204
Wray	2,722	2.093	5,542	4.036
Yuma	2,539	1.752	3,694	2.213
Nebraska				
Alliance	3,525	2.161	5,229	3.053
Bayard	3,243	2.223	3,071	1.840
Benkelman	564	0.389	830	0.497
Bridgeport	2,256	1.554	2,324	1.393
Chappell	2,397	1.723	2,490	1.646
Gering	12,689	11.191	14,111	10.896
Imperial Public Power District	4,099	2.802	4,990	3.090
Kimball	1,410	2.260	1,660	2.113
Lyman	1,057	0.760	1,079	0.679
Mitchell	3,807	2.623	2,905	1.741
Morrill	3,525	2.428	3,984	2.367
Sidney	2,115	3.419	2,988	3.804
Wauneta	1,410	0.971	1,660	0.995
Wyoming				
Gillette	12,498	4.088	13,824	4.497
Torrington	6,260	3.412	5,977	3.240
Government Agencies				
Department of Energy: Rocky Flats	10,416	7.140	9,423	5.846
Peterson AFB	14,568	4.388	13,918	4.401
Joint Action Agencies or Cooperatives				
Arkansas River Power Authority	31,641	22.672	43,636	28.909
Colorado-Ute Electric Association, Inc.	81,824	51.182	77,973	39.018
Kansas Electric Power Cooperative	42,683	12.943	44,955	13.629
Municipal Energy Agency of Nebraska	5,044	6.920	7,359	8.140
Nebraska Public Power District	29,899	11.721	37,187	17.863
Platte River Power Authority	56,605	32.317	53,540	30.784
Rushmore Electric Company	41,731	24.623	41,119	24.254
Tri-State G&T	332,304	270.635	489,874	336.831
Willwood L&P	254	0.113	199	0.090
Wyoming Municipal Power Agency	13,633	11.939	14,178	10.056
[1] Totals	856,799	586.602	1,061,455	658.296

[1] Totals include 8,415 MWh of energy and 3.300 MW of capacity for both winter and summer seasons contractually committed to F.E. Warren Air Force Base.

NEW CUSTOMERS

	Winter		Summer	
	Energy (MWh)	Capacity (MW)	Energy (MWh)	Capacity (MW)
Colorado				
Center	672	0.264	505	0.221
Nebraska				
Grant	880	0.342	784	0.343
Lodgepole	123	0.085	130	0.078
Mullen	331	0.126	292	0.111
Wyoming				
Powell	1,984	2.242	1,918	1.773
University of Wyoming	2,387	0.894	2,259	0.842
Government Agencies				
Lowry AFB	4,577	1.516	5,185	1.862
USAF Academy	5,684	1.782	5,443	1.721
Northern Colorado Water Conservancy District	0	0.000	5,054	3.136
Kansas				
Alma	296	0.203	387	0.240
Arcadia	101	0.069	111	0.069
Ashland	452	0.310	671	0.416
Baldwin City	784	0.536	974	0.604
Belleville	1,177	0.807	1,523	0.945
Beloit	1,987	1.362	2,507	1.556
Burlingame	431	0.295	522	0.324
Cawker City	211	0.145	289	0.179
Centralia	155	0.106	174	0.108
Clay Center	2,324	1.593	2,986	1.852
Colby	2,354	1.613	2,762	1.713
Dighton	524	0.359	625	0.388
Enterprise	209	0.143	275	0.177
Garden City	7,295	5.000	7,029	4.381
Gardner	1,003	0.687	1,306	0.812
Garnett	1,221	0.837	1,672	1.037
Glasco	208	0.142	293	0.182
Glen Elder	178	0.122	237	0.147
Herington	1,168	0.801	1,381	0.857
Hill City	811	0.556	1,073	0.666
Holton	1,362	0.934	1,758	1.091
Horton	661	0.453	762	0.473
Hugoton	1,257	0.862	1,692	1.050
Jetmore	336	0.230	464	0.288
Johnson City	635	0.435	744	0.462
Kansas City	7,295	5.000	8,059	5.000
Lakin	607	0.416	713	0.443
Leoti	2,011	1.378	2,157	1.338
Lincoln	247	0.169	675	0.419
Lindsborg	1,033	0.708	1,583	0.982
Lucas	169	0.116	223	0.139
Mankato	427	0.292	533	0.331
Norton	1,328	0.910	1,992	1.236
Oakley	1,118	0.766	1,291	0.801
Oberlin	766	0.525	1,031	0.640
Osage City	1,071	0.734	1,417	0.879
Osawatomie	1,260	0.864	1,592	0.988
Osborne	749	0.513	938	0.582
Ottawa	4,180	2.865	5,680	3,530
Russell	3,815	2.615	4,906	3.044
St. Francis	583	0.400	682	0.423
St. Marys	667	0.457	813	0.504
Seneca	977	0.670	1,217	0.755
Sharon Springs	391	0.268	434	0.269
Stockton	535	0.366	711	0.441
Syracuse	538	0.369	684	0.424
Tribune	353	0.242	392	0.243
Wamego	1,317	0.903	1,610	0.999
Washington	535	0.367	712	0.442
Totals	75,750	47.766	93,844	54.929

D. Contractual Arrangements

Western plans to publish the final energy with capacity allocations during the summer of 1986. Allottees will then be sent draft contracts. Executable contracts will be available to all customers in the spring of 1987. Allottees will have 6 months, or until September 30, 1987, to execute these contracts, whichever is later.

IV. Action Required by Allottees

Western will accept comments on these allocations from all interested parties until the close of business on July 28, 1986. A public comment forum is scheduled for June 10, 1986, at 9 a.m., at the Clarion Hotel, 3202 Quebec Street, Denver, Colorado. All comments on these proposed allocations should be directed to: Mr. Mark N. Silverman, Area Manager, Loveland Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, Colorado 80539, (303) 224–7201.

Issued at Golden, Colorado, May 14, 1986.

William H. Clagett,

Administrator.

[FR Doc. 81–11756 Filed 5–23–86; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–3021–1]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICRs are available for review and comment.

FOR FURTHER INFORMATION CONTACT: Nanette Liepman, (202) 382–2740 or FTS 382–2740.

SUPPLEMENTARY INFORMATION:

Office of the Administrator

Title: Nondiscrimination in EPA Assisted Programs: Recordkeeping Requirements and Report Form (EPA ICR No. 0275). (This is a revision of a currently approved collection; there are no changes to the applicable regulation.)

Abstract: EPA reviews all wastewater grant applicants to determine pre-award compliance with laws prohibiting discrimination on the basis of handicap, race, color, national origin, sex, and age.

Respondents: Wastewater grant applicants.

Office of Air

Title: Importation of Nonconforming Motor Vehicles Subject to Federal Air

Pollution Control Regulations (EPA ICR No. 0223). (This is an extension of a currently approved collection without any change.)

Abstract: Importers of motor vehicles must submit documentation of conformity with U.S. air pollution control regulations, including a declaration form to U.S. Customs and the posting of bond for the vehicle. EPA reviews the declaration and either a proof of modification, air pollution control test results, or an exemption claim before releasing the vehicle.

Respondents: Importers of motor vehicles.

Title: NSPS for Metallic Processing Plants (Subpart LL) (EPA ICR No. 0982). (This is an extension of a currently approved collection without any change.)

Abstract: Owners/operators of metallic mineral processing plants must notify EPA of construction, modifications, startups, and other information. If wet scrubbing device(s) are used, they must install, calibrate, and maintain continuous monitoring devices to measure pressure drop and flow rate, maintain weekly records, and submit semiannual reports when the drop and rate differ 30% from the most recent performance test.

Respondents: Owners and operators of metallic mineral processing plants.

Title: Farm Labor Survey—Farm Equipment Use Segment (EPA ICR No. 1299). (This is a new collection.

Abstract: Farmers will respond to questions (contained in an addition to the Farm Labor Survey) about the use(s) of gasoline tractors, diesel tractors, combines, and trucks in farm operations. EPA will use this information to determine the ratio of heavy, medium, and light uses in order to assess the impact of the lead phase-down program on farm machinery.

Respondents: Farmers.

* * * * *

Comments on all parts of this notice may be sent to:

Nanette Liepman,
U.S. Environmental Protection Agency,
Office of Standards and Regulations (PM–223),
Information and Regulatory Systems Division,
401 M Street, SW.,
Washington, DC 20460

and

Rick Otis (No. 0275) and Wayne Leiss (No. 0223, No. 0982, No. 1299),
Office of Management and Budget,
Office of Information and Regulatory Affairs,
New Executive Office Building (Room 3228),
726 Jackson Place, NW,
Washington, DC 20503.

Dated: May 19, 1986.

Daniel J. Fiorino,

Acting Director, Information and Regulatory Systems Division.

[FR Doc. 86–11664 Filed 5–23–86; 8:45 am]

BILLING CODE 6560–50–M

[OPP–30257A; FRL–3015–5]

Merck and Co.; Approval of Pesticide Products Registration

Correction

In FR Doc. 86–10829, beginning on page 17671, in the issue of Wednesday, May 14, 1986, make the following corrections:

On page 17672, in the first and second columns, in the formulas for pesticide products, the capital letter "O" should be a zero "0" wherever it appears.

BILLING CODE 1505–01–M

[OPTS–59188C; FRL–3022–1]

Certain Chemical; Extension of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's extension of a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME–85–31. The new test marketing conditions are described below.

EFFECTIVE DATE: May 19, 1986.

FOR FURTHER INFORMATION CONTACT: Rose Allison, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, RM. E–611E, 401 M St. SW., Washington, DC 20460, (202–382–3391).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufature notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby extends TME–85–31. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the original TME application and extension, and for the time period and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All conditions and restrictions described in the original application and in this notice must be met.

The following additional restrictions apply to TME–85–31. A bill of lading accompanying each shipment must state that the use of the substance is restricted to those approved in the TME. In addition, the Company shall maintain the following records until five years after the dates they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA.

1. The applicant must maintain records of the quantity of the TME substance produced.

2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment.

3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

T–85–31

Date of Receipt: March 19, 1985.

Notice of Receipt: March 29, 1985 (50 FR 12628).

Applicant: Confidential.

Chemical: (G) Functional acrylate type polymer.

Use: (G) Industrial paint ingredient.

Production Volume: 82,000 kilograms.

Number of Customers: Four.

Worker Exposure: Manufacture: dermal, a total of 20 workers, up to 8 hrs/day up to 26 days a year.

Notice of Approval of Test Marketing Exemption: May 7, 1985 (50 FR 19228).

Original Test Marketing Period: Eight months.

Modified Test Marketing Period: Six months.

Commencing on: May 19, 1986.

Risk Assessment: EPA identified no significant health or environmental concerns. Therefore, the test market substance will not present any unreasonable risk of injury to health or the environment.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exmption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: May 19, 1986.

Don R. Clay

Director, Office of Toxic Substances.

[FR Doc. 86-11780 Filed 5-23-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-81013 FRL-3021-9]

Toxic and Hazardous Substances Control; Availability of Printed Version of TSCA Chemical Substance Inventory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: EPA is publishing the "TSCA Chemical Substance Inventory: 1985 Edition." This publication includes chemical identities for all substances reported to EPA under the Toxic Substances Control Act (TSCA) as manufactured, imported, or processed for commercial purposes in the United States since 1975.

DATE: The Inventory is now available for purchase from the Government Printing Office.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460, Toll-Free: (800-424-9065), In Washington, DC: (554-1404), Outside the U.S.A: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: Section 8(b) of the Toxic Substances Control Act requires EPA to identify, compile, keep current and publish a list of chemical substances which are manufactured, imported, or processed for commercial purposes in the United States. EPA compiled this list in accordance with its Inventory Reporting Regulations (40 CFR Part 710), promulgated in 1977, and published a printed version of the Inventory in 1979, supplemented in 1980 and 1982.

EPA has added to the Inventory new substances whose commencement of manufacture of import has been reported to the Agency under its Premanufacture Notification Regulations (40 CFR Part 720) and has removed from the Inventory substances which have been shown to be incorrectly reported or listed. The "TSCA Inventory: 1985 Edition," superseding the 1979 edition and all supplements, incorporates these additions to and deletions from the Inventory as of July 1985.

The complete list of chemical identities reported to EPA is maintained by the Agency in its Master Inventory File. However, some of the identities reported to the Agency were claimed as confidential. The printed version of the Inventory contains generic, rather than specific, identities for confidential substances.

The "TSCA Chemical Substance Inventory: 1985 Edition" is organized into five volumes:

(a) Volume I contains Chemical Abstracts Service (CAS) Preferred or Index Names and CAS Registry Numbers for these substances, in CAS Registry Number order, plus appendices of chemical substance definitions and generic names for confidential substances.

(b) Volumes II and III contain a Substance Name Index which lists CAS Preferred Names alphabetically, along with industry-reported or CAS-derived synonyms.

(c) Volume IV, the Molecular Formula Index, lists molecular formulae for most Inventory substances.

(d) Volume V contains the UVCB Index (identities for substances of Unknown or Variable composition, Complex reaction products, and Biological materials) as well as indices of substances requlated under sections 4, 5(a) (2), 5(e), 5(f) and 6(a) of TSCA.

The "TSCA Chemical Substance Inventory: 1985 Edition" may be purchased from Superintendent of Documents, Government Printing Office, Washington, DC. 20402 (202-783-3238). The price is $161.00 ($201.25 for foreign sales). When contacting GPO, refer to stock number 055-000-00254-1. Allow 6 weeks for delivery (longer outside the U.S.).

The Inventory will also be available in computer-tape form in June or July of 1986. This version contains 1977 production and site data. For details contact the TSCA Assistance Office at the address or telephone number given under "FOR FURTHER INFORMANTION CONTACT."

Dated: May 19, 1986.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 86-11781 Filed 5-23-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-479]

Palmetto State Savings Assoc. Camden, SC; Final Action; Approval of Conversion Application

Dated: May 20, 1986.

Notice is hereby given that on May 9, 1986, the Office of General Counsel of the Federal Home Loan Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Palmetto State Savings Association, Camden, South Carolina, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, DC 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Post Office Box 56527, Peachtree Center Station, Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 11736 Filed 5-23-86; 8:45 am]

BILLING CODE 6730-01-M

Westwood Savings and Loan Association; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Westwood Savings and Loan Association, Los Angeles, California on March 27, 1986.

Dated: May 21, 1986.

Jeff Sconyers,

Secretary.

[FR Doc. 86-11800 Filed 5-23-86; 8:45 am]

BILLING CODE 6720-01-M

United Bank, S.S.B.; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for United Bank, S.S.B. San Francisco, California on March 27, 1986.

Dated: May 21, 1986.

Jeff Sconyers,

Secretary.

[FR Doc. 86-11801 Filed 5-23-86; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-003158.003.

Title: The Port Authority of New York and New Jersey Lease Agreement.

Parties:

The Port Authority of New York and New Jersey

Ecuadorian Line, Inc.

Synopsis: The proposed amendment would modify the agreement to provide for an addition to the premises retaining a mutual right of termination of thirty days.

Agreement No.: 224-003930-002.

Title: Port of New York and New Jersey Terminal Agreement.

Parties:

Port of New York and New Jersey

Universal Maritime Service Corp.

Synopsis: The proposed amendment provides for the reconfiguration of the terminal by the demolition of an existing structure, the construction and installation of improvements and a corresponding adjustment in rental payments. The amendment calls for the adjusted rental to be in effect as of March 1, 1986, with payment to be deferred until after the amendment becomes effective. The parties have requested a shortened review period.

Agreement No.: 213-010942.

Title: Barber Blue Sea/ScanCarriers Agreement.

Parties:

Barber Blue Sea (BBS)

ScanCarriers

General Manager: ScanBarber A/S.

Synopsis: The proposed agreement would permit the parties to coordinate sailings, and cross-charter twelve (12) RO/RO vessels ranging in size from 30,000 DWT to 45,000 DWT for the carriage of cargo covering ports in the United States, Hong Kong, Japan, Macao, Korea, Taiwan, Siberia, U.S.S.R., the People's Republic of China, Thailand, Vietnam, Democratic Kampuchea (Cambodia), Laos, Burma, the Republic of the Philippines, the Republic of Singapore, the Federation of Malaysia, the Sultanate of Brunei, Papua New Guinea, the Republic of Indonesia, Australia, New Zealand, Islands of the South Pacific, Republic of South Africa, Canada, all countries of Central and South America, and the European Continent. The parties have requested a shortened review period.

Agreement No.: 207-010943.

Title: ScanCarriers Agreement.

Parties:

Wilh. Wilhelmsen Limited A/S

The East Asiatic Company Limited A/S

Rederiaktiebolaget Transocean

General Manager: ScanBarber A/S.

Synopsis: The proposed agreement would establish a joint service to be operated by the parties in the trade between U.S. Atlantic and Gulf Ports, and inland U.S. points via such ports, and ports and points in Central and South America, Australia, New Zealand, the Republic of South Africa, the Islands of the South Pacific and (outbound only) the Far East. The service may utilize up to twelve vessels, ranging in size up to 45,000 DWT. The parties have requested a shortened review period.

By order of the Federal Maritime Commission.

Dated: May 21, 1986.

John Robert Ewers,

Secretary.

[FR Doc. 86-11770 Filed 5-23-86; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

First of America Bank Corp., Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal cap "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 16, 1986.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First of America Bank Corporation,* Kalamazoo, Michigan; to expand the activities of its subsidiary, First of America Insurance Company, Phoenix, Arizona, and thereby expand its approved credit life and credit disability reinsurance underwriting activity in Michigan to include activities directly related to extensions of credit in Illinois, Indiana, Ohio and Wisconsin. Applicant also proposes to provide open end credit card and lines of credit pursuant to § 225.25(b)(1) of the Board's Regulation Y. The activities related to credit cards and lines of credit will be conducted nationwide except New Hampshire and North Carolina.

Board of Governors of the Federal Reserve System, May 20, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-11739 Filed 5-23-86; 8:45 am]

BILLING CODE 6210-01-M

First National Bancshares of Wetumpka, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 16, 1986.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *First National Bancshares of Wetumpka, Inc.*, Wetumpka, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Wetumpka, Wetumpka, Alabama.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *F&M Financial Services Corporation*, Monomonee Falls, Wisconsin; to acquire 92 percent of the voting shares of Rural Financial Services, Inc., Dousman, Wisconsin, and thereby indirectly acquire Dousman State Bank, Dousman, Wisconsin, and Mansfield State Bank, Johnson Creek, Wisconsin. Comments on this application must be received not later than June 13, 1986.

2. *Republic Bancorp, Inc.*, Flint, Michigan; to acquire 66.67 percent of the voting shares of Bellaire State Bank, Bellaire, Michigan. Comments on this application must be received by June 12, 1986.

3. *Villa Park Trust & Savings Bank Employees' Stock Ownership Plan*, Villa Park, Illinois; to become a bank holding company by acquiring 30 percent of the voting shares of Edville Bankcorp, Inc., Villa Park, Illinois, and thereby indirectly acquire Villa Park Trust & Savings Bank, Villa Park, Illinois.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *United Community Corporation*, Oklahoma City, Oklahoma; to merge with CitiBancshares, Inc., Muskogee, Oklahoma, and thereby indirectly acquire CitiBank Holding Company, Inc., Muskogee, Oklahoma, and City Bank, Muskogee, Oklahoma.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Bonneville Bancorp Employee Stock Option Plan and Trust*, Provo, Utah; to become a bank holding company by acquiring 35.97 percent of the voting shares of Bonneville Bancorp, Provo, Utah. Comments on this application must be received not later than June 18, 1986.

Board of Governors of the Federal Reserve System, May 20, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-11737 Filed 5-23-86; 8:45 am]

BILLING CODE 6210-01-M

Mellon Bank Corp., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the quesiton whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 16, 1986.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Mellon Bank Corporation*, Pittsburgh, Pennsylvania; to engage *de novo* through its subsidiary, Mellon Bank Community Development Corporation, Pittsburgh, Pennsylvania, in making equity and debt investments in corporations or projects designed primarily to promote community welfare, such as the economic rehabilitation and development of low and moderate income areas by providing housing, services, or jobs for residents, throughout the market areas serviced by Applicant's banking subsidiaries pursuant to § 225.25(b)(8) of the Board's Regulation Y. These activities will be conducted primarily throughout the states of Pennsylvania, Delaware and Maryland, and will be conducted at Mellon Bank Center, Pittsburgh, Pennsylvania. Comments on this application must be received by June 13, 1986.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Peoples Ban Corporation*, Seattle, Washington; to engage *de novo* through its subsidiary Peoples Discount Brokerage Company, Seattle, Washington, in providing securities brokerage services, and related securities credit activities pursuant to § 225.24(b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 20, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-11738 Filed 5-23-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 86F-0188]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 4-[[4,6-bis(octylthio)-*s*-triazin-2-yl]amino]-2,6-di-*tert*-butylphenol as a stabilizer in articles or components of articles intended to contact food.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3922) has been filed by Ciba-Geigy Corp., Three Skyline Dr. Hawthorne, NY 10532, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) and § 177.2600 *Rubber articles intended for repeated use* (21 CFR 177.2600) be amended to expand present uses and to add additional uses of 4-[[4,6-bis(octylthio)-*s*-triazin-2-yl]amino]-2,6-di-*tert*-butylphenol as a stabilizer in articles or components of articles intended to contact food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c), as published in the **Federal Register** of April 26, 1985 (50 FR 16636).

Dated: May 15, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-11767 Filed 5-23-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86F-0185]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for additional uses of *N,N'*-hexamethylenebis (3,5-di-*tert*-butyl-4-hydroxyhydrocinnamamide) as a stabilizer in articles or components of articles intended to contact food.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3927) has been filed by Ciba-Geigy Corp., Three Skyline Drive, Hawthorne, NY 10532, proposing that §178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to permit additional use of *N,N*-hexamethylenebis (3,5-di-*tert*-butyl-4-hydroxyhydrocinnamamide) as a stabilizer in articles or components of articles intended to contact food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petiton results in a regulation, the natice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c), as published in the **Federal Register** of April 26, 1985 (50 FR 16636).

Dated: May 15, 1986.

Richard J. Ronk

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-11766 Filed 5-23-86; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Application Announcement for Cooperative Agreements With Statewide Organizations for Development of Comprehensive Primary Health Care Services

AGENCY: Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is announcing that applications are being accepted from qualified Statewide organizations for cooperative agreements to provide assistance in the planning and development of comprehensive primary health care services in areas that lack adequate health manpower or have populations lacking access to primary care services. It is expected that approximately $3 million will be available for these agreements, which will be entered into under the authority of section 333(g) of the Public Health Service Act.

DATE: All applications must be delivered to the contact designated in this announcement or postmarked by July 25, 1986, and received in time for orderly processing.

FOR FURTHER INFORMATION CONTACT: Application kits (Form PHS-5161 with revised facesheet DHHS Form 424) and additional information may be obtained from, and completed applications should be sent to: Chief, Grants Management Branch, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, Room 7A-08, 5600 Fishers Lane, Rockville, Maryland, 20857, (301) 443-1440.

SUPPLEMENTARY INFORMATION: In addition to the Federal responsibilities under the cooperative agreements, the qualifications, expected activities, evaluation criteria, and application procedures for Statewide organizations are delineated in the Notice published in the **Federal Register** on July 11, 1985 (50 FR 28267).

Other Award Information

All agreements to be established under this notice are subject to the provisions of Executive Order 12372, as implemented by 45 CFR Part 100, which allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application packages to be made available by DHHS (Form PHS-5161 with revised facesheet DHHS Form 424) will contain a listing of States which have chosen to set up such a review

system and will provide a point of contact in the States for that review. At the latest, States should receive applications from grantees at the same time that they are due to the Chief of the Grants Management Branch in the Bureau of Health Care Delivery and Assistance. The comments from the States must be delivered to the Chief of the Grants Management Branch at the aforementioned address, or postmarked by September 23, 1986, and received in time for orderly processing.

The cooperative agreements for development of comprehensive primary health care services are listed as No. 13.130 in the OMB *Catalog of Federal Domestic Assistance.*

Dated: April 16, 1986.

John H. Kelso,

Acting Administrator.

[FR Doc. 86-11762 Filed 5-23-86; 8:45 am]

BILLING CODE 4160-15-M

Application Announcement for Grants for Two-Year Programs of Schools of Medicine or Osteopathy

The Bureau of Health Professions, Health Resources and Services Administration, announces that applications for Fiscal Year 1986 Grants for Two-Year Programs of Schools of Medicine or Osteopathy are now being accepted under the authority of section 788(a), of the Public Health Service Act, as amended by Pub. L. 99-129.

Section 788(a) authorizes the award of grants to maintain and improve schools which provide the first or last two years of education leading to the degree of doctor of medicine or osteopathy. Grants provided under this authority to schools that were in existence on September 30, 1985, may be used for construction and purchase of equipment.

To be eligible for a grant under this authority, the applicant must be a public or nonprofit school providing the first or last two years of education leading to the degree of doctor of medicine or osteopathy and be accredited or be operated jointly with a school that is accredited by a recognized body or bodies approved for such purpose by the Secretary of Education.

There is approximately $479,000.00 available in Fiscal Year 1986 to fund this program.

Application materials will be sent only upon request. Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D16), Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8C-22, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6880.

The deadline for receipt of applications is June 27, 1986. Applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date, or

(2) Postmarked on or before the deadline date, and received in time for submission to the independent review group.

A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Should additional programmatic information be desired, please contact: Multidisciplinary Resources Development Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 4C-25, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-3628.

This is a new program and is not listed in the Catalog of Federal Domestic Assistance, therefore, no catalog number has been assigned. Applications submitted in response to this announcement that request construction assistance are subject to Intergovernmental Review under provisions of Executive Order 12372, as supplemented by 42 CFR Part 100, Intergovernmental Review of Federal Programs. Applications submitted for program support only are not subject to Intergovernmental Review under these provisions.

Dated: April 16, 1986.

John H. Kelso,

Acting Administrator.

[FR Doc. 86-11761 Filed 5-23-86; 8:45 am]

BILLING CODE 4160-15-M

Low Income Levels for Health Careers Opportunity Program, Financial Assistance for Disadvantaged Health Professions Students and Nursing Special Project Grants

This Notice updates the income levels that are used to define a "low income family" for the support of training for individuals from disadvantagd backgrounds as provided for under section 787, Health Careers Opportunity Program, and the program of Financial Assistance for Disadvantaged Health Professions Students, and section 820, Nursing Special Project Grants of the Public Health Service Act, as amended.

Sections 57.1804(b)(2) and 57.1905(b)(2) of the program regulations (42 CFR Part 57, Subparts S and T) require that the Secretary publish periodically in the **Federal Register** the low income levels which will be used for Public Health Service grants to institutions which provide training for individuals from disadvantaged backgrounds.

The Health Professions Training Assistance Act of 1985, enacted on October 22, 1985, amended section 787 to include stipends under subsections (a)(2)(F) and (b) to individuals from disadvantaged backgrounds and of exceptional financial need (as defined by regulations issued by the Secretary under section 758), who are students at schools of medicine, osteopathy or dentistry.

The income figures below were taken from low income levels, published by the U.S. Bureau of Census, using an index adopted by a Federal Interagency Committee for use in a variety of Federal Programs, then multiplied by a factor of 1.3 for adaptation to health professions grant programs for which training for individuals from disadvantaged backgrounds is supported. The income figures have been updated to reflect increases in the Consumer Price Index through December 31, 1985.

Size of parents family [1]	Income level [2]
1	$7,200.00
2	9,400.00
3	11,100.00
4	14,300.00
5	16,800.00
6 or more	18,900.00

[1] Includes only dependents listed on Federal income tax forms.

[2] Rounded to $100. Adjusted gross income for calendar year 1985.

Dated: May 15, 1986.

John Kelso,

Acting Administrator.

[FR Doc. 86-11748 Filed 5-23-86; 8:45 am]

BILLING CODE 4160-15-M

National Institutes of Health

National Cancer Institute; Biometry and Epidemiology Contract Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biometry and Epidemiology Contract Review Committee, National Cancer Institute, National Institutes of Health, June 19-20, Building 31C, Conference Room 9, 9000 Rockville Pike, Bethesda, Maryland 20892. This meeting will be open to the public on June 19, from 8:30

a.m. to 9:00 a.m. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 19 from 9:00 a.m. to recess and June 20 from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5708) will provide summaries of the meeting and a roster of committee members, upon request.

Dr. Harvey P. Stein, Executive Secretary, Biometry and Epidemiology Contract Review Committee, National Cancer Institute, Westwood Building, Room 804, National Institutes of Health, Bethesda, Maryland 20892 (301/496–7030) will provide program information.

Dated: May 9, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86–11802 Filed 5–23–86; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Clinical Cancer Program Project Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Clinical Cancer Program Project Review Committee, National Cancer Institute, National Institutes of Health, July 17–18, 1986, Hyatt Regency, 1 Bethesda Metro Center, Bethesda, Maryland 20814. This meeting will be open to the Public on July 17 from 8:30 a.m. to 9:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on July 17, from approximately 9:00 a.m. to recess; and on July 18, from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets of commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Robert D. Hammond, Executive Secretary, Clinical Cancer Program Project Review Committee, National Cancer Institute, Westwood Building, Room 822, National Institutes of Health, Bethesda, Maryland 20892 (301/496–7924) will furnish substantive program information.

Dated: May 9, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86–11803 Filed 5–27–86; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Eye Council; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Eye Council on June 2–3, 1986, Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland, which was published on May 1, 1986 (51 FR 16209). The meeting will be closed to the public from approximately 12:00 noon until recess on Monday, June 2, and from 9:00 a.m. to adjournment on Tuesday, June 3.

The Council was to convene in closed session under sections 552b(c)(4) and 552b(c)(6) for the review, discussion and evaluation of individual grant applications. In addition, it has become necessary to close a portion of the meeting under section 552b(c)(9)(B), Title 5, U.S. Code, for the discussion and preparation of comments Council wishes to submit to the Director, NIH, for inclusion in the biennial report to the Congress.

Dated: May 21, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86–11804 Filed 5–23–86; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Diabetes and Digestive and Kidney Diseases; Meeting

Notice is hereby given that a committee of NIH staff, augmented by expert consultants, will meet to conduct an administrative review of the research programs of the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) to determine if any of such programs could be more effectively and efficiently managed by other national research institutes. Specifically, the committee will:

(1) Review the current administrative structure of the NIDDK to assure that recent program realignments resulting from the creation of the new National Institute of Arthritis and Musculoskeletal and Skin Diseases (NIAMS) has not resulted in inappropriate or ineffective organizational arrangements;

(2) Identify any factors that may be operating within the current organizational structure to reduce the effectiveness of the scientific program;

(3) Determine whether evidence exists to suggest that the growth, development and scientific productivity of any of the scientific programs placed within the present structure of the NIDDK would be enhanced if administered or conducted by some other component of the NIH; and

(4) Assess the degree to which the present administrative framework provides an integrative focus for the existing broad array of scientific programs and suggest any modifications that would improve program performance.

As part of these deliberations, the afternoon of July 1, from 1:00 p.m. to recess, will be devoted to a public briefing in which the committee will receive testimony from interested parties. The meetings will be held in Building 31, Conference Room 8, at the National Institutes of Health, Bethesda, Maryland. Attendance and the number of presentations will be limited to the time and space available. Consequently, all individuals wishing to attend or present statements at these public briefings should notify, in writing, Mr. Edward Lynch, National Institutes of Health, Building 1, Room 228, 9000 Rockville Pike, Bethesda, Maryland 20892, by June 6, 1986.

Those planning to make a presentation must file a one-page summary of their presentation with Mr. Lynch before June 13, 1986. Each speaker will be limited to a maximum of ten minutes. Additional information may be obtained by calling (301) 496–1454.

Dated: May 19, 1986.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86-11805 Filed 5-27-86; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6663-A2]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(a), will be issued to Ekwok Natives Limited for approximately 1,203.20 acres. The lands involved are in the vicinity of Ekwok, Alaska.

Seward Meridian, Alaska

T. 9 S., R. 50 W. (Surveyed)

A notice of the decision will be published once a week for four (4) consecutive weeks, in the *Anchorage Times*. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. ((907) 271-5960.)

Any party claiming a property interest which is adversely affected by the decision shall have until June 26, 1986, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Joe J. Labay,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-11792 Filed 5-23-86; 8:45 am]

BILLING CODE 4310-JA-M

Wyoming; Rawlins District Advisory Council Meeting

AGENCY: Bureau of Land Management, Rawlins District Office, Rawlins, Wyoming.

ACTION: Notice of Meeting of the Rawlins District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 that a meeting of the Rawlins District Advisory Council will be held. This meeting will consist of a field trip to Muddy Creek and adjacent areas.

DATE: June 25, 1986.

ADDRESS: Rawlins District Office, 1300 3rd Street, Rawlins, Wyoming.

FOR FURTHER INFORMATION CONTACT: Gordon Warren, Public Affairs Specialist, or Mike Karbs, Associate District Manager, Rawlins District, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301 (307) 324-7171.

SUPPLEMENTARY INFORMATION: The field trip will begin at 10:00 a.m. at the Rawlins District Office. The purpose of the field trip is to review the Muddy Creek Watershed Improvement Project and to review the Willows/Sand Dune area. Other items to be discussed during this meeting include.

1. Medicine Bow Resource Area Resource Management Plan;
2. Hunter Access/Operation Respect Program; and
3. Election of Officers.

This meeting/field trip is open to the public; however, interested persons must furnish their own 4-wheel drive transportation and lunch. The Council will convene at the Rawlins District Office at 4:00 p.m. to receive comments. Anyone interested in attending this meeting must notify the District Manager by June 18, 1986. Written statements may also be filed before the meeting for the Board's consideration.

Summary minutes will be available for review within 30 days after the meeting at the Rawlins District Office. Copies of the minutes may be obtained for the cost of duplication.

Michael J. Karbs,

Acting District Manager.

[FR Doc. 86-11790 Filed 5-23-86; 8:45 am]

BILLING CODE 4310-22-M

Notice of Realty Action; Exchange of Public and Private Lands in Riverside County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action (CA 18779).

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716):

San Bernardino Meridian, California

T. 3 S., R. 4 E,
Sec. 32, NE¼NE¼,
Containing 40 acres of public land.

In exchange for these lands the United States will acquire a like value of land from The Nature Conservancy, located within the following described area:

San Bernardino Meridian, California

T. 4 S., R. 6 E,
Sec. 11, all.
Sec. 12, W½.
Containing 960 acres of private land.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to acquire a portion of the non-federal lands within the proposed 13,020 acre preserve for the Coachella Valley fringe-toed lizard. The lizard is federally listed as threatened and State listed as endangered. The Bureau of Land Management's goal is to acquire approximately 6700 acres within the preserve. The acres being acquired do not constitute habitat for the lizard, but provide a sand source requried for the continuing production of active sand dune areas that are critical habitat for the lizard. Other State and Federal agencies will acquire the remaining portions of the preserve. The public interest will be well served by completing this exchange.

Publication of this notice in the Federal Register segregates the public lands from operation of the public land laws and the mining law, except for mineral leasing. The segregative effect will end upon issuance of patent or two years from the date of publication, whichever occurs first.

The exchange will be conducted on a value for value basis. Following an appraisal, full equalization of values will be achieved by acreage adjustments or by a payment to the Untied States by The Nature Conservancy of funds in an amount not to exceed 25 percent of the total value of the lands to be transferred out of Federal ownership.

Land to be transferred from the United States will be subject to the following reservations, terms, and conditions.

1. A right-of-way for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

2. All the oil, gas, and geothermal steam and associated geothermal resources shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals. A more detailed description of this reservation, which will be incorporated in the patent document, is available for review at this BLM Office.

3. A right-of-way for a Federal Aid Highway, Serial No. LA 0152960, under the Act of November 9, 1921. (42 Stat. 216; 23 U.S.C. 18).

4. The patent will be subject to those rights granted by oil and gas lease CA 10758, issued under the Act of February 25, 1920, as amended (41 Stat. 437, 30 U.S.C. 181).

FOR FURTHER INFORMATION CONTACT: John Sullivan, Indio Resource Area (714) 351–6663. Information relating to this exchange, including the environmental assessment and land report, is available for review at the California Desert District Office, 1695 Spruce Street, Riverside, California 92507.

DATE: 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, California Desert District Office, Bureau of Land Management, at the above address. 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 Interior.

Dated: May 16, 1986.

H.W. Riecken,

Acting District Manager.

[FR Doc. 86–11750 Filed 5–23–86; 8:45 am]

BILLING CODE 4310–40–M

[Nev-059798]

Proposed Continuation of Withdrawal, Nevada

Correction

In FR Doc. 86–9796 appearing on page 16233 in the issue of Thursday, May 1, 1986, make the following correction:

In the first column, in the **SUPPLEMENTARY INFORMATION,** in the sixth line, "10" should read "20".

BILLING CODE 1505–01–M

[Nev-051745]

Proposed Continuation of Withdrawal, Nevada

Correction

In FR Doc. 86–10482 beginning on page 17253 in the issue of Friday, May 9, 1986, make the following correction:

On page 17253, in the second column, the last line should read "Secs. 35 ¹.".

BILLING CODE 1505–01–M

[NM 50814]

New Mexico; Order Providing for Opening of Public Lands; Correction

In FR Doc. 86–8681 appearing on page 13294 in the issue of Friday, April 18, 1986, make the following correction: Under T. 29 N., R. 10 E., the entry for "Sec. 22" should read "N½NE¼ and NW¼" and under T. 31 N., R. 11 E., the third line, "Sec. 31" should read "Sec. 30."

Dated: May 12, 1986.

Monte G. Jordan,

Associate State Director.

[FR Doc. 86–11776 Filed 5–23–86; 8:45 am]

BILLING CODE 4310–FB–M

[NM 63431–OK]

Recreation and Public Purposes Sale; Noble County, OK

AGENCY: Bureau of Land Management, Interior.

ACTION: Land classification notice.

SUMMARY: The Tulsa District proposes to dispose of 40.00 acres of public land in Noble County, Oklahoma, to the Otoe-Missouria Tribe for environmental education.

DATE: For a period of 45 days after the date of publication of this Notice in the Federal Register, all persons who wish to submit comments may do so in writing to the District Manager, Bureau of Land Management, 9522–H East 47th Place, Tulsa, Oklahoma 74145. 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.

FOR FURTHER INFORMATION CONTACT: Hans Sallani, Oklahoma Resource Area Headquarters, 405–231–5491.

The following described land has been examined and is classified as suitable for sale under the Recreation and Public Purposes (R&PP) Act, as amended (43 U.S.C. 869 et seq.), and the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1701):

T. 23 N., R. 2 E., IM, Oklahoma,
Sec. 12, NE¼NW¼.
Containing 40.00 acres.

Publication of this Notice will segregate the subject land from all appropriations under the public land laws, including locations under the mining laws, but not from application under the mineral leasing laws and the R&PP Act. This segregation will terminate upon issuance of a patent, or 18 months from the date of this Notice, or upon publication of a Notice of Termination.

Jim Sims,

District Manager.

[FR Doc. 86–11760 Filed 5–23–86; 8:45 am]

BILLING CODE 4310–FB–M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Termination of Final Judgment; Bendix Aviation Corp. et al.

Notice is hereby given that Allied Corporation (Allied), as successor to Bendix Aviation Corporation, Hydraulic Brake Company and Bendix-Westinghouse Automotive Air Brake Co. (The Bendix Companies), American Standard Inc., as successor to Westinghouse Air Brake Company, and McGraw-Edison Company, as successor to Wagner Electric Corporation, (the "defendants") have filed with the United States District Court for the Southern District of New York motions to terminate the final judgments in *United States* v. *Bendix Aviation Corporation et al.*, Civil No. 44–284; and the Department of Justice ("Department"), in a stipulation also filed with the Court, has consented to termination of the judgments, but has reserved the right to withdraw its consent for at least seventy (70) days after the publication of this notice. The complaint in this case (filed on December 9, 1947) alleged that defendants had combined and conspired to restrain, and attempted to and did monopolize, trade and commerce in the fields of mechanical, hydraulic and power braking systems. The judgments (entered on December 22, 1954 and October 7, 1953) order defendants to license since-expired patents on certain conditions and enjoin them (1) from entering into anticompetitive agreements with other braking system manufacturers, (2) from inducing or coercing others not to compete in braking systems, and (3) as to Allied, as successor to The Bendix Companies, from entering into any joint venture with other braking system or vehicle manufacturers.

The Department has filed with the Court a memorandum setting forth the reasons why the Department believes that termination of the judgments would serve the public interest. Copies of the complaint and final judgments, defendants' motion papers, the stipulation containing the Government's consent, the Department's memorandum and all further papers filed with the Court in connection with these motions

will be available for inspection in the Legal Procedure Unit of the Antitrust Division, Room 7233, Department of Justice, 10th Street and Pennsylvania Avenue, NW., Washington, DC 20530 (telephone: 202–633–2481), and at the Office of the Clerk of the United States District Court for the Southern District of New York, United States Courthouse, Foley Square, New York, New York 10007. Copies of any of these materials may be obtained from the Legal Procedure Unit upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the final judgments to the Department. Such comments must be received within sixty (60) days, and will be filed with the Court. Comments should be addressed to John J. Hughes, Chief, Middle Atlantic Office, Antitrust Division, Department of Justice, 11400 United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania 19106 (telephone; 215–597–7405).

Dated: May 20, 1986.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 86–11797 Filed 5–23–86; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Office of the Secretary

Privacy Act of 1974; Amendment of Systems of Records

AGENCY: Office of the Secretary of Labor.

ACTION: Amendment of Privacy Act systems of records, Office of the Assistant Secretary for Administration and Management.

SUMMARY: The Department of Labor is hereby amending the system of records notice for DOL/OASAM–1, entitled Attendance, Leave, and Payroll File. Specifically, the section on "System Location" is being changed to add that copies of employee time cards may be maintained by office time keepers.

DATE: Persons wishing to comment on this notice may do so by June 26, 1986.

EFFECTIVE DATE: Unless otherwise noticed in the Federal Register, this notice shall become effective June 26, 1986.

ADDRESS: Seth D. Zinman, Associate Solicitor, Office of the Solicitor, Division of Legislation and Legal Counsel, U.S. Department of Labor, Room N–2428, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Sofia P. Petters, Counsel for Administrative Legal Services, Office of the Solicitor, Department of Labor, Room N–2428, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone (202) 523–8188.

Amendment of System Location For DOL/OASAM–1

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, The Department of Labor hereby amends the **SYSTEM LOCATION** paragraph applicable to a system of records maintained by the Office of the Assistant Secretary for Administration and Management, previously published at 47 FR 30368 (July 13, 1982). The paragraph entitled "system location" is amended by adding paragraph "C" to read as follows:

DOL/OASAM–1

SYSTEM NAME:

Attendance, Leave, and Payroll File.

SYSTEM LOCATION:

* * * * *

C. Copies of time cards may be maintained by office time keepers, as appropriate.

* * * * *

Signed at Washington, DC, this 30th day of April 1986.

William E. Brock,

Secretary of Labor.

[FR Doc. 86–11806 Filed 5–23–86; 8:45 am]

BILLING CODE 4510–23–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATE: Comments on this information collection must be submitted by June 6, 1986.

ADDRESSES: Send comments to Ms. Judy McIntosh, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, DC 20503; (202–395–6880). In addition, copies of such comments may be sent to Ms. Marianna Dunn, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202–682–5464).

FOR FURTHER INFORMATION CONTACT: Ms. Marianna Dunn, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202–682–5464) from whom copies of the documents are available.

SUPPLEMENTARY INFORMATION: The National Endowment for the Arts requests OMB approval of the Application Guidelines and Supplemental Information Sheets listed below:

Music Professional Training/Music Recording/Centers for New Music Resources.

Purpose: Application for benefits.

Frequency of Collection: One-time.

Respondents: Nonprofit institutions.

Use: Guideline instructions and applications elicit relevant information from nonprofit organizations that apply for funding under specific Program categories. This information is necessary for the accurate, fair and thorough consideration of competing proposals in the peer review process.

Estimated Number of Respondents: 195.

Estimated Hours for Respondents to Provide Information: 8,408.

Murray R. Welsh,

Director, Administrative Services Division, National Endowment for the Arts.

[FR Doc. 86–11747 Filed 5–23–86; 8:45 am]

BILLING CODE 7537–01–M

Artists in Education Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Artists in Education Advisory Panel (Special Projects Section) to the National Council on the Arts will be held on June 11–12, 1986, from 8:15 a.m. to 9:30 p.m., and on June 13, 1986, from 8:45 a.m.–5:00 p.m. in room M–09 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC. 20506.

A portion of this meeting will be open to the public on June 11, from 8:15 a.m. to 8:45 p.m., and on June 13, from 3:00 p.m.–5:00 p.m., for an orientation and policy discussion.

The remaining sessions of this meeting on June 11, from 8:45 a.m. to 9:30 p.m.; on June 12, from 8:15 a.m.–9:30 p.m.; and on June 13, from 8:45 a.m.–3:00 p.m. are for the purpose of Panel review,

discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and 9(B) of section 552b to Title 5, United States Code.

If you need accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW,. Washington DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

Dated: May 19, 1986.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 86–11752 Filed 5–23–86; 8:45 am]

BILLING CODE 7537-01-M

Design Arts Advisory Panel; Meeting

Pursuant to section 10(c)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel (Exploration/Research Section) to the National Council on the Arts will be held on June 12, 1986, from 9:00 a.m. to 6:00 p.m., in room M–07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: May 19, 1986.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 86–11753 Filed 5–23–86; 8:45 am]

BILLING CODE 7537-01-M

Expansion Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Community Foundation Initiative Section) to the National Council on the Arts will be held on June 9, 1986, from 9:15 a.m. to 5:30 p.m., in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506.

A portion of this meeting will be open to the public on June 9, from 9:15 a.m. to 10:00 a.m., and from 4:30 p.m.–5:30 p.m., to discuss general Program overview and policy.

The remaining sessions of this meeting on June 10, from 10:00 a.m. to 4.30 p.m.; are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and 9(B) of section 552b of Title 5, United States Code.

If you need accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW. Washington DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

Dated: May 19, 1986.

John H. Clark,

Director, Office of Council and Panel Operations; National Endowment for the Arts.

[FR Doc. 86–11751 Filed 5–23–86; 8:45 am]

BILLING CODE 7537-01-M

Expansion Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Services to the Field/Challenge Section) to the National Council on the Arts will be held on June 10, 1986, from 9:15 a.m. to 6:00 p.m., in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on June 10, from 9:15 a.m. to 9:45 a.m., and from 4:45 p.m.–6:00 p.m., to discuss general Program overview and policy.

The remaining sessions of this meeting on June 10, from 9:45 a.m. to 4:45 p.m.; are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and 9(B) of section 552b of Title 5, United States Code.

If you need accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

Dated: May 19, 1986.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 86–11754 Filed 5–23–86; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Meeting on Low-Level Radioactive Waste Policy Amendments Act (LLRWPAA) of 1985

AGENCY: Nuclear Regulatory Commission.

ACTION: Meeting on Low-Level Radioactive Waste Policy Amendments Act (LLRWPAA) of 1985.

SUMMARY: The Nuclear Regulatory Commission (NRC) will hold a meeting on the Low-Level Radioactive Waste Policy Amendments Act of 1985 as part of NRC's continuing effort to foster the implementation of the Act's provisions. The purpose of this meeting will be to discuss with selected State officials NRC responsibilities under the Act, including the approach being taken and progress being made in fulfilling NRC responsibilities. The NRC staff wishes to obtain State views on technical and institutional issues associated with NRC and the State implementation of the LLRWPAA and to determine any additional areas in which the NRC can be of assistance in the development of disposal facilities. The meeting is open to the public. Following the discussions of the NRC and State representatives, members of the public will have the opportunity to ask questions.

DATES: June 24–25, 1986.

FOR FURTHER INFORMATION CONTACT: Donald A. Nussbaumer, Assistant Director for State Agreements Program, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone 301–492–7767.

SUPPLEMENTARY INFORMATION: Preliminary Agenda for Meeting with State Representatives On Low Level Radioactive Waste Policy Amendments Act of 1985, June 24–25, 1986, Holiday Inn, Bethesda, Maryland.

June 24, 1986

Topic

Proposed Speaker

8:30—I. Welcome and Introduction
G. Wayne Kerr, Director, Office of State Programs
8:45—II. Low-Level Waste Management Issues and Perspectives
John Davis, Director Nuclear Material Safety and Safeguards
9:15—III. NRC Roles in Implementing the Low-Level Radioactive Waste Policy Amendments of 1985 (This session will include topics such as approach to dealing with below regulatory concern, emergency access, greater than Class C waste, State certifications, etc.)
Robert Browning, Director, Division of Waste Management and Staff
11:00—IV. NRC's Technical Assistance Programs to States and Compacts (This session will address the letters and FR notice on this subject—FR 3866 Vol. 51, No. 20)
Nuclear Material, Safety and Safeguards, Staff
12:00—Lunch
1:00—V. Agreement State Issues
2:00 This session will address the following items: 1. Concerns over Regulatory vs. Management Responsibilities under LLRWPAA for Agreement States; 2. Limited Agreements option; 3. Training and State efforts to establish capability to process license applications; 4. Additional State issues
Donald Nussbaumer, Assistant Director for State Agreements Program, and Staff
2:30—VI. State/Compact Perspective: 1. Critical siting activities and problems; 2. Development of State licensing capability; 3. Identification of needed NRC support
State Representatives
4:30 Adjourn

June 25, 1986

8:30—VII. Licensing of Alternative Disposal Methods (This session will address the FR notice issued on this subject, FR 7806, Vol. 51, No. 44)
NMSS Staff and selected State Representatives
11:30 Public participation
12:30 Close

Conduct of the Meeting

Mr. Donald Nussbaumer, Assistant Director, for State Agreements Program, Office of State Programs, U.S. Nuclear Regulatory Commission, will serve as Chairman at the meeting. Mr. Nussbaumer will conduct the meeting in a manner that will facilitate the orderly conduct of business. Seating for the public will be on a first come-first served basis. A transcript of the meeting and written comments will be available for inspection and copying for a fee, at the NRC Public Document Room, 1717 H Street, NW. Washington, DC 20555 on or about August 29, 1986.

Dated at Bethesda, Maryland, this 16th day of May, 1986.

For the United States Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

[FR Doc. 85–11811 Filed 5–23–85; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, Washington, DC 20549.

Extension of Approval

Rule 15c2–11
No. 270–196

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 15c2–11 (17 CFR 240.15c2–11) under the Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) which regulates the initiation or resumption of quotations in a quotation medium by a broker-dealer for over-the-counter securities. The potential affected persons are securities brokers and dealers.

Submit comments to OMB Desk Officer: Ms. Sheri Fox, (202) 395–3785, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, DC 20503.

Shirley E. Hollis,

Assistant Secretary.

May 20, 1986.

[FR Doc. 86–11818 Filed 5–23–86; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–23244; File No. SR–OCC–86–06]

Self-Regulatory Organizations; Options Clearing Corporation; Order Granting Accelerated Approval to a Proposed Rule Change

The Options Clearing Corporation ("OCC") on March 24, 1986, submitted a proposed rule change to the Commission under section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"). OCC requested accelerated approval of the proposal. The Commission published notice of the proposal in the Federal Register on April 22, 1986, to solicit public comment.[1] The Commission received four comment letters.[2] While all commenters supported the proposal, one commenter [3] stated that the proposal's additional calculations required of custodian banks would burden their operations significantly and urged OCC to consider other alternatives.[4] This point is discussed below. This Order approves the proposal on an accelerated basis.

The proposal would amend OCC's index option and stock option escrow receipt forms [5] to provide an alternative

[1] Securities Exchange Act Release No. 23128 (April 15, 1986), 51 FR 15085 (April 22, 1986).

[2] Comments were received from the Chicago Board Options Exchange, Inc. ("CBOE"); Walsh, Greenwood & Company; Baker & McKenzie ("Baker") on behalf of State Street Bank and Trust Company ("State Street"); and the Northern Trust Company.

[3] *See* Baker's letter in File No. SR–OCC–86–06.

[4] Baker also advocated several technical changes in the escrow receipt forms. The Commission has referred those changes to OCC for consideration.

[5] *See* Securities Exchange Act Release No. 22324 (August 13, 1985), 50 FR 33443 (August 19, 1985), amending OCC Rule 1801 to permit, on a pilot basis, OCC Clearing Members to deposit with OCC

Continued

formula for calculating the amount of escrow receipts that a custodian bank may have outstanding at any one time. The proposal also would update the stock option escrow receipt form, adopting improved language from the more recently drafted index option escrow receipt form.

I. Description of the Proposal

To place an outer limit on OCC's known financial exposure if a bank issuing escrow receipts for OCC Clearing Members should fail, OCC currently requires OCC-approved escrow banks, when issuing an escrow receipt, to warrant that the total value of collateral, *i.e.*, cash, cash equivalents and securities (at market value), deposited under all outstanding escrow receipts and option guarantee letters, does not exceed 25 percent of the bank's shareholders' equity.[6] Escrow banks agree to this limitation, among others, by executing an OCC Escrow Receipt Form.

OCC's proposal would revise its escrow receipt forms to provide escrow banks an alternative, less restrictive formula for limiting the amount of escrow receipts that they may have outstanding. Specifically, new clause (c)(ii) of the forms would use the escrow-related option's "intrinsic" value, *i.e.*, the "in-the-money' amount, as the formula's basis. Thus, escrow banks could continue to issue escrow receipts until the "in-the-money" value of the escrow-related short options reach 25 percent of shareholders' equity. Banks choosing to use the new formula would be required to calculate daily the percentage of the aggregate "in-the-money" amount of the escrow-related options to shareholders' equity and to provide the results of the calculations to OCC each month.

The proposal also would make several technical revisions in OCC's stock option escrow receipt. Specifically, the proposal expressly recognizes that: (i) An escrow bank can be authorized to act on behalf of a customer's agent (the form currently provides only that the bank is authorized on behalf of the customer); (ii) a short options position covered by an escrow receipt may be assigned in part; and (iii) an escrow bank may issue escrow receipts on securities held in its account at a financial intermediary (*e.g.*, a securities depository). Finally, the amended form would expressly prohibit an escrow bank from asserting any lien or right of offset with respect to securities underlying escrow receipts and would require the bank to notify OCC and other interested parties if any third party asserts a claim against those securities.

II. OCC's Rationale for the Proposal

OCC believes the proposal is consistent with the purposes and requirements of section 17A of the Act because it would increase escrow banks' capacity for issuing stock index option related escrow receipts, thereby facilitating greater institutional participation in the index options markets, while providing reasonable safeguards for OCC's protection. In addition, OCC believes that the proposed changes in the stock option escrow receipt form would update the form consistent with the newer index option escrow receipt form.

OCC states that there is good cause for approving the proposed rule change on an accelerated basis because several financial institutions have exhausted their capacity for issuing escrow receipts under the existing limitation. OCC believes it is in the best interest of the marketplace to allow such institutions to resume issuing escrow receipts.

III. Discussion

The Commission believes that the proposal is consistent with section 17A of the Act and is approving it. As discussed below, the Commission agrees with OCC that the proposal should facilitate greater institutional participation in the index options markets by increasing escrow banks' capacity for issuing escrow receipts, while, at the same time, maintaining OCC's high level of financial protection.

The Commission believes it appropriate for OCC to change the formula limiting the amount of escrow receipts that a custodian bank may have outstanding to help ensure the continuing liquidity of the index options market. OCC notes in its filing, and the Commission acknowledges, that since last summer, many institutional investors with diversified stock portfolios have begun large-scale covered index call writing programs to enhance portfolio returns and to hedge against downward market movements. This increased participation in the index options market by institutional investors has been due, in large part, to the ability of those investors to cover short index options positions with assets underlying escrow receipts. That increased activity, however, has caused some escrow banks to exhaust their capacity for issuing escrow receipts under OCC's present formula. Thus, institutional investors' ability to participate actively in the index options markets has been hampered. The Commission believes that OCC's proposal will facilitate continued active index options market participation by institutional investors.

The Commission also agrees wth OCC that the proposal reflects more accurately OCC's exposure from the escrow receipt program. The Commission recognizes that in the unlikely event of the contemporaneous failure of the investor's OCC member firm and the escrow issuing bank, OCC would be at risk. In that situation, the Commission agrees with OCC that OCC's exposure would be best measured by using the index options' intrinsic value, *i.e.*, the "in-the-money" amount of the options covered by the escrow receipt, rather than the gross value of the deposited collateral. As guarantor of option writers' performance, OCC would be at risk for essentially the "in-the-money" amount in this situation.[7] While the Commission commends OCC's conservative approach to risk management, as illustrated by the initial formula's resulting overcollateralization of short call index options, the Commission also appreciates the need for OCC to modify its systems to reflect changing conditions and experience. This proposal accomplishes that result.[8]

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escrow receipts, collateralized by any combination of cash, cash equivalents, and exchange-listed or over-the-counter margin stocks, in lieu of OCC margin on short index call option positions carried for customer accounts. Under the terms of the escrow receipt, the customer on whose behalf a Clearing Member makes a deposit authorizes the liquidation of the deposit to the extent necessary to perform the issuing bank's obligations to OCC. The bank must monitor the value of deposited assets and notify OCC if the assets' value falls to less than 50 percent of the number of option contracts covered by the deposit times the aggregate current index value of the underlying index. At that time, OCC may disregard the escrow receipt and require the Clearing Member to deposit OCC margin regarding the short positions previously covered by the escrow receipt. *See also* OCC Rule 610, which governs generally the deposit of underlying securities for margin purposes.

[6] In calculating the value of deposited property, cash equivalents and common stocks are valued at their closing sale prices (if subject to last sale reporting) or closing bid prices (if not subject to last sale reporting) on the day the bank issues an escrow receipt.

[7] *See* Securities Exchange Act Release No. 19406 (February 4, 1983), 48 FR 6219 (Feburary 10, 1983), approving File No. SR–OCC–82–19 for an explanation of OCC's obligations with respect to the issuance, clearance and settlement of index options transactions and the processing and settlement of index options exercises.

[8] The proposal provides escrow banks flexibility. Those banks that are unable or unwilling to modify their automated systems to perform the more complex calculations required by the proposal may stay with the existing formula and lower ceiling on their escrow activity.

The Commission also recognizes that, under the proposal, a volatile market could cause the value of the index options relating to issued receipts (as measured by either formula) (the "position value") to increase well beyond the 25% of shareholders' equity limitation, even if the bank stops issuing escrow receipts consistent with the limitation. Nonetheless, the Commission believes that OCC is adequately protected. The unchanged terms of the escrow receipt require the escrow-issuing bank to monitor closely the value of the escrowed assets and to notify OCC whenever that value falls to less than 50% of the current position value (the "50% provision"). OCC then can disregard the escrow recipt and require the appropriate Clearing Member to deposit OCC margin regarding the previously covered short position. The Comission believes that the operation of the 50% provision should ensure that OCC always will have sufficient collateral to secure its true risk, *i.e.*, the "in-the-money" amount.

OCC's risks from its escrow receipt program are met in other ways. First, state fiduciary and banking law and (when applicable) federal banking regulations operate to protect OCC. These laws [9] generally require custodian banks to segregate customer-owned assets on their books and records. Those customer-identified assets are not considered bank assets and should be free from bank creditor claims in a liquidation proceeding.[10] Second, even if the insolvent bank were to commingle assets, OCC, under Article VIII of its By-Laws, either could pledge clearing fund assets for a short-term bank loan or assess *pro rata* Clearing Members' Clearing Fund contributions.

Finally, the Commission appreciates State Street's comments. As noted above, State Street believes that the proposal's additional calculations would burden unnecessarily bank operations. State Street suggests that Clearing Members should be responsible for these calculations. State street further suggests that large custodian banks, *i.e.*, with at least $100 million shareholders' equity, be exempt from any limitation on the amount of outstanding escrow receipts. The Commission, however, believes that only escrow issuing banks can make these calculations. Only the bank can calculate its shareholders' equity and only the bank is aware of the extent of its outstanding escrow receipts. The Commission also believes it appropriate for OCC to limit the amount of escrow receipts that can be issued by any issuing bank in light of OCC's financial risk and its self-regulatory responsibilities under the Act.

On the basis of the foregoing, the Commission finds OCC's proposed amendments to its escrow receipt forms consistent with the Act and, in particular, with section 17A of the Act.[11]

Accordingly, it is therefore ordered, under section 19(b)(2) of the Act, that the proposed amendments (File No. SR-OCC-86-06) be, and hereby are, approved on an accelerated basis.[12]

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: May 16, 1986.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86-11613 Filed 5-23-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23245; File No. SR-OCC-86-5]

Self-Regulatory Organizations; Options Clearing Corp.; Order Granting Accelerated Approval of Proposed Rule Change

On March 19, 1986, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission a proposed rule change, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), amending its margin systems to permit margin credits for equity options to offset partially margin requirements for non-equity options ("NEO") positions and NEO margin credits to offset partially margin requirements for equity options.[1] OCC requested in its filing that the Commission approve the proposal on an accelerated basis.[2] This Order approves the proposal.

I. Description

The proposed rule change, for the first time, enables OCC Clearing Members to "cross-over" margin credits between its equity and NEO margin systems. Currently, OCC calculates separately Clearing Members' equity options and NEO margin requirements. Thus, net margin credits generated by one system cannot be offset against margin requirements in the other system. OCC stated in its filing that it has not permitted cross-over credits because its margin systems were not designed to accommodate them. OCC now has redesigned those systems to enable credits from one system to be used to offset margin requirements in the other. OCC, however, will reduce equity option and NEO margin credits by 50% before applying them against the other system's margin requirement.

II. OCC's Rationale

OCC states in its filing that, because its equity option and NEO margin systems have been separate and their design could not accommodate the application of margin credits in one system against margin requirements in the other, OCC often has held large amounts of unused margin collateral in the form of "excess long value." Because OCC has redesigned its margin systems, it believes that it now can permit Clearing Members to cross-over margin credits. OCC believes that its Clearing Members will benefit substantially from the proposal. Clearing Members' margin collateral requirements will be reduced, thus freeing up assets for more productive purposes. OCC believes it particularly crucial in a bull market that Members use fully the excess long value credits in their accounts. Otherwise, Clearing Members would need to continue to lock-up appreciating assets, increasing the over-collateralization of their margin requirements. While OCC recognizes that market-maker Clearing Members could pledge options through

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[9] *See, e.g.*, 12 CFR 9.8, 9.13 and 344.3. *See also* 111. Ann. Stat. ch. 17, ¶ 1676, § 6, ¶ 2052, § 2 and 2053, § 3 (Smith & Hurd 1961); Penn. Stat. Ann., ch. 4, § 403(a) (Purdon 1967); and N.Y.E.P.T.L. bk. 17B, art. 11, §§ 11—1.8 and 1.9 (McKinney 1986 Supp.).

[10] *See, e.g.*, July 10, 1984, letter from Carroll R. Shifflett, Assistant General Counsel, Federal Deposit Insurance Corporation, to Donald N. Ringsmuth, Assistant General Counsel, Federal Reserve Bank of New York. Although this letter deals with the more complex situation of book-entry-only U.S. Government Securities in the custodian bank insolvency context, identical principles apply to customer-identified certificated securities.

[11] The Commission also is approving OCC's proposed changes in the stock option escrow receipt form that update the form, consistent with the newer index option escrow receipt form.

[12] OCC has represented that several financial institutions have exhausted their capacity for issuing escrow receipts under the existing limitation. The Commission agrees with OCC that there is good cause for approving the proposed rule change on an accelerated basis. The Commission believes that, with the safeguards contained in the amended forms of escrow receipt, it is in the public interest to allow such institutions to resume issuing escrow receipts as soon as possible.

[1] On March 31, 1986, OCC amended the proposed rule change to incorporate the proposal into its substantially revised NEO margin systems. *See* Securities and Exchange Act Release No. 23167 (April 22, 1986), 51 FR 16127 (April 30, 1986) (approving File No. SR-OCC-85-21).

[2] Notice of the proposed rule change was published on April 8, 1986. *See* Securities and Exchange Act Release No. 23107 (April 8, 1986), 51 FR 12956 (April 16, 1986). No comments were received.

OCC's market-maker pledge program, OCC believes that it is more appropriate to offer all Clearing Members some financial benefit from maintaining excess long value in their OCC margin accounts.

OCC believes that the proposed rule change is consistent with section 17A of the Act in that the proposal ensures the safeguarding of securities and funds which are in the custody or control of OCC or for which it is responsible. OCC stated that the proposed rule change would not reduce OCC's comprehensive safeguarding scheme against financial exposure from Clearing Member default. In fact, OCC represents that the long options positions that comprise "excess long value" offer OCC greater protection in a rising market and present minimal increased risk to OCC in a falling market because, under the proposal, only 50% of any excess long value in one system could be applied against margin requirements in the other system. Moreover, because Clearing Members are encouraged to maintain their long positions in an OCC margin account, OCC's ability to meet its financial obligations in the event of Clearing Member insolvency would be enhanced.

OCC requested that the Commission approve the proposed rule change on an accelerated basis. OCC believes that the proposal is non-controversial and will not expose it to significant increased risk. OCC stated that the only reason it did not implement cross-crediting of excess long value previously was because its systems design could not accommodate it. Now, since OCC has redesigned its systems, it wishes to provide immediate relief to its Clearing Members.

III. Discussion

To approve OCC's proposed rule change, the Commission must determine that the modification to OCC's margin systems is consistent with section 17A of the Act; in particular, whether the proposal will assure the safeguarding of securities and funds which are in the custody or control of OCC or for which it is responsible. For the reasons discussed below, the Commission believes that OCC's proposal is consistent with the Act.

The Commission believes that permitting cross-crediting of excess long value between NEO and equity option positions should pose no greater risk to OCC than does permitting unrelated NEO positions to offset each other or unrelated equity option positions to offset each other. OCC's margin systems always have allowed Clearing Members' excess long value to be credited, at least in part, against their OCC margin obligations within each margin system.[3] In OCC's equity options margin system, Members are able to offset, partially, excess long value in one class of options against short value in other classes. Specifically, if the excess long value for the class is greater than the margin required for the class, the excess long value is reduced by 50% and applied only against any OCC margin requirements for other equity options classes. Similarly, under OCC's revised NEO margin system, OCC credits NEO Clearing Members for the long value in their accounts. Among product groups and class groups that are not part of product groups,[4] any excess long value, *i.e.*, excess OCC margin credit, also is reduced by 50% and applied against the Clearing Member's margin requirements for other NEO classes and product groups. OCC's conservative approach in reducing excess long value provides it with an extra cushion protecting OCC against an unfavorable price change in the long value. OCC reduces the excess long value because unrelated options positions that offset each other cannot necessarily be expected to exhibit similar price changes over a given period.

Moreover, the Commission believes that the proposed degree of reduction is appropriate. As discussed above, OCC's current 50% reduction has protected OCC well against unexpected changes in the value of offsetting positions. The Commission agrees with OCC that it will likewise give adequate protection to OCC when OCC permits cross-crediting of NEO and equity option excess long value.

While each OCC margin system traditionally has allowed some excess long value in one options class to offset margin requirements of another class, both margin systems, as OCC notes above, are separate. Each system is designed to measure and protect OCC against its discrete financial exposure from every Clearing Member's separate equity option and NEO activity. This approach to risk management carries through OCC's safeguarding scheme. For example, OCC's Clearing Funds (the Stock Clearing Fund and the Non-Equity Securities Clearing Fund) are one of OCC's secondary backstops against financial risk. OCC calculates every Clearing Member's required contribution to each Clearing Fund separately on the basis of the Member's equity option and NEO activity, and OCC maintains each Fund separately. In addition, at no time can the Clearing Fund deposits of a solvent "Stock Clearing Member" be charged for the outstanding obligations of a "Non-Equity Securities Clearing Member" or *vice versa*.[5] At first blush, the cross-crediting proposal seems to run counter to OCC's general approach. The Commission, however, is not concerned about this apparent contradiction. The proposal should not compromise the integrity of OCC's safeguarding scheme; OCC will continue to measure separately its financial exposure from equity options and NEO activity and will continue to ensure that each Member is exposed only to a degree of financial exposure from OCC membership consistent with the Member's business, *i.e.*, the amount of its activity.

Finally, the Commission agrees with OCC that cross-credits should economically benefit OCC Members. By allowing OCC Members to apply margin collateral more effectively, cross-crediting should reduce the amount of assets needed for members to secure their OCC margin requirements. In turn, assets that otherwise would be earmarked to satisfy those requirements could be available for more productive use. In fact, those assets could flow into the marketplace, thus increasing its depth and liquidity.

OCC requested that the Commission approve this proposal on an accelerated basis under section 19(b)(2) of the Act. The Commission finds good cause for approving the proposal prior to the thirtieth day after publication of notice of the proposal. The Commission has not received any comments on the proposal and believes that the proposal will benefit Clearing Members substantially in the present bull market by freeing up Member's assets for more productive use.

IV. Conclusion

For the reasons stated above, the Commission finds that the proposed rule change in File No. SR–OCC–86–5 is consistent with the Act. In particular, the Commission finds that the proposed rule change is consistent with Section 17A and the rules and regulations applicable to clearing agencies.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

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[3] *See* OCC Rules 601–602A.

[4] OCC organizes all classes of NEO options (*i.e.*, puts and calls, and European and American-style options) on the same underlying asset into a "class group." Class groups that exhibit close price correlation are organized into "product groups."

[5] *See generally*, Article VIII of OCC's By-laws.

Dated: May 16, 1986.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86-11814 Filed 5-23-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23255; File No. SR-OCC-86-7]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change of Options Clearing Corp.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 24, 1986, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change described below. The Commission is publishing this notice to solicit comments on the proposed rule change.

The proposal amends OCC's facilities management rules.[1] Those rules had required a Facilities Management Agreement ("Agreement") to provide that the Agreement would not be terminated until OCC was provided with 30 days written notice from both the Managed Clearing Member and the Managing Clearing Member. Under the proposal, the Agreement must provide that it will not be terminated until 30 days after written notice of termination is provided by the terminating party to OCC and, if the terminating party is the Managing Clearing Member, by the terminating party to the Managed Clearing Member.

OCC states in its filing that the proposal should continue to give a Managed Clearing Member advance notice if its Managing Clearing Member is terminating a facilities management arrangement and should provide time for the Managed Clearing Member to make new facilities management arrangements. OCC also states that the proposal would require a Managed Clearing Member to give notice to OCC of termination of an Agreement, but would not require notice to the Managing Firm.

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the proposal. Persons making written submissions should file six copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the filing, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to the file number in the caption above and should be submitted by June 17, 1986.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: May 19, 1986.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86-11815 Filed 5-23-86; 8:45 am]

BILLING CODE 8010-01-M

[1] *See* OCC By-Law Article V, § 1, Interpretation and Policy No. 4, approved in Securities Exchange Act Release No. 22239 (July 18, 1985), 50 FR 29777 (July 22, 1985).

SMALL BUSINESS ADMINISTRATION

[License Application No. 02/02-5497]

Hanam Capital Corp. Application for a License to Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company (SBIC) under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended, (the Act), (15 U.S.C. 661 *et seq.*), has been filed by Hanam Capital Corporation, One Penn Plaza, Suite 3330, New York, New York 10119, with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1986).

The officers, directors and shareholders of the Applicant are as follows:

Name and address	Title or relationship	Percent of ownership
Chong Yul Chang, Apt. 20 K, 5900 Arlington Ave., Riverdale, NY 10471.	Chairman of the Board, President, Manager, Director.	55
Yoshihiko Endo, Apt. 2530, 481 Eighth Avenue, New York, NY 10001.	Vice President, Secretary, Director.	45
Glenn T. Nygreen, 97 Highland Road, Scarsdale, NY 10583.	Director	
Joseph Francis Periconi, 1733 Astor Avenue, Bronx, NY 10469.	Director	

The Applicant, a New York corporation, will begin operations with a capitalization of $1,020,000 and will conduct its operations principally in the State of New York.

As an SBIC licensed to operate under section 301(d) of the Act, the Applicant will provide financial and managerial assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 14, 1986.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 86-11742 Filed 5-23-86; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 09/09-0371]

Madison Venture Capital Corp.; Application for License to Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1986)) for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958, as amended (the Act). (15 U.S.C. 661 *et. seq.*) and the Rules and Regulations promulgated thereunder.

Applicant: Madison Venture Capital Corporation.

Address: 26515 Carmel Rancho Blvd., Suite 201, Carmel, California 93923.

The proposed officers, directors, and shareholders of the Applicant are as follows:

Name	Position	Percent of ownership
Norman C. Schultz, 17 Ring Lane, Carmel Valley, CA 93924.	President	82
Gordon Paul Smith, 253 Del Mesa, Carmel, CA 93921.	Director	0
Megan Schultz, 17 Ring Lane, Carmel Valley, CA 93924.	Director	0
Lawre A. Machado-Breen, 15470 Weatherock Way, Salinas, CA 93908.	Secretary	0
Norman C. Schultz, Trust for Craig Schultz, Boatmens First National Bank, Kansas City, MO.	Custodian	9
Norman C. Schultz, Trust for Lisa Schultz, Boatmens First National Bank, Kansas City, MO.	Custodian	9

The Applicant, a California corporation, will begin operations with $2,500,000 in private capital and conduct its activities principally in the State of California.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under their management, including profitability and financial soundness in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in the Carmel. California area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 14, 1986.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 86-11743 Filed 5-23-86; 8:45 am]

BILLING CODE 8025-10-M

[License No. 06/06-0288]

Wesbanc Ventures, Ltd., Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Wesbanc Ventures, Ltd. (Wesbanc), 2401 Fountainview, Houston, Texas 77057, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration (SBA) pursuant to § 107.903 of the Regulations governing small business investment companies (13 CFR 107.903 (1986)) for approval of a conflict of interest transaction.

The conflict of interest arises because of a proposed $500,000 financing by Wesbanc of Specter, Inc., 5446 Highway 290 W. #205, Austin, Texas 78735. The financing is in the form of a 6 year, 13 percent subordinated converible debenture, convertible into common stock. The affiliation arises because Mr. Stuart Schube, General Partner of Wesbanc, owns 14.09 percent of the common stock of Specter, Inc. Additionally, Mr. E. F. Batey, a member of the Investment Committee of Wesbanc, is a Director of Specter, Inc., and owns 3.83 percent of the common stock of Specter, Inc. Because of the above, this transaction is subject to the prior written approval of SBA pursuant to Section 107.903 of SBA Regulations.

Notice is hereby given that any interested person may, no later than (15) days from the date of publication of this Notice, submit written comments on the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circultation in the Austin, Texas area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Companies)

Dated: May 19, 1986.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 86-11744 Filed 5-23-86; 8:45 am]

BILLING CODE 8025-01-M

[License No. 03/03-0170]

American Capital, Inc.; Surrender of License

Notice is hereby given that American Capital, Inc., 300 North Kanawha Street, Suite 103, Beckley, West Virginia 25801 has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). American Capital, Inc., was licensed by the Small Business Administration on May 9, 1984. Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender was accpeted on April 11, 1986, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 16, 1986.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 86-11746 Filed 5-23-86; 8:45 am]

BILLING CODE 8025-01-M

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 30, 1986, at 10:15 a.m. until 12:00 p.m., at the Nevada Economic Development Company, 3570 Las Vegas Boulevard South, Las Vegas, Nevada 89109, 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. 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) 653–6528.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 86–11745 Filed 5–23–86; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Application of Hageland Aviation Services, Inc.; For Certificate Authority Under Subpart Q

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Notice of Order To Show Cause (Order 86–5–71), Docket 43189.

SUMMARY: The Department is directing all interested persons to show cause why it should not issue an order finding Hageland Aviation Services, Inc., fit and awarding it a certificate of public convenience and necessity to engage in scheduled interstate and overseas air transportation.

DATES: Persons wishing to file objections should do so no later than June 9, 1986; answers to objections shall be filed no later than June 19, 1986.

ADDRESSES: Objections and answers to objections should be filed in Docket 43189 and addressed to the Documentary Services Division, Department of Transportation, 400 Seventh Street, SW., Room 4107, Washington, DC 20590 and should be served on the persons listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Terry, Special Authorities Division, Office of Aviation Operations, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590, (202) 755–3812.

Dated: May 19, 1986.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 86–11798 Filed 5–23–86; 8:45 am]

BILLING CODE 4910–62–M

Agreements Filed With the Department of Transportation During the Week Ending May 16, 1986

Answers my be filed within 21 days from the date of filing.

Date filed	Docket No.	Parties	Subject	Proposed effective date
May 15, 1986	44030 R–1—R–9	Members of International Air Transport Association	U.S.—So. Pacific Currency	June 1, 1986
May 15, 1986	44031	Members of International Air Transport Association	Lebanon—Adjustment Factors	June 1, 1986

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 86–11820 Filed 5–23–86; 8:45 am]

BILLING CODE 4910–62–M

Minority Business Resource Center Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held July 14, 1986, at 5:30 p.m. at the Cathedral Hill Hotel, Golden Gate Room, 1100 Van Ness Ave., San Francisco, CA. The agenda for the meeting is as follows:

—Potential for Concessions Project

—Review of Financial Assistance Projects

—Pending Maritime Project for the West Coast

—Role of Women-owned Business Enterprises in Transportation-related Activities.

Attendence is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Josie Graziadio, Office of Small and Disadvantaged Business Utilization, 400 7th Street, SW, Washington, DC 20590, telephone (202) 426–1902. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on May 20, 1986.

Amparo B. Bouchey,

Director, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 86–11819 Filed 5–23–86; 8:45 am]

BILLING CODE 4910–62–M

Federal Aviation Administration

Proposed Advisory Circular 25–XX; Guidance for Installations of Miscellaneous Nonrequired Electrical Equipment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed Advisory Circular (AC) 25–XX, and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) pertaining to installations of miscellaneous, nonrequired electrical equipment. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATE: Comments must be received on or before August 25, 1986.

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Transport Standards Staff, ANM–110, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jan Thor, Transport Standards Staff, at the address above, telephone (206) 431–2127.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the draft AC may be obtained by contacting the person named above under **"FOR FURTHER INFORMATION CONTACT."** Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters should identify AC 25–XX and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.

Background

The proposed AC provides guidance for the installation of miscellaneous, nonrequired electrical equipment and components which are primarily located in the passenger cabin. Examples of such equipment and components are video projection systems, cathode ray tube (CRT) entertainment systems, telephones, stereo systems, refreshment

bars, galleys, aerial cameras, logo lights and games. An appendix provides a more detailed galley certification procedure as a result of the increased electrical loads and higher temperatures resulting from such installations. The AC is not intended to cover equipment or components which provide flight information to the flightcrew.

Issued in Seattle, Washington, on May 12, 1986.

Leroy A. Keith, Manager,

Aircraft Certification Division, ANM-100.

[FR Doc. 86-11832 Filed 5-23-86; 8:45 am]

BILLING CODE 4910-13-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-279)]

Burlington Northern Railroad Company—Abandonment—In Morton, Grant, and Hettinger Counties, ND

The Commission has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its 99.4-mile rail line between Mandan (milepost 0.70) and Mott (milepost 91.13) in Morton, Grant, and Hettinger Counties, ND. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,

Secretary.

[FR Doc. 86-11979 Filed 5-23-86; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 101
Tuesday, May 27, 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

FEDERAL ENERGY REGULATORY COMMISSION

May 22, 1986.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552B:

TIME AND DATE: May 29, 1986, 10:00 a.m.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

*Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the division of public information.

Consent Power Agenda, 836th Meeting—May 29, 1986, Regular Meeting (10:00 a.m.)

CAP-1.
Project No. 2205-005, Central Vermont Public Service Corporation
CAP-2.
Project No. 4182-005, Shorock Hydro, Inc.
CAP-3.
Project No. 3195-008, Joseph M. Keating
CAP-4.
Project Nos. 9597-003 and 004, Hazard Creek Conservationists
Project Nos. 9598-002 and 003, Hard Creek Conservationists
CAP-5.
Project No. 9449-001, Eugene Water and Electric Board
CAP-6.
Project No. 9465-001, Francis A. Smith
CAP-7.
Project No. 8332-001, city of Ellensburg, Washington
Project No. 9492-001, Easton Associates
CAP-8.
Project No. 7478-001 and Docket No. EL84-42-001, Deep River Hydro, Inc.
CAP-9.
Project No. 9613-001, ASHUELOT HYDRO PARTNERS, LTD.
CAP-10.
Project No. 9162-001, TORREY ASSOCIATES
CAP-11.
Project No. 3749-004, MITEX, INC.
CAP-12.
Project Nos. 8022-000, 8023-000, 8024-000, 8025-000, 8026-000 and 8027-000, West Slope Hydro Partners
Project Nos. 8034-000, 8035-000, 8036-000, 8037-000, 8038-000 and 8039-000, Energenics Systems, Inc.
Project Nos. 8839-000 and 8941-000, Uncompahgre Valley Water Users Association and Montrose Partners
Project Nos. 9113-000, 9114-000, 9115-000, 9116-000 adn 9117-000, town of Norwood, Colorado
CAP-13.
Docket No. ER86-277-002, Central and South West Services, Inc.
CAP-14
Docket Nos. ER86-309-002 and ER86-310-002, Arizona Public Service Company
CAP-15.
Docket Nos. ER86-341-000, ER85-598-001, ER86-262-001, ER85-634-001, ER85-763-001, ER85-607-001, ER85-621-001 and ER85-648-001, Hudson Gas & Electric Corporation
CAP-16.
Docket No. ER86-350-000, Pacific Gas and Electric Company
CAP-17.
Docket No. ER86-370-000, New York State Electric & Gas Corporation
CAP-18.
Docket No. ER86-383-000, Florida Power and Light Company
CAP-19.
Docket Nos. ER86-387-000 and ER85-785-001, Wisconsin Electric Power Company
CAP-20.
Docket No. ER85-725-001, Northern States Power Company—Wisconsin
CAP-21.
Docket No. ER85-400-008, Virginia Electric and Power Company
CAP-22.
Docket Nos. ER85-659-001, 003, ER85-660-001 and ER86-285-000, Georgia Power Company
Docket No. EL85-40-001, Oglethorpe Power Corporation v. Georgia Power Company
CAP-23.
Docket No. ER86-93-001, the Washington Water Power Company
CAP-24.
Docket Nos. ER85-738-001 and 004, Pacific Gas and Electric Company
CAP-25.
Docket No. QF86-299-001, Babcock and Wilcox (Danville)
CAP-26.
Docket No. EC86-11-000, Iowa-Illinois Gas and Electric Company
CAP-27.
(A) Docket No. IR-000-1004, Public Works Commission, Fayetteville, North Carolina
(B) Docket No. IR-000-1191, Public Lighting Department of Detroit, Michigan
(C) Docket No. IR-000-370, Pacific Northwest Generating Company
(D) Docket No. IR-000-980, California Department of Water Resources
CAP-28.
Docket No. RE82-21-003, Public Service Electric and Gas Company
CAP-29.
Docket No. RE84-11-002, Appalachian Power Company
CAP-30.
Docket No. ER81-179-024 (Phase I), Arizona Public Service Company

Consent Miscellaneous Agenda

CAM-1.
Docket No. FA84-29-000, Iowa Electric Light and Power Company
CAM-2.
Docket Nos. RM86-6-001, 002 and 003, construction work in progress—anticompetitive implications
CAM-3.
Docket No. RM85-1-000 (Parts A-D), regulation of natural gas pipelines after partial wellhead decontrol (Tennessee Gas Pipeline Company, a division of Tenneco Inc.)
CAM-4.
Docket No. RM85-1-000 (Parts A-D), regulation of natural gas pipelines after partial wellhead decontrol (Natural Gas Pipeline Company of America)
CAM-5.
Docket No. RM85-1-000 (Parts A-D), regulation of natural gas pipelines after partial wellhead decontrol (Cranberry Pipeline Corporation)
CAM-6.
Docket No. RM85-1-000 (Parts A-D), regulation of natural gas pipelines after partial wellhead decontrol (Transamerican Natural Gas Corporation)
CAM-7.
Docket No. RM85-1-000 (Parts A-D), regulation of natural gas pipelines after partial wellhead decontrol (U.S. Steel)
CAM-8.
Docket No. RM85-1-000 (Parts A-D), regulation of natural gas pipelines after partial wellhead decontrol (Natural Gas Pipeline Company of America—Texoma)
CAM-9.
Docket No. RM79-76-247 (Texas—16 addition), high-cost gas produced from tight formations
CAM-10.
Docket No. RA84-2-001, Caribou Four Corners, Inc.
CAM-11.

Docket Nos. RA86–1–001 and RO85–3–001 (consolidated), Petro-Thermo Corporation

CAM–12.
Docket No. RO86–15–000, J.R. Cone

CAM–13.
Docket No. RO84–15–002, Keystone Fuel Oil Company

Consent Gas Agenda

CAG–1.
Docket No. RP86–57–001, Northwest Pipeline Corporation

CAG–2.
Docket No. RP86–35–003, Great Lakes Gas Transmission Company

CAG–3.
Docket Nos. RP86–10–007, et al., SA85–33–000, et al., TC85–17–000, et al. and TA86–2–49–000, Williston Basin Interstate Pipeline Company

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Docket No. RP86–69–000, Mid Louisiana Gas Company

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Docket Nos. TA86–2–55–000 and 001, Mountain Fuel Resources, Inc.

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Docket No. TA86–1–22–003, Consolidated Gas Transmission Corporation

CAG–15.
Docket Nos. RP82–71–017, TA83–1–59–006, TA84–1–59–005 and TA85–1–59–005, Northern Natural Gas Company, division of Internorth, Inc.

CAG–16.
Docket No. TA82–2–46–008, Kentucky West Virginia Gas Company

CAG–17.
Docket No. RP82–51–005, Mid Louisiana Gas Company

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CAG–19.
Docket No. RP85–199–001, Algonquin Gas Transmission Company

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CAG–21.
Docket Nos. RP83–66–000 and 010, Natural Gas Pipeline Company of America

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Docket Nos. RP84–59–000, 003 and 004, Northwest Pipeline Corporation v. Colorado Interstate Gas Company
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Docket No. RP84–1–001, ANR Pipeline Company

CAG–24.
Docket Nos. RI74–188–080 and R175–21–075, Independent Oil & Gas Association of West Virginia

CAG–25.
Docket No. CI64–26–014, Gulf Oil Corporation

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CAG–27.
Docket Nos. TC79–8–002, 003, 004 and 005, Transcontinental Gas Pipe Line Corporation

CAG–28.
Docket No. RP85–114–000, National By-Products, Inc. v. Northern Natural Gas Company, division of Internorth, Inc.
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CAG–29.
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Docket No. CP85–804–000, Texas Eastern Transmission Corporation

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CAG–31.
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CAG–36.
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Project No. 5090–004, City of Idaho Falls, Idaho

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Project No. 199–037, South Carolina Public Service Authority

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Project No. 4632–000, Clifton Power Corporation

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M–2.
Reserved

M–3.
Reserved

M–4.
Docket No. RM86–3–000, ceiling prices; old gas pricing structure

M–5.
Docket No. RM83–71–039, elimination of variable costs from certain natural gas pipeline minimum commodity bill provisions

M–6.
Docket Nos. RM85–1–172 and 173 (Parts A–D), regulation of natural gas pipelines after partial wellhead decontrol (Clarco Gas Company, Inc.)

M–7.
Docket No. RM85–1–000 (Parts A–D), regulation of natural gas pipelines after partial wellhead decontrol (Endevco, Inc., Vessels Oil and Gas Company, Santo Resources, Inc. and Petro-Energy Exploration, Inc., Standard Gas Marketing Company, Kaiser-Francis Oil Company, Essex Exploration Company, Quintana Petroleum Company, Panda Resources, Inc., Trinity Pipeline Company, Moody Gas Gathering System, Tejas Power Corporation, TXO Production Corp., Creole Gas Pipeline Corporation and Texas Gas Exploration Corporation

M–8.
Docket No. RM85–1–000 (Parts A–D), regulation of natural gas pipelines after partial wellhead decontrol (Freeport Sulphur Company)

M–9.
Docket No. RM85–1–000 (Parts A–D), regulation of natural gas pipelines after partial wellhead decontrol (Hamilton Brothers Oil Company and French Petroleum Corporation)

M–10.
Docket No. RM85–1–000 (Parts A–D), regulation of natural gas pipelines after partial wellhead decontrol (North Central Public Service Company)

M–11.
Docket No. RM80–62–001, American Cyanamid Company, Section 206(d), exemption for mechanical cogeneration facilities from the incremental pricing provisions of the Natural Gas Policy Act of 1978

Pipeline Rate Matters

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Docket Nos. OR78-1-041, 042 and 043, Trans Alaska Pipeline System
Docket No. IS84-13-000, Sohio Pipe Line Company

II. Producer Rate Matters

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III. Pipeline Certificate Matters

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Docket No. CP84-612-001, Algonquin Gas Transmission Company
CP-5.
(A) Docket No. CP86-277-000, Southern Natural Gas Company
(B) Docket No. CP86-308-000, Southern Natural Gas Company

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11888 Filed 5-22-86; 8:45 am]

BILLING CODE 6717-01-M

2

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of May 26, 1986.

Open meetings will be held on Tuesday, May 27, 1986, at 2:30 p.m., and Thursday, May 29, 1986, at 3:30 p.m., in Room 1C30. Closed meetings will be held on Wednesday, May 28, 1986, at 2:30 p.m. and Thursday, May 29, 1986, following the 3:30 p.m. open meeting.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at closed meetings.

Commissioner Fleischman, as duty officer, voted to consider the items listed for the closed meetings in closed session.

The subject matter of the open meeting scheduled for Tuesday, May 27, 1986, at 2:30 p.m., will be:

1. Consideration of whether to endorse the Investment Advisers Amendments Act of 1986, which would (i) respond to the U.S. Supreme Court's decision in *Lowe* v. *SEC*, (ii) facilitate sharing of adviser investigation and inspection information with state and federal law enforcement officials, (iii) increase fees for registrants, (iv) grant the Commission explicit statutory authority to prescribe the form of any records of filings required under the Act, and (v) make minor revisions to clarify that advisers exempt from registration by rule are treated on the same terms as those exempt by statute. For further information, please contact Gerald Lins at (202) 272-2099.

2. Consideration of whether to issue an order authorizing: (i) Middle South Energy, Inc. ("MSE"), a public utility subsidiary of Middle South Utilities, Inc. ("MSU"), a registered holding company, under the Public Utility Holding Company Act of 1935, to issue and sell up to $300 million of first mortgage bonds, (ii) the operating utility subsidiaries of MSU to consent to the assignment of the Availability Agreement by MSE as security for the bonds, and (iii) MSU to consent to the assignment of the Capital Funds Agreement by MSE as security for the bonds. The Commission will also consider the comments and request for a hearing in this matter filed by Arkansas Public Service Commission. For further information, please contact William C. Weeden at (202) 272-7683.

3. Consideration of whether to propose for comment: (1) New Rule 14b-2, relating to banks' obligations in connection with forwarding communications to beneficial owners; (2) corresponding and clarifying amendments to Rules 14a-1, 14a-13, 14b-1, 14c-1 and 14c-7; (3) amendments to Rules 14a-13 and 14c-7 that would permit registrants to request from both brokers and banks beneficial owner lists that exclude persons who purchased securities through an employee benefit plan; and (4) amendments to Rules 14a-3 and 14c-2 regarding when and under what conditions registrants are no longer obligated to deliver annual reports or proxy or information statements to security holders. For further information, please contact Sarah A. Miller at (202) 272-2589.

The subject matter of the closed meeting scheduled for Wednesday, May 28, 1986, at 2:30 p.m., will be:

Settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.
Report of Investigation.

The subject matter of the open meeting scheduled for Thursday, May 29, 1986, at 3:30 p.m., will be:

The Commission will hear oral argument on appeals by Rooney Pace, Inc., a registered broker-dealer, Randolph K. Pace, its president, and the Commission's Division of Enforcement, from an administrative law judge's initial decision. For further information, please contact R. Moshe Simon at (202) 272-7400.

The subject matter of the closed meeting scheduled for Thursday, May 29, 1986, following the 3:30 p.m. open meeting, will be:

Post oral argument discussion.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Kathryn Natale at (202) 272-3195.

John Wheeler,

Secretary.

May 21, 1986.

[FR Doc. 86-11812 Filed 5-21-86; 4:09 pm]

BILLING CODE 8010-01-M

federal register

Tuesday
May 27, 1986

Part II

Nuclear Regulatory Commission

10 CFR Parts 2, 19, 20, 21, 51, 70, 72, 73, 75 and 150

Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste; Proposed Rule

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 19, 20, 21, 51, 70, 72, 73, 75 and 150

Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Waste Policy Act of 1982 (NWPA) requires that monitored retrievable storage facilities (MRS) for spent nuclear fuel and high-level radioactive waste (HLW) be subject to licensing by the Nuclear Regulatory Commission (NRC), if Congress approves their construction. The NRC is proposing to add language to its regulations in 10 CFR Part 72 to provide for licensing the storage of spent nuclear fuel and HLW in an MRS. The Commission intends to have the appropriate regulations to fulfill the requirements of the NWPA in place in a timely manner. The proposed rule would also clarify certain issues that have arisen since Part 72 was made effective on November 28, 1980.

DATE: Comment period expires August 25, 1986.

Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Mail written comments to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, 20555 ATTN: Docketing and Service Branch. Deliver comments to Room 1121, 1717 H Street NW., Washington, DC between 8:15 a.m. and 5:00 p.m. weekdays. Copies of comments received, the environmental assessment, other referenced NUREGs, and a draft regulatory analysis may be examined at the NRC Public Document Room at 1717 H Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: William R. Pearson, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 443–7663.

SUPPLEMENTARY INFORMATION:

Background

On November 12, 1980, the NRC published in the **Federal Register** (45 FR 74693) a final rule, 10 CFR Part 72, "Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation (ISFSI)," covering the storage of spent fuel. The NRC is proposing minor amendments to clarify matters that have arisen since Part 72 was made effective on 11/28/80 and additions to address certain provisions of the Nuclear Waste Policy Act of 1982 (MWPA), as discussed below.

Issued Addressed

1. *Need for the Proposed Rule at this time.* On January 7, 1983 the Nuclear Waste Policy Act of 1982 (NWPA) was signed into law (Pub. L. 97–425). The major purpose of the NWPA was to provide for the development of repositories for the disposal of high-level radioactive waste and spent nuclear fuel. Title I of the NWPA includes four main subtitles and stipulates requirements to ensure that the following four areas are properly addressed: (A) Repositories for the disposal of high-level radioactive waste and spent nuclear fuel, (B) the Federal interim storage program for spent nuclear fuel, (C) monitored retrievable storage of high-level radioactive waste and spent nuclear fuel, and (D) low-level radioactive waste. The requirements for licensing pertinent to B and C above are contained in this proposed rule.

The NWPA directed the Department of Energy (DOE) to complete a detailed study of the need for and feasibility of, and to submit to Congress by June 1, 1985 a proposal for construction of one or more monitored retrievable storage facilities (MRS). DOE prepared a proposal, which was submitted to the Commission for review and comment prior to submittal to Congress. DOE planned to submit the proposal to Congress in February 1986, but the State of Tennessee obtained a Federal court injunction preventing DOE from submitting the proposal if it contained any reference to siting an MRS in Tennessee. DOE has appealed the injunction to a Circuit Court of Appeals. It is expected that a trial date will be set for late July or early August. Congress will determine whether to authorize construction of an MRS after submittal of the proposal. The role of the MRS is to provide safe and reliable management of spent nuclear fuel and high-level radioactive waste (HLW) pending further processing or disposal. The NWPA specifies that an MRS must be designed to:

a. Accommodate spent nuclear fuel and HLW resulting from civilian nuclear activities;

b. Permit continuous monitoring, management, and maintenance of such spent fuel and waste for the foreseeable future;

c. Provide for the ready retrieval of such spent fuel and waste for further processing or disposal; and

d. Safely store such spent fuel and waste as long as may be necessary by maintaining such facility through appropriate means, including any required replacement of such facility.

If an MRS is authorized by Congress, the installation will be subject to the NRC licensing process under section 141 of the NWPA (42 U.S.C. 10161). Storage of only spent fuel in an MRS could be licensed under 10 CFR Part 72, because in this case an MRS is an ISFSI under DOE control. Currently, Part 72 could not be used to license the storage of high-level radioactive waste (HLW). From a technical stand-point storage of solidified HLW is not significantly different from storage of spent fuel because (1) HLW would be solidified in containers which can be handled and stored in the same manner as spent fuel containers, (2) the HLW form will be at least equivalent to spent fuel as a potential leaching barrier, (3) the heat and radioactivity associated with the HLW package will be equivalent or less than the heat and radioactivity associated with the packaged spent fuel, (4) there is no criticality problem because the special nuclear material content is so low, and (5) no radioactive gases and little radioactive iodine are associated with solidified HLW. Additions to Part 72 are needed to explicitly cover the storage of HLW in a monitored retrievable storage installation. It should be noted that under proposed § 72.1, the MRS rules would not apply unless Congress authorizes contruction of such an installation pursuant to section 141 of the Nuclear Waste Policy Act.

2. *Purpose and Scope of Part 72.* Currently Part 72 is limited in scope to the storage of spent fuel and radioactive material associated with the storage of spent fuel in an independent spent fuel storage installation (ISFSI) specifically designed for this purpose. Part 72 prescribes the regulatory requirements for this activity whether conducted by a nuclear utility, the Department of Energy, on some other entity.

The terms "monitored retrievable storage installation (MRS)" and "high-level radioactive waste (HLW)" would be added to Part 72, in appropriate places, to specifically include a monitored retrievable storage facility, as provided for by section 141 by the NWPA. The scope of this rule is deemed to apply to a monitored retrievable storage installation (MRS) or any other facility that might be proposed by DOE for storage of spent fuel and high-level

radioactive waste that is subject to licensing under section 202(3) of the Energy Reorganization Act of 1974. This facility would be used for the storage of spent nuclear fuel or high-level radioactive waste resulting from civilian nuclear activities pending shipment to a HLW repository or other disposal. An MRS would provide a backup option for the handling and storage of spent fuel and high-level radioactive waste if there should be delays in the HLW repository program. The MRS may also serve other functions in the DOE waste management program such as packaging of spent fuel and high-level radioactive waste in preparation for eventual disposal. The NWPA does not contemplate the MRS as a substitute for the repository. The NWPA states that the development of a repository for the disposal of spent nuclear fuel and high-level radioactive waste should proceed regardless of any construction of a MRS. The MRS, if authorized by Congress, will be owned and operated by the Department of Energy.

The existing Part 72 only allows for the storage of spent fuel and other radioactive materials associated with the spent fuel. The proposed Part 72 would include the storage of high-level radioactive waste in an MRS. An environmental assessment has been performed to determine the impact of storing high-level radioactive waste with spent nuclear fuel in an MRS. This assessment, NUREG–1092, "Environmental Assessment for 10 CFR Part 72" "Licensing Requirements for the Independent Storage of Spent Fuel and High-Level Radioactive Waste," concludes that solid high-level radioactive waste is comparable to spent nuclear fuel in its heat generation and in its radioactivity content on a per metric ton basis and that the storage of high-level radioactive waste in an MRS does not significantly affect the environment.

In the proposed rule, DOE has been exempted from certain financial requirements such as providing annual financial reports, creditor information, and financial plans for decommissioning. It is assumed that government agencies will have adequate funds to carry out their statutory responsibilities. Following the precedent in 10 CFR Part 60, DOE has also been exempted from the requirements to submit a license application under oath or affirmation. Instead, DOE would be required to have each application for a license or license amendment signed by the Secretary of Energy or an authorized representative.

A license to receive and possess spent nuclear fuel has always included the authority to transfer the spent fuel to an authorized recipient. In order to make this clear, the term "transfer" has been added to § 72.1, Purpose, of the proposed regulation.

Minor amendments are proposd to clarify Part 72's applicability to the Federal Interim Storage Program, authorized by Subtitle B of the NWPA. Under this program the Department of Energy would provide Federal interim storage for spent nuclear fuel from utilities that the Commission finds are unable to provide adequate storage capacity onsite. Section 135 of the Nuclear Waste Policy Act of 1982 limits the Federal interim storage program to 1900 metric tons of spent nuclear fuel. Section 135 authorizes the Department of Energy to use available storage capacity at one or more facilities owned by the Federal Government on January 7, 1983, the date of enactment of the NWPA, for this purpose and exempts these facilities from licensing. These provisions are reflected in proposed § 72.2(e). However, section 135 does require a Commission determination that DOE's use of available storage capacity at an existing Federally owned facility will adequately protect the public health and safety. As explained in the preamble of the Commission's final rule promulgating "Criteria and Procedures for Determining the Adequacy of Available Spent Nuclear Fuel Storage Capacity," 10 CFR Parts 1 and 53, the "Commission will consider what procedures may be appropriate for making that determination in the event that the Secretary proposes to provide interim Federal storage capacity by that method." 50 FR 5548 at 5550–5551, February 11, 1985.

3. *Licensing Actions:* There is now one facility which has been licensed as an ISFSI under the existing Part 72. This is the General Electric Company, Morris Operations at Morris, Ill. This facility was originally built under a Part 50 Construction Permit authorization as a reprocessing plant. It received an initial license for storage of spent fuel under Part 70 and a subsequent license renewal under Part 72 on May 4, 1982 (Docket 72–1). Under the proposd rule, the Morris facility would still be considered an ISFSI and no changes or additional reviews of its license would be required at this time.

Two Part 50 licensees have submitted applications under Part 72 for the storage of spent fuel at an ISFSI. These applications are from Virginia Power (formerly Virginia Electric and Power Company) for construction of an ISFSI at their Surry power station and from Carolina Power and Light Company at their Robinson site. The proposed rule would not delay or necessitate any additional review of these applications.

4. *MRS—Opportunity for Hearing Prior to the First Receipt of Spent Fuel or High-Level Radioactive Waste (HLW).* Part 72 is a one-stage licensing process that provides for issuance, prior to initiation of construction, of a materials license that authorizes receipt and possession of spent fuel for storage. It does not contain a requirement for a formal finding that construction of an ISFSI has been completed in accordance with the application prior to the initial receipt of spent fuel. NRC inspection and enforcement authorities are relied on to provide assurance that construction is conducted in accordance with the approved design and that licensees and contractors adhere to the approved QA program and related QC procedures. In addition, Part 72 requires an update of the safety analysis report (SAR) every 6 months during the construction period and submittal of the finalized SAR at least 90 days before initial operations. Section 72.34(a) requires that a notice of hearing in accordance with § 2.104 or a notice of proposed action in accordance with §§ 2.105 or 2.1107, as appropriate, be issued in connection with each application for a license under Part 72. In view of the relatively long time period projected for construction of an MRS (presently estimated by DOE to be about four years), circumstances might arise in which it would be prudent from the standpoint of public health and safety to provide further opportunity for public review before the first shipment of spent fuel or HLW is received at an MRS. A new paragraph (c) would be added to § 72.34, Public hearings, to provide that after the final updating and submittal by DOE of the safety analysis report (SAR), as required by § 72.50(a), the Commission may provide a further opportunity for hearing prior to the first receipt of spent fuel or HLW at an MRS if the Commission finds that an apportunity for hearing is required in the public interest. In making this determination the Commission would consider, among other things, whether the MRS has been constructed in conformity with the SAR and whether any significant new information important to the safety of the MRS operations has been revealed since issuance of the license.

Because the MRS will be a new type of facility, the Commission is particularly interested in receiving public comments on the following:

1. The need for the Commission to make a finding before MRS operation that construction conforms to the license application;

2. Provisions for second stage hearing rights to the extent necessary to address specific new issues which could not have been litigated at the first stage and/or new information which has been revealed since issuance of the license; and

3. The format for the hearing, if held.

5. *Cladding Degradation.* Section 72.72, currently requires that the fuel cladding "be protected against degradation and gross rupture." This requirement means that the cladding must be protected against degradation during normal operations and storage which could lead to gross rupture of the fuel rods and could result in the release of significant quantities of fuel material and fission products to the storage environment.

A definition of gross rupture is based on the potential consequences of chemical and radioactive releases and their effect on handling of the fuel rods during loading and unloading operations. If additional filtration, confinement or handling equipment would be required because of the material released via the rupture, then the rupture may be considered excessive.

NUREG–1092 analyzes the impact on storage and handling operations if the cladding is allowed to deteriorate. The assessment shows that for storage of spent fuel the cladding need not be maintained if additional confinement is provided. The main concern is during the handling operations involving the removal of the spent fuel from its storage structure and its transfer to casks for shipment. During these operations, if the spent fuel is not properly confined, unnecessary exposure to radioactive material could occur to the worker. One way this additional exposure could be prevented is by using a canister. The canister could act as a replacement for the cladding. Proposed § 72.92(h)(1) reflects this change.

6. *High-Level Radioactive Waste Definition.* The definition of high-level radioactive waste contained in § 72.3 of the proposed rule is the same as that of the MWPA. This definition allows both liquid and solid material to be designated as high-level radioactive waste. However, under the requirements of proposed § 72.91, only solid high-level radioactive wastes could be accepted in an MRS.

It is anticipated that an MRS would be used for storage of HLW in preparation for shipment to a HLW Repository for disposal. The criteria for the waste package to be emplaced in a HLW Repository specifies that the HLW must be in a solid form and placed in a sealed container (see 10 CFR Part 60, § 60.135(c)).

At this time, there is no reason for the storage of liquid wastes in a MRS because chemical reprocessing of spent fuel is not within the MRS scope, thus no liquid high-level radioactive waste would be generated at the MRS and solidification processes are being developed that would solidify liquid wastes, which exist elsewhere, before transfer to an MRS. If storage of liquid high-level waste is anticipated, new design requirements concerning confinement and monitoring would be required. Thus, the general design criteria in Part 72 would require that only solid high-level radioactive wastes be stored in the MRS.

The Commission recognizes that under the MWPA it may define as HLW other wastes that require permanent isolation. Should other materials be determined to require permanent isolation, a separate rulemaking will be conducted. The technical criteria of the proposed Part 72 are considered adequate to accommodate the receipt and storage of such other solid material that may be defined as HLW.

7. *Siting Limitations.* The NWPA sets forth specific siting limitations for a Federally owned ISFSI and MRS. Section 72.75 of the proposed rule accommodates these requirements. The limitations are derived from paragraphs 114(d), 135(a)(2), and 141(g) of the NWPA.

8. *General Design Criteria.* There were four changes made to the overall requirements of the general design criteria (proposed § 72.92). The first is the requirement to consider tornado missiles on the design of the ISFSI or MRS. The existing Part 72 states that an ISFSI need not be protected from tornado missiles. This was based on the fact that the water in a water basin facility would reduce the impact of any tornado missile onto the spent fuel assemblies. It was also assumed that the water basin would be below grade and therefore tornado missiles could not penetrate the walls of the basin. During the past three years, many alternate designs have been proposed for spent fuel storage which include metal casks, concrete silos, drywells, tunnel types, and air-cooled vaults. Many of these concepts are above grade level or have components or systems exposed to possible tornado missiles. It was therefore decided that the design should take into account tornado missile protection unless it can be shown that the missiles will not have any effect on structures, systems, and components important to safety.

The second change made in proposed § 72.92 concerns maintaining the fuel cladding as a confinement barrier. This subject is discussed in section 5 above.

The third change is related to Section 141(b)(1)(B) of the MWPA which requires that the monitored retrievable storage be designed to permit continuous monitoring, management, and maintenance of the spent fuel and high-level radioactive waste for the foreseeable future. The new paragraphs § 72.92(h) (4) and (5) address this requirement.

The last change is concerned with the requirements for retrievability. Section 141(b)(1)(C) of the NWPA requires that the MRS be designed to provide for the ready retrieval of spent fuel and high-level radioactive waste for further processing or disposal. Not only must the MRS be designed for removal of the spent fuel or high-level radioactive waste, but an ISFSI must meet the same criteria for the stored spent fuel. The spent fuel at an ISFSI must also be retrievable for transport to either the MRS or HLW repository whenever they become available. Paragraph 72.92(l) was added to accommodate this requirement.

9. *Quality Assurance.* The existing Part 72 refers to 10 CFR Part 50, Appendix B for the criteria for a quality assurance program. Rather than continuing this reference to Part 50, Subpart G in the proposed rule incorporates specific quality assurance requirements appropriate for an ISFSI or MRS. Licensees who have an NRC approved Appendix B quality assurance program need only state in the application that this approved program will be applied to the ISFSI.

The phrases "safety-related" and "important to safety" are used interchangeably in existing Part 72 in referring to design and quality assurance criteria for components, systems, and structures. For clarity, the term "important to safety" is defined in § 72.3 and will be used exclusively in the proposed rule.

10. *Emergency Planning.* Currently Section 72.19 references Appendix E to Part 50 for the elements that should be contained in an emergency plan. Rather than continuing this reference to 10 CFR Part 50, Section 72.19 is rewritten to set forth explicit requirements for emergency planning that are appropriate for an ISFSI or MRS.

The NRC has evaluated the consequences of potential accidents involving the storage of spent fuel in

water pools in NUREG–0575, "Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Power Reactor Fuels," August 1979. NUREG–0575 concluded that the largest radioactive release would be caused by a tornado driven utility pole striking a pool and rupturing a 45-foot row of fuel assemblies. The release was calculated to be up to 19,000 curies of krypton-85 and 0.00006 curies of iodine-129. Assuming a ground level release, stable atmosphere conditions, low wind speed, and no building wake (which are conservative meteorological assumptions), doses at an assumed site boundary distance of 275 meters would be 0.057 rem to the skin and 0.029 rem to the thyroid for a person standing on the plume centerline.

The NRC has also published a more recent site-specific analysis in NUREG–0709, "Safety Evaluation Report Related to the Renewal of Material License SNM–1265 for the Receipt, Storage, and Transfer of Spent Fuel Pursuant to 10 CFR Part 72—Morris Operation—General Electric Company—Docket Nos. 70–1308 and 72–1," July 1981. NUREG–0709 considered the most serious accident to be the drop of a fuel storage basket in the water of the storage pool, a drop of up to 7 meters. NUREG–0709 assumed all the fuel rods in four PRW fuel bundles would rupture and that all the plenum gases would be released to the pool water. NUREG–0709 calculated the release to be 6000 curies of krypton-85 and 0.00008 curies of iodine-129. Doses at 150 meters were calculated to be 0.016 rem whole body and 0.0004 rem thyroid.

In connection with a separate ongoing rulemaking related to emergency preparedness for fuel-cycle licenses, the staff reevaluated consequences of potential accidents involving spent fuel storage in dry casks, (NUREG–1140, "A Regulatory Analysis on Emergency Preparedness for Fuel Cycle and Other Radioactive Material Licensees"). The accident assumed for the dry cask storage analysis is the removal of the lid from a cask in which all fuel rods have been damaged. The gaseous activity in the gap between the fuel and the cladding is assumed to be released. Using the same assumptions as in NUREG–0575 (VI, section 4.2.3.2), 10% of the krypton-85 and 1% of the iodine-129 activities are assumed to be present in the gap. The cask is assumed to hold 24 PWR spent fuel assemblies at less than 5% uranium-235 enrichment. The fuel burnup is assumed to be 33,000 megawatt-days per metric ton of uranium. The spent fuel is assumed to have been removed from the reactor core 5 years prior to storage in a cask. Due to heat load design criteria, spent fuel may have to age about 5 years before it can be stored in dry casks. Using these assumptions the activity released from the cask would be about 8,000 curies of krypton-85 and 0.004 curies of iodine-129. Using the same meteorological assumptions as in NUREG–0575, but with a building wake factor for a 5m×5m building, the effective dose equivalent at 100m is estimated to be 0.003 rem and the thyroid dose 0.04 rem. The reevaluation revealed no reason to increase the estimated doses in NUREG–0575 and NUREG–0709 and the staff determined that the release from day cask storage is of a comparable magnitude to that for wet storage.

The above evaluations support the conclusion that special offsite emergency preparedness is not necessary for spent fuel storage because doses calculated to result from potential accidents are far below the protective action guides set forth by the Environmental Protection Agency for implementing protective actions for nuclear incidents. Nevertheless, the Commission believes that it is prudent to maintain a channel of communications with local authorities in case of emergency, even though significant offsite consequences are not expected. The proposed rule would require licensees to notify emergency organizations that might be expected to respond in case of emergency.

A licensee's emergency plan must assure that (1) a capability exists for measuring and assessing the significance of accidental releases of radioactive materials, (2) appropriate emergency equipment and procedures are provided onsite to protect workers against radiation hazards that might be encountered following an accident, (3) notifications are promptly made to offsite response organizations, (4) information on the situation and recommended actions, including recommending that the public be informed as appropriate, are provided to organizations that might be expected to respond in case of an emergency, and (5) necessary recovery actions are taken in a timely manner to return a plant to a safe condition following an accident. ISFSI licensees are currently required to submit emergency plans. In addition, in order to ensure that offsite response organizations expected to respond to an accident have been consulted in the formation of the plan, the licensee would be required to allow such offsite response organization 60 days to comment on the plan and provide these comments to NRC. For reasons set forth previously, storage of high-level radioactive waste (HLW) is not significantly different technically from storage of spent fuel. Since an MRS would store spent fuel and could store HLW, emergency planning required for MRS would be the same as for ISFSI.

11. *Increase of Licensing Period for the MRS.* The license period for an ISFSI will remain at 20 years in this proposed rule. The NWPA specifies that the monitored retrievable storage facility provide for the long-term storage of spent nuclear fuel or high-level radioactive waste. An MRS must be designed to accommodate spent nuclear fuel and high-level radioactive waste from civilian nuclear activities; to permit continuous monitoring, management, and maintenance of such spent fuel and waste; to provide for the ready retrieval of spent fuel and waste for further processing or disposal; and to safely store such material as long as may be necessary through appropriate maintenance or replacement of the installation, if required. It is clearly intended that the MRS be capable of providing the requisite safe storage for a relatively long period of time.

Although Congress did not specify a license term for the MRS option, the Commission believes that the choice of an appropriate license term should be guided by the different purposes and time frames for the MRS provided for the NWPA. Accordingly, the proposed revision specifies a 40-year license term for the storage of spent fuel and high-level radioactive waste in an MRS.

12. *Provision of MRS Information to State Governments and Indian Tribes.* Sections 141(h) and 117(a) of the NWPA require that the Commission provide timely and complete information regarding determinations or plans made with respect to siting, development, design, licensing, construction, operation, regulation, or decommissioning of an MRS to affected State Governments and Indian tribes. A new subpart J would be added to Part 72 to explicitly set forth procedures to meet this requirement.

13. *Records.* Proposed §§ 72.53 and 72.54 are being updated to conform to current requirements and procedures. Proposed §§ 72.35, 72.51, 72.55, 72.71, 72.133, 72.201, and 72.203 would establish fixed periods for retention of records, which is required by the Paperwork Reduction Act of 1980 and the Office of Management and Budget regulations.

14. *Redesignation of Certain Sections.* Various sections have been redesignated because of new sections

being added and to allow for additional expansion in the future. The sections in existing Part 72 that have been redesignated are identified in the following table.

REDESIGNATION TABLE

Old Section	Redesignated as new section
72.61	72.70
72.62	72.71
72.63	72.73
	72.75
72.64	72.77
72.65	72.79
72.66	72.81
72.67	72.83
72.68	72.85
72.69 (Deleted)	72.87 (Reserved)
72.70	72.89
72.71	72.91
72.72	72.92
72.73	72.93
72.74	72.94
72.75	72.95
72.76	72.96
72.80	72.100–135
72.81	72.201
72.82	72.202
72.83	72.203
72.84	72.204
72.91	72.301
72.92	72.302
72.93	72.303

Finding of No Significant Environment Impact

The Commission has determined not to prepare an environmental impact statement for the proposed amendments to 10 CFR Part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste."

NUREG–0575, "Final Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Reactor Fuel," August 1979, was issued in support of the final rule promulgating 10 CFR Part 72, "Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation (ISFSI)," which became effective November 28, 1980. On January 7, 1983 the Nuclear Waste Policy Act of 1982 was signed into law. A major provision of this law is that the Department of Energy (DOE) shall complete a detailed study of the need for and feasibility of, and submit to Congress a proposal for, the construction of one or more monitored retrievable storage facilities (MRS) for high-level radioactive waste and spent nuclear fuel. If Congress approves the construction of an MRS, DOE would be required to obtain a license from the Commission for the facility. The NRC staff has concluded that although existing 10 CFR Part 72 is generally applicable to the design, construction, operation, and decommissioning of MRS, additions are necessary to explicitly cover the licensing of spent nuclear fuel and high-level radioactive waste storage in a MRS. In August 1984, the NRC published an environmental assessment for this proposed revision of Part 72, NUREG–1092, "Environmental Assessment for 10 CFR Part 72, Licensing Requirements for the Independent Storage of Spent Fuel and High-Level Radioactive Waste." NUREG–1092 discusses the major issues of the proposed rule and the potential impact on the environment. The findings of the environmental assessment are "(1) past experience with water pool storage of spent fuel establishes the technology for long-term storage of spent fuel without affecting the health and safety of the public, (2) the proposed rulemaking to include the criteria of 10 CFR Part 72 of storing spent nuclear fuel and high-level radiocative waste does not significantly affect the environment, (3) solid high-level waste is comparable to spent fuel in its heat generation and in its radioactivity content on a per metric ton basis, and (4) knowledge of material degradation mechanisms under dry storage conditions and the ability to institute repairs in a reasonable manner without endangering the health [and safety] of the public shows dry storage technology options do not significantly impact the environment." The assessment concludes that, among other things, there are no signficant environmental impacts as a result of promulgation of these proposed revisions of 10 CFR Part 72. NUREG–1092 is available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, DC.

Based on the above assessment the Commission concludes that the proposed rulemaking action will not have a significant incremental environmental impact on the quality of the human environment.

Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). This rule has been submited to the Office of Management and Budget for review and approval of the paperwork requirements.

Regulatory Analysis

The NRC has prepared a draft regulatory analysis on this proposed rule. The analysis examines the benefits and alternatives considered by the NRC. The draft 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 W.R. Pearson, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (301–443–7663).

Regulatory Flexibility Act Certification

In accordance with the Regulatory Flexibility Act of 1980, (5 U.S.C. 605(b)), the Commission certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities and that therefore a regulatory flexibility analysis need not be prepared. This proposed rule affects only the licensing and operation of independent spent fuel storage installations and of monitored retrievable storage installations. The owners of these installations, nuclear power plant utilities or DOE, do not fall within the scope of the definition of "small entities" set forth in section 601(3) of the Regulatory Flexibility Act or within the definition of "small business" in section 3 of the Small Business Act, 15 U.S.C. 632, or within 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 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, 5 U.S.C. 553, and the Nuclear Waste Policy Act of 1982, the NRC is proposing to adopt the following revision to 10 CFR Part 72 and related conforming amendments to 10 CFR Parts 2, 19, 20, 21, 51, 70, 73, 75, and 150.

1. 10 CFR Part 72 is revised to read as follows:

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

Subpart A—General Provisions

Sec.

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021). Sec. 201, as amended, 202, 206, 88 Stat. 1242, 1243, 1246, as amended (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161). Section 72.34 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134 Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244 (42 U.S.C. 10101, 10137(a), 10161(h)).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 72.6, 72.14, 72.15, 72.17(d), 72.19, 72.33(b)(1), (4), (5), (e), (f), 72.36(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 72.10, 72.15, 72.17(d), 72.33(c), (d)(1), (2), (e), 72.201, 72.203, 72.204(a), 72.301 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 72.19(c), 72.33(b)(3), (d)(3), (f), 72.35(b), 72.50–72.52, 72.53(a), 72.54(a), 72.55, 72.56, 72.133, 72.204(b) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

Subpart A—General Provisions

§ 72.1 Purpose.

The regulations in this part establish requirements, procedures, and criteria for the issuance of licenses to receive, transfer, and possess power reactor spent fuel and other radioactive materials associated with the spent fuel storage in an independent spent fuel storage installation (ISFSI) and the terms and conditions under which the Commission will issue such licenses, including a license to the U.S. Department of Energy (DOE) for the provision of not more than 1900 metric tons of spent fuel storage capacity for the Federal interim storage program under Subtitle B—Interim Storage Program of the Nuclear Waste Policy Act of 1982 (NWPA). The regulations in this part also establish requirements, procedures, and criteria for the issuance of licenses to DOE to receive, transfer, package, and possess pwoer reactor spent fuel, high-level radiocative waste, and other radioactive materials associated with the spent fuel and high-level radioactive waste storage, in a monitored retrievable storage installation (MRS) if authorized by Congress pursuant to section 141 of the Nuclear Waste Policy Act of 1982.

§ 72.2 Scope.

(a) Except as provided in § 72.6(b), licenses issued under this part are limited to the receipt, transfer, packaging, and possession of (1) power reactor spent fuel to be stored in a complex that is designed and constructed specifically for storage of power reactor spent fuel aged for at least one year, and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation (ISFSI); or (2) power reactor spent fuel to be stored in a complex owned by DOE that is designed and constructed specifically for the storage of spent fuel aged for at least one year, high-level radioactive waste that is in a solid form, and other radiocative materials associated with spent fuel or high-level radioactive waste storage. The term "Monitored

Retrievable Storage Installation" or "MRS", as defined § 72.3, is derived from the NWPA and includes any facility that meets this definition.

(b) The regulations in this part pertaining to an independent spent fuel storage installation (ISFSI) apply to all persons in the United States, including persons in Agreement States. The regulations in this part pertaining to a monitored retrievable storage installation (MRS) apply only to DOE.

(c) The requirements of this regulation are applicable, as appropriate, to both wet and dry modes of storage of (1) spent fuel in an independent spent fuel storage installation (ISFSI) and (2) spent fuel and solid high-level radioactive waste in a monitored retrievable storage installation (MRS).

(d) Licenses covering the storage of spent fuel in an existing spent fuel storage installation shall be issued in accordance with the requirements of this part as stated in § 72.31, as applicable.

(e) As provided in section 135 of the Nuclear Waste Policy Act of 1982, Pub. L. 97–425, 96 Stat. 2201 at 2232 (42 U.S.C. 10155) the U.S. Department of Energy is not required to obtain a license under the regulations in this part to use available capacity at one or more facilities owned by the Federal Government on January 7, 1983, including the modification and expansion of any such facilities, for the storage of spent nuclear fuel from civilian nuclear power reactors.

§ 72.3 Definitions.

As used in this part:

"Act" means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto.

"Affected Indian tribe" means any Indian tribe—(A) within whose reservation boundaries a monitored retrievable storage facility, test and evaluation facility, or a repository for high-level radioactive waste or spent fuel is proposed to be located; (B) whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of congressionally ratified treaties may be substantially and adversely affected by the locating of such a facility: *Provided*, That the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe.

"As low as is reasonably achievable" (ALARA) means as low as is reasonably achievable taking into account the state of technology, and the economics of improvements in relation to (1) benefits to the public health and safety, (2) other societal and socioeconomic considerations, and (3) the utilization of atomic energy in the public interest.

"Atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

"Byproduct material" means any radioactive material (except special nuclear material) yielded in, or made radioactive by exposure to, the radiation incident to the process of producing or utilizing special nuclear material.

"Commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the natural environment of a site, but does not mean:

(1) Changes desirable for the temporary use of the land for public recreational uses, necessary borings or excavations to determine subsurface materials and foundation conditions, or other preconstruction monitoring to establish background information related to the suitability of the site or to the protection of environmental values;

(2) Construction of environmental monitoring facilities;

(3) Procurement or manufacture of components of the installation; or

(4) Construction of means of access to the site as may be necessary to accomplish the objectives of paragraphs (1) and (2) above.

"Commission" means the Nuclear Regulatory Commission or its duly authorized representatives.

"Confinement systems" means those systems, including ventilation, that act as barriers between areas containing radioactive substances and the environment.

"Controlled area" means that area immediately surrounding an ISFSI or MRS for which the licensee exercises authority over its use and within which ISFSI or MRS operations are performed.

"Decommission" means to remove (as a facility) safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of the license.

"Design bases" means that information that identifies the specific functions to be performed by a structure, system, or component of a facility and the specific values or ranges of values chosen for controlling parameters as reference bounds for design. These values may be restraints derived from generally accepted "state-of-the-art" practices for achieving functional goals or requirements derived from analysis (based on calculation or experiments) of the effects of a postulated event under which a structure, system, or component must meet its functional goals. The values for controlling parameters for external events include: (1) estimates of severe natural events to be used for deriving design bases that will be based on consideration of historical data on the associated parameters, physical data, or analysis of upper limits of the physical processes involved and (2) estimates of severe external man-induced events to be used for deriving design bases that will be based on analysis of human activity in the region taking into account the site characteristics and the risks associated with the event.

"Design capacity" means the quantity of spent fuel or high-level radioactive waste, the maximum burnup of the spent fuel in MWD/MTU, the curie content of the waste, and the total heat generation in BTU per hour that the storage installation is designed to accommodate.

"DOE" means the U.S. Department of Energy or its duly authorized representatives.

"Floodplan" means the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands. Areas subject to a one percent or greater chance of flooding in any given year are included.

"High-level radioactive waste" or "HLW" means (A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and (B) other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation.

"Historical data" means a compilation of the available published and unpublished information concerning a particular type of event.

"Independent spent fuel storage installation" or "ISFSI" means a complex designed and constructed for the interim storage of spent nuclear fuel and other radioactive materials associated with spent fuel storage. An ISFSI which is located on the site of another facility may share common utilities and services with such a facility and be physically connected with such other facility and still be considered independent: *Provided*, that such sharing of utilities and services or physical connections does not: (1) Increase the probability or consequences of an accident or malfunction of components, structures, or systems that are important to safety; or (2) reduce the margin of safety as defined in the basis for any technical specification of either facility.

"Indian Tribe" means an Indian tribe as defined in the Indian Self Determination and Education Assistance Act (Public Law 93–638).

"Monitored Retrievable Storage Installation" or "MRS" means a complex designed, constructed, and operated by DOE for the receipt, transfer, handling, packaging, possession, safeguarding, and storage of spent nuclear fuel and high-level radioactive waste resulting from civilian nuclear activities, pending shipment to a HLW respository or other disposal.

"NEPA" means the National Environmental Policy Act of 1969 including any amendments thereto.

"NWPA" means the Nuclear Waste Policy Act of 1982 including any amendments thereto.

"Persons" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Nuclear Regulatory Commission or the Department of Energy (DOE), except that the DOE shall be considered a person within the meaning of the regulations in this part to the extent that its facilities and activities are subject to the licensing and related regulatory authority of the Commission pursuant to Section 202 of the Energy Reorganization Act of 1974, as amended (88 Stat. 1244), and sections 131, 132, 133, 135, 137, and 141 of the Nuclear Waste Policy Act of 1982 (96 Stat. 2229, 2230, 2232, 2241); (2) any State; any political subdivision of a State, or any political entity within a State; (3) any foreign government or nation,or any political subdivision of any such government or nation, or other entity; and (4) any legal successor, representative, agent, or agency of the foregoing.

"Population" means the people that may be affected by the change in environmental conditions due to the construction, operation, or decommissioning of an ISFSI or MRS.

"Region" means the geographical area surrounding and including the site, which is large enough to contain (1) all the features related to a phenomenon or to a particular event that could potentially impact the safety of the ISFSI or MRS and (2) all measurable effects of environmental impact, both radiological and nonradiological, that are due to the construction, operation, or decommissioning of an ISFSI or MRS.

"Reservation" means (1) any Indian reservation or dependent Indian community referred to in clause (a) or (b) of section 1151 of title 18, United States Code; or (2) any land selected by an Alaska Native village or regional corporation under the provisions of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

"Site" means the real property on which the ISFSI or MRS is located.

"Source material" means (1) uranium or thorium, or any combination thereof, in any physical or chemical form or (2) ores that contain by weight one-twentieth of one percent (0.05%) or more of (i) uranium, (ii) thorium, or (iii) any combination thereof. Source material does not includes special nuclear material.

"Special nuclear material" means (1) plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material, but does not include source material; or (2) any material artifically enriched by any of the foregoing but does not include source material.

"Spent Nuclear Fuel" or "Spent Fuel" means fuel that has been withdrawn from a nuclear reactor following irradiation, has undergone at least one year decay since being used as a source in a power reactor of energy and has not been separated into its constitutent, elements by reprocessing. Spent fuel includes the special nuclear material, byproduct material, source material, and other radioactive materials associated with fuel assemblies.

"Structures, systems, and components important to safety" mean those features of the ISFSI or MRS whose function is (1) to maintain the conditions required to store spent fuel or high-level radioactive waste safely, (2) to prevent damage to the spent fuel or the high-level radioactive waste container during handling and storage, or (3) to provide reasonable assurance that spent fuel or high-level radioactive waste can be received, handled, packaged, stored, and retrieved without undue risk to the health and safety of the public.

§ 72.4 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this part and applications filed under them should be addressed to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Communications, reports, and applications may be delivered in person at the Commission's Offices at 7915 Eastern Avenue, Silver Spring, Maryland, or at 1717 H Street NW., Washington, DC.

§ 72.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission, other than a written interpretation by the General Counsel, will be recognized to be binding upon the Commission.

§ 72.6 License required; types of licenses.

(a) Licenses for the receipt, handling, storage, and transfer of spent fuel or high-level radioactive waste are of two types: general and specific. Any general license provided in this part is effective without the filing of applications with the Commission or the issuance of licensing documents to particular persons. Specific licenses are issued to named persons upon applications filed pursuant to regulations in this part.

(b) A general license is hereby issued to receive title to and own spent fuel or high-level radioactive waste without regard to quantity. Notwithstanding any other provision of this chapter, a general licensee under this paragraph is not authorized to acquire, deliver, receive, possess, use, or transfer spent fuel or high-level radioactive waste except as authorized in a specific license.

(c) No person may acquire, receive, or possess (1) spent fuel or radioactive material associated with spent fuel for the purpose of storage in an ISFSI, or (2) spent fuel, high-level radioactive waste, or radioctive material associated with spent fuel or high-level radioactive waste for the purpose of storage in a MRS, except as authorized in a specific license issued by the Commission in accordance with the regulations in this part.

§ 72.7 Specific exemptions.

The Commission may, upon application by any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

§ 72.8 Denial of licensing by Agreement States.

Agreement States may not issue licenses covering the storage of spent fuel in an ISFSI or the storage of spent fuel and high-level radioactive waste in a MRS.

§ 72.9 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork

Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150–0132.

(b) The approved information collection requirements contained in this part appear in §§ 72.11, 72.14 through 72.20, 72.32, 72.33, 72.35 through 72.39, 72.42, 72.50 through 72.56, 72.70, 72.71, 72.73, 72.77, 72.79, 72.81, 72.83, 72.89, 72.91, 72.94, 72.100 through 72.135, 72.201 through 72.204, and 72.302.

§ 72.10 Employee protection.

(a) Discrimination by a Commisson licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, and privileges of employment. The protected activities are established in section 210 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or 1954, as amended or the Energy Reorganization Act.

(1) The protected activities include but are not limited to—

(i) Providing the Commission information about possible violations or requirements imposed under either of the above statutes:

(ii) Requesting the Commission to institute action against his or her employer for the administration or enforcement of these requirements; or

(iii) Testifying in any Commission proceeding.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(3) This section has no application to any employee alleging discrimination prohibited by this section who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in the protected activities specified in paragraph (a)(1) of this section may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. The administrative proceeding must be initiated within 30 days after an alleged violation occurs by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraph (a) of this section by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant, may be grounds for—

(1) Denial, revocation, or suspension of the license.

(2) Imposition of a civil penalty on the licensee or applicant.

(3) Other enforcement action.

(d) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

(e) (1) Each licensee and each applicant shall post Form NRC–3, "Notice to Employees," on its premises. Posting must be at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be posted not later than 30 days after an application is docketed and remain posted while the application is pending before the Commission, during the term of the license, and for 30 days following license termination.

(2) Copies of Form NRC–3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D, Part 20 of this chapter or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Subpart B—License Application, Form, and Contents

§ 72.11 Filing of applications for specific licenses.

(a) *Place of filing.* Each application for a license, or amendment thereof, under this part should be filed with the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Applications, communications, reports, and correspondence may also be delivered in person at the Commission's offices at 7915 Eastern Avenue, Silver Spring, Maryland, or at 1717 H Street NW., Washington, DC.

(b) *Oath or affirmation.* Each application for a license of license amendment (including amendments to such applications), except for those filed by DOE, must be executed in an original signed by the applicant or duly authorized officer thereof under oath or affirmation. Each application for a license or license amendment (including amendments to such applications) filed by DOE must be signed by the Secretary of Energy or the Secretary's authorized representative.

(c) *Number of copies of applications.* Each filing of an application for a license or license amendment under this part (including amendments to such applications) must include, in addition to a signed original, 25 copies of each portion of such application, safety analysis report, environmental report, and any amendments. Another 125 copies shall be retained by the applicant for distribution in accordance with instruction from the Director or the Director's designee.

(d) *Fees.* The application, amendment, and renewal fees applicable to a license covering the storage of spent fuel in an ISFSI are those shown in § 170.31 of this chapter.

§ 72.12 Elimination of repetition.

In any application under this part, the applicant may incorporate by reference information contained in previous applications, statements, or reports filed with the Commission: *Provided,* that such references are clear and specific.

§ 72.13 Public inspection of applications.

Applications and documents submitted to the Commission in connection with applications may be made available for public inspection in accordance with provisions of the regulations contained in Part 2 and Part 9 of this chapter.

§ 72.14 Contents of application: General and financial information.

Each application must state:

(a) Full name of applicant;

(b) Address of applicant;

(c) Description of business or occupation of applicant;

(d) If applicant is:

(1) An individual: Citizenship and age;

(2) A partnership: Name, citizenship, and address of each partner and the principal location at which the partnership does business;

(3) A corporation or an unincorporated association:

(i) The State in which it is incorporated or organized and the principal location at which it does business; and

(ii) The names, addresses, and citizenship of its directors and principal officers;

(4) Acting as an agent or representative of another person in filing the application: The identification of the principal and the information required under this paragraph with respect to such principal.

(5) The Department of Energy: The identification of the DOE organization responsible for the construction and operation of the ISFSI or MRS, including a description of any delegations of authority and assignments of responsibilities.

(e) Except when the applicant is the DOE, information sufficient to demonstrate to the Commission the finanicial qualifications of the applicant to carry out, in accordance with the regulations in the chapter, the activities for which the license is sought. The information must state the place at which the activity is to be performed, the general plan for carrying out the activity, and the period of time for which the license is requested. The information must show that the applicant either possesses the necessary funds, or that the applicant has reasonable assurance of obtaining the necessary funds; or that by a combination of the two, the applicant will have the necessary funds available to cover the following:

(1) Estimated construction costs;

(2) Estimated operating costs over the planned life of the ISFSI complex; and

(3) Estimated shutdown and decommissioning costs, and the necessary financial arrangements to provide reasonable assurance prior to licensing that shutdown, decontamination, and decommissioning will be carried out after the removal of spent fuel from storage.

§ 72.15 Contents of application: Technical information.

Each application for a license under this part must include a Safety Analysis Report describing the proposed ISFSI or MRS for the receipt, handling, packaging, and storage of spent fuel or high-level radioactive waste, including how the ISFSI or MRS will be operated. The minimum information to be included in this report must consist of the following:

(a) A description and safety assessment of the site on which the ISFSI or MRS is to be located, with appropriate attention to the design bases for external events. Such assessment must contain an analysis and evaluation of the major structures, systems, and components of the ISFSI or MRS that bear on the suitability of the site when the ISFSI or MRS is operated at its design capacity. If the proposed ISFSI or MRS is to be located on the site of a nuclear power plant or other licensed facility, the potential interactions between the ISFSI or MRS and such other facility must be evaluated.

(b) A description and discussion of the ISFSI or MRS structures with special attention to design and operating characteristics, unusual or novel design features, and principal safety considerations.

(c) The design of the ISFSI or MRS in sufficient detail to support the findings in § 72.31, including:

(1) The design criteria for the ISFSI or MRS pursuant to Subpart F of this part, with identification and justification for any additions to or departures from the general design criteria;

(2) The design bases and the relation of the design bases to the design criteria;

(3) Information relative to materials of construction, general arrangement, dimensions of principal structures, and description of all structures, systems, and components important to safety, in sufficient detail to support a finding the the ISFSI or MRS will satisfy the design bases with an adequate margin for safety; and

(4) Applicable codes and standards.

(d) An analysis and evaluation of the design and performance of structures, systems, and components important to safety, with the objective of assessing the impact on public health and safety resulting from operation of the ISFSI or MRS and including determination of:

(1) The margins of safety during normal operations and expected operational occurrences during the life of the ISFSI or MRS; and

(2) The adequacy of structures, systems, and components provided for the prevention of accidents and the mitigation of the consequences of accidents, including natural and manmade phenomena and events.

(e) The means for controlling and limiting occupational radiation exposures within the limits given in Part 20 of this chapter, and for meeting the objective of maintaining exposures as low as is reasonably achievable.

(f) The features of ISFSI or MRS design and operating modes to reduce to the extent practicable radioactive waste volumes generated at the installation.

(g) An identification and justification for the selection of those subjects that will be probable license conditions and technical specifications. These subjects must cover the design, contruction, preoperational testing, operation, and decommissioning of the ISFSI or MRS.

(h) A plan for the conduct of operations, including the planned managerial and administrative controls system, and the applicant's organization, and program for training of personnel pursuant to Subpart I.

(i) If the proposed ISFSI or MRS incorporates structures, systems, or components important to safety whose functfonal adequacy or reliability have not been demonstrated by prior use for that purpose or cannot be demonstrated by reference to performance data in related applications or to widely accepted engineering principles—an identification of these structures, systems, or components along with a schedule showing how safety questions will be resolved prior to the initial receipt of spent fuel or high-level radioactive waste for storage at the ISFSI or MRS.

(j) The technical qualifications of the applicant to engage in the proposed activities, as required by § 72.17.

(k) A description of the applicant's plans for coping with emergencies, as required by § 72.19.

(l) A description of the equipment to be installed to maintain control over radioactive materials in gaseous and liquid effluents produced during normal operations and expected operational occurrences. The description must identify the design objectives and the means to be used for keeping levels of radioactive material in effluents to the environment as low as is reasonably achievable and within the exposure limits stated in § 72.83. The description must include:

(1) An estimate of the quantity of each of the principal radio-nuclides expected to be released annually to the environment in liquid and gaseous effluents produced during normal ISFSI or MRS operations; and prior to the first receipt of spent fuel, a second estimate confirming the original estimate, if the expected releases and exposures are significantly different from the original estimate.

(2) A description of the equipment and processes used in radioactive waste systems; and

(3) A general description of the provisions for packaging, storage, and disposal of solid wastes containing radioactive materials resulting from treatment of gaseous and liquid effluents and from other sources.

(m) An analysis of the potential dose or dose commitment to an individual outside the controlled area from accidents or natural phenomena events

that result in the release of radioactive material to the environment or direct radiation from the ISFSI or MRS. The calculations of individual dose or dose commitment must be performed for direct exposure, inhalation, and ingestion occurring as a result of the postulated design basis event.

(n) A description of the quality assurance program that satisfies the requirements of Subpart G to be applied to the design, fabrication, construction, testing, operation, modification, and decommissioning of the structures, systems, and components of the ISFSI or MRS important to safety. The description must identify the structures, systems, and components important to safety. The program must also apply to managerial and administrative controls used to ensure safe operation of the ISFSI or MRS.

(o) A description of the detailed security measures for physical protection, including design features and the plans required by Subpart H. For an application from DOE for an ISFSI or MRS, DOE will provide a description of the physical security plan for protection against radiological sabotage as required by Subpart H. An application submitted by DOE for an ISFSI or MRS must include a certification that it will provide at the ISFSI or MRS such safeguards as it requires at comparable surface DOE facilities to promote the common defense and security.

(p) A description of the program covering preoperational testing and initial operations.

(q) A description of the decommissioning plan required under § 72.18.

§ 72.16 Contents of application: Technical specifications.

Each application under this part shall include proposed technical specifications in accordance with the requirements of § 72.33 and a summary statement of the bases and justifications for these technical specifications.

§ 72.17 Contents of application: Applicant's technical qualifications.

Each application under this part must include:

(a) The technical qualifications, including training and experience, of the applicant to engage in the proposed activities.

(b) A description of the personnel training program required under Subpart I.

(c) A description of the applicant's operating organization, delegations of responsibility and authority, and the minimum skills and experience qualifications relevant to the various levels of responsibility and authority.

(d) A commitment by the applicant to have and maintain an adequate complement of trained and certified installation personnel prior to the receipt of spent fuel or high-level radioactive waste for storage.

§ 72.18 Decommissioning plan, including financing.

(a) Each application under this part must include a proposed decommissioning plan that contains sufficient information on proposed practices and procedures for the decontamination of the site and facilities and for disposal of residual radioactive materials after all spent fuel or high-level radioactive waste has been removed, in order to provide reasonable assurance that the decontamination and decommissioning of the ISFSI or MRS at the end of its useful life will provide adequate protection to the health and safety of the public. This plan must identify and discuss those design features of the ISFSI or MRS that facilitate its decontamination and decommissioning at the end of its useful life.

(b) The decommissioning plan must include the financial arrangements made by the applicant to provide reasonable assurance that the planned decontamination and decommissioning of the ISFSI will be carried out. The plan submitted by DOE will not have to provide this discussion of financial arrangements.

§ 72.19 Emergency plan.

An application to store spent fuel in an ISFSI or to store spent fuel and high-level radioactive waste in an MRS must include plans for coping with emergencies.

(a) An emergency plan must include the following:

(1) A brief description of the licensee's facility, site, and area near the site;

(2) Identification of each type of accident for which an emergency response may be needed;

(3) Identification of methods for detecting these accidents in a timely manner;

(4) A brief description of methods and equipment for mitigating the consequences of accidents, including those provided to protect workers onsite against radiation hazards, and a description of the program for maintaining the equipment;

(5) A brief description of the methods and equipment to measure and assess accidental releases of radioactive materials;

(6) A brief description of the responsibilities of licensee personnel should an accident occur, including identification of personnel responsible for promptly notifying offsite response organizations and the NRC;

(7) A brief description of the methods for promptly notifying offsite response organizations and requesting assistance, including medical assistance;

(8) A brief description of the types of information on facility status, radioactive releases, and recommended actions, as appropriate to be given to offsite response organizations and to the NRC;

(9) A brief discription of any special instructions and orientation tours the licensee would offer to fire, police, medical, and other emergency response personnel;

(10) A brief description of the means of restoring the facility to a safe condition after an accident; and

(11) Provisions for conducting onsite quarterly communications checks and biennial drills and for identifying and correcting deficiencies in the plan.

(b) The licensee shall allow the offsite response organizations expected to respond in case of emergency 60 days to comment on the licensee's emergency plan before submitting the plan to NRC for approval. The licensee shall provide any comments that have been received within the 60 days to the NRC with the emergency plan.

(c) For an ISFSI that is located on the site of a nuclear power reactor licensed for operation by the Commission, the emergency plan required by 10 CFR 50.47 shall be deemed to satisfy the requirements of this section.

§ 72.20 Environmental report.

Each application for an ISFSI or MRS license under this part must be accompanied by an Environmental Report which meets the requirements of Subpart A of Part 51 of this chapter.

§ 72.21 [Reserved]

Subpart C—Issuance and Conditions of Licenses

§ 72.31 Issuance of licenses.

(a) Except as provided in paragraph (c) of this section, the Commission will issue a license under this part upon a determination that the application for a license meets the standards and requirements of the Act and the regulations of the Commission, and upon finding that:

(1) The applicant's proposed ISFSI or MRS design complies with Subpart F;

(2) The proposed site complies with the criteria in Subpart E;

(3) If on the site of a nuclear power plant or other licensed activity or facility, the proposed ISFSI would not pose an undue risk to the safe operation of such nuclear power plant or other licensed activity or facility;

(4) The applicant is qualified by reason of training and experience to conduct the operation covered by the regulations in this part;

(5) The applicant proposed operating procedures to protect health and to minimize danger to life or property are adequate;

(6) The applicant for an ISFSI, except for DOE, is financially qualified to engage in the proposed activities in accordance with the regulations in this part;

(7) The applicant's quality assurance plan complies with Subpart G;

(8) The applicant's physical protection provisions comply with Subpart H. DOE has complied with the safeguards and physical security provisions identified in § 72.15(o);

(9) The applicant's personnel training program complies with Subpart I;

(10) The applicant's decommissioning plan and its financing pursuant to § 72.18 provide reasonable assurance that the decontamination and decommissioning of the ISFSI or MRS at the end of its useful life will provide adequate protection to the health and safety of the public;

(11) The applicant's emergency plan complies with § 72.19;

(12) The applicable provisions of Part 170 of this chapter have been satisfied;

(13) There is reasonable assurance that (i) the activities authorized by the license can be conducted without endangering the health and safety of the public and (ii) these activities will be conducted in compliance with the applicable regulations of this chapter; and

(14) The issuance of the license will not be inimical to the common defense and security.

(b) Grounds for denial of a license to store spent fuel in the proposed ISFSI or to store spent fuel and high-level radioactive waste in the proposed MRS may be the commencement of construction prior to a conclusion or finding by the Director of the Office of Nuclear Materials Safety and Safeguards or designee or after a public hearing by the presiding officer, Atomic Safety and Licensing Board, Atomic Safety and Licensing Appeal Board, or the Commission acting as a collegial body, as appropriate, on the basis of information filed and evaluations made pursuant to Subpart A of Part 51 of this chapter or in the case of an MRS on the basis of evaluations made pursuant to section 141(c) of NWPA, and after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, that the action called for is the issuance of the proposed license with any appropriate conditions to protect environmental values.

(c) For facilities that have been covered under previous licensing actions including the issuance of a construction permit under Part 50 of this chapter, a reevaluation of the site is not required except where new information is discovered which could alter the original site evaluation findings. In this case, the site evaluation factors involved will be reevaluated.

§ 72.32 Duration of license; renewal.

(a) Each license issued under this part must be for a fixed period of time to be specified in the license. The license for an ISFSI must not exceed 20 years from the date of issuance. The license for an MRS must not exceed 40 years from the date of issuance. Licenses for either type of installation may be renewed by the Commission at the expiration of the license period upon application by the licensee.

(b) Applications for renewal of a license should be filed in accordance with the applicable provisions of Subpart B at least two years prior to the expiration of the existing license. Information contained in previous applications, statements, or reports filed with the Commission under the license may be incorporated by reference: *Provided*, that such references are clear and specific.

(c) In any case in which a licensee, not less than two years prior to expiration of its existing license, has filed an application in proper form for renewal of a license, the existing license shall not expire until a final decision concerning the application for renewal has been made by the Commission.

§ 72.33 License conditions.

(a) Each license issued under this part must include license conditions. The license conditions may be derived from the analyses and evaluations included in the Safety Analysis Report and amendments thereto submitted pursuant to § 72.15. License conditions pertain to design, construction and operation. The Commission may also include additional license conditions as it finds appropriate.

(b) Each license issued under this part must be subject to the following conditions, even if they are not explicitly stated therein;

(1) Neither the license nor any right thereunder shall be transferred, assigned, or disposed of in any manner, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Atomic Energy Act of 1954, as amended, and give its consent in writing.

(2) The license must be subject to revocation, suspension, modification, or amendment in accordance with the procedures provided by the Atomic Energy Act of 1954, as amended, and Commission regulations.

(3) Upon request of the Commission, the licensee shall, at any time before expiration of the license, submit written statements, signed under oath or affirmation if appropriate, to enable the Commission to determine whether or not the license should be modified, suspended, or revoked.

(4) Prior to the receipt of spent fuel for storage at an ISFSI or the receipt of spent fuel and high-level radioactive waste for storage at an MRS, the licensee shall have in effect an NRC-approved program covering the training and certification of personnel that meets the requirements of Subpart I.

(5) The licensee shall permit the operation of the equipment and controls that are important to safety of the ISFSI or the MRS only by personnel whom the licensee has certified as being adequately trained to perform such operations, or by uncertified personnel who are under the direct visual supervision of a certified individual.

(c) Technical specifications submitted pursuant to § 72.16 must include requirements in the following categories:

(1) *Function and operating limits and monitoring instruments and limiting control settings.* (i) Functional and operating limits for an ISFSI or MRS are limits on fuel or waste handling and storage conditions that are found to be necessary to protect the integrity of the stored fuel or waste container, to protect employees against occupational exposures and to guard against the uncontrolled release of radioactive materials; and (ii) Monitoring instruments and limiting control settings for an ISFSI or MRS are those related to fuel or waste handling and storage conditions having significant safety functions.

(2) *Limiting conditions.* Limiting conditions are the lowest functional capability or performance levels of equipment required for safe operation.

(3) *Surveillance requirements.* Surveillance requirements include: (i) inspection or monitoring of spent fuel or high-level radioactive waste in storage; (ii) inspection, test and calibration activities to ensure that the necessary integrity of required systems and components is maintained; (iii) confirmation that operation of the ISFSI or MRS is within the required functional and operating limits; and (iv) confirmation that the limiting conditions required for safe storage are met.

(4) *Design features.* Design features include items that would have a significant effect on safety if altered or modified, such as materials of construction and geometric arrangements.

(5) *Administrative controls.* Administrative controls include the organization and management procedures, recordkeeping, review and audit, and reporting necessary to assure that the operations involved in the storage of spent fuel in an ISFSI and the storage of spent fuel and high-level radioactive waste in an MRS are performed in a safe manner.

(d) Each license authorizing the receipt, handling, and storage of spent fuel or high-level radioactive waste under this part must include technical specifications that, in addition to stating the limits on the release of radioactive materials for compliance with limits of Part 20 of this chapter and the "as low as is reasonably achievable" objectives for effluents, require that:

(1) Operating procedures for control of effluents be established and followed, and equipment in the radioactive waste treatment systems be maintained and used, to meet the requirements of § 72.83;

(2) An environmental monitoring program be established to ensure compliance with the technical specifications of effluents; and

(3) An annual report be submitted to the appropriate regional office specified in Appendix D of Part 20 of this chapter, with a copy to the Director, Office of Nuclear Material Safety and Safeguards, within 60 days after January 1 of each year, specifying the quantity of each of the principal radionuclides released to the environment in liquid and in gaseous effluents during the previous 12 months of operation and such other information as may be required by the Commission to estimate maximum potential radiation dose commitment to the public resulting from effluent releases. On the basis of this report and any additional information the Commission may obtain from the licensee or others, the Commission may from time to time require the licensee to take such action as the Commission deems appropriate.

(e) The licensee shall make no change that would decrease the effectiveness of the physical security plan prepared pursuant to § 72.201 without the prior approval of the Commission. A licensee desiring to make such a change shall submit an application for an amendment to the license pursuant to § 72.39. A licensee may make changes to the physical security plan without prior Commission approval, provided that such changes do not decrease the effectiveness of the plan. The licensee shall furnish to the Commission a report containing a description of each change within two months after the change is made, and shall maintain records of changes to the plan made without prior Commission approval for a period of two years from the date of the change.

(f) A licensee shall follow and maintain in effect an emergency plan that is approved by the Commission. The licensee may make changes to the approved plan without Commission approval only if such changes do not decrease the effectiveness of the plan. Within twelve months after any change is made, the licensee shall submit a report containing a description of any changes made in the plan to the appropriate NRC regional office specified in Appendix D to Part 20 of this chapter with a copy to the Director, Office of Nuclear Material Safety and Safeguards. Proposed changes that decrease the effectiveness of the approved emergency plan must not be implemented unless the licensee has received prior approval of such changes from the Commission.

§ 72.34 Public hearings.

(a) In connection with each application for a license or an amendment to a license under this part, the Commission shall issue or cause to be issued a notice of hearing in accordance with § 2.104, or a notice of proposed action in accordance with § 2.105 or 2.1107 of this chapter, as appropriate. Except as provided in paragraph (b) of this section, a hearing may not be held until after 30 days' notice and publication once in the Federal Register.

(b) In the absence of a request for hearing by any person whose interest may be affected, the Commission may issue a license or an amendment to a license without a hearing upon 30 days' notice and publication once in the Federal Register of its intent to do so. The Commission may dispense with the 30 days' notice and publication with respect to an application for an amendment to a license issued under this part upon a determination by the Commission that the amendment does not involve a significant hazards consideration or an unreviewed safety question.

(c) Following final completion and submittal by DOE of the safety analysis report (SAR) for an MRS as required by § 72.50(a), and if the Commission finds that an opportunity for hearing prior to the first receipt of spent fuel or high-level radioactive waste at an MRS is required in the public interest, the Commission will issue a notice of opportunity for hearing. In making the finding that an opportunity for hearing is required in the public interest the Commission will consider, among other things, whether the MRS has been constructed in conformity with the SAR and whether any significant new information important to the safety of the MRS operations has been revealed since issuance of the license.

§ 72.35 Changes, tests, and experiments.

(a) (1) The holder of a license issued under this part may, without prior Commission approval unless the proposed change, test or experiment involves a change in the license conditions incorporated in the license, an unreviewed safety question, significant increase in occupational exposure or a significant unreviewed environmental impact: (i) Make changes in the ISFSI or MRS described in the Safety Analysis Report, (ii) make changes in the procedures described in the Safety Analysis Report, or (iii) conduct tests or experiments not described in the Safety Analysis Report.

(2) A proposed change, test, or experiment shall be deemed to involve an unreviewed safety question (i) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the Safety Analysis Report may be increased; (ii) if a possibility for an accident or malfunction of a different type than any evaluated previously in the Safety Analysis Report may be created; or (iii) if the margin of safety as defined in the basis for any technical specification is reduced.

(b) (1) The licensee shall maintain records of changes in the ISFSI or MRS and of changes in procedures made pursuant to this section if these changes constitute changes in the ISFSI or MRS or procedures described in the Safety Analysis Report. The licensee shall also maintain records of tests and experiments carried out pursuant to paragraph (a) of this section. These records must include a written safety

evaluation that provides the bases for the determination that the change, test, or experiment does not involve an unreviewed safety question. The records of changes in the ISFSI or MRS and of changes in procedures and records of tests must be maintained until the Commission terminates the license.

(2) Annually, or at such shorter interval as may be specified in the license, the licensee shall furnish to the appropriate regional office, specified in Appendix D of Part 20 of this chapter, with a copy to the Director, Office of Nuclear Material Safety and Safeguards, a report containing a brief description of changes, tests, and experiments made under paragraph (a) of the section, including a summary of the safety evaluation of each. Any report submitted by a licensee pursuant to this paragraph will be made a part of the public record pertaining to this license.

(c) The holder of a license issued under this part who desires (1) to change the license conditions, (2) to change the ISFSI or MRS or the procedures described in the Safety Analysis Report, or (3) to conduct tests or experiments not described in the Safety Analysis Report that involve an unreviewed safety question, a significant increase in occupational exposure, or significant unreviewed environmental impact, shall submit an application for amendment of the license, pursuant to § 72.39.

§ 72.36 Transfer of licenses.

(a) No license or any right included in a license issued under this part for an ISFSI or MRS shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission gives its consent in writing.

(b) (1) An application for transfer of a license must include as much of the information described in §§ 72.14 and 72.17 with respect to the identity and the technical and financial qualifications of the proposed transferee as would be required by those sections if the application were for an initial license. The application must also include a statement of the purposes for which the transfer of the license is requested and the nature of the transaction necessitating or making desirable the transfer of the license.

(2) The Commission may require any person who submits an application for the transfer of a license pursuant to the provisions of this section to file a written consent from the existing licensee, or a certified copy of an order or judgment of a court of competent jurisdiction, attesting to the person's right—subject to the licensing requirements of the Act and these regulations—to possession of the radioactive materials and the storage installation involved.

(c) After appropriate notice to interested persons, including the existing licensee, and observance of such procedures as may be required by the Act or regulations or orders of the Commission, the Commission will approve an application for the transfer of a license, if the Commission determines that:

(1) The proposed transferee is qualified to be the holder of the license; and

(2) Transfer of the license is consistent with applicable provisions of the law, and the regulations and orders issued by the Commission.

§ 72.37 Creditor regulations.

(a) This section does not apply to an ISFSI or MRS constructed and operated by DOE.

(b) Pursuant to section 184 of the Act, the Commission consents, without individual application, to the creation of any mortgage, pledge, or other lien on special nuclear material contained in spent fuel not owned by the United States that is the subject of a license or on any interest in special nuclear material in spent fuel; *Provided:*

(1) That the rights of any creditor so secured may be exercised only in compliance with and subject to the same requirements and restrictions as would apply to the licensee pursuant to the provisions of the license, the Atomic Energy Act of 1954, as amended, and regulations issued by the Commission pursuant to said Act; and

(2) That no creditor to secured may take possession of the spent fuel pursuant to the provisions of this section prior to either the issuance of a license from the Commission authorizing possession or the transfer of the license.

(c) Any creditor so secured may apply for transfer of the license covering spent fuel by filing an application for transfer of the license pursuant to § 72.36(b). The Commission will act upon the application pursuant to § 72.36(c).

(d) Nothing contained in this regulation shall be deemed to affect the means of acquiring, or the priority of, any tax lien or other lien provided by law.

(e) As used in this section, "creditor" includes, without implied limitation, the trustee under any mortgage, pledge, or lien on spent fuel in storage made to secure any creditor; any trustee or receiver of spent fuel appointed by a court of competent jurisdiction in any action brought for the benefit of any creditor secured by such mortgage, pledge, or lien; any purchaser of the spent fuel at the sale thereof upon foreclosure of the mortgage, pledge, or lien or upon exercise of any power of sale contained therein; or any assignee of any such purchaser.

§ 72.38 Applications for termination of licenses.

(a) The licensee shall apply to the Commission for authority to surrender a license voluntarily and to decommission the ISFSI or MRS and dispose of the materials stored therein. The Commission may require information, including information as to proposed procedures for the disposal of radioactive material and decontamination of the site, to determine whether there is reasonable assurance that the decommissioning and disposal will be performed in accordance with the regulations in this chapter and will not be inimical to the common defense and security or to the health and safety of the public.

(b) Upon a finding of reasonable assurance that the decommissioning of the ISFSI or MRS and disposal of the materials stored therein will be performed in accordance with the regulations in this chapter and will provide adequate protection to the health and safety of the public, and after notice to interested persons, the Commission will authorize decommissioning and disposal and terminate the license upon completion of decommissioning procedures in accordance with any conditions specified in the authorization.

§ 72.39 Application for amendment of license.

Whenever a holder of a license desires to amend the license, an application for an amendment shall be filed with the Commission fully describing the changes desired and the reasons for such changes, and following as far as applicable the form prescribed for original applications.

§ 72.40 Issuance of amendment.

In determining whether an amendment to a license will be issued to the applicant, the Commission will be guided by the considerations that govern the issuance of initial licenses.

§ 72.41 Modification, revocation, and supension of licenses.

(a) The terms and conditions of all licenses are subject to amendment, revision, or modification by reason of amendments to the Atomic Energy Act of 1954, as amended, or by reason of rules, regulations, or orders issued in

accordance with the Act or any amendments thereto.

(b) Any license may be modified, revoked, or suspended in whole or in part for any of the following:

(1) Any material false statement in the application or in any statement of fact required under Section 182 of the Act;

(2) Conditions revealed by the application or statement of fact or any report, record, inspection or other means which would warrant the Commission to refuse to grant a license on an original application;

(3) Failure to operate an ISFSI or MRS in accordance with the terms of the license;

(4) Violation of, or failure to observe, any of the terms and conditions of the act, or of any applicable regulation, license, or order of the Commission.

(c) Upon revocation of a license, the Commission may immediately cause the retaking of possession of all special nuclear material contained in spent fuel held by the licensee. In cases found by the Commission to be of extreme importance to the national defense and security or to the health and safety of the public, the Commission prior to following any of the procedures provided under sections 551–558 of Title 5 of the United States Code, may cause the taking of possession of any special nuclear material contained in spent fuel held by the licensee.

§ 72.42 Backfitting.

(a) The Commission may require the backfitting of an ISFSI or MRS if it finds that such action will provide substantial additional protection to the environment, or occupational or public health and safety. As used in this section "backfiting" means the addition, elimination, or modification of structures, systems, or components of an ISFSI or MRS after the license has been issued.

(b) The Commission may at any time require a holder of a license to submit such information concerning the backfitting or the proposed backfitting of the ISFSI or MRS as it deems appropriate.

Subpart D—Records, Reports, Inspections, and Enforcement

§ 72.50 Safety analysis report updating.

(a) The design, description of planned operations, and other information submitted in the Safety Analysis Report shall be updated by the licensee and submitted to the Commission at least once every six months after issuance of the license during final design and construction, until preoperational telsting is completed, with final completion and submittal to the Commission at least 90 days prior to the planned receipt of spent fuel or high-level radioactive waste. The final submittal must include a final analysis and evaluation of the design and performance of structures, systems, and components that are important to safety taking into account any pertinent information developed since the submittal of the license application. Changes affecting safety margins will require Commission approval prior to the receipt of spent fuel or high-level radio active waste.

(b) After the first receipt of spent fuel or high-level radioactive waste for storage, the Safety Analysis Report must be updated annually and submitted to the Commission by the licensee. This submittal must include the following:

(1) New or revised information relating to applicable site evaluation factors, including the results of environmental monitoring programs.

(2) A description and analysis of changes in the structures, systems, and components of the ISFSI or MRS, with emphasis upon (i) performance requirements, (ii) the bases, with technical justification therefor upon which such requirements have been established, and (iii) evaluations showing that safety functions will be accomplished.

(3) An analysis of the significance of any changes to codes, standards, regulations, or regulatory guides which the licensee has committed to meeting the requirements of which are applicable to the design, construction, or operation of the ISFSI or MRS.

§ 72.51 Material balance, inventory, and records requirements for stored materials.

(e) Each licensee shall keep records showing the receipt, inventory (including location), disposal, acquisition, and transfer of all spent fuel and high-level radioactive waste in storage. The records must include as a minimum the name of shipper of the material to the ISFSI or MRS, the estimated quantity of radioactive material per item (including special nuclear material in spent fuel), item identification and seal number, storage location, onsite movements of each fuel assembly or storage canister, and ultimate disposal. These records for spent fuel at an ISFSI or for spent fuel and high-level radioactive waste at a MRS must be retained for as long as the material is stored and for a period of five years after the material is disposed of or transferred out of the ISFSI or MRS.

(b) Each licensee shall conduct a physical inventory of all spent fuel in storage at intervals not to exceed 12 months unless otherwise directed by the Commission. The licensee shall retain a copy of the current inventory as a record until the Commission terminates the license.

(c) Each licensee shall establish, maintain, and follow written material control and accounting procedures that are sufficient to enable the licensee to account for the spent fuel in storage. The licensee shall retain a copy of the current material control and accounting procedures until the Commission terminates the license.

(d) Records of spent fuel and high-level radioactive waste in storage must be kept in duplicate. The duplicate set of records must be kept at a separate location sufficiently remote from the original records that a single event would not destory both sets of records. Records of spent fuel transferred out of an ISFSI or of spent fuel or high-level radioactive waste transferred out of an MRS must be preserved for a period of five years after the date of transfer.

§ 72.52 Reports of accidental criticality or loss of special nuclear material.

Each licensee shall report immediately to the appropriate NRC regional office specified in Appendix D of Part 20 of this chapter by telephone and telegram or teletype, any case of accidental criticality and any loss of special nuclear material.

§ 72.53 Material status reports.

(a) Except as provided in paragraph (b) of this section, each licensee shall complete and submit to the Commission (on DOE/NRC Form–742, Material Balance Report) material balance reports in accordance with the printed instructions for completing the form. These reports must provide information concerning the special nuclear material contained in the spent fuel possessed, received, transferred, disposed of, or lost by the licensee. Material status reports must be made as of March 31 and September 30 of each year and filed within 30 days after the end of the period covered by the report. The Commission may, when good cause is shown, permit a licensee to submit Material Status Reports at other times.

(b) Any licensee who is required to submit routine material status reports pursuant to § 75.35 of this chapter (pertaining to implementation of the US/IAEA Safeguards Agreement) shall prepare and submit such reports only as provided in that section instead of as provided in paragraph (a) of this section.

§ 72.54 Nuclear material transfer reports.

(a) Except as provided in paragraph (b) of this section, whenever the licensee transfers or receives spent fuel, the licensee shall complete and distribute a Nuclear Material Transaction Report on DOE/NRC Form–741 in accordance with printed instructions for completing the form. Each licensee who receives spent fuel from a foreign source shall complete both the supplier's and receiver's portion of DOE/NRC Form–741, verify the identity of the spent fuel, and indicate the results on the receiver's portion of the form.

(b) Any licensee who is required to submit inventory change reports on DOE/NRC Form–741 pursuant to § 75.34 of this chapter (pertaining to implementation of the US/IAEA Safeguards Agreement) shall prepare and submit such reports only as provided in that section instead of as provided in paragraph (a) of this section.

§ 72.55 Other records and reports.

(a) Each licensee shall maintain any records and make any reports that may be required by the conditions of the license or by the rules, regulations, and orders of the Commission in effectuating the purposes of the Act.

(b) Each licensee, except DOE, shall furnish a copy of its annual financial report, including the certified financial statements, to the Commission.

(c) Records that are required by the regulations in this part or by the license conditions must be maintained for the period specified by the appropriate regulation or license condition. If a retention period is not otherwise specified, the above records must be maintained until the Commission terminates the license.

(d) Any record that must be maintained pursuant to this part may be either the original or a reproduced copy or microform provided that any reproduced copy or microform is duly authenticated by authorized personnel and that the microform is capable of producing a clear and legible copy after storage for the period specified by Commission regulations.

§ 72.56 Inspections and tests.

(a) Each licensee under this part shall permit inspection by duly authorized representatives of the Commission of its records, premises, and activities and of spent fuel or high-level radioactive waste in its possession related to the specific license as may be necessary to effectuate the purposes of the Act, including section 105 of the Act.

(b) Each licensee under this part shall make available to the Commission for inspection, upon reasonable notice, records kept by the licensee pertaining to its receipt, possession, packaging, or transfer of spent fuel or high-level radioactive waste.

(c)(1) Each licensee under this part shall upon request by the Director, Office of Inspection and Enforcement provide rent-free office space for the exclusive use of the Commission inspection personnel. Heat, air conditioning, light, electrical outlets and janitorial services shall be furnished by each licensee. The office must be convenient to and have full access to the installation and provide the ispector both visual and acoustic privacy.

(2) For a site with a single storage installation the space provided shall be adequate to accommodate a full-time inspector, a part-time secretary, and transient NRC personnel and will be generally commensurate with other office facilities at the site. A space of 250 sq. ft., either within the site's office complex or in an office trailer, or other on-site space, is suggested as a guide. For sites containing multiple facilities, additional space may be requested to accommodate additional full-time inspectors. The office space that is provided must be subject to the approval of the Director, Office of Inspection and Enforcement. All furniture, supplies and Commission equipment will be furnished by the Commission.

(3) Each licensee under this part shall afford any NRC resident inspector assigned to that site, or other NRC inspectors identified by the Regional Administrator as likely to inspect the installation, immediate unfettered access, equivalent to access provided regular plant employees, following proper identification and compliance with applicable access control measures for security, radiological protection, and personal safety.

(d) Each licensee shall perform, or permit the Commission to perform, such tests as the Commission deems appropriate or necessary for the administration of the regulations in this part.

(e) A report of the preoperational test acceptance criteria and test results must be submitted to the appropriate regional office specified in Appendix D of Part 20 of this chapter with a copy to the Director, Office of Nuclear Material Safety and Safeguards at least 30 days prior to the receipt of spent fuel or high-level radioactive waste.

§ 72.57 Violation.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Atomic Energy Act of 1954, as amended, or Title II of the Energy Reorganiation Act of 1974, as amended, or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Atomic Energy Act for violation of section 53, 57, 62, 63, 81, or 82 of the Atomic Energy Act, or section 206 of the Energy Reorganization Act of 1974, or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Atomic Energy Act. Any person who willfully violates any provision of the Atomic Energy Act, or any regulation or order issued thereunder, may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

Subpart E—Siting Evaluation Factors

§ 72.70 General considerations.

(a) Site characteristics that may directly affect the safety or environmental impact of the ISFSI or MRS must be investigated and assessed.

(b) Proposed sites for the ISFSI or MRS must be examined with respect to the frequency and the severity of external natural and maninduced events that could affect the safe operation of the ISFSI or MRS.

(c) Design basis external events must be determined for each combination of proposed site and proposed ISFSI or MRS design.

(d) Proposed sites with design basis external events for which adequate protection cannot be provided through ISFSI or MRS design shall be deemed unsuitable for the location of the ISFSI or MRS.

(e) Pursuant to Subpart A of Part 51 of this chapter for each proposed site for an ISFSI and pursuant to section 141 of the Nuclear Waste Policy Act of 1982 (96 Stat. 2241, 42 U.S.C. 10161) for each proposed site for an MRS, the potential for radiological and other envirnomental impacts on the region must be evaluated with due consideration of the characteristics of the population, including its distribution, and of the regional environs, including its historical and esthetic values.

(f) The facility must be sited so as to avoid to the extent possible the long-term and short-term adverse impacts associated with the occupancy and modification of floodplains.

§ 72.71 Design basis external natural events.

(a) Natural phenomena that may exist or that can occur in the region of a proposed site must be identified and assessed according to their potential effects on the safe operation of the ISFSI or MRS. The important natural phenomena that affect the ISFSI or MRS design must be identified.

(b) Records of the occurrence and severity of those important natural phenomena must be collected for the region and evaluated for reliability, accuracy, and completeness. The applicant shall retain these records until the license is issued.

(c) Appropriate methods must be adopted for evaluating the design basis external natural events based on the characteristics of the region and the current state of knowledge about such events.

§ 72.73 Design basis external man-induced events.

(a) The region must be examined for both past and present man-made facilities and activities that might endanger the proposed ISFSI or MRS. The important potential man-induced events that affect the ISFSI or MRS design must be indentified.

(b) Information concerning the potential occurrence and severity of such events must be collected and evaluated for reliability, accuracy, and completeness.

(c) Appropriate methods must be adopted for evaluating the design basis external man-induced events, based on the current state of knowledge about such events.

§ 72.75 Siting limitations.

(a) An ISFSI which is owned and operated by DOE must not be located at any Federal or non-federal site within which there is a candidate site for a HLW repository. This limitation shall apply until such time as DOE decides that such candidate site is no longer a candidate site under consideration for development as a HLW repository.

(b) An MRS must not be sited in any state in which there is located any site approved for site characterization for a HLW repository. This limitation shall apply until such time as DOE decides that the candidate site is no longer a candidate site under consideration for development as a repository. This limitation shall continue to apply to any site selected for construction as a repository.

(c) If an MRS is located, or is planned to be located, within 50 miles of the first HLW repository, any Commission decision approving the first HLW repository application must limit the quantity of spent fuel or high-level radioactive waste that may be stored. This limitation shall prohibit the storage of a quantity of spent fuel containing in excess of 70,000 metric tons of heavy metal, or a quantity of solidified high-level radioactive waste resulting from the reprocessing of such a quantity of spent fuel, in both the repository and the MRS until such time as a second repository is in operation.

§ 72.77 Identifying regions around an ISFSI or MRS site.

(a) The regional extent of external phenomena, man-made or natural, that are used as a basis for the design of the ISFSI or MRS must be defined.

(b) The potenial regional impact due to the construction, operation or decommissioning of the ISFSI or MRS must be identified. The extent of regional impacts must be determined on the basis of potential measurable effects on the population or the environment from ISFSI or MRS activities.

(c) Those regions identified pursuant to paragraphs (a) and (b) of this section must be investigated as appropriate with respect to (1) the present and future character and the distribution of populations, (2) consideration of present and projected future uses of land and water within the region, and (3) any special characteristics that may influence the potential consequences of a release of radioactive material during the operational lifetime of the ISFSI or MRS.

§ 72.79 Defining potential effects of the ISFSI or MRS on the region.

(a) The proposed site must be evaluated with respect to the effects on populations in the region resulting from the release of radioactive materials under normal and accident conditions during operation and decommissioning to the ISFSI or MRS; in this evaluation both usual and unusual regional and site characteristics shall be taken into account.

(b) Each site must be evaluated with respect to the effects on the regional environment resulting from construction, operation, and decommissioning for the ISFSI or MRS; in this evaluation both usual and unusual regional and site characteristics must be taken into account.

§ 72.81 Geological and seismological characteristics.

(a) *Massive water basin, air-cooled canyon and vault, and tunnel types of of ISFSI and MRS designs.* (1) East of the Rocky Mountain Front (east of approximately 104° west longitude), except in areas of known sesimic activity including but not limited to the regions around New Madrid, Mo., Charleston, S.C., and Attica, N.Y., sites will be acceptable if the results from onsite foundation and geological investigation, literature review, and regional geological reconnaissance show no unstable geological characteristics, soil stability problems, or potential for vibratory ground motion at the site in excess of an appropriate response spectrum anchored at 0.2 g.

(2) West of the Rocky Mountain Front (west of approximately 104° west longitude), and in other areas of known potential seismic activity, seismicity will be evaluated by the techniques of Appendix A of Part 100 of this chapter. Sites that lie within the range of strong near-field ground motion from historical earthquakes on large capable faults should be avoided.

(3) Sites other than bedrock sites must be evaluated for their liquefaction potential or other soil instability due to vibratory ground motion.

(4) Site-specific investigations and laboratory analyses must show that soil conditions are adequate for the proposed foundation loading.

(5) In an evaluation of alternative sites, those which require a minimum of engineered provisions to correct site deficiencies are preferred. Sites with unstable geologic characteristics should be avoided.

(6) The design earthquake (DE) for use in the design of structures must be determined as follow:

(i) For sites that have been evaluated under the criteria of Appendix A of 10 CFR Part 100, the DE must be equivalent to the safe shutdown earthquake (SSE) for a nuclear power plant.

(ii) For those sites that have not been evaluated under the criteria of Appendix A of 10 CFR Part 100, that are east of the Rocky Mountain Front, and that are not in areas of known seismic activity, a standardized DE described by an appropriate response spectrum anchored at 0.25 g may be used. Alternatively, a site-specific DE may be determined by using the criteria and level of investigations required by Appendix A of Part 100 of this chapter.

(iii) Regardless of the results of the investigations anywhere in the continental U.S., the DE must have a value for the horizontal ground motion of no less than 0.10 g with the appropriate response spectrum.

(b) *Other types of ISFSI and MRS designs.* For ISFSI and MRS designs that do not use the massive water basin, air-cooled canyon and vault, or tunnel type design, such as but not limited to canisters, casks, drywells, or silos, a site

specific investigation is required to establish site suitability commensurate with the specific requirements of the proposed ISFSI or MRS. Vault type structures related to these designs, such as but not limited to receiving and handling and lag storage facilities, require seismic evaluations equivalent to those specified in paragraph (a) of this section.

§ 72.83 Criteria for radioactive materials in effluents and direct radiation from an ISFSI or MRS.

(a) During normal operations and anticipated occurences, the annual dose equivalent to any real individual who is located beyond the controlled area must not exceed 25 mrem to the whole body, 75 mrem to the thyroid and 25 mrem to any other organ as a result of exposure to: (1) Planned discharges of radioactive materials, randon and its daughters excepted, to the general environment, (2) direct radiation from ISFSI or MRS operations, and (3) any other radiation from uranium fuel cycle operations within the region.

(b) Operational restrictions must be established to meet as low as is reasonably achievable objectives or radioactive materials in effluents and direct radiation levels associated with ISFSI or MRS operations.

(c) Operational limits must be established for radioactive materials in effluents and direct radiation levels associated with ISFSI or MRS operations to meet the limits given in paragraph (a) of this section.

§ 72.85 Controlled area of an ISFSI or MRS.

(a) For each ISFSI or MRS site, controlled area must be established.

(b) Any individual located on or beyond the nearest boundary of the controlled area shall not receive a dose greater than 5 rem to the whole body or any organ from any design basis accident. The minimum distance from the spent fuel or high-level radioactive waste handling and storage facilities to the nearest boundary of the controlled area shall be at least 100 meters.

(c) The controlled area may be traversed by a highway, railroad or waterway, so long as appropriate and effective arrangements are made to control traffic and to protect the public health and safety.

§ 72.87 [Reserved]

§ 72.89 Spent fuel or high-level radioactive waste transportation.

The proposed ISFSI or MRS must be evaluated with respect to the potential impact on the environment of spent fuel or high-level radioactive waste being transported into the region.

Subpart F—General Design Criteria

§ 72.91 General considerations.

(a) Pursuant to the provisions of § 72.15, an application to store spent fuel in an ISFSI or to store spent fuel or high-level radioactive waste in an MRS must include the design criteria for the proposed storage installation. These design criteria establish the design, fabrication, construction, testing, and performance requirements for structures, systems, and components important to safety as defined in § 72.3. The general design criteria identified in this subpart establish minimum requirements for the design criteria for an ISFSI or MRS. Any omissions in these general design criteria do not relieve the applicant from the requirement of providing the necessary safety features in the design of the ISFSI or MRS.

(b) The MRS must be designed to store either spent fuel or solid high-level radioactive wastes. Liquid high-level radioactive wastes may not be received or stored in an MRS. If the MRS is a water-pool type facility, the solidified waste form shall be such that it will not react or dissolve in the water.

§ 72.92 Overall requirements.

(a) *Quality Standards.* Structures, systems, and components important to safety must be designed, fabricated, erected, and tested to quality standards commensurate with the importance to safety of the function to be performed.

(b) *Protection against environmental conditions and natural phenomena.* (1) Structures, systems, and components important to safety must be designed to accommodate the effects of, and to be compatible with, site characteristics and environmental conditions associated with normal operation, maintenance, and testing of the ISFSI or MRS and to withstand postulated accidents.

(2) Structures, systems, and components important to safety must be designed to withstand the effects of natural phenomena such as earthquakes, tornadoes, lightning, hurricanes, floods, tsunami, and seiches, without impairing their capability to perform safety functions. The design bases for these structures, systems, and components must reflect (i) appropriate consideration of the most severe of the natural phenomena reported for the site and surrounding area, with appropriate margins to take into account the limitations of the data and the period of time in which the data have accumulated, and (ii) appropriate combinations of the effects of normal and accident conditions and the effects of natural phenomena. The ISFSI or MRS should also be designed to prevent massive collapse of building structures or the dropping of heavy objects as a result of building structural failure on to the spent fuel or high-level radioactive waste or on to structures, systems, and components important to safety.

(3) Capability must be provided for determining the intensity of natural phenomena that may occur for comparison with design bases of structures, systems, and components important to safety.

(4) If the ISFSI or MRS is located over an aquifer which is a major water resource, measures must be taken to preclude the transport of radioactive materials to the environment through this potential pathway.

(c) *Protection against fires and explosions.* Structures, systems, and components important to safety must be designed and located so that they can continue to perform their safety functions effectively under credible fire and explosion exposure conditions. Noncombustible and heat-resistant materials must be used wherever practical throughout the ISFSI or MRS, particularly in locations vital to the control of radioactive materials and to the maintenance of safety control functions. Explosion and fire detection, alarm, and suppression systems shall be designed and provided with sufficient capacity and capability to minimize the adverse effects of fires and explosions on structures, systems, and components important to safety. The design of the ISFSI or MRS must include provisions to protect against adverse effects that might result from either the operation or the failure of the fire suppression system.

(d) *Sharing of structures, systems, and components.* Structures, systems, and components important to safety must not be shared between an ISFSI or MRS and other facilities unless it is shown that such sharing will not impair the capability of either facility to perform its safety functions, including the ability to return to a safe condition in the event of an accident.

(e) *Proximity of sites.* An ISFSI or MRS located near other nuclear facilities must be designed and operated to ensure that the cumulative effects of their combined operations will not constitute an unreasonable risk to the health and safety of the public.

(f) *Testing and maintenance of systems and components.* Systems and components that are important to safety

must be designed to permit inspection, maintenance, and testing.

(g) *Emergency capability.* Structures, systems, and components important to safety must be designed for emergencies. The design must provide for accessibility to the equipment of onsite and available offsite emergency facilities and services such as hospitals, fire and police departments, ambulance service, and other emergency agencies.

(h) *Confinement barriers and systems.* (1) The spent fuel cladding must be protected during storage against degradation that leads to gross ruptures or the fuel must be otherwise confined such that degradation of the fuel during storage will not pose operational safety problems with respect to its removal from storage. This may be accomplished by canning of consolidated fuel rods or unconsolidated assemblies or other means as appropriate.

(2) For underwater storage of spent fuel or high-level radioactive waste in which the pool water serves as a shield and a confinement medium for radioactive materials, systems designed for maintaining water purity and the pool water level must be designed so that any abnormal operations or failure in those systems from any cause will not cause the water level to fall below safe limits. The design must preclude installations of drains, permanently connected systems, and other features that could, by abnormal operations or failure, cause a significant loss of water. Pool water level equipment must be provided to alarm in a continuously manned location if the water level in the storage pools falls below a predetermined level.

(3) Ventilation and off-gas systems must be provided where necessary to ensure the confinement of airborne radioactive particulate materials during normal or off-normal conditions.

(4) Storage confinement systems must be continuously monitored in a manner such that the licensee will be able to determine when corrective action needs to be taken to maintain safe storage conditions.

(5) The high-level radioactive waste must be packaged in a manner that allows handling and retrievability without the release of radioactive materials to the environment or radiation exposures in excess of Part 20 limits. The package must be designed to confine the high-level radioactive waste for the life of the installation.

(i) *Instrumentation and control systems.* Instrumentation and control systems must be provided to monitor systems that are important to safety over anticipated ranges for normal operation and off-normal operation. Those instruments and control systems that must remain operational under accident conditions must be identified in the Safety Analysis Report.

(j) *Control room or control area.* A control room or control area, if appropriate for the ISFSI or MRS design, must be designed to permit occupancy and actions to be taken to monitor the ISFSI or MRS safety under normal conditions, and to provide safe control of the ISFSI or MRS under off-normal or accident conditions.

(k) *Utility or other services.* (1) Each utility service system must be designed to meet emergency conditions. The design of utility services and distribution systems that are important to safety must include redundant systems to the extent necessary to maintain, with adequate capacity, the ability to perform safety functions assuming a single failure.

(2) Emergency utility services must be designed to permit testing of the functional operability and capacity, including the full operational sequence, of each system for transfer between normal and emergency supply sources; and to permit the operation of associated safety systems.

(3) Provisions must be made so that, in the event of a loss of the primary electric power source or circuit, reliable and timely emergency power will be provided to instruments, utility service systems, the central security alarm station, and operating systems, in amounts sufficient to allow safe storage conditions to be maintained and to permit continued functioning of all systems essential to safe storage.

(4) An ISFSI or MRS which is located on the site of another facility may share common utilities and services with such a facility and be physically connected with the other facility; however, the sharing of utilities and services or the physical connection must not significantly (i) increase the probability or consequences of an accident or malfunction of components, structures, or systems that are important to safety; or (ii) reduce the margin of safety as defined in the basis for any technical specifications of either facility.

(l) *Retrievability.* Storage systems must be designed to allow ready retrieval of spent fuel or high-level radioactive waste for further processing or disposal.

§ 72.93 Criteria for nuclear criticality safety.

(a) *Design for criticality safety.* Spent fuel handling, packaging, transfer, and storage systems must be designed to be maintained subcritical and to prevent a nuclear criticality accident. The design of handling, packaging, transfer, and storage systems must include margins of safety for the nuclear criticality parameters that are commensurate with the uncertainties in the handling, packaging, transfer and storage conditions in the data and methods used in calculations, and in the nature of the immediate environment under accident conditions.

(b) *Methods of criticality control.* The design of an ISFSI or MRS must be based on favorable geometry (spacing), permanently fixed neutron absorbing materials (poisons), or both. In criticality design analyses, credit can be taken for fixed neutron absorbing material present within the storage structure.

§ 72.94 Criteria for radiological protection.

(a) *Exposure control.* Radiation protection systems must be provided for all areas and operations where onsite personnel may be exposed to radiation or airborne radioactive materials. Structures, systems, and components for which operation, maintenance, and required inspections may involve occupational exposure must be designed, fabricated, located, shielded, controlled, and tested so as to control external and internal radiation exposures to personnel. The design must include means to:

(1) Prevent the accumulation of radioactive material in those systems requiring access;

(2) Decontaminate those systems to which access is required;

(3) Control access to areas of potential contamination or high radiation within the ISFSI or MRS;

(4) Measure and control contamination of areas requiring access;

(5) Minimize the time required to perform work in the vicinity of radioactive components; for example, by providing sufficient space for ease of operation and designing equipment for ease of repair and replacement; and

(6) Shield personnel from radiation exposure.

(b) *Radiological alarm systems.* Radiological alarm systems must be provided in accessible work areas as appropriate to warn operating personnel of radiation and airborne radioactivity levels above a given setpoint and of concentration of radioactive material in effluents above control limits. Radiation alarm systems must be designed with provisions for calibration and testing their operability.

(c) *Effluent and direct radiation monitoring.* (1) As appropriate for the handling and storage system, effluent systems must be provided. Means for measuring the amount of radionuclides

in effluents during normal operations and under accident conditions must be provided for these system. A means of measuring the flow of the diluting medium, either air or water, must also be provided.

(2) Areas containing radioactive materials must be provided with systems for measuring the direct radiation levels in and around these areas.

(d) *Effluent control.* The ISFSI or MRS must be designed to provide means to limit to levels as low as is reasonably achievable the release of radioactive materials in effluents during normal operations; and control the release of radioactive materials under accident conditions. Analyses must be make to show that release to the general environment during normal operations and anticipated occurrences will be within the exposure limits given in § 72.83. Analyses of design basis accidents must be made, to show that releases to the general environment will be within the exposure limits given in § 72.85. Systems designed to monitor the release of radioactive materials must have means for calibration and testing their operability.

§ 72.95 Criteria for spent fuel, high-level radioactive waste, and other radioactive waste storage and handling.

(a) *Spent fuel and high-level radioactive waste storage and handling systems.* Spent fuel storage, high-level radioactive waste storage, and other systems that might contain or handle radioactive materials associated with spent fuel or high-level radioactive waste, must be designed to ensure adequate safety under normal and accident conditions. These systems must be designed with (1) a capability to test and monitor components important to safety, (2) suitable shielding for radiation protection under normal and accident conditions, (3) confinement structures and systems, (4) a heat-removal capability having testability and reliability consistent with its importance to safety, and (5) means to minimize the quantity of radioactive wastes generated.

(b) *Waste treatment.* Radioactive waste treatment facilities must be provided. Provisions must be made for the packaging of site-generated low-level wastes in a form suitable for storage onsite awaiting transfer to disposal sites.

§ 72.96 Criteria for decommissioning.

The ISFSI or MRS must be designed for decommissioning. Provisions must be made to facilitate decontamination of structures and equipment, minimize the quantity of radioactive wastes and contaminated equipment, and facilitate the removal of radioactive wastes and contaminated materials at the time the ISFSI or MRS is permanently decommissioned.

Subpart G—Quality Assurance

§ 72.100 Quality assurance requirements.

(a) *Purpose.* This subpart describes quality assurance requirements applying to design, purchase, fabrication, handling, shipping, storing, cleaning, assembly, inspection, testing, operation, maintenance, repair, modification of structures, systems, and components, and decommissioning that are important to safety. As used in this subpart, "quality assurance" comprises all those planned and systematic actions necessary to provide adequate confidence that a structure, system, or component will perform satisfactorily in service. Quality assurance includes quality control, which comprises those quality assurance actions related to control of the physical characteristics and quality of the material or component to predetermined requirements.

(b) *Establishment of program.* Each licensee[1] shall establish, maintain, and execute a quality assurance program satisfying each of the applicable criteria of this subpart, and satisfying any specific provisions which are applicable to the licensee's activities. The licensee shall execute the applicable criteria in a graded approach to an extent that is commensurate with the importance to safety. The quality assurance program must cover the activities identified in § 72.15(n) throughout the life of the licensed activity, from the site selection through decommissioning, prior to termination of the license.

(c) *Approval of Program.* Prior to receipt of spent fuel at the ISFSI or spent fuel and high-level radioactive waste at the MRS each licensee shall obtain Commission approval of its quality assurance program. Each licensee shall file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied, with the Director, Office of Nuclear Material and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

[1] While the term "licensee" is used in these criteria, the requirements are applicable to whatever design, construction, fabriction, assembly, and testing is accomplished with respect to structures, systems, and components prior to the time a license is issued.

(d) *Previously approved programs.* A Commission-approved quality assurance program which satisfies the applicable criteria of Appendix B to Part 50 of this chapter and which is established, maintained, and executed with regard to an ISFSI will be accepted as satisfying the requirements of paragraph (b) of this section. Prior to first use, the licensee shall notify the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, of its intent to apply its previously approved Appendix B program to ISFSI activities. The licensee shall identify the program by date of submittal to the Commission, docket number, and date of Commission approval.

§ 72.101 Quality assurance organization.

The licensee shall be responsible for the establishment and execution of the quality assurance program. The licensee may delegate to others, such as contractors, agents, or consultants, the work of establishing and executing the quality assurance program, but shall retain responsibility for the program. The licensee shall clearly establish and delineate in writing the authority and duties of persons and organizations performing activities affecting the functions of structures, systems and components which are important to safety. These activities include performing the functions associated with attaining quality objectives and the quality assurance functions. The quality assurance functions are (a) assuring that an appropriate quality assurance program is established and effectively executed and (b) verifying, by procedures such as checking, auditing, and inspection, that activities affecting the functions that are important to safety have been correctly performed. The persons and organizations performing quality assurance functions must have sufficient authority and organizational freedom to identify quality problems; to initiate, recommend, or provide solutions; and to verify implementation of solutions. The persons and organizations performing quality assurance functions shall report to a management level that ensures that the required authority and organizational freedom, including sufficient independence from cost and schedule considerations when these considerations are opposed to safety considerations, are provided. Because of the many variables involved, such as the number of personnel, the type of activity being performed, and the location or locations where activities are performed, the organizational structure

for executing the quality assurance program may take various forms provided that the persons and organizations assigned the quality assurance functions have the required authority and organizational freedom. Irrespective of the organizational structure, the individual(s) assigned the responsibility for assuring effective execution of any portion of the quality assurance program at any location where activities subject to this section are being performed must have direct access to the levels of management necessary to perform this function.

§ 72.103 Quality assurance program.

(a) The licensee shall establish, at the earliest practicable time consistent with the schedule for accomplishing the activities, a quality assurance program which complies with the requirements of this section. The licensee shall document the quality assurance program by written procedures or instructions and shall carry out the program in accordance with these procedures throughout the period during which the ISFSI or MRS is licensed. The licensee shall identify the structures, systems, and components to be covered by the quality assurance program, the major organizations participating in the program, and the designated functions of these organizations.

(b) The licensee, through its quality assurance program, shall provide control over activities affecting the quality of the identified structures, systems, and components to an extent commensurate with the importance to safety, and as necessary to ensure conformance to the approved design of each ISFSI or MRS. The licensee shall ensure that activities affecting quality are accomplished under suitably controlled conditions. Controlled conditions include the use of appropriate equipment; suitable environmental conditions for accomplishing the activity, such as adequate cleanliness; and assurance that all prerequisites for the given activity have been satisfied. The licensee shall take into account the need for special controls, processes, test equipment, tools and skills to attain the required quality and the need for verification of quality by inspection and test.

(c) The licensee shall base the requirements and procedures of its quality assurance program on the following considerations concerning the complexity and proposed use of the structures, systems, or components:

(1) The impact of malfunction or failure of the item on safety;

(2) The design and fabrication complexity or uniqueness of the item;

(3) The need for special controls and surveillance over processes and equipment;

(4) The degree to which functional compliance can be demonstrated by inspection or test; and

(5) The quality history and degree of standardization of the item.

(d) The licensee shall provide for indoctrination and training of personnel performing activities affecting quality as necessary to ensure that suitable proficiency is achieved and maintained. The licensee shall review the status and adequacy of the quality assurance program at established intervals. Management of other organizations participating in the quality assurance program shall regularly review the status and adequacy of that part of the quality assurance program which they are executing.

§ 72.105 Design control.

(a) The licensee shall establish measures to ensure that applicable regulatory requirements and the design, as specified in the license for those structures, systems, and components to which this section applies, are correctly translated into specifications, drawings, procedures, and instructions. These measures must include provisions to ensure that appropriate quality standards are specified and included in design documents and that deviations from standards are controlled. Measures must be established for the selection and review for suitability of application of materials, parts, equipment, and processes that are essential to the functions of the structures, systems, and components which are important to safety.

(b) The licensee shall establish measures for the identification and control of design interfaces and for coordination among participating design organizations. These measures must include the establishment of written procedures among participating design organizations for the review, approval, release, distribution, and revision of documents involving design interfaces. The design control measures must provide for verifying or checking the adequacy of design, by methods such as design reviews, alternate or simplified calculational methods, or by a suitable testing program. For the verifying or checking process, the licensee shall designate individuals or groups other than those who were responsible for the original design, but who may be from the same organization. Where a test program is used to verify the adequacy of a specific design feature in lieu of other verifying or checking processes, the licensee shall include suitable qualification testing of a prototype or sample unit under the most adverse design conditions. The licensee shall apply design control measures to items such as the following: criticality physics, radiation, shielding, stress, thermal, hydraulic, and accident analyses; compatibility of materials; accessibility for inservice inspection, maintenance, and repair; features to facilitate decontamination; and delineation of acceptance criteria for inspection tests.

(c) The licensee shall subject design changes, including field changes, to design control measures commensurate with those applied to the original design. Changes in the conditions specified in the license require NRC approval.

§ 72.107 Procurement document control.

The licenseee shall establish measures to assure that applicable regulatory requirements, design bases, and other requirements which are necessary to assure adequate quality are included or referenced in the documents for procurement of material, equipment, and services, whether purchased by the licensee or by its contractors or subcontractors. To the extent necessary, the licensee shall require contractors or subcontractors to provide a quality assurance program consistent with the applicable provisions of this part.

§ 72.109 Instructions, procedures, and drawings.

The licensee shall prescribe activities affecting quality by documented instructions, procedures, or drawings of a type appropriate to the circumstances and shall require that these instructions, procedures, and drawings be followed. The instructions, procedures, and drawings must include appropriate quantitative or qualitative acceptance criteria for determining that important activities have been satisfactorily accomplished.

§ 72.111 Document control.

The licensee shall establish measures to control the issuance of documents such as instructions, procedures, and drawings, including changes, which prescribe all activities affecting quality. These measures must assure that documents, including changes, are reviewed for adequacy, approved for release by authorized personnel, and distributed and used at the location where the prescribed activity is performed. These measures must ensure that changes to documents are reviewed and approved.

§ 72.113 Control of purchased material, equipment, and services.

(a) The licensee shall establish measures to ensure that purchased material, equipment and services, whether purchased directly or through contractors and subcontractors, conform to the procurement documents. These measures must include provisions, as appropriate, for source evaluation and selection, objective evidence of quality furnished by the contractor or subcontractor, inspection at the contractor or subcontractor source, and examination of products upon delivery.

(b) The licensee shall have available documentary evidence that material and equipment conform to the procurement specifications prior to installation or use of the material and equipment. The licensee shall retain or have available this documentary evidence for the life of ISFSI or MRS. The licensee shall ensure that the evidence is sufficient to identify the specific requirements met by the purchased material and equipment.

(c) The licensee or designee shall assess the effectiveness of the control of quality by contractors and subcontractors at intervals consistent with the importance, complexity, and quantity of the product or services.

§ 72.115 Identification and control of materials, parts, and components.

The licensee shall establish meaures for the identification and control of materials, parts, and components. These measures must ensure that identification of the item is maintained by heat number, part number, serial number, or other appropriate means, either on the item or on records traceable to the item, as required throughout fabrication, installation, and use of the item. These identification and control measures must be designed to prevent the use of incorrect or defective materials, parts, and components.

§ 72.117 Control of special processes.

The licensee shall establish measures to ensure that special processes, including welding, heat treating, and nondestructive testing, are controlled and accomplished by qualified personnel using qualified procedures in accordance with applicable codes, standards, specifications, criteria, and other special requirements.

§ 72.119 Licensee inspection.

The licensee shall establish and execute a program for inspection of activities affecting quality by or for the organization performing the activity to verify conformance with the documented instructions, procedures, and drawings for accomplishing the activity. The inspection must be performed by individuals other than those who performed the activity being inspected. Examination, measurements, or tests of material or products processed must be performed for each work operation where necessary to assure quality. If direct inspection of processed material or products is not carried out, indirect control by monitoring processing methods, equipment, and personnel must be provided. Both inspection and process monitoring must be provided when quality control is inadequate without both. If mandatory inspection hold points, which require witnessing or inspecting by the licensee's designated representative and beyond which work should not proceed without the consent of its designated representative, are required, the specific hold points must be indicated in appropriate documents.

§ 72.121 Test control.

The licensee shall establish a test program to ensure that all testing required to demonstrate that the structures, systems, and components will perform satisfactorily in service is identified and performed in accordance with written test procedures that incorporate the requirements of this part and the requirements and acceptance limits contained in the ISFSI or MRS license. The test procedures must include provisions for assuring that all prerequisites for the given test are met, that adequate test instrumentation is available and used, and that the test is performed under suitable environmental conditions. The licensee shall document and evaluate the test results to ensure that test requirements have been satisfied.

§ 72.123 Control of measuring and test equipment.

The licensee shall establish measures to ensure that tools, gauges, instruments, and other measuring and testing devices used in activities affecting quality are properly controlled, calibrated, and adjusted at specified time to maintain accuracy within necessary limits.

§ 72.125 Handling, storage, and shipping control.

The licensee shall establish measures to control, in accordance with work and inspection instructions, the handling, storage, shipping, cleaning, and preservation of materials and equipment to prevent damage or deterioration. When necessary for particular products, special protective environments, such as inert gas atmosphere, and specific moisture content and temperature levels must be specified and provided.

§ 72.127 Inspection, test, and operating status.

(a) The licensee shall establish measures to indicate, by the use of marking such as stamps, tags, labels, routing cards, or other suitable means, the status of inspections and tests performed upon individual items of the ISFSI or MRS. These measures must provide for the identification of items which have satisfactorily passed required inspections and tests where necessary to preclude inadvertent bypassing of the inspections and tests.

(b) The licensee shall establish measures to identify the operating status of structures, systems, and components of the ISFSI or MRS, such as tagging valves and switches, to prevent inadvertent operation.

§ 72.129 Nonconforming materials, parts or components.

The licensee shall establish measures to control materials, parts, or components that do not conform to the licensee's requirements in order to prevent their inadvertent use or installation. These measures must include, as appropriate, procedures for identification, documentation, segregation, disposition, and notification to affected organizations. Nonconforming items must be reviewed and accepted, rejected, repaired, or reworked in accordance with documented procedures.

§ 72.131 Corrective action.

The licensee shall establish measures to ensure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances, are promptly identified and corrected. In the case of a significant condition adverse to quality, the measures must ensure that the cause of the condition is determined and corrective action is taken to preclude repetition. The identification of the significant condition adverse to quality, the cause of the condition, and the corrective action taken must be documented and reported to appropriate levels of management.

§ 72.133 Quality assurance records.

The licensee shall maintain sufficient written records to furnish evidence of activities affecting quality. The records must include the following: design records, records of use and the results of reviews, inspections, tests, audits, monitoring of work performance, and materials analyses. The records must include closely related data such as qualifications of personnel, procedures,

and equipment. Inspection and test records must, at a minimum, identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any noted deficiencies. Records must be identifiable and retrievable. Records pertaining to the design, fabrication, erection, testing, maintenance, and use of structures, systems, and components important to safety shall be maintained by or under the control of the licensee until the Commission terminates the license.

§ 72.135 Audits.

The licensee shall carry out a comprehensive system of planned and periodic audits to verify compliance with all aspects of the quality assurance program and to determine the effectiveness of the program. The audits must be performed in accordance with written procedures or checklists by appropriately trained personnel not having direct responsibilities in the areas being audited. Audited results must be documented and reviewed by management having responsibility in the area audited. Follow-up action including re-audit of deficient areas, must be taken where indicated.

Subpart H—Physical Protection

§ 72.201 Physical security plan.

The licensee shall establish a detailed plan for security measures for physical protection. The licensee shall retain a copy of the current plan as a record until the Commission terminates the license for which the procedures were developed and, if any portion of the plan is superseded, retain the superseded material for three years after each change. This plan must consist of two parts. Part I must demonstrate how the applicant plans to comply with the applicable requirements of Part 73 of this chapter during transportation to and from the proposed ISFSI or MRS and must include the design for physical protection and the licensee's safeguards contingency plan and guard training plan. Part II must list tests, inspections, audits, and other means to be used to demonstrate compliance with such requirements.

§ 72.202 Design for physical protection.

The design for physical protection must show the site layout and the design features provided to protect the ISFSI or MRS from sabotage. It must include:

(a) The design criteria for the physical protection of the proposed ISFSI or MRS;

(b) The design bases and the relation of the design bases to the design criteria submitted pursuant to paragraph (a) of this section; and

(c) Information relative to materials of construction, equipment, general arrangement, and proposed quality assurance program sufficient to provide reasonable assurance that the final security system will conform to the design bases for the principal design criteria submitted pursuant to paragraph (a) of this section.

§ 72.203 Safeguards contingency plan.

(a) The requirements of the licensee's safeguards contingency plan for dealing with threats and radiological sabotage must be as defined in § 73.40(b) of this chapter. This plan must include Background, Generic Planning Base, Licensee Planning Base, and Responsibility Matrix, the first, four categories of information relating to nuclear facilities licensed under Part 50 of this chapter. (The fifth category of information, Procedures, does not have to be submitted for approval.)

(b) The licensee shall prepare and maintain safeguards contingency plan procedures in accordance with Appendix C to 10 CFR Part 73 for effecting the actions and decisions contained in the Responsibility Matrix of the licensee's safeguards contingency plan. The licensee shall retain a copy of the current procedures as a record until the Commission terminates the license for which the procedures were developed and, if any portion of the procedures is superseded, retain the superseded material for three years after each change.

§ 72.204 Change to physical security and safeguards contingency plans.

(a) The licensee shall make no change that would decrease the safeguards effectiveness of the physical security plan, guard training plan or the first four categories of information (Background, Generic Planning Base, Licensee Planning Base, and Responsibility Matrix) contained in the licensee safeguards contingency plan without prior approval of the Commission. A licensee desiring to make a change must submit an application for a license amendment pursuant to § 72.39.

(b) The licensee may, without prior Commission approval, make changes to the physical security plan, guard training plan, or the safeguards contingency plan, if the changes do not decrease the safeguards effectiveness of these plans. The licensee shall maintain records of changes to any such plan made without prior approval for a period of two years from the date of the change and shall furnish to the Regional Administrator of the appropriate NRC Regional Office specified in Appendix A of Part 73 of this Chapter, with a copy to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, a report containing a description of each change within two months after the change is made.

Subpart I—Training and Certification of Personnel

§ 72.301 Operator requirements.

Operation of equipment and controls that have been identified as important to safety in the Safety Analysis Report and in the license must be limited to trained and certified personnel or be under the direct visual supervision of an individual with training and certification in the operation. Supervisory personnel who personally direct the operation of equipment and controls that are important to safety must also be certified in such operations.

§ 72.302 Operator training and certification program.

The applicant for a license under this part shall establish a program for training, proficiency testing, and certification of ISFSI or MRS personnel. This program must be submitted to the Commission for approval with the license application.

§ 72.303 Physical requirements.

The physical condition and the general health of personnel certified for the operation of equipment and controls that are important to safety must not be such as might cause operational errors that could endanger other in-plant personnel or the public health and safety. Any condition that might cause impaired judgment or motor coordination must be considered in the selection of personnel for activities that are important to safety. These conditions need not categorically disqualify a person, if appropriate provisions are made to accommodate such defect.

Subpart J—Provision of MRS Information to State Governments and Indian Tribes

§ 72.310 Provision of MRS information.

(a) The Director, Office of Nuclear Material Safety and Safeguards, or the Director's designee shall provide to the Governor and legislature of any State in which a monitored retrievable storage facility authorized under section 141 of the Nuclear Waste Policy Act of 1982 is or may be located, and to the governing body of any affected Indian tribe, timely and complete information regarding

determinations or plans made by the Commission with respect to siting, development, design, licensing, construction, operation, regulation or decommissioning of such monitored retrievable storage facility.

(b) Notwithstanding paragraph (a) of this section, the Director or the Director's designee is not required to distribute any document to any entity if, with respect to such document, that entity or its counsel is included on a service list prepared pursuant to Part 2 of this chapter.

(c) Copies of all communications by the Director or the Director's designee under this section shall be placed in the Commission's Public Document Room shall be furnished to DOE.

§ 72.312 Participation in license reviews.

State and local governments and affected Indian tribes may participate in license reviews as provided in Subpart G of Part 2 of this chapter.

§ 72.314 Notice to States.

If the Governor and legislature of a State have jointly designated on their behalf a single person or entity to receive notice and information from the Commission under this part, the Commission will provide such notice and information to the jointly designated person or entity instead of the Governor and the legislature separately.

§ 72.316 Representation.

Any person who acts under this subpart as a representative for a State (or for the Governor or legislature thereof) or for an affected Indian tribe shall include in the request or other submission, or at the request of the Commission, a statement of the basis of his or her authority to act in such representative capacity.

Conforming Amendments

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

2. The authority citation for Part 2 is revised to read as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 102, Pub. L. 91–190, 83 Stat. 835, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200–2.206 also issued under secs. 186, 234, 68 Stat. 955, 83 Stat. 444, as amended (42 U.S.C. 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.300–2.309 also issued under Pub. L. 97–415, 96 Stat. 2071 (42 U.S.C. 2133). Sections 2.600–2.606 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 544. Sections 2.754, 2.760, 2.770 also issued under 5 U.S.C. 557. Section 2.764 and Table 1A of Appendix C also issued under sec. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85–256, 71 Stat. 579, as amended (42 U.S.C. 2039). Appendix A also issued under sec. 6, Pub. L. 91–580, 84 Stat. 1473 (42 U.S.C. 2135).

3. In § 2.764, paragraph (c) is revised to read as follows:

§ 2.764 Immediate effectiveness of initial decision directing issuance or amendment of construction permit or operating license.

* * * * *

(c) An initial decision directing the issuance of an initial license for the construction and operation of an independent spent fuel storage installation (ISFSI) or monitored retrievable storage installation (MRS) under 10 CFR Part 72 of this chapter shall not become effective until review by the Commission has been completed. The Director of Nuclear Material Safety and Safeguards shall not issue an initial license for the construction and operation of an independent spent fuel storage installation (ISFSI) or monitored retrievable storage installation (MRS) under 10 CFR Part 72 of this chapter until expressly authorized to do so by the Commission.

* * * * *

4. In Appendix C, Table 1A, footnote 3 is revised to read as follows:

Appendix C—General Statement of Policy and Procedure for NRC Enforcement Actions

* * * * *

TABLE 1A—BASE CIVIL PENALTIES

* * * * *

3. Large firms engaged in manufacturing or distribution of byproduct, source, or special nuclear material. Includes independent spent fuel installations (ISFSI) and monitored retrievable storage installations (MRS) as applicable under Part 72.

* * * * *

PART 19—NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS; INSPECTIONS

58. The authority citation for Part 19 is revised to read as follows:

Authority: Secs. 53, 63, 81, 103, 104, 161, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2236, 2282); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841). Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 19.11(a), (c), (d), and (e) and 19.12 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 19.13 and 19.14(a) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

6. Section 19.2 is revised to read as follows:

§ 19.2 Scope.

The regulations in this part apply to all persons who receive, possess, use, or transfer material licensed by the Nuclear Regulatory Commission pursuant to the regulations in Parts 30 through 35, 40, 60, 61, 70, or 72 of this chapter, including persons licensed to operate a production or utilization facility pursuant to Part 50 of this chapter.

7. In § 19.3, paragraph (d) is revised to read as follows;

§ 19.3 Definitions.

* * * * *

(d) "License" means a license issued under the regulations in Parts 30 through 35, 40, 60, 61, 70, or 72 of this chapter, including licenses to operate a production or utilization facility pursuant to Part 50 of this chapter. "Licensee" means the holder of such a license.

* * * * *

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

8. The authority citation for Part 20 is revised to read as follows:

Authority: Secs. 53, 63, 65, 81, 103, 104, 161, 68 Stat. 930, 933, 935, 936, 937, 948, as amended (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 20.408 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

For the purposes of sec. 223, 68 Stat. 958, as amended, (42 U.S.C. 2273), §§ 20.101, 20.102, 20.103 (a), (b), and (f), 20.104 (a) and (b), 20.105(b), 20.106(a), 20.201, 20.202(a), 20.205, 20.207, 20.301, 20.303, 20.304, and 20.305 are issued under sec. 161b, 68 Stat. 948, as amended, (42 U.S.C. 2201(b)); and §§ 20.102,

20.103(c), 20.401–20.407, 20.408(b) and 20.409 are issued under sec. 161o, 68 Stat. 950, as amended, (42 U.S.C. 2201(o)).

9. Section 20.2 is revised to read as follows:

§ 20.2 Scope.

The regulations in this part apply to all persons who receive, possess, use, or transfer material licensed pursuant to the regulations in Parts 30 through 35, 40, 60, 61, 70, or 72 of this chapter, including persons licensed to operate a production or utilization facility pursuant to Part 50 of this chapter.

10. In § 20.408, paragraph (a)(5) is revised to read as follows:

§ 20.408 Reports of personnel monitoring on termination of employment or work.

(a) * * *

(5) Possess spent fuel in an independent spent fuel storage installation (ISFSI) or to possess spent fuel or high level radioactive waste in a monitored retrievable storage installation (MRS) pursuant to Part 72 of this chapter; or

* * * * *

PART 21—REPORTING OF DEFECTS AND NONCOMPLIANCE

11. The authority citation for Part 21 is revised to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, sec. 234, 83 Stat. 444, as amended, (42 U.S.C. 2201, 2282); secs. 201, as amended, 206, 88 Stat. 1242, as amended, 1246 (42 U.S.C. 5841, 5846).

Sec. 21.2 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 21.6, 21.21(a) and 21.31 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 21.21, 21.41 and 21.51 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

12. Section 21.2 is revised to read as follows:

§ 21.2 Scope.

The regulations in this part apply, except as specifically provided otherwise in Parts 31, 34, 35, 40, 60, 61, 70, or 72 of this chapter, to each individual, partnership, corporation, or other entity licensed pursuant to the regulations in this chapter to possess, use, and/or transfer within the United States source material, byproduct material, special nuclear material, and/or spent fuel and high-level radioactive waste, or to construct, manufacture, possess, own, operate and/or transfer within the United States, any production or utilization facility, or independent spent fuel storage installation (ISFSI) or monitored retrievable storage installation (MRS), and to each director [see § 21.3(f)] and responsible officer [see § 21.3(j)] of such a licensee. The regulations in this part apply also to each individual, corporation, partnership or other entity doing business within the United States, and each director and responsible officer of such organization, that constructs [see § 21.3(c)] a production or utilization facility licensed for manufacture, construction or operation [see § 21.3(h)] pursuant to Part 50 of this chapter, an independent spent fuel storage installation (ISFSI) for the storage of spent fuel licensed pursuant to Part 72 of this chapter or a monitored retrievable storage installation (MRS) for the storage of spent fuel or high-level radioactive waste licensed pursuant to Part 72 of this chapter, or supplies [see § 21.3(1)] basic components [see § 21.3(a)] for a facility or activity licensed, other than for export, under Parts 30, 40, 50, 60, 70, 71, or 72 of this chapter. Nothing in these regulations should be deemed to preclude either an individual or a manufacturer/supplier of a commercial grade item [see § 21.3(a–1)] not subject to the regulations in this part from reporting to the Commission a known or suspected defect or failure to comply and, as authorized by law, the identity of anyone so reporting will be withheld from disclosure.[1]

PART 51—ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

13. The authority citation for Part 51 is revised to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

Subpart A also issued under National Environmental Policy Act of 1969, secs. 102, 104, 105, 83 Stat. 853–854, as amended (42 U.S.C. 4332, 4334, 4335); and Pub. L. 95–604, Title II, 92 Stat. 3033–3041. Sections 51.20, 51.30, 51.60, 51.61, 51.80, and 51.97 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 51.22 also issued under sec. 274, 73 Stat. 688, as amended by 92 Stat. 3036–3038 (42 U.S.C. 2021).

14. In § 51.20, paragraphs (b)(9) and (b)(10) are revised to read as follows:

§ 51.20 Criteria for and identification of licensing and regulatory actions requiring environmental impact statements.

* * * * *

(b) * * *

(9) Issuance of a license pursuant to Part 72 of this chapter for the storage of spent fuel in an independent spent fuel storage installation (ISFSI) at a site not occupied by a nuclear power reactor, or for the storage of spent fuel or high-level radioactive waste in a monitored retrievable storage installation (MRS).

(10) Issuance of a license amendment authorizing the decommissioning of an independent spent fuel storage installation (ISFSI) or a monitored retrievable storage installation (MRS) pursuant to Part 72 of this chapter.

* * * * *

15. In § 51.30, a new paragraph (c), is added to read as follows:

§ 51.30 Environmental assessment.

* * * * *

(c) An environmental assessment for a proposed action regarding a monitored retrievable storage installation (MRS) will not address the need for the MRS or any alternative to the design criteria for an MRS as set forth in section 141(b)(1) of the Nuclear Waste Policy Act of 1982 (96 Stat. 2242).

16. In § 51.60, paragraphs (a), (b)(1)(iii) and (b)(4) are revised to read as follows:

§ 51.60 Environmental report—Materials licenses.

(a) Each applicant for a license or other form of permission, or an amendment to or renewal of a license or other form of permission issued pursuant to Parts 30, 32, 33, 34, 35, 40, 61, 70 and/or 72 of this chapter, and covered by paragraphs (b)(1)–(b)(6) of this section, shall submit with its application to the Director of Nuclear Material Safety and Safeguards the number of copies, as specified in § 51.66, of a separate document, entitled "Applicant's Environmental Report" or "Supplement to Applicant's Environmental Report," as appropriate. The "Applicant's Environmental Report" shall contain the information specified in § 51.45. If the application is for an amendment to or a renewal of a license or other form of permission for which the applicant has previously submitted an environmental report, the supplement to applicant's environmental report may be limited to incorporating by reference, updating or supplementing the

[1] NRC Regional Offices will accept collect telephone calls from individuals who wish to speak to NRC representatives concerning nuclear safety-related problems. The location and telephone numbers (for nights and holidays as well as regular hours) are listed below (by region):

I: Philadelphia, (215) 337–5000.
II: Atlanta, (404) 331–4503.
III: Chicago, (312) 790–5500.
IV: Dallas, (817) 860–8100.
IV: Uranium Recovery Field Office (Denver), (303) 234–7232.
V: San Francisco, (415) 943–3700.

information previously submitted to reflect any significant environmental change, including any significant environmental change resulting from operational experience or a change in operations. If the applicant is the U.S. Department of Energy, the environmental report may be in the form of either an environmental impact statement or an environmental assessment, as appropriate.

(b) * * *

(1) * * *

(iii) Storage of spent fuel in an independent spent fuel storage installation (ISFSI) or the storage of spent fuel or high-level radioactive waste in a monitored retrievable storage installation (MRS) pursuant to Part 72 of this chapter.

* * * * *

(4) Amendment of license to authorize the decommissioning of an independent spent fuel storage installation (ISFSI) or a monitored retrievable storage installation (MRS) pursuant to Part 72 of this chapter.

* * * * *

17. Section 51.61 is revised to read as follows:

§ 51.61 Environmental report—independent spent fuel storage installation (ISFSI) or a monitored retrievable storage installation (MRS) license.

Each applicant for issuance of a license for storage of spent fuel in an independent spent fuel storage installation (ISFSI) or for the storage of spent nuclear fuel and high-level radioactive waste in a monitored retrievable storage installation (MRS) pursuant to Part 72 of this chapter shall submit with its application to the Director of Nuclear Material Safety and Safeguards the number of copies, as specified in § 51.66, of a separate document, entitled "Applicant's Environmental Report—ISFSI License" or "Applicant's Environmental Report—MRS License," as appropriate. If the applicant is the U.S. Department of Energy, the environmental report may be in the form of either an environmental impact statement or an environmental assessment, as appropriate. The environmental report shall contain the information specified in § 51.45 and shall address the siting evaluation factors contained in Subpart E of Part 72 of this chapter. Unless otherwise required by the Commission, in accordance with the generic determination in § 51.23(a) and the provisions in § 51.23(b), no discussion of the environmental impact of the storage of spent fuel at an ISFSI beyond the term of the license or amendment applied for is required in an environmental report submitted by an applicant for a initial license for storage of spent fuel in an ISFSI, or any amendment thereto.

18. In § 51.80, paragraph(b) is revised to read as follows:

§ 51.80 Draft environmental impact statement—Material license.

* * * * *

(b)(1) *Independent spent fuel storage installation (ISFSI).* Unless otherwise determined by the Commission and in accordance with the generic determination in § 51.23(a) and the provisions of § 51.23(b), a draft environmental impact statement on the issuance of an initial license for storage of spent fuel at an independent spent fuel storage installation (ISFSI) or any amendment thereto, will address environmental impacts of spent fuel only for the term of the license or amendment applied for.

(2) *Monitored retrievable storage installation (MRS).* As provided in sections 141(c), (d), and (e) of the Nuclear Waste Policy Act of 1982 (NWPA) (96 Stat. 2242, 2243) a draft environmental impact statement for the construction of a monitored retrievable storage installation (MRS) will not address the need for the MRS or any alternative to the design criteria for an MRS as set forth in section 141(b)(1) of the NWPA (96 Stat. 2242) but may consider alternative facility designs which are consistent with these design criteria.

19. In § 51.97, a new paragraph (b) is added to read as follows:

§ 51.97 Final environmental impact statement—Material license.

* * * * *

(b) *Monitored retrievable storage facility (MRS).* As provided in sections 141(c), (d), and (e) of the Nuclear Waste Policy Act of 1982 (NWPA) (96 Stat. 2242, 2243) a final environmental impact statement for the construction of a monitored retrievable storage installation (MRS) will not address the need for the MRS or any alternative to the design criteria for an MRS as set forth in section 141(b)(1) of the NWPA (96 Stat. 2242) but may consider alternative facility designs which are consistent with these design criteria.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

20. the authorty citation for Part 70 is revised to read as follows:

Authority: Sections 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282); sec. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C 5841, 5842, 5845, 5846).

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 1016). Section 70.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93–377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2243). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat 939, as amended (42 U.S.C. 2138).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 70.3, 70.19(c), 70.21(c), 70.22(a), (b), (d)-(k), 70.24 (a) and (b), 70.32(a)(3), (5) and (6), (d), and (i), 70.36, 70.39 (b) and (c), 70.41(a), 70.42 (a) and (c), 70.56, 70.57(b), (c), and (d), 70.58(a)–(g)(3), and (h)-(j) are issued under sec. 161b, 68 Stat. 948 as amended (42 U.S.C. 2201(b)); §§ 70.7, 70.20a (a) and (d), 70.20b (c) and (e), 70.21(c), 70.24(b), 70.32(a)(6), (c), (d), (e), and (g), 70.36, 70.51(c)-(g), 70.56, 70.57 (b) and (d), 70.58 (a)-(g)(3) and (h)-(j) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i); and §§ 70.20b (d) and (e). 70.38, 70.51(b) and (i), 70.52, 70.53, 70.54, 70.55, 70.58(g)(4), (k) and (l), 70.59, and 70.60 (b) and (c) are issued under sec. 161o, 68 Stat 950, as amended (42 U.S.C. 2201(o)).

21. In § 70.1, paragraph (c) is revised to read as follows:

§ 70.1 Purpose.

* * * * *

(c) The regulations in Part 72 of this chapter establish requirements, procedures, and criteria for the issuance of licenses to possess (1) spent fuel and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation (ISFSI), or (2) spent fuel, high-level radioactive waste, and other radioactive materials associated with the storage in a monitored retrievable storage installation (MRS), and the terms and conditions under which the Commission will issue such licenses.

22. In § 70.20a, paragraph (b) is revised to read as follows:

§ 70.20a General license to posses special nuclear material for transport.

* * * * *

(b) Notwithstanding any other provision of this chapter, the general license issued under this section does not authorize any person to conduct any activity that would be authorized by a license issued pursuant to Parts 30 through 35, 40, 50, 72, 110, or other sections of this part.

* * * * *

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

23. The authority citation for Part 73 is revised to read as follows:

Authority: Secs. 53, 161, 68 Stat. 930, 948 as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 201, as amended, 204, 88 Stat. 1242, as amended, 1245 (42 U.S.C. 5841, 5844).

Section 73.1 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Sec. 73.37(f) also issued under sec. 301, Pub. L. 96–295, 94 Stat. 789 (42 U.S.C. 5841 note).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 7321, 73.37(g) and 73.55 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 73.20, 73.24, 73.25, 73.26, 73.27, 73.37, 7340, 73.45, 73.46, 73.50, 73.55, and 73.67 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 73.20(c)(1), 73.24(b)(1), 73.26(b)(3), (h)(6), and (k)(4), 73.27 (a) and (b), 73.37(f), 73.40 (b) and (d), 73.46(g)(6) and (h)(2), 73.50(g)(2), (3)(iii)(B) and (h), 73.55(h)(2), and (4)(iii)(b), 73.70, 73.71 and 73.72 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

24. In § 73.1, paragraph (b)(6) is revised to read as follows:

§ 73.1 Purpose and scope.

* * * * *

(b) * * *

(6) This part prescribes requirements for the physical protection of spent fuel stored in either an independent spent fuel storage installation (ISFSI) or a monitored retrievable storage installation (MRS) licensed under Part 72 of this chapter.

* * * * *

PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF US/IAEA AGREEMENT

25. The authority citation for Part 75 is revised to read as follows:

Authority: Secs. 53, 63, 103, 104, 122, 161, Pub. L. 83–703, 68 Stat. 930, 932, 936, 937, 939, 948; sec. 5, Pub. L. 88–489, 79 Stat. 602; secs. 4, 5, Pub. L. 91–560, 84 Stat. 1472 (42 U.S.C. 2073, 2093, 2133, 2134, 2152, 2201); sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841).

Section 75.4 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C 10155, 10161).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), the provisions of this part are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

26. In § 75.4 paragraph (k)(4) is revised to read as follows:

§ 75.4 Definitions.

* * * * *

(k) * * *

(4) An independent spent fuel storage installation (ISFSI) or a monitored retrievable storage installation (MRS) as defined in § 72.3 of this chapter; or

* * * * *

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

27. The authority citation for Part 150 is revised to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, sec. 274, 73 Stat. 688 (42 U.S.C. 2201, 2021); sec. 201, as amended, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Sections 150.3, 150.15, 150.15a, 150.31, 150.32, also issued under secs. 11e(2), 81, 68 Stat. 923, 935, as amended, secs. 83, 84, 92 Stat. 3033, 3039 (42 U.S.C 2014e(2), 2111, 2113, 2114). Section 150.14 also issued under sec. 53, 68 Stat. 930, as amended (42 U.S.C. 2073). Section 150.15 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241, (42 U.S.C. 10155, 10161). Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 150.30 also issued under sec. 234, 83 Stat. 444 (42 U.S.C. 2282).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 150.20(b)(2)–(4) and 150.21 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); § 150.14 is issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 150.16–150.19 and 150.20(b)(1) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

28. In § 150.15, paragraph (a)(7) is revised to read as follows:

§ 150.15 Person not exempt.

(a) * * *

(7) The storage of (i) spent fuel in an independent spent fuel storage installation (ISFSI) or (ii) spent fuel and high level radioactive waste in a monitored retrievable storage installation (MRS) licensed pursuant to Part 72 of this chapter.

* * * * *

Dated at Washington, DC, this 20 day of May, 1986.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 86–11685 Filed 5–23–86; 8:45 am]

BILLING CODE 7590–01–M

federal register

Tuesday
May 27, 1986

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 121

Air Carriers Certification and Operations; Carry-on Baggage Program; Notice of Proposed Rulemaking and Public Meeting

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 24996; Ref. Docket No. 24220; NPRM 86-6]

Air Carriers Certification and Operations; Carry-on Baggage Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking; notice of public meeting.

SUMMARY: This notice proposes to require Part 121 certificate holders which carry passengers to develop and use an approved carry-on baggage program after [180 days after effective date]. This proposal would also require the certificate holder to verify, before the passenger entry doors are closed in preparation for taxi or pushback, that each article of baggage is properly stowed. This proposed regulation would enhance safety aboard aircraft by ensuring that all baggage brought aboard can be safely stowed. This proposal was prompted by a petition from the Association of Flight Attendants.

DATES: Comments must be received on or before July 28, 1986. The public meeting will be held on July 16, 1986. Requests to be heard should be submitted by July 3, 1986.

ADDRESSES: Comments on the proposal are to be marked "Docket No. 24996" and mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 24996, 800 Independence Avenue, SW., Washington, DC 20591; or deliver comments in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, DC. Comments may be inspected at Room 916 on weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The public meeting will be held at the FAA Headquarters Auditorium (3rd Floor), 800 Independence Avenue, SW., Washington, DC 20591.

Requests to be heard during the public meeting should be addressed to Miss Jean Casciano, Safety Regulations Division (APR-200), Office of Program and Regulations Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: For information concerning the proposal, contact: Mr. Roger E. Riviere, Project Development Branch (AFS-240), Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 426-8096.

For information concerning the public meeting, contact: Miss Jean Casciano, Safety Regulations Division (APR-200), Office of Program and Regulations Management, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 426-8357.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic effects that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate 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 Docket No. 24996." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. In addition, the FAA plans to hold a public meeting on July 16, 1986, to solicit information or comments from the public concerning the carry-on baggage problem. Comments are specifically invited on the safety issues connected with this subject. The proposals contained in this notice may be changed in light of comments received, either in writing or at the public meeting. All comments submitted will be available for examination in the Rule Docket 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. In addition, a transcript of the proceedings of the public meeting will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8056. Requests must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

On August 31, 1984, Mr. Matthew Finucane, Director of Air Safety. Association of Flight Attendants (AFA), petitioned for a rule change to § 121.589 of the Federal Aviation Regulations (FAR) to limit the amount and size of carry-on baggage on aircraft. According to the petition, no piece of carry-on baggage should exceed the dimensions of 9 inches by 16 inches by 20 inches. These dimensions are generally accepted as the available storage space beneath the typical airline seat. If an airline could demonstrate to the FAA that additional, suitable storage space for carry-on baggage was available on its aircraft, then that airline could allow the boarding of garment bags with a width of less than 3 inches on its aircraft. As justification for such a change, the petitioner states the following regarding carry-on baggage:

(1) It can dislodge in a crash and block exits and strike passengers and crew;

(2) It can dislodge in turbulence and strike passengers and crew;

(3) It can make it impossible to reach emergency equipment when it is crammed into spaces where such equipment is stored;

(4) It can impede evacuation when passengers attempt to carry large items out of an aircraft after impact as they repeatedly have;

(5) It can affect the weight and performance of the aircraft;

(6) It can block access to life vests under passenger seats;

(7) It can cause back and hand injuries to flight attendants who may be rendered unable to assist in safety emergencies;

(8) It can keep flight attendants busy finding stowage places for the baggage when they should be performing other safety duties, or when they should be seated at their stations, where they are most likely to be able to assist in an evacuation; and

(9) It can fuel a cabin fire.

A summary of AFA's petition for rulemaking was published in the **Federal Register** on September 21, 1984 (49 FR 37109). Numerous comments on AFA's proposals have been submitted to Regulatory Docket No. 24220. The majority of these comments (293) favor a

tightening of the carry-on baggage rule; only 42 comments oppose a reduction of carry-on baggage. People Express opposes the petitioner's proposal because it would impose regulation upon an area best governed by consumer choice and because it would have no impact on the safety of air travel. The Air Transport Association (ATA), representing a number of air carriers which carry the majority of air travelers in the United States, also opposes the petition's proposed changes. ATA states that the AFA petition demonstrates that the major intent is to minimize the flight attendants' monitoring of the amount and placement of carry-on baggage in the cabin. It also states that the AFA's attempt to mask this intent under the cover of improving safety falls far short of the mark. Of the favorable comments on the petition, approximately 69 mention aviation safety as a reason for limiting the size and amount of carry-on baggage permitted aboard air carrier aircraft. The remainder of the public comments on the petition cite inconvenience and discomfort created by those individuals carrying on excessive baggage.

On July 11, 1985, the FAA held a public seminar on the subject of carry-on baggage. Attendees included airline trade organizations, labor organizations, and consumer group representatives. During this seminar, the FAA distributed a "working paper" outlining a possible carry-on baggage rule. This "working paper" was based in large part on the AFA petition. At this seminar, the FAA invited discussion on the carry-on baggage issue generally, as well as on its "working paper." (A transcript of this seminar was placed in Docket No. 24220.)

Shortly after this seminar, the ATA, in conjunction with some member airlines, sent a letter to frequent flyers on the subject of carry-on baggage. The letter did not describe the AFA proposal of the FAA "working paper." However, it did imply that carriage of briefcases and garment bags would be restricted, if not banned. The FAA notes that the letter did not accurately reflect the FAA position.

In response to the ATA letter, several thousand frequent flyers wrote to the FAA and Members of Congress. Approximately 20 percent of these letters support stricter carry-on baggage rules, citing cramped conditions and potential safety hazards caused by excessive carry-on baggage. Another 20 percent oppose stricter rules, citing a need to carry a briefcase and garment bag. Of course, this would still be possible under this proposal since it is most unlikely that any carrier's approved program would not allow for these items. Finally, most of the remaining letters oppose any new carry-on bag restrictions. However, none of those who responded to ATA's letter were made aware of the specifics of AFA's petition or of this proposal. Few, if any, would actually be inconvenienced by the proposed rules since almost all said they carry two or fewer bags. However, the FAA has taken the views of these respondents into account in developing this proposal.

The Current Carry-on Baggage Rule

Section 121.589(a) of the FAR now requires that a certificate holder ensure that carry-on baggage is not brought aboard an aircraft unless it can be properly stowed. All carry-on baggage must be properly stowed prior to take off and landing. Sections 121.589 and 121.285 contain specifics on how carry-on baggage must be stowed.

Despite the requirement of § 121.589(a), the FAA's National Air transportation Inspection Program conducted between March 4 and June 5, 1984, showed that some passengers are carrying excessive amounts of baggage on passenger flights, creating potential safety problems and causing undue confusion in their effort to find stowage space for their baggage. This conclusion was supported by many of the commenters on the AFA petition. This excessive amount of baggage many times exceeds the volume and/or weight capacity of approved baggage storage areas. In many instances, this baggage is not stowed or is not stowed properly. As the volume of baggage has increased, the number of violations of the baggage stowage requirements has increased.

Apparently the current requirements do not provide sufficiently precise standards for air carriers, air carrier personnel, and passengers to ensure that baggage brought onto aircraft can be stowed safely. Therefore, the FAA now proposes to require air carriers to develop specific standards to screen and limit carry-on baggage. The ATA's response to the petition leads the FAA to believe that the air carriers' current practice is primarily to rely on the flight attendants on the aircraft to monitor carry-on baggage carried on board for size and quantity. This practice may distract the flight attendants from their required preflight safety duties and may also place substantial pressure on flight attendants to find stowage space for baggage, even if in unapproved areas. For example, the FAA has received reports of baggage being improperly stowed in lavatories and galleys. Passengers who have gotten excess carry-on baggage on board may be unwilling to allow flight attendants to check it. Flight attendants state in their comments that some flight attendants may hesitate to refuse to stow oversize or excessive carry-on baggage, even though approved stowage space is not available, for fear of retaliation from the airline. Shorter ground time for aircraft may even mean that all baggage will not be stowed prior to taxi. In this event, the flight attendant may not have time to ensure that baggage is stowed properly and will have no effective choice but to stow carry-on baggage wherever space may be found. In all these cases, effective control of carry-on baggage outside the aircraft cabin should minimize the problem and make control aboard the aircraft manageable. Consequently, the FAA is proposing to require air carriers to develop programs to control, outside the aircraft, the baggage that will be permitted to be carried on board.

The FAA believes that this alternative is better than that proposed in AFA's petition for rulemaking, which would have imposed specific, inflexible standards on all airlines' carry-on baggage practices. This proposal would allow each carrier to develop a carry-on baggage program tailored to its peculiar circumstances. The program would have to be reviewed and approved by its principal inspectors. This type of approval is necessary because of the wide variety of aircraft, gate structures, terminal arrangements, and security arrangements that exist throughout the country. In fact, it might vary from airport to airport with each carrier. A carrier would be able to change its program in response to changes in its operations or equipment. This flexibility should encourage carriers to develop innovative ways to safely control carry-on baggage. It should also encourage aircraft manufacturers to develop new means of safely stowing carry-on baggage. Finally, this proposal would eliminate the need for requests for exemption from fixed regulatory standards.

While the agency believes that such programs will limit the number and size of carry-on items brought onto aircraft, it remains critical to the safety of all passengers that an airplane not move from the gate until all baggage is properly stowed. Therefore, the agency is proposing to require that a designated carrier employee verify that all carry-on baggage is properly stowed before the aircraft passenger door is closed in preparation for pushback or taxi. The FAA does not believe that the person should be a required crewmember. This

proposal has been incorporated into the proposed rule; the FAA specifically requests comments regarding it, including the person to fulfill this responsibility.

The AFA petition urged restrictions on carry-on baggage for safety reasons. In addition, this proposal would likely reduce the volume and flow of oversized baggage past security screening points and reduce confusion during the boarding process. Reduced confusion during boarding would ensure that, in the event of an emergency, flight attendants may more readily move to a particular area in the cabin to perform their safety-related duties. Any benefit from increased security, however, would be greatly outweighed by the safety benefits of this proposal.

Discussion of the Proposals

Section 121.589(a)

The FAA proposes to control the size and quantity of carry-on baggage permitted on board an aircraft in accordance with an air carrier's FAA-approved carry-on baggage program that must be instituted on later than [180 days after effective date]. Under the proposal, the duty to inspect baggage to control the size and quantity of carry-on baggage would be primarily the responsibility of the certificate holder; however, it also would be the individual passenger's responsibility to comply with the air carrier's carry-on baggage requirements. Policy guidance to the certificate holders on acceptable carry-on baggage programs and procedures will be made available if this proposed rule is adopted. The FAA anticipates that an air carrier's approved program would encompass at least the following areas of concern:

(a) At least one baggage control point located outside the aircraft (but not located at the passenger security screening point);

(b) Types of aircraft operated by the carrier;

(c) Volume and weight capability of onboard storage;

(d) Consistency with existing FAR;

(e) Ensuring that procedures for handling carry-on baggage that cannot be stowed properly will be included in the approved program;

(f) Method of ensuring that all carry-on baggage will be properly stowed;

(g) Anticipated load factor;

(h) Methods of stowing carry-on baggage in passenger compartment;

(i) Aircraft weight-and-balance assessment of carry-on baggage;

(j) Area of operation, including terminal facilities (This should include charter operations);

(k) Facilities for handling excess carry-on baggage;

(l) Training of crewmembers; and

(m) Training of station personnel.

The FAA anticipates that there may be substantial differences among air carriers' approved programs. Comments are invited on the specific points mentioned above and any additional points which should be included in an approved carry-on baggage program. Each air carrier would be required to develop its program in conjunction with its principal inspectors, who will have final approval authority for such a program. As in other situations, individual programs will be monitored at FAA Headquarters to ensure compliance with agency objectives. A statement of authorization or denial of authorization for use of an approved carry-on baggage program would be included in an air carrier's operations specifications. The specifics of the approved program would either be included in the operations specifications or referenced to the pertinent sections of the carrier's operations manual. Although certificate holders would be required to have an approved program no later than [180 days after the effective date of the amendment], they would be encouraged to begin using approved programs as soon as possible.

Economic Evaluation

The FAA proposes to require Part 121 certificate holders which carry passengers to develop and use an approved carry-on baggage program after [180 days after effective date].

The proposed amendments to § 121.589 specify that no certificate holder may allow the boarding of carry-on baggage on aircraft unless each passenger's baggage has been scanned to control the size and amount carried on board in accordance with an approved carry-on baggage program in its operations specifications.

This proposal is in response to the August 31, 1984, petition submitted by the AFA to change § 121.589 of the FAR to limit the amount and size of carry-on baggage on aircraft. The AFA petition and a recent FAA study of carry-on baggage aboard Part 121 air carriers indicated that the size and volume of carry-on baggage frequently exceeds the stowage capacity in the passenger compartments. The excess baggage cannot be safely stowed, giving rise to a potential safety hazard. The proposal also responds to the large number of public complaints addressing the unsafe stowage of large and heavy items and the clutter created by excess carry-on baggage.

Most affected air carriers will elect to develop FAA-approved carry-on baggage programs prior to the compliance date specified in this notice. This analysis estimates that the total cost of compliance to the 140 affected Part 121 certificate holders with the carry-on baggage program requirements of this notice is $480,000 in 1984 dollars.

The primary benefits of this proposal will be the prevention of fatalities and injuries resulting from improperly stowed items obstructing rapid passenger egress in otherwise survivable impacts and from prevention of improperly stowed items dislodging and striking passengers and crew when abrupt aircraft deceleration or attitudinal changes occur.

Quantification of these benefits is not possible because the safety records of the FAA and the National Transportation Safety Board do not detail the extent to which improperly stowed items have contributed to fatalities and injuries in air carrier accidents.

However, the estimated $480,000 cost of compliance can be fully recovered if only one life valued at $670,000 is saved in an otherwise survivable impact accident as a result of the safe baggage stowage provisions of this proposal. Hence, if one fatality is prevented as a result of this proposal during the 10-year period following implementation of the rule, the benefits of this proposal will be 1.4 times greater than the costs.

The proposal to require an airline employee to verify that baggage is properly stowed prior to movement of the aircraft should not result in any costs for the carriers. Carriers are already required to comply with carry-on baggage regulations. Airline ground employees often board aircraft to count passengers or make announcements.

The FAA has determined that this proposal is not likely to affect international trade, nor is it expected to have a significant economic impact on a substantial number of small entities.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by Government regulations. FAA Order 2100.14, *Regulatory Flexibility Criteria and Guidance* (dated July 15, 1983), prescribes standards for determining whether or not a rule will result in "a significant economic impact on a substantial number of small entities" as required by the RFA.

The small entities affected by the proposal are the small air carriers

regulated under 14 CFR Part 121. FAA Order 2100.14 has established criteria describing what is considered a significant economic impact on a small air carrier and what is considered a substantial number of small air carriers for purposes of complying with the RFA. That order stipulates a size threshold of nine or fewer operating aircraft as the standard for small air carriers. FAA data indicate that as of December 1984, there were 45 passenger air carriers (both scheduled and nonscheduled) subject to Part 121 which operated 9 or fewer aircraft.

Based upon the costing assumptions discussed previously in the economic evaluation, the one-time cost of developing an FAA-approved carry-on baggage program for a small air carrier is approximately $960. Therefore, based on the criteria of FAA Order 2100.14 and as fully discussed in the regulatory evaluation for this rulemaking, this proposal is not expected to have a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required under the terms of the RFA.

Conclusion

Compliance with the proposed rule would involve only a one-time cost on the part of air carriers to develop an FAA-approved carry-on baggage program. Because these proposals, if adopted, are not likely to result in an annual effect on the economy of $100 million or more, or a major increase in costs for consumers; industry; or Federal, State, or local government agencies, it has been determined that these are not major proposals under Executive Order 12291. In addition, the proposals, if adopted, would have little or no impact on trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

Since the proposals concern a matter on which there is a substantial public interest, the FAA has determined that this action is significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, as noted above, the FAA certifies that under the criteria of the Regulatory Flexibility Act, this proposed regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities.

A draft regulatory evaluation of the proposals, including a Regulatory Flexibility determination and Trade Impact assessment, has been placed in the regulatory docket. A copy may be obtained by contacting the person identified under "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 121

Aviation safety, Safety, Air carriers, Air transportation, Aircraft, Airports, Cargo, Handicapped, Transportation, Common carriers.

The Proposed Rule

Accordingly, the Federal Aviation Administration proposes to amend Part 121 of the Federal Aviation Regulations (14 CFR Part 121) as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. The authority citation for Part 121 is revised to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1356, 1357, 1401, 1421–1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983).

2. By amending § 121.589 by redesignating current paragraphs (a) through (e) as (c) through (g), by adding new paragraphs (a) and (b), and by revising redesignated paragraphs (c) and (e) through (g) introductory text to read as follows:

§ 121.589 Carry-on baggage.

(a) After [180 days after effective date], no certificate holder may allow the boarding of carry-on baggage on an aircraft unless each passenger's baggage has been scanned to control the size and amount carried on board in accordance with an approved carry-on baggage program in its operations specifications. In addition, no passenger may board an aircraft if his/her carry-on baggage exceeds the baggage allowance prescribed in the carry-on baggage program in the certificate holder's operations specifications.

(b) No certificate holder may allow all passenger entry doors of an aircraft to be closed in preparation for taxi or pushback unless an employee of the certificate holder, other than a required crewmember, has verified that each article of baggage is stowed in accordance with this section and § 121.285(c).

(c) No certificate holder may allow an aircraft to take off or land unless each article of baggage is stowed—

(1) In a suitable closet or baggage or cargo stowage compartment placarded for its maximum weight and providing proper restraint for all baggage or cargo stowed within, and in a manner that does not hinder the possible use of any emergency equipment; or

(2) As provided in § 121.285(c); or

(3) Under a passenger seat.

* * * * *

(e) Each passenger must comply with instructions given by crewmembers regarding compliance with paragraphs (a), (b), (c), (d), and (g) of this section.

(f) Each passenger seat under which baggage is allowed to be stowed shall be fitted with a means to prevent articles of baggage stowed under it from sliding forward. In addition, each aisle seat shall be fitted with a means to prevent articles of baggage stowed under it from sliding sideward into the aisle under crash impacts severe enough to induce the ultimate inertia forces specified in the emergency landing condition regulations under which the aircraft was type certificated.

(g) In addition to the methods of stowage in paragraph (c) of this section, flexible travel canes carried by blind individuals may be stowed—

* * * * *

Issued in Washington, DC, on May 19, 1986.

William T. Brennan,

Acting Director of Flight Standards.

[FR Doc. 86–11817 Filed 5–22–86; 9:22 am]

BILLING CODE 4910–13–M

federal register

Tuesday
May 27, 1986

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Parts 25 and 121

Airworthiness Standards; Independent Power Source for Public Address System in Transport Category Airplanes; Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

14 CFR Parts 25 and 121

[Docket No. 24995; Notice No. 86-5]

Airworthiness Standards; Independent Power Source for Public Address System in Transport Category Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to amend the airworthiness standards for transport category airplanes and the operating rules for air carrier and air taxi operators of such airplanes by requiring an independent power source for the public address (PA) system. The requirement would be applicable to airplanes that are required to have a PA system for use in air carrier or air taxi service and that are manufactured after a specified date, regardless of the date of application for type certificate. This proposed amendment is considered necessary in order to ensure PA system availability during emergency conditions.

DATE: Comments must be received on or before November 24, 1986.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 24995, 800 Independence Avenue SW., Washington, DC 20591. Comments delivered must be marked: Docket No. 24995. Comments may be inspected in Room 916 weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. In addition, the FAA is maintaining an information docket of comments in the Office of the Regional Counsel (ANM-7), FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments in the information docket may be inspected in the Office of the Regional Counsel weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Robert F. Hall, Regulations Branch (ANM-112), Transport Standards Staff, Aircraft Certification Division, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168; telephone (206) 431-2143.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adopting the proposals contained in this notice are invited. Substantive comments should be accompanied by cost estimates. Commenters should identify the regulatory docket or notice number and submit comments, in duplicate, to the Rules Docket address specified above. All comments received on or before the closing date for comments will be considered by the Administrator before taking action on this proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Rules Docket, both before and after the closing date for comments, for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 24995." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

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

Background

Section 25.1411(a)(2) of Part 25 of the Federal Aviation Regulations (FAR), as amended by Amendment 25-53 (45 FR 41593; June 19, 1980), specifies that, for a required PA system, at least one microphone must be positioned adjacent to a flight attendant seat that is located near each floor level emergency exit. Sections 121.318 and 135.149 of the FAR, in turn, presently require the installation of a PA system on airplanes with a seating capacity of more than 19 passengers when used in air carrier or air taxi service. A functioning PA system is considered essential for initiating and directing emergency evacuations and for providing pre- and post-impact instructions to passengers; however, Parts 25, 121, and 135 currently do not require a specific power source for the PA system.

In special study NTSB-AAS-74-3, "Safety Aspects of Emergency Evacuations from Air Carrier Aircraft," dated November 13, 1974, the National Transportation Safety Board (NTSB) cited emergency conditions associated with both takeoff and landing incidents in which the PA system was inoperative and recommended that the FAA require an independent power source for the PA system. In response to the NTSB recommendation, the FAA proposed a requirement for an independent power source for the PA system in Notice No. 81-1 (46 FR 5487; January 19, 1981), Operations Review Program, Proposal No. 11-7. This proposal, which was one of a number of proposals contained in Notice No. 81-1, would have required a power source for the PA system which is independent of the main power supply for all airplanes required to have a PA system (i.e., those having a seating capacity of more than 19 passengers and used in air carrier or air taxi service). As proposed, the independent power source would have been required for such airplanes currently in service, as well as those in such service in the future.

As discussed in the preamble to Amendment 121-179 (47 FR 33384; August 2, 1982), which was one of a number of amendments resulting from Notice 81-1, a number of commenters supported adoption of the proposed rule because they believed that the availability of the PA system is vital for directing emergency evacuations and providing pre-impact instruction. They also pointed out that situations had occurred where megaphones had been used by flight attendants for directing evacuations because the PA system was not functioning. One commenter did, however, label the proposal "vague and ambiguous" and stated that the proposal could jeopardize the inflight emergency electrical power system load capacity. This commenter also asserted that the proposal could result in a substantial economic burden, presumably due to the cost of retrofit on all affected airplanes. After review, the FAA determined that the cost of the proposal would outweigh the expected safety benefits and withdrew the proposal. However, the FAA stated in the preamble that the proposal would be reviewed to

determine whether it would be cost effective for future production airplanes.

Discussion

Upon further review, the FAA had concluded that it would be cost effective to require an independent power source for the PA system on airplanes having a seating capacity of more than 19 passengers which are operated in air carrier or air taxi service when they are manufactured on or after a date one year from the effective date of the proposed amendments. The amendments proposed in this notice would not require the retrofit of any airplanes already in service.

The FAA proposes to amend Part 25 to require a power source for a required PA system which is: (1) Independent of engine and auxiliary power unit (APU) operation, the forward motion of the airplane, and all normal means used by the flightcrew for power source disconnection; and (2) capable of powering the PA system for an aggregate time duration of at least 10 minutes, including at least 5 minutes of announcements made by flight and cabin crewmembers. In determining this capability, all loads which may remain powered by the same source when all other power sources become inoperative must be considered. In addition, if the same source is required as an emergency power source for loads which are essential to safety of flight or required during emergency conditions, that source must also be capable of powering the added PA system load for an additional time duration that is appropriate or required for those essential or emergency loads. The proposed rule provides that, in all cases, the PA system load would be considered as that which exists during its standby state, except for an aggregate time duration of at least 5 minutes during announcements.

Power dependent on the forward motion of the airplane, such as that produced by a ram air turbine, would not be acceptable for the PA system because such power would not be available on the ground under normal or emergency conditions. Similarly, power dependent on engine or APU operation would not be acceptable because the engines and APU would not be operable on the ground in many emergency situations. The expression "all normal means used by the flightcrew for power source disconnection" in proposed § 25.1423 means all switches or like devices which are provided for that purpose including, but not necessarily limited to, the generator, APU, and battery switches. In this regard, the deactivation of circuit breakers is not considered to be a normal means for power source disconnection. Additionally, the use of the expression does not propose any requirements pertaining to the disconnection or connection of *loads*, however accomplished. The expression "standby state" in proposed § 25.1423 means that condition during which power for making announcements is supplied are *not* being made.

This proposal would not affect the capability of the flightcrew to disconect the PA system by using its electrical power switch or circuit breaker(s): (1) If there is an electrical fault in that system, to clear smoke and protect the airplane against possible fires; or (2) if all other power sources become inoperative, to conserve the remaining power source's capacity for systems, equipment, and instruments which are powered by the same source and are more essential to safety of flight or of higher priority under emergency conditions. Since undisciplined use of the PA system when all other power sources have become inoperative could result in a hazardous, premature depletion of the capacity of the remaining power source, comments are specifically invited concerning whether operational procedures or flight and cabin crew training programs may be necessary to complement this proposal.

The FAA considers the availability of the PA system for announcements for an aggregate time duration of at least 5 minutes to be reasonable. Commenters are specifically invited to express their opinions in this regard.

The proposed rule would allow innovation in providing an acceptable independent power source; however, as a matter of practicality, the normal airplane battery or another battery would most likely be used as a PA system power source.

The FAA has also considered whether the megaphones presently required by § 121.309(f) could serve as an adequate means of communication in the event the PA system is disabled. Such use of the megaphones by the flightcrew is not considered feasible in view of the workload during emergency conditions, the directionality of megaphone output relative to the flightcrew's forward location and forward-facing position, and the fact that the flight compartment door is normally locked.

Proposed § 25.1423 would apply only to certain airplanes which are operated in air carrier (Part 121) and air taxi (Part 135) service when these airplanes are manufactured after a certain date, regardless of the date of application for type certificate.

The FAA also proposes to amend § 25.1411(a)(2) to clarify that the PA system microphone accessibility requirement is applicable only when a PA system is required by this chapter. This would impose no additional regulatory or economic burden on any person.

Section 121.318 requires airplanes that have a seating capacity of more than 19 passengers and that are used in air carrier service to be equipped with a PA system. Section 135.149 incorporates § 121.318 by reference and thereby imposes the same requirements on air taxi operators. The FAA proposes to amend § 121.318 to require such airplanes, newly manufactured on or after a date one year from the effective date of the proposed amendment, to have independent power sources for their PA systems. The one year compliance period is intended to provide manufacturers with adequate time to design new systems, evaluate their feasibility, conduct necessary qualification tests and procure components. While this process sometimes requires more than one year, a compliance time of one year from the effective date of the proposed rule has been selected due to the relatively minor nature of any electrical system redesign required by the rule, and the substantial enhancement to cabin safety afforded by this simple requirement. Comments are specifically invited regarding the adequacy of the proposed one year compliance period. Such comments should include specific data, if any, regarding lead-time for design, testing and procurement of necessary components together with other impacts, positive or negative, resulting from the one year compliance period. The proposed amendment would not require retroactive installation of an independent power source for airplanes currently in service or for those manufactured within one year of the effective date. For simplification, reference to dates that have already passed would be removed from § 121.318.

Regulatory Evaluation

The FAA proposes to require an independent power source for the public address system (PA) in transport category airplanes that are required to have a PA system for use in air carrier or air taxi service and that are manufactured one year or more after the effective date of the proposed amendment. The intent of this proposal is to ensure PA system availability during emergency conditions. There have been some incidents in which the

PA system has been rendered inoperative either by the flightcrew or by an electrical power source failure, thereby posing a potential danger to passengers.

The cost impact for one of the manufacturers has been estimated at $108,000 over a one-year period. In addition to these one-time costs for redesigning the electrical circuitry of the PA system, this manufacturer will incur an additional production cost per airplane of no more than $50. The total incremental cost over the 1985–1994 period has been estimated at $550 per airplane.

Another manufacturer estimated that no incremental cost would be incurred because its airplane fleet is already in compliance. Although no cost data were received from the third major manufacturer of these airplanes, the FAA expects its costs to be of the same approximate order of magnitude in view of the minor nature of any redesign of electrical systems that would likely be required. If this assumption is correct, the overall cost of the proposal to the industry would be about $216,000 over a one year period. The FAA invites all affected parties to submit data pertaining to the proposal's economic impact.

The FAA is not aware of any injuries or fatalities that were specifically caused by a loss of electrical power to the PA system. Although the extent to which the safety of passengers would be enhanced cannot therefore be quantified, it is worth noting that the proposal would more than pay for itself if it prevented as few as 12 minor injuries or 3 serious injuries over the next 10 years. These estimates are based on values derived by the FAA to represent the economic costs of various types of injury, ranging from $18,700 for a minor one up to $76,000 for a serious one. Such a small number of preventable injuries could easily occur as a result of a failure to adequately inform passengers about evacuation procedures and best methods of egress in a single accident involving a survivable emergency landing.

The FAA has determined that the proposal will not have a significant economic impact on a substantial number of small entities and that the proposal will not affect international trade.

With respect to airplane manufacturers, the FAA has determined that airplane and airplane parts manufacturers are small if they have 75 or fewer employees. The airplane manufacturers subject to the terms of this proposal are all large firms. Only five current U.S. firms have certificated airplanes under Part 25, and the smallest, Gates Lear Jet, has an estimated 6,500 employees. (Million Dollar Directory—1983, Dunn and Bradstreet Inc.)

Since the proposal may add a small amount to the price of new airplanes, there may be an impact on small entities which are operators of airplanes. The FAA has determined that for operators of airplanes for hire, small entities are those which own nine or fewer airplanes. The significant cost thresholds for "operators of airplanes for hire" are $85,070 for scheduled operators with airplanes having 60 or more seats, $47,506 for other scheduled operators and $3,315 for unscheduled operators (1983 values). The cost increase for new airplanes manufactured under the standards of this proposal is expected to be under $550 per airplane. The typical small entity operator of large airplanes would have to buy so many airplanes per year to reach this level of impact, that the operator would cease to be a small entity. There are thousands of small entities who are unscheduled operators, but only a few which operate large airplanes. In this type of entity, the cost increase could seemingly reach a level of significant economic impact because of the low annual cost threshold. However, the overwhelming majority of unscheduled operators are on-demand air taxis, which operate small airplanes that are not subject to the requirements of this proposal.

In view of the above, the FAA finds that compliance with these proposals would not result in a significant economic impact for a substantial number of small entities.

This proposal, if adopted, would have little or no impact on trade opportunities for both U.S. firms doing business overseas and foreign firms doing business in the U.S. The proposal affects the rules for certificating new airplanes. Also, newly manufactured airplanes for the U.S. market, whether made by U.S. or foreign manufacturers, would have to comply with the rule. Any cost of compliance is negligible, however, when compared to the cost of a new airplane.

Conclusion

For the reasons given earlier in the preamble, the FAA has determined that this is not a major regulation as defined in Executive Order 12291. The FAA has also determined that this action is significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this regulation, at promulgation, will not have a significant economic impact on a substantial number of small entities.

List of Subjects

14 CFR Part 25

Air transportation, Aircraft, Aviation safety, Safety, Crashworthiness, Emergency evacuation, Public address system.

14 CFR Part 121

Aviation safety, Safety, Air carriers, Air transportation, Aircraft, Airplanes, Airworthiness directives and standards, Transportation, Common carriers, Crashworthiness, Emergency evacuation, Public address system.

The Proposed Amendments

Accordingly, the FAA proposes to amend Parts 25 and 121 of the Federal Aviation Regulations (FAR), 14 CFR Parts 25 and 121, as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. The authority citation for Part 25 continues to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 49 CFR 1.47(a).

2. By amending § 25.1411 by revising the paragraph heading for (a) and paragraph (a)(2) to read as follows:

§ 25.1411 General.

(a) *Accessibility requirements.* * * *

(2) If a public address system is required by ths chapter, at least one PA system microphone intended for flight attendant use must be positioned adjacent to a flight attendant seat that is located near each required floor level emergency exit in the passenger compartment and be readily accessible to the seated flight attendant.

* * * * *

3. By adding a new § 25.1423 to read as follows:

§ 25.1423 Public address system.

If a public address system is required by ths chapter, it must be powered by a source which is—

(a) Independent of engine operation, auxiliary power unit operation, the forward motion of the airplane, and all normal means used by the fightcrew for power source disconnection; and

(b) Capable of powering the public address system—

(1) For a time duration of at least 10 minutes, including an aggregate time duration of at least 5 minutes of

announcements by flight and cabin crewmembers, considering all other loads which may remain powered by the same source when all other power sources become inoperative; and

(2) For an additional time duration in its standby state that is appropriate or required for any other loads that are powered by the same source and are essential to safety of flight or required during emergency conditions.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

4. The authority citation for Part 121 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1356, 1357, 1401, 1421 through 1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 49 CFR 1.47(a).

5. By amending § 121.318 by revising the introductory text of paragraph (a) and paragraphs (b) (2), (3) and (4), and by adding a new paragraph (b)(5) to read as follows:

§ 121.318 Public address system.

(a) No person may operate an airplane with a seating capacity of more than 19 passengers unless the airplane is equipped with a public address system that:

* * * * *

(b) * * *

(2) It must be accessible for use from at least one normal flight attendant station in the passenger compartment, and each public address system microphone intended for flight attendant use must be positioned adjacent to a flight attendant seat that is located near each required floor level emergency exit in the passenger compartment and be readily accessible to the seated flight attendant;

(3) It must be capable of operation within ten seconds by a flight attendant at those stations in the passenger compartment from which its use is accessible;

(4) Transmission must be audible at all passenger seats, lavatories, and flight attendant seats and work stations; and

(5) For airplanes manufactured on or after (a date one year from the effective date of this amendment), it must meet the requirements of § 25.1423 of Part 25 of this Chapter.

Issued in Seattle, Washington, on May 19, 1986.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 86–11816 Filed 5–22–86; 9:22 am]

BILLING CODE 4910–13–M

federal register

Tuesday
May 27, 1986

Part V

Department of the Treasury

Office of Revenue Sharing

31 CFR Part 51

Revenue Sharing Regulations; Financial Assistance to Local Governments; Entitlement Period 17; Data Challenges; Interim Rule

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

31 CFR Part 51

Revenue Sharing Regulations

AGENCY: Office of Revenue Sharing, Treasury.

ACTION: Interim rule.

SUMMARY: The Consolidated Omnibus Budget Reconciliation Act of 1985, Pub. L. 99–272, provides in part for the repeal of the Revenue Sharing Act (31 U.S.C. 6701–24). This rule establishes that data challenges for Entitlement Period 17 must be filed before June 2, 1986.

EFFECTIVE DATE: May 27, 1986.

Comment period: Written comments will be considered if received on or before June 26, 1986.

ADDRESS: Send comments to: Chief Counsel, Office of Revenue Sharing, Treasury Department, Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: Richard S. Isen, Chief Counsel, or Jacqueline L. Jackson, Attorney, Office of Chief Counsel for Revenue Sharing, Department of the Treasury, Washington, DC 20226, Telephone: (202) 634–5182.

SUPPLEMENTARY INFORMATION:

Background

Title XIV of the Consolidated Omnibus Budget Reconciliation Act of 1985, Pub. L. 99–272 (COBRA), repeals the Revenue Sharing Act (31 U.S.C. 6701–6724) effective December 31, 1986 or the adjournment *sine die* of the 99th Congress, whichever is earlier, unless the Revenue Sharing Program is reauthorized before that date. The Act preserves the legal obligations of the Office of Revenue Sharing and recipient governments with respect to funds paid under the Revenue Sharing Program. The current authorization provides for Revenue Sharing payments through fiscal year 1986, which ends September 30, 1986 (Pub. L. 98–185). Section 14001(a)(4) of the Act sets June 2, 1986, as the date by which challenges to the accuracy of the data elements used for Entitlement Period 17 (October 1, 1985—September 30, 1986) must be made by the Director or a recipient government.

Currently, challenges for adjustments due to overpayments or underpayments for an entitlement period for any reason can be made up to one year after the end of the entitlement period. With the absence of new funding authority for the Revenue Sharing Program, this would not be practical or consistent with the authorization in COBRA of administrative funds for only one year of wind-down, i.e., fiscal year 1987. Moreover, the Office of Revenue Sharing already has made every effort to provide recipient governments with the data used for payments. The data for recipient governments were mailed to them for review in September of 1985 and January of 1986. To implement section 14001(c)(4), the interim rule requires challenges for payment adjustments due to data errors, including failure to provide reports to the Bureau of the Census or any other data-related concerns, to be made before June 2, 1986. Challenges for adjustments to allocations or payments for Entitlement Period 17 not related to data used for payments may be made by a recipient government or the Director through September 30, 1987.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires that regulations with significant economic impact on a substantial number of "small entities" should undergo regulatory flexibility analyses. With respect to the Revenue Sharing Program, small entities are defined as recipient governments with populations below 50,000. The interim rule is not expected to have a significant economic impact on small governmental units. It is hereby certified that this interim rule does not have a significant economic impact on small governmental units.

Executive Order 12291—"Federal Regulation"

The interim rule does not constitute a "major rule" within the meaning of section 1(b) of Executive Order 12291, entitled "Federal Regulation." Therefore, regulatory analysis is not required.

Need for Immediate Guidance

This interim rule is needed to provide immediate guidance to recipient governments. The Treasury Department has less than 60 days to implement the "before June 2, 1986" close of data for the current entitlement period contained in section 14001(a)(4) of COBRA. Accordingly, compliance with the notice of proposed rule-making provisions of 5 U.S.C. 553(b) or the effective date limitations of 5 U.S.C. 553(d) would be impractical and contrary to the public interest.

List of Subjects in 31 CFR Part 51

Accounting, Administrative practice and procedure, Civil rights, Handicapped, Aged, Indians, Revenue Sharing, Reporting and Recordkeeping requirements.

31 CFR Part 51, is, therefore, amended in the manner set forth below.

Dated: April 24, 1986.

Kent A. Peterson,

Acting Director, Office of Revenue Sharing.

PART 51—FINANCIAL ASSISTANCE TO LOCAL GOVERNMENTS

1. The authority citation for part 51 continues to read as follows:

Authority: 31 U.S.C. 6701 to 6724 and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342) as amended by Treasury Department Order No. 103–1 dated March 18, 1982.

2. Section 51.26(b) is amended by revising § 51.26(b)(2) to read as follows:

§ 51.26 Reservation of funds; adjustment of entitlements and allocations.

* * * * *

(b) Adjustment to entitlement payments.

* * * * *

(2) Allocations for an entitlement period shall be calculated to reflect the most recent data available in accordance with the time periods specified in section 51.29.

* * * * *

3. Section 51.29 is amended by the addition of a new paragraph (c) to read as follows:

§ 51.29 Notification and adjustment of data factors.

* * * * *

(c) *Special rule for Entitlement Period Seventeen.* Notwithstanding any other provision of this subpart with respect to the time limit for changes to the data, no adjustment based on the data factors used in computing allocations of funds shall be made to increase or decrease an entitlement payment to a recipient government for Entitlement Period Seventeen (October 1, 1985 to September 30, 1986) unless a challenge to the data is made by the Director or the recipient government before June 2, 1986. Demands by a recipient government or the Director for payment adjustments for other reasons may be made up to one year after the end of Entitlement Period Seventeen.

[FR Doc. 86–11996 Filed 5–23–86; 12:37 pm]

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H.R. 4767/Pub. L. 99–315

To deauthorize the project for improvements at Racine Harbor, Wisconsin. (May 21, 1986; 100 Stat. 470; 1 page) Price: $1.00

S.J. Res. 267/Pub. L. 99–316

Designating the week of May 26, 1986, through June 1, 1986, as "Older Americans Melanoma/Skin Cancer Detection and Prevention Week." (May 21, 1986; 100 Stat. 471; 1 page) Price: $1.00

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[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

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