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Federal Register

Friday
January 10, 1986

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

Selected Subjects

Aviation Safety
Federal Aviation Administration

Crop Insurance
Federal Crop Insurance Corporation

Fisheries
National Oceanic and Atmospheric Administration

Hazardous Waste
Environmental Protection Agency

Libya
Foreign Assets Control Office

Marketing Agreements
Agricultural Marketing Service

Milk Marketing Orders
Agricultural Marketing Service

Postal Service
Postal Service

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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.

WASHINGTON, DC

WHEN: January 17; at 9 am.

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

RESERVATIONS: Howard Landon 202-523-5227 (Voice)
Melanie Williams 202-523-5229 (TDD)

FUTURE WORKSHOPS: Additional workshops are scheduled bimonthly in Washington and on an annual basis in Federal regional cities. Dates and locations will be announced later.

NOTE: There will be a sign language interpreter for hearing impaired persons at this briefing.

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Presidential Documents

Title 3—

The President

Executive Order 12544 of January 8, 1986

Blocking Libyan Government Property in the United States or Held by U.S. Persons

By the authority vested in me as President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and section 301 of title 3 of the United States Code, in order to take steps with respect to Libya additional to those set forth in Executive Order No. 12543 of January 7, 1986, to deal with the threat to the national security and foreign policy of the United States referred to in that Order,

I, RONALD REAGAN, President of the United States, hereby order blocked all property and interests in property of the Government of Libya, its agencies, instrumentalities and controlled entities and the Central Bank of Libya that are in the United States, that hereafter come within the United States or that are or hereafter come within the possession or control of U.S. persons, including overseas branches of U.S. persons.

The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to employ all powers granted to me by the International Emergency Economics Power Act, 50 U.S.C. 1701 *et seq.*, to carry out the provisions of this Order.

This Order is effective immediately and shall be transmitted to the Congress and published in the **Federal Register**.

Ronald Reagan

THE WHITE HOUSE,
January 8, 1986.

[FR Doc. 86-728
Filed 1-8-86; 5:00 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5426 of January 8, 1986

National Fetal Alcohol Syndrome Awareness Week, 1986

By the President of the United States of America

A Proclamation

Recent advances in medicine continue to bring out ever more clearly and dramatically the unity and continuity of pre- and postnatal life. Just as we know that the pre-born infant in the womb can now undergo therapies that can contribute to health after birth, we also know that certain types of behavior by the expectant mother can do grave harm to her unborn child, harm that often shows up in the form of serious birth defects.

Fetal Alcohol Syndrome (FAS) is one of the three major known causes of birth defects that may result in mental retardation. Of the three, FAS is the only one that, at present, is totally preventable.

FAS is characterized by such serious health problems as prenatal and postnatal growth retardation, developmental and learning disabilities, mental retardation, and other physiological abnormalities such as heart, kidney, and skeletal defects.

This knowledge led the Surgeon General of the United States to issue an advisory in 1981, which strongly encourages women who are pregnant or considering pregnancy to avoid the use of alcohol because of the potentially serious adverse consequences. The Surgeon General's advisory also stresses the preventability of these consequences.

The Congress, by Senate Joint Resolution 189, has designated the week beginning January 12, 1986, as "National Fetal Alcohol Syndrome Awareness Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of January 12 to 18, 1986, as National Fetal Alcohol Syndrome Awareness Week. I applaud the efforts of the medical/scientific community, the many public and private agencies, organizations, institutions, and concerned citizens who, over the years, have undertaken efforts to prevent FAS and other alcohol-related birth defects. I invite the Governors of the several States, the chief officials of local governments, and all Americans to observe this week with appropriate activities, particularly those that seek to protect the health of children through heightened awareness of the potential adverse effects of alcohol use during pregnancy.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of January, 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. 86-751
Filed 1-9-86; 10:36 am]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 451

[Docket No. 2354S]

Canning and Processing Peach Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby issues a new Part 451 in Chapter IV of Title 7 of the Code of Federal Regulations prescribing procedures for insuring canning and processing peaches effective for the 1986 and succeeding crop years. The intended effect of this rule is to provide insurance for canning and processing peaches in response to many requests from producers and processors for such insurance protection. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: February 10, 1986.

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation No. 1512–1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is May 15, 1990.

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

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

This program is listed in the Catalog of Federal Domestic Assistance under Number 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

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

On Tuesday, February 26, 1985, FCIC published a notice of proposed rulemaking in the **Federal Register** at 50 FR 7787 to issue a new Part 451 in Chapter IV of Title 7 of the Code of Federal regulations to be known as 7 CFR Part 451—Canning and Processing Peach Crop Insurance Regulations.

The public was given 60 days in which to submit written comments, data, and opinions on the proposed rule but none were received. FCIC, on Wednesday, August 28, 1985, published a supplemental notice of proposed policy rulemaking in the **Federal Register** at 50 FR 34856, and extended the comment period until September 27, 1985. The purpose of the supplemental notice was to propose an additional change in the Canning and Processing Peach crop insurance policy to redefine the "Unit" definition to restrict division.

No comments were received in direct response to either the proposed rule or the supplemental notice of proposed policy rulemaking as published. However, on September 4–5, 1985, the Board of Directors, FCIC held informal meetings in Hearing Room B, Interstate Commerce Commission Building, Washington, DC, for the purpose of receiving comments from interested parties on the Actual Production History (APH) method of insurance and on the proposal to restrict unit division by removing unit division guidelines from policies. Those concepts were included in the proposed rule and the supplemental notice of proposed rulemaking.

The APH concept of yield guarantees establishes a direct relationship between proven production capability of the individual insured producer, and the insurance guarantee or the premium rates. It requires the insured producer to submit annual records of production as a condition of continued insurability. The determination to eliminate applicable unit division guidelines restricts unit division to include all the insurable crop grown within a county with no allowance for further division beyond those contained in the crop insurance policies.

Comments on the proposed regulations were received from six representatives of the private insurance industry, one member of Congress, fifteen insurance agents, four representatives of special interest groups, and five farmers.

The comments generally opposed: (1) The proposed requirement that insureds furnish annual records of insured production as a condition of continued insurability under the APH program for the establishment of yield guarantees; and (2) the proposed change to the insurance unit definition which would delete the guidelines filed at county service offices.

Those in opposition to the proposed regulations argued that they would decrease the marketability of crop insurance by making the resulting insurance offer less attractive to potential purchasers. Many predicted a substantial level of cancellation by current contract holders if the proposed regulations became effective.

Argument against the proposed requirement for records submission as a condition of continued insurance eligibility included: (1) Many farmers would not be willing to furnish records establishing annual production unless they have a loss and a potential indemnity; (2) an economic incentive

like a reduced future yield guarantee is preferable to cancellation; and (3) the APH system as a whole is cumbersome, complex, and more difficult to administer than an area coverage plan.

Many commentators recommended that FCIC develop a plan to offer reduced insurance guarantees when a producer failed to voluntarily furnish records. Most comments supported the APH concept as a means of making an equitable insurance offer to the better producers of an area; however, many of the same group requested simplification of program procedures. Several comments recommended the establishment of a new method to reduce the impact of severe loss years upon yield guarantees for the future. A few comments recommended a return to an area coverage program as a means of retaining the participation of those whose recent production has not equaled former area coverage guarantees.

The comments received were fully considered in the course of arriving at the decision modifying the proposed rule.

The rationale for the initial adoption of the APH concept was to correct the problem of adverse selection inherent in the previous area coverage plans of insurance. Adverse selection occurs when the best insurance offer is made to the highest risk producer and the poorest insurance offer is made to the lowest risk producer. It is characterized by having insured clients with higher than average risk expectations without commensurate higher premium rates. Adverse selection results in higher than expected losses and ultimately in higher premium rates and thus, over the long term, severely limits participation levels.

Adverse selection is best addressed by establishing a direct relationship between proven production capability of individual producers and their insurance guarantee and premium rates. The APH program accomplishes this objective.

Records of production are basic to a yield protection program of insurance. There is no logical alternative to requiring records if such a program is to succeed over an extended period of time. The APH concept, linking records to guarantees, is clearly preferable to any extension of the area coverage concept. The latter can only lead to further aggravation of adverse selection. The ultimate result is the program serving only the lowest producing farmers on the highest risk land.

The premise that farmers will choose to cancel insurance participation in preference to furnishing annual records of production after the close of harvest or marketing season is rejected. The need to have such records of production for other business purposes, including for share rent settlement purposes, for financial statements in the event of the use of borrowed funds for operations, and for the submission of income tax returns, combined with the need of such records for farm management purposes, make such records readily available for most producers. The records are available. No legitimate reason exists for failure to support a requested yield guarantee by furnishing production records.

If the sole reason for unwillingness to submit records of production lies in the fact that such submission will result in a lower than otherwise obtainable yield guarantee for the future, then the producer is seeking to be overinsured in relation to his proven capability. While past performance is not an absolute guarantee of future yield expectations, it is the best indicator which can be measured objectively.

The FCIC would be violating its public trust if it were not to use the best system possible to establish yield guarantees which fairly reflect yield expectations. Considering the administrative changes to procedure which are to be implemented, the objections to the APH program raised in the comments have been fully and fairly considered and are regarded as an insufficient basis for reversal of previous proposed regulations.

FCIC, in response to requests from the producers and the participating insurance industry, has taken administrative action to ease the burden of keeping the required records and to address problems in program administration.

Arguments against the proposed unit division change included: (1) Separate insurance units for widely dispersed tracts of farmland, differing topography or soil types, and differing cultural or farm management practices are necessary to maintain or build participation levels; (2) spot causes of loss like hail and flood generally damage only a relatively small portion of the total planted acreage of most farms, thus the more units allowed, the greater the protection offered; (3) the proposed unit structure would result in discrimination or unfair treatment among producers; (4) the producer is entitled to an indemnity payment under the crop insurance program when he suffers a loss on a portion of his planted acreage even when overall yields are normal; and (5) expected reductions in participation would result in increased adverse selection. Many agreed that the current unit structure is less than satisfactory, but argued that FCIC should delay implementation of the proposed rule to provide time for further study and analysis of alternative approaches.

FCIC has determined to retain the present unit structure and institute further studies which are to be presented to the Board of Directors for consideration at the first meeting of the Board after February 1, 1986.

It is the objective of the FCIC to provide producers of agricultural commodities a program of insurance with an insurance unit structure which:

—Provides a disaster protection plan of insurance which meets the needs of producers at the lowest possible cost per acre.

—Minimizes the potential for fraud and abuse.

—Reduces the administrative costs of FCIC and writing companies.

—Minimizes the burden upon producers.

—Improves the actuarial soundness of the program.

—Simplifies and standardizes the unit definition for all programs.

The Board of Directors has discussed the unit definition issue on several occasions over the past three years.

The current standard insurance policy language defines "unit" as:

> "Unit" means all insurable acreage of (name of crop) in the county on the date of planting for the crop year:
>
> (1) in which you have a 100 percent share; or
>
> (2) which is owned by one entity and operated by another entity on a share basis.
>
> Land rented for cash, a fixed commodity payment, or any consideration other than a share in the (name of crop) on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your county service office.

As a matter of usual practice, units are often divided beyond that allowed by the policy unit definition to permit separate units by section or ASCS farm serial number. This is intended to be permitted only when verifiable records of production on such a basis exist.

The more insurance units allowed on a single contract, the higher the potential for fraud and abuse, the higher the costs of administration, and the larger the likelihood of legitimate loss.

The FCIC Board of Directors has been increasingly concerned about the high loss ratios (about 150%) experienced by the Corporation in the 1980–1984 period. It has refused to order a major premium rate increase because of its belief that normal weather and sound program design will prove the existing rates adequate over the long term. The Board

has chosen a course of action to reduce adverse selection, lessen the potential for fraud and abuse, and improve the equitability of the insurance offer between options and areas of operation.

The Board believes that these actions are preferable to the alternative of major increases in premiums to producers.

The level of program participation by potential insureds is of great interest to the FCIC. The potential users of the program, the farmers of this nation, have a clear need for the protection offered. Higher levels of participation are desired because such expanded use of a crop insurance as a risk management tool can reduce the adverse economic impacts of crop failure on not only individual producers but the State and community in which they live. Crop insurance as a device to offer disaster assistance to farmers is much preferred to the alternative programs offered in the past in terms of equitability and cost to the public. Further, higher levels of participation tend to remove adverse selection which continues to be a problem of program administration.

There is an apparent need to modify the insurance unit determination practices of the past. Most of the comments received recommended delay and further study of the issues relating to insurance unit definition and that recommendation is accepted as being in the best interests of the program at this time. The management of FCIC has been directed to present the results of further study to the Board of Directors at its first meeting after February 1, 1986. Interested parties are requested to offer input or comments to the Board. Any proposal presented during the requested timeframe should not only consider the impact upon program participation but also have a positive impact upon the actuarial soundness of the programs and the costs and burden of administration.

The most significant objection raised in the comment period was the opinion that significant adverse perception of the previously proposed change would lead to large numbers of cancellations by insured producers. The FCIC determination to permit the continued use of guidelines allowing further unit division will encourage continued growth in the program without undue risk of higher than normal cancellations.

These actions respond positively to the marketing-related concerns expressed regarding the previously proposed changes to the insurance regulations. They should have minimal adverse impact upon the attractiveness of the insurance offer and thus little negative impact upon participation rates.

Except for minor changes in language and format, the proposed rule as amended as outlined above, it hereby adopted as a final rule.

List of Subjects in 7 CFR Part 451

Crop insurance, Canning and processing peaches.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby issues a new Part 451 in Chapter IV of Title 7 of the Code of Federal Regulations to be known as 7 CFR Part 451, Canning and Processing Peach Crop Insurance Regulations, effective for the 1986 and succeeding crop years. Part 451 is added to read as follows:

PART 451—CANNING AND PROCESSING PEACH CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1986 and Succeeding Crop Years

Sec.

451.1 Availability of canning and processing peach crop insurance.
451.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
451.3 OMB control numbers.
451.4 Creditors.
451.5 Good faith reliance on misrepresentation.
451.6 The contract.
451.7 The application and policy.

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

§ 451.1 Availability of canning and processing peach crop insurance.

Insurance shall be offered under the provisions of this subpart on canning and processing peaches in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

§ 451.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for canning and processing peaches which will be included in the actuarial table on file in the applicable service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect a coverage level and price at which indemnities will be computed from among those levels and prices contained in the actuarial table for the crop year.

§ 451.3 OMB control numbers.

OMB control numbers are contained in Subpart H of Part 400, Title 7 CFR.

§ 451.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

§ 451.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the canning and processing peach insurance contract, whenever: (a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation: (1) Is indebted to the Corporation for additional premiums; or (2) has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000.00, finds that: (1) An agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice; (2) said insured relied thereon in good faith; and (3) to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured shall be granted relief the same as if otherwise entitled thereto. Requests for relief under this section must be submitted to the Corporation in writing.

§ 451.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the canning and processing peach crop as provided in the policy. The contract shall consist of the application, the policy, and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms

referred to in the contract are available at the applicable service offices.

§ 451.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the canning and processing peach crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable sales closing date on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the sales closing date for submitting applications in any county, by placing the extended date on file in the applicable service offices and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the extended period. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1986 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a canning and processing peach contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1986 and succeeding crop years is found at Subpart: D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Canning and Processing Peach Crop Insurance Policy for the 1986 and succeeding crop years are as follows:

Department of Agriculture, Federal Crop Insurance Corporation

Canning and Processing Peach Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

Agreement to Insure: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;

(2) Fire;

(3) Wildlife;

(4) Earthquake;

(5) Volcanic eruption;

(6) Direct Mediterranean Fruit Fly damage; or

(7) Failure of the irrigation water supply due to an unavoidable cause occurring after insurance attaches;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(3).

b. We will not insure against any loss of production due to:

(1) The neglect, mismanagement or wrongdoing by you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good peach farming practices;

(3) The failure to follow recognized good peach irrigation practice;

(4) The failure or breakdown of irrigation equipment or facilities;

(5) The impoundment of water by any governmental, public or private dam or reservoir project;

(6) Split pits regardless of cause; or

(7) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured will be any of the varieties of clingstone peaches ("peaches") which are grown for the production of canning or processing peaches on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year will be peaches grown on insurable acreage as designated by the acturial table and in which you have a share, as reported by you or as determined by us, whichever we elect.

c. The insured share is your share as landlord, owner-operator, or tenant in the insured peaches at the time insurance attaches. However, only for the purpose of determining the amount of indemnity, your share will not exceed your share on the earlier of:

(1) The time of loss; or

(2) the beginning of harvest.

d. We do not insure any acreage:

(1) Which is not irrigated or for which adequate facilities and water are not available at the time insurance attaches to carry out a good peach irrigation practice;

(2) On which the trees have not reached the fifth growing season after being set out unless we agree in writing to insure such acreage;

(3) Planted with a vine or tree crop other than peaches;

(4) Which we inspect and consider not acceptable; or

(5) A variety of peaches not established as adapted to the area or excluded by the actuarial table.

e. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to the date insurance attaches.

3. Report of acreage, share, and practice.

You must report on our form:

a. All the acreage of peaches in the county in which you have a share;

b. The practice; and

c. Your share at the time insurance attaches.

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any peaces grown in the county. This report must be submitted annually on or before March 1. All indeminities may be determined on the basis of information you submit on this report. If you do not submit this report by the reporting date, we may elect to determine, by unit, the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval. By applying for peach crop insurance, you authorize us to examine records maintained by the Cling Peach Advisory Board for the purpose of determining or verifying your production and acreage.

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities are contained in the actuarial table.

b. If the number of bearing trees (fifth growing season and older) is reduced more than 10 percent from the preceding calendar year as a result of damage occurring within that year, the production guarantee will be reduced 1 percent (through adjustment to your average yield) for each 1 percent reduction in excess of 10 percent.

c. Coverage level 2 will apply if you do not elect a coverage level.

d. You may change the coverage level and price election on or before the sales closing date as established by the actuarial table for submitting applications for the crop year.

5. Annual premium.

a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share on the date insurance attaches.

b. Interest will accure at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

Insurance attaches for each crop year on March 1 and ends at the earliest of:

a. Total destruction of the peaches;

b. The date harvest of the peaches (by variety) should have started;

c. Harvest of the peaches;

d. Final adjustment of a loss; or

e. September 15.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice of:

(a) The dates of damage; and

(b) The causes of damage.

(2) You must give us written notice if during the period before harvest, the peaches on any unit are damaged and you decide not to further care for or harvest any part of them.

(3) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(4) If probable loss or damage is determined within 15 days of or during harvest, immediate notice must be given.

(5) If you are going to claim an indemnity on any unit, you must give us notice not later than 72 hours:

(a) After total destruction of the peaches;

(b) Discontinuance of harvest on the unit; or

(c) Before harvest would normally start if any acreage on the unit is not to be harvested.

(6) Unless notice has been given under subsection (5) above, and in addition to the other notices required by this section, if you are going to claim an indemnity on any unit, you must give us notice not later than 10 days after the earliest of:

(a) Harvest of the unit; or

(b) September 15 of the crop year.

b. You must obtain written consent from us before you destroy any of the peaches which are not to be harvested.

c. We may reject any claim for indemnity if you fail to comply with any of the requirements of this section or section 9.

9. Claim for indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the peaches on the unit;

(2) Harvest of the unit; or

(3) September 15 of the crop year.

b. We will not pay any indemnity unless you:

(1) Establish the total production of peaches on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period;

(2) Authorize us in writing to examine and obtain any records pertaining to the production and marketing of the insured peaches under this contract from the peach canner or Cling Peach Advisory Board; and

(3) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of peaches to be counted (see section 9e);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this result by your share.

d. If the information reported by you under section 3 of the policy results in a lower premium than the actual premium determined to be due, the production guarantee on the unit will be computed on the information reported, but all production from insurable acreage, whether or not reported as insurable, will count against the production guarantee.

e. The total production to be counted for a unit will include all harvested and appraised production which the California State Inspection Service grades No. 2 or better.

(1) Appraised production to be counted will include:

(a) Potential production lost due to uninsured causes and failure to follow recognized good peach farming practices;

(b) Not less than the guarantee for any acreage which is abandoned, damaged solely by an uninsured cause, or destroyed by you without our consent; and

(c) Any unharvested production.

(2) Any appraisal we have made on insured acreage will be considered production to count unless such appraised production is:

(a) Not harvested before the harvest of peaches becomes general in the county;

(b) Further damaged by an insured cause and reappraised by us; or

(c) Harvested.

(3) If your elect to exclude hail and fire as insured causes of loss and the peaches are damaged by hail or fire, appraisals will be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire".

f. You must not abandon any acreage to us.

g. You may not sue us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is received by you.

h. We have a policy for paying your indemnity within 30 days of our approval of your claim, or entry of a final judgment against us. We will, in no instance, be liable for the payment of damages, attorney's fees, or other charges in connection with any claim for indemnity, whether we approve or disapprove such claim. We will, however, pay simple interest computed on the net indemnity ultimately found to be due by us or by a final judgment from and including the 61st day after the date you sign, date, and submit to us the properly completed claim for indemnity form, if the reason for our failure to timely pay is not due to your failure to provide information or other material necessary for the computation or payment of the indemnity.

The interest rate will be that established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and published in the **Federal Register** semiannually on or about January 1 and July 1. The interest rate to be paid on any indemnity will vary with the rate announced by the Secretary of the Treasury

i. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the persons we determine to be beneficially entitled thereto.

j. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of the amount:

(1) Of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) By which the loss from fire exceeds the indemnity paid or payable under such other insurance.

For the purpose of this section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract. Such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party).

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such right. If we pay you for your loss, then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and access to farm.

You must keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all peaches produced on each unit, including separate records showing the same information for production from any uninsured acreage. Failure to keep and maintain such records may, at our option, result in cancellation of the contract prior to the crop year to which the records apply, assignment of production to units by us, or a determination that no indemnity is due. Any person designated by us will have access to such records and the farm for purposes related to the contract.

15. Life of Contract: Cancellation And Termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled by you for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. Prior to the cancellation date you must:

(1) Furnish to the Corporation satisfactory production records for the crop year or the contract will be canceled for the next crop year; or

(2) Show to our satisfaction that the records are not available due to conditions beyond your control, such as fire, flood or other natural disaster. (If the subsection (2) applies, the Field Actuarial Office may assign a yield for the year for which the records are unavailable.)

d. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due if deducted from:

(1) An indemnity claim will be the date you sign the claim; or

(2) A payment under another program administered by the United States Department of Agriculture will be the date both such other payment and setoff are approved.

e. The cancellation and termination dates are January 31.

f. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

g. The contract will terminate if no premium is earned for 5 consecutive years.

16. Contract Changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by October 31 preceding the cancellation date. Acceptance of any change will be conclusively presumed in the absence of notice from you to cancel the contract.

17. Meaning of Terms.

For the purposes of peach crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding canning and processing peach insurance in the county.

b. "Average yield" means the yield established from your production records, which is approved by us and shown on our form.

c. "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way will be considered contiguous.

d. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

e. "Crop year" means the period beginning with the date insurance attaches and extending through the normal harvest time and designated by the calendar year in which the peaches are normally harvested.

f. "Direct Mediterranean Fruit Fly damage" means the actual physical damage to the peaches on the unit which causes such peaches to be unmarketable and will not include unmarketability of such peaches as a direct result of a quarantine, boycott, or refusal to accept the peaches by any entity without regard to actual physical damage to such peaches.

g. "Harvest" means picking of the peaches from the trees either by hand or machine for the purpose of removal from the orchard.

h. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

i. "Insured" means the person who submitted the application accepted by us.

j. "Person" means an individual, partnership, association, corporation, estate, trust, or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

k. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

l. "Tenant" means a person who rents land from another person for a share of the proceeds therefrom.

"Unit" means all insurable acreage of peaches in the county located on contiguous land on the date insurance attaches for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, fixed commodity payment, or any consideration other than a share in the peaches on such land will be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office. Units will be determined when the acreage is reported. Errors in reporting units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive Headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Done in Washington, DC on October 29, 1985.

Edward Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 86-606 Filed 1-9-86; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 621]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 621 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period January 10 through January 16, 1986. Such action is needed to provide for the orderly marketing of fresh navel oranges for the period specified due to the marketing situation confronting the orange industry.

DATE: Regulation 621 (§ 907.921) is effective for the period January 10–16, 1986.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Acting Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone: 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. The Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This rule is issued under Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–

674). This action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1985–86 adopted by the Navel Orange Administrative Committee. The committee met publicly on January 7, 1986, at Exeter, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports that the market for fresh navel oranges has become slightly better. The regulation is needed to continue providing stability in the market and promote orderly marketing.

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

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (Navel).

PART 907—[AMENDED]

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

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

2. Section 907.921 Navel Orange Regulation 621 is hereby added to read:

§ 907.921 Navel Orange Regulation 621.

The quantities of navel oranges grown in California and Arizona which may be handled during the period January 10, 1986, through January 16, 1986, are established as follows:

(a) District 1: 1,650,000 cartons;

(b) District 2: Unlimited cartons;

(c) District 3: Unlimited cartons;

(d) District 4: Unlimited cartons.

Dated: January 8, 1986.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 86–732 Filed 1–9–86; 9:20 am]

BILLING CODE 3410-02-M

7 CFR Part 1007

Milk in the Georgia Marketing Area; Order Terminating Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of rule.

SUMMARY: This action terminates certain classification provisions of the Georgia milk order. The action results in the Class II classification of formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed containers that are not glass or all-metal. Such formulas are now treated as Class I products, while such products in glass or all-metal containers are included in Class II. Dairymen, Inc., proposed that such action be taken and indicated that the termination order is needed for the cooperative to be competitive in marketing a new dietary product that is to be packaged in a hermetically sealed container that is not glass or all-metal.

The new dietary product will compete with similar products that are packaged in hermetically sealed glass or all-metal containers. Such competing products are classified as Class II milk products under the current provisions of most milk orders. Under these circumstances, the termination action which provides for a Class II classification of the new dietary product is appropriate.

EFFECTIVE DATE: January 6, 1986.

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

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Termination: Issued November 5, 1985; published November 8, 1985 (50 FR 46441).

The Administrator of the Agricultural Marketing Service has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers.

This order of termination is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Georgia marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on November 8, 1985 (50 FR 46441) concerning a proposed termination (or suspension for 12 months) of certain provisions of the order. Interested parties were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1007.15(b)(1), the provision "glass or all-metal".

2. In § 1007.40(b)(4)(vi), the provision "glass or all-metal".

Statement of Consideration

This action classifies as Class II milk all skim milk and butterfat in formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed containers irrespective of the composition of the container. The order now limits the Class II classification of such products to those products that are packaged in hermetically sealed glass or all-metal containers.

The termination (or a 12-month suspension) of this container composition limit in the Class II classification of dietary products was requested by Dairymen, Inc., (DI). The cooperative supplies a large portion of the market's fluid milk needs and operates an aseptically processed fluid milk products plant at which the cooperative intends to process a dietary product.

Dairymen, Inc., contends the termination of the provisions "glass or all-metal" in the Class II milk classification of dietary products is needed in order for a dietary product that DI plans to package at its UHT plant at Savannah, Georgia, to compete for sales with similar products packaged in hermetically sealed glass or all-metal containers. The new dietary product is to be called "Nutri-Treat" and is intended for use by such outlets as nursing homes, hospitals and "Meals on Wheels."

The primary competition of the new dietary product will be with other dietary products that are packaged primarily in hermetically sealed all-metal containers. These dietary products are processed, packaged and distributed by such companies as Meade-Johnson, Ross Laboratories,

Weyth Laboratories, Drackett Products Co., Gossner Foods, and Doyle Pharmaceuticals. In most instances the competing products are not processed in fluid milk plants regulated under Federal milk orders.

Interested parties were invited to submit comments regarding the proposed termination (or 12-month suspension). Two interested parties responded. Dairylea, Inc., a cooperative association with membership and milk processing operations in the Northeast, commented that this classification issue should be considered at a hearing on all Federal milk orders. The spokesmen for the cooperative expressed concern that adoption of the proposed action could result in nonuniformity of classification provisions among Federal milk orders. Kinnett Dairies, Inc., Columbus, Georgia, indicated that it had no objection to DI's request. However, the dairy requested that terms such as "dietary products" and "infant feeding products" be more clearly specified to prevent possible circumvention of the classification provisions.

Nearly all Federal milk orders provide for either a Class II or Class III classification of milk used to produce formulas especially prepared for infant feeding or dietary use provided that they are packaged in hermetically sealed glass or all-metal containers. Currently, the only Federal order area where the products in question are being packaged in hermetically sealed containers other than glass or all-metal is in the Great Basin marketing area. That order was amended in 1983 to extend the Class II classification of such products to hermetically sealed containers made of paper. Under the New York-New Jersey and New England Federal milk orders, any sterilized products packaged in hermetically sealed containers are classified in Class II irrespective of the composition of the containers. This action extends the use of the Class II classification to the Georgia order for milk designated for infant formulas and dietary uses that is packaged in hermetically sealed containers irrespective of the composition of the containers. This would maintain consistency in the current pricing of milk used in such products under all orders.

It is not possible through this informal rulemaking procedure to amend the order to provide the definitions requested by Kinnett Dairies. In the event there is an attempt to circumvent a Class I classification for a fluid milk product by labeling such product as a dietary product or an infant feeding product, the appropriate classification can then be fully explored under formal rulemaking proceedings.

In view of these circumstances, it is concluded that the glass or all-metal container composition restriction in the fluid milk product definition and in the Class II classification of formulas especially prepared for infant feeding or dietary use should be terminated. This termination action is the only practical means of providing prompt action that will assure that handlers who operate plants fully regulated under the Georgia order are not at a competitive disadvantage in marketing a new dietary product that is packaged in hermetically sealed containers other than glass or all-metal. In the absence of this action, the new dietary products would be classified as Class I while similar products that are packaged in hermetically sealed glass or all-metal containers would be Class II products if packaged in a fluid milk plant. In most instances, the competing products are packaged in nonfluid milk plants and, consequently, are either not classified or are Class II if Federal order sources of milk are used.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The termination is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that without such action a handler that is regulated under the Georgia milk order would be at a competitive disadvantage in marketing formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed containers other than glass or all-metal.

(b) This termination does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this termination. Two interested parties responded. Dairylea Cooperative, Inc., commented that it is important to have uniform classification provisions throughout the market order system. The cooperative suggested that the classification problem should be considered at a federal order hearing instead of changing the classification through a termination action. Kinnett Dairies indicated that it was not opposed to the proposed action.

As previously noted herein, this action would provide effective uniformity of classification of milk used in formulas especially prepared for infant feeding and dietary uses throughout the market order system. This termination action is the only practical means of providing prompt amendatory action that will tend to assure that handlers who operate plants fully regulated under the Georgia order are not at a competitive disadvantage in marketing a new dietary product that is packaged in hermetically sealed containers other than glass or all-metal.

Therefore, good cause exists for making this order effective upon the date of issuance.

List of Subjects in 7 CFR Part 1007

Milk marketing orders, Milk, Dairy products.

It is therefore ordered that the aforesaid provisions of §§ 1007.15(b)(1) and 1007.40(b)(4)(vi) are hereby terminated as follows:

PART 1007—MILK IN THE GEORGIA MARKETING AREA

1. The authority citation for 7 CFR Part 1007 continues to read as follows:

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

§ 1007.15 [Amended]

2. In 7 CFR Part 1007 in § 1007.15(b)(1), the provision "glass or all-metal" is terminated.

§ 1007.40 [Amended]

3. In 7 CFR Part 1007 in § 1007.40(b)(4)(vi), the provision "glass or all-metal" is terminated.

Effective Date: January 6, 1986.

Signed at Washington, DC, on: January 6, 1986.

Alan T. Tracy,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 86–597 Filed 1–9–86; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

[No. 85–1094]

FSLIC Insurance Premiums

Correction

In FR Doc. 85–30176 beginning on page 51837 in the issue of Friday, December 20, 1985, make the following corrections:

On page 51839, second column, in § 563.15(b)(1)(i), fourth line, "or" should have read "of". In the third column, in § 563.15(b)(2), seventh line from the top,

insert the word "interest" between "covering" and "accrued".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-NM-160-AD; Amdt. 39-5213]

Airworthiness Directives: Boeing Model 747-300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to certain Boeing Model 747-300 series airplanes. This AD requires the inspection of the upper deck left and right door for integrity of the escape slide deployment hook installation and upper hinge arm installations and repair, if necessary. This action is prompted by several reports of defective (insufficient locking torque) self-locking nuts. These conditions, if not corrected, could prevent automatic deployment of the escape slide and/or opening of the door, which would jeopardize successful emergency evacuation of the airplane.

EFFECTIVE DATE: January 27, 1986.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. It may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Pliny Brestel, Airframe Branch, ANM-120S; telephone (206) 431-2931. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: On November 13, 1985, the manufacturer reported to the FAA that a number of self-locking nuts were found with insufficient locking torque. An investigation was initiated by the manufacturer to determine the application and effect of nut loosening or loss. It was determined that, for the upper deck left and right door, the loss of the nut and subsequent loss of the corresponding bolt which provides the pivot axis for the escape slide deployment hook, could prevent the automatic deployment of the escape slide. Also, the loss of the nut, and subsequent loss of the corresponding bolt attaching the upper hinge arm to the upper main sill, could prevent the opening of the door.

On December 13, 1985, Boeing issued Alert Service Bulletin 747-52A2198, which describes inspection and repair, if necessary, of the upper deck left and right door to ensure the integrity of the nut and bolt connection between the escape slide deployment hook and its support structure and the nut and bolt connection between the upper hinge arms and the upper main sill.

Since this condition is likely to exist on other airplanes of this model, the FAA has determined that an AD is necessary which requires inspection and repair, if necessary, of the upper deck left and right door slide deployment hook installation and the upper hinge arm installations, in accordance with the Boeing service bulletin previously mentioned.

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

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

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

2. By adding the following new airworthiness directive:

Boeing: Applies to Boeing Model 747-300 series airplanes, as listed in Boeing Alert Service Bulletin 747-52A2198, certificated in any category. Compliance is required within 30 days after the effective date of this amendment. To ensure proper automatic slide deployment and door opening, accomplish the following, unless already accomplished:

A. Inspect the upper deck left and right door to verify the installation of acceptable self-locking nuts and replace defective or missing hardware, if necessary, in accordance with Boeing Alert Service Bulletin 747-52A2198 dated December 13, 1985, or later FAA-approved revisions.

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

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

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

This amendment becomes effective January 27, 1986.

Issued in Seattle, Washington, on January 2, 1986.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-502 Filed 1-9-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 85-AWP-40]

Redefinition of the Hayward Airport, Hayward, CA; Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The definition of the existing Hayward Airport, Hayward, California, Control Zone is being amended to eliminate the effective hours of operation from the control zone description, and to reflect that the control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The

effective date and times will hereafter be continuously published in the *Airport/Facility Directory.*

EFFECTIVE DATE: 0901 G.m.t., March 13, 1986.

FOR FURTHER INFORMATION CONTACT: Joe Fowler, Airspace Branch, Air Traffic Division, Federal Aviation Administration, 1500 Aviation Boulevard, Lawndale, California 90261; telephone (213) 297–1655.

SUPPLEMENTARY INFORMATION:

History

This action is in the form of a final rule which involves amending the Hayward, California, Control Zone to eliminate the effective hours of operation. As a result of a change in the effective hours of the control zone, an editorial change to the description becomes necessary. To preclude further editorial changes of the control zone description, it has been determined that the effective hours shall be published in the *Airport/Facility Directory.*

The Rule

This amendment to Part 71 of the Federal Aviation Regulations, § 71.171 (14 CFR Part 71), is to eliminate the effective hours of control zone operation at Hayward, California. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The FAA considers that there is an immediate need for a regulation to reflect the current status of the Hayward, California, Control Zone. Because this is a minor technical amendment in which the public would not be particularly interested, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary. Description of the amended control zone is set forth at the end of this document.

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

Control zones, Transition areas.

Adoption of the amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the FAR 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. § 71.171 is amended as follows:

Hayward, CA—[Revised]

Within a 5-mile radius of Hayward Airport Terminal (lat. 37°39'30" N., long 122°06'45" W.); excluding the portion within the Oakland, CA, Control Zone. This control zone is effective during the specific date 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.*

Issued in Los Angeles, California, on December 3, 1985.

B. Keith Potts,

Acting Director, Western-Pacific Region.

[FR Doc. 86–506 Filed 1–9–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 85-AWP-24]

Revised Description of the Stockton, CA; Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The revised description to the existing Stockton, California, Control Zone is necessary as a result of the upcoming name and identification change of the Stockton Very High Frequency Omni-directional Radio Range and Tactical Air Navigational Aid (VORTAC). This action does not change the actual dimensions of the existing control zone, but will only provide editorial changes to the description.

EFFECTIVE DATE: 0901 G.m.t. January 16, 1986.

FOR FURTHER INFORMATION CONTACT: Curtis Alms, Airspace Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone (213) 297–1649.

SUPPLEMENTARY INFORMATION:

History

This revision is required to redefine the existing Stockton, California, Control Zone description as a result of the upcoming name change of the Stockton VORTAC. This action only provides editorial changes and does not alter the existing airspace. To preclude numerous editorial changes to control zone descriptions, this amended description refers to geographical coordinates which are permanent in nature and not subject to change as names or location of navigational aids. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revise the description of the Stockton California, Control Zone. This action does not change the actual airspace of the existing control zone. This change only provides editorial changes to reflect the upcoming renaming of the Stockton VORTAC. For the above reasons, I find that Notice and Public Procedure under 5 U.S.C. 553(b) is unnecessary because this action is a minor amendment in which the public would not be particularly interested. For the same reason, I find that good cause exists to make this rule effective on the next charting date.

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 only affect air traffic 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

Control zones.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration, Part 71 of the FAR is revised 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. § 17.171 is amended as follows:

Stockton, CA—[Revised]

Beginning at lat. 37°49'30" N., long. 121°12'30" W.; thence clockwise via the 5-mile radius of the Stockton Municipal Airport (lat. 37°53'39" N., long. 121°14'14" W.); to lat. 37°53'00" N., long. 121°09'00" W.; to lat. 37°52'05" N., long 121°07'40" W.; to lat. 37°48'10" N., long. 121°11'00" W.; to the point of beginning.

Issued in Los Angeles, California, on November 4, 1985.

B. Keith Potts,

Acting Director, Western-Pacific Region.

[FR Doc. 86–507 Filed 1–9–86; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 904

[Docket No. 41157–4157]

Seizure and Forfeiture Procedures

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Interim final rule; correction.

SUMMARY: This document corrects several subparagraph designations contained in interim final regulations governing seizure and foreiture procedures for NOAA that were published April 1, 1985 (50 FR 12781).

FOR FURTHER INFORMATION CONTACT: Patricia Kraniotis, (202) 254–8350, NOAA Office of General Counsel, Room 533, 3300 Whitehaven Street, NW., Washington, DC 20235.

Margaret H. Frailey,

Assistant General Counsel for Enforcement and Litigation, National Oceanic and Atmospheric Administration.

The following corrections are made in FR Doc. 85–7404 appearing on 12781 in the issue of April 1, 1985:

PART 904—[AMENDED]

1. On page 12783 in column one subparagraphs "904.504(b)(2) (A), (B) and (C)" are redesignated as "904.504(b)(2) (i), (ii) and (iii)" and "904.504(b)(3) (A), (B), (C), (D) and (E)" are redesignated as "904.504(b)(3) (i), (ii), (iii), (iv) and (v)".

On page 12784 in column two subparagraphs "904.506(b)(2) (A), (B), (C), (D), (E), (F), and (G)" are redesignated as "904.506(b)(2) (i), (ii), (iii), (iv), (v), (vi), and (vii)" and "904.506(d)(1) (A) and (B)" are redesignated as "904.506(d)(1) (i) and (ii)".

3. On page 12784 in column three subparagraphs "904.506(f)(1) (A), (B), (C), (D), and (E)" are redesignated as "904.506(f)(1) (i), (ii), (iii), (iv), and (v)".

* * * * *

[FR Doc. 86–699 Filed 1–9–86; 8:45 am]

BILLING CODE 3510–12–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 201, 203, and 234

[Docket No. N–86–1575; FR–2192]

Mortgage Issurance; Changes to the Maximum Mortgage Limits for Single Family Residences, Condominiums and Manufactured Homes and Lots

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

ACTION: Notice of revisions to FHA maximum mortgage limits for high-cost areas.

SUMMARY: This Notice amends the listing of areas eligible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act by adding the limits of four designated high-cost areas to the list. Mortgage limits are adjusted in an area when the Secretary determines that middle-and moderate-income persons have limited housing opportunities because of high prevailing housing sales prices.

EFFECTIVE DATE: January 10, 1986.

FOR FURTHER INFORMATION CONTACT: For single family: Brian Chappelle, Director, Single Family Development Division, Room 9270, Telephone (202) 755–8720. For manufactured homes: Christopher Peterson, Director, Office of Title I Insured Loans, Room 9160, Telephone, (202) 755–6880; 451 Seventh Street SW., Washington, DC 20410. (Telephones are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

The National Housing Act (NHA) (12 U.S.C. 1710–1749) authorizes HUD to insure mortgages for single family residences (from one to four-family structures), condominiums, manufactured home lots, and manufactured homes, combination manufactured homes and lots. The NHA, as amended by the Housing and Community Development Act of 1980 and the Housing and Community Development Amendments of 1981, permits HUD to increase the maximum mortgage limits under most of these programs to reflect regional differences in the cost of housing. In addition, section 2(b) and 214 of the NHA provide for special high-cost limits for insured mortgages in Alaska, Guam, and Hawaii.

The Housing and Urban-Rural Recovery Act of 1983 (Pub. L. 98–181, November 30, 1983) (1983 Act) further amended HUD's insuring authority. Of particular interest here are: (1) The authorization to insure condominiums in high-cost areas at the same levels as the high-cost limits for one-family residences insured under section 203(b) of the National Housing Act; and (2) the authorization to increase maximum loan limits under the Title I loan insurance program for combination manufactured home and lot loans and for individual lot loans in high-cost areas, so long as the percentage increase in the maximum loan limit does not exceed the percentage increase made to a one-family residence in the area authorized under section 203(b) of the NHA.

The Department implemented these provisions of the 1983 Act in related documents published in the **Federal Register** on April 11, 1984 (see 49 FR 14332, 14335, 14336), Effective May 22, 1984. These documents also amended the Department's rules to codify the procedure of announcing high-cost mortgage limits for single family residences, condominiums, combination manufactured homes and lots and manufactured home lots by notice in the **Federal Register** (see April 11, 1984 documents, amending 24 CFR 201.1504, 203.18b, 203.29, 234.27, and 234.49). In addition, the documents codified the procedure whereby a party may request an alternative mortgage limit (see the same sections cited above).

On May 22, 1984, the Department published a revised list of areas eligible for "high-cost" mortgage limits, which contained several new features (see 49 FR 21520). First, there was no separate listing for condominium units, since these limits are now the same as those

for other one-family residences. Second, the listing included instructions on how to compute the high-cost limits for combination manufactured homes and lots and individual lots, and specified the special high-cost amounts for manufactured homes, combination manufactured homes and lots and individual lots insured in Alaska, Guam, and Hawaii. And, third, it made changes to the list based on a new definition of "metropolitan area."

On December 6, 1984 (49 FR 47657), May 8, 1985 (50 FR 19341), July 24, 1985 (50 FR 30154), and November 6, 1985 (50 FR 45993), the Department published amendments to the "high-cost" mortgage amounts that added additional areas and further increased the limits of several previously designated high-cost areas.

This Document

Today's document adds Mecklenberg County, North Carolina; Wake County, North Carolina; Bernalillo County, New Mexico; and Martin County, Florida to the list of high-cost areas.

These amendments to the high-cost areas appear in two parts. Part I explains high-cost limits for mortgages insured under Title I of the National Housing Act. Part II lists any changes for single family residences insured under sections 203(b), and 234(c) of the National Housing Act.

Accordingly, the Commissioner hereby amends the list of high-cost mortgage limits by adding the limits for Mechlenberg County, North Carolina; Wake County, North Carolina; Bernalillo County, New Mexico; and Martin County, Florida, as set forth in Part II of the following Table:

National Housing Act High-Cost Mortgage Limits

I. Title I: Method of Computing Limits

A. *Section 2(b)(1)(D). Combination manufactured home and lot (excluding Alaska, Guam, and Hawaii):* To determine the high-cost limit for a combination manufactured home and lot loan, multiply the dollar amount in the "one family" column of Part II of this list by 80. For example, Mecklenberg County, North Carolina, has a one-family limit of $85,000. The combination home and lot loan limit for Mecklenberg County is $85,000 × .80 or $68,000.

B. *Section 2(b)(1)(E). Lot only (excluding Alaska, Guam, and Hawaii).* To determine the high-cost limit for a lot loan, multiply the dollar amount in the "one-family" column of Part II of this list by .20. For example, Mecklenberg County, North Carolina, has a one-family limit of $85,000. The lot only loan limit for Mecklenberg County is $85,000 × .20, or $17,000.

C. *Section 2(b)(2). Alaska, Guam, and Hawaii limits:* The maximum dollar limits for Alaska, Guam, and Hawaii may be 140% of the statutory loan limits set out insection 2(b)(1). Accordingly the dollar limits for Alaska, Guam, and Hawaii are as follows:

1. For manufactured homes, $56,700. ($40,500 × 140%).

2. For combination manufactured homes and lots: $75,600. ($54,000 × 140%).

3. For lots only: $18,900. ($13,500 × 140%).

II. Title II: Updating of FHA Sections 203(b), 234(c) and 214 Area-Wide Mortgage Limits

REGION IV

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
HUD Field Office—Greensboro, NC:				
Mecklenberg County	$85,000	$95,750	$116,350	$134,250
Wake County	88,800	100,000	121,550	140,250
HUD Field Office—Coral Gables, FL:				
Martin County	76,000	85,600	104,000	120,000

REGION VI

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
HUD Field Office—Albuquerque, NM:				
Bernalillo County	$90,000	$101,300	$122,650	$142,650

Dated January 6, 1986.

Janet Hale,

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

[FR Doc. 86-562 Filed 1-9-86; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 261

Prohibitions; Technical Amendments and Correction

AGENCY: Forest Service, USDA.

ACTION: Final rule; technical amendments and correction.

SUMMARY: This document amends several cross references within 36 CFR Part 261, which sets forth rules on prohibited acts within the National Forests. The need for these changes arises from recodification of Part 223—Sale and Disposal of National Forest Timber to which there are several references in Part 261. It also corrects the authority citation for Part 261 which resulted from a typographical error that occurred in a final rule published April 15, 1985, at 50 FR 16231. This document also corrects a longstanding error in a cross reference to Part 222.

EFFECTIVE DATE: January 10, 1986.

FOR FURTHER INFORMATION CONTACT: Marian P. Connolly, Federal Register Officer, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, (202) 235-1488.

SUPPLEMENTARY INFORMATION: This rule makes minor amendments to existing rules and, therefore, is not subject to regulatory review under E.O. 12291. The rule also has no impact on small entities and contains no information collection requirements.

Accordingly, Part 261 of Title 36 of the Code of Federal Regulations is hereby amended to read as follows:

PART 261—PROHIBITIONS

1. In the authority citation for Part 261, correct the third citation to the United States Code which now reads "(7 U.S.C. 101, (f))" to read: "(7 U.S.C. 1011, (f))".

§ 261.2 [Amended]

2. In § 261.2 in the fourth line of the definition of "Unauthorized livestock," revise the reference to § 222.20(b)(1) to read "222.20(b)(13)".

§ 261.6 [Amended]

3. In paragraphs (f) and (g) of § 261.6, revise the references to Part 223 so that the paragraphs read as follows:

* * * * *

(f) Selling or exchanging any timber or other forest product obtained under free use pursuant to §§223.5 through 223.11.

(g) Violating any timber export or substitution restriction in §§ 223.160 through 223.164.

* * * * *

§ 261.7 [Amended]

4. In paragraph (d) of § 261.7, revise the reference to § 262.2 to read "262.10".

Dated: January 2, 1986.

Peter C. Myers,

Assistant Secretary, Natural Resources and Environment.

[FR Doc. 86-592 Filed 1-9-86; 8:45 am]

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POSTAL SERVICE

'39 CFR Part 961

Rules of Procedure Governing Hearings Under the Debt Collection Act

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Judicial Officer of the Postal Service hereby issues the rules of procedure governing the conduct of hearings under section 5 of the Debt Collection Act of 1982.

EFFECTIVE DATE: January 10, 1986.

FOR FURTHER INFORMATION CONTACT: Judge Joan B. Thompson, 202-268-2132.

SUPPLEMENTARY INFORMATION: Acting in accordance with authority delegated to him by 39 CFR 224.1(c)(4)(ii), the Judicial Officer of the Postal Service adopts 39 CFR 961, the rules of practice in proceedings relative to hearings conducted pursuant to section 5 of the Debt Collection Act of 1982, 5 U.S.C. 5514(a). The rules in this part apply to any hearing, conducted pursuant to 5 U.S.C. 5514(a), on the Postal Service's determination of the existence or amount of a debt owed to the Postal Service by a postal employee, or on the terms of the Postal Service's proposed debt repayment schedule. In addition, these rules, as appropriate, apply to a hearing conducted pursuant to 5 U.S.C. 5514(a) when an Administrative Law Judge or an Administrative Judge in the Judicial Officer Department is designated as the Hearing Official for a creditor Federal agency other than the Postal Service pursuant to an agreement between the Postal Service and that agency.

Accordingly, 39 CFR is amended by adding the following new Part 961:

PART 961—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO EMPLOYEE HEARING PETITIONS UNDER SECTION 5 OF THE DEBT COLLECTION ACT

Sec.

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961.10 Waiver of employee rights.
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Authority: 39 U.S.C. 204, 401; 5 U.S.C. 5514(a).

§ 961.1 Authority for rules.

These rules are issued by the Judicial Officer pursuant to authority delegated by the Postmaster General.

§ 961.2 Scope of rules.

The rules in this part apply to the hearing provided by section 5 of the Debt Collection Act of 1982, as amended, 5 U.S.C. 5514(a), on the Postal Service's determination of the existence or amount of an employee debt to the Postal Service, or of the terms of the employee's debt repayment schedule. In addition, these rules, as appropriate, apply to a hearing under section 5 of the Debt Collection Act when an Administrative Law Judge or an Administrative Judge in the Judicial Officer Department is designated as the Hearing Official for a creditor Federal agency other than the Postal Service pursuant to an agreement between the Postal Service and that agency.

§ 961.3 Definitions.

(a) "Employee" refers to a current employee of the Postal Service or another Federal agency who is alleged to be indebted to the Postal Service or another creditor Federal agency and whose hearing under section 5 of the Debt Collection Act is being conducted under these rules.

(b) "General Counsel" refers to the General Counsel of the Postal Service, and includes a designated representative.

(c) "Hearing Official" refers to an Administrative Law Judge qualified to hear cases under the Administrative Procedure Act, an Administrative Judge appointed under the Contract Disputes Act of 1978, or any other qualified person not under the control or supervision of the Postmaster General, who is designated by the Judicial Officer to conduct the hearing under section 5 of the Debt Collection Act of 1982, as amended, 5 U.S.C. 5514(a).

(d) "Judicial Officer" refers to the Judicial Officer or Acting Judicial Officer of the United States Postal Service.

(e) "Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act" refers to the formal written notice required by section 5 of the Debt Collection Act before involuntary collection deductions can be taken from an employee's salary.

(f) "Postmaster/Installation Head" refers to the Postal Service official who is authorized under the Postal Service Employee and Labor Relations Manual to make the initial determination of employee indebtedness and to issue the "Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act."

(g) "Recorder" refers to the Recorder, Judicial Officer Department, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-6100.

§961.4 Employee petition for a hearing and supplement to petition.

(a) If an employee desires a hearing, prescribed by Section 5 of the Debt Collection Act, on the Postal Service's determination of the existence or amount of a debt, or on the involuntary repayment terms proposed by the Postal Service, the employee must file a written, signed petition with the Recorder, Judicial Officer Department, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-6100, on or before the fifteenth (15th) calendar day following the employee's receipt of the Postal Service's "Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act."

(b) The hearing petition is to include the following:

(1) The words, "Petition for Hearing Under the Debt Collection Act," prominently captioned at the top of the first page;

(2) The name of the employee petitioner and the employee's work and home addresses, and work and home telephone numbers; or other address and telephone number where the employee may be contacted about the hearing proceedings;

(3) A statement of the date the employee received the "Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act," *and* a copy of the Notice;

(4) A statement indicating whether the employee requests an oral hearing or a hearing based solely on written submissions;

(5) If the employee requests an oral hearing, a statement of the evidence he or she will produce which makes an oral hearing necessary, including a list of witnesses, with their addresses, whom

the employee expects to call; the proposed city for the hearing site, with justification for holding the hearing in that city; and recommended alternative dates for the hearing; which should be within 40 days from filing the Petition;

(6) A statement of the grounds upon which the employee objects to the Postal Service's determination of the existence or amount of the debt, or to the proposed offset schedule. This statement should identify and explain with reasonable specificity and brevity the facts, evidence, and legal arguments, if any, which the employee believes support his or her position;

(7) Copies of all records in the employee's possession which relate to the debt; and

(8) If an employee contends that the Postal Service's proposed offset schedule would result in a severe financial hardship on the employee and his or her spouse and dependents, an alternative offset schedule, and a statement and supporting documents indicating for the employee and his or her spouse and dependents for the one year preceding the Postal Service's notice and for the repayment period proposed by the employee in his or her altenative offset schedule, their total income from all sources; assets; liabilities; number of dependents; and expenses for food, housing, clothing, transportation, medical care, and exceptional expenses, if any.

(c) The employee may, if necessary, file with the Recorder, additional information as a Supplement to the Petition on or before the thirtieth (30th) calendar day following the employee's receipt of the Postal Service's "Notice of Involuntary Administrative Salary Offsets Under the Debt Collection Act."

§ 961.5 Effect of Petition filing.

Upon receipt and docketing of the employee's Petition for a hearing, the Recorder will notify the Postmaster/Installation Head and the General Counsel that the Petition has been filed and that pursuant to Section 5 of the Debt Collection Act, a timely-filed Petition for a hearing stays further collection action.

§ 961.6 Filing, docketing and serving documents; computation of time; representation of parties.

(a) *Filing.* All documents relating to the Debt Collection Act hearing proceedings must be filed by the employee or the General Counsel with the Recorder. (Normal Recorder office business hours are between 8:15 a.m. and 4:45 p.m., eastern standard or daylight saving time as appropriate during the year.) The Recorder will transmit a copy of each document filed to the other party, and the original to the Hearing Official.

(b) *Docketing.* The Recorder will maintain a docket record of Debt Collection Act hearing petition proceedings and will assign each employee Petition a docket number. After notification of the docket number, the employee and General Counsel should refer to it on any further filings regarding the Petition.

(c) *Time computation.* A filing period under the rules in this part excludes the day the period begins, and includes the last day of the period unless the last day is a Saturday, Sunday, or legal holiday, in which event the period runs until the close of business on the next business day.

(d) *Representation of parties.* After the filing of the Petition, further document transmittals for, or communications with, the Postmaster/Installation Head or Postal Service shall be through their representative, the General Counsel, or, if an appropriate notice of appearance is filed, the General Counsel's designee. If a notice of appearance by an attorney authorized to practice law in any of the United States or the District of Columbia or a territory of the United States is filed in behalf of an employee, further transmissions of documents and other communications with the employee shall be made through his or her attorney rather than directly with the employee.

§ 961.7 Answer to Petition and Supplement to Petition.

If the employee's Petition states reasons to support the employee's position, within 15 days from notice of the Petition, the General Counsel shall file an Answer to the Petition, and attach all available relevant records and documents in support of the Postal Service's claim, and a list of witnesses the Postal Service intends to call if an oral hearing is granted. If the employee files a Supplement to the Petition, the General Counsel, within ten (10) calendar days from the filing of the Supplement with the Recorder must file any Supplemental Answer and records to support the position of the Postal Service.

§ 961.8 Hearing Official authority and responsibilities.

The Hearing Official shall provide a full and fair hearing. The proceedings must be expedited to ensure issuance of the final decision no later than 60 days after the filing of the employee's hearing Petition. The Hearing Official's authority includes, but is not limited to, the following:

(a) Ruling on all offers, motions or requests by the parties;

(b) Issuing any notices, orders or memoranda to the parties concerning the hearing proceedings;

(c) Using telephone conferences with the parties to expedite the proceedings. A memorandum of a telephone conference will be transmitted to both parties;

(d) Determining if an oral hearing should be held; and setting the place, date and time for the hearing or the taking of testimony by telephone conference;

(e) Administering oaths or affirmations to witnesses, and conducting the hearing in a manner to maintain discipline and decorum while assuring that relevant, reliable and probative evidence is elicited on the issues in dispute, but irrelevant, immaterial or repetitious evidence is excluded;

(f) Establishing the record in the case;

(g) Issuing the final decision orally or in writing no later than sixty (60) days after the filing of the employee's hearing Petition. When an oral decision is rendered, a written confirmation will thereafter be sent to the parties. The decision must include the determination of the amount and validity of the alleged debt and, where applicable, the repayment schedule. It should also include findings and reasons.

§ 961.9 Effect of Hearing Official's decision; motion for reconsideration.

The Hearing Official's decision shall be the final administrative determination on the employee's debt or repayment schedule. No reconsideration of the decision will be allowed unless a motion for reconsideration is filed by either party within 10 days from receipt of the decision and shows good reasons for reconsideration. Reconsideration will be allowed only in the discretion of the Hearing Official. A motion for reconsideration by the employee will not operate to stay the collection action authorized by the Hearing Official's decision.

§ 961.10 Waiver of employee rights.

The Hearing Official may determine the employee has waived his or her right to a hearing and the employee's pay shall be offset in accordance with the Postal Service's offset schedule, if the employee:

(a) Files a Petition for hearing after the end of the 15-day period allowed by the Act for filing the Petition, and fails to demonstrate to the satisfaction of the Hearing Official good cause for the delay;

(b) Has received notice to appear at an oral hearing but fails to do so without showing circumstances beyond the employee's control;

(c) Fails to file required submissions or to comply with orders of the Hearing Official, and the failure makes it difficult or impossible to hold the hearing or to issue the decision within the statutory time;

(d) Files a withdrawal of his or her Petition for a hearing with the Recorder.

§ 961.11 Ex parte communications.

Ex parte communications between a Hearing Official or his staff and a party shall not be made. This prohibition does not apply to procedural matters. A memorandum of any communication between the Hearing Official and a party will be transmitted to both parties.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 86-528 Filed 1-9-86; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-2952-5]

Hazardous Waste Management System: Indentification and Listing of Hazardous Waste (Final Exclusion for Watervliet)

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) today is granting a final exclusion for the solid waste generated at a particular generating facility from the lists of hazardous wastes contained in 40 CFR 261.31. This action responds to a delisting petition received by the Agency under 40 CFR 260.20 and 260.22 to exclude wastes on a "generator-specific basis" from the hazardous waste lists. The effect of this action is to exclude certain wastes generated at this facility from listing as hazardous waste under 40 CFR Part 261.

EFFECTIVE DATE: January 10, 1986.

ADDRESS: The public docket for this final exclusion is located in Room S-212, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, and is available for public inspection from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA/Superfund Hotline, toll-free at (800) 424-9346, or (202) 382-3000. For technical information, contact Mr David Topping, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-4690.

SUPPLEMENTARY INFORMATION: On May 15, 1985, EPA proposed to exclude specific wastes generated by several petitioners, including Watervliet Arsenal, located in Watervliet, New York. (See 50 *FR* 20239).[1] The proposal to exclude Watervliet's waste was in response to a petition submitted by that company (pursuant to 40 CFR 260.20 and 260.22) to exclude their waste from hazardous waste control. In their petition, Watervliet argued that their wastes are non-hazardous based upon the criteria for which it was listed. The petitioner also provided information which enabled the Agency to determine whether any other toxicants are present in the wastes at levels of regulatory concern, and whether any other factors exist which would cause the waste to be hazardous. The purpose of today's notice is to make final the proposed exclusion for Watervliet's waste and to make that exclusion effective immediately. More specifically, today's rule allows this facility to manage this waste as non-hazardous. This exclusion will remain in effect unless the waste varies from that originally described in the petition (*e.g.*, the waste is altered as a result of changes in the manufacturing or treatment processes).[2] In addition, the generator still is obliged to determine whether the waste exhibits any of the characteristics of a hazardous waste.

The Agency notes that the petition for which a final exclusion is granted in today's **Federal Register** has been reviewed for both the listed and non-listed constituents. As required by the Hazardous and Solid Waste Amendments of 1984, the Agency evaluated the waste for all factors which reasonably could cause the waste to be hazardous. The petitioner has demonstrated, through submission of raw materials data, test data on the four hazardous waste characteristics, etc., that the waste does not exhibit any of the hazardous waste characteristics and does not contain any other toxicants at levels of regulatory concern. The Agency, in its proposal to exclude the waste covered by this rule, provided the information necessary to evaluate these factors.

[1] The May 15, 1985 notice also included proposed exclusions for the Mansfield Products Company in Mansfield, Ohio, and the Teledyne Monarch Rubber Company in Hartville, Ohio. As stated in that notice, the Agency's final decision on these two petitions has been deferred, pending the results of a study on the health effects of nickel (see Appendix I to the May 15, 1985 notice). Since the study is not yet complete, the Agency continues to defer its final decision on these petitions.

[2] The current exclusion applies to the processes covered by the original demonstration. A facility may file a new petition if it alters its processes. Should such a process change occur, the facility must treat its waste as hazardous until a new exclusion is granted.

I. Watervliet Arsenal

A. Proposed Exclusion

Watervliet Arsenal (Watervliet) has petitioned the Agency to exclude their electroplating wastewater treatment sludge from EPA Hazardous Waste No. F006 based upon their demonstration that the constituents of concern are only present in essentially immobile forms. In addition, Watervliet submitted data on other, non-listed constituents which indicates that no other hazardous constituents are present in the waste at levels of regulatory concern. (See 50 *FR* 20244-20246, May 15, 1985, for a more detailed explanation of why EPA proposed to grant Watervliet's petition.)

B. Agency Response to Public Comment

The Agency received comments from two respondents, both of which addressed the possibility of ground water contamination at Watervliet. One respondent commented that the ground water monitoring data evaluated by the Agency was two years old and that the Agency, thus, had not considered more recent data which indicates elevated levels of specific organic compounds in the ground water.

The Agency disagrees with the respondent. The "more recent" ground water monitoring data was submitted by the petitioner and evaluated by the Agency. The Agency concluded that Watervliet's drying beds are not the source of ground water contamination since: (1) Contaminants were detected at higher levels in the upgradient well than in the downgradient wells; and (2) the organic compounds detected in the ground water are not used in the processes that produce the subject sludge. These observations support Watervliet's contention that the elevated level of the organic compounds in the upgradient well (SP-1) is the result of past vapor degreasing operations that were performed at the approximate location of the well. The Agency notes that the compounds detected in well SP-1 (chiefly halogenated solvents) are typically used in such operations. (Watervliet currently plans to further characterize the source of the compounds by installing additional ground water monitoring

wells around the former site of the degreasing operation. This study is being performed in conjunction with the New York State Department of Environmental Protection.)

The second respondent provided copies of the July 1984 ground water monitoring data from Watervliet for the Agency's consideration, but did not comment on the Agency's proposed decision. As noted above, this data had already been submitted by Watervliet and evaluated by the Agency prior to the proposal to grant Watervliet's petition.

C. Final Agency Decision

Based upon the low mobility of hazardous constituents from Watervliet's sludge, the Agency believes this waste to be non-hazardous, based upon the constituents for which the waste was listed. The reported leachate concentrations[3] for the listed constituents—cadmium, chromium, nickel, and cyanide—were 0.19 mg/l, 1.56 mg/l, 1.97 mg/l, and 0.04 mg/l, respectively. These concentrations are all less than the Agency's level of concern for this volume of waste.[4]

Analysis of the sludge for the remaining EP toxic metals indicated that these constituents are present only in essentially immobile forms. Also, the Agency's evaluation of the lists of raw materials used by Watervliet indicated that no Appendix VIII hazards organic compounds are contained in these materials and that, therefore, these compounds would not be expected to be present in the sludge.

In its proposal to exclude this waste, the Agency noted that manganese, while not clearly attributable to the waste, was present in the ground water at Watervliet. The Agency solicited, but did not receive any comments on this issue. As explained in the proposed exclusion, recommended limitations on manganese in drinking water (*i.e.*, National Secondary Drinking Water Regulations) are based upon aesthetic and economic factors rather than health effects. Also, information from state and regional authorities indicates that an elevated level of manganese in the ground water in this area is not uncommon. These factors cause the Agency to conclude that the presence of manganese in the ground water is not a sufficient reason to deny Watervliet's petition.

Also, the proposed rule stated that the wastewater treatment sludges generated by Watervliet after May 15, 1985 (the date of the proposal) would not be hazardous. This was not the Agency's intention. The Agency meant that, if promulgated, the wastestream would be excluded as of the effective date of the final rule. Accordingly, the final rule has been changed.

The Agency believes that this waste is non-hazardous (for all reasons) and, as such, should be excluded from hazardous waste control. The Agency, therefore, is granting a final exclusion to Watervliet Arsenal for their electroplating wasterwater treatment sludge, listed as EPA Hazardous Waste No. F006, generated at Watervliet, New York.

II. Effective Date

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

III. Regulatory Impact

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

IV. Regulatory Flexibility Act

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

This amendment will not have an adverse economic impact on small entities since its effect will be to reduce the overall costs of EPA's hazardous waste regulations. Accordingly, I hereby certify that this final regulation will not have a significant economic impact on a substantial number of small entities.

This regulation, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling.

Dated: December 26, 1985.

J.W. McGraw,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

For the reasons set out in the preamble, 40 CFR Part 261 is amended as follows:

1. The authority citation for Part 261 continues to read as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922).

2. In Appendix IX, add the following wastestream:

Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
Watervliet Arsenal	Watervliet, NY....	Wastewater treatment sludges (EPA Hazardous Waste No. F006) generated from electroplating operations after [insert date of publication].

[3] The maximum leachate concentration of chromium was 2.5 mg/l. As explained in the proposed exclusion, however, it was concluded that this value was an outlier and the upper limit of the 95% confidence interval (1.56 mg/l) was used in the Agency's evaluation. Maximum reported leachate concentrations were used to evaluate all other constituents.

[4] The proposal to grant this petition was based upon an evaluation of the leachate data using the proposed VHS model (See 50 *FR* 7882–7900, February 26, 1985) which predicted that toxicants from this volume of waste would be sufficiently diluted to result in compliance-point concentrations that are less than appropriate health-based standards. The VHS model was subsequently modified, in response to public comments, and made final on November 27, 1985 (See 50 *FR* 48896). The final VHS model also predicts that toxicants from this waste will experience sufficient dilution to result in concentrations less than the health-based standards for these toxicants.

[FR Doc. 86-582 Filed 1-9-86; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MM Docket No. 85-38; FCC 85-587]

Technical and Operational Requirements of Part 76 Cable Television

Correction

In FR Doc. 85-30196, beginning on page 52462 in the issue of Tuesday, December 24, 1985, make the following corrections:

1. On page 52465, third column, paragraph 20, last line, "± 15 kHz" should read "±5 kHz".

2. On page 52466, third column, § 76.605(a)(3), second line, "± kHz" should read "±5 kHz".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 51192-5219]

Pacific Coast Groundfish Fishery

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

ACTION: Notice of 1986 final annual fishery specifications.

SUMMARY: NOAA issues this notice of the 1986 final annual specifications for Pacific coast groundfish caught in the ocean off Washington, Oregon, and California. The specifications include the acceptable biological catch as well as the optimum yield and its distribution among domestic and foreign fishing operations. The intended effect of this action is to establish allowable harvests of Pacific coast groundfish from the fishery conservation zone in 1986.

EFFECTIVE DATE: January 1, 1986, until modified, superseded, or rescinded.

FOR FURTHER INFORMATION CONTACT: R.A. Schmitten, 206-526-6150, or E.C. Fullerton, 213-548-2575.

SUPPLEMENTARY INFORMATION: Implementing regulations for the Pacific Coast Groundfish Fishery Management Plan (FMP) at 50 CFR Part 663 provide that management specifications for groundfish will be evaluated each calendar year, preliminary specifications for the succeeding calendar year will be published in the **Federal Register**, public comments will be requested, and final specifications will be published.

Management specifications for the acceptable biological catch (ABC), an estimate of the annual catch that could be taken without jeopardizing a resource's biological productivity, are included for all groundfish species (Table 1). Management specifications for the optimum yield (OY), which is based on socioeconomic as well as biological factors and thus is not necessarily equal to the ABC, are made for six species: Pacific whiting, sablefish, Pacific ocean perch, shortbelly rockfish, widow rockfish, and, north of 39° N. latitude, jack mackerel (Table 2). The OYs for these six species set the maximum amount of fish (in round weight) that may be taken and retained or landed each year from the fishery conservation zone (3-200 nautical miles) and the territorial sea (0-3 nautical miles) off the coasts of Washington, Oregon, and California.

Each OY for these species is distributed among the following components: the domestic annual harvest (DAH), consisting of estimates of domestic annual processing (DAP) and joint venture processing (JVP), which is based on the needs of the domestic fishing and processing industries as verified by surveys in September and June; and the total allowable level of foreign fishing (TALFF), which is the remainder, if any, of the OY after domestic needs (DAH) have been subtracted. Of any TALFF is designated, a reserve of 20 percent of the OY is established in case the needs of the domestic industry are greater than initially estimated.

The OYs and ABCs may be changed during the year, within limits, under the procedures outlined in the regulations at § 663.22.

The preliminary specifications recommended by the Pacific Fishery Management Council (Council) were developed in public meetings in September and October. The **Federal Register** notice announcing these preliminary specifications (50 FR 49590, December 3, 1985) requested public comments through December 18, 1985. No public comments were received. Extensive public review occurred, however, at the November 13-14, 1985, Council meeting, the last opportunity in 1985 for the Council to recommend final specifications for 1986. After considering public comments at that meeting and after additional review by the Council's Groundfish Task Group of industry representatives and fishery managers, the Groundfish Advisory Subpanel of industry representatives, the Groundfish Management Team, and the Scientific and Statistical Committee of State and Federal fishery and social scientists, the Council recommended to NMFS two revisions to the preliminary specifications for sablefish and widow rockfish. All other ABC and OY designations remain the same as proposed in the preliminary specifications. The Secretary of Commerce concurs with the Council's recommendations and in the absence of other public comment herein announces the final specifications for 1986 in Tables 1 and 2.

After considering this information, the Secretary has determined that the higher widow rockfish OY of 10,200 mt, if taken, is not expected to have a noticeable biological impact on the stock and will promote full utilization of the resource. Similarly, the higher sablefish OY of 13,600 mt is within the MSY range estimated by the Groundfish Management Team and, if taken, is not expected to biologically stress sablefish stocks; whereas reducing the 1986 harvest of sablefish, as originally proposed, could have an adverse and unnecessary impact on the fishery. For these reasons the Secretary concurs with the Concil's recommendations, including the sablefish and widow rockfish OY increases, and announces the final specifications for 1986 in Tables 1 and 2.

TABLE 1.—FINAL ESTIMATES OF ABC FOR 1986 IN METRIC TONS (MT) FOR GROUNDFISH OFF WASHINGTON, OREGON, AND CALIFORNIA BY INPFC AREAS

Species	Vancouver [a]	Columbia	Eureka	Monterey	Conception	Total
Roundfish:						
Lingcod	1,000	4,000	500	1,100	400	7,000
Pacific cod	2,200	900	[b]	[b]	[b]	3,100
Pacific whiting						[c] 227,500
Sablefish						[c] 10,600

TABLE 1.—FINAL ESTIMATES OF ABC FOR 1986 IN METRIC TONS (MT) FOR GROUNDFISH OFF WASHINGTON, OREGON, AND CALIFORNIA BY INPFC AREAS—Continued

Species	Vancouver [a]	Columbia	Eureka	Monterey	Conception	Total
Rockfish:						
Pacific ocean perch	600	950	[b]	[b]	[b]	1,550
Shortbelly						[c] 10,000
Widow						[c] 9,300
Other Rockfish [d]:						
Bocaccio	[b]	[b]	[b]	4,100	2,000	6,100
Canary	800	[e] 2,100	600	[b]	[b]	3,500
Chilipepper	[b]	[b]	[b]	1,300	1,000	2,300
Yellowtail	1,100	[e] 2,500	300	[b]	[b]	3,900
Remaining rockfish	800	[e] 3,700	1,900	4,300	3,300	14,000
Flatfish:						
Dover sole	2,400	11,500	8,000	5,000	1,000	27,900
English sole						[f] 1,500
Petrale sole	600	1,100	500	800	200	3,200
Other flatfish (except arrowtooth flounder)	700	3,000	1,700	1,800	500	7,700
Other fish [f]:						
Jack mackerel [g]						[c] 12,000
Others	2,500	7,000	1,200	2,000	2,000	14,700

[a] U.S. portion.
[b] These species are not common or important in the areas footnoted. Accordingly, for convenience, Pacific cod is included in the "Others" category for the areas footnoted and rockfish species are included in the "Remaining rockfish" category for the areas footnoted only.
[c] Total all areas.
[d] "Other Rockfish" means rockfish species at § 663.2, which do not have a numerical OY.
[e] For management of the Sebastes complex of rockfish, the Columbia area is split into northern and southern parts at Coos Bay, Oregon (43°22' N. latitude), and ABCs for the Columbia area are prorated as follows:

	Columbia area (total)	North of Coos Bay	South of Coos Bay
Canary	2,100	1,700	400
Yellowtail	2,500	2,400	100
Remaining rockfish	3,700	3,300	400

[f] "Other Fish" includes sharks, skates, ratfish, morids, grenadiers, jack mackerel, arrowtooth flounder, and, in the Eureka, Monterey, and Conception areas, Pacific cod. "Other Fish" is part of the "other species" category listed at § 666.3.
[g] North of 39° N. latitude.

TABLE 2.—FINAL SPECIFICATIONS OF OY AND ITS DISTRIBUTION FOR 1986 IN THOUSANDS OF METRIC TONS FOR GROUNDFISH OFF WASHINGTON, OREGON, AND CALIFORNIA

Species	Total OY	DAP	JVP [a]	DAH	Reserve	TALFF [b]
Pacific whiting	227.5	15.0	120.0	135.0	45.5	47.0
Sablefish	[c] 13.6	13.6	0.0	13.6	0.0	0.0
Pacific ocean perch	[d] 1.55	1.55	0.0	1.55	0.0	0.0
Shortbelly rockfish	10.0	1.0	5.0	6.0	2.0	2.0
Widow rockfish	10.2	10.2	0.0	10.2	0.0	0.0
Jack mackerel	12.0	0.0	0.0	0.0	2.4	9.6
Other species	[e]					

[a] In the foreign trawl and joint venture fisheries for Pacific whiting, incidental catch allowance percentages (based on TALFF) and incidental retention allowance percentages (based on JVP) are: sablefish 0.173%, Pacific ocean perch 0.062% rockfish excluding Pacific ocean perch 0.736%, flatfish 0.1%, jack mackerel 3.0%, and other species 0.5%. In foreign trawl and joint venture fisheries, "other species" means all species, including non-groundfish species, except Pacific whiting, sablefish, Pacific ocean perch, rockfish excluding Pacific ocean perch, flatfish, jack mackerel, and prohibited species. In a foreign trawl or joint venture fishery for species other than Pacific whiting, incidental allowance percentages will be stated in the conditions and restrictions to the foreign fishing permit. See § 611.70(c)(2) for application of incidental retention allowance percentages to joint venture fisheries.
[b] Of this 13,600 metric tons, 2,500 metric tons is for part of the Monterey subarea. See § 663.21(a)(2).
[c] Of this 1,550 metric tons, 600 metric tons is for the Vancouver subarea and 950 metric tons is for the Columbia subarea. Pacific ocean perch from other subareas are included in the OY for "other species." See § 663.21(a)(3).
[d] The total OY for "other species" is that amount of fish that may be lawfully harvested and/or processed under § 611.70 and Part 663. See § 663.2 for species listing.

Classification

This action is taken under the authority of § 663.24 and is in compliance with Executive Order 12291. This action is covered by the Regulatory Flexibility Analysis prepared for the implementing regulations.

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fisheries, Fishing.

(16 U.S.C. 1801 et seq.)

Dated: January 7, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 86-589 Filed 1-8-86; 9:14 am]

BILLING CODE 2510-22-M

Proposed Rules

Federal Register
Vol. 51, No. 7
Friday, January 10, 1986

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 163

[Docket No. 85N-0500]

Cocoa Powders; Advance Notice of Proposed Rulemaking on the Possible Amendment of U.S. Standards of Identity

Corrections

In FR Doc. 85-28351 beginning on page 49405 in the issue of Monday, December 2, 1985, make the following corrections:

1. On page 49406, in the third column, in the eleventh line from the bottom, "§ 163.11" should read "§ 163.111";

2. On page 49407, in the second column, in the table, under "4. Food Additives", the second entry should read "4.1.2 Ammonium hydrogen carbonate";

3. On the same page, in the third column, in the table, under "5. Contaminants", the third entry should read "5.3 Lead";

4. On page 49408, in the second column:

a. In the second line of 8.4(b), "1974" should read "1973";

b. After entry 8.7, add the following entry:

8.8 *Determination of sugars* (to be elaborated)[1]

c. The footnote indicators immediately following the headings of entries 8.10 and 8.11 should both be changed to "2";

d. In the second line of the paragraph following entry 8.11, "test" should read "text"; and

5. On page 49409, in the first column, the fourth line of § 163.114 should be deleted.

BILLING CODE 1505-01-M

21 CFR Part 163

[Docket No. 85N-0501]

Chocolate Products; Advance Notice of Proposed Rulemaking on the Possible Amendment of the U.S. Standards of Identity

Correction

In FR Doc. 85-28350 beginning on page 49398 in the issue of Monday, December 2, 1985, make the following correction:

On page 49404, in the third column, in the second and third lines of § 163.145(a), "are prescribed by this identity" should be deleted.

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 166

[CGD 85-097]

Port Access Routes; Approach to Tampa Bay, FL

Correction

In FR Doc. 85-29476, beginning on page 50808 in the issue of Thursday, December 12, 1985, make the following correction: On page 50809, in the second column, in the table of geographic positions, the fourth entry under "Longitude" should read "83°05'06" W."

BILLING CODE 1505-01-M

POSTAL SERVICE

39 CFR Part 111

Correct ZIP Codes for Mailing; Withdrawal of Proposed Rule

AGENCY: Postal Service.

ACTION: Withdrawal of proposed rule.

SUMMARY: On March 19, 1985 the Postal Service published in the **Federal Register** (50 FR 10991) a proposal to require mailers of certain categories of mail and those who desire to participate in certain presort discount mailings to include a correct five-digit ZIP Code, as defined by certain Postal Service data bases, in the address of each piece. Less than a dozen commenters responded to the proposal. However, the substance of their views was that the proposal contained certain latent ambiguities. In view of these comments, the Postal Service is hereby withdrawing the proposal for further consideration, with the expectation that it may be initiated at a later time

DATE: This withdrawal is effective January 10, 1986.

FOR FURTHER INFORMATION CONTACT: William Price, (202) 268-3521.

List of Subjects in 39 CFR Part 111

Postal Service.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 86-527 Filed 1-9-86; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[OAR-FRL-2949-3]

Stratospheric Ozone Protection Plan

AGENCY: Environmental Protection Agency.

ACTION: Announcement of Program Plan.

SUMMARY: This notice describes recent activities related to protection of the stratospheric ozone layer and outlines EPA's program plan for future examination of the issue. By enhancing EPA's research and analysis related to stratospheric ozone protection, this program will provide necessary technical information for use in future Agency decisions on whether or not to regulate chlorofluorocarbons (CFCs) or other chemicals that may affect the ozone layer. In addition, the plan places considerable emphasis on United States participation in on-going international research and discussions of global strategies for protecting the ozone layer.

This notice provides a broad outline and general schedule for the stratospheric ozone protection program. Throughout the implementation of this program, EPA encourages public review and participation. Where appropriate, the Agency will announce in the **Federal Register** upcoming workshops and

conferences and the availability of papers for review.

FOR FURTHER INFORMATION CONTACT: Stephen Seidel, U.S. Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 20460 (202) 382-2787.

SUPPLEMENTARY INFORMATION:

Background

By preventing most potentially harmful ultraviolet radiation (UV-B radiation) from penetrating to the earth's surface, the ozone layer acts as an important shield protecting human health, welfare and the environment. The possibility that the production, use, and release of chlorofluorocarbons (CFCs) could cause the depletion of stratospheric ozone was first theorized in a 1974 article in *Nature* by Rowland and Molina. If a net depletion of total-column ozone (i.e., the total quantity of ozone encountered by radiation penetrating from the top of the atmosphere to the earth's surface at any given location) occurred, more UV-B radiation would penetrate to the earth's surface.

Possible health and environmental effects of exposure to increased UV-B radiation could include: increases in non-melanoma skin cancer; suppression of the human immune system; decreases in the productivity of commercially important crops and aquatic organisms; and accelerated degradation of polymeric materials. In addition, EPA and the National Institutes of Health have recently initiated studies to determine whether or not exposure to UV-B radiation can contribute to melanoma skin cancer. Finally, production and use of CFCs may contribute to the predicted global warming from the "greenhouse effect" through two pathways. First, changes in the distribution of total-column ozone could possibly increase temperature, and second, CFCs themselves are infrared-absorbing gases that act directly (in the same manner as carbon dioxide) to raise global surface temperature.

Although less was known about the possible causes and effects of ozone depletion in the mid-1970's, EPA and other agencies responded to concerns about this issue by promulgating regulations in 1978 limiting the use of CFCs as a propellant in nonessential aerosol spray cans (43 FR 11301; March 17, 1978). CFC use as an aerosol propellant had grown to 56 percent of total CFC use in this country and 25 percent of total world consumption in 1974. By significantly reducing CFC use and therefore the risks of ozone depletion, this action has provided more time to address the complex scientific questions involved in assessing those risks.

While several other countries also acted to limit CFC use in aerosol propellants, this use continues in most countries. In addition, CFCs are used here and abroad for many important industrial and commercial processes, including refrigeration, air conditioning, and foam blowing, and as a solvent by the electronics industry.

In 1980 EPA issued an advance notice of proposed rulemaking discussing possible further limits on domestic production of CFCs under section 157 of the Clean Air Act, 42 U.S.C. 7457 (45 FR 66726; Oct 7, 1980). However, some of the scientific information summarized in that notice was soon outdated by more recent work in the field, and there have been substantial changes in the research community's understanding of several important aspects of the issue since then. In general, the more recent work has demonstrated that possible changes in the ozone layer are affected by a more complex array of physical and chemical forces than previously thought, and that substantial uncertainties remain to be resolved before such changes can be predicted with confidence. In addition, EPA believes that any decision on further regulation of domestic CFC production or use must be based on further research and analysis, and should be evaluated in the context of possible international regulatory actions. Today's notice outlines the Agency's current plan for further examination and resolution of this issue.

Two current areas of activity set the context in which EPA is acting. Both scientific and diplomatic efforts are underway, and each figures significantly in the Agency's plan. First, the scientific research community has expanded its efforts to improve our understanding of the physical and chemical forces that affect the ozone layer and how these may change over time. For example, researchers now recognize that atmospheric constituents other than CFCs have been increasing, and that future changes in these substances must also be considered in modelling the future evolution of the atmosphere. Researchers have also placed additional emphasis on the potential climatic impacts that might be caused by changes in atmospheric chemical composition.

Several major reports on related scientific issues are planned for the next year. A major review of atmospheric science issues related to ozone modification is scheduled to be published in January 1986. This report is being sponsored by the National Aeronautics and Space Administration (NASA), the World Meteorological Organization (WMO), the United Nations Environment Programme (UNEP), and other national and international organizations. NASA is also preparing a companion report to EPA and Congress on this subject. UNEP's Coordinating Committee on the Ozone Layer will hold meetings in 1986 and will issue a report that covers atmospheric science and other areas of research related to the effects of exposure to UV-B radiation on human health, welfare and the environment. The Fluorocarbon Program Panel of the Chemical Manufacturers Association (CMA) continues to fund research primarily related to ozone monitoring and atmospheric modelling. Finally, in October 1985, the WMO convened a conference in Villach, Austria to examine potential changes in climate that could, in part, result from increases in CFCs and other ozone-modifying substances and from changes in the vertical distribution of ozone.

The second major focus of recent activities has centered on international negotiations concerning protection of the ozone layer. Conducted under the auspices of UNEP, these negotiations resulted in the adoption of the Vienna Convention for the Protection of the Ozone Layer in March 1985. This

convention creates a framework for international cooperation on research, monitoring and information exchange. It also provides procedures for the future adoption of measures to control, limit, prevent or reduce emissions of ozone-modifying substances, should such measures be deemed necessary. This treaty comes into force after formal acceptance by twenty nations.

While successfully adopting the framework convention, the Diplomatic Conference in Vienna failed to agree on any appropriate global control measures. In lieu of such measures, it passed a resolution calling for an economic workshop to analyze relevant aspects of control options and for continued negotiations culminating in a second Diplomatic Conference currently planned for April 1987.

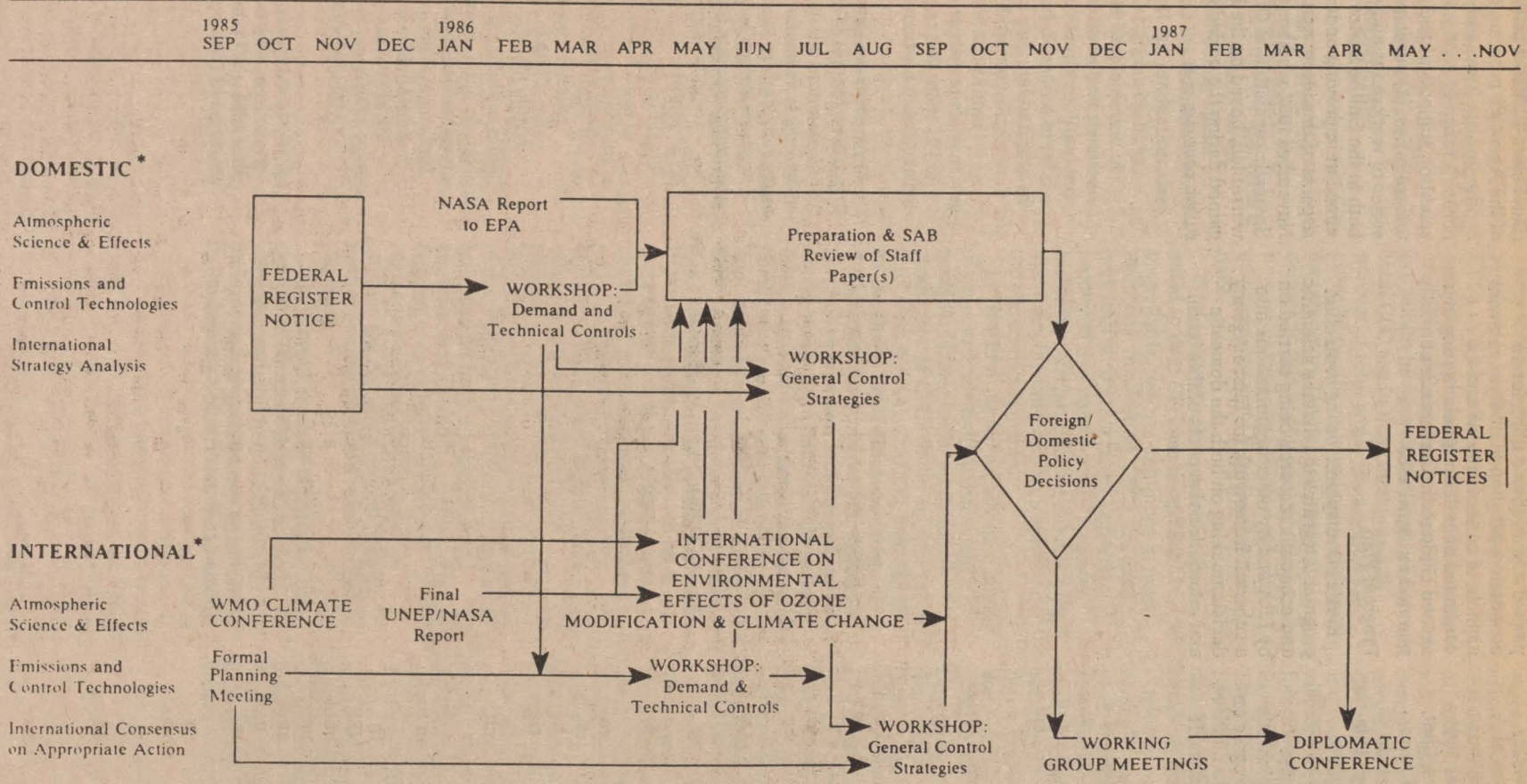
Program Plan

EPA's stratospheric ozone protection program integrates the diverse scientific and economic research being carried on by EPA and by other organizations into a coherent framework for future Agency decisionmaking on both the domestic and international aspects of this issue. (See Figure 1.) Three primary elements of the Agency's program are: (1) conducting analyses and research across a range of economic and scientific subjects aimed at narrowing uncertainties; (2) participating in a series of workshops and conferences both in the United States and abroad aimed at improving understanding of all aspects of this issue; and (3) deciding by November 1987 whether additional domestic regulation of CFCs is warranted, based on the information gained during the period of study.

BILLING CODE 6560-50-M

Figure 1

ACTIVITIES RELATED TO EPA'S STRATOSPHERIC OZONE PROTECTION PROGRAM



* STUDIES ONGOING IN ALL CATEGORIES TO SUPPORT MAJOR EVENTS

BILLING CODE 6560-50-C

Key areas for analysis include: evaluating potential future rates of growth in emissions; modelling the changes to the ozone layer that may result from changes in the atmosphere's composition; analyzing model parameters and predictions in light of atmospheric monitoring data; evaluating potential health, welfare and environmental effects from exposure to increased UV–B radiation or changes in climate related to ozone modification; and analyzing potential economic impacts, including the potential benefits from limiting UV–B exposure and the potential costs of limiting future increases in CFCs and other atmospheric perturbants.

Analysis of *future demand for CFCs and other atmospheric perturbants* and the *costs and feasibility of emission reduction technologies* will be subject of a domestic workshop scheduled for March 1986 and a UNEP-sponsored international workshop scheduled for May 1986.

Analysis of issues related to the *measurement and modelling of atmospheric changes* will be based on the NASA/UNEP report scheduled to be available in January 1986, a planned companion report to be prepared for EPA and Congress by NASA and the results from on-going studies being conducted or funded or NASA, CMA's Fluorocarbon Program Panel, the National Oceanic and Atmospheric Administration and others.

Analysis of *potential health, welfare and environmental effects* from increased exposure to UV–B will draw from on-going research being funded by EPA in the areas of plant and aquatic effects, human health effects, materials damage, and climate impact assessments. Results of this research, along with that sponsored by other organizations, will also be used by UNEP's Coordinating Committee on the Ozone Layer for part of its report, scheduled for publication in 1986. In addition, the United States and UNEP are jointly sponsoring an international conference on health and environmental effects related to ozone depletion and climate change. This conference is now set for mid-June 1986 in Washington, D.C.

EPA is also planning to convene a workshop to evaluate *alternate global and domestic control strategies*, tentatively set for July 1986. This domestic workshop will be followed by a UNEP-sponsored international workshop on the same issue now scheduled for September 1986. These two workshops set the stage for resumption of international negotiations concerning a control protocol scheduled to begin in November 1986.

EPA, in conjunction with the Department of State, plans to prepare an environmental impact statement pursuant to Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions," in the event that a protocol is adopted.

A more detailed discussion of specific studies and research to be used for these activities is available to the public by contacting Mr. Stephen Seidel at the address provided above.

Decisionmaking Process

Research and analyses prepared as part of EPA's program plan or developed by other sources will be integrated into one or more staff papers that will serve as the basis for future Agency decisionmaking. EPA intends to make these staff papers available for review by the public and by its Science Advisory Board. The final staff papers will serve as the technical basis for any regulatory decisions.

At the same time, EPA will continue to participate actively in the ongoing UNEP workshops and will provide support to the Department of State in negotiations concerning possible global strategies to protect the ozone layer. Because of the global nature of this issue, any decision concerning future domestic regulatory actions will be evaluated in the context of ongoing international negotiations.

By May 1987, EPA plans to issue a Federal Register notice summarizing the results of its program and either proposing further regulation related to this issue or presenting the basis for a proposed decision to take no further action at this time. A **Federal Register** notice promulgating regulations or announcing a decision to take no immediate action is scheduled for November 1987.

EPA intends to make every effort to undertake the above activities within the timetable presented. However, the exact timing of many of the intermediate dates is contingent on outside parties or international agreements and therefore is subject to change. Any such changes will be discussed in individual Federal Register notices announcing the details of specific meetings and conferences.

Dated: November 29, 1985.

Charles L. Elkins,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 86–45 Filed 1–9–86; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[CC Docket No. 81–216; RM–2845; et al; CC Docket No. 84–490; RM–4458]

Connection of Telephone Equipment, Systems and Protective Apparatus to the Telephone Network; etc.

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: In a *Fourth Notice of Proposed Rulemaking* in CC Docket 81–216, the Commission solicited comments on whether any Part 68 terminal equipment interconnection limitations should be placed on computer-assisted automatic dialing equipment. The text of the Commission's decision printed in the **Federal Register** at 50 FR 51893 stated that comments would be due on February 1, 1986, and reply comments March 1, 1986. This correction establishes the date for comments as February 3, 1986, and for reply comments as March 3, 1986.

DATES: Comments are due February 3, 1986, and reply comments March 3, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Patrick Donovan, Common Carrier Bureau, Federal Communications Commission, Washington, DC 20554 (202) 634–1832.

SUPPLEMENTARY INFORMATION:

Erratum

In the matter of petitions seeking amendment of Part 68 of the Commission's rules concerning connection of telephone equipment, systems and Protective apparatus of the telephone network; notice of inquiry into Standards for Inclusion of one and two-line business and residential premises wiring and party line service in Part 68 of the Commission's rules; and petition to amend Part 68 of the Commission's rules to permit registration of terminal equipment for connection to voiceband private line channels that utilize loop start, ringdown or inband Signaling and Voiceband metallic private line channels, CC Docket No. 81–216, RM–2845, RM–2930, RM–3195, RM–3206, RM–3227, RM–3283, RM–3316, 3329, RM–3348, RM–3501, RM–3526, RM–3530; RM–4054. CC Docket No. 84–490, RM–4458.

Released: January 6, 1986.

1. In *Fourth Notice of Proposed Rulemaking*, CC Docket No. 81–216, FCC 85–591, released November 4, 1985, the Commission sought comment on whether Part 68 terminal equipment interconnection limitations should be

imposed on manufacturers, distributers, or users of computer-assisted automatic dialing equipment in order to prevent potential telephone network harm such as excessive congestion. The text of the decision released by the Commission stated that comments would be due January 10, 1986 and reply comments February 10, 1986. A press release issued by the Commission on November 4, 1985, stated that comments would be due sixty days from the date of publication of the text of the Commission's order in the **Federal Register** and reply comments thirty days thereafter. The text of the Commission's decision printed in the **Federal Register** at 50 FR 51893, December 20, 1985, stated that comments would be due February 1, 1986, and reply comments March 1, 1986. This *Erratum* will correct these conflicting dates by establishing the due date for comments as February 3, 1986, and for reply comments as March 3, 1986.

2. Accordingly, the due date for comments on the issues specified in the *Fourth Notice of Proposed Rulemaking* is February 3, 1986, and for reply comments is March 3, 1986.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-520 Filed 1-9-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 681

[Docket No. 51221-5221]

Western Pacific Spiny Lobster Fisheries

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

ACTION: Proposed rule.

SUMMARY: NOAA issues a proposed rule to implement conservation and management measures as prescribed in the proposed Amendment 3 to the Fishery Management Plan for Western Pacific Spiny Lobster Fisheries (FMP). This rule established a new minimum size limit and defines the point at which to measure spiny lobsters to facilitate compliance with the new minimum size limit for the Northwestern Hawaiian Island (NWHI) lobster fishery. This action is intended (1) to replace a currently unenforceable size limit; (2) to maintain an economically viable NWHI spiny lobster fishery; and (3) to maintain the reproductive capacity of the spiny lobster population in the fishery conservation zone (FCZ) of the NWHI.

DATE: Written comments on the proposed rule must be received on or before February 5, 1986.

ADDRESSES: Comments on the proposed rule, the amendment, or the supporting documents should be sent to E. C. Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731. Mark the outside of the envelope "Comments on Spiny Lobster FMP—Amendment 3." Copies of the amendment, which addresses the environmental assessment and regulatory impact review requirements, are available from Kitty B. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813 (phone 808-523-1368).

FOR FURTHER INFORMATION CONTACT: Doyle E. Gates (Administrator, Western Pacific Program Office, Southwest Region, NMFS, Honolulu, Hawaii), 808-955-8831; or Svien Fougner (Chief, Fisheries Management and Analysis Branch, Southwest Region, NMFS, Terminal Island, California), 213-548-2518.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Western Pacific Spiny Lobster Fisheries (FMP) is implemented under the Magnuson Fishery Conservation and Management Act, by regulations appearing at 50 CFR Part 681. Amendment 1 to the FMP (48 FR 52922, November 23, 1983) adopted Hawaii State regulations covering spiny lobster fishing in the terrotiorial sea around the main Hawaiian Islands, east of 161° W. longitude, as Federal regulations in the adjacent FCZ. Amendment 2 (49 FR 407, January 4, 1984) changed the dimensions of the required entryway openings for lobster traps used in the NWHI west of 161° W. longitude to protect the Hawaiian monk seal, an endangered species which is protected under the Endangered Species Act (Pub. L. 93-205) and the Marine Mammal Protection Act (Pub. L. 92-522).

An emergency interim rule which became effective April 25, 1985 (50 FR 18264, April 30, 1985), was subsequently extended (50 FR 30198, July 24, 1985), and expired on October 22, 1985. This emergency interim rule (a) eliminated the combination of carapace length and tail width minimum size limits for NWHI lobsters and the 15 percent tolerance for retention of lobster tails smaller than the specified minimum size; (b) specified a minimum size limit of 4.8-cm tail width which would be used alone; and (c) specified the point at which to measure tail width to determine compliance with the minimum size limit. This emergency interim rule was intended to establish an enforceable size limit which would prevent overfishing while allowing the fishery to harvest lobsters in the size ranges most demanded by markets. A second emergency interim rule became effective October 1, 1985 (50 FR 40558, October 4, 1985), until December 30, 1985, which may be extended for 90 days. This secoond emergency interim rule established a moratorium on new entrants to the NWHI lobster fishery and limited current permit holders to the number of lobster traps indicated on their most recent permit application. This second emergency interim rule is intended to reduce the risk of excessive entries into the fishery while the Western Pacific Council (Council) considers alternative long-term management approaches to balance fishing power and the reproductive capacity of the lobster stocks.

With the expiration of the first emergency interim rule, the existing spiny lobster regulations will specify:

(1) *Whole lobsters.* Only spiny lobsters with a carapace length of 7.7 cm or greater may be retained.

(2) *Lobster tails.* If the carapace length cannot be determined, only lobsters with tails at least 5.0 cm wide may be retained, except for an allowance of up to 15 percent by number of the total catch per trip, which may have tail widths greater than or equal to 4.5 cm and less than 5.0 cm.

It has become apparent that these regulations are unenforceable. After review and analysis, the Council concluded that the most effective way to enforce regulations covering the taking of legal-sized spiny lobsters is (1) to eliminate the present 15 percent tolerance for sublegal spiny lobsters with a tail-width measurement between 4.5 and 5.0 cm; (2) to define a legal-sized spiny lobster as one with a tail width of 4.8 cm or more; (3) to specify the point at which tail width is to be measured to determine compliance with the minimum size limit; and (4) to stop using a carapace measurement to define a legal-sized spiny lobster and instead use only a single tail-width measurement.

The present 15 percent tolerance for sublegal spiny lobsters was originally introduced because the Council believed that using tail width to determine a legal lobster without a tolerance for sublegal lobsters was impracticable since the fishermen were measuring carapace length at sea. Use of a new measurement site on the tail that

everyone uses with a new size limit should make it practical to determine a legal lobster without any tolerance for undersized lobsters.

The fishery lands spiny lobsters in three forms: frozen whole lobsters, live whole lobsters, and frozen lobster tails. An estimated 94 percent of the landings is frozen tails. When the lobsters are taken from the traps, they are measured by the fishermen either by carapace length or by tail width at the first abdominal segment. Those lobsters destined for the live lobster trade are placed in holding tanks. The rest are either frozen whole or the tails are separated from the carapace portion. The tails are frozen and packed in plastic bags or carboard boxes containing about 60–100 tails. At this stage, no effort is made to segregate the lobster tails by size.

During the tailing and packaging process some of the lobster meat may curl back over the tail, thus obscuring the measurement location and making a check measurement impossible. The triangular structures forming the lateral notches between which the present tail-width measurement is made may break off, or ice may build up on the frozen tails, making remeasurement difficult. Also, it is impractical for enforcement officers to check tail width measurements because of the time required to measure entire loads of up to 77,000 frozen lobster tails to determine whether the 15 percent tolerance for sublegal tails had been exceeded. This could shut down the unloading operations.

Further, the method of fishing for spiny lobsters and subsequent stowage at sea make it impossible for enforcement officers to obtain a random sample of frozen lobster tails upon which to base a determination that the 15 percent tolerance has, or has not, been exceeded. Because of this tolerance, enforcement officers have reported that some fishermen may fish for legal-sized lobsters and then switch grounds to fish for sublegal lobsters up to the tolerance limit. This results in a size segregation at sea by bag or box of a substantial portion of the catch.

These regulations redefine the tail-width measurement site as the straight line distance across the tail at the widest spot between the first and second abdominal spines (see § 681.2, figure 2). The handling and processing of the lobster tails should not obscure this location; thus measurement by enforcement officers is possible. Also, because the 15 percent tolerance is abolished, it is no longer necessary for enforcement officers to be able to measure all tails or to obtain a random sample to determine whether violations have occurred.

A statistical regression was used to establish the relationship between carapace length and tail width. It was found that on average a lobster with a 7.7 cm carapace would have a 5.1 cm tail width. A lobster with a 4.8 cm tail width (the proposed size limit) would have a 7.0 cm carapace. A lobster with a 4.7 cm tail width, which is equivalent to a 4.5 cm tail as previously defined and which was the absolute minimum size, would have a carapace of 6.8 cm.

The selection of the 4.8-cm tail width minimum size limit is believed by the Council to balance the biological and economic objectives of the FMP. Industry representatives have emphasized that the market pays premium prices for lobster tails in the smaller size range (i.e., 4–6 ounces, which is equivalent to approximately 4.6 to 5.7 cm tail width), and that establishing a size limit of 5.0 cm or above would force fishermen to release a large number of lobsters in this premium price category. There also is concern that a high proportion of sublegal or berried lobsters which are caught and released subsequently die from predation or injury. Forcing release of all lobsters less than 5.0 cm tail width could result in substantial economic losses without a significant contribution to maintenance of lobster stocks.

On the other hand, a size limit below the selected 4.8 cm tail width is not supportable with available data. This tail width equates (on average) to a spiny lobster carapace length of 7.0 cm, the size at which approximately 50 percent of all females are sexually mature. The risk of adverse effects on the stocks if a higher proportion of sexually immature female lobsters were harvested is unacceptable to the Council at this time.

The Council recognizes the uncertainty and risk associated with the selected size limit. The Council intends that there be a complete assessment of the effectiveness and impacts of this size limit after one year's experience. The Council receives an annual report from NMFS on the achievements of the fishery and the results of research during the previous year. The report for calendar year 1986 will be due by the end of January 1987. The Council anticipates that this report will incorporate analysis of data submitted by fishermen and of data collected by research cruises. These analyses should assess (to the extent feasible) the effects of the new size limit on the fishery participants and on lobster stocks and the impacts if the size limit were continued or changed in the future. The report also should present information on the biological and economic impacts of requiring escape gaps on lobster traps to minimize mortality associated with handling and releasing sublegal lobsters. This report will provide the basis for the Council to consider whether a change is needed in the tail-width size limit or other measures to achieve the optimum yield from the fishery. The selected size limit proposed herein would remain in effect until such changes (if any) were implemented.

The proposed changes in management measures will make it possible for enforcement officers to monitor landings and ensure that the fishery only takes legal-sized spiny lobsters. The regulations also will protect the reproductive capacity of the lobster stocks by protecting female spiny lobsters until they have attained the tail width of 4.8 cm which allows about half of them a chance to spawn before being subject to retention by the fishery. The analyses to be presented to the Council in 1987 (and future years) will provide the flexibility to adjust management measures if necessary.

Classification

Section 304(a)(1)(C)(ii) of the Magnuson Act, as amended by Pub. L. 97–453, requires the Secretary of Commerce (Secretary) to publish regulations proposed by a Council within 30 days of receipt of the FMP amendment and regulations. At this time the Secretary has not determined that the FMP amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The Council prepared an environmental assessment for this FMP amendment and concluded that there will be no significant impact on the environment as a result of this rule. A copy of the environmental assessment is available from the Council at the address listed above.

The Administrator, NOAA, determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The regulations will permit retention of all lobsters with a total width of 4.8 cm or larger, allowing harvesters to retain lobsters in the premium price category. The action will not have a cumulative effect on the economy of $100 million or more. The cost-effectiveness of Federal enforcement will be improved by the

shift to a single size limit with no tolerance for lobsters below that size. The Council's amendment incorporates the regulatory impact review and concludes that this rule will have the following economic effects:

(1) Fishermen will be able to retain lobsters in the premium price category (4- to 6-ounce tails);

(2) Compliance with the size limit will be simplified;

(3) Long-term economic productivity of the fishery will be maintained; and

(4) Enforcement burdens will be reduced.

A copy of this review is available from the Council at the address listed above.

This proposed rule is exempt from the procedure of E.O. 12291 under section 8(a)(2) of that order. Deadlines imposed under the Magnuson Act require the Secretary to publish this proposed rule 30 days after its receipt. The proposed rule is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow procedures of the order.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities because there are fewer than 40 vessels with permits in the fishery and none of the fishermen has spoken against the proposed action. As a result, a regulatory flexibility analysis was not prepared.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Hawaii. This determination has been submitted for review by the responsible State agency under section 307 of the Coastal Zone Management Act. The coastal zone management programs of Guam and American Samoa are unaffected by this rule.

List of Subjects in 50 CFR Part 681

Fisheries, Reporting and recordkeeping requirements.

Dated: January 7, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

PART 681—WESTERN PACIFIC SPINY LOBSTER FISHERIES

For the reasons set out in the preamble, 50 CFR Part 681 is proposed to be amended as follows:

1. The authority citation for Part 681 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

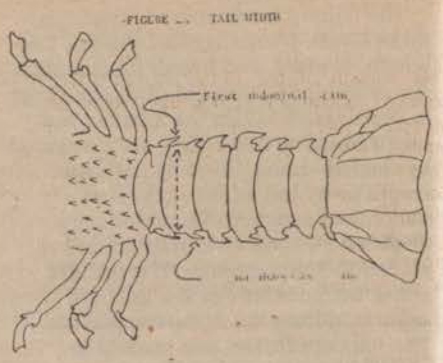
2. In § 681.2, the definition of *Tail width* is revised to read as follows:

§ 681.2 Definition.

* * * * *

Tail width means the straight line distance across the tail measured at the widest spot between the first and second abdominal spines (see Figure 2).

* * * * *



3. In § 681.7, paragraphs (b) (2) and (3) are revised, to read as follows:

§ 681.7 Prohibitions.

* * * * *

(b) * * *

(2) Retain or possess on a fishing vessel any spiny lobster or tail which is less than the minimum size specified in § 681.21;

(3) Possess on a fishing vessel any spiny lobster taken in Permit Area 1 in a condition such that its tail width cannot be determined;

* * * * *

4. Section 681.21 is revised to read as follows:

§ 681.21 Size restrictions.

Only spiny lobsters with a tail width of 4.8 cm or greater may be retained.

[FR Doc. 86-554 Filed 1-7-86; 12:38 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 51, No. 7
Friday, January 10, 1986

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

ACTION

State Office of Voluntarism (SOV Program Grants)

AGENCY: ACTION.

ACTION: Proposed revision of guidelines for State Office of Voluntary Citizen Participation (SOVCP).

SUMMARY: These proposed revisions would change the current State Office of Voluntary Citizen Participation guidelines in the following five areas: 1. The name of the program, changed from State Office of Voluntary Citizen participation (SOVCP) to State Office of Voluntarism (SOV). 2. The program purpose statement, amended to state the primary purpose first. 3. The minimum grantee contribution, amended to require match in the first year, and to require expenditure of a portion of match for personnel costs in the second and subsequent years. 4. The maximum grant award, changed to reflect current appropriations and funding levels. 5. The criteria, made more realistic based on comments from ACTION Staff and existing SOV Directors.

These proposed changes revise the current guidelines which were published in the **Federal Register**, Vol. 45, No. 65, on April 2, 1980.

DATE: Comments must be received by February 10, 1986.

ADDRESS: Send comments to SOV Program, ACTION, OVI, Room M–516, 806 Connecticut Avenue, NW., Washington, DC 20525.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Priebe, SOV Program Manager, (202) 634–9749 .

SUPPLEMENTARY INFORMATION: These guidelines are issued pursuant to the authority contained in section 123 of the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 93–113 (42 U.S.C 4993). State Office of Voluntarism Program

A. *Program Purpose:* State Office of Voluntarism (SOV) Grants are made to promote and coordinate voluntary participation in state and local government and public and private nonprofit organizations by fostering, developing, creating, and/or supporting offices of voluntarism at the state level, and to stimulate new active citizen initiatives and to support projects to address local problems, particularly those related to poverty, through voluntary action.

B. *Elgibility:* Applicants for State Office of Voluntarism grants must be State Governor's offices. Preference will be given in the following order:

1. States currently operating a State Office of Voluntarism program under an ACTION grant (for continuation grants);

2. States which have never received funds under ACTION's State Office of Voluntarism Program;

3. States which in the past have received funds under ACTION's SOV Program, but whose State Offices have been closed for a minimum of 1 year. (No related activity emanating from Governor's office for 1 year).

C. *Scope of Grants:*

1. Approximately $515,000 is available annually to fund approximately 10 new and/or continuation grants. ACTION provides project grants for periods of up to 5 years (for a consecutive period of 60 monnths) to suport the establishment and operation of the office.

2. ACTION requires that a new office use at least one of the following words in its name: Volunteer, Voluntary, Voluntarism or Volunteerism. Only offices applying for grants are subject to this requirement.

3. For new applicants, letters of intent must be submitted by January 31, and applications by March 31 of the year for which funds are requested. Applicants must submit a completed application for Federal Assistance which itemizes total program costs, including salaries and operating expenses for each period of program operation. For continuation grants, applications must be submitted 115 days prior to end of grant period. Late applications may be rejected due to lack of funds.

4. ACTION grant awards for the first year will normally not exceed $50,000. Grant awards for the first year will not exceed 90% of the total program budget or $50,000, whichever is less. The minimum required contribution by the grantee is 10% of the total grant budget which may be cash or in-kind, or a combination.

5. Second year grant awards will be subject to ACTION's appraisal of grantee performance the first year, approval of the second year continuation applications, and Congressional appropriations. Grant awards for the second year will not exceed 80% of the total program budget or $50,000, whichever is less. The minimum required contribution by the grantee is 20% of the total grant budget, ½ of which must represent expenditures for salaries and fringe benefits.

6. Third year grant awards will be subject to ACTION's appraisal of grantee performance the second year, approval of the third year continuation application and Congressional appropriations. Grant awards for the third year will not exceed 70% of the total program budget or $50,000, whichever is less. The minimum required contribution for the grantee is 30% of the total grant budget, ⅔ of which must represent expenditures for salaries and fringe benefits. The grantee in cooperation with the Advisory Committee shall submit with the grant application for the third and subsequent years a plan for continued funding of the State Office of Voluntarism at the conclusion of ACTION funding.

7. Fourth year grant awards will be subject to ACTION's appraisal of grantee performance the third year, approval of the fourth year continuation application, and Congressional apporpriations. Grant awards for the fourth year will not exceed 60% of the total program budget, or $50,000, whichever is less. The minimum required contribution for the grantee is 40% of the total grant budget, ¾ of which must represent expenditures for salaries and fringe benefits.

8. Fifth year grant awards will be subject to ACTION's appraisal of grantee performance the fourth year, approval of the fifth year continuation application, and Congressional appropriations. Grant awards for the fifth year will not exceed 50% of the total program budget, or $50,000, whichever is less. The minimum required contribution for the grantee is 50%, ⅘ of which must represent expenditures for salaries and fringe benefits.

9. Continued financial support of the program beyond the fifth year will be the responsibility of the grantee.

10. A State Office of Voluntarism grant will cover those costs of operating the project that are allowable under Office of Management and Budget (OMB) Circular A–87, "Cost Principles Applicable to Grants and Contracts with State and Local Governments," and will be administered in accordance with OMB Circular A–102 "Uniform Requirements for Grants to State and Local Governments."

11. Publication of this announcement does not obligate ACTION to award any specific number of grants, or to obligate the entire amounts of funds available, or any part thereof.

D. Required function of State Offices of Voluntarism:

1. Organize and support a state coalition of the leadership of volunteer service organizations in order to be able to mobilize their memberships to address at least one specific statewide need annually.

2. Develop, implement, and maintain a comprehensive statewide system to disseminate information collected on voluntary action.

3. Annually, in conjunction with the Advisory Council, prepare at least one publication useful to both the private and public sectors. This publication should include the year's achievements, and a "state of the art" section on volunteer activities in the state developed in the first year and updated each subsequent year. Grantees are also encouraged to include recommendations, trends, highlights, and problems. The publications should be distributed throughout the state.

4. Develop, implement, and maintain a state plan for public recognition of volunteer activity and its enhancement.

5. After the first year of program operation, assist government agencies and nonprofit organizations at state and local levels to expand or develop voluntary action activities to meet needs. At least one major effort shall be identified (based on state needs) and implemented annually. Example: One state established a completely volunteer surplus commodities distribution program. Some 5,000 volunteers distributed more than 600,000 pounds of cheese to more than one-third of the state.

6. Implement one of the following three functions during the second, third, and fourth years of operation:

a. Develop an organization of volunteers to support state government human service initiatives or programs.

b. Assist in the development and support of community based self-help voluntary action initiatives.

c. Assist in the development of voluntary action offices in city and county government.

E. Recommended functions of State Offices (during entire program period):

1. Serve as advocates for effective volunteer involvement in state and local governments and nonprofit organizations. Example: One state encouraged the use of volunteers in state government by persuading the Secretary for Administration to include volunteers in the bid for employee liability insurance coverage. They further advocated for volunteers by persuading employers to count volunteer service time as work experience on employment applications.

2. Provide or arrange for the provision of training and technical assistance to public and private nonprofit organizations in such areas as grantsmanship, resource development, volunteer management, and the development of advisory groups.

3. Promote communication and collaboration among volunteer organizations including local ACTION projects and government agencies and by providing statewide and local public forums, such as conferences, workshops, and seminars, for exchange of information.

4. Provide leadership in developing legislation, regulations, and systems supportive of voluntary action.

5. Serve as liaison with national, civic and volunteer organizations, including ACTION's State Program Office and ACTION's Office Of Voluntarism Initiatives (OVI).

6. Carry out activities in consultation and cooperation with other State agencies and officials.

F. Applicant must submit, with the first year grant application, a plan for development of an Advisory Council to the State Office of Voluntarism.

1. The responsibility of the Advisory Council shall be clearly outlined in the plan.

2. The plan shall specify how and from which group representatives of different segments of the population with expertise and skills that will contribute to the success of the office will be chosen to serve on the Advisory Council. The Advisory Council should include representatives of major volunteer service and private voluntary organizations in the state, state organizations of citizen and consumer groups, the business community, local decision makers, persons with disabilities, the poor and the elderly. It is intended that this Advisory Council shall be representative of the population of the state. Domestic Volunteer Service Act requires that the beneficiaries of volunteer efforts be involved to the maximum extent possible in the planning and policy stages at the local level. If possible, such individuals should be identified at the time of application.

3. The plan shall also specify the length of terms of members and the methods of selection of the chairperson of the Advisory Council.

4. The Advisory Council must meet a minimum of four time a year.

5. The Advisory Council should begin functioning no later than 3 months after the grant award.

6. In the third and subsequent years the Advisory Council will assist the grantee in developing a plan for continued funding of the State Office of Voluntarism.

G. *Reporting Requirements.* The Grantee is responsible for following the grant management reporting requirements (in accordance with ACTION Handbook 2650.2, Grants Management Handbook for Grantees), and for submitting required reports to the appropriate ACTION office. Quarterly program reports and financial status reports are due within 30 days of the end of each fiscal quarter.

H. *Application Review Process:* Letters of inquiry by the Governor's Offices should be sent to the appropriate ACTION State Office, which will send the applicants the State Office of Voluntarism program package containing model budget information, samples of required reports, and other pertinent information. Applications submitted to ACTION State Offices will be reviewed at the State and Regional office level. Following this review, applications will be sent with recommendations to ACTION'S Office of Voluntarism Initiatives for final approval. The final selection of State Office of Volumtarism grantees will be made by the Director of ACTION's Office of Voluntarism Initiatives in accordance with the purpose of the Act, OVI policies, and the availability of funds.

Each Notice of Grant Award (NGA) will be made by the appropriate cognizant ACTION Regional Grants and Contracts Officer. The NGA sets forth in writing such items as the amount of funds granted, the terms and conditions of the grant award, the effective date of award, the performance period and negotiated budget. The ACTION State Program Director will occur in the appointment of the State Office of Voluntarism director. SOV Grants

funded under Title I, Part C, the Domestic Volunteer Service Act, are not subject to the state review process under Executive Order 12372.

I. *Application Review Criteria:* Merit ratings are assigned to grant applications on the basis of completeness of application, clarity of stated goals and perceived statewide support. The various categories and ranges of numerical ratings which can be assigned are listed below.

1. Evidence of need for the program and its stated goals (0–10 points).

2. Program Objectives and Operation.

a. Clarity of stated objectives and relevance to program goals (0–5 points).

b. Demonstrated or potential ability to implement objectives within established time frames (0–5 points).

c. Completeness and appropriateness of plans for day-to-day operations and commitment of proposed staff (0–5 points).

3. Program Methods: adequacy and appropriateness of proposed method to conduct program activities and extent of creativity employed in program development (0–15 points).

4. Advisory Council: scope of functions and adequacy of representation (0–10 points).

5. Funds; adequacy of non-federal support for the total project period for which federal funds are sought, additional grantee contribution when not required; concreteness of plans for self-support (0–10 points).

6. Other Supporting Data: Degree of local support and commitment for the development or continuation of a State Office of Voluntarism (0–20 points).

7a. *For First Year Applicants Only.* Evidence of written documentation that the Heads of State departments or agencies support the State Office of Voluntarism and have designated a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning volunteer activities (0–20 points).

7b. *For Second Through Fifth Year Applicants Only.* Extent to which prior year plans were effectively implemented (0–20 points).

8. A maximum of 100 points can be scored for State Office of Voluntarism proposal.

J. *Availability of Forms:* To be eligible for consideration an application must be prepared and submitted on ACTION Form A–1036 (Project Grant Application: Title I, Part C Programs) available from each ACTION State Office. Forms, instructions, and program guidelines will be provided in response to letters of inquiry sent at any time to ACTION State Offices.

K. *Application submission:* One signed original and two (2) copies of each completed application must be submitted to the appropriate ACTION State Office. Applications which do not conform to this announcement, or are incomplete, will not be accepted for review.

Signed in Washington, DC, on January 6, 1986.

Donna M. Alvarado,

Director, ACTION.

[FR Doc. 86–535 Filed 1–9–86; 8:45 am]

BILLING CODE 6050–28–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Human Nutrition Board of Scientific Counselors; Renewal of Advisory Board

Notice is hereby given that the Secretary of Agriculture has renewed the Human Nutrition Board of Scientific Counselors. The purpose of the Board is to provide the Secretary of Agriculture with an independent assessment of and recommendation on program and policy matters relating to human nutrition research and education by qualified individuals. The Human Nutrition Board of Scientific Counselors was initially established by the Secretary of Agriculture on April 9, 1981, in conformance with provisions of the Conference Report No. 95–1579, which accompanied H.R. 13125, dated September 18, 1978, on the FY 1979 Appropriations Act for the U.S. Department of Agriculture.

The Board meets annually in Washington, DC, to receive reports from the U.S. Department of Agriculture staff on research progress, educational activities, and long-range goals. The Board's findings are reported in writing to the Secretary of Agriculture.

It was determined that the renewal of this Board would be in the public interest in connection with the work of the U.S. Department of Agriculture.

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

John J. Franke, Jr.,

Assistant Secretary of Agriculture for Administration.

[FR Doc. 86–595 Filed 1–9–86; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF COMMERCE

Major Changes in Organization and Functions During Calendar Year 1985

AGENCY: Office of the Secretary, Commerce.

SUMMARY: Following is a summary of Department of Commerce units affected by major organizational and functional changes during the calendar year. Specific information on each action may be obtained by requesting copies of the applicable Department Organization Orders (DOOs) listed below:

Office of Inspector General

DOO 23–1, Revision 3/28/85

National Oceanic and Atmospheric Administration

DOO 25–5B, Amendment 6, 3/15/85
DOO 25–5B, Amendment 7, 5/8/85
DOO 25–5B, Amendment 8, 5/13/85
DOO 25–5A, Revision, 8/26/85

International Trade Administration

DOO 10–3, Amendment 1, 5/28/85
DOO 10–3, Amendment 2, 6/12/85
DOO 10–3, Amendment 3, 8/9/85
DOO 40–1, Amendment 1, 8/9/85
DOO 40–1, Amendment 2, 11/19/85

Administration

DOO 10–5, Amendment 1, 3/15/85, Assistant Secretary for Administration
DOO 10–5, Amendment 2, 2/21/85, Assistant Secretary for Administration
DOO 20–1, Revision, 3/13/85, Office of Real Property Programs
DOO 20–11, Revision, 3/13/85, Office of Procurement Operations
DOO 20–5, Revision, 5/14/85, Office of Finance and Federal Assistance
DOO 20–24, Revision, 8/6/85, Management Service Center

National Bureau of Standards

DOO 30–2B, Amendment 4, 7/22/85
DOO 30–2B, Amendment 5, 9/27/85

Patent and Trademark Office

DOO 30–3, Revision, 6/28/85
DOO 30–3, Amendment 1, 7/10/85

Economic Development Administration

DOO 45–1, Amendment 3, 2/19/85

FOR FURTHER INFORMATION CONTACT: Robert L. Ingram, Office of Management and Organization, Department of

Commerce Room 5317, Washington, DC 20230. Telephone (202) 377–5481.

Alan P. Balutis,

Director Office of Management and Organization.

[FR Doc. 86–557 Filed 1–9–86; 8:45 am]

BILLING CODE 3510–DK–M

International Trade Administration

President's Export Council; Open Meeting

A meeting of the President's Export Council's Trade Expansion Subcommittee will be held January 27, 1986, 10:00 a.m., at the Herbert C. Hoover Building, Room 4830, 14th Street and Constitution Avenue NW., Washington, D.C. The Council's purpose is to advise the President on matters relating to United States export trade.

Agenda: Opening remarks; U.S. export promotion programs; Caribbean Basin Initiative; Eximbank; mixed credits; agricultural export issues and discussion of subcommittee operations and plans.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes contact Amy Dale (202) 377–1124, Room 3213, U.S. Department of Commerce, Washington, DC 20230.

Dated: January 3, 1986

Henry Misisco,

Acting Director Office of Planning and Coordination.

[FR Doc. 86–556 Filed 1–9–86; 8:45 am]

BILLING CODE 3510–DR–M

[C–489–502]

Final Affirmative Countervailing Duty Determinations; Certain Welded Carbon Steel Pipe and Tube Products From Turkey

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We determine that certain benefits which constitute subsidies within the meaning of the contervailing duty law are being provided to manufacturers, producers, or exporters in Turkey of certain welded carbon steel pipe and tube products (standard pipe and tube and line pipe). The estimated net subsidy is 18.81 percent *ad valorem*. However, we are taking into account several program-wide changes which occurred after our review period, but prior to the preliminary determinations, and we are adjusting the duty deposit rate accordingly. We determine that "critical circumstances" do not exist with regard to the subject merchandise.

We have notified the United States International Trade Commission (ITC) of our determinations. We are directing the U.S. Customs Service to continue to suspend liquidation of all entries of standard pipe and tube and line pipe from Turkey that are entered or withdrawn from warehouse for consumption, on or after October 28, 1985, and to require a cash deposit or bond on entries of these products in an amount equal to 17.80 percent *ad valorem*. Because we have determined that critical circumstances do not exist, we are also directing the U.S. Customs Service to terminate the suspension of liquidation of all entries of standard pipe and tube from Turkey that were entered or withdrawn from warehouse, for consumption, between July 30 and October 28, 1985.

EFFECTIVE DATE: January 10, 1986.

FOR FURTHER INFORMATION CONTACT: Peter Sultan or Mary Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377–1439 (Sultan) or 377–2830 (Martin).

SUPPLEMENTARY INFORMATION:

Final Determinations

Based upon our investigations, we determine that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Turkey of certain welded carbon steel pipe and tube products. For purposes of these investigations, the following programs are found to confer subsidies:

- Export Tax Rebate and Supplemental Tax Rebate
- Preferential Export Financing
- Deduction from Taxable Income for Export Revenues
- Resource Utilization Support Fund

We determine the estimated net subsidy to be 18.81 percent *ad valorem* for all manufacturers, producers, or exporters in Turkey of certain welded carbon steel pipe and tube products. However, we are adjusting the duty deposit rate to reflect several program-wide changes that occurred after our review period but prior to our preliminary determinations. Thus, the cash deposit or bond on entries of these products will be 17.80 percent *ad valorem*.

Case History

On July 16, 1985, we received a petition in proper form from the Standard Pipe Subcommittee and Line Pipe Subcommittee of the Committee on Pipe and Tube Imports (CPTI) and by each of their member companies which produce standard pipe and tube and line pipe. In compliance with the filing requirements of § 355.26 of our regulations (19 CFR 355.26), the petition alleged that manufacturers, producers, or exporters in Turkey of certain welded carbon steel pipe and tube products directly or indirectly receive benefits which constitute subsidies within the meaning of section 701 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry.

We found that the petition contained sufficient grounds upon which to initiate countervailing duty investigations on certain welded carbon steel pipe and tube products, and on August 2, 1985, we initiated such investigations (50 FR 32248, August 9, 1985). We stated that we expected to issue preliminary determinations by October 9, 1985.

On September 5, 1985, we received a request from petitioners that the preliminary determinations be postponed to October 21, 1985, and on September 12, 1985, we postponed these determinations in accordance with section 703(c)(1)(A) of the Act (50 FR 37891, Sept. 18, 1985).

On September 24, 1985, petitioners alleged that critical circumstances exist with respect to certain welded carbon steel pipe and tube products from Turkey.

Since Turkey is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for these investigations. Therefore, we notified the ITC of our initiation. On August 30, 1985, the ITC determined that there is a reasonable indication that industries in the United States are materially injured by reason of imports of certain welded carbon steel pipe and tube products from Turkey (50 FR 37068, Sept. 11, 1985).

We presented a questionnaire concerning the allegations to the government of Turkey in Washington, DC on August 15, 1985. Responses to our questionnaire were received from the government of Turkey and from the following producers in Turkey of certain welded carbon steel pipe and tube products: the Borusan group of companies, Mannesmann-Suemerbank Boru Endustris (Mannesmann-Suemerbank), Yucel Boru ve Profil

Endustrisi (Yucel Boru), Erkboru Profil Sanayi ve Ticaret, and Umran Spiral Welded Pipe Inc. Because the latter two companies did not export to the United States during 1984 and the first six months of 1985, we have not used their responses for our determinations. On the basis of information contained in the other responses, we made preliminary determinations on October 21, 1985 (50 FR 43597, Oct. 28, 1985). We verified the responses of the government of Turkey, the Borusan group, Mannesmann-Suemerbank, and Yucel Boru in Turkey between November 4 and 16, 1985.

We held a hearing on December 2, 1985, at which the parties addressed the issues raised in these investigations. Before and after the hearing, petitioners and respondents filed briefs discussing these issues.

Scope of Investigations

The products covered by these investigations are:

(1) Welded carbon steel pipe and tube, with an outside diameter of .375 inch or more, but not over 16 inches, of any wall thickness, currently classifiable in the *Tariff Schedules of the United States, Annotated* (TSUSA), under items 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258, and 610.4925. These products, commonly referred to in the industry as standard pipe or tube, are produced to various ASTM specifications, most notably A–120, A–53 or A–135; and

(2) Welded carbon steel line pipe with an outside diameter of .375 inch or more, but not over 16 inches, and with a wall thickness of not less than .065 inch, currently classifiable in the TSUSA, under items 610.3208 and 610.3209. These products are produced to various American Petroleum Institute (API) specifications for line pipe, most notably API–L or API–LX.

Analysis of Programs

Throughout this notice, we refer to certain general principles applied to the facts of the current investigations. These principles are described in the "Subsidies Appendix" attached to the notice of "Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina; Final Affirmative Countervailing Duty Determination and Countervailing Duty Order," which was published in the April 26, 1984, issue of the **Federal Register** (49 FR 18006).

For purposes of these final determinations, the period for which we are measuring subsidization ("the review period") is calendar year 1984. The subsidy rates set forth in this notice are country-wide rates.

It is the Department's policy to take into account program-wide changes when these are implemented after the review period, but before a preliminary determination, and when we can verify these changes. Where these conditions are met the rate for cash deposit or bonding purposes is raised or lowered, as appropriate. This policy is desirable because it promotes the expeditious elimination or curtailment of subsidies. The recognition of program-wide changes also permits the Department to adjust the duty deposit rate to correspond as nearly as possible to the eventual duty liability.

In these investigations we discovered that, subsequent to the review period, but prior to the preliminary determinations, a number of programs were either eliminated, newly instituted, or altered in such a way as to result in a fundamental change in the bestowal of benefits. Descriptions of these program-wide changes, and of our treatment of them, follow in the description of the programs.

Although there were no imports of line pipe from Turkey into the United States during the review period, we believe that the circumstances of the production and exportation of standard pipe and tube are so similar to those of line pipe that the incidence of subsidization would be the same for both products. Also, line pipe has begun to be imported into the United States from Turkey since the review period. Therefore, we are attributing the subsidy rates found on the production and exportation of standard pipe and tube to line pipe also.

Based upon our analysis of the petition, the responses to our questionnaire, our verification, and comments filed by petitioners and respondents, we determine the following:

I. Programs Determined to Confer Subsidies

We determine that subsidies are provided to manufacturers, producers, or exporters in Turkey of certain welded carbon steel pipe and tube products under the following programs.

A. Export Tax Rebate and Supplemental Tax Rebate. The government of Turkey provides tax rebates to exporters of certain products, pursuant to Law number 261 of July 1963, and Decree number 7/10624 of September 16, 1975, as amended by Decree numbers 8/2625 (April 23, 1981), 8/4397 (April 22, 1982) and 83/7542 (December 29, 1983).

In its questionnaire response, the government of Turkey states that the objectives of this program are to expand the range of exportable products, to increase the competitiveness of those products in world markets, and to increase the variety and volume of industrial products among Turkey's exports.

At verification we learned that, before implementing this program in 1975, Turkey's State Planning Organization conducted a study of the tax incidence on exported products. On a product-by-product basis, information on the costs of production and tax incidence was obtained from producers. The competitive position of a product in international markets, and thus its need for a tax rebate, was also taken into account. Rates of rebate were not to exceed the tax incidence on the product and could be lower where the full amount of the rebate was not necessary to make a product internationally competitive. The taxes that were meant to be rebated, which are set out in List A in Decree number 7/10624, are primarily indirect taxes, although several direct taxes are also included.

Eligible products are classified in ten lists, each list having a separate rebate rate. The amount of rebate is calculated by applying the applicable rebate rate to the amount of the FOB value of the exported goods which is repatriated and converted into Turkish lira. (Where exports are transported on Turkish vessels, the CIF value of the exported goods is used.) To be eligible for a rebate on a particular shipment, at least 80 percent of the sales proceeds must be repatriated and converted into Turkish lira. The rates of rebate during 1984 for certain welded carbon steel pipe and tube products were 20 percent from January 1 to April 1, 16 percent from April 1 to September 1, and 11 percent from September 1.

In order to determine whether export payments, purportedly operating as a rebate of indirect taxes, are in fact a *bona fide* rebate of indirect taxes, the Department examines whether: (1) The program operates for the purpose of rebating indirect taxes; (2) there is a clear link between eligibility for export payments and indirect taxes paid; and (3) the government has reasonably calculated and documented the actual indirect tax incidence borne by the product concerned and has demonstrated a clear link between such tax incidence and the rebate amount paid on export.

Where these conditions are met, the Department considers that a rebate system does not confer a subsidy to the extent that it rebates prior stage indirect taxes on inputs that are physically incorporated in the exported products and indirect taxes levied at the final

stage. To the extent that the rebates exceed the payment of such indirect taxes we would find that a countervailable benefit is being provided.

The taxes that were meant to be rebated under this program are primarily indirect taxes, although several direct taxes are included. Thus, we find that this program operated for the purpose of rebating indirect taxes.

Our examination of the process whereby the government studied the tax incidence on each product before adding it to the list of products for which rebates are available leads us to conclude that there is a link between eligibility for the rebates and indirect taxes paid, that the government of Turkey reasonably calculated and documented the actual indirect tax incidence by pipe and tube products, and that it demonstrated a clear link between such tax incidence and the rebate amount paid.

However, we were unable to verify the payment by the companies of indirect taxes on physically incorporated inputs. Consequently, we cannot follow our usual practice of not countervailing that portion of the rebate that represents such indirect taxes. Furthermore, with the introduction in Turkey on January 1, 1985, of a value added tax, all indirect taxes on physically incorporated inputs into pipe and tube (except import duties, from which exporters are largely exempt) and indirect taxes at the final stage have been abolished. Yet the export tax rebates remain. Thus, we determine that the full amount of the rebate is countervailable.

In addition to basic export tax rebates described above, the government of Turkey also provides supplemental tax rebates to exporters that have annual exports of more than $2 million. The rates of these supplemental rebates were reduced during 1984. Effective September 1, 1984, the rates applicable to exports of certain welded carbon steel pipe and tube products were 3.3 percent for exports of between $2 million and $10 million, 6.6 percent for exports of between $10 million and $30 million, and 5.5 percent for those above $30 million. For a company with annual exports of less than $30 million, these rates are applied on a graduated basis. If annual exports are more than $30 million, the 5.5 percent rate applies to the entire amount, including the first $2 million.

To calculate the benefit, we divided the amount of basic and supplemental rebate earned by each company on exports to the United States during the review period by the value of such exports. We then weight-averaged the resulting *ad valorem* benefit for each company by the company's proportion of the value of Turkish exports of the subject merchandise to the United States. On this basis, we calculated a subsidy of 14.68 percent *ad valorem*. However, we recognize that the substantial reductions in the rates of rebate during 1984 have resulted in a significant change in the benefit levels under this program. Accordingly, we have adjusted the duty deposit rate to reflect the current rebate rates, in effect since September 1, 1984. To calculate a duty deposit rate, we weight-averaged the current nominal rebate rates applicable to each company by the company's proportion of the value of exports of the subject merchandise to the United States. In this weight-average calculation we took into account that companies may not fully utilize this program if they do not repatriate and convert into Turkish lira all of their export proceeds. Thus, we reduced one company's nominal rate to reflect the fact that it did not apply for rebate payments on the full amount of its proceeds from exports to the United States during 1984. On this basis, we calculated a duty deposit rate of 14.01 percent *ad valorem*.

B. Preferential Export Financing. Preferential short-term export financing was available pursuant to Decree number 84/7557 of January 1984. (In our preliminary determinations we stated that medium-term export loans were also available under this program; we learned at verification that they are not.) This preferential export financing is obtained through commercial banks, with the Central Bank of Turkey rediscounting part or all of the loan amount. Such financing was classified as certificated and non-certificated. In the case of certificated credits, the lender could rediscount the entire loan amount with the Central Bank; for uncertificated credits only a part of the loan could be rediscounted. Certificated credits were those for which the exporter needed to have an export incentive certificate from the State Planning Organization. This program is countervailable because it provided financing to exporters, at interest rates below comparable commercial rates.

All three companies had loans with principal outstanding under this program during the review period. To calculate the benefit derived from this program, we compared the cost of the financing to the cost of comparable commercial financing. Because these loans are related to exports, and because the loans reported relate to exports of all products to all markets, we allocated the benefits over the value of each company's total exports of all products during the review period. We then weight-averaged the resulting *ad valorem* benefit for each company by the company's proportion of the value of Turkish exports of the subject merchandise to the Untied States. On this basis, we calculated a subsidy of 3.74 percent *ad valorem*.

However, short-term export financing under Decree number 84/7557 was abolished by Decree number 84/8861, which became effective on January 1, 1985. We verified that all such loans were repaid prior to our preliminary determinations. We have taken the elimination of this program into account by excluding it from the duty deposit rate.

C. Deduction from Taxable Income for Export Revenues. Article 8 of the Turkish Corporation Tax Law, as amended by Law No. 2362, permits producers that export industrial products valued in excess of $250,000 annually to deduct 20 percent of their export revenues from taxable corporate income. A 5 percent deduction is provided to exporters that are not producers.

However, under Article 94 of the Turkish Income Tax Law, as amended by Law No. 2772, these deductions are reduced. If the income from the deduction is distributed to shareholders, the deduction is reduced by 25 percent; if the income is retained, the reduction is 20 percent.

This program is countervailable because it provides a benefit which is contingent upon export performance.

All three companies used these deductions. The benefit is the amount of tax savings realized by using the deduction. Each company's benefits were allocated over the value of its total exports during the review period. By weight-averaging the resulting *ad valorem* benefit for each company by the company's proportion of the value of Turkish exports of the subject merchandise to the United States, we calculated an estimated net subsidy of 0.39 percent *ad valorem*.

D. Payments to Exporters from the Resource Utilization Support Fund (RUSF). The RUSF was created by Decree number 84/8860 which was published in the Official Journal on December 15, 1984, and became effective January 1, 1985. This fund provides payments to exporters and is also the source of funding for payments to investors with investment incentive certificates under the General Incentives Program. Exporters are eligible to receive payments in the amount of 4

percent of the FOB value of the exported goods which is repatriated into Turkish lira. (Where exports are transported on Turkish vessels, the CIF value of the exported goods is used.) Because these payments were not available for those exports which had benefited from Preferential Export Financing loans, exporters with such loans outstanding did not make full use of this program immediately after its inception. Because this element of the program provides for payments on the basis of export performance, we determine that it confers a countervailable benefit on exports.

This program did not exist during our review period and the exporters of the subject merchandise did not receive these payments on exports to the United States during the first six months of 1985. However, it is the Department's policy to adjust the duty deposit rate to correspond as nearly as possible to the eventual duty liability in cases where changes have occurred after the period for which we are measuring subsidization and prior to our preliminary determination. We have taken into account the elimination of the Preferential Export Financing program, which, in the sense that eligibility for benefits was mutually exclusive, preceded this program. Also, it appears that these benefits are granted automatically. Thus, we are adjusting the bonding rate to include benefits under this program.

In calculating the benefit, we took into account that this program operates in the same way as the export tax rebate, insofar as payment is made only on the amount of export proceeds that is repatriated into Turkish lira, and thus the program may not be fully utilized by exporters. We took the 1984 utilization experience of these companies under the export tax rebate program on exports to the United States, as best information to assess utilization under this program. We then weight-averaged the companies' rates. On this basis, we are adjusting the duty deposit rate to include an estimated net subsidy of 3.40 percent *ad valorem*.

II. Programs Determined Not To Confer Subsidies

We determine that subsidies are not being provided to manufacturers, producers, or exporters in Turkey of certain welded carbon steel pipe and tube products under the following program:

A. General Incentives Program. The General Incentives Program is designed to implement the targets of Turkey's five-year development plan and annual development programs. The government of Turkey in its questionnaire response states that the goals of the General Incentives Program are to remove development disparities among different regions, to assure economically efficient investments by region and by sector, and to direct savings to the most economically suitable investment areas.

Three distinct programs are available under the General Incentives Program. These are: (1) Income and corporation tax allowances; (2) exemptions from customs duties and other duties, fees and taxes; and (3) rebates of interest. (The programs providing exemptions from customs duties and other duties, fees and taxes and interest rebates on export credits are discussed in the section of this notice entitled "Programs Determined Not to be Used.") In order to receive benefits under any of the three programs, a company within an eligible sector or industry was required to obtain an investment incentive certificate from Turkey's State Planning Organization.

1. *Interest Rebates.* Pursuant to Decree number 83/7507, eligible companies with investment incentive certificates were able to receive low-interest medium- and long-term investment loans and short-term export loans. These loans were disbursed by commercial banks, which received interest rebates of up to 8 percent. These rebates were passed along in the form of reduced interest to borrowers. The interest rebates were made from an Interest Spread Return Fund administered by the Central Bank of Turkey.

2. *Income and Corporation Tax Allowances.* This program provides investment deductions to companies with an incentive certificate which are eligible under the General Incentives Program. These are deductions from taxable income based upon investments in new assets. The amount of the deduction varies from 30 percent to 100 percent of the cost of the investment, depending on the region and the economic sector in which the investment is made. A deduction of at least 30 percent is available to all holders of investment incentive certificates.

During our review period, the sectors and industries which are eligible for benefits were listed on a General Incentives Table. Producers of spiral tube were included on the table. Some of the sectors and industries listed on this table qualified for benefits only with respect to export oriented investments; however, for the great majority, including spiral tube producers, there was no export requirement.

Also, under the income and corporation tax allowances program, greater benefits were available to eligible companies which located in priority development regions of Turkey and to certain designated industries. None of the producers of the subject merchandise is located in these priority development regions, and pipe and tube is not among these designated industries.

The list of sectors and industries on the General Incentives Table and those which actually received investment incentive certificates encompass a broad spectrum of the Turkish economy, in agriculture, mining and manufacturing. Thus, since benefits received by producers of the subject merchandise are not contingent on investments being export oriented, we determine that they are not export subsidies. In addition, these benefits are not conditioned on location in a priority development region, and we thus determine that the programs providing income and corporation tax allowances and interest rebates under the General Incentives Program are not domestic subsidies because their benefits are not limited to a specific enterprise or industry, or group of enterprises or industries.

B. *Customs Duty Exemption Under Decree Number 84/8861.* Under Decree number 84/8861, which became effective on January 1, 1985, exporters in Turkey may obtain a customs duty exemption on the importation of raw materials used in the manufacture and packaging of exported goods. To be eligible for this exemption, exporters must obtain an export incentive certificate from Turkey's State Planning Organization.

Because the non-excessive drawback, rebate or remission of customs duties on imported items physically incorporated in the final product is not a subsidy, we determine that this program is not countervailable.

III. Programs Determined Not To Be Used

We determine that manufacturers, producers, or exporters in Turkey of certain welded carbon steel pipe and tube products did not use the following programs:

A. *Exemptions from or Deferrals of Customs Duties and Other Duties, Fees and Taxes.* Under the General Incentives Program, eligible companies with investment incentive certificates are exempt from customs duties and other taxes on imports of capital equipment related to the investment project for which the investment incentive certificate is issued. Deferrals

of duties were discontinued. (In our preliminary determinations, we stated that exemptions under this program were also available for imports of raw materials. At verification we learned that this is not the case; such exemptions are given under Decree Number 84/8861, discussed above.) We verified that this program was not used during the review period.

B. *Interest Rebates on Export Financing.* Companies with investment incentive certificates under the General Incentives Program are eligible to receive export financing with interest rebates. We verified that this program was not used during the review period.

C. *$25 Per Ton Back-up Fund.* Exporters of certain iron and steel products are eligible to receive a $20 per ton payment from Turkey's Support and Price Stability Fund for each ton of domestically produced iron and steel used in the exported product. (It was once $25 per ton; hence the name of the program.) Certain welded carbon steel pipe and tube products are not among the products eligible for these payments.

Negative Determinations of Critical Circumstances

Petitioners alleged that "critical circumstances" exist with respect to imports of the subject merchandise. Under section 705(a)(2) of the Act, we must determine whether critical circumstances exist as alleged under section 703(e). Critical circumstances exist when: "(A) the subsidy is inconsistent with the Agreement; and (B) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period."

Because we have determined that there have not been massive imports of standard pipe and tube or line pipe over a relatively short period, we need not address the issue of whether the subsidies in these investigations are inconsistent with the Subsidies Code.

To determine whether there have been massive imports of the products under investigation over a relatively short period of time, we considered: (1) Whether imports have surged recently; (2) whether recent import penetration ratios have increased significantly; and (3) whether recent imports are significantly above the average calculated over the last three years. Based upon our analysis of the information, we determine that imports of standard pipe and tube and imports of line pipe have not been massive over a relatively short period.

Since massive imports of standard pipe and tube and of line pipe do not exist over a relatively short period of time, we determine that critical circumstances do not exist with respect to standard pipe and tube and line pipe from Turkey.

Petitioners' Comments

Comment 1: Petitioners argue that the Department should find that critical circumstances exist with respect to the subject merchandise.

DOC Position: We disagree with petitioners' contention that imports of these products have been massive over a relatively short period—a prerequisite for a finding of critical circumstances.

Comment 2: Petitioners argue that benefits provided under the General Incentives Program are countervailable subsidies, despite the fact that they are not limited to a specific enterprise or industry, or group of enterprises or industries.

DOC Position: We have verified that the General Incentives Program not only is generally available to Turkish industries, but that the pipe and tube industries receive no benefits providing a *de facto* advantage. The petitioners rely upon the Court of International Trade decision in *Cabot Corp.* v. *United States,* ____ Cit ____, Slip Op. 85–102 (Oct. 4, 1985) for the proposition that we are to countervail generally available programs. We do not follow that decision.

Comment 3: Petitioners argue that, because of the elimination of indirect taxes on physically incorporated inputs into the subject merchandise, the export tax rebate has become a straight export subsidy. They also argue that where, as here, recurring export payments are tied to particular shipments, the subsidy should be calculated on the amount that will be available to be collected on each shipment.

DOC Position: We agree. See the section of this notice entitled "Programs Determined to Confer Subsidies."

Comment 4: With respect to the Preferential Export Financing program, petitioners argue that the Department should not take its elimination into account by reducing the deposit rate, unless all benefits have ceased before July 30, 1985, the date of suspension of liquidation for standard pipe and tube.

DOC Position: Because we have now determined that critical circumstances do not exist with respect to either product, the date on which suspension begins is October 28, 1985, which is after the last loans were repaid. Thus, the argument raised by petitioners is moot.

Comment 5: Petitioners argue that the deposit rate should include benefits available under the new Resource Utilization Support Fund.

DOC Position: We agree. See the section of this notice entitled "Programs Determined to Confer Subsidies."

Respondents' Comments

Comments were submitted by counsel for the government of Turkey, for the Borusan Group and for Mannesmann-Suemerbank.

Comment 1: The government of Turkey argues that the Export Tax Rebate program operates as a bona fide non-excessive rebate of indirect taxes and thus is not countervailable.

DOC Position: Unitl 1985 the Export Tax Rebate program did operate primarily to rebate indirect taxes. It would have been countervailable only to the extent that some direct taxes were rebated and hence may have constituted an overrebate. The issue is moot, however, because the government of Turkey instituted a value-added tax in January 1985, replacing most direct and indirect taxes. The incidental indirect taxes remaining, taxes on banking and insurance transactions, are not taxes on physically-incorporated inputs. Therefore, as of 1985 the tax rebate in its entirety is countervailable.

Comment 2: The government of Turkey argues that the Department should take into account the changed status of the Export Tax Rebate program, based upon the significant change in Turkish tax law on January 1, 1985, and calculate a weighted-average rate for 1984 and the first six months of 1985.

DOC Position: We disagree. One of the reasons why the Department recognizes alterations (after its review period) in programs, which result in a fundamental change in the bestowal of benefits, is to adjust the deposit rate to correspond more accurately to eventual duty liability. Because of the elimination in 1985 of prior stage indirect taxes on physically incorporated inputs into certain welded carbon steel pipe and tube products and indirect taxes levied at the final stage, the entire amount of export tax rebates in 1985 is countervailable. We have adjusted our deposit rate to reflect this fact.

Comment 3: All respondents argue that if the Export Tax Rebate program is countervailed, the rate should reflect actual utilization, rather than the levels of rebate nominally available.

The Borusan Group further argues that its rate for this program should reflect the amount of benefit actually received in 1984, not the amount applied for in 1984.

DOC Position: We agree that the rate should be calculated on the basis of actual utilization. We have calculated

the subsidy rate for this program on the basis of rebates earned during the review period. In calculating the duty deposit rate, we took into account the fact that one of the companies persistently did not repatriate and convert into Turkish lira the entire amount of its export earnings on sales to the United States. *See* section of this notice entitled "Programs Determined to Confer Subsidies."

When a tax program operates to rebate a fixed proportion of the value of each shipment, which is known to the exporter during the review period, we countervail the amount of benefit earned during the period, rather than the amount received "Certain Carbon Steel Products from Brazil: Final Affirmative Countervailing Duty Determinations" (49 F.R. 17988, 17991, April 26, 1984); "Ceramic Tile from Mexico; Final Results of Administrative Review of Countervailing Duty Order" (49 F.R. 9919, March 16, 1984). The rationale for countervailing amounts received applies when the recipient could not anticipate precisely how much would be received and hence could not make business decisions based upon benefits earned.

Comment 4: The government of Turkey and Mannesmann-Suemerbank argue that the rate for the Export Tax Rebate program should be reduced to account for: (i) Government-mandated delays in receiving payment as provided in section 771(6)(B) of the Act, and (ii) the payment of a portion of the rebate with low-interest bonds.

DOC Position: We disagree with both of the proposed reductions.

The delays in receiving payment, described by counsel for Mannesmann-Suemerbank as being due to "Government procedures and bureaucratic delays," are administrative; they are not mandated by government order.

With regard to payment of a portion of the rebate with low-interest bonds, we do not have verified information to support this claim. Although we learned at verification that one company had received low-interest bonds in part-payment of the rebates on two export sales, and were subsequently informed by another company that it had also been paid with such bonds, we do not have verified information to show that it is common practice to make payment in this manner. Also, there is no evidence that the other company subject to these investigations received the rebates in this manner. Further, we cannot speculate that receipt of these bonds warrants any reduction in the net subsidy at all, much less what that amount should be.

Comment 5: All respondents argue that the Department's calculation of the rate for the Export Tax Rebate program was incorrect, in that it was based on an erroneous assumption concerning the operation of the supplemental tax rebate.

DOC Position: We agree. The operation of the supplemental rebate was clarified at verification and we have adjusted our calculation.

Comment 6: Mannesmann-Suemerbank argues that it is entitled to an offset from the rate for the Export Tax Rebate program for indirect taxes paid in 1985 on physically incorporated imputs.

DOC Position: The questionnaire response of the government of Turkey and information obtained at verification show that indirect taxes on physically incorporated inputs were abolished by January 1, 1985. If Mannesmann-Suemerbank continued to pay such taxes during the first six months of 1985, we must regard this as an aberration. Verified information supplied by the government of Turkey is controlling in this situation.

Comment 7: All respondents argue that the Preferential Export Financing program should be excluded from the deposit rate because it has been eliminated.

DOC Position: We agree. *See* "Programs Determined to Confer Subsidies" section of this notice.

Comment 8: All respondents argue that payments to exporters from the RUSF should not be countervailed, because countervailable benefits should be measured on a receipt basis and none of the companies had received payments on exports to the United States under this program during the period covered by the Department's questionnaire. They also contend that the value of benefits is too speculative and uncertain to measure at this point.

DOC Position: We disagree. In order to apply our program-wide change methodology consistently, we must take into account not only the elimination of benefits (as we have done with regard to the Preferential Export Financing program), but also the introduction of new ones. Although none of the companies had received RUSF payments on exports to the United States as of June 30, 1985, the record shows that the two companies that exported to the United States in 1985 have applied for such payments, and we know of no legal or administrative impediments to receipt. Because benefits are a fixed proportion of export value, their valuation is not speculative or uncertain. We have taken into account that payment is made only on the amount of export proceeds repatriated and converted into Turkish lira.

Comment 9: The government of Turkey argues that if the Department countervails the RUSF payments to exporters, it should take into account. delays in receiving benefits and Turkey's high inflation rate in calculating the benefit. Also, Borusan argues that if the Department countervails this program it should take into account the factors which make utilization lower than the nominal rate of benefit.

DOC Position: Under section 771(6)(B) of the Act, an offset is allowed for "any loss in the value of the subsidy resulting from its deferred receipt, if the deferral is mandated by Government order." The delays in receiving RUSF payments and the effect of inflation are not such allowable offsets.

We have taken into account the fact that, because RUSF payments are made only on the amount of export proceeds repatriated into Turkish lira, utilization of this program may be lower than the normal rate of benefit.

Comment 10: The government of Turkey and Mannesmann-Suemerbank argue that benefits to producers of the subject merchandise under the General Incentives Program are not countervailable because these benefits are not limited to a specific enterprise or industry or group of enterprises or industries. In the alternative, they argue that these benefits should not be countervailable because producers of the subject merchandise have ceased to be eligible under the GIP.

DOC Position: We agree with the first argument. *See* the section of this notice entitled "Programs Determined Not to Confer Subsidies."

Comment 11: Borusan argues that its subsidy rate is significantly lower than those of the other firms, and that it is entitled to a company specific rate.

DOC Position: The difference in the levels of subsidization between Borsuan and the weighted-average rate is not large enough for us to consider it significant.

Comment 12: All respondents argue that the Department has no basis for finding that critical circumstances exist in these investigations, because: (i) Imports have not been massive over a relatively short period, and (ii) the subsidies are not inconsistent with the Subsidies Code.

DOC Position: Because we have determined that critical circumstances are not present, for lack of massive imports over a relatively short period, the issue raised by respondents with

respect to the second prong of the test are moot.

Verification

In accordance with section 776(a) of the Act, we verified all information used in making our final determinations. During verification we followed standard verification procedures, including meeting with government officials, inspection of documents and ledgers, and tracing the information in the responses to source documents, accounting ledgers, and financial statements.

Suspension of Liquidation

In accordance with section 703(d) of the Act, on October 28, 1985, we instructed the U.S. Customs Service to suspend liquidation of all entries of standard pipe and tube from Turkey which were entered, or withdrawn from warehouse, for consumption on or after July 30, 1985, and to suspend liquidation of all unliquidated entries of line pipe from Turkey which were entered, or withdrawn from warehouse, for consumption on or after October 28, 1985.

Because we have now determined that critical circumstances do not exist with respect to either product, we are directing the U.S. Customs Service to terminate suspension of liquidation of all entries of standard pipe and tube from Turkey that were entered or withdrawn from warehouse, for consumption, between July 30 and October 28, 1985, and to release any bond, or other security, and refund any cash deposit on these entries. As of the date of publication of this notice in the **Federal Register**, the liquidation of all entries, or withdrawals from warehouse, for consumption, of these products will continue to be suspended and the Customs Service shall require an *ad valorem* cash deposit or bond for all such entries of these products at 17.80 percent *ad valorem*.

This suspension will remain in effect until further notice.

ITC Notification

In accordance with section 705(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry within 45 days of the publication of this notice.

If the ITC determines that material injury or the threat of material injury does not exist, these proceedings will be terminated and all estimated duties deposited or security posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, we will issue a countervailing duty order, directing Customs officers to assess a countervailing duty on certain welded carbon steel pipe and tube products from Turkey entered, or withdrawn from warehouse, for consumption, on or after the date of suspension of liquidation, equal to the net subsidy amount indicated in the "Suspension of Liquidation" section of this notice.

This notice is published pursuant to section 705(d) of the Act (19 U.S.C. 1671d(d)).

Paul Freedenberg,

Assistant Secretary for Trade Administration.

January 6, 1986.

[FR Doc. 86-594 Filed 1-9-86; 8:45 am]

BILLING CODE 3510-DS-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1986; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1986 commodities and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: January 10, 1986.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On April 12, July 19, August 30, September 13, and November 1, 1985 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (50 FR 14412, 50 FR 29469, 50 FR 35288, 50 FR 37397 and 50 FR 45647) of proposed additions to Procurement List 1986, October 15, 1985 (50 FR 41809).

Two comments were received in response to the notice proposing the addition to the Procurement List of the Grounds Maintenance Service at the Bonneville Lock and Dam in Bonneville, Oregon. Both comments were from the current contractor for the service who questioned the capability of the workshop to provide the service in compliance with the requirements of the Government due to the significant backup capability for trucks, equipment, workers, supervision and mechanics necessary for satisfactory performance. The commenter also indicated that if the service were added to the Procurement List, it would have significant impact on the firm and its employees.

The Committee considered the comments received and determined that the workshop is capable of providing this service in compliance with the Government's requirements and that its addition to the Procurement List would not cause severe impact on the current contractor.

Additions

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77 and 41 CFR 51-2.5.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities and services listed.

c. The actions will result in authorizing small entities to provide the commodities and services procured by the Government.

Accordingly, the following commodities and services are hereby added to Procurement List 1986:

Commodities

Pallet Assembly
8140-01-9789
Strap, Webbing, Frame Attaching
8456-01-151-2891

Services

Grounds Maintenance, Bonneville Lock and Dam, Bonneville, Oregon
Janitorial/Custodial, U.S. Appraiser's Stores, 408 Atlantic Avenue, Boston, Massachusetts
Janitorial/Custodial, Defense Mapping Agency, 175 Brookside Avenue, West Warwick, Rhode Island

Janitorial/Custodial, Building 993, Dental Clinic, Naval Air Station, Whidbey Island, Washington.

C.W. Fletcher,

Executive Director.

[FR Doc. 86-586 Filed 1-9-86; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1986; Proposed Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed deletion to procurement list.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1986 a commodity produced by workshops for the blind and other severely handicaped.

Comments Must Be Received on or Before: February 12, 1986.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Deletion

It is proposed to delete the following commodity from Procurement List 1986, October 15, 1985 (50 FR 41809).

Mop, Wet, Cellulose
7920-00-728-1167

C.W. Fletcher,

Executive Director.

[FR Doc. 86-587 Filed 1-9-86; 8:45 am]

BILLING CODE 6820-33-M

COMMODITY FUTURES TRADING COMMISSION

Exchange Proposal To Trade Commodity Options; Chicago Mercantile Exchange

Correction

In FR Doc. 86-121 beginning on page 422 in the issue of Monday, January 6, 1986, the subject heading should be corrected to read as it appears above.

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Office of the Secretary

Nuclear Waste Policy Act of 1982; Availability of Crystalline Repository Project Draft Area Recommendation Report and Announcement of Public Information Meetings and Hearings

AGENCY: Office of Civilian Radioactive Waste Management, DOE.

ACTION: Notice of availability of draft Area Recommendation Report; announcement of public information meetings and hearings, and solicitation of comments.

EFFECTIVE DATE: January 16, 1986.

SUMMARY: The Department of Energy (DOE) has published a draft Area Recommendation Report (ARR) for 90 days of public comment. The document identifies candidate areas in crystalline rock selected through the use of the final Region-to-Area Screening Methodology for the Crystalline Repository Project. The draft report also identifies those candidate areas which are proposed as potentially acceptable sites for area phase field studies for the second deep geologic nuclear waste repository. The proposed candidate areas were selected from the 235 crystalline rock bodies which previously were identified by DOE in a series of Regional Characterization Reports which followed a national survey of crystalline rock. The 235 crystalline rock bodies are located in the following 17 States in the North Central, Northeastern, and Southeastern regions of the United States:

North Central-Michigan, Minnesota, Wisconsin

Northeast—Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rdode Island, Vermont

Southest—Georgia, Maryland, North Carolina, South Carolina, Virginia

A series of information meetings will be held to facilitate the public's review of the draft ARR. In addition, public hearings will be held on the draft ARR to receive oral as well as written comments. Written and oral comments will be given equal consideration. After consideration of comments received during the comment period, DOE will publish the final ARR.

It is anticipated that the final ARR will serve as the decision-basis document for the identification of potentially acceptable sites, as required under 10 CFR Section 960.3-2-1 of the DOE "General guidelines for the Recommendation of Sites for Nuclear Waste Repositories" (Siting Guidelines). The final ARR will describe the process and the considerations leading to the formal identification of potentially acceptable sites in crystalline rock.

DATES: Written comments should be received at DOE by April 16, 1986, to ensure consideration in the preparation of the final ARR.

ADDRESS: Written comments on the draft ARR should be addressed to: U.S. Department of Energy, ATTN: Comments-Draft ARR, Crystalline Repository Project Office, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439.

FOR FURTHER INFORMATION CONTACT:

1. Dr. Sally A. Mann, Project Manager, Crystalline Repository Project Office, Chicago Operations Office, U.S. Department of Energy, 9800 South Cass Avenue, Argonne, Illinois 60439, Phone: (312) 972-2548.

2. Ellison S. Burton, Director, Siting Division (RW-25) Office of Civilian Radioactive Waste Management, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Phone: (202) 252-1116.

3. Robert Mussler, Esq., Deputy Assistant General Counsel for Environment, Office of General Counsel, U.S. Department of Energy, Washington, DC 20585, Phone: (202) 252-6947.

In addition to sending copies of the draft ARR to individuals upon request, DOE will make the draft AAR available for review in reading rooms at DOE headquarters and field offices, at a central location in the capital of each of the 17 States listed above, at tribal headquarters of certain Indian Tribes in the 17 States, and in various public libraries in the above 17 States.

A future **Federal Register** notice will list the dates and locations for public hearings.

SUPPLEMENTARY INFORMATION:

I. Background

By the end of this century, the United Stats plans to begin operation of a geologic repository for the permanent disposal of spent nuclear fuel and high-level radioactive waste. The Nuclear Waste Policy Act of 1982 (Pub. L. 97-425) (the Act), specifies the process for selecting repository sites and assigns to DOE the responsibility for locating, constructing, operating, and decommissioning the repository. DOE is presently considering nine sites in six States for the possible location of the first repository, which is scheduled to begin operation by 1998, and has published draft environmental assessments for these nine sites for

public review and comment (See **Federal Register**, 49 FR 49540, 12–20–84).

The Act also authorizes DOE to site a second geologic repository. If Congress authorizes the construction of a second repository, it is expected that the second repository will begin operation by about the year 2006. DOE is studying crystalline rock bodies as a potential host medium for the second repository. In addition, sites recommended for site characterization for the first repository but not selected as the final site, and sites identified but not nominated for the first repository, will be considered for the second repository.

The identification of potentially acceptable sites in crystalline rock is being conducted in accordance with the Siting Guidelines. A national survey of crystalline rocks identified the North Central, Northeastern, and Southeastern regions as the most favorable regions in the United States for siting a geologic repository in crystalline rock. DOE has identified 17 States within these regions containing crystalline rock suitable for further study.

Recently, DOE has issued its final region-to-area screening methodology document and regional characterization reports for the three regions with crystalline rock under consideration as a possible host for the second repository. These reports, which were developed in consultation with the 17 States, describe the methodology and data to be used to conduct region-to-area screening. The draft ARR contains the results of this screening process and identifies proposed potentially acceptable sites for further study.

After consideration of comments received, the ARR will be finalized. At that time, potentially acceptable sites in crystalline rock will be formally identified by the Secretary of Energy and notifications to States and Indian Tribes will be made, as required by the Act and the DOE Siting Guidelines. Shortly thereafter, DOE will begin a limited field study program on the identified sites, in preparation for the nomination of sites as suitable for detailed site characterization under Section 112 of the Act. The field studies will be conducted in accordance with Area Characterization Plans, which will be issued in draft for review and comment. The work performed by DOE during this phase will be focused on obtaining the types of information required for the nomination of sites as suitable for site characterization, as outlined in Appendix IV of the Siting Guidelines.

II. Comment Procedures

A. Availability of Draft ARR

Copies of the draft ARR have been distributed to Federal, State, Indian tribe, and local agencies, as well as to organizations and individuals which have requested information about the nuclear waste repository siting process. Requests for copies of the draft ARR should include the requestor's name, address, and zip code. A daytime telephone number and area code should be included, if available. Send written requests to: U.S. Department of Energy, ATTN: Draft ARR, Crystalline Repository Project Office, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439.

Copies of the draft ARR are available for public inspection at the following DOE Public Reading Rooms at the indicated times Monday through Friday, except Federal holidays and where noted below:

1. DOE Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–6020, 9:00 a.m. to 4:00 p.m.

2. Albuquerque Operations Office, Kirtland Air Force Base, National Atomic Museum Library, Public Reading Room, Albuquerque, New Mexico 87115, (505) 844–8443, 9:00 a.m. to 5:00 p.m.

3. Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439, (312) 972–2010, 8:00 a.m. to 5:00 p.m.

4. Idaho Operations Office, 550 2nd Street, Headquarters 199, Idaho Falls, Idaho 83401, (208) 526–0271, 8:00 a.m. to 5:00 p.m.

5. Nevada Operations Office, Public Docket Room, 2753 South Highland, Las Vegas, Nevada 89114, (702) 734–3521, 8:00 a.m. to 4:30 p.m.

6. Oak Ridge Operations Office, 200 Administration Road, Room G208, Federal Building, Oak Ridge, Tennessee 37830, (615) 576–1218, 8:00 a.m. to 4:30 p.m.

7. Richland Operations Office, Hanford Science Center, Rockwell Hanford Operations, 825 Jadwin Avenue, Federal Building, Richland, Washington 99352, (509) 376–8273, Sunday 1:00 p.m. to 5:00 p.m., Monday through Saturday 9:00 to 5:00 p.m.

8. San Francisco Operations Office, 1333 Broadway, Wells Fargo Building, Reading Room, Room 240, Oakland, California 94612, (415) 273–4358, 8:30 a.m. to 4:00 p.m.

9. Savannah River Operations Office, 211 York Street, NE., Federal Building, Aiken, South Carolina 29801, (803) 725–3267, 8:30 a.m. to 4:00 p.m.

10. Boston Support Office, Analex Building, Room 1002, 150 Causeway Street, Boston, Massachusetts 02114, (617) 223–2525, 8:30 a.m. to 5:30 p.m.

11. New York Support Office, 26 Federal Plaza, Room 3200, New York, New York 10278, (212) 264–1021, 8:00 a.m. to 5:30 p.m.

B. Written Comments

Interested parties are invited to provide written comments on the draft ARR to: U.S. Department of Energy, ATTN: Comments—Draft ARR, Crystalline Repository Project Office, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439.

All comments should be received at DOE by April 16, 1986, to ensure consideration in preparing the final ARR.

C. Public Hearings

DOE plans to schedule public hearings in the 17 crystalline States, no sooner than March 1, 1986. The specific date, time, and location for each hearing; and procedures for the conduct of the hearings, will be announced in a future **Federal Register** notice.

D. Public Meetings

Prior to the public hearings, DOE will also conduct informal public information meetings on the draft ARR.

These meetings will be for the purpose of facilitating the review of the draft ARR by the public and will not be for the purpose of receiving public comments. The public is invited to comment directly to DOE in writing or at the public hearings noted above.

DOE will schedule public information meetings in the State capital of each of the 17 crystalline States. Other meetings will be scheduled as arranged.

In addition, DOE will issue specific information on the time and place of the meetings in the local news media at each location.

For further information on the public meetings, Dr. Mann may be contacted at the address and phone number listed above.

Issued in Washington, DC, January 6, 1986.

Ben C. Rusche,

Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 86–566 Filed 1–9–86; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. TA86-3-18-000,001]

Texas Gas Transmission Proposed Changes in FERC Gas Tariff

January 6, 1986.

Take notice that Texas Gas Transmission Corporation (Texas Gas), on 12-13-85 tendered for filing Third Revised Sheet No. 10 and Second Revised Sheet No. 14 to its FERC Gas Tariff, Volume No. 1.

The tariff sheets are proposed to be effective February 1, 1986, to reflect a reduction of purchased gas costs pursuant to the Purchased Gas Adjustment clause of Texas Gas' FERC Gas Tariff.

Copies of the filing were served upon Texas Gas' jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before 1-13-86. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-558 Filed 1-9-86; 8:45 am]

BILLING CODE 6717-01-M

Application Filed With the Commission

January 6, 1986.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

a. Type of Application: Transfer of License.

b. Project No.: 4784-011.

c. Date Filed: December 3, 1985.

d. Applicant: Androscoggin Water Power Company (Licensee) and Topsham Hydro Partners Limited Partnership (Transferee).

e. Name of Project: Pejepscot.

f. Location: on the Androscoggin River in Sagadahoc, Cumberland, and Androscoggin Counties, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825 (r).

h. Contact Person: Mr. David B. Ward, Flood & Ward, 1000 Potomac Street NW., Suite 402, Washington, DC 20007.

i. Comment Date: January 16, 1986.

j. Description of Transfer: On December 3, 1985, the Androscoggin Water Power Company (Licensee), and Topsham Hydro Partners limited Partner ship (Transferee), filed a joint application for transfer of a major license for the Pejepscot Project No. 4784.

The purpose of the proposed transfer of the license is to facilitate the financing of the licensed project. The Transferee would sell Limited partnership interests to a small number of investors. Limited partners would have no ownership of or control over the project.

The proposed transfer of the license to Topsham Hydro Partners limited Partnership would not result in any changes in the proposed development. All engineering, design, and feasibility studies performed would be transferred to the Transferee.

The Transferee states that it would comply with all the terms and the conditions of the license. Construction is required to be completed by September 16, 1987.

k. This notice also consists of the following standard paragraphs: B and C.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION" "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203-RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-552 Filed 1-9-86; 8:45 am]

BILLING CODE 6717-01-M

Application Filed With the Commission

January 6, 1986

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

a. Type of Application: Transfer of License.

b. Project No.: 2808-001.

c. Date Filed: November 27, 1985.

d. Applicant: Maine Hydroelectric Development Corporation and the Lower Barker Hydro Company, Inc .

e. Name of Project: Barker's Mill Hydroelectric.

f. Location: On the Little Androscoggin River within the Town of Auburn, Androscoggin County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Christopher Howard, c/o Peirce, Atwood, Scribner, Allen, Smith, & Lancaster, One Monument Square, Portland, ME 04101.

i. Comment Date: January 16, 1986.

j. Description of Project: On February 23, 1979, a minor license was issued to the Maine Hydroelectric Development Corporation (MHDC) to construct, operate and maintain the Barker's Mill Hydroelectric Project No. 2808. It is proposed to transfer the license to the Lower Barker Hydro Company, Inc. (LBHC). The Lower Barker Hydro Company, Inc. is a Delaware corporation, the sole shareholder of which is the Maine Hydroelectric Development Corporation. There is a total identity of the parties to the transfer for which this approval is requested, as the Transferor and the sole Transferee are one and the same Maine Hydroelectric Development Corporation. This will transfer the project properties from a general purpose corporation into a single purpose corporation.

k. This notice also consist of the following standard paragraphs: B.

1. Filing and Service of Responsive Documents: Any filings must bear in all Capital letters the title "COMMENTS", "PROTESTS" or "MOTION TO INTERVENE", as applicable, and the Project Number of this application. Any of the above named documents must be filed providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: Fred E. Springer, Director, Division of Project Management, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 203 RB at the above address. A copy of any motion to intervene must also be served upon the representatives of the Applicants specified herein.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-553 Filed 1-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-1-61-000, 001]

Bayou Interstate Pipeline System; Filing

January 6, 1986.

Take notice that Bayou Interstate Pipeline System (Bayou), on December 31, 1985 tendered for filing Third Revised Sheet No. 4A and Second Revised Sheet No. 5 of its FERC Gas Tariff, Original Volume No. 1. The tariff sheets were filed pursuant to the Purchased Gas Cost Adjustment and Incremental Pricing Adjustment provisions contained in Sections 15 and 16 of Bayou's tariff. Copies of the filing were served upon Bayou's jurisdictional customer and interested state regulatory commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Captitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-541 Filed 1-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-163-000]

Commonwealth Edison Co.; Order Accepting for Filing and Suspending Rates, Granting Intervention, Granting Waiver of Filing Requirements, Requiring Supplemental Filing, and Deferring Further Procedures

Issued January 3, 1986.

Before Commissioners: Raymond J. O'Connor, Chairman; A. G. Sousa, Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

On November 6, 1985, Commonwealth Edison Company (Edison) submitted for filing a proposed increase in rates and revisions to certain credits applicable to the Cities of Batavia, Naperville, and St. Charles, Illinois (Cities).[1] The proposed changes have been filed as a result of a settlement agreement approved by the Commission in Docket No. ER85-404-004.[2] The settlement provides that the charges for service to the Cities shall be identical in all substantive respects to Edison's retail Rate 6L-Large General Service tariff as filed with and approved by the Illinois Commerce Commission.

The company requests that, in accordance with the terms of its settlement agreement with the Cities, the proposed rate changes become effective on October 29, 1985, the date on which the revised Rate 6L became effective. Accordingly, the company requests waiver of the notice requirements. Further, Edison seeks to incorporate by reference the cost of service data filed in Docket No. ER85-404-000. Edison therefore requests waiver of the filing requirements to the extent necessary.

Notice of the filing was published in the **Federal Register**, with comments due on or before November 22, 1985.[3] The Cities filed a timely motion to intervene.

According to the Cities, the Illinois Commission approved, as part of Edison's recent retail rate increase, a new Rider 19 (entitled Industrial Development)[4] effective November 4, 1985, which Edison has not included in its filing before this Commission. Because Rider 19, a discount provision, is applicable to Rate 6L, the Cities contend that it should have been included in Edison's current wholesale rate filing. The Cities request that the Commission order Edison to file Rider 19, and they state that they may wish to comment on Rider 19 once it is filed. They do not otherwise object, however, to Edison's proposed rates or to the requested effective date.

On December 9, 1985, Edison filed an answer to the Cities' motion. Edison objects to the request for intervention, alleging that the motion raises no issue with respect to the filing that is the subject of this proceeding. According to Edison, the settlement in Docket No. ER85-404-000 was intended to track Rate 6L and only certain riders which were identified and filed at the time of the settlement. According to Edison, it is under no obligation to fashion new riders for application to wholesale service. In addition, Edison asserts that it has not singled out the Cities for exclusion from Rider 19 because only about 20 to 25 of its 1600 Rate 6L customers will ever qualify for the rider. Finally, Edison states that little purpose would be served by filing the rider in this docket because it is, by its terms, inapplicable to reselling municipal electric systems. Edison therefore requests that its proposed rates be accepted for filing without suspension, and that the proceeding be terminated.

Discussion

Notwithstanding Edison's opposition, we shall grant the Cities' motion to intervene. We are satisfied that the

[1] *See* Attachment A for rate schedule designations.

[2] 32 FERC ¶61512 (1985).

[3] 50 FR 47587 (1985).

[4] Rider 19 provides for a discount for loads which exceed the customers' peak loads (established since September, 1984) by more than 10%. Rider 19 is available to any new or existing Rate 6L customer, with a projected demand in excess of 5 MW, involved in the manufacture of a product. The customers must represent that the additional demands are the result of business decisions made on the basis of the available discount.

Cities have an interest in the outcome of this proceeding that is not represented by another party and, as discussed below, we believe that they have advanced a legitimate issue in this docket.

We shall grant Edison's motion for waiver of the outstanding filing requirements in order to allow the company to incorporate by reference the cost of service data filed in Docket No. ER85-404-000. The test period in that docket (calendar 1985) is technically defective inasmuch as it begins one month earlier than is permitted under § 35.13 of the Commission's regulations.[5] However, this is a relatively minor departure from the test period regulations and, as previously noted, the current filing is intended to mirror the retail rates; thus, the rates are designed to recover revenues well below the claimed cost of service in any event. Further, we note that the Cities have not objected to Edison's failure to update its test year data.

Having considered the applicable settlement provisions and the clear purposes of such an arrangement, we shall direct Edison to file revised wholesale rate schedules reflecting the inclusion of the Rider 19 discount provisions. Pending receipt and evaluation of the amended filing, we find that Edison's submittal has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, in light of our directive that Edison refile its rates, we shall provide for a hearing, in the event it becomes necessary, and we shall impose a nominal suspension to afford refund protection pending evaluation of Edison's amended filing. We shall, however, defer any further procedures pending the submission of Edison's filing.

In view of the fact that the requested effective date for the base rates and revised credits tracks the increase in Edison's retail rates, as required by its settlement agreement, and the affected customers do not oppose the request for waiver of the notice requirements, we find that good cause exists to grant the waiver. Thus, we shall accept Edison's submittal for filing, as modified consistent with this order, and we shall suspend the base rates and revised credits to become effective, subject to refund, on October 29, 1985; the required rate discount provision shall be suspended to become effective on November 4, 1985, subject to refund.

[5] 18 CFR 35.13 (1985).

The Commission orders:

(A) The Cities' motion to intervene is hereby granted.

(B) Edison's requests for waiver of the filing and notice requirements are hereby granted.

(C) Edison is hereby directed to file, within thirty (30) days of the date of this order, revised wholesale rate schedules including the Rider 19 discount provisions.

(D) Edison's proposed rates, as amended by this order, are hereby accepted for filing and suspended; Edison's base rates and credits shall become effective, subject to refund, on October 29, 1985, and the Rider 19 discount provision shall become effective on November 4, 1985, subject to refund.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held, if necessary following the submission of Edison's revised filing, concerning the justness and reasonableness of the company's rates. In the interim, further procedures regarding Edison's rates are hereby deferred pending the filing and evaluation of Edison's rate discount provision.

(F) Subdocket 000 of Docket No. ER86-163 is hereby terminated. Docket No. ER86-163-001 will be assigned to the submission ordered in Paragraph (C) above.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

Commonwealth Edison Company

Docket No. ER86-163-000

Rate Schedule Designations

(1) First Revised Sheet, No. 1G to FERC Electric Tariff, Original Volume No. 1 (Supersedes Original Sheet No. 1G)

(2) First Revised Sheet No. 8A to FERC Electric Tariff, Original Volume No. 1 (Supersedes Original Sheet No. 8A)

Attachment B

Commonwealth Edison Company

Docket No. ER86-163-000

78B Electric Service Contract

B. *Rates.* The Customer will receive and pay for electric service under the Company's Rate 78B, subject to the Special Provisions, if any, attached to and made a part of this Contract, and the terms and conditions and other applicable provisions of the Company's electric tariff, including Riders 6, 7A, 8A, 9A, 11A and 20A, all as on file with the Federal Energy Regulatory Commission, or other regulatory agency having jurisdiction (the "FERC"), copies of which are available from the Company on request. Contract form(s) for Rider No(s). 6 and 7A attached hereto are part of this Contract. Rate 78B attached to this Contract is identical in all substantive respects to the Company's retail Rate 6L-Large General Service. It is the intent of the Company and the Customer that during the term of this Contract Rate 78B will be identical to Rate 6L as Rate 6L may be changed from time to time with the approval of the Illinois Commerce Commission. Therefore, the Company will file changes to Rate 78B, including the Special Provisions, terms and conditions and riders related thereto, with the FERC whenever the Company places into effect changes in its retail Rate 6L approved by the Illinois Commerce Commission, such changes in Rate 78B to be identical to the changes approved in Rate 6L and to take effect simultaneously with the changes approved in Rate 6L. No other changes in Rate 78B shall be made while this Contract is in effect.

(Footnote Omitted)

[FR Doc. 86-550 Filed 1-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP86-234-000]

El Paso Natural Gas Co.; Application

January 6, 1986.

Take notice that on December 12, 1985, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP86-197-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the best-efforts transportation and delivery of natural gas in interstate commerce for Goodpasture, Inc. (Goodpasture), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

El Paso states that Goodpasture currently owns and operates an anhydrous ammonia plant near the City of Dimmitt, Texas, for which it uses natural gas for use as feedstock. In order to provide a continued source of natural gas as feedstock at the Dimmitt plant, Goodpasture and Northern Natural Gas Marketing, Inc. (Northern), are said to have entered into a gas sales agreement under which Northern has agreed to sell and Goodpasture has agreed to purchase its total supplies of natural gas to satisfy the entire feedstock requirements at the Dimmitt plant. It is stated that since the supply to be purchased by Goodpasture from Northern is not located in close proximity to its Dimmitt plant, Goodpasture has entered into a transportation arrangement with El Paso which provides for the transportation of natural gas and other supplies which may be acquired by Goodpasture from other suppliers and made available to El Paso at other existing points of receipt on El Paso's system for delivery to Goodpasture's Dimmitt plant.

El Paso would recive natural gas purchased by Goodpasture from various producers in Texas and New Mexico and transport and deliver it to Goodpasture in Castro County, Texas. Goodpasture would pay El Paso for each dekatherm of natural gas delivered to Goodpasture the "Back Haul Charge—Texas" rate in Sheet No. 20 of El Paso's FERC Gas Tariff, Original Volume No. 1–A, or superseding tariff.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 17, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for El Paso to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–542 Filed 1–9–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA86–1–15–000, 001]

Mid Louisiana Gas Co.; Proposed Change in Rates

January 6, 1986.

Take notice that Mid Louisiana Gas Company (Mid Louisiana) on December 27, 1985, tendered for filing as a part of First Revised Volume No. 1 of its FERC Gas Tariff, Fifty-Fourth Revised Sheet No. 3a and Thirteenth Revised Sheet No. 3c to become effective February 1, 1986. Mid Louisiana also tendered for filing as a part of First Revised Volume No. 1 of its FERC Gas Tariff, Alternate Fifty-Fourth Revised Sheet No. 3a to become effective February 1, 1986.

Mid Louisiana states that the purpose of the filing of Fifty-Fourth Revised Sheet No. 3a is to reflect a Purchased Gas Cost Current Adjustment and a Purchased Gas Cost Surcharge resulting in a rate of 319.63¢ per Mcf.

Mid Louisiana states that the purpose of the filing of Alternate Fifty-Fourth Revised Sheet No. 3a is to reflect the Commission's publically stated policy, with respect to exchange gas, annuciated at its meeting of December 4, 1985, resulting in a rate of 329.31¢ per Mcf.

This filing is being made in accordance with Section 19 of Mid Louisiana's FERC Gas Tariff, and the Purchased Gas Cost Current Adjustment reflects rates payable to Mid Louisiana's suppliers during the period February 1, 1986 through July 31, 1986.

Copies of this filing have been mailed to Mid Louisiana's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–543 Filed 1–9–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA86–3–16–000, 001]

National Fuel Gas Supply Corp.; Proposed Tariff Changes

January 6, 1986.

Take notice that on December 31, 1985 National Fuel Gas Supply Corporation ("National") tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Sixth Revised Sheet No. 4 to be effective February 1, 1986 and as part of its FERC Gas Tariff, First Revised Volume No. 2, First Revised Sheet No. 451 to be effective January 1, 1986.

National states that the purpose of Sixth Revised Sheet No. 4 is to reflect a net decrease of 34.43¢ per Dth. This change consists of a decrease in current purchase gas cost of 6.03¢ per Dth, a decrease in the purchase gas cost surcharge adjustment of 28.19¢ per Dth and the elimination of the .21¢ surcharge to recover Pennsylvania capital stock tax.

National also states that the purpose of First Revised Sheet No. 451 is to reflect revised billing determinants for Algonquin Gas Transmission Company under Rate Schedule CDS–1 as agreed to in the settlement of CP84–7.

National states that copies of this filing were served upon the company's jurisdictional customers and the regulatory commissions of the States of New York, Ohio, Pennsylvania, Delaware, and New Jersey.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 214 of the Commission's Procedural Rules (18 CFR 385.214). All such motions or protests should be filed on or before

January 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-545 Filed 1-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-1-26-000, 001]

Natural Gas Pipeline Company of America; Change in Rates

January 6, 1986.

Take notice that on December 31, 1985, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1 (Tariff), the below listed tariff sheets to be effective January 1, 1986.

Sixtieth Revised Sheet No. 5
Twenty-seventh Revised Sheet No. 5A
Thirteenth Revised Sheet No. 5C
Thirteenth Revised Sheet No. 5D

Natural states the purpose of the instant filing is to implement an out-of-cycle PGA unit rate adjustment (including revised surcharge) calculated pursuant to Sections 18 and 29 of the General Terms and Conditions of Natural's Tariff (PGA and Incremental Pricing). Natural states the intent of the out-of-cycle PGA unit adjustment as submitted herein is to put into effect rates that reflect a $1.90 per MMBtu market-out price which is 60¢ per MMBtu lower than the $2.50 per MMBtu market-out price underlying Natural's currently effective rates. This significantly lower market-out price coupled with the revised mix—both volume and price—of the projected purchased gas cost underlying the January 1, 1986, PGA unit adjustment will immediately give Natural's jurisdictional customers a significantly lower purchased gas cost. The surcharge proposed to be effective January 1, 1986, has been computed based on the balance accumulated in the Unrecovered Purchased Gas Cost Account as of November 30, 1985. This date is the same as that which would have been used to compute, absent the requested waiver, the surcharge effective March 1, 1986.

Natural also submitted for filing as part of its Tariff Seventh Revised Sheet No. 118 to be effective retroactively to June 1, 1985. The purpose of this revised sheet is to revise Paragraph 18.61 of Natural's PGA tariff provision to provide that the purchased gas cost recorded as a debit to Account 191 will be adjusted for the effect of exchange gas transactions recorded in Account 806. The retroactive application of this revision is requested in order that the balance of Account 191 that serves as the basis for the PGA surcharge filed herein will reflect the effect of exchange gas balances.

A copy of the filing is being mailed to Natural's jurisdictional customers and to interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211. All such motions or protests must be filed on or before January 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-546 Filed 1-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-7004-038]

Pennzoil Co.; Twenty-Third Amendment to Application for Immediate Clarification or Abandonment Authorization

January 6, 1986.

Take notice that on December 30, 1985, Pennzoil Company (Pennzoil), P.O. Box 2967, Houston, Texas 77001, filed in Docket No. G-7004-038 an application for immediate clarification of Order dated November 24, 1980 in the above-referenced docket or abandonment authorization for as much gas as is required to allow sales of gas to nine new applicants for residential service in West Virginia in addition to those applicants specified in Pennzoil's original application filed on October 25, 1982. In filing this Twenty-Third Amendment to its original application, Pennzoil incorporates herein and renews each of the requests for clarification or abandonment authorization set forth in that application. Service to these applicants and existing customers would be provided from gas supplies that would otherwise be sold to Consolidated Gas Supply Corporation (Consolidated), an interstate pipeline.

Pennzoil states that immediate action is necessary to protect the health, welfare and property of the applicants and customers in West Virginia who depend upon Pennzoil for their gas supply needs. Pennzoil also states that immediate action also is required because, by order dated October 21, 1982, the Public Service Commission of West Virginia directed Pennzoil "to show cause, if any it can, why it should not be found to be in violation of its duty . . . to provide adequate gas service to all applicants . . . and why it should not be required to provide service to domestic customers in West Virginia when requests are received for same.

Consolidated has indicated that it has no objection to the requested authorization.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said amendment to the original application should on or before, January 13, 1986, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Any person previously granted intervention in connection with Pennzoil's original application in Docket No. G-7004-006 need not seek intervention herein. Each such person will be treated as having also intervened in Docket No. G-7004-038.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-548 Filed 1-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-17-000, 001]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

January 6, 1986.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on December 31, 1985 tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, and Original Volume No. 2, six copies each of the following tariff sheets:

Fourth Revised Volume No. 1

Seventy-seventh Revised Sheet No. 14
Seventy-seventh Revised Sheet No. 14A
Seventy-seventh Revised Sheet No. 14B
Seventy-seventh Revised Sheet No. 14C
Seventy-seventh Revised Sheet No. 14D
Thirteenth Revised Sheet No. 14E

Original Volume No. 2

Twenty-second Revised Sheet No. 235
Fourteenth Revised Sheet No. 241
Twenty-third Revised Sheet No. 322

The above tariff sheets are being issued pursuant to section 23, Purchased Gas Cost Adjustment, and section 27, Electric Power Cost (EPC) Adjustment, contained in the General Terms and Conditions of Texas Eastern's FERC Gas Tariff. These sheets are also being issued pursuant to Article XI, Staten Island LNG Facility, contained in the Stipulation and Agreement in Docket No. RP78-87 approved by Commission order issued April 4, 1980.

The changes proposed consist of:

(1) A PGA increase of $.011/dth in the Demand-1 component and $.0368/dth in the Demand-2 component of Texas Eastern's rates and a decrease of $.3033/dth in the commodity component pursuant to section 23 of Texas Eastern's tariff based upon an overall decrease in the projected cost of gas purchased from producers and pipeline suppliers and a negative balance in Account 191 as of October 31, 1985;

(2) Projected Incremental Pricing Surcharges are zero for the period February 1986 through July 1986, pursuant to section 23 of Texas Eastern's tariff and the Commission's regulations; and

(3) A change in rates for sales and transportation services pursuant to section 27 of Texas Eastern's tariff to reflect the projected annual electric power cost incurred in the operation of transmission compressor stations with electric motor prime movers for the 12 months beginning February 1, 1986 and to reflect the EPC surcharge which is designed to clear the latest balance in the Deferred EPC Account as of October 31, 1986.

(4) A decrease in rates under Rate Schedule SS based upon the elimination from rates of the increment associated with the 55% amortization of LNG facilities, pursuant to the provisions of Article XI of the RP78-87 Stipulation and Agreement.

Under the new pricing structure of the ProGas Limited contract dated May 17, 1979 Texas Eastern's payments to ProGas Limited involve a fixed monthly demand charge as well as a commodity charge based upon the quantity of gas purchased. Consistent with the treatment accorded charges from its pipeline suppliers Texas Eastern has reflected the cost of gas purchased from ProGas Limited on an "as billed" basis. In the instant filing Texas Eastern's total annual demand payments to ProGas Limited equal $13,689,000.

The Commission's order issued January 31, 1984 in Texas Eastern's Docket No. TA84-1-17-001 required Texas Eastern to eliminate estimated balances for the month of November, 1983 from the Deferred Gas Cost Account Balance (Account 191) for the purpose of the surcharge calculation and further required Texas Eastern to continue this methodology in all future PGA filings. In light of this order and discussions between Texas Eastern and the Commission Staff, Texas Eastern in this instant filing is using the six months ended October 31, 1985 Account 191 balance, exclusive of October, 1985 estimates, for the surcharge calculation.

In addition Texas Eastern has removed from the October 30, 1985 Account 191 balance amounts related to retroactive payments paid to producers for production related costs based on the Commission Order No. 94A. These costs are the subject of a separate Direct Billing Procedure approved by Commission order dated September 30, 1985 in Docket No. RP85-170-000.

The proposed effective date of the above tariff sheets is February 1, 1986.

Texas Eastern respectfully requests waiver of any of the Commission's Regulations deemed necessary to accept the above tariff sheets to be effective on February 1, 1986.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before January 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-549 Filed 1-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-1-52-000, 001]

Western Gas Interstate Co.; Proposed PGA Rate Adjustment

January 6, 1986.

Take notice that on December 31, 1985, Western Gas Interstate Company ("Western") submitted for filing Fourth Revised Sheet No. 10, and Fourth Revised Sheet No. 11 to its FERC Gas Tariff, First Revised Volume No. 1. Said tariff sheets are proposed to become effective on February 1, 1986.

Western states that the proposed change in rates is being filed in accordance with its Tariff's PGA clause which permits the recovery of changes in the cost of gas and of unrecovered purchased gas costs. Western further states that the proposed change provides for: (1) A decrease under Western's Rate Schedule G-N of 95.19¢ per Mcf; (2) a proposal to collect deferred Account 191 balances under Rate Schedule G-R as a lump-sum payment; and (3) a decrease under Western's Rate Schedule G-S of 66.06¢ per Mcf.

Western states that copies of this filing were served upon Western's transmission system customers and the interested state regulatory commissions. The filing is on file with the Commission and open to public inspection.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before January 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-551 Filed 1-9-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-33-000]

Midwestern Gas Transmission Co.; Filing of Changes in Rates

January 6, 1986.

Take notice that on December 30, 1985, Midwestern Gas Transmission Company (Midwestern) tendered for filing changes in its FERC Gas Tariff for its Southern and Northern Systems, proposed to be effective January 1, 1986, consisting of the following revised tariff sheets:

Original Volume No. 1

Substitute Sixteenth Revised Sheet No. 5
Substitute Seventeenth Revised Sheet No. 6
First Revised Sheet Nos. 22, 23, 25, 26, 28, 29, 30, 88, 89, 90, 92, 93, 94, 95, 96, 97, 151, 153, 172, 175, 179, 182 and 264
Second Revised Sheet Nos. 24, 85B, 98, 100, 101, 171 and 178
Third Revised Sheet Nos. 21, 33, 34, 86 and 263
Fifth Revised Sheet No. 84

Original Volume No. 2

First Revised Sheet Nos. 10, 34, 36, 64B, 64C, 64D, 68B, 68C, 68D, 68E, 68F and 68G
Second Revised Sheet No. 68D
Third Revised Sheet Nos. 6 and 7
Fifth Revised Sheet No. 64F
Sixth Revised Sheet No. 62L
Seventh Revised Sheet No. 62K
Thirteenth Revised Sheet No 37

Midwestern states that the purposes of this filing are to implement a rate decrease for Midwestern's Southern System and Northern System, to establish new Base Tariff Rates for the Southern and Northern Systems in accordance with § 154.38(d)(4)(vi) of the Commission's Regulations, and to state Midwestern's sales, storage and transportation rates on a dekatherm basis consistent with Article III, Section 3 of the Stipulation and Agreement dated July 9, 1984 in *Midwestern Gas Transmission Co.*, Docket Nos. RP81-17, RP81-57 and RP82-117.

Midwestern states that the proposed rates produce an annual system-wide decrease in revenues of $1.8 million compared to the currently effective rates. Midwestern states further that it has decided to forgo increasing any of its rates to recover its cost of service. Instead, where a demand rate increase was indicated, Midwestern has continued the existing demand rate. Similarly, where commodity rates would have increased or would have decreased by less than three percent, Midwestern has proposed a minimum commodity rate reduction of three percent. As a consequence, Midwestern states, the revised rates are designed to recover $2.6 million less than the claimed system-wide cost of service. Midwestern explains that all customers will experience rate reductions under the filing.

Midwestern requests a waiver of the Commission's thirty-day notice requirements under § 154.22 of the Commission's Regulations so that the tariff changes may take effect January 1, 1986 as proposed. Midwestern avers that the grant of the waiver will give its customers the benefit of immediate rate reductions and will allow it to comply with the requirements of § 154.38(d)(4)(vi) without the need for wasteful, duplicative filings.

Midwestern states that the changes also implement full dekatherm billing consistent with the July 9, 1984 Stipulation in Docket Nos. RP81-17, RP81-57 and RP82-117. Midwestern avers that the change to dekatherm billing is not designed to change its revenue recovery with respect to any of its customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before January 13, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-544 Filed 1-9-86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51602; FRL 2941-5]

Certain Chemicals Premanufacture Notices

Correction

In FR Doc. 85-30168 beginning on page 51944 in the issue of Friday, December 20, 1985, make the following corrections:

1. On page 51946, in the second column, in **P 86-268**, in the 16th line, ">5" should read "<5". In the third column, in **P 86-274**, in the fifth line, "6,5000" should read "6,500" and in the eighth line, the word "observable" was mispelled.

2. On page 51947, in the first column, in **P 86-274**, in the fourth line of the column, "9^{02}" should read "9^{O_2}" and in the fifth line, insert "0 mg/" at the beginning of the line.

3. On the same page, in the same column, in **P 86-277**, in the 13th line, insert "11" between "of" and "workers". In the second column, insert the heading **"P 86-279"** between the ninth and tenth lines of the column.

BILLING CODE 1505-01-M

[OPTS-51605; FRL-2953-2]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of seventeen PMNs and provides a summary of each.

DATES: Close of Review Period:

P 86-333, 86-334, 86-335, 86-336 and 86-337—March 26, 1986.
P 86-338—Mach 29, 1986.
P 86-339, 86-340, 86-341, 86-342, 86-343, 86-344, 86-345, 86-346 and 86-347—March 30, 1986.
P 86-348 and 86-349—March 31, 1986.

Written comments by:

P 86-333, 86-334, 86-335, 86-336 and 86-337—February 24, 1986.
P 86-338—February 27, 1986.
P 86-339, 86-340, 86-341, 86-342, 86-343, 86-344, 86-345, 86-346 and 86-347—Febraury 28, 1986.
P 86-348 and 86-349—March 1, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-51605]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection

Agency, Rm. E-201, 401 M St., SW, Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M St., SW, Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

P-86-333

Manufacturer. E. I. du Pont de Nemours and Company, Inc.
Chemical. (G) Aromatic polyamide.
Use/Production. (G) Membranes. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Slight.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86-334

Manufacturer. E. I. du Pont de Nemours and Company, Inc.
Chemical. (G) Aromatic amino compound.
Use/Production. (G) Monomer for condensation polymer. Prod. range: Confidential.
Toxicity Data. Acute oral: 630 mg/kg; Ames test: Positive; Inhalation: 5.7 mg/L.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-335

Manufacturer. E. I. du Pont de Nemours and Company, Inc.
Chemical. (G) Aromatic nitro compound.
Use/Production. (G) Intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: 7,500 mg/kg; Ames test: Negative; Inhalation: 6.5 mg/L.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-336

Manufacturer. E. I. du Pont de Nemours and Company, Inc.
Chemical. (G) Aromatic polyamide.
Use/Production. (G) Membranes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86-337

Manufacturer. E.I. du Pont de Nemours and Company, Inc .
Chemical. (G) Aromatic polyether ketone.
Use/Production. (G) Thermoplastic for films, molded parts, and coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86-338

Importer. Confidential.
Chemical. Quaternary ammonium compound.
Use/Import. (G) Lubricant on intermediate products in textile manufacturing; dispersive use. Import range: Confidential.
Toxicity Data. Acute oral: 5,000 mg/kg; Irritation: Skin—Slight to moderate, Eye—Mild to moderate; Ames test: Nonmutagenic; Skin sensitization: No sensitization. Inhalation: 56.3 mg/kg; Upper airway irritation: 0.54 mg/L.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by waste water treatment system.

P 86-339

Manufacturer. Confidential.
Chemical. (G) Styrenated acrylic copolymer.
Use/Production. (G) Industrial paint, non-spray. Prod. range: 100,000-400,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 48 workers, up to 8 hrs/da, up to 250 da/yr.
Environmental Release/Disposal. 1 to 115 kg/batch released to land. Disposal by incineration and landfill.

P 86-340

Manufacturer. Confidential.
Chemical. (G) Substituted zinc benzoate.
Use/Production. (G) Contained use. Prod. range: Confidential.
Toxicity Data. Acute oral: > 5.0 gm/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.
Exposure. Manufacture: dermal, a total of 72 workers, up to 4 hrs/da, up to 3 da/yr.
Environmental Release/Disposal. Release to air and land. Disposal by landfill or burned in accordance with the stringent requirements of the Clean Air Act, Clean Water Act and/or Resource Conservation and Recovery Act (RCRA).

P 86-341

Manufacturer. Confidential.
Chemical. (G) Polyurethane.
Use/Production. (G) Oligomer. Prod. range: 1,00—3,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 1 worker, up to 8 hrs/da, up to 4 da/yr.
Environmental Release/Disposal. Minor waste draining product released to land.

P 86-342

Manufacturer. Confidential.
*Chemical. (G) Polymer of 4,4'-*isopropylidene diphenol-epichlorohydrin resin, phosphoric acid, ethylene oxide adduct, methyl ester of methacrylic acid, vinyl benzene, ethylpropenate, organic peroxide, and alpha methyl acrylic acid.
Use/Production. (S) Industrial thermoset epoxy acrylic copolymer for coating metal surfaces. Prod. range: 12,000-24,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal and inhalation, a total of 5 workers, up to 10 hrs/da, up to 7 da/yr.
Environmental Release/Disposal. Confidential.

P 86-343

Manufacturer. H. B. Fuller Company.
Chemical. (G) Amino functional, styrene, acrylic ester multipolymer.
Use/Production. (G) Binder. Prod. range: 504,000-1,500,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 50 workers, up to 3 hrs/da, up to 42 da/yr.
Environmental Release/Disposal. 40 kg/batch released to air and water. Disposal by publicly owned treatment works (POTW).

P 86-344

Manufacturer. Epolin, Incorporated.
Chemical. (S) 3,9-di(5-norbornene-2-yl)-1,5,7,11-tetraoxaspiro[5.5]undecene.
Use/Production. (S) Industrial comonomer blended with epoxy and other resins. Prod. range: 1,155-27,273 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 3 workers, up to 5 hrs/da, up to 90 da/yr.
Environmental Release/Disposal. 0.1 kg/batch released to land. Disposal by approved landfill.

P 86-345

Manufacturer. Confidential.
Chemical. (G) Acrylate modified polyvinyl chloride.
Use/Production. (G) Polymer modifier. Prod. range: Confidential
Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 44 workers, up to 8 hrs/da, up to 93 da/yr.
Environmental Release/Disposal. 1 to 5 kg/run and 1 to 263 kg/batch released to land.

P 86-346

Manufacturer. Confidential.
Chemical. (G) Substituted acrylated alkoxylated aliphatic polyol.
Use/Production. (G) Component in a coating on an article. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 48 workers, up to 4 hrs/da, up to 360 da/yr.
Environmental Release/Disposal. 0.001 to < 0.5 kg/batch and 0.01 to 0.02 kg/da. Disposal by incineration.

P 86-347

Importer. Confidential.
Chemical. (G) Polyether.
Use/Import. (G) Polyurethane elastomers. Import range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. No exposure.
Environmental Release/Disposal. No release.

P 86-348

Manufacturer. Confidential.
Chemical. (G) Sulfurized alkene.
Use/Production. (G) Contained use. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

P 86-349

Manufacturer. E. I. du Pont de Nemours and Company, Inc.
Chemical. (G) Preimidized polyimide.
Use/Production. (G) Open non-dispersive use. Prod. range: Confidential.
Toxicity Data. Ames test: Negative.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

Dated: January 6, 1986.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 86-576 Filed 1-9-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59747; FRL-2953-1]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984 (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of two such PMN and provides a summary.

DATES: Close of Review Period:

Y 86-51—January 17, 1986.
Y 86-52—January 21, 1986.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M St., SW., Washington, DC 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemptions received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 86-51

Manufacturer. Genesco, Inc.
Chemical. Further clarification needed before information can be released to the public files.
Use/Production. (G) Open, non-dispersive use. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

Y 86-52

Manufacturer. Confidential.
Chemical. (G) Polyurethane.
Use/Production. (G) Polymer. Prod. range. 1,000-3,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 1 worker, up to 8 hrs/da, up to 4 da/yr.
Environmental Release/Disposal. Minor waste draining product released to land.

Dated: January 6, 1986.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 86-577 Filed 1-9-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-53075; FRL-2936-4]

Premanufacture Notices Monthly Status Report for June 1985

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for June 1985.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E-107 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS-53075]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-613, 401 M Street SW., Washington, DC 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during June; (b) PMNs received previously and still under review at the end of June; (c) PMNs for which the

notice review period has ended during June; (d) chemical substances for which EPA has received a notice of commencement to manufacture during June and (e) PMNs for which the review period has been suspended. Therefore, the June 1985 PMN Status Report is being published.

Dated: December 2, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

Premanufacture Notices Monthly Status Report June 1985

I. 142 Premanufacture Notices Received During the Month

PMN No.	Identity/generic name	FR citation	Expiration date
P 85-1022	Generic name: Heavy metal salt of a sulfonated azo dye	50 FR 24938 (24939) (6-14-85)	Aug. 31, 1985.
P 85-1023	Generic name: Polyfluoroalkyl thiocyanate	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1024	Polyfluoroalkyl sulfonamido propylamine	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1025	Polyfluoroalkyl betaine	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1026	Generic name: Mercaptoalkylsiloxane	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1027	Generic name: Polydimethylsiloxy, methyl-mercaptoalkyl siloxane copolymer	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1028	Generic name: Polymethyl mercaptoalkyl siloxane polymer	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1029	Generic name: Polymer of alkane polyols, aromatic carboxylic acid, benzene dicarboxylic acids, polyamide resin, vegetable oil, and vegetable oil acids.	50 FR 24938 (24939) (6-14-85)	Sept. 1, 1985.
P 85-1030	Generic name: Polyurethane polymer	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1031	Generic name: Acrylic polymer with pendant amide acid, and sulfonate groups	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1032	Generic name: Reaction product of substituted alkyl, substituted methacrylate homopolymer, and fatty acid modified phenoxy resin.	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1033	Generic name: Epoxy modified polyol	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1034	Generic name: Nickel acylate complex	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1035	Humic acids, zinc salts	50 FR 24938 (24940) (6-14-85)	Aug. 25, 1985.
P 85-1036	Humic acids, zinc salts	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1037	Humic acids, iron salts	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1038	Humic acids, iron salts	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1039	Humic acids, iron salts	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1040	Humic acids, iron salts	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1041	Generic name: Polyurethane polymers with pendant acrylate esters	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1042	Generic name: Amine salts of sulfonated, alkylated diphenyl oxide	50 FR 24938 (24940) (6-14-85)	Sept. 2, 1985.
P 85-1043	Generic name: Amine salts of sulfonated, alkylated diphenyl oxide	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1044	Generic name: Amine salts of sulfonated, alkylated diphenyl oxide	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1045	Generic name: Amine salts of sulfonated, alkylated diphenyloxide	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1046	Generic name: Amine salts of sulfonated, alkylated diphenyloxide	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1047	Generic name: Amine salts of sulfonated, alkylated diphenyloxide	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1048	Generic name: Amine salts of sulfonated, alkylated diphenyloxide	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1049	Generic name: Amine salts of sulfonated, alkylated diphenyloxide	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1050	Generic name: Modified tall oil fatty acids amidoamine	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1051	Starch, 2-hydroxy-3-(trimethylammonio) propyl ether, chloride, phosphate	50 FR 24938 (24941) (6-14-85)	Sept. 3, 1985.
P 85-1052	Generic name: Perfluoroalkyl, alkyl, carboxysilane	50 FR 24938 (24941) (6-14-85)	Do.
P 85-1053	Generic name: Perfluoroalkyl methacrylate copolymer	50 FR 24938 (24941) (6-14-85)	Do.
P 85-1054	Generic name: Perfluoroalkyl methacrylate copolymer	50 FR 25778 (6-21-85)	Sept. 4, 1985.
P 85-1055	Generic name: Polyester polymer	50 FR 25778 (6-21-85)	Do.
P 85-1056	Generic name: Polyester polymer	50 FR 25778 (6-21-85)	Sept. 7, 1985.
P 85-1057	Generic name: Alkatriene	50 FR 25778 (6-21-85)	Do.
P 85-1058	Generic name: Alkyl ketone dimer	50 FR 25778 (6-21-85)	Do.
P 85-1059	Generic name: Alkylene bis-anthranilate ester	50 FR 25778 (6-21-85)	Do.
P 85-1060	Generic name: I-oxaspiro (4.5) deca-3,6-diene, 2,7-dimethyl-10-(l-methyl ethyl)	50 FR 25778 (25779) (6-21-85)	Do.
P 85-1061	Generic name: Salt of N,N-diethyl-phenylene diamine with an organic acid	50 FR 25778 (25779) (6-21-85)	Do.
P 85-1062	Generic name: Acrylic modified alkyd, resin	50 FR 25778 (25779) (6-21-85)	Do.
P 85-1063	Generic name: Acrylate modified hetero-cyclic urethane	50 FR 25778 (25779) (6-21-85)	Sept. 8, 1985.
P 85-1064	Generic name: Biphenoiphosphite	50 FR 25778 (25779) (6-21-85)	Do.
P 85-1065	Generic name: Biphenol	50 FR 25778 (25779) (6-21-85)	Do.
P 85-1066	Generic name: Substituted phenol	50 FR 25778 (25779) (6-21-85)	Do.
P 85-1067	N-(5-fluorosulfonyl-2-methoxyphenyl) ethanamide	50 FR 25778 (25779) (6-21-85)	Do.
P 85-1068	Generic name: Polyester polyurethane	50 FR 25778 (25779) (6-21-85)	Do.
P 85-1069	Generic name: Copper phthalocyanato-,polyl[alkyl-mono hydroxyethylimidazo-lium]methylene] derivative, compound with alkanoate.	50 FR 25778 (25779) (6-21-85)	Sept. 9, 1985. Do.
P 85-1070	Generic name: Copper phthalocyanato-,poly [[alkybishydroxyethylimidazolium] methylene] deriv., compound with alkanoate.	50 FR 25778 (25779) (6-21-85)	Do.
P 85-1071	Generic name: Cationically modified acrylic copolymer	50 FR 25778 (25780) (6-14-85)	Sept 10, 1985.
P 85-1072	Tetra isobutyl titanate	50 FR 25778 (25780) (6-14-85)	Do.
P 85-1073	Generic name: Substituted xanthene	50 FR 25778 (25780) (6-14-85)	Do.
P 85-1074	Generic name: Substituted xanthene	50 FR 25778 (25780) (6-14-85)	Do.
P 85-1075	Generic name: Substituted phenylcarbonyl benzoic acid	50 FR 26837 (6-28-85)	Sept. 11, 1985.
P85-1076	Generic name: Substituted phenyl isobenzofuranone	50 FR 26837 (6-28-85)	Do.
P85-1077	Generic name: Substituted bis phenyl isobenzofuranone	50 FR 26837 (6-28-85)	Do.
P 85-1078	N(alpha, alpha-dimethyl, meta-isopropenyl benzyl), poly(oxy-1,2-ethanediyl), alpha-(nonyl phenyl) carbamate	50 FR 26837 (6-28-85)	Sept. 14, 1985.
P 85-1079	Generic name: Substituted naphthalene, [1,2-ethenediyl bis-[(sulfo-4,1-phenyl-ene) imino(chloro-1,3,5-triazinediyl) imino (hydroxy-substituted-naphthalene-diyl) azo]] bis-, alkali metal salt.	50 FR 26837 (26838) (6-28-85)	Do.
P 85-1080	Generic name: Polyamide of C $_{18}$ fatty acids dimers with alkylenediamines and polyether diamine	50 FR 26837 (26838) (6-28-85)	Do.
P 85-1081	Generic name: (Triacyl)silylalkyl ester of an alkenoic acid	50 FR 26837 (26838) (6-28-85)	Sept. 15, 1985.
P 85-1082	Humic acids, cupric salts	50 FR 26837 (26838) (6-28-85)	Do.
P 85-1083	Humic acids cupric nitrate complex	50 FR 26837 (26838) (6-28-85)	Do.
P 85-1084	Humic acids cupric sulfate complex	50 FR 26837 (26838) (6-28-85)	Do.
P 85-1085	Generic name: Alkoxy terpenylsilane	50 FR 26837 (26838) (6-28-85)	Do.
P 85-1086	Generic name: Urethane of polymethylene polyphenyl isocyanate and saturated alcohol	50 FR 26837 (26838) (6-28-85)	Do.
P 85-1087	Generic name: Alkyl amine, compound with (chloromethyl) oxirane, alkenyl ether	50 FR 26837 (26838) (6-28-85)	Do.
P 85-1088	Generic name: Spent sulfite liquor, reaction product with an aromatic monomer	50 FR 26837 (26838) (6-28-85)	Do.
P 85-1089	Generic name: Spent sulfite liquor, reaction product with an aromatic monomer	50 FR 26837 (26838) (6-28-85)	Do.
P 85-1090	Generic name: Spent sulfite liquor, reaction product with an aromatic monomer	50 FR 26837 (26838) (6-28-85)	Do.
P 85-1091	Generic name: Polystyrylpyridine resin	50 FR 26837 (26838) (6-28-85)	Do.
P 85-1092	Invalid		
P 85-1093	Generic name: Trisubstituted methanaminium salt	50 FR 26837 (26839) (6-28-85)	Do.
*P 85-1094	Generic name: Disubstituted-1,1'-biphenyl, bis[1-[[(alkylphenyl)amino] carbonyl]-2-oxoalkyl]azo-	50 FR 26837 (26839) (6-28-85)	Do.

I. 142 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
P 85-1095	Generic name: Alkylamide, [dihalo-[[(substituted-phenyl)amino]carbonyl]-(2-oxoalkyl) azo][1,1'-azo]-N-(substituted-phenyl)-3-oxo-.	50 FR 26837 (26839) (6-28-85)	Do.
P 85-1096	Generic name: Copper phthalocyanine poly-sulfonic acid salt with alkylated amine	50 FR 26837 (26839) (6-28-85)	Do.
P 85-1097	Generic name: Metal salt of hydroxy-naphthalene sulfonic acid [[substituted-naphthyl)azo]	50 FR 26837 (26839) (6-28-85)	Do.
P 85-1098	Generic name: Metal salt of hydroxy naphthalene sulfonic acid [(substituted-phenyl)azo]	50 FR 26837 (26839) (6-28-85)	Do.
P 85-1099	Generic name: Alkoxy borated polybutyl-succinamide	50 FR 26837 (26839) (6-28-85)	Sept. 16, 1985.
P 85-1100	Polymer of 2-ethanol, 1,1'-thiobis, ethanol, 2-mercapto, reaction product with propylene oxide; ethanol, 2-mercapto, reaction product with oxirane; [2-propenyl (oxy) methyl]; 3-thiahept-5-ene-1-ol; 4,4'-thiodiphenol.	50 FR 26837 (26839) (6-28-85)	Do.
P 85-1101	Triethylgallium	50 FR 26837 (26839) (6-28-85)	Do.
P 85-1102	Substituted ketone	50 FR 26837 (26839) (6-28-85)	Do.
P 85-1103	Generic name: Amine salt of an alkyl dithiocarbamate	50 FR 26837 (26839) (6-28-85)	Sept. 17, 1985.
P 85-1104	Generic name: Ammonium polyacrylate/methacrylate acid esters	50 FR 27845 (7-8-85)	Sept. 18, 1985.
P 85-1105	Generic name: Substituted ammonium polyacrylate/methacrylate acid esters	50 FR 27845 (7-8-85)	Do.
P 85-1106	Generic name: Alkenyl acetate	50 FR 27845 (7-8-85)	Do.
P 85-1107	Generic name: Alkenoate-terminated poly (dimethyl-siloxane)	50 FR 27845 (7-8-85)	Do.
P 85-1108	Generic name: Polystyrylpyridine resin	50 FR 27845 (7-8-85)	Do.
P 85-1109	Generic name: Polystyrylpyridine resin	50 FR 27845 (7-8-85)	Do.
P 85-1110	Generic name: (N-substituted-amino-carbonyl)alkyl substituted aromatic-heterocycle, halide salt	50 FR 27845 (7-8-85)	Do.
P 85-1111	Phenyl tribromomethyl sulfone	50 FR 27845 (27846) (7-8-85)	Sept. 21, 1985.
P 85-1112	Generic name: Alkoxylated modified polyacrylate	50 FR 27845 (27846) (7-8-85)	Do.
P 85-1113	Generic name: Acrylic resin	50 FR 27845 (27846) (7-8-85)	Sept. 22, 1985.
P 85-1114	Generic name: Acrylic resin	50 FR 27845 (27846) (7-8-85)	Do.
P 85-1115	Generic name: Acrylic resin	50 FR 27845 (27846) (7-8-85)	Do.
P 85-1116	Generic name: Acrylic resin	50 FR 27845 (27846) (7-8-85)	Do.
P 85-1117	Generic name: Alkyd resin	50 FR 27845 (27846) (7-8-85)	Do.
P 85-1118	Generic name: Epoxy polyester	50 FR 27845 (27846) (7-8-85)	Do.
P 85-1119	Generic name: High molecular weight linear saturated polyester	50 FR 27845 (27846) (7-8-85)	Do.
P 85-1120	Generic name: High molecular weight linear saturated polyester	50 FR 27845 (27846) (7-8-85)	Do.
P 85-1121	Generic name: High molecular weight linear saturated polyester	50 FR 27845 (27846) (7-8-85)	Do.
P 85-1122	Polymer of ethanol, 2,2'-thiobis, ethanol, 2-mercapto, oxirane, methyl and phenol, 4,4'-thiobis	50 FR 27845 (27846) (7-8-85)	Do.
P 85-1123	Humic acids, magnesium salts	50 FR 27845 (27846) (7-8-85)	Do.
P 85-1124	Humic acids, magnesium chloride complex	50 FR 27845 (27846) (7-8-85)	Do.
P 85-1125	Humic acids, magnesium sulfate complex	50 FR 27845 (27846) (7-8-85)	Do.
P 85-1126	Humic acids, manganese salts	50 FR 27845 (27846) (7-8-85)	Do.
P 85-1127	Humic acids, manganese chloride complex	50 FR 27845 (27847) (7-8-85)	Do.
P 85-1128	Humic acids, manganese sulfate complex	50 FR 27845 (27845) (7-8-85)	Do.
P 85-1129	Generic name: Polyether polyol with pendant isocyanate groups	50 FR 27845 (27847) (7-8-85)	Do.
P 85-1130	Generic name: Acrylate-substituted phenoxy resin	50 FR 27845 (27847) (7-8-85)	Do.
P 85-1131	Generic name: Acrylate-substituted vinyl chloride copolymer resin	50 FR 27845 (27847) (7-8-85)	Do.
P 85-1132	Generic name: Acrylic modified epoxy ester resin	50 FR 27845 (27847) (7-8-85)	Do.
P 85-1133	Polymer of propylene glycol, isophthalic acid, adipic acid, and 12-hydroxystearic acid	50 FR 27845 (27847) (7-8-85)	Sept. 23, 1985.
P 85-1134	Generic name: Terpolymer containing vinyl acrylate	50 FR 27845 (27847) (7-8-85)	Do.
P 85-1135	Generic name: Alkyl phenol blocked isocyanate prepolymer	50 FR 27845 (27847) (7-8-85)	Do.
P 85-1136	Generic name: Ketoxime blocked urethane polymer of an aromatic diisocyanate, alkane polyols, alkanedioic acid.	50 FR 27845 (27847) (7-8-85)	Do.
P 85-1137	Generic name: Hydroxy-terminated polyurethane	50 FR 28464 (7-12-85)	Sept. 25, 1985.
P 85-1138	Generic name: Medium-oil alkyd based on linseed oil	50 FR 28464 (7-12-85)	Do.
P 85-1139	Generic name: Isocyanate-modified alkyd resin	50 FR 28464 (7-12-85)	Do.
P 85-1140	Generic name: Alkyd resin additive	50 FR 28464 (28465) (7-12-85)	Do.
Y 85-88	Generic name: Polyester polymer	50 FR 24941 (6-14-85)	June 25, 1985.
Y 85-89	Generic name: Polyester	50 FR 24941 (6-14-85)	Do.
Y 85-90	Generic name: Hydroxy terminated polymer of an aromatic diisocyanate, alkane polyols, alkanolamine, alkanedioc acid.	50 FR 25777 (6-21-85)	June 30, 1985.
Y 85-91	Generic name: Ketoxime blocked urethane polymer of an aromatic diisocyanate, alkane polyols, alkanedioic acid.	50 FR 25777 (6-21-85)	Do.
Y 85-92	Generic name: Acrylic polymer	50 FR 25777 (6-21-85)	Do.
Y 85-93	Generic name: Styrene, acrylic polymer	50 FR 25777 (25778) (6-21-85)	July 2, 1985.
Y 85-94	Polymer of phthalic anhydride, 2,2,4-trimethyl-1,3-pentanediol,2,2[1]-oxybis (ethanol), 2-ethyl hexanol, triphenyl-phosphite and Fascat 4100.	50 FR 25777 (25778) (6-21-85)	July 9, 1985.
Y 85-98	Generic name: Modified methyl methacrylate polymer	50 FR 26840 (6-21-85)	Do.
Y 85-99	Generic name: Dimethyl terephthalate, alkane diols and trimellitic anhydride polymer	50 FR 27848 (7-8-85)	Do.
Y 85-100	Generic name: Polymer of an aromatic diisocyanate, alkane polyols, alkanolamine, alkanedioic acid, alkane alcohol.	50 FR 28467 (28468) (7-12-85)	July 18, 1985.

II. 152 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH

PMN No.	Identity/generic name	FR citation	Expiration date
P 85-887	Indium orthoborate	50 FR 19798 (19800) (5-10-85)	July 29, 1985.
P 85-888	Generic name: Modified polyglycol polymer	50 FR 19798 (19800) (5-10-85)	Do.
P 85-889	Generic name: Copolymer of acrylic acid esters, vinyl acetate, acrylic acid amide, crotonic acid, and fumaric acid ester.	50 FR 19798 (19801) (5-10-85)	Do.
P 85-890	Generic name: Polypropylene glycol alkyl ether	50 FR 19798 (19801) (5-10-85)	Do.
P 85-891	Generic name: Polypropylene glycol alkyl ether	50 FR 19798 (19801) (5-10-85)	Do.
P 85-892	Generic name: Polypropylene glycol alkyl ether	50 FR 19798 (19801) (5-10-85)	Do.
P 85-893	Generic name: Polyfluoro substituted alkyl-N-substituted amino alcohol acetate	50 FR 19798 (19801) (5-10-85)	July 30, 1985.
P 85-894	Generic name: Epoxidized natural oil	50 FR 19798 (19801) (5-10-85)	Do.
P 85-895	Generic name: Alkoxylated polyoct, diacid adduct	50 FR 19798 (19801) (5-10-85)	Do.
P 85-896	Cuprate(3-), (2-(((3-(phenylmethyl)azo) (4,6-dichloro-1,3,5-triazin-2-yl)amino)-2-hydroxy-5-sulfophenyl)azo)phenylmethyl)azo)-4-sulfobenzoato(5-))-, disodium hydrogen, (SP-4-3)-	50 FR 19798 (19801) (5-10-85)	Do.
P 85-898	Generic name: Phosphonic acid, alkyl esters	50 FR 19798 (19801) (5-10-85)	Do.
P 85-899	Generic name: Ethoxylated polyester	50 FR 19798 (19801) (5-10-85)	Do.
P 85-900	Generic name: Polyamino-polyamide	50 FR 20596 (5-17-85)	July 31, 1985
P 85-901	Generic name: Polyamino-polyamide-epichlorohydrin polymer	50 FR 20596 (20597) (5-17-85)	Do.
P 85-902	Generic name: N-substituted lauroylamide	50 FR 20596 (20597) (5-17-85)	Do.
P 85-903	Generic name: Tetrasubstituted amine	50 FR 20596 (20597) (5-17-85)	Do.
P 85-904	Generic name: Alkoxylated alcohol	50 FR 20596 (20597) (5-17-85)	Do.
P 85-905	Sodium aluminum tetrahydride	50 FR 20596 (20597) (5-17-85)	Do.
P 85-906	Generic name: Polymer reacted by a poly (aliphatic) isocyanate	50 FR 20596 (20597) (5-17-85)	Do.

II. 152 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
P 85-907	Generic name: Polymer reacted by a poly (aliphatic) isocyanate	50 FR 20596 (20597) (5-17-85)	Do.
P 85-908	Generic name: Short oil alkyd resin	50 FR 20596 (20597) (5-17-85)	Do.
P 85-909	Generic name: Aliphatic, cycloaliphatic polyester	50 FR 20596 (20597) (5-17-85)	Do.
P 85-910	Generic name: Aliphatic, aromatic copolyester	50 FR 20596 (20597) (5-17-85)	Do.
P 85-911	Trifluoromethanesulfonic acid, 2-propynyl ester	50 FR 20596 (20597) (5-17-85)	Aug. 3, 1985.
P 85-912	Generic name: Substituted alkanol adduct of a long chain diisocyanate	50 FR 20596 (20597) (5-17-85)	Do.
P 85-913	Generic name: Polyol sulfate	50 FR 20596 (20597) (5-17-85)	Do.
P 85-914	Generic name: Trisubstituted triazole	50 FR 20596 (20597) (5-17-85)	Do.
P 85-915	2,4,6-tri-(2-pyridyl)-1,3,5-triazine 1:1 salt with para-toluenesulfonic acid	50 FR 20596 (20597) (5-17-85)	Do.
P 85-916	Generic name: 1,2-diaminocyclohexane, epoxy resin reaction product	50 FR 20596 (20597) (5-17-85)	Do.
P 85-917	Generic name: Copolymer of terephthalic, isophthalic, adipic, trimellitic acid and ethylene glycol	50 FR 20596 (20597) (5-17-85)	Do.
P 85-918	Generic name: Methylene diisocyanatobenzene adduct with a polyether glycol and a propenoate ester.	50 FR 20596 (20597) (5-17-85)	Aug. 4, 1985.
P 85-919	Generic name: Modified aromatic isocyanate	50 FR 20596 (20597) (5-17-85)	Do.
P 85-920	Generic name: Ethoxylated amidoamine of rosin	50 FR 20596 (20597) (5-17-85)	Do.
P 85-921	Reaction product of thiodipropionic acid and para-aminodiphenylamine	50 FR 20596 (20597) (5-17-85)	Do.
P 85-922	Benzenesulfonic acid, 2-amino-4-acetyl-amino-5-(4-((2-(sulfooxy)ethyl)sulfonyl) phenyl)azo-, sodium salt.	50 FR 20596 (20597) (5-17-85)	Do.
P 85-923	Generic name: Fatty acid modified silicone polyester	50 FR 20596 (20597) (5-17-85)	Do.
P 85-924	Polymer of 2,2-dimethyl-3-hydroxypropyl-2,2-dimethyl-3-hydroxyproprionate; trimethylol propane; 2,4-toluene diisocyanate; adipic acid; E-caprolactone.	50 FR 20596 (20597) (5-17-85)	Do.
P 85-925	Polymer of 2-ethanol, 1,1'-thiobis; ethanol, 2-mercapto, reaction product with propylene oxide; 3-thiahept-5-ene-1-ol, ethanol, 2-mercapto, reaction product with oxirane, [2-propenyl (oxy)methyl], 4,4'-thiodiphenol, ethanethiol, 2,2'-[1,2-ethanediyl bis(oxy)]bis.	50 FR 20596 (20597) (5-17-85)	Aug. 5, 1985.
P 85-926	Generic name: Ethoxylated amidoamine of rosin	50 FR 20596 (20597) (5-17-85)	Do.
P 85-927	Generic name: Modified essential oil	50 FR 20596 (20599) (5-17-85)	Do.
P 85-928	Polymer of pentaerythritol; benzoic acid; tall oil fatty acid; neopentyl glycol; isophthalic acid; phthalic anhydride, styrene; and acrylic acid.	50 FR 20596 (20599) (5-17-85)	Do.
P 85-929	Generic name: Alkylated aromatic diamine	50 FR 20596 (20599) (5-17-85)	Do.
P 85-930	1,2-benzenedicarboxylic acid-4-[(3-amino-phenyl)hydroxymethyl]methyl ester	50 FR 20596 (20599) (5-17-85)	Do.
P 85-931	Generic name: Disubstitutedalkyltriazine salt	50 FR 20596 (20599) (5-17-85)	Aug. 6, 1985.
P 85-932	Generic name: Disubstitutedalkyltriazine	50 FR 20596 (20599) (5-17-85)	Do.
P 85-933	Generic name: Disubstituted alkyltriazine	50 FR 20596 (20599) (5-17-85)	Do.
P 85-934	Generic name: Acrylated alkyd	50 FR 20596 (20599) (5-17-85)	Do.
P 85-935	Generic name: Isophorone diisocyanate adduct of a polyether glycol, an alkanediol, and a substituted alkanol.	50 FR 21498 (21499) (5-24-85)	Aug. 7, 1985.
P 85-936	Benzamide, N,N'-(14-chloro-5, 6, 7, 12, 13, 17, 22, 23, 25, 28-decahydro-5, 7, 12, 17, 22, 25, 28-heptaoxonaphthol(2,3-C)bisnaphth(2', 3:6, 7) indolo(3, 2-a: 3', 2'-i)acridine-1, 18-diyl) bis-.	50 FR 21498 (21499) (5-24-85)	Do.
P 85-938	Generic name: Substituted ethenes, aliphatic acid, substituted aliphatic acid	50 FR 21498 (21499) (5-24-85)	Do.
P 85-939	Generic name: Polymer of a natural product oil and alkylene oxide	50 FR 21498 (21499) (5-24-85)	Do.
P 85-940	Generic name: Saturated/unsaturated branched chain secondary alcohol/ketone mixture having 12 carbon atoms.	50 FR 21498 (21499) (5-24-85)	Do.
P 85-941	Generic name: Substituted alkylamine salt	50 FR 21498 (21499) (5-24-85)	Aug. 10, 1985.
P 85-942	Generic name: Substituted alkyl propanamide	50 FR 21498 (21499) (5-24-85)	Do.
P 85-943	Generic name: Substituted alkyl acetamide	50 FR 21498 (21499) (5-24-85)	Do.
P 85-944	Generic name: Phenol formaldehyde resin	50 FR 21498 (21499) (5-24-85)	Do.
P 85-945	Generic name: Acrylic ester terpolymer	50 FR 21498 (21499) (5-24-85)	Do.
P 85-946	Generic name: Halogenated alkyl aromatic compound	50 FR 21498 (21500) (5-24-85)	Do.
P 85-947	Generic name: Halogenated alkyl aromatic compound	50 FR 21498 (21500) (5-24-85)	Do.
P 85-948	Generic name: Substituted nitro aromatic compound	50 FR 21498 (21500) (5-24-85)	Do.
P 85-949	Generic name: Organosilane polymer	50 FR 21498 (21500) (5-24-85)	Aug. 11, 1985.
P 85-950	Generic name: Aralkylene ether epoxide	50 FR 21498 (21500) (5-24-85)	Do.
P 85-951	Generic name: Oligomeric aralkylene ether diol	50 FR 21498 (21500) (5-24-85)	Do.
P 85-952	Generic name: Polyether polyurethane polymer	50 FR 21498 (21500) (5-24-85)	Do.
P 85-953	Generic name: Polyacrylate/vinyl chloride graft polymer	50 FR 21498 (21500) (5-24-85)	Do.
P 85-954	Generic name: Polydimethylsiloxy, methyl alkene siloxane copolymer	50 FR 21498 (21500) (5-24-85)	Do.
P 85-955	Generic name: Copolymer of acrylonitrile, acrylic acid and aliphatic amine, salt	50 FR 21498 (21500) (5-24-85)	Do.
P 85-956	Generic name: Substituted cyclohexenyl epoxy alkanone	50 FR 21498 (21500) (5-24-85)	Do.
P 85-957	Generic name: Alkyl alkylpolyoxyethyl ether	50 FR 21498 (21500) (5-24-85)	Do.
P 85-958	Generic name: Imidazoline	50 FR 21498 (21500) (5-24-85)	Do.
P 85-959	Barium fluorobromide	50 FR 21498 (21500) (5-24-85)	Do.
P 85-960	Generic name: Substituted triazole	50 FR 21498 (21500) (5-24-85)	Do.
P 85-961	Generic name: Amine polyglycol	50 FR 21498 (21501) (5-24-85)	Do.
P 85-962	Generic name: Amine polyglycol	50 FR 21498 (21501) (5-24-85)	Aug. 12, 1985.
P 85-963	Generic name: Alkenylether-substituted polyester	50 FR 21498 (21501) (5-24-85)	Do.
P 85-964	Generic name: Phenolic condensation product of xylene-formaldehyde resin	50 FR 21498 (21501) (5-24-85)	Do.
P 85-965	Generic name: Phenolic condensation product of xylene-formaldehyde resin	50 FR 21498 (21501) (5-24-85)	Do.
P 85-966	3,9-diethyl tridecan-6-one	50 FR 21498 (21501) (5-24-85)	Do.
P 85-967	3,9-diethyl 7-tridecene-6-one	50 FR 21498 (21501) (5-24-85)	Do.
P 85-968	5-ethyl heptan-2-one	50 FR 21498 (21501) (5-24-85)	Do.
P 85-969	5-ethyl 3-hepten-2-one	50 FR 21498 (21501) (5-24-85)	Do.
P 85-970	Humic acids, ammonium salts	50 FR 21498 (21501) (5-24-85)	Do.
P 85-971	Generic name: Tetrafunctional mercapto ester reaction product with propylene dicarboxylic acid	50 FR 21498 (21501) (5-24-85)	Aug. 13, 1985.
P 85-972	Generic name: Acrylate capped polyether ester of benzophenone tetracarboxylic dianhydride	50 FR 21498 (21501) (5-24-85)	Do.
P 85-973	Generic name: Triglycidyl ether of a substituted tri(hydroxyphenyl)methane	50 FR 21498 (21501) (5-24-85)	Do.
P 85-974	Generic name: Modified trisphenol novolac	50 FR 21498 (21502) (5-24-85)	Do.
P 85-975	Generic name: Substituted alkenol	50 FR 21498 (21502) (5-24-85)	Do.
P 85-976	Generic name: Reaction product of an organic polymer, silane, organosilanes and a functional organosilane.	50 FR 21498 (21502) (5-24-85)	Do.
P 85-977	Generic name: Substituted alkyl amine	50 FR 21498 (21502) (5-24-85)	Do.
P 85-978	Generic name: Amine polyglycol	50 FR 21498 (21502) (5-24-85)	Do.
P 85-979	Generic name: Amine polyglycol	50 FR 21498 (21502) (5-24-85)	Do.
P 85-980	Generic name: Copolymer of unsaturated polyester and alkyl-compounds	50 FR 21385 (23186) (5-31-85)	Aug. 14, 1985.
P 85-981	Generic name: Amide acetal	50 FR 23185 (23186) (5-31-85)	Aug. 17, 1985.
P 85-982	Generic name: Poly[alkylene arylene malonimide]	50 FR 23185 (23186) (5-31-85)	Aug. 18, 1985.
P 85-983	Generic name: Alkylene-bis(arylene malonimide)	50 FR 23185 (23186) (5-31-85)	Do.
P 85-984	Generic name: Polyether with pendant methacrylate groups	50 FR 23185 (23186) (5-31-85)	Do.
P 85-985	Generic name: Reaction product of polyisocyanate, a polyalkylene oxide, a polyol and alkanols	50 FR 23185 (23186) (5-31-85)	Do.
P 85-986	Generic name: Aliphatic isocyanate-crosslinked polyester	50 FR 23185 (23186) (5-31-85)	Do.
P 85-987	Generic name: Substituted sulfoaryl aryldioxazine	50 FR 23185 (23186) (5-31-85)	Do.
P 85-988	Generic name: Azosubstituted amino-naphthol salt	50 FR 23185 (23186) (5-31-85)	Do.
P 85-989	Generic name: Azosubstituted amino-naphthol salt	50 FR 23185 (23186) (5-31-85)	Do.

II. 152 Premanufacture Notices Received Previously and Still Under Review at the End of the Month—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
P 85-990	Generic name: Polymer of substituted norbornane derivative, a glycol and a terephthalate	50 FR 23185 (23186) (5-31-85)	Do.
P 85-991	4,4'-(octahydro-4,7-methano-5H-inden-5-ylidene)bis(2-phenoxy ethanol)	50 FR 23185 (23186) (5-31-85)	Do.
P 85-992	Generic name: Urethane acrylate	50 FR 23185 (23186) (5-31-85)	Do.
P 85-993	Generic name: Polyester-polyol-terminated toluene diisocyanate polymer	50 FR 23185 (23187) (5-31-85)	Aug. 19, 1985.
P 85-994	Generic name: Benzothiazolesulfonic acid, substituted-((substituted-pyrimidinyl)azo)carbomonocycle-, alkali metal salt.	50 FR 23185 (23187) (5-31-85)	Do.
P 85-995	Generic name: Benzothiazolesulfonic acid, substituted-((substituted-pyrimidinyl) azo) carbomonocycle-, substituted amine salt.	50 FR 23185 (23187) (5-31-85)	Do.
P 85-996	Generic name: Benozothiazolesulfonic acid, substituted-((substituted-pyrimidinyl)azo) carbomonocycle-, alkali metal salt.	50 FR 23185 (23187) (5-31-85)	Aug. 20, 1985.
P 85-997	Generic name: Poly((azo, oxo, partially hydrogenated aryl)sulfonyloxy) substituted aromatic compound.	50 FR 23185 (23187) (5-31-85)	Aug. 20, 1985.
P 85-998	Generic name: Mixed esters of butane polyols	50 FR 23185 (23187) (5-31-85)	Do.
P 85-999	Generic name: Polyfunctional methacrylate of polyisocyanate adduct of alkoxylated polyol	50 FR 24936 (6-14-85)	Aug. 21, 1985.
P 85-1000	Generic name: Polyester from carbomonocyclic anhydride, alkanols and a substituted alkanoic acid.	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1001	Generic name: Functionally modified aliphatic polyester	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1002	Generic name: Alkanol diester of an alkanedioic acid	50 FR 24936 (24937) (6-14-85)	Aug. 25, 1985.
P 85-1003	Humic acids, titanium salts	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1004	Humic acids, zinc salts	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1005	Generic name: Polyester resin	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1006	Bis (2-amino-2-methylpropyl) amine	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1007	Generic name: Alkoxylated oxazole	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1008	Propanoic acid, 3(N-2 (C_{6-18} amido) ethyl) oxyethyl amino, sodium salt	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1009	Generic name: Polyfunctional acrylate of alkyl aryl polyether, polyurethane, polyester	50 FR 24936 (24937) (6-14-85)	Aug. 26, 1985.
P 85-1010	3-Bromopropanoyl chloride	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1011	Generic name: Substituted bromopropanoic acid derivative	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1012	1-Hexanamine, 2-ethyl-N,N-bis(2-ethyl-hexyl)-	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1013	Generic name: Aliphatic diurethane acry-late ester	50 FR 24936 (24937) (6-14-85)	Do.
P 85-1014	Polymer of methacrylic acid; succinic anhydride; phenol, 4,4'-(1-methylethylidene)bis-polymer with (chloromethyl); 2-methylimidazone.	50 FR 24936 (24938) (6-14-85)	Sept. 16, 1985.
P 85-1015	Generic name: Salt of block copolymer of modified polyvinyl chloride, polyvinyl acetate and styrene unsaturated anhydride copolymer.	50 FR 24936 (24938) (6-14-85)	Aug. 26, 1985.
P 85-1016	Ethanamine, 2,2'-oxybis-bis-(aminoethyl) ether	50 FR 24936 (24938) (6-14-85)	Do.
P 85-1017	Generic name: Disubstituted benzenesulfonate salt	50 FR 24936 (24938) (6-14-85)	Do.
P 85-1018	3-(4-methylbenzylidine) camphor	50 FR 24936 (24938) (6-14-85)	Do.
P 85-1019	Humic acids, iron salts	50 FR 24936 (24938) (6-14-85)	Aug. 27, 1985.
P 85-1020	Generic name: Polyurethane polymer with pendant acylate esters	50 FR 24936 (24938) (6-14-85)	Do.
P 85-1021	Generic name: Polyurethane polymer with pendant acylate esters	50 FR 24936 (24938) (6-14-85)	Do.
P 85-1022	Generic name: Barium lithol pigment	50 FR 24938 (24939) (6-14-85)	Aug. 31, 1985.
P 85-1023	Generic name: Polyfluoroalkyl thiocyanate	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1024	Generic name: Perfluoroalkyl sulfonamido propylamine	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1025	Generic name: Perfluoroalkyl betaine	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1026	Generic name: Mercaptoalkylsiloxane	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1027	Generic name: Polydimethylsiloxy	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1028	Generic name: Polymethyl mercaptoalkyl siloxane polymer	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1029	Generic name: Polymer of alkane polyols, aromatic carboxylic acid, benezene dicarboxylic acids, polyamide resin, vegetable oil and vegetable oil acids.	50 FR 24938 (24939) (6-14-85)	Sept. 1, 1985.
P 85-1030	Generic name: Polyurethane polymer	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1031	Generic name: Alkenoic alkeneamide substituted propane	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1032	Generic name: Epoxy modified polyol	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1033	Generic name: Epoxy modified polyol	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1034	Generic name: Nickel acylate complex	50 FR 24938 (24939) (6-14-85)	Do.
P 85-1035	Humic acids, zinc salts	50 FR 24939 (24940) (6-14-85)	Aug. 25, 1985.
P 85-1036	Humic acids, zinc salts	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1037	Humic acids, iron salts	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1038	Humic acids, iron salts	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1039	Humic acids, iron salts	50 FR 24938 (24940) (6-14-85)	Do.
P 85-1040	Humic acids, iron salts	50 FR 24938 (24940) (6-14-85)	Do.

III. 117 Premanufacture Notices for Which the Notice Review Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

PMN No.	Identity/generic name	FR citation	Expiration date
P 83-1238	Generic name: Substituted anthraquinone	48 FR 43397 (43400) (9-23-83)	June 24, 1985.
P 84-306	Benzoic acid, 2-((((2-methyl-1-oxo-2-propenyl)oxy)ethyl)amino)carbonyl)oxy-,methyl ester	49 FR 930 (932) (1-6-84)	June 26, 1985.
P 84-307	2-propenoic acid, 2-methyl-, 2-((hexahydro 2-oxo-1H-azepin-1-yl)carbonyl)amino)ethyl ester	49 FR 930 (932) (1-6-84)	Do.
P 84-698	Generic name: 9,10-Anthracenedione sulfonic acid, sodium salt	49 FR 22128 (22129) (5-25-84)	June 28, 1985.
P 84-824	Generic name: Brominated aromatic	49 FR 25676 (6-22-84)	June 24, 1985.
P 84-858	Generic name: Polyalkylene glycol ether acrylate	49 FR 26800 (26801) (6-29-84)	June 22, 1985.
P 84-886	Generic name: Triazine derivative	49 FR 28614 (28615) (7-13-84)	June 30, 1985.
P 84-901	Bis(tetrabromobisphenol A)bis(tribromophenyl) ethylenetetracarbonate	49 FR 28616 (28617) (7-13-84)	June 24, 1985.
P 84-902	Hexabromodiphenyl amine	49 FR 28616 (28617) (7-13-84)	Do.
P 84-903	N-methylhexabromodiphenyl amine	49 FR 28616 (28617) (7-13-84)	Do.
P 84-913	Generic name: N,N '-bis(2-(2-(3-alkyl) thiasoline)vinyl)-1,4-phenylene diamine double salt	49 FR 28616 (28618) (7-13-84)	Apr. 8, 1985.
P 84-1062	Methyl vinyl sulfone	49 FR 33718 (33721) (8-24-84)	June 24, 1985.
P 84-1079	Generic name: Alkylated diphenyl oxide	49 FR 34572 (34573) (8-31-84)	May 1, 1985.
P 84-1145	Generic name: Alkyltrialkoxysilane	49 FR 36151 (36152) (9-14-84)	June 18, 1985.
P 84-1204	Generic name: Substituted, sulfonated naphthylazo sodium salt	49 FR 38356 (38359) (9-28-84)	May 10, 1985.
P 85-30	Generic name: Carbopolycycle sulfonate of substituted phenyl azo substituted heteromonocycle	49 FR 43105 (43106) (10-26-84)	June 28, 1985.
P 85-31	Generic name: Carbopolycycle sulfonate of substituted heteropolycycle	49 FR 43105 (43106) (10-26-84)	Do.
P 85-155	Generic name: Halogenated aromatic sulamide	49 FR 47108 (47109) (11-30-84)	June 3, 1985.
P 85-258	Generic name: Substituted phenylazo substituted carbopolycycle-carboxylic acid, salt	49 FR 48801 (48803) (12-14-84)	June 28, 1985.
P 85-259	Generic name: Substituted phenylazo substituted heteropolycycle	49 FR 48801 (48803) (12-14-84)	Do.
P 85-301	Generic name: Urethane acrylate	49 FR 50444 (12-28-84)	June 26, 1985.
P 85-628	Generic name: Synthetic oil	50 FR 10536 (10538) (3-15-84)	June 2, 1985.
P 85-629	Potassium, 1-n-octyl sulfonate	50 FR 10536 (10538) (3-15-85)	Do.
P 85-633	Generic name: Aminoalkanoic acid	50 FR 10536 (10538) (3-15-85)	Do.

III. 117 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
P 85-634	Generic name: Butyltin alkyl thioglycolate	50 FR 10536 (10538) (3-15-85)	Do.
P 85-635	Polymer of: Methylmethacrylate; butyl acrylate, dimethylaminoethyl methacrylate; and methacrylic acid.	50 FR 10536 (10539) (3-15-85)	Do.
P 85-636	Generic name: Substituted epoxy resin	50 FR 10536 (10539) (3-15-85)	Do.
P 85-638	Generic name: Substituted polyglycol	50 FR 10536 (10539) (3-15-85)	June 3, 1985.
P 85-639	Generic name: Substituted polyglycol	50 FR 10536 (10539) (3-15-85)	Do.
P 85-640	Generic name: Substituted propenamide	50 FR 10536 (10539) (3-15-85)	Do.
P 85-641	Generic name: Substituted amino carboxamide	50 FR 10536 (10539) (3-15-85)	June 4, 1985.
P 85-642	2-Nonynoic acid, 2-methylpropyl ester	50 FR 10536 (10539) (3-15-85)	Do.
P 85-643	Generic name: Substituted pyridine	50 FR 10536 (10539) (3-15-85)	Do.
P 85-644	Generic name: Substituted alkanoic triester	50 FR 10536 (10539) (3-15-85)	Do.
P 85-645	Generic name: A titanium complex compound	50 FR 10536 (10539) (3-15-85)	Do.
P 85-646	Generic name: A titanium complex compound	50 FR 10536 (10539) (3-15-85)	Do.
P 85-647	Generic name: Trisubstituted napthalene-carboxamide	50 FR 11557 (11558) (3-22-85)	June 5, 1985.
P 85-649	Generic name: Sufiurized alkyl phenol	50 FR 11557 (11558) (3-22-85)	Do.
P 85-650	Generic name: Mixed amine/alkane spiropolycarboxylate octaesters	50 FR 11557 (11558) (3-22-85)	Do.
P 85-651	Generic name: Mixed amine/alkane spiropolycarboxylate octaesters	50 FR 11557 (11558) (3-22-85)	Do.
P 85-652	Generic name: Reacted epoxy resin	50 FR 11557 (11558) (3-22-85)	June 8, 1985.
P 85-653	Generic name: Organomagnesium compound	50 FR 11557 (11558) (3-22-85)	Do.
P 85-654	Generic name: Halogenated organo-metal complex	50 FR 11557 (11558) (3-22-85)	June 9, 1985.
P 85-655	Generic name: Quaternary ammonium humate	50 FR 11557 (11558) (3-22-85)	Do.
P 85-656	Generic name: Cyanobiphenyl, alkyl cyclohexane carboxylic acid	50 FR 11557 (11558) (3-22-85)	Do.
P 85-657	Generic name: Cyano-alkylterphenyl	50 FR 11557 (11558) (3-22-85)	Do.
P 85-658	Generic name: Cyanobiphenyl, alkylbenzoic acid	50 FR 11557 (11558) (3-22-85)	Do.
P 85-659	Generic name: Cyanonaphthyl, alkyl cyclohexane carboxylic acid	50 FR 11557 (11558) (3-22-85)	Do.
P 85-661	Generic name: Alkylthiophenol	50 FR 11557 (11559) (3-22-85)	June 10, 1985.
P 85-662	Generic name: Organometallic polymer	50 FR 12623 (3-29-85)	June 12, 1985.
P 85-663	Generic name: Pyrrolopyrrol	50 FR 12623 (3-29-85)	Do.
P 85-664	Generic name: Reaction product of metallic alkyl and polysiloxanes	50 FR 12623 (3-29-85)	Do.
P 85-665	Generic name: Reaction product of metallic alkyls, polysiloxanes and titanates	50 FR 12623 (3-29-85)	Do.
P 85-666	Generic name: Polyester polyurethane	50 FR 12623 (3-29-85)	June 15, 1985.
P 85-667	Generic name: Aliphatic unsaturated aldehyde	50 FR 12623 (3-29-85)	Do.
P 85-668	Mixture of acetic acid, 2,2',2''-(dodecylstannylidyne)tris(thio)-tris-,trisooctyl ester and acetic acid, 2,2'-(dodecylstannylidyne)bis(thio)-bis-,diisooctyl ester.	50 FR 12623 (3-29-85)	Do.
P 85-669	Generic name: Silylated amino carboxylate	50 FR 12623 (3-29-85)	Do.
P 85-670	Tall oil rosin propylene oxide reaction	50 FR 12623 (12624) (3-29-85)	June 30, 1985.
P 85-671	Generic name: Reacted modified cycloaliphatic diamine	50 FR 12623 ,12624) (3-29-85)	June 4, 1985.
P 85-673	Generic name: Silylated amino carboxylate	50 FR 12623 (12624) (3-29-85)	June 15, 1985.
P 85-674	Generic name: Aliphatic polyester	50 FR 12623 (12624) (3-29-85)	June 16, 1985.
P 85-675	Generic name: Aliphatic/aromatic polyester	50 FR 12623 (12624) (3-29-85)	Do.
P 85-677	Generic name: Functional polyether	50 FR 12623 (12624) (3-29-85)	Do.
P 85-678	Generic name: Benzene sulfoanilide	50 FR 12623 (12624) (3-29-85)	Do.
P 85-679	Generic name: Polyurethane	50 FR 12623 (12624) (3-29-85)	Do.
P 85-682	Generic name: Vinyl reactive plasticizer	50 FR 12623 (12624) (3-29-85)	Do.
P 85-683	Methacryloxy ethylacidphthalate	50 FR 12623 (12625) (3-29-85)	Do.
P 85-684	Generic name: Aliphatic polyester	50 FR 12623 (12625) (3-29-85)	Do.
P 85-685	Triethanolamine, compounded with boron fluoride (1:1)	50 FR 12623 (12625) (3-29-85)	Do.
P 85-686	Generic name: Acrylate copolymer	50 FR 12623 (12625) (3-29-85)	Do.
P 85-687	Generic name: Acrylate copolymer	50 FR 12623 (12625) (3-29-85)	Do.
P 85-688	Generic name: Acrylate copolymer	50 FR 12623 (12625) (3-29-85)	Do.
P 85-689	Generic name: Acrylate copolymer	50 FR 12623 (12625) (3-29-85)	Do.
P 85-690	Potassium antimony tris-(ethanediol)	50 FR 12623 (12625) (3-29-85)	June 17, 1985.
P 85-691	Generic name: Metal salt of substituted (dialkyl) bis (alkyl succinate ester)	50 FR 12623 (12625) (3-29-85)	Do.
P 85-692	7-(diethylamino)-3-(l-oxo-3-phenyl-2-propenyl)-2H-l-benzopyran-2-one	50 FR 12623 (12625) (3-29-85)	June 18, 1985.
P 85-693	Generic name: Acrylated urethane resin	50 FR 12623 (12625) (3-29-85)	Do.
P 85-694	Generic name: 2-propenoic acid copolymer	50 FR 12623 (12625) (3-29-85)	Do.
P 85-695	Generic name: Acrylate copolymer	50 FR 12623 (12625) (3-29-85)	Do.
P 85-696	Generic name: Acrylate copolymer	50 FR 12623 (12626) (3-29-85)	Do.
P 85-697	Generic name: Acrylate copolymer	50 FR 12623 (12626) (3-29-85)	Do.
P 85-698	Generic name: Acrylate copolymer	50 FR 12623 (12626) (3-29-85)	Do.
P 85-699	Generic name: Polymer of styrene with acrylate and methacrylates	50 FR 13652 (4-5-85)	June 19, 1985.
P 85-700	Generic name: Mixed acrylate/methacrylate polymer	50 FR 13652 (4-5-85)	Do.
P 85-701	Generic name: Polyester derivative	50 FR 13652 (4-5-85)	Do.
P 85-702	Generic name: Acrylic terpolymer resin	50 FR 13652 (4-5-85)	Do.
P 85-704	Generic name: Modified trisphenol novolac	50 FR 13652 (4-5-85)	Do.
P 85-705	Generic name: Substituted polyglycol	50 FR 13652 (4-5-85)	Do.
P 85-706	Generic name: Substituted pyridine	50 FR 13652 (4-5-85)	Do.
P 85-707	Generic name: Saturated polyester	50 FR 13652 (4-5-85)	Do.
P 85-708	Generic name: Saturated polyester, silicone modified	50 FR 13652 (13653) (4-5-85)	Do.
P 85-709	Generic name: Styrene-acrylic modified oil	50 FR 13652 (13653) (4-5-85)	Do.
P 85-711	Generic name: Metal alkoxide	50 FR 13652 (13653) (4-5-85)	June 23, 1985.
P 85-712	Generic name: Acrylic polymer substituted amine reaction product	50 FR 13652 (13653) (4-5-85)	Do.
P 85-713	Generic name: Styrene, acrylic copolymer	50 FR 13652 (13653) (4-5-85)	Do.
P 85-714	Generic name: Disubstituted urea	50 FR 13652 (13653) (4-5-85)	Do.
P 85-715	Generic name: Polycarbodiimide	50 FR 13652 (13653) (4-5-85)	Do.
P 85-716	Generic name: Poly(ethylene-butyl acrylate-maleic anhydride)	50 FR 13652 (13653) (4-5-85)	June 24, 1985.
P 85-717	Polyglycidyl ether of polyglycerol	50 FR 13652 (13653) (4-5-85)	Do.
P 85-720	Generic name: Polyacrylate	50 FR 13652 (13653) (4-5-85)	June 25, 1985.
P 85-721	Generic name: Melamine, hydroxypropyl-melamine polymer with formaldehyde	50 FR 13652 (13653) (4-5-85)	Do.
P 85-722	C_{16} and C_{18} unsaturated alkyl nitriles	50 FR 13652 (13654) (4-5-85)	Do.
P 85-723	Distillation residue from C_{16}-C_{18} unsaturated alkyl nitriles	50 FR 13652 (13654) (4-5-85)	Do.
P 85-724	Generic name: Ethoxylated thiol ether	50 FR 13652 (13654) (4-5-85)	June 26, 1985.
P 85-725	Generic name: Polymer of alkyl methacrylates, substituted alkyl methacrylates and styrene	50 FR 14439 (4-12-85)	June 29, 1985.
P 85-726	Generic name: Alicyclic carboxylic acid	50 FR 14439 (4-12-85)	Do.
P 85-727	Generic name: Calcium inpac	50 FR 14439 (4-12-85)	Do.
P 85-728	Generic name: Modified trisphenol novolac	50 FR 14439 (14440) (4-12-85)	June 30, 1985.
P 85-729	Generic name: Acrylate, methacrylate, polymer styrene	50 FR 14439 (14440) (4-12-85)	Do.
P 85-730	Generic name: Substituted phosphate ester	50 FR 14439 (14440) (4-12-85)	Do.
P 85-731	Generic name: Neutralized acrylic polymer	50 FR 14439 (14440) (4-12-85)	Do.
P 85-732	Generic name: Halogenated aromatic substituted alkane	50 FR 14439 (14440) (4-12-85)	Do.

III. 117 Premanufacture Notices for Which the Notice Review Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
P 85-733	Generic name: Halogenated aromatic polymer	50 FR 14439 (14440) (4-12-85)	Do.
P 85-734	Generic name: Halogenated aromatic alkane	50 FR 14439 (14440) (4-12-85)	Do.
P 85-736	Generic name: Modified rosin, calcium-zinc salt	50 FR 14439 (14440) (4-12-85)	Do.
P 85-737	Generic name: Copolymer of polyfluoro-alkyl substituted methacrylate and polysubstituted methacrylate.	50 FR 14439 (14440) (4-12-85)	Do.
P 85-738	Generic name: Alkyl resin	50 FR 14439 (14440) (4-12-85)	Do.
P 85-739	Generic name: Phenol-substituted alkane	50 FR 14439 (14440) (4-12-85)	Do.
P 85-740	Generic name: Polymer of acrylates, substituted acrylamide and dimethyl diallyl ammonium chloride.	50 FR 14439 (14441) (4-12-85)	Do.
P 85-741	Generic name: Acrylic acid—acrylamido-sulfonic acid copolymer including phosphino groups	50 FR 14439 (14441) (4-12-85)	Do.
Y 85-28	Generic name: Rosin modified alkyd resin	50 FR 10539 (10540) (3-15-85)	June 25, 1985
Y 85-71	Generic name: Polyester	50 FR 21503 (5-24-85)	June 4, 1985.
Y 85-72	Generic name: Methacrylic tetrapolymer	50 FR 23187 (5-31-85)	June 10, 1985.
Y 85-73	Generic name: Styrene-methacrylate terpolymer	50 FR 23187 (5-31-85)	June 11, 1985.
Y 85-74	Polymer of dimethyl glutarate, dimethyl adipate, dimethyl azelate, 1,4-butanediol and 2-ethythexanol.	50 FR 23187 (5-31-85)	Do.
Y 85-75	Generic name: Acrylic-methacrylic polymer	50 FR 23187 (23188) (5-31-85)	June 12, 1985.
Y 85-76	Generic name: Acrylic-methacrylic polymer	50 FR 23187 (23188) (5-31-85)	Do.
Y 85-77	Generic name: Acrylic-methacrylic polymer	50 FR 23187 (23188) (5-31-85)	Do.
Y 85-78	Generic name: Acrylic-methacrylic polymer	50 FR 23187 (23188) (5-31-85)	Do.
Y 85-79	Generic name: Alkyd resin	50 FR 24935 (24936) (6-14-85)	June 18, 1985.
Y 85-80	Generic name: Polyoxyalkylene modified dimethylsilicone	50 FR 24935 (24936) (6-14-85)	Do.
Y 85-81	Generic name: Propylene oxide, polymer with alkyl phenol, formaldehyde and alkyl polycarboxylic acid.	50 FR 24935 (24936) (6-14-85)	June 19, 1985.
Y 85-82	Generic name: Ethylene oxide, polymer with propylene oxide, alkyl phenol, formaldehyde and alkyl polycarboxylic acid.	50 FR 24935 (24936) (6-14-85)	Do.
Y 85-83	Generic name: Ethylene oxide, polymer with propylene oxide, mixed alkyl phenols, formaldehyde and alkyl polycarboxylic acid.	50 FR 24935 (24936) (6-14-85)	Do.
Y 85-84	Generic name: Ethylene oxide, polymer with propylene oxide, mixed alkyl phenols, formaldehyde and alkyl polycarboxylic acid.	50 FR 24935 (24936) (6-14-85)	Do.
Y 85-85	Generic name: Ethylene oxide, polymer with propylene oxide, mixed alkyl phenols, formaldehyde and alkyl polycarboxylic acid.	50 FR 24935 (24936) (6-14-85)	Do.
Y 85-86	Generic name: Ethylene oxide, polymer with propylene oxide, mixed alkyl phenols, formaldehyde and alkyl polycarboxylic acid.	50 FR 24935 (24936) (6-14-85)	Do.
Y 85-87	Generic name: Ethylene oxide, polymer with propylene oxide, alkyl phenol, glycerol, formaldehyde and alkyl polycarboxylic acid.	50 FR 24935 (24936) (6-14-85)	Do.

IV. 56 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Chemical identification	FR citation	Date of commencement
P 81-503	Generic name: Copolymer of alkylacrylates and methacrylates	46 FR 50147 (50148) (10-9-81)	June 10, 1985.
P 82-466	Polymer of vinyl toluene, styrene, 2 ethyl hexyl acrylate	47 FR 30103 (7-2-82)	Nov. 10, 1982.
P 83-1328	Generic name: Organic salt of quaternary aliphatic amine	48 FR 46851 (46852) (11-14-83)	June 6, 1985.
P 84-64	Generic name: Substituted-phenylamino monochloro-triazinylamino sulfophenylazo-substituted disulfonaphthalenylazo-naphthalene-disulfonic acid, hexasodium salt.	48 FR 50951 (50953) (11-4-83)	June 11, 1985.
P 84-165	Generic name: Carbonyl fluorine substituted dioxolane	48 FR 50944 (50949) (11-4-83)	May 23, 1985.
P 84-335	Generic name: Metal carboxylate	49 FR 3523 (3524) (1-27-84)	Feb. 20, 1985.
P 84-441	Generic name: Amine adduct of epoxy resin	49 FR 9013 (9014) (4-26-84)	June 19, 1985.
P 84-491	Generic name: Substituted aliphatic acid halide	49 FR 11009 (11010) (3-23-84)	May 23, 1985.
P 84-700	Generic name: Substituted polyamine	49 FR 22128 (22129) (5-25-84)	Mar. 29, 1985.
P 84-794	Generic name: Benzoselenazole based cyanine dye	49 FR 24782 (6-15-84)	May 20, 1985.
P 84-918	Generic name: Urethane-ester polymer	49 FR 29451 (29452) (7-20-84)	Dec. 15, 1984.
P 84-920	Generic name: Urethane-ester polymer	49 FR 29451 (29452) (7-23-84)	May 15, 1985.
P 84-986	4,4'-bis[4-(3-acetylamino-4-(4,8-di-sulfo-2-naphthylazo)]anilino-6-(3-carboxy-pyridino)-1,3,5-triazin-2-ylamino-2,2'-di-sulfostilbene dihydroxide hexasodium salt.	49 FR 31136 (31137) (8-3-84)	June 3, 1985.
P 84-987	2,4-bis[4-[3-acetylamino-4-(4,8-di-sulfonate-2-naphthylazo)anilino]-6-(3-carboxy-pyridino)-1,3,5-trianzin-2-ylamino]benzensulfonate-dihydroxide-pentasodium.	49 FR 31136 (31137) (8-3-84)	Do.
P 84-988	Hexasodium salt=1,4-bis[4-(3-carboxy-pyridino)-6-[3,6-disulfo-8-hydroxy-7-(2-sulfophenylazo)-1-naphthylamino]-1,3,5-triazine-2-ylamino]benzene-dihydroxide.	49 FR 31136 (31137) (8-3-84)	Do.
P 84-990	[2-[alpha[3-[4-(3-carboxypyridinio)-6-(2-chloro-5-sulfoanilino)-1,3,5-triazin-2-ylamino]-2-hydroxy-5-sulfophenylazo] benzylidene hydrazino]-4-sulfobenzoato-(0,0')(5)] copper (II) acid trisodium salt hydroxide.	49 FR 31136 (31137) (8-3-84)	Do.
P 84-1019	Generic name: Polysubstituted alkyl thiocyanate	49 FR 32110 (32111) (8-10-84)	June 4, 1985.
P 85-11	Generic name: Aryl substituted aliphatic thiol	49 FR 41102 (10-19-84)	Apr. 1, 1985.
P 85-181	1-(2-methoxyethoxy)-4-methylbenzene	49 FR 47108 (47111) (11-30-84)	June 10, 1985.
P 85-182	Generic name: Alkyl ester	49 FR 47108 (47111) (11-30-84)	May 9, 1985.
P 85-227	Generic name: Acrylic acid ester	49 FR 47921 (47923) (12-7-84)	May 10, 1985.
P 85-233	Generic name: Polyester diol	49 FR 47921 (27923) (12-7-84)	May 20, 1985.
P 85-273	Generic name: Polyester urethane acrylate blocked.*	49 FR 49895 (49896) (12-24-84)	June 19, 1985.
P 85-323	Generic name: Bis(substituted alkyl)disulfide	49 FR 50444 (50445) (12-28-84)	May 22, 1985.
P 85-324	Generic name: Substituted heteromonocyclic phenol	49 FR 50444 (50446) (12-28-84)	May 23, 1985.
P 85-341	Generic name: Substituted xanthene	50 FR 543 (544) (1-4-85)	May 7, 1985.
P 85-354	Generic name: Polymer of an aliphatic diisocyanate alphatic diacids, aromatic diacid, aliphatic diol, aliphatic epoxides.	50 FR 543 (545) (1-4-85)	May 18, 1985.
P 85-364	Generic name: Hydrochloride salt of a substituted dialkylamine	50 FR 1630 (1631) (1-11-85)	May 25, 1985.
P 85-443	Generic name: Bis(substituted alkyl) disulfide	50 FR 5416 (2-6-85)	May 20, 1985.
P 85-457	Generic name: Reaction product of polytetramethyleneglycol, methylene bis (phenyl isocyanate) and alcohols.	50 FR 6383 (6384) (2-15-85)	May 12, 1985.
P 85-470	4-chlorobutyric acid, 1-methylpropyl ester	50 FR 6383 (6385) (2-15-85)	May 9, 1985.
P 85-471	Cyclopropane carboxylic acid, 1-methyl-propyl ester	50 FR 6383 (6385) (2-15-85)	Do.
P 85-537	1-(1-Phenylethylidene)-2,2-diphenyl-hydrazine	41 FR 8390 (8392) (3-1-85)	June 10, 1985.
P 85-538	2,3,3-trimethyl-5-nitro-3H-indole	50 FR 8390 (8392) (3-1-85)	May 24, 1985.
P 85-539	Generic name: Indolo-isoxazolidinone merocyanine	50 FR 8390 (8392) (3-1-85)	May 30, 1985.
P 85-540	1,2,3,3-Tetramethyl-5-nitro-3H-indolium 4-methylbenzene-sulfonate	50 FR 8390 (8392) (3-1-85)	May 29, 1985.
P 85-560	Generic name: Substituted olefinic ketone	50 FR 9504 (9505) (3-8-85)	June 5, 1985.
P 85-571	Generic name: Ester of olefinic acid	50 FR 9504 (9505) (3-8-85)	June 14, 1985.

IV. 56 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture—Continued

PMN No.	Chemical identification	FR citation	Date of commencement
P 85-577	Generic name: Unsaturated polyester	50 FR 9504 (9506) (3-8-85)	May 31, 1985.
P 85-592	Generic name: Heterocyclic substituted butane	50 FR 9504 (9507) (3-8-85)	June 6, 1985.
P 85-613	Generic name: Dialkylamine substituted aryl-N-arylnitrone	50 FR 10536 (10537) (3-15-85)	June 3, 1985.
P 85-614	Generic name: Dialkylamine substituted aryl-N-arylnitrone	50 FR 10536 (10537) (3-15-85)	Do.
P 85-615	Generic name: Nitrobenzoic acid ester	50 FR 10536 (10537) (3-15-85)	Do.
P 85-621	Generic name: A cyclopentene substituted alcohol	51 FR 10536 (10537) (3-15-85)	June 6, 1985.
P 85-635	Polymer of methyl methacrylate, butyl acrylate, dimethylaminoethyl methacrylate methacrylic acid.	51 FR 10536 (10539) (3-15-85)	June 4, 1985.
P 85-642	2-Nonynoic acid, 2-methylpropyl ester	50 FR 10536 (10539) (3-15-85)	June 14, 1985.
P 85-643	Generic name: Substituted pyridine	50 FR 10536 (10539) (3-15-85)	Do.
P 85-653	Generic name: Organomagnesium compound	50 FR 11557 (11558) (3-22-85)	June 10, 1985.
P 85-678	Generic name: Aryl sulfonamide	50 FR 12623 (12624) (3-29-85)	June 19, 1985.
P 85-696	Generic name: Acrylate copolymer	50 FR 12622 (12623) (3-29-85)	June 3, 1985.
P 85-739	Generic name: Phenol substituted alkane	50 FR 14439 (14440) (4-12-85)	July 2, 1985.
Y 85-24	Generic name: Polyester polyol	50 FR 9503 (9504) (3-8-85)	May 20, 1985.
Y 85-56	Generic name: Alkyd resin	50 FR 16543 (4-26-85)	June 10, 1985.
Y 85-59	Generic name: Polyester resin made from dibasic aromatic and aliphatic acids and aliphatic glycols.	50 FR 18919 (18920) (5-3-85)	May 13, 1985.
Y 85-64	Generic name: Phthalic modified alkyd resin	50 FR 18919 (18920) (5-3-85)	May 22, 1985.

V. 133 Premanufacture Notices for Which the Review Period Has Been Suspended

PMN No.	Identity/generic name	FR citation	Date suspended
P 83-1	Generic name: Polyhalogenated aromatic alkylated hydrocarbon	47 FR 46371 (10-18-82)	Oct. 22, 1982.
P 83-333	Generic name: Reaction product of polycyclesulfonic acid salt with phosphorus halide/halogen, subsequent reaction with an amine, subsequent reaction with an aldehyde/sodium bisulfite alkali.	48 FR 72(73) (1-3-83)	Mar. 14, 1983.
P 83-418	Generic name: Benzenedisulfonic acid, chlorotriazinylaminodimethylphenylazo-sulfonaphthalene-azo-.	48 FR 5304 (5306) (2-4-83)	Feb. 19, 1985.
P 83-461	Generic name: Substituted alkoxy silane	48 FR 7299 (7300) (2-18-83)	July 1, 1983.
P 83-634	Generic name: Substituted mono azo aromatic	48 FR 17385 (4-22-83)	July 5, 1983.
P 83-669	Generic name: Chromium complex of substitutedphenolazosulfonaphthol with naphtholazosulfo-naphthol.	48 FR 20490 (5-6-83)	Aug. 5, 1983.
P 83-677	Generic name: Chromium complex of substituted alkylaminoformimidphenol with sulfonaphthola-zosulfophenylpyrazolone.	48 FR 20490 (20491) (5-6-83)	Do.
P 83-770	Generic name: Cobalt complex of a substituted phenolazonaphthol	48 FR 24967 (24968) (6-3-83)	Aug. 15, 1983.
P 83-771	Generic name: Chromium complex of substituted phenolazoalkylarylamino-formimidphenol with sulfonaphthylazo-sulfonaphthol.	48 FR 24967 (24968) (6-3-83)	Do.
P 83-860	Generic name: Metal complexed substituted aromatic azo compound	48 FR 30434 (30435) (7-1-83)	Sept. 21, 1983.
P 83-875	4-(2-cyano-4-nitrophenylazo-[N-(2-cyanoethyl)-N-(2-phenoxyethyl)amino] benzene	48 FR 31460 (31462) (7-8-83)	May 24, 1985.
P 83-876	4-(2-cyano-4-nitrophenylazo-[N,N-bis(2-propionyloxyethyl)amino]-3-chlorobenzene	48 FR 31460 (31462) (7-8-83)	Do.
P 83-913	Generic name: Copper sulfonylphenazo-polyhydroxy phenazobenzoate	48 FR 32381 (32383) (7-15-83)	Oct. 1, 1983.
P 83-1018	Generic name: Substituted-naphthalene tetradisulfonic acid, bis[(substituted-hydroxyphenylazo)phenyl]derivative	48 FR 36647 (36649) (8-12-83)	Oct. 24, 1983.
P 84-15	Generic name: Substituted heterocyclic metal complex	48 FR 48863 (48864) (10-21-83)	Feb. 9, 1985.
P 84-17	Generic name: Substituted heterocyclic metal complex	48 FR 48863 (48864) (10-21-83)	Do.
P 84-18	1(1,1 dimethylethoxy)-propan-2-ol	48 FR 48863 (48864) (10-21-83)	Feb. 28, 1985.
P 84-36	Generic name: Substituted heterocyclic metal complex	48 FR 48863 (48864) (10-21-83)	Feb. 9, 1985.
P 84-50	Generic name: Substituted heterocyclic metal complex	48 FR 50951 (50952) (11-4-83)	Do.
P 84-108	Generic name: Trisubstituted heterocyclic disubstituted monocycle	48 FR 50944 (50945) (11-4-83)	Mar. 5, 1984.
P 84-121	Generic name: Substituted heterocyclic metal complex	48 FR 50944 (50946) (11-4-83)	Feb. 9, 1985.
P 84-375	Generic name: Sodium salt of alkyl dithiocarbamates	48 FR 4980 (4981) (2-9-84)	Jan. 10, 1985.
P 84-376	Generic name: Aryl esters of alkyl dithiocarbamates	49 FR 4980 (4981) (2-9-84)	Do.
P 84-391	Generic name: Cuprate 5-(5-hydroxy-2-[[4-[[5-hydroxy-6-[[2-methoxy-5-(substituted)phenyl]azo]-7-sulfo-2-naphthalenyl]amino]-6-[(3-sulfophenyl)amino)]-1,3,5-triazin-2-yl]amino]-6-[(2-hydroxy-5-sulfophenyl)]azo-1, 7-naphthalene-disulfonato(7-)], penta-sodium.	49 FR 6160 (6162) (2-17-84)	Apr. 27, 1984.
P 84-392	Generic name: Alkoxylated cycloaliphatic diamine	49 FR 6160 (6162) (2-17-84)	Do.
P 84-485	Generic name: Poly(oxy-1,2-ethanediyl) alpha-acyl-w-alkyl	49 FR 11009 (11010) (3-23-84)	June 4, 1984.
P 84-591	Generic name: Sodium salt of an alkylated, sulfonated aromatic	49 FR 16833 (16835) (4-20-84)	August 21, 1984.
P 84-597	Generic name: Blocked aliphatic polyisocyanate	49 FR 16833 (16835) (4-20-84)	July 19, 1984.
P 84-649	Generic name: Chromate, bis(substituted substituted phenolato)inorganic salts	49 FR 19110 (19113) (5-4-84)	July 20, 1984.
P 84-650	Generic name: Chromate, bis(substituted substituted substituted pyrazolyl), sodium	49 FR 19110 (19113) (5-4-84)	Do.
P 84-651	Generic name: Chromate, bis(substituted substituted naphthalenolato)sodium	49 FR 19110 (19113) (5-4-84)	Do.
P 84-664	Generic name: Chromate, (substituted substituted phenolato) (substituted substituted substituted substituted phenolato)sodium.	49 FR 20060 (20061) (5-11-84)	Do.
P 84-665	Generic name: Chromate, bis(substituted substituted substituted phenolato), sodium	49 FR 20060 (20061) (5-11-84)	Do.
P 84-669	Oleic, linoleic, palmitic acid ester of ethoxylated C_{12}-C_{14} alcohols	49 FR 20060 (20061) (5-11-84)	May 17, 1955.
P 84-673	Generic name: Chromate (substituted naphthalenolato) (substituted substituted naphthalenolato) inorganic salts.	49 FR 20060 (20061) (5-11-84)	July 20, 1984.
P 84-703	Oxo-octyl acetate	49 FR 22128 (22130) (5-25-84)	Oct. 29, 1984.
P 84-713	Generic name: Acrylated alkoxylated aliphatic polyol	49 FR 22128 (22130) (5-25-84)	Feb. 1, 1985.
P 84-737	Generic name: Glycol ether	49 FR 22865 (22866) (6-1-84)	Mar. 21, 1985.
P 84-738	Generic name: Glycol ether	49 FR 22865 (22866) (6-1-84)	Do.
P 84-742	Generic name: Cross-linked modified polyvinyl amide	49 FR 22865 (22866) (6-1-84)	Aug. 22, 1984.
P 84-796	Generic name: Polyfunctional aziridine	49 FR 24782 (6-15-84)	Dec. 17, 1984.
P 84-814	Generic name: Polysubstituted polyol	49 FR 24782 (24784) (6-15-84)	Jan. 4, 1985.
P 84-881	Generic name: Modified polymer of styrene with alkyl acrylate and alkyl methacrylates	49 FR 28614 (28615) (7-13-84)	May 15, 1985.
P 84-895	Generic name: Substituted-substituted benzenesulfonic acid coupled with substituted-substituted benzenes and substituted-substituted naphthalenedi-sulfonic acid, sodium salt.	49 FR 28614 (28616) (7-13-84)	Nov. 16, 1984.
P 84-900	1,3,5-Triazine-2,4,6 (1H, 3H, 5H)-trione, 1,3,5-tris(2,3-dibromopropyl)	49 FR 28616 (28617) (7-13-84)	Mar. 26, 1985.
P 84-938	Polymer of hydroxy ethyl acrylate and polyisocyanate T 1890/100	49 FR 29451 (29453) (7-20-84)	Jan. 3, 1985.
P 84-954	Generic name: Substituted aromatic	49 FR 30238 (30239) (7-27-84)	Apr. 29, 1985.
P 84-1005	Generic name: Alkyl amine derivative	49 FR 32110 (8-10-84)	Oct. 24, 1984.
P 84-1053	Generic name: Ethoxylated vegetable fatty acids, end-capped	49 FR 33718 (33720) (8-24-84)	Oct. 26, 1984.
P 84-1114	Generic name: Sodium salt of sulfonated, alkylated diphenyl oxide	49 FR 35414 (35416) (9-7-84)	Nov. 19, 1984.
P 84-1128	Generic name: Isoalkyleneoxy alkanol	49 FR 35414 (35417) (9-7-84)	Nov. 26, 1984.
P 84-1129	Acetic acid, ester with C_8-C_{11} iso alcohols, C_{10}-rich	49 FR 35414 (35417) (9-7-84)	Jan. 10, 1985.

V. 133 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED—Continued

PMN No.	Identity/generic name	FR citation	Date suspended
P 84-1130	Acetic acid, ester with C_8-C_{10} alcohols, C_9-rich	49 FR 35414 (35417) (9-7-84)	Do.
P 84-1131	Acetic acid, ester with C_{11}-C_{13} iso alcohols, C_{12}-rich	49 FR 35414 (35417) (9-7-84)	Do.
P 84-1136	Generic name: Substituted aromatic amide	49 FR 36151 (36152) (9-14-84)	Feb. 4, 1985.
P 84-1137	Generic name: Cycloaliphatic epoxide	49 FR 36151 (36152) (9-14-84)	Do.
P 84-1144	Generic name: Isoalkyleneoxy alkanoate	49 FR 36151 (36152) (9-14-84)	Feb. 11, 1985.
P 84-1182	Generic name: Aminopolyamide-epichloro-hydrin resin	49 FR 38356 (38357) (9-28-84)	Jan. 11, 1985.
P 84-1183	Generic name: Aminopolyamide-epichloro-hydrin polymer	49 FR 33356 (38357) (9-28-84)	Do.
P 84-1188	Generic name: Modified acrylamide polymer	49 FR 38356 (38357) (9-28-84)	Dec. 7, 1984.
P 84-1219	Generic name: Substituted pyridine	49 FR 39379 (39380) (10-5-84)	Feb. 5, 1985.
P 84-1228	Generic name: Polyisoalkoxyalkanol	49 FR 39379 (39381) (10-5-84)	Jan. 8, 1985.
P 84-1229	Generic name: Polyisoalkoxyalkanol	49 FR 39379 (39381) (10-5-84)	Do.
P 85-16	Generic name: Acrylamide unsaturated quaternary ammonium copolymer	49 FR 41102 (41103) (10-19-84)	Jan. 4, 1985.
P 85-18	Generic name: Substituted amino anthranquinone	49 FR 41102 (41103) (10-19-84)	May 23, 1985.
P 85-36	Generic name: Substituted pyridine	49 FR 43105 (43106) (10-26-84)	Feb. 5, 1985.
P 85-67	2,2'-diallyl-4,4'-sulfonyl diphenol	49 FR 44139 (44140) (11-2-84)	Jan. 23, 1985.
P 85-109	Generic name: Arylthioalkanoylhydrazide	49 FR 45657 (11-19-84)	Apr. 17, 1985.
P 85-141	Generic name: Polyester acrylate	49 FR 46852 (46853) (11-26-84)	Feb. 12, 1985
P 85-142	Generic name: Aromatic epoxy ester	49 FR 46852 (46853) (11-26-84)	Do.
P 85-159	Generic name: Polymeric aliphatic polyol acrylate ester	49 FR 47108 (47109) (11-30-84)	Feb. 11, 1985.
P 85-160	Generic name: Polymeric aliphatic polyol acrylate ester	49 FR 47108 (47109) (11-30-84)	Do.
P 85-161	Generic name: Polymeric aliphatic polyol acrylate ester	49 FR 47108 (47109) (11-30-84)	Do.
P 85-162	Generic name: Polymeric aliphatic polyol acrylate ester	49 FR 47108 (47109) (11-30-84)	Do.
P 85-194	Generic name: Acid amide salt	49 FR 47921 (12-7-84)	Feb. 20, 1985.
P 85-198	Generic name: Alkylated aromatic diamine	49 FR 47921 (47922) (12-7-84)	Mar. 8, 1985.
P 85-203	Generic name: Sulfur-containing poly-alkylene oxide	49 FR 47921 (42722) (12-7-84)	Mar. 5, 1985
P 85-216	Generic name: Substituted pyridine	49 FR 47921 (47922) (12-7-84)	Feb. 19, 1985.
P 85-234	Generic name: Disubstituted sulfide	49 FR 47921 (47924) (12-7-84)	Apr. 25, 1985.
P 85-236	Generic name: Substituted pyridine	49 FR 48801 (48802) (12-14-1984)	Apr. 16, 1985.
P 85-255	Amines, tri (C_{11}-C_{14}-iso-C_{13} rich)	49 FR 49895 (49896) (12-24-84)	Mar. 5, 1985.
P 85-296	Generic name: Silicone ester polyacrylate	49 FR 49895 (49898) (12-24-84)	Mar. 13, 1985.
P 85-298	Generic name: Amino acrylate monomer	49 FR 49895 (49898) (12-24-84)	Do.
P 85-317	Phosphine oxide, diphenyl (2,4,6-trimethyl-benzoyl)-	49 FR 50444 (50445) (12-28-84)	Mar. 14, 1985.
P 85-344	Benzoic acid, 2-(3-(1,3-benzodioxole-5-yl)-2 methyl propylidene) amino, methyl ester	50 FR 543 (544) (1-4-85)	May 6, 1985.
P 85-360	Generic name: Partial metal complex of aminomethylene phosphonic acid	50 FR 1630 (1631) (1-4-85)	Mar. 22, 1985.
P 85-367	Generic name: Haloalkyl substituted cyclic ether	50 FR 1630 (1631) (1-11-85)	Mar. 25, 1985.
P 85-368	Generic name: Haloalkyl substituted cyclic ether	50 FR 1630 (1631) (1-11-85)	Do.
P 85-369	Generic name: Haloalkyl substituted cyclic ether	50 FR 1630 (1631) (1-11-85)	Do.
P 85-383	Phenol, 2,4-bis [(dimethylamino)methyl]-6-methyl-	50 FR 2719 (1-18-85)	Apr. 5, 1985.
P 85-395	Generic name: Substituted polyester resin	50 FR 2719 (2720) (1-18-85)	Apr. 1, 1985.
P 85-428	Generic name: Ester modified phenolic resin	50 FR 4896 (4898) (2-4-85)	Apr. 17, 1985.
P 85-433	1-Propanol, 3-mercapto-	50 FR 4896 (4898) (2-4-85)	Apr. 22, 1985.
P 85-444	Generic name: Aromatic amidoamine	50 FR 5416 (2-8-85)	Apr. 19, 1985.
P 85-458	Generic name: Alkyl ester of a trialkoxy silane	50 FR 6383 (6384) (2-15-85)	Apr. 29, 1985.
P 85-459	Generic name: Aromatic tertiary diamine	50 FR 6383 (6384) (2-15-85)	Feb. 19, 1985.
P 85-463	Generic name: Silane	50 FR 6383 (6384) (2-15-85)	Apr. 25, 1985.
P 85-468	Generic name: Polycyclic sulfonic acid salt	50 FR 6383 (6384) (2-15-85)	May 21, 1985.
P 85-497	2-hydroxy-3 epsilon lysino propyl trimethyl ammonium chloride derivatized hydrolyzed soy protein isolate.	50 FR 7640 (7642) (2-25-85)	May 9, 1985.
P 85-498	2-hydroxy-3 epsilon lysino propyl trimethyl ammonium chloride derivatized hydrolyzed soy protein isolate.	50 FR 7640 (7642) (2-25-85)	Do.
P 85-523	Generic name: Functionally modified urethane	50 FR 8391 (3-1-85)	May 28, 1985.
P 85-527	Generic name: Vinyl-epoxy ester	50 FR 8390 (8391) (3-1-85)	June 4, 1985.
P 85-528	Generic name: Anthranilate schiff base	50 FR 8390 (8391) (3-1-85)	May 20, 1985.
P 85-535	Generic name: Substituted pyridine	50 FR 8391 (8392) (3-1-85)	May 17, 1985.
P 85-536	Generic name: Substituted pyridine	50 FR 8391 (8392) (3-1-85)	Do.
P 85-562	Generic name: Alkanolalkane triacylate octylamine adduct	50 FR 9504 (9505) (3-8-85)	May 14, 1985.
P 85-567	Generic name: Silyl ketene acetal	50 FR 9504 (9505) (3-8-85)	May 15, 1985.
P 85-605	Generic name: Trisubstituted phenol	50 FR 9504 (9508) (3-8-85)	June 27, 1985.
P 85-619	Generic name: Tetra substituted amino-carboxylic acid	50 FR 10536 (10537) (3-15-85)	June 12, 1985.
P 85-627	Generic name: Alkenyloxysilane	50 FR 10536 (10538) (3-15-85)	May 17, 1985.
P 85-630	Ammonium, 1-n-Tetradecyl sulfonate	51 FR 10536 (10538) (3-15-85)	June 20, 1985.
P 85-631	Sodium, 1-n-Tetradecyl sulfonate	51 FR 10536 (10538) (3-15-85)	Do.
P 85-632	Ammonium, 1-n-Hexadecyl sulfonate	51 FR 10536 (10538) (3-15-85)	Do.
P 85-637	Generic name: Substituted polyglycol	51 FR 10536 (10539) (3-15-85)	June 17, 1985.
P 85-648	Generic name: Isopropylidene-bis-(1,1-dimethylpropyl)derivate	50 FR 11557 (11558) (3-22-85)	June 5, 1985.
P 85-660	Generic name: Fatty acids, esters with alkanolamine, alkoxylated	50 FR 11557 (11559) (3-22-85)	June 21, 1985.
P 85-676	Generic name: Functional polyester	50 FR 12623 (12624) (3-29-85)	June 16, 1985.
P 85-680	Generic name: 1,1-Dimethylpropyl peroxyester	50 FR 12623 (12624) (3-29-85)	Do.
P 85-681	Generic name: 1,2,7,8-diepoxyoctane	50 FR 12623 (12624) (3-29-85)	June 11, 1985.
P 85-703	Polymer of hydroxy ethyl acrylate, isophorone diisocyanate and Melpol 125	50 FR 13651 (13652) (4-5-85)	June 17, 1985.
P 85-710	Generic name: Poly acrylate/methacrylate ester	50 FR 13651 (13653) (4-5-85)	June 22, 1985.
P 85-718	Generic name: Polyol polyacrylate	50 FR 13651 (13653) (4-5-85)	June 19, 1985.
P 85-719	Generic name: Polymer of styrene and methacrylates	50 FR 13651 (13653) (4-5-85)	June 25, 1985.
P 85-735	Generic name: Substituted pyridine disazo dye	50 FR 14439 (14440) (4-12-85)	June 30, 1985.
P 85-886	Generic name: Brominated unsaturated polyster resin	50 FR 19798 (19800) (5-10-85)	June 8, 1985.
P 85-897	2,8,10-trioxa-5-azadodecanoic acid, 5-(5-chloro-2-methoxy-4-[(5-nitro-2-thiazolyl)azo]phenyl)-9-oxo-, ethyl ester.	50 FR 19798 (19801) (5-10-85)	June 18, 1985.
P 85-937	Generic name: Alkyl diamine	50 FR 21498 (21499) (5-24-85)	June 26, 1985.
P 85-1080	Generic name: C_{18} fatty acids; dimers, polyamide resin	50 FR 26837 (26838) (6-28-85)	June 28, 1985.

[FR Doc. 86-588 Filed 1-9-86; 8:45 am]

BILLING CODE 6560-50

[ER-FRL-2951-7]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075. Availability of Environmental Impact Statements filed December 30, 1985 Through January 3, 1986 Pursuant to 40 CFR 1506.9.

EIS No. 850555, Final, BLM, ID, WA, MT, OR, WY, Northwest Area Noxious Weed Control Program, Due: February 15, 1986, Contact: R. Gregg Simmons (503) 231-6272.

EIS No. 860000, Draft, BOP, PA, Bradford Federal Correctional Institution Complex, Construction and Operation, McKean County, Due:

February 24, 1986. Contact: Loy Hayes (202) 272–6535.

EIS No. 860001, Draft, COE, FL, Port Sutton Channel Navigation Improvements, Hillsborough County, Due: February 24, 1986, Contact: Ronnie Tapp (904) 791–1690.

Amended Notice

EIS No. 850556, Draft, COE, NY, NJ, PA, Port Jervis Ice Related Flood Control Plan, Upper Delaware River Basin, Due: February 18, 1986, Contact: William Mueller (215) 597–4833, Inadvertently omitted from 1–3–86 **Federal Register**.

Dated: January 7, 1986.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 86–616 Filed 1–9–86; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–2951–8]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared December 23, 1985 through December 27, 1985 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5075/76. An explanation of the rating assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated October 19, 1984 (49 FR 41108).

Draft EIS's

ERP No. DS–AFS–F65008–IN, Rating LO, Hoosier Nat'l Forest, Land and Resource Mgmt. Plan, Off-Road Vehicle Policy, IN.

Summary: EPA has no objection to the proposed actions. EPA's erosion and nomitoring concerns, which were expressed after the review of the draft documents, have been adequately resolved as presented in the draft supplement.

ERP No. D–BLM–J02010–CO, Federal Prototype Oil Shale Tract C–A, Offtract Leasing, Oil Shale Operations and Waste Material Disposal, TN.

Summary: EPA has serious environmental concerns with the proposed action. These concerns include the potential to degrade ground water under the proposed lease area, the need to mitigate and control the leachate from the spent shale, and to better estimate the amount of spent shale that could be returned to the open pit to reduce leachate volumes. Also, the DEIS does not include consideration of alternatives that could reduce environmental impacts such as phasing the development, or use of all relevant and available information which could aid the analysis of these problems. EPA recommends that BLM consider the preparation of a revised draft EIS that addresses these concerns.

ERP No. D–FHW–D40212–VA, Rating EC2, VA–600 Improvement, VA–603 to VA–762, 404 Permit, VA.

Summary: EPA finds the DEIS to be unclear in presenting data to support the preferred alternate route. Additional detail and clarification is required throughout the document to ensure a better final EIS.

Amended Notice

The following review was completed during the week of December 16, through 20, 1985 and should have appeared in the FR Notice published on January 3, 1986.

ERP No. D–AFS–L65099–ID, Rating E02, Payette Nat'l Forest, Land and Resource Mgmt. Plan, ID

Summary: EPA's major concern is that the analysis in the draft EIS does not demonstrate that the preferred alternative (and therefore the Proposed Plan) could comply with State of Idaho Water Quality Standards. The potential for serious water quality impacts is substantial.

Dated: January 7, 1986.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 86–617 Filed 1–9–86; 8:45 am]

BILLING CODE 6560–50–M

[A–9–FRL–2949–2]

Extension of the Suspension of the Arizona State Implementation Plan Sulfur Dioxide Emission Standards for Phelps Dodge Corporation; Section 119 of the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of Suspension of the Arizona State Implementation Plan Emission Limitation for Sulfur Dioxide; Notice of Administrative Action.

SUMMARY: Under section 119 of the Clean Air Act, the Administrator may issue a nonferrous smelter order (NSO) to an eligible nonferrous smelter, suspending certain otherwise applicable SIP requirements for sulfur dioxide (SO2) until not later than January 1, 1988. On May 15, 1985, Phelps Dodge submitted a substantially complete NSO application to EPA for its smelter located at Douglas, Arizona, resulting in an automatic regulatory suspension of the applicable SO2 limits until August 13, 1985. EPA subsequently extended the suspension for "good cause" until November 12, 1985.

By letter dated November 12, 1985, Phelps Dodge requested an additional extension of the suspension until EPA completes action on the application. EPA again finds that there is "good cause" to extend the suspension for an additional ninety days from the previous extension. Therefore, in accordance with 40 CFR 57.202(b), EPA is extending the suspension to and including February 10, 1986.

EFFECTIVE DATE: November 13, 1985.

FOR FURTHER INFORMATION CONTACT: David Howekamp, Director, Air Management Division, EPA Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974–8201, FTS: 454–8201.

SUPPLEMENTARY INFORMATION:

Background

Section 119 of the Clean Air Act permits the issuance of a NSO to a nonferrous smelter if no method of control which would enable it to meet its applicable SO2 SIP emission limitations has been adequately demonstrated to be reasonably available (as determined by the Administrator taking into account the cost of compliance, non-air quality health and environmental impact, and energy considerations). An NSO may temporarily defer the SIP requirements for compliance with the SO2 stack emission limitations and schedules for installation of the pollution control equipment necessary to meet those limitations. An NSO may also temporarily defer compliance with any other SIP requirements which are integrally related to such requirements, and which would be pointless to enforce in light of the deferral. (See 50 FR 6434).

On February 15, 1985, EPA promulgated regulations to implement the NSO program. 50 FR 6434 (February 15, 1985) (to be codified at 40 CFR Part 57). The NSO regulations set forth the minimum requirements for an NSO, and the procedures a smelter owner must follow in applying for an NSO.

An NSO may be issued either by the applicable State agency or by EPA. To initiate the NSO process, a smelter

owner must submit to the issuing agency (i.e., the agency to which the application is made) a notice of intent to apply for an NSO and an agreement to supply the agency with any required information. Upon the receipt of this notice and agreement by the issuing agency, the applicable SIP emission limitations for sulfur dioxide and the related SIP requirements are suspended for sixty days.

The regulations, 40 CFR 57.202(b), also provide that if the smelter owner submits a substantially complete application within the initial sixty-day notice period, the suspension of the SIP emission limitation for sulfur dioxide and the related requirements will continue until the issuing agency issues or declines to issue an NSO or until ninety days after the date the issuing agency receives the substantially complete application, whichever occurs sooner. However, if the issuing agency has not issued or declined to issue an NSO within the ninety-day period, EPA may extend the suspension for good cause. (40 CFR 57.202(b))

Phelps Dodge initiated the NSO application process by submitting to EPA a notice of intent to apply for an NSO and an agreement to supply the requisite information, by letter dated March 14, 1985. On May 15, 1985, Phelps Dodge submitted its application to EPA. While the Agency has requested Phelps Dodge to supplement its application and may ask for additional supplementary information, the May 15, 1985, submittal was deemed substantially complete for purposes of § 57.202(b) and thus extended the suspension for 90 days, until August 13, 1985.

On October 10, 1985, the Administrator of EPA signed a notice extending for "good cause" the suspension of the sulfur dioxide emission limitations for an additional 90 days beyond the expiration of the previous suspension, or until November 12, 1985. 50 FR 47841 (Nov. 20, 1985).

Administrative Action

Based on EPA's review to date of Phelps Dodge's application for an NSO, the Agency has found that the application is substantially complete and that Phelps Dodge has responded to EPA's requests for supplementary information. Phelps Dodge responded to EPA's most recent requests for supplementary information on November 8 and November 18, 1985. EPA has not yet completed its review of Phelps Dodge's NSO application and all supplementary information submitted. After EPA completes its review, it will propose action on the application and solicit public comment before taking final action. Based on the volume and complexity of the information to be considered, the Agency believes that it may not complete its action on Phelps Dodge's application earlier than ninety days after the date of expiration of the previous suspension. Accordingly, EPA concludes that good cause exists for extending the suspension for an additional ninety days from the expiration of the previous extension (until February 10, 1986).

This extension should not be construed as reflecting any conclusion on the merits of Phelps Dodge's application. It is simply a procedural action to extend the suspension while the application is pending.

Dated: December 19, 1985.

Judith E. Ayres,

Regional Administrator.

[FR Doc. 86-583 Filed 1-9-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Office of Management and Budget Disapproval of Public Information Collection Requirement

ACTION: Notice of disapproval of information collection requirement.

SUMMARY: On September 18, 1985, the Commission adopted a Report and Order in MM Docket No. 85-61, Amendment of Part 76 of the Commission's Rules to Implement the Equal Employment Opportunity Provisions of the Cable Communications Policy Act of 1984. This Report and Order revised the Commission's Cable Television Annual Employment Report (Form FCC 395-A). On November 19, 1985, the Commission submitted a Request for OMB Review of the revised form. On December 9, 1985, the Office of Management and Budget disapproved the revised Form FCC 395-A pursuant to section 3504(h)(5) of Title 44, United States Code (the Paperwork Reduction Act). The currently-approved version of Form FCC 395-A may be used until April 30, 1986. This notice is intended to comply with the public notice requirement in 5 CFR 1320.13(j).

FOR FURTHER INFORMATION CONTACT: Terry Johnson, Room 416, Federal Communications Commission, 1919 M Street, NW., Washington, DC. (202/632-7513).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-513 Filed 1-9-86; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

December 26, 1985.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of the submissions are available from Jerry Cowden, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact David Reed, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-7231.

OMB Number: 3060-0295
Title: Section 90.607 (b) (1) and (c)(1), Supplemental information to be furnished by applicants for facilities under this subpart
Action: Extension
Respondents: Applicants seeking use of frequencies in the 806-821 MHz and 851-866 MHz bands (Private Land Mobile Radio Service)
Estimated Annual Burden: 28 Responses; 7 Hours

OMB Number: 3060-0308
Title: Section 90.505, Developmental operation, showing required
Action: Extension
Respondents: Applicants for developmental operations in the Private Land Mobile Radio Services
Estimated Annual Burden: 100 Responses; 200 Hours

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-514 Filed 1-9-86; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1560]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

December 31, 1985.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to § 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject:
International Competitive Carrier Policies. (CC Docket No. 85-107)
Filed by:

Anne P. Jones and David A. Gross, Attorneys for Argo Communications Corp. and Argo Communications International, Inc. on 12–23–85. Andrew D. Lipman, Emilia L. Govan and Ilene R. Knable, Attorneys for Overseas Telecommunications, Inc. on 12–23–85. Alexander P. Humphrey, RCA Global Communications, Inc. on 12–23–85.

L. Russell Mitten II, Lani Nakazawa and James R. Hobson, Attorneys for Hawaiian Telephone Company on 12–23–85.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86–512 Filed 1–9–86; 8:45 am]

BILLING CODE 6712–01–M

[FCC 85–657]

Prescription of Revised Percentages of Depreciation

AGENCY: Federal Communications Commission.

ACTION: Depreciation Rate Prescription Order.

SUMMARY: Pursuant to Sections 4(i) and 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. Secs. 4(i) and 220(b), Federal Communications Commission has ordered the fourteen telephone companies to apply the percentages of depreciation and amortization amounts set forth in the Appendix to the Order. These companies filed for revised depreciation rates for all their depreciable accounts and submitted studies and data to substantiate their requests. The intended effect of this action is to charge as accurately as circumstances will allow, the cost of consumption of depreciable assets to the periods in which the assets are useful in the production of revenues.

EFFECTIVE DATE: The companies are to apply the depreciation rates and amortization amounts as of the dates set forth in the Appendix to the Order. In no case is an effective date prior to January 1, 1985 or later than January 1, 1986.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Richard Kirkman, Chief, Depreciation Rates Section, (202) 632–7500.

Order

In the matter of the Prescription of revised Percentages of depreciation pursuant to the Communications Act of 1934, as amended for: Continental Telephone Company of Virginia General Telephone Company of Florida.

Adopted: December 16, 1985.

Released: December 31, 1985.

By the Commission.

I. Introduction

1. The Communications Act of 1934, as amended, grants this Commission the authority to prescribe depreciation rates for common carriers and to revise these rates when it deems necessary. By this order we prescribe revised depreciation rates for Continental Telephone Company of Virginia, (Continental of Virginia) and General Telephone Company of Florida (General of Florida) using straight-line vintage group remaining-life, straight-line equal life group remaining-life, and amortization procedures.

II. Background

A. Methods

2. We approved the use of the above straight-line vintage group remaining-life and straight-line equal life group remaining-life procedures in our final decision in *Property Depreciation,* Docket No. 20188, 83 FCC 2d 267 (1980), *reconsideration,* 87 FCC 2d 916 (1981). The remaining-life procedure is designed to distribute the unrecovered cost of an account (including any reserve deficit or surplus) over its estimated average remaining life. The equal life group procedure was adopted to allow for depreciation at rates more representative of consumption of capital than that allowed by the use of the vintage group whole life procedure which had been used exclusively prior to our decision in Docket No. 20188. In accordance with our decision in that Docket we implemented rates using these new procedures in the depreciation prescription orders which we adopted beginning in 1981. In *Depreciation Rates,* 92 FCC 2d 920 (1982) we provided for amortization of dying accounts. This order represents a continuation of these procedures.

B. Review Procedures

3. For many years it has been our practice to review and revise depreciation rates for one-third of the major domestic telephone companies every year. Thus, every three years depreciation rates for all the major telephone companies are reviewed and revised as we find necessary. In recent depreciation orders we discussed the increased volatility of depreciation rates using the new procedures and concluded it may be necessary to update the rates annually to keep them in line with accounting activity (i.e., plant additions, retirements, and net salvage). In 1983 we established streamlined study procedures whereby carriers could file for the annual update of rates in between complete reviews, using the same equipment life and salvage estimates that underlie prescribed rates. Continental of Virginia and General of Florida filed for annual updates using these streamlined procedures.

4. Inasmuch as the rates under consideration here are based primarily upon equipment life and salvage estimates underlying prescribed rates rather than revised estimates based upon new studies, much of the time and effort normally expended in a review was not required here. Furthermore, since these estimates had been discussed at length in prior three-way meetings[1] it was not necessary to conduct such meetings during 1985. Instead, the few questions that were raised during this update review processd were discussed in correspondence, telephone conversations, and informal meetings with Company representatives. As a result of the review and discussion, the carriers submitted revised filings.

5. After discussing the matters with the carriers and respective state commissions and reevaluating its preliminary recommendations, our staff issued a Public Notice dated October 7, 1985, entitled, "Depreciation Rate Prescriptions Proposed for Domestic Telephone Companies—Notice of Opportunity for Comment." The staff transmitted to each company and state commission involved a copy of the October 7 Public Notice.

III. Discussion

A. Rates

6. Our staff reviewed the carriers' revised filings and determined that, with one exception,[2] the proposed rates and amortizations were determined in accordance with both our annual update procedures and our depreciation methods. The only party that submitted a response to the public notice concurred with the revised filings.[3] Inasmuch as our staff has found

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[1] It has been our practice to hold three-way meetings between representatives of the telephone carriers and the staffs of the respective state commission(s) and our Commission to discuss and resolve many of the issues raised in the carriers' depreciation rate filings.

[2] General of Florida proposed a rate for its COE-Electronic Analog account based upon a new life estimate. After a thorough review of this proposal, our staff and the staff of the Florida Public Service Commission agreed that a modification in the prescribed projection life and net salvage estimates was in order.

[3] A copy of Virginia State Corporation Commission's letter dated October 23, 1985 is available for inspection in Suite 257, 2000 L Street, N.W., Washington, D.C.

the rates to be consistent with our procedures and rules and no comments have been submitted in opposition to these revised depreciation filings, we adopt their use.

B. Effective Dates

7. Continental of Virginia requested an effective date of January 1, 1985, and General of Florida requested an effective date of October 1, 1985. Inasmuch as no comments were filed in opposition to the requested effective dates, and the requested dates are within the provisions of § 43.43(e) of our Rules, we grant the effective dates requested.

IV. Ordering Clause

8. Accordingly, it is ordered, pursuant to Sections 1, 4(i), 201–205 and 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 151, 154(i), 201–205 and 220(b), that the percentages of depreciation and amortization amounts set forth in the Appendix to this order are prescribed effective on the dates listed.

Federal Communications Commission.

William T. Tricarico,

Secretary.

Attachment: Appendix.

Appendix

FEDERAL COMMUNICATIONS COMMISSION—SCHEDULE OF ANNUAL PERCENTAGES OF DEPRECIATION FOR CONTINENTAL TELEPHONE COMPANY OF VIRGINIA

[Effective January 1, 1985]

Account No.	Class or subclass of plant	Average remaining life	Future net salvage (percent)	Reserve ratio (percent)	Remaining life rate (percent)	First ELG year
212	BUILDINGS	33.0	1	18.3	2.4	
212	LEASEHOLD IMPROVEMENTS	7.5	0	36.4	8.5	
221	COE—STEP-BY-STEP & MOBILE	2.0	2	42.4	27.8	
221	COE—CORD SWITCHBOARD	3.5	0	81.7	5.2	
221	COE—TSD SWITCHBOARD	3.4	0	88.8	3.3	
221	COE—ANALOG ELECTRONIC	4.6	0	45.6	11.8	
221	COE—CROSSBAR			100.0	0.0	
221	COE—ANALOG MICROWAVE [1]					
221	COE—DIGITAL MICROWAVE	11.9	0	19.8	6.7	1982
221	COE—POWER	6.0	1	26.9	12.0	
221	COE—CIRCUIT	7.1	10	21.0	9.7	1982
221	COE—ANI	2.4	2	73.3	10.3	
221	COE—DIGITAL ELECTRONIC	11.8	0	9.8	7.6	1982
231	STATION APP—SPECIAL SVC, ETC	7.1	10	21.0	9.7	
234	LARGE PBX	2.2	0	68.0	14.5	
235	PUBLIC TELEPHONES	6.8	0	34.4	9.6	
241	POLE LINES	14.5	−55	50.3	7.2	1982
242.1	AERIAL CABLE	17.0	2	29.2	4.0	1982
242.2	UNDERGROUND CABLE	25.0	0	23.8	3.0	1982
242.3	BURIED CABLE	20.0	4	17.1	3.9	1982
242.4	SUBMARINE CABLE	17.1	0	66.0	2.0	1982
243	AERIAL WIRE [2]					
244	UNDERGROUND CONDUIT	38.0	0	24.0	2.0	1982
261	FURNITURE & OFFICE EQUIPMENT	19.0	8	34.2	3.0	
262	COMPANY OFFICIAL EQUIPMENT	8.1	0	16.5	10.3	
264	MOTOR VEHICLES	2.4	20	75.2	2.0	
264	OTHER WORK EQUIPMENT	13.8	0	39.9	4.4	

[1] The January 1, 1985 net book cost of $2,865,210 is to be amortized in equal annual amounts of $1,432,605 over two years.
[2] The January 1, 1985 net book cost of $927,413 less the future net salvage estimate of −$554,897 is to be amortized in equal annual amounts of $494,103 over three years.

FEDERAL COMMUNICATIONS COMMISSION—SCHEDULE OF ANNUAL PERCENTAGES OF DEPRECIATION FOR GENERAL TELEPHONE COMPANY OF FLORIDA

[Effective October 1, 1985]

Account No.	Class or subclass of plant	Average remaining life	Future net salvage (percent)	Reserve ratio (percent)	Remaining life rate (percent)	First ELG year
212	BUILDINGS	30.0	0.0	22.6	2.6	1984
221	COE—MANUAL SWITCHING EQUIP	12.7	1.0	9.1	7.4	
221	COE—ELECTROMECHANICAL SW	1.7	−1.2	60.1	24.2	
221	COE—ELECTRONIC ANALOG	8.2	3.0	34.5	7.6	1983
221	COE—ELECTRONIC DIGITAL	13.2	5.0	6.8	6.7	1983
221	COE—ELECTROMECHANICAL AMRE	1.8	−1.4	77.4	13.3	
221	COE—CIRCUIT	9.1	17.0	17.5	7.2	1983
221	COE—RADIO	6.1	3.0	41.3	9.1	1983
231	STATION APP—TELEPHONE	5.2	2.5	26.3	13.7	
231	STATION APP—TELETYPEWRITER	8.0	7.5	19.2	9.2	
231	STATION APP—RADIOTELEPHONE	4.8	0.0	24.0	15.8	
234	LARGE PBX	4.7	1.7	28.5	14.9	
235	PUBLIC TELEPHONE EQUIPMENT	3.6	4.0	33.1	17.5	
241	POLE LINES	15.1	−60.0	35.5	8.2	1982
242.1	AERIAL CABLE	17.0	−6.0	31.3	4.4	1982
242.2	UNDERGROUND CABLE	27.0	12.0	16.8	2.6	1982
242.3	BURIED CABLE	22.0	−5.0	22.0	3.8	1982
242.4	SUBMARINE CABLE	16.8	−12.0	42.3	4.1	1982
243	AERIAL WIRE	7.7	−30.0	48.8	10.5	
244	UNDERGROUND CONDUIT	46.0	−7.0	16.4	2.0	1982
261	FURNITURE	11.1	1.0	19.6	7.2	1984
261	COMPUTERS/DATA EQUIPMENT	4.9	1.0	−7.8	21.8	1984
261	OFFICE EQUIPMENT	7.9	1.0	11.2	11.1	1984
261	COMPANY OFFICIAL EQUIPMENT	4.3	3.1	22.8	17.2	
264	MOTOR VEHICLES	6.8	20.0	54.1	3.8	1984
264	MOTOR VEHICLE SHOP EQUIP	12.6	6.0	28.5	5.2	1984

FEDERAL COMMUNICATIONS COMMISSION—SCHEDULE OF ANNUAL PERCENTAGES OF DEPRECIATION FOR GENERAL TELEPHONE COMPANY OF FLORIDA—Continued

[Effective October 1, 1985]

Account No.	Class or subclass of plant	Average remaining life	Future net salvage (percent)	Reserve ratio (percent)	Remaining life rate (percent)	First ELG year
264	TOOLS & OTHER WORK EQUIP	6.2	2.0	34.0	10.3	1984

[FR Doc. 86-510 Filed 1-9-86; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

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

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

Agreement No.: 212-010286-007.
Title: Italy—U.S.A. North Atlantic Pool Agreement
Parties: Costa Container Lines, S.p.A., Farrell Lines, Inc., Jugolinija, Medamerica Express Service, Nedlloyd Lines, Sea-Land Service, Inc., Zim Israel Navigation Company, Ltd.
Synopsis: The proposed amendment would modify the agreement to permit the parties to discuss and evaluate all aspects of the trade, including but not limited to general rate increases, other rate adjustments, service matters, freight forwarder compensation and to make recommendations to the Mediterranean/U.S.A. Freight Conference for its consideration and action.

Agreement No.: 207-010737-002.
Title: Italia/Trasatlantica Joint Service Agreement
Parties: Italia Di Navigazione, S.p.A., Compania Trasatlantica Espanola, S.A.
Synopsis: The proposed amendment would modify the agreement to enlarge the scope of the agreement to incluse the Black Sea, the Arabian/Persian Gulf and adjacent waters, the Red Sea and the Gulf of Aden, and all ports of the African Continent (including Canary Islands).

Agreement No.: 121-010868
Title: Foss Alaska Line/Jore Marine Service Terminal Agreement
Parties: Foss Alaska Line, Inc. (FAL), Jore Marine Service, Inc. (Jore)
Synopsis: The proposed amendment would permit FAL to sublease the premises known as Terminal 115 in the Port of Seattle, Washington to Jore. The termination of the sub-lease shall coincide with the termination of Foss' basic lease of the premises i.e. March 31, 1988, unless terminated earlier upon 90 days' notice by either party. The parties have requested a shortened review period.

Agreement No.: 203-010869
Title: Italy-U.S.A. Associated Parties Agreement
Parties: Mediterranean/U.S.A. Freight Conference (MEDUSA), Italy-U.S.A. North Atlantic Pool Agreement
Synopsis: The proposed amendment would establish a cooperative working arrangement between the parties in the trade covered by FMC Agreement No. 212-010286. It would permit the parties to discuss and agree upon matters set forth in Articles 5 of the MEDUSA and Pool Agreements, FMC Agreement Nos. 202-010676 and 212-010286.

By Order of the Federal Maritime Commission.

Dated: January 6, 1986.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-501 Filed 1-9-86; 8:45 am]
BILLING CODE 6730-01-M

Agreement(s) Filed

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

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC, Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in section 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.: 217-010871.

Title: Transportes Navieros Ecuatorianos/Standard Fruit and Steamship Company Space Charter Agreement.

Parties: Transportes Navieros Ecuatorianos (Transnave) Standard Fruit and Steamship Company (Standard.)

Synopsis: The proposed agreement would permit Transnave to charter space on vessels on which Standard controls space operating in the trade between Guayaquil and/or Puerto Bolivar, Ecuador and the ports of New York and Long Beach. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: January 7, 1986.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 86-584 Filed 1-9-86; 8:45 am]
BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

Advisory Committee Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I) anouncement is made of the following national advisory body scheduled to assemble during the month of February 1986.

Interagency Committee on Smoking and Health

February 12, 1986; 9:00 a.m.-3:00 p.m., Hubert H. Humphrey Building Auditorium, 200 Independence Avenue, SW., Washington, D C. 20201

Open

Contact: John Bagrosky, Executive Secretary, Interagency Committee on Smoking and Health, Park Building, Room 1–10, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–1575

Purpose: The Interagency Committee on Smoking and Health advises the Secretary, Department of Health and Human Services and the Assistant Secretary for Health on the: a) coordination of all research and education programs and other activities within the Department and with other Federal, State, local, and private agencies, and b) establishment and maintenance of liaison with appropriate private entities, Federal agencies, and State and local public health agencies, with respect to smoking and health activities.

Agenda: The entire meeting will be open to the public. It will include a discussion of the smoking and health issue with emphasis on the role of cigarette advertising and its impact on smoking behavior.

Substantive program information as well as summaries of the meeting and roster of Committee members may be obtained from the contact person listed above.

Dated: January 3, 1986

John Bagrosky,

Executive Secretary.

[FR Doc. 86–561 Filed 1–9–86; 8:45 am]

BILLING CODE 4160–17–M

Food and Drug Administration

[Docket No. 85N–0514]

Clinical Studies of Safety and Effectiveness of Orphan Products; Availability of Funds; Request for Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the anticipated availability of funds for Fiscal Year 1986 for awarding grants to support clinical trials on safety and effectiveness of orphan products. FDA anticipates these funds to award up to 20 to 30 grants ranging from $20,000 to $70,000. The agency will consider grants greater than $70,000 if they extend over a 2- or 3-year period. The government's obligation is contingent upon the availability of appropriated funds.

DATES: Applications must be received by March 11, 1986. Letter of intent should be submitted by February 10, 1986. The earliest beginning date for award is August 1, 1986.

ADDRESS: Applications should be submitted to and applications are available from Kathryn McKnight, State Contracts and Assistance Agreements Branch (HFA–520), Food and Drug Administration, Room 15A–17, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6170.

FOR FURTHER INFORMATION CONTACT: Benjamin P. Lewis, Office of Orphan Products Development (HF–35), Food and Drug Administration, 5600 Fishers Lane, Room 12A–40, Rockville, MD 20857, 301–443–4903.

SUPPLEMENTARY INFORMATION: FDA will support the clinical studies covered by this notice under section 301 of the Public Health Service Act (42 U.S.C. 241) and/or under section 5 of the Orphan Drug Act (21 U.S.C. 360ee). FDA's research program is described in the Catalog of Federal Domestic Assistance, No. 13.103.

I. Background

FDA has established the Office of Orphan Products Development to identify and facilitate the availability of orphan products. Orphan products are drugs, biologics, medical devices (including in vitro diagnostics), foods for medical purposes, and veterinary products that may be useful in an uncommon or common disease but lack committed commercial sponsorship because they are not considered commercially attractive for marketing. A subcategory of orphan products includes those marketed products for which there is evidence suggesting usefulness in an uncommon, serious disease but which are not labeled for that disease because substantial evidence of safety and effectiveness for that use is lacking.

One way to make orphan products more easily available is to support research to determine whether the products are safe and effective. FDA has allocated funds to support such research.

II. Research Goals and Objectives

A. Clinical Studies

FDA will consider only clinical studies for determining whether the products are safe and effective for premarket approval under the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 et seq.) or under section 351 of the Public Health Service Act (42 U.S.C. 262), including the addition of new uses to marketed drugs. Ordinarily, there should already be available at least some preliminary clinical research suggesting effectiveness and relative safety. However, FDA will consider applications in which persuasive pharmacologic evidence is available that a product has a reasonable possibility of being effective even through no clinical trials have yet been performed. All studies subject to the requirements for clinical investigations imposed by the act and the regulations promulgated thereunder are to be conducted in accordance with those requirements in addition to the requirements of the request for application (RFA).

Because funds are relatively limited, FDA cannot consider large research projects involving many subjects (human, or animal in the case of a veterinary drug) and long-term followup. The typical study that FDA will consider for support may involve up to several dozen subjects, will be well-controlled, and will be directed to providing substantial evidence of the product's safety and effectiveness. The agency will also consider funding pharmacokinetic studies if such studies are necessary to determine safe and effective doses in subjects with serious organ disease that might affect drug disposition. FDA will consider pharmacokinetic studies, however, only if they are part of studies for determining effectiveness of a drug or are proposed as desirable information to obtain for drugs that already have a significant amount of evidence showing effectiveness. In designing a well-controlled study, the investigator should keep in mind that historical controls or use of the subject as his or her own control is generally less desirable and reliable than active control or, when ethical, placebo controls. In the case of veterinary products, research studies should be directed to the following area only: an orphan animal drug would be one for the prevention or mitigation of a serious zoonotic disease in humans by its prophylactic or therapeutic use in animals.

Each investigatory submitting a grant application for a proposed human or veterinary orphan use in response to this RFA should include a short statement explaining why the proposed product meets the objectives of the orphan products development program as described above. This statement should be in the application under Section 2—"Significance".

B. Statistical Support

Statistical expertise is helpful in the planning, design, execution, and analysis of clinical investigations and clinical pharmacology to ensure the validity of estimates of safety and efficacy obtained from human studies.

Applicants will be expected to provide a statistical basis for the number of patients chosen for the trial based upon the proposed outcome measures. Applicants should also document the appropriateness of the statistical procedures to be used in analysis of the results.

C. Journal References

Published reports are necessary and often critical for the review process and can help to support the investigator's research intent. Applicants will be expected to include seven copies of reprints of the references necessary and critical for the review.

D. Informed Consent of Human Subjects

Consent and/or assent forms and any additional information to be given to a subject must accompany the grant submission (Form PHS 398). Information that is given to the subject or the subject's representative shall be in language understandable to the subject or the representative. No informed consent, whether oral or written, may include any exculpatory language through which the subject or the subject's representative is made to waive any of the subject's legal rights, or releases or appears to release the investigator, the sponsor, the institution, or its agents from liability for negligence.

If a study involves both adults and children, separate consent forms should be provided for the adults and the parents or guardians of the children.

E. Elements of Informed Consent (45 CFR 46.116 and 21 CFR 50.25)

1. Basic elements of informed consent: In seeking informed consent, the following information shall be provided to each subject:

a. A statement that the study involves research, an explanation of the purposes of the research and the expected duration of the subject's participation, a description of the procedures to be followed, and identification of any procedures which are experimental.

b. A description of any reasonably foreseeable risks or discomforts to the subject.

c. A description of any benefits to the subject or to others which may reasonably be expected from the research.

d. A disclosure of appropriate alternative procedures or courses of treatment, if any, that might be advantageous to the subject.

e. A statement that describes the extent, if any, to which confidentiality of records identifying the subject will be maintained and that notes the possibility that FDA may inspect the records.

f. For research involving more than minimal risk, an explanation as to whether any compensation and any medical treatments are available if injury occurs and, if so, what they consist of, or where further information may be obtained.

g. An explanation of whom to contact for answers to pertinent questions about the research and research subjects' rights, and whom to contact in the event of a research-related injury to the subject.

h. A statement that participation is voluntary, that refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled, and that the subject may discontinue participation at any time without penalty or loss of benefits to which the subject is otherwise entitled.

2. Additional elements of informed consent: When appropriate, one or more of the following elements of information shall also be provided to each subject:

a. a statment that the particular treatment or procedure may involve risks to the subject (or to the embryo or fetus, if the subject is or may become pregnant) which are currently unforeseeable.

b. Anticipated circumstances under which the subject's participation may be terminated by the investigator without regard to the subject's consent.

c. Any additional costs to the subject that may result from participation in the research.

d. The consequences of a subject's decision to withdraw from the research and procedures for orderly termination of participation by the subject.

e. A statement that significant new findings developed during the course of the research which may relate to the subject's willingness to continue participation will be provided to the subject.

f. The approximate number of subjects involved in the study.

3. The informed consent requirements are not intended to preempt any applicable Federal, State, or local laws which require additional information to be disclosed for informed consent to be legally effective.

4. Nothing here is intended to limit the authority of a physician to provide emergency medical care to the extent the physician is permitted to do so under applicable Federal, State, or local law.

III. Reporting Requirements

Financial status reports will be required at the end of each budget period. The progress reports required under a grant award (45 CFR Part 74) should be submitted by the principal investigator or project manager.

IV. Mechanism of Support

A. Award instrument

Support will be in the form of grant awards. These awards will be subject to all policies and requirements that govern the research grant programs of the Public Health Service including the provisions of 42 CFR Part 52, 45 CFR Part 74, and requirements for cost sharing. The regulations promulgated under Executive Order 12372 do not apply to this program.

All grant awards are subject to the requirements for clinical investigations imposed by the Federal Food, Drug, and Cosmetic Act (chapter IV; chapter V; sections 505, 507, 512, and 515) and the Public Health Service Act (section 351) and regulations promulgated thereunder.

B. Eligibility

These grants are available to any public or private nonprofit entity (including State and local units of government) and any for-profit entity.

C. Length of support

The length of support will depend upon the nature of the study and may extend beyond 1 year. For studies where the expected date of completion is more than 1 year, however, continuation of support beyond the first year will be based upon review of performance during the preceding year and availability of funds.

D. Funding plan

The number of studies funded will depend on the quality of the applications received and the availability of funds.

IV. Review Procedure and Criteria

A. Review Method

All applications responding to this RFA will be reviewed for scientific and technical merit by experts in the field relative to the specific application. The experts will review and evaluate each application based on its scientific merit. The applications will be subject to a second-level review to evaluate them based on their relevance to the aims of the Orphan Products Development Program. Applications will also be reviewed before issuance of an FDA grant award to ensure to the extent practicable that proposed studies are consistent with requirements for approval under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act.

B. Review Criteria

Applications must be responsive to this request for applications. Applications that are judged to be unresponsive will not be considered for funding under this RFA and will be returned to the applicant. Applications will be reviewed according to the following criteria:

1. Responsiveness to the RFA.
2. The soundness of the rationale for the study.
3. The appropriateness of the study design to answer the question posed.
4. The evidence presented by the applicant that it will be able to recruit the proposed number of subjects and complete the study during the allotted period.
5. The plans for complying with regulations for protection of human and animal subjects as applicable to the proposed study.
6. The research experience, training, and competence of the principal investigator and the support staff.

VI. Submission Requirements

The original and six copies of the completed application should be delivered to, and application kits are available from, Kathryn McKnight (address above).

Note.—Do not mail the application to the National Institutes of Health.

Label the outside of the mailing package and the top of the application face page "Response of RFA–FDA–OP–86–1."

Applications must be received by 5 p.m. March 11, 1986. As package carrying a legible proof-of-mailing date assigned by the carrier, and which is no later than 1 week prior to the receipt date, is also acceptable. The receipt date will be waived only in extenuating circumstance. To request such a waiver, include an explanatory letter with the signed completed application. No waiver will be granted prior to receipt of application. Unless a waiver is granted, applications received after the deadline date will be returned to the applicant.

A. Completed Form PHS 398, "Application for Public Health Service Grant." Part of Section 2 "Significance" should include a short statement of why the product is appropriate to the objectives of the orphan products grants program.

B. If human subjects are involved, completed Form HHS 596, "Protection of Human Subjects," Assurance/Certification/Declaration (part of Form PHS 398) and Human Subject Consent Forms and/or Assent Form(s).

C. Seven copies of all reprints critical to the review process should accompany the Form PHS 398 grant application.

Note.—The forms and reprints described above are to be mailed to FDA as stated in the section of this notice. Do not use the NIH mailing label at end of application kit.

VII. Method of Application

A. Letter of Intent

Prospective applicants are requested to submit a brief letter of intent to submit an application which should include a brief synopsis of the research plan and identify other participating institutions. FDA requests such letters for the purpose of providing an indication of the number and scope of applications to be received. A letter of intent is not binding and will not enter into the review of any application subsequently submitted, nor is it a necessary requirement for application. This letter should be submitted to Benjamin P. Lewis (address above) and should be submitted by February 10, 1986.

B. Format for Application

Applications must be submitted on Form PHS 398, Public Health Service Grant Application. The face page of the application must reflect the RFA number RFA–FDA–OP–86–1. Data included in the application, if restricted with the legend specified below, may be entitled to confidential treatment as trade secret or confidential commerical information within the meaning of the Freedom of Information Act (5 U.S.C. 552(b)(4)) and FDA regulations implementing that Act (21 CFR 20.61).

The collection of information requested on the Form PHS 398 and the instructions have been submitted by the Public Health Service to the Office of Management and Budget (OMB), and were approved and assigned OMB control number 0925–0001.

Legend

Unless a disclosure is required by the Freedom of Information Act as amended (5) U.S.C. 552) as determined by the freedom of information officials of the Department of Health and Human Services, data contained in the portions of this application which have been specifically identified by page number, paragraph, etc., by the applicant as containing restricted information shall not be used or disclosed except for evaluation purposes.

Dated: December 20, 1985.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 86–526 Filed 1–9–86; 8:45 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

Medicaid Program; Hearing: Reconsideration of Disapproval of a North Carolina State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on February 19, 1986 in Atlanta, Georgia to reconsider our decision to disapprove North Carolina State Plan Amendment 85–5.

CLOSING DATE: Requests to participate in the hearing as a party must be received by the Docket Clerk within 15 days after publication.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, Hearing Staff, Bureau of Eligibility, Reimbursement and Coverage, 365 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 594–8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove a North Carolina State Plan Amendment.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid Agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter is whether North Carolina's proposed changes with respect to allowing medically needy individuals to become eligible on the day countable resources are reduced to the allowable resource amount violates the exception to section 1902(a)(10(C) contained in section 1902(f) of the Social

Security Act and implementing regulations at 42 CFR 435.121.

To quality for the exception to section 1902(a)(10)(C) under section 1902(f) of the Social Security Act and implementing regulations at 42 CFR 435.121, States must use Medicaid eligibility creteria for the aged, blind and disabled, which are no more restrictive than those contained in the State's January 1, 1972 Medicaid State plan, and no more liberal than the requirements of the Supplemental Security Income (SSI) or an optional State supplement program.

Under the SSI program an individual's resources are accounted for as of the first moment of the first day in a month (SSI Program Operations Manual System section SI 01150.005). If at that point the individual's countable resources are less than or equal to the allowable resource limit, the individual is resource eligible. If, however, the countable resources exceed the resource level, the individual is ineligible and remains so for the rest of the month, regardless of whether the resources are reduced below the resource level subsequently during the month.

Under SPA 85-5 North Carolina would permit medically needy aged, blind and disabled individuals with excess countable resources as of the first moment of the first day in the month to become eligible if, during the month, the resources are reduced to the resources limit. Therefore, HCFA has determined North Carolina's proposal would apply a more liberal rule than permitted under section 1902(f) of the Social Security Act and implementing regulations at 42 CFR 435.121 to quality for the exception to the requirements at section 1902(a)(10)(C).

The notice to North Carolina announcing an administrative hearing to reconsider our disapproval of its State plan amendment reads as follows:

Mr. Phillip J. Kirk, Jr.
Secretary, North Carolina Department of Human Resources, 325 North Salisbury Street, Raleigh, North Carolina 27611

Dear Mr. Kirk: This is to advise you that your request for reconsideration of the decision to disapprove North Carolina State Plan Amendment 85-5 was received on December 9, 1985. You have requested a reconsideration of whether the plan amendment conforms to the requirements for approval under title XIX of the Social Security Act. The issue to be considered at a hearing on your request for reconsideration is: Whether the plan amendment violates the requirements for an exception to section 1902(a)(10)(C) under section 1902(f) of the Social Security Act and Federal regulations at 42 CFR 435.121 because it would permit medically needy aged, blind and disabled individuals with excess countable resources as of the first moment of the first day in the month to become eligible if during the month the resources are reduced to the resources limit.

I am scheduling a hearing on your request to be held on February 19, 1986 at 10 a.m., in the 5th Floor Conference Room, 101 Marietta Tower, Spring and Marietta Streets, Atlanta, Georgia. If this date if not acceptable, we would be glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Albert Miller as the presiding official. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (301) 594-8261.

Sincerely yours,

C. McClain Haddow,

Acting Administrator.

(Section 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: January 6, 1986.

C. McClain Haddow,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 86-559 Filed 1-9-86; 8:45 am]

BILLING CODE 4120-03-M

Public Health Service

Privacy Act of 1974; Report of New Computer Matching Program

AGENCY: Public Health Service (PHS), HHS.

ACTION: Notice of Computer Matching Program—Verification of Licensure and Other Professional Credentials of PHS Health Professionals in the PHS Commissioned Corps and Civil Service Personnel Systems.

SUMMARY: The Public Health Service is providing notice that the Office of Personnel Management, Office of Management, Office of the Assistant Secretary for Health will conduct ongoing computer matches of information obtained from PHS personnel records and application materials for all PHS health professionals in both the PHS Commissioned Corps and Civil Service personnel systems. These records will be matched with records from various licensing and credentialing bodies to verify information provided on personnel records and to ensure that all claimed credentials are current and in good standing.

DATES: The matching will commence as early as January 1986 and will be conducted regularly thereafter for information provided on new applications for employment, and intermittently as updating is required concerning the credentialing information of individuals already employed or holding a commission.

ADDRESS: Interested individuals may comment on the proposed matches by writing to the Director, Office of Personnel Management, Office of Management, Office of the Assistant Secretary for Health, PHS, Room 18A-55, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Assistant Surgeon General James H. Eagen, Deputy Director, Office of Personnel Management, Office of Management, Office of the Assistant Secretary for Health, Room 18A-55, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, area code 301-443-6571.

SUPPLEMENTARY INFORMATION: Further information regarding the matching program is provided below. This information is required by paragraph 5.f.(1) of the Revised Supplemental Guidance for Conducting Matching Programs, issued by the Office of Management and Budget (47 FR 21656, May 19, 1982). A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget.

The Department of Health and Human Services (DHHS) provided notice in the **Federal Register**, Vol. 50, No. 225, Thursday, November 21, 1985, at page 48133, that the Office of Inspector General intends to conduct a related match of DHHS civilian physician records against records of the Federation of State Medical Boards of the United States, Inc. This match, while complementary to matching activities of the PHS, is distinct from PHS activities in a number of significant ways: It is designed for a single, specific purpose, rather than to be an integral part of PHS human resource management procedures; it is limited to civilian DHHS physicians, whereas the PHS matching program will extend to all PHS health professionals; it is to be conducted on a one-time, rather than a recurring basis; and it is limited to Federation of State Medical Boards records, as opposed to a variety of licensing and credentialing organizations in both the public and private sectors.

Dated: December 19, 1985.

Wilford Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

Verification of Licensing and Other Professional Credentials of U.S. Public Health Service (PHS) Health Professionals

A. Authority

The authorities to verify an individual's suitability for employment are: 42 U.S.C. 204 and 216(a), for PHS commissioned officers; and 5 U.S.C. 3301 for civil service employees.

B. Program Description

Purpose. This matching program is being conducted to verify information provided by applicants for employment in the Civil Service or appointment in the Commissioned Corps about their professional status; and to identify individuals currently employed, serving on active duty, or who hold inactive reserve commissions, who falsified or failed to report information to PHS about the status of their professional credentials when that information may have a bearing on their ability to effectively perform in their professional capacity.

Organizations Involved: The matches described in this notice will be made on an ongoing basis between PHS and a variety of licensing and credentialing organizations in both the public and private sectors. For example, an agreement for such an ongoing program is being negotiated with the Federation of State Medical Boards of the United States, Inc., for a computer match of personnel records of physicians currently employed by PHS.

Procedures: Because the matching program will be conducted with a variety of credentialing organizations, the actual procedures to be followed in each specific matching project will be controlled by the written agreement negotiated with the organization. General procedures will include generation of a master list by PHS; submission of the list to the matching organization; electronic comparison of the records of both organizations; identification of conflicting information about individuals, known as hits; and return of the master list and list of identified hits to PHS for follow-up.

Follow-up: The conflicting information about the individuals identified in the match will be verified by PHS contacting the state licensure board or credentialing body involved for additional information; contacting the individual identified in the hit and requesting him/her to correct, update, or explain the disrepancy by supplying appropriate documentation; and by seeking additional verifying information from other credentialing bodies when possible.

Following verification, the information collected will be reviewed to determine whether the discrepancies are relevant to an individual's effectiveness as a PHS employee or officer. If a positive determination is made, the individual's file will be provided to the appropriate personnel office for action consistent with existing policies and procedures regarding falsification of personnel records and/or misconduct. When the discrepancies are found irrelevant, the explanation of the discrepancies will be sent to the subject individual with notice that the information will be placed into his/her official personnel folder (OPF). Placement in the OPF will preclude repeating the review in the future when identical computer matches are done.

C. Records to be Matched

Record Source: The source of the information contained in the records to be matched is the individual to whom the record pertains.

Systems of Records: Records pertaining to PHS commissioned officers will be taken from Privacy Act record system 09–37–0002, "PHS Commissioned Corps Personnel Records, HHS/OASH/OM," and reports resulting from the match will be incorporated into record systems 09–37–002 and 09–37–0006, "PHS Commissioned Corps Grievance, Non-Board and Pre-Board Involuntary Retirement/Separation and Disciplinary Files, HHS/OASH/OM," as published in 48 FR 51748 (November 10, 1983). Records pertaining to PHS Civil Service employees will be taken from Privacy Act record system OPM/GOVT–1, "General Personnel Records," 47 FR 16489 (April 16, 1982); and reports resulting from the match will be incorporated into record system 09–90–0020. "Suitability for Employment Records, HHS/OS/ASPER," 47 FR 45743 (October 13, 1982). Systems 09–37–0002 and OPM/GOVT–1 contain the necessary routine uses to permit the disclosure of information to the credentialing organizations.

D. Dates of Matching Program

The matching program will start as early as January 1986, and will be conducted on an ongoing basis from that point forward.

E. Safeguards

Matching Organization: The agreement specifying the terms of the matching program will require the licensing or credentialing body to: 1. Agree that PHS has sole ownership of and rights to the data it provides for the match and that PHS acquires sole ownership and rights to the data generated as hits in the match; 2. restrict access to the computer data and printed information to only those employees involved in the matching process who have a need-to-know; 3. retain no copies or duplicates of the information provided by PHS or generated in the match; 4. return all data, computer tapes, and written information to PHS in a prompt, secure manner when the match is completed.

PHS: PHS will select and prepare data for use in the match to minimize any risk of possible unauthorized disclosure. Access to the computer files and printed information is restricted to only those persons associated with the matching program on a "need-to-know" basis. The records and tapes are physically secured. Computer tapes are protected by the use of passwords to prohibit unauthorized access. Once the data has been returned to PHS, it will be treated in the same manner as all information obtained to determine an individual's suitability for employment. These procedures are in accordance with HHS ADP Systems Manual, Part 6, "ADP Systems Security."

F. Disposition of Records

The source computer tape will be erased within 10 days of being returned to PHS. Records retained as hits will be treated in accordance with other personnel records related to an individual's suitability for employment.

[FR Doc. 86–560 Filed 1–9–86; 8:45 am]

BILLING CODE 4160–17–M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Chlorobenzene

The HHS' National Toxicology Program today announces the availability of the Technical Report describing toxicology and carcinogenesis studies of chlorobenzene, a colorless, volatile liquid under standard environmental conditions. It is used primarily as a solvent (e.g., resins, dyes, pesticides and perfumes), a degreasing agent, and a chemical intermediate, particularly in the synthesis of nitrochlorobenzenes.

Toxicology and carcinogenesis studies of chlorobenzene were conducted by administering the chemical in corn oil by gavage to groups of 50 male and 50 female F344/N rats and 50 female

$B6C3F_1$ mice at doses of 60 or 120 mg/kg. Groups of 50 male $B6C3F_1$ mice received 30 or 60 mg/kg. Chlorobenzene was administered five times per week for 103 weeks. The chlorobenzene doses were chosen on the basis of 90-day studies, in which doses 2-fold or greater in excess of the doses used in the 2-year study caused death, hepatocellular necrosis, renal tubular injury, thymic necrosis, or lymphoid or myeloid depletion of bone marrow, spleen or thymus.

Under the conditions of these studies, chlorobenzene administration increased the occurrence of neoplastic nodules of the liver in high dose (120/kg/day) male F344/N rats, providing some evidence of carcinogenicity of chlorobenzene in male rats. Carcinogenic effects of chlorobenzene were not observed in female F344/N rats or in male or female $B6C3f_1$ mice.

Copies of *Toxicology and Carcinogenesis Studies of Chlorobenzene in F344/N Rats and B6C3F$_1$ Mice (Gavage Studies)* (TR 261) are available without charge from the NTP Public Information Office, MD B2–04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone (919) 541–3991, FTS: 629–3991.

Dated: January 6, 1986.

David P. Rall, M.D., Ph.D.,

Director.

[FR Doc. 86–536 Filed 1–9–86; 8:45 am]

BILLING CODE 4140–01–M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of 1,2-Dichlorobenzene

The HHS' National Toxicology Program today announces the availability of the Technical Report describing toxicology and carcinogenesis studies of 1,2-dichlorobenzene (o-dichlorobenzene), a major use of which is as an intermediate in the synthesis of several organic compounds and in the synthesis of the herbicides propanil, diuron, and neburon. It is used as an industrial solvent for toluene diisocyanate, an additive to degreasing agents, a heat-exchange medium, a deodorant for garbage and sewage, an ingredient in paint removers, an engine cleaner and de-inking solvent, and a solvent and intermediate in dye manufacture. It is also used as an insecticide and a fumigant to control peach tree borers, bark beetles, qrubs, and termites and to kill mites and other insects in poultry houses and animal sleeping quarters.

Two-year toxicology and carcinogenesis studies of 1,2-dichlorobenzene were conducted by administering the test chemical in corn by gavage five times per week for 103 weeks to groups of 50 male and 50 female F344/N rats and $B6C3F_1$ mice at doses of 60 and 120 mg/kg. Groups of 50 rats and 50 mice of each sex received corn oil by gavage on the same schedule and served as vehicle controls.

Under the conditions of these two-year gavage studies, there was no evidence* of carcinogenicity of 1,2-dichlorobenzene for male or female F344/N rats or $B6C3F_1$ mice receiving 60 or 120 mg/kg per day.

Copies of *Toxicology and Carcinogenesis Studies of 1,2-Dichlorobenzene (o-Dichlorobenzene) in F344/N Rats and B6C3F$_1$ Mice (Gavage Studies)* (TR 255) are available without charge from the NTP Public Information Office, MD B2–04, P.O. Box 12233, Research Triangle Park, N.C. 27709. Telephone (919) 541–3991, FTS: 629–3991.

*The NTP uses five categories of evidence of carcinogenicity to summarize the strength of the evidence observed in each animal study: two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

Dated: January 6, 1986.

David P. Rall, M.D., Ph.D.,

Director.

[FR Doc. 86–537 Filed 1–9–86; 8:45 am]

BILLING CODE 4140–01–M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Diallylphthalate

The HHS' National Toxicology Program today announces the availability of the Technical Report describing toxicology and carcinogenesis studies of diallylphthalate, a widely used cross-linking agent for unsaturated polyesters. Diallylphthalate or diallylphthalate polyester blends are used primarily as plasticizers and carriers for adding catalysts and pigments to polyesters and in molding, electrical parts, laminating compounds, and impregnation of metal castings. Rubber compounds, epoxy formulations, and polyurethane foams may also contain diallylphthalate.

Toxicology and carcinogenesis studies of diallylphthalate were conducted by administering the chemical in corn oil by gavage to groups of 50 male and 50 female F344/N rats at doses of 0 (vehicle control), 50, or 100 mg/kg 5 days per week for 103 weeks. The diallylphthalate doses used in the 2-year studies were chosen on the basis of 13-week studies, wherein doses of 200 or 400 mg/kg caused death, reductions in body weight gains, or periportal hepatocellular necrosis and fibrosis in both sexes.

Under the conditions of this study, the administration of diallylphthalate by gavage in corn oil to male and female F344/N rats for 2 years caused chronic liver disease characterized by periportal fibrosis and pigment accumulation and an increased severity of bile duct hyperplasia. The incidence of mononuclear cell leukemia was increased in female rats receiving 100 mg/kg and was considered to be equivocal evidence of carcinogenicity of diallylphthalate in famale rats. There was no evidence of carcinogenicity in male rats.

In an earlier NTP study (TR 242) administration of diallylphthalate by corn oil gavage to male and female $B6C3F_1$ mice was associated with hyperplasia and inflammatory lesions of the forestomach in both sexes; an increased incidence of lymphomas in male mice was equivocally related to diallylphthalate administration.

Copies of *Toxicology and Carcinogenesis Studies of Diallylphthalate (Gavage Studies) in F344/N Rats* (TR 284) are available without charge from the NTP Public Information Office, MD B2–04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone (191) 541–3991, FTS: 629–3991.

Dated: January 6, 1986.

David P. Rall, M.D., Ph.D.,

Director.

[FR Doc. 86–538 Filed 1–9–86; 8:45 am]

BILLING CODE 4140–01–M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Dimethyl Hydrogen Phosphite

The HHS' National Program today announces the availability of the Technical Report describing toxicology and carcinogenesis studies of dimethyl hydrogen phosphite (DMHP). Dimethyl hydrogen phosphite, a colorless liquid, is a neutral ester of phosphorous acid. It is used as an intermediate in the

production of insecticides and herbicides, as an additive to lubricants, and as a stabilizer in oil and plaster.

Results of 13-week gavage studies in F344/N rats (0–400 mg DMHP/kg body weight) and in B6C3F$_1$ mice (0–1,500 mg DMHP/kg body weight) were used to identify short-term toxicity and to establish doses for the 2-year toxicology and carcinogenesis studies. In the later studies, DMHP (greater than 97% pure) was administered for 103 weeks in corn oil by gavage to groups of 50 male F344/N rats and to groups of 50 male and 50 female B6C3F$_1$ mice at doses of 0, 100, or 200 mg/kg and to groups of 50 female F344/N rats at doses of 0, 50, or 100 mg/kg.

Under the conditions of these gavage studies, there was *clear evidence of carcinogenicity** in male F344/N rats receiving dimethyl hydrogen phosphite, as shown by increased incidences of alveolar/bronchiolar adenomas, alveolar/bronchiolar carcinomas, and squamous cell carcinomas of the lung and of neoplasms of the forestomach. There was *equivocal evidence of carcinogenicity* in female F344/N rats receiving dimethyl hydrogen phosphite, as shown by marginally increased incidences of alveolar/bronchiolar carcinomas of the lung and of neoplasms of the forestomach. There was *no evidence of carcinogenicity* in male or female B6C3F$_1$ mice receiving dimethyl hydrogen phosphite at doses of 100 or 200 mg/kg for 103 weeks.

Copies of *Toxicology and Carcinogenesis Studies of Dimethyl Hydrogen Phosphite in F344/N Rats and B6C3F$_1$ Mice (Gavage Studies)* (TR 287) are available without charge from the NTP Public Information Office, MD B2–04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone (919) 541–3991, FTS: 629–3991.

* The NTP uses five categories of evidence of carcinogenicity to summarize the strength of the evidence observed in each animal study: two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings "(equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

Dated: January 6, 1986.

David P. Rall, M.D., Ph.D.,

Director.

[FR Doc. 86–539 Filed 1–9–86; 8:45 am]

BILLING CODE 4140–01–M

National Toxicology Program; Availability of Technical Repoprt on Toxicology and Carcinogenesis Studies of Propylene

The HHS' National Toxicology Program today announces the availability of the Technical Report describing toxicology and carcinogenesis studies of propylene. Propylene (propane, methylethlene, methyethene), an olefinic hydrocarbon, is a colorless gas under normal atmospheric conditions. It is used as a starting material in the production of polypropylene plastics and various other chemicals, including acylonitrile, isopropyl alcohol, propylene oxide, butyraldehyde, cumene, dodecane, nonene, and allyl chloride.

Toxicology and carcinogenesis studies of propylene (greater than 99% pure) were conducted by exposing groups of 50 F344/N rats and 49 or 50 B6C3F$_1$ mice of each sex to propylene in air by inhalation at concentrations of 5,000 or 10,000 ppm, 6 hours per day, 5 days per week for 103 weeks. Other groups of 50 rats and 50 mice of each sex in chambers received air only on the same schedule and served as chamber controls. The highest concentration of propylene that was considered safe for these studies was 10,000 ppm because of the risk of explosion that can occur at higher concentrations.

Under the conditions of these studies, there was *no evidence of carcinogenicity** in male and female F344/N rats or in male and female B6C3F$_1$ mice exposed to propylene by inhalation at concentrations of 5,000 or 10,000 ppm for 103 weeks. In the nasal cavity, propylene induced squamous metaplasia of the respiratory epithelium in male and female rats and epithelial hyperplasia in female rats.

Copies of *Toxicology and Carcinogenesis Studies of Propylene in F344/N Rats and B6C3F$_1$ Mice (Inhalation Studies)* (TR 272) are available without charge from the NTP Public Information Office, MD B2–04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone (919) 541–3991, FTS: 629–3991.

*The NTP uses five categories of evidence of carcinogenicity to summarize the strength of the evidence observed in each animal study: two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

Dated: January 6, 1986.

David P. Rall, M.D., Ph.D.,

Director.

[FR Doc. 86–540 Filed 1–9–86; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N–86–1579]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Fishman, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 755–6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S.

Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Single Family Mortgage Insurance on Indian Reservations and Other Restricted Lands
Office: Housing
Form Number: None
Frequency of Submission: On Occasion
Affected Public: Individuals or Households and State or Local Governments
Estimated Burden Hours: 610
Status: Revision
Contact: Daniel T. Berry, HUD (202) 755-6702; Robert Fishman, OMB, (202) 395-6880

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: November 29, 1985

Notice of Submission of Proposed Information Collection to OMB

Proposal: Certificate of Need for Health Facility and Assurance of Enforcement of State Standards
Office: Housing
Form Number: HUD-2576-HF
Frequency of Submission: On Occasion
Affected Public: State or Local Governments, Businesses or Other For-Profit, and Non-Profit Institutions
Estimated Burden Hours: 50
Status: Extension
Contact: C. Edward Lewis, HUD (202) 755-6223; Robert Fishman, OMB, (202) 395-6880

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: December 9, 1985

Notice of Submission of Proposed Information Collection to OMB

Proposal: Borrower Response to Title I Collection Letters
Office: Housing
Form Number: HUD-9812-I
Frequency of Submission: On Occasion
Affected Public: Individuals or Households
Estimated Burden Hours: 83
Status: Extension
Contact: Patricia D. Schader, HUD (202) 755-6857; Robert Fishman, OMB, (202) 395-6880

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: December 12, 1985

Notice of Submission of Proposed Information Collection to OMB

Proposal: Requisition for Advance of Flexible Subsidy Funds-Request for Transfer of Funds from Project Improvement Account-Quarterly Performance Report
Office: Housing
Form Number: HUD-9823A, 9823B, and 9824A
Frequency of Submission: Quarterly
Affected Public: Businesses or Other For-Profit
Estimated Burden Hours: 3,800
Status: Reinstatement
Contact: Joel Balsham, HUD (202) 755-5654; Robert Fishman, OMB, (202) 395-6880

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: November 22, 1985

Notice of Submission of Proposed Information Collection to OMB

Proposal: Tenant Participation and Management in Public and Indian Housing
Office: Public and Indian Housing
Form Number: None
Frequency of Submission: On Occasion
Affected Public: Small Businesses or Organizations
Estimated Burden Hours: 2,000
Status: New
Contact: Wayne Hunter, HUD, (202) 755-6713; Robert Fishman, OMB, (202) 395-6880

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: November 12, 1985

Notice of Submission of Proposed Information Collection to OMB

Proposal: Energy Management Company Demonstration in Public Housing
Office: Policy Development and Research
Form Number: None
Frequency of Submission: Single-Time
Affected Public: State or Local Governments
Estimated Burden Hours: 1,000
Status: New
Contact: David Engel, HUD, (202) 755-0640; Robert Fishman, OMB, (202) 395-6880

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: November 5, 1985

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 86-590 Filed 1-9-86; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Closure and Consolidation of Certain Schools Operated by the Bureau of Indian Affairs

December 20, 1985.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary of Indian Affairs and subsequently to the Deputy Assistant Secretary by 209 DM 8.

In accordance with section 502(e)(5) of Pub. L. 98-511 as amended by Section 1121(3) of Pub. L. 99-89, the Indian Education Technical Amendments Act of 1985, the following formal decisions have been made to close and consolidate certain schools operated by the Bureau of Indian Affairs: (1) Close the Snowflake Peripheral Dormitory; (2) convert the Pinon Boarding School to a peripheral dormitory; and (3) consolidate the Toyei Boarding School with the Greasewood Boarding School. These decisions are to be effective at the end of the School Year 1985-1986.

Any additional information concerning these decisions can be obtained from Ms. Nancy C. Garrett, Deputy Director, Office of Indian Education Programs, Bureau of Indian Affairs, Main Interior Building, Room 3514, telephone number (202) 343-2123.

Hazel E. Elbert,

Acting Deputy Assistant Secretary—Indian Affairs (Operations).

[FR Doc. 86-525 Filed 1-9-86; 8:45 am]

BILLING CODE 4310-02-M

Fish and Wildlife Service

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Fifth Regular Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Service announces the availability of the official Report of the U.S. Delegation to the Fifth Regular Meeting of the Conference of the Parties

to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

ADDRESS: Copies of the report may be requested from the U.S. Fish and Wildlife Service, Management Operations Branch, 1000 North Glebe Rd, Room 611 Arlington, Virginia 22201. Due to limited supply, requests should be limited to one copy per person or organization.

FOR FURTHER INFORMATION CONTACT: Thomas J. Parisot, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, 1000 North Glebe Road, Room 611 Arlington, Virginia 22201 telephone (703) 235–1937.

SUPPLEMENTARY INFORMATION: In accordance with the Service's rules for public participation in the development of negotiating positions for meetings of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Service announces the availability of the official report of the U.S. Delegation to the Fifth Regular Meeting of the Conference of the Parties held in Buenos Aires, Argentina, April 22–May 3, 1985.

Due to a limited supply of the report, requests should be limited to one copy per person or organization.

This notice was prepared by Arthur W. Lazarowitz, Federal Wildlife Permit Office.

Dated: January 7, 1986.

Ronald E. Lambertson,

Acting Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc. 86–574 Filed 1–9–86; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

Garnet Resource Management Plan; Environmental Impact Statement; Butte District, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Public notice that the Montana State Director has approved, in a Record of Decision (ROD), the resource management plan (RMP) for the Garnet Resource Area.

SUMMARY: The approved plan will be implemented on about 145,660 acres of BLM administered public surface and 213,385 acres of mineral estate. The ROD adopted the proposed plan that was presented in the final environmental impact statement (EIS). This plan will guide future management in the Resource Area. Concurrent with the signing of the ROD, the Limestone Cliff Area of Critical Environmental Concern (ACEC) is designated pursuant to the authority in the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (section 202(c)(3)) and 43 CFR Parts 1610, 8223 and 8351.2.

Location of Document: The ROD and associated draft and final EISs are available at the Butte District Office, 106 North Parkmont, Butte, Montana, and the Garnet Resource Area Office, 3255 Fort Missoula Road, Missoula, Montana. In addition copies are available at the BLM Montna State Office, 222 North 32nd Street, Billings, Montana, and in the Missoula, Granite, Powell, Silver Bow and Lewis and Clark County Libraries.

Public Participation: The public was invited to participate in the RMP in issue identification and development of planning criteria, during a 90-day comment period allowed on the draft EIS and at a public hearing held during the comment period. No protests were received during the 30-day protest period allowed after publication of the final EIS.

SUPPLEMENTARY INFORMATION: Five management alternatives were developed during the planning process and were analyzed in the EIS. The alternatives were "No Action" (or continuation of existing management), an alternative emphasizing environmental protection, an alternative emphasizing partial wilderness, one emphasizing resource production and a balanced alternative. The balanced alternative was selected for the proposed management plan in the final EIS and is the plan approved by this ROD. It presents a cost-effective plan that best responds to the issues in a multiple use/sustained yield framework. It provides for a variety of resource uses and protects the environment through mitigation of impacts. The approved plan includes all practicable mitigation. After implementation, other site-specific mitigation may be required to address impacts from specific land use proposals.

Three wilderness study areas (WSAs) will continue to be managed under the interim wilderness guideline until Congress determines whether or not they will be designated as wilderness areas. These are Wales Creek, Hoodoo Mountain and Quigg West. A fourth WSA, Gallagher Creek, was studied under the authority of section 202 of the FLPMA, and was recommended in the final RMP/EIS as not suitable for wilderness designation. Concurrent with the signing of the ROD the Gallagher Creek WSA will be managed as recommended in the approved plan. A wilderness report recommending that Quigg West WSA be designated as wilderness and that the Wales Creek and Hoodoo Mountain WSAs not be designated as wilderness will be sent to the Secretary of the Interior. Should Congress decide to adopt these recommendations, the WSAs will be managed as outlined in the RMP. Should Congress decide to designate the Wales Creek or the Hoodoo Mountain WSAs as wilderness, or the Quigg West WSA as nonwilderness, the RMP will be modified as necessary and the areas will be managed accordingly.

Progress toward accomplishing goals and objectives in the plan will be monitored. The plan will be maintained to keep it current. It may be amended or a new plan developed if management goals and objectives change.

Dean Stepanek,

State Director.

December 30, 1985.

State Director.

[FR Doc. 86–417 Filed 1–9–86; 8:45 am]

BILLING CODE 4310-DN-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

January 7, 1986.

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Airborne Freight Corporation, 190 Queen Anne Avenue North, Seattle, Washington 98111.

2. Wholly owned subsidiaries which will participate in the operations and states of incorporation: Airborne Express, Inc.—Delaware Aviation Fuel, Inc.—Ohio.

James H. Bayne,

Secretary.

[FR Doc. 86–563 Filed 1–9–86; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB–26 (Sub 33X)]

Southern Railway Co. & Southern Railway-Carolina Division; Abandonment and Discontinuance of Service Exemption; in Rutherford and Cleveland Counties, NC

Southern Railway Company (SRC) and Southern Railway-Carolina Division (Carolina) have filed a notice of

exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuance of Service and Trackage Rights.*[1] Carolina seeks to abandon and SRC seeks to discontinue service over approximately 16.5-miles of track between Milepost SB–156.0 near Shelby, and Milepost SB–158.1 near the station of Conshel; and between Milepost SB–161.1 near Lattimore and Milepost SB–175.5 near Forest City, located in Rutherford and Cleveland Counties, NC.

Applications have certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment or discontinuance of service shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective February 9, 1986 (unless stayed pending reconsideration). Petitions to stay must be filed by January 21, 1986, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by January 30, 1986, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Nancy S. Fleischman, 1050 Connecticut Avenue NW., Suite 740, Washington, DC 20036.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: January 3, 1986.

[1] Simultaneously with this notice: (1) SRC has filed a notice in FD No. 30746, *Southern Ry. Co.—Trackage Rights—Seaboard Systems RR. Inc.*, of exemption for trackage rights over approximately 22.8-miles of Seaboard System RR. Inc.'s line between Shelby and Forest City, NC; and (2) SRC and Carolina have filed a petition in FD No. 30746 (Sub-No. 1), *Southern Ry. Co. and Southern Ry.—Carolina Div.—Construction of Connection Tracks—Exemption*, for exemption from regulation for construction of and operation over three new connection tracks at Shelby, near Conshel, and at Forest City, NC, a total of approximately 719 feet.

By the Commission, Jane F. Mackall, Acting Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 86–565 Filed 1–9–86; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30746]

Southern Railway Co.—Trackage Rights; Seaboard System Railroad, Inc.; Exemption

Seaboard System Railroad, Inc., has agreed to grant trackage rights to Southern Railway Company between Shelby and Forest City, NC, a distance of approximately 22.8 miles. The rights granted are overhead trackage rights with the right to enter and leave the trackage at specified points to serve customers located on connecting trackage. The trackage rights will be effective December 30, 1985, or as soon thereafter as related abandonment and discontinuance and construction and operation exemptions become effective.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Dated: January 3, 1986.

By the Commission, Jane F. Mackall, Acting Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 86–564 Filed 1–9–86; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Ronald W. Andrews, M.D.; Denial of Application

On October 1, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued to Ronald W. Andrews, M.D. of 5308 N. Broad Street, Philadelphia, Pennsylvania 19141, an Order to Show Cause proposing to deny his application, executed on January 7, 1985, for registration as a practitioner under 21 U.S.C. 823(f). The proposed action was predicated upon Dr. Andrews' controlled substance-related felony conviction on June 30, 1982, in the United States District Court for the Eastern District of Pennsylvania. In addition, Dr. Andrews is not authorized by the Commonwealth of Pennsylvania to handled controlled substances.

The Order to Show Cause was sent to Dr. Andrews by registered mail. DEA received the return receipt which indicated that the Order to Show Cause was received on October 5, 1985. More than thirty days have passed since the Order to Show Cause was served and the Drug Enforcement Administration has received no response thereto. Pursuant to 21 CFR 1301.54 (a) and (d), Dr. Andrews is deemed to have waived his opportunity for a hearing. Accordingly, the Administrator now enters his final order in this matter without a hearing and based on the investigative file. 21 CFR 1301.57.

The Administrator finds that on June 30, 1982, Dr. Andrews was convicted, following a jury trial, of nine counts of illegal distribution of controlled substances. Dr. Andrews wrote prescriptions to DEA undercover agents for Quaalude (methaqualone), Seconal (secobarbital) and Desoxyn (methamphetamine), all heavily abused Schedule II controlled substances. Methaqualone has since been placed in Schedule I. Dr. Andrews also wrote the undercover agents prescriptions for Tussionex (hydrocodone), a Schedule III controlled substance. There was no medical justification for these prescriptions. These are felony convictions relating to controlled substances.

On June 3, 1982, Dr. Andrews submitted an application for renewal of this DEA Certificate of Registration AA9000629. In a final order found at Volume 47, **Federal Register**, page 56745 (December 20, 1982), the then Acting Administrator denied Dr. Andrews' application for renewal of his DEA registration, effective January 19, 1983.

On January 7, 1985, Dr. Andrews applied for a new DEA Certificate of Registration. This application is the subject of this final order. Based on Dr. Andrews' controlled substance-related felony convictions, lawful grounds exist to deny this application for registration. 21 U.S.C. 824(a)(2).

In an order dated March 1, 1985, the State Board of Medical Education and Licensure revoked Dr. Andrews' license to practive medicine in the Commonwealth of Pennsylvania. DEA has consistently held that if a registrant or applicant is without authority to handle controlled substances under the laws of the state in which he practices or proposes to practice, DEA is without statutory authority to issue or maintain a registration. See, *Avner Kauffman, M.D.*, Docket No. 85–8, 50 FR 34208 (1985); *Sam S. Misasi, D.O.*, 50 FR 11469 (1985) and cases cited therein. Therefore, DEA is precluded from

registering Dr. Andrews under 21 U.S.C. 823(f).

Since Dr. Andrews did not offer evidence of any mitigating circumstances, the Administrator has no choice but to deny Dr. Andrews' application for registration.. Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that the application of Ronald W. Andrews, M.D., for registration under the Controlled Substances Act, be, and it hereby is denied.

Dated: January 6, 1985.

John C. Lawn,

Administrator.

[FR Doc. 86-519 Filed 1-9-86; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Carville-National Leather Co., Inc., et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period December 30, 1985—January 3, 1986.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In the following case the investigation revealed that criterion (1) has not been met for the reason specified.

TA-W-16,247; Carville-National Leather Co., Johnstown, NY

Employment did not decline during the relevant period as required for certification.

Affirmative Determinations

TA-W-16,250; Fashion Tanning Co., Inc., Gloversville, NY

A certification was issued covering all workers of the firm separated on or after July 23, 1984.

TA-W-16,167; Summit Hill Distribution Center, Summit Hill, PA

A certification was issued covering all workers of the firm separated on or after July 5, 1984 and before May 1, 1985.

TA-W-16,167A; Loomtogs, Inc., New York, NY

A certification was issued covering all workers of the firm separated on or after July 5, 1984 and before February 1, 1985.

TA-W-16,167B;I Fred Perry Sportwear, New York, NY

A certification was issued covering all workers of the firm separated on or after July 5, 1984 and before February 1, 1985.

TA-W-16,226; Stromberg Carlson, Hybrid Microelectronic Dept., Lake Mary, FL

A certification was issued covering all workers of Hybrid Microelectronic Department separated on or after March 1, 1985.

TA-W-16,278; American Standard, Inc., New Orleans, LA

A certification was issued covering all workers of the firm separated on or after March 1, 1985 and before December 1, 1985.

TA-W-16,181; B.F. Goodrich Co., Exeter, PA

A certification was issued covering all workers of the Exeter, PA plant separated on or after January 1, 1985 and before December 1, 1985.

TA-W-16,386; B.F. Goodrich Co., Miami, OK

A certification was issued covering all workers engaged in employment related to the production of tires separated on or after January 1, 1985 and all workers engaged in employment related to the production of inner tubes separated on or after July 20, 1985.

I hereby certify that the aforementioned determinations were issued during the period December 30, 1985—Janaury 3, 1986. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor 601 D Street, NW., Washington, DC during normal business hours or will be mailed to persons who write to the above address.

Dated: January 7, 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-610 Filed 1-9-86; 8:45 am]

BILLING CODE 4510-30-M

Westinghouse Electric Corp., et al.; Determinations Regarding Eligiblity To Apply for Workers Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligiblity to apply for adjustment assistance issued during the preiod November 4, 1985—November 8, 1985.

In order for an affirmative determination to be made and certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirement of section 222 of the Act must be met.

(1) That a significant number of proporation of the workers in the workers, firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm of subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-16,101; Westinghouse Electric Corp., Power Generation Operations Div., Lester, PA

TA-W-16,111; Westinghouse Electric Corp., Power Generation Operations Div., Concordville, PA

TA-W-16,109; Phoenix Forging Company, Catasuqua, PA

TA-W-16,106; J.P. Tanning Company, Inc., Haverhill, MA

TA-W-16,113; Arcadian Corp., Helena, AR

TA-W-16,139; Chruch & Dwight Co., Inc., Solvay, NY

TA-W-16,126; Boise Cascade Corp., Plywood & Small Log Div., Kettle Falls, WA

Affirmative Determinations

TA-W-16,154; Peerless Sportsware Company, Inc., South Boston, MA

A certification was issued covering all workers of the firm separated on or after June 24, 1984 and before January 15, 1985.

TA-W-16,127; Champion International Corp., Libby Sawmill, Libby MT

A certification was issued covering all workers of the firm engaged in the production of lumber separated on or after June 18, 1984.

TA-W-16,114; Bard-Parker, Hancock, New York

A certification was issued covering all workers of the firm separated on or after April 1, 1985.

TA-W-16,118; Kent Plastics Corp., Evansiville, IN

A certification was issued covering all workers of the firm separated on or after June 13, 1984.

TA-W-16,099; Xerox Corporation, Irvine, CA

A certification was issued covering all workers of the firm separated on or after January 1, 1985 and before October 31, 1985.

TA-W-16,117; Flat River Glass Company, Flat River, MO

A certification was issued covering all workers of the firm separated on or after September 1, 1984.

TA-W-16,124; U.S. Steel Mining Company, Inc., Leckrone Treating Plant, Leckrone, PA

A certification was issued covering all workers of the firm separated on or after September 1, 1984 and before December 31, 1984.

TA-W-16,040; Ohio Brass Company, Barberton, Ohio

A certification was issued covering all workers of the firm separated on or after May 1, 1984 and before July 15, 1985.

TA-W-16,025; Bolivar Management Corp., Bolivar, MO

A certification was issued covering all workers of the firm separated on or after May 13, 1984 and before August 31, 1985.

TA-W-16,083; Champion International Corp., Bonner Sawmill, Bonner, MT

A certification was issued covering all workers of the firm separated on or after June 7, 1984.

TA-W-16,086; Gregory forest Products, Inc., Glandale, OR

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

TA-W-16,128; Chicago Pneunatic Tool Company, Utica, NY

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

TA-W-16,148; Bearfoot Corporation, Wadsworth, OH

A certification was issued covering all workers of the firm separated on or after June 24, 1984.

TA-W-16,137; Burlington Industries, Inc., Vinton, VA

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

TA-W-16,119; Martin Marietta aluminum, The Dalles, OR

A certification was issued covering all workers of the firm separated on or after June 7, 1984.

TA-W-16,115; Commonwealth Aluminum Corp., Goldendale, WA

A certification was issued covering all workers of the firm separated on or after June 7, 1984.

TA-W-16,115A; Commonwealth Aluminum Corp., Lewisport, KY

A certification was issued covering all workers of the firm separated on or after June 7, 1984.

TA-W-16,035 and TA-W-16,037; Bethlehem Steel Corp., Bar, Rod and Wire Division, Johnstown, PA

A certification was issued covering workers of the firm engaged in the production of steel bars separated on or after October 1, 1984. A certification was issued covering all other workers of the firm separated on or after March 1, 1985.

I hereby certify that the aforementioned determinations were issued during the period November 4, 1985—November 8, 1985. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor 601 D Street NW., Washington, DC during normal business hours or will be mailed to presons who write to the above address.

Dated: November 12, 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-611 Filed 1-9-86; 8:45 am]

BILLING CODE 4510-30-M

B.F. Goodrich Co., et al.; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1986.

Interested persons are invited to submit written comments regarding the subjected matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 21, 1986.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC this 23rd day of December 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of Petition	Petition No.	Articles produced
B.F. Goodrich Co., Research & Development, Center (workers).	Brecksville, OH	12/9/85	12/4/85	TA-W-16,963	Research and development of tires.
Bethlehem Steel Corp. (workers)	Bethlehem, PA	12/11/85	12/6/85	TA-W-16,964	Office workers—Accounting Dept, Accounts Payable, employee Benefits, Div.
Bethlehem Steel Co., Industrial Fastener Div. (USWA)	Lebanon, PA	12/25/85	11/21/85	TA-W-16,965	Industrial fasteners.
CF&I Steel Corp. (USWA)	Pueblo, CO	12/11/85	12/10/85	TA-W-16,966	Rail, tube, wire—steel.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of Petition	Petition No.	Articles produced
CWC Castings Div., Textron, Inc. (UAW)	Muskegon, MI	12/10/85	12/6/85	TA-W-16,967	Heavy duty blocks, and head for HN engines, L-10 engines.
California Manufacturing (workers)	St. James, MO	11/29/85	11/22/85	TA-W-16,968	Men's and boys' outerwear coats.
Champion International Hardboard Dee Operation (IWA)	Hood River, OR	12/6/85	12/2/85	TA-W-16,969	Particle hardboard products.
Commercial Shearing, Inc. (USWA)	Salt Lake City, UT	11/25/85	11/21/85	TA-W-16,970	Steel tunnel supports.
Crown Zellerbach Corp. (IWA)	Cathlamet, WA	12/11/85	12/4/85	TA-W-16,971	Logging operation.
Duchess Footwear (workers)	Lancaster, NH	12/9/85	12/2/85	TA-W-16,972	Casual women's wear.
Easco Hand Tools (workers)	Springfield, MA	12/9/85	11/19/85	TA-W-16,973	Ratchets, wrenches, sockets.
General Electric Co. (IUE)	Youngstown, Oh	12/11/85	12/10/85	TA-W-16,974	Light bulbs.
Howard Uniforms (ACTWU)	Baltimore, MD	11/25/85	11/20/85	TA-W-16,975	Uniforms.
Knoxville Glove Co. (ACTWU)	Knoxville, TN	11/18/85	11/8/85	TA-W-16,976	Work gloves.
LTV Steel Company (workers)	Pittsburgh, PA	12/9/85	12/5/85	TA-W-16,977	Headquarters staff.
Masterson, Inc. of Arkansas (ACTWU)	Camden, AR	12/9/85	12.5.85	TA-W-16,978	Men's outerwear.
Masterson, Inc. of Arkansas (ACTWU)	Hampton, AR	12/9/85	12.5.85	TA-W-16,978	Men's outerwear.
Meyer Industries (Boilermakers)	Hazleton, PA	12/9/85	12/5/85	TA-W-16,980	Tubular steel poles.
Timet (workers)	Toronto, OH	11/19/85	11/14/85	TA-W-16,981	Conversion of ingots into titanium mill products.
Timet (workers)	Henderson, NE	11/19/85	11/14/85	TA-W-16,982	Titanium sponge.
Timet (workers)	Corapolis, PA	11/19/85	11/14/85	TA-W-16,983	Headquarters—office.
Universal Optical Co. (workers)	E. Providence, RI	10/29/85	10/25/85	TA-W-16,984	Eyeglass frames, metal and plastic
Wilner Wood Products Co. (workers)	Norway, ME	12/6/85	11/27/85	TA-W-16,985	Heels for shoes.
Wilson Sporting Goods Co. (Teamsters)	Grand Rapids, MI	12/9/85	11/25/85	TA-W-16,986	Golf clubs and golf balls.
Baldwin Sportswear (ILGWU)	Bayside, NY	10/9/85	9/20/85	TA-W-16,987	Contractors of ladies sportswear.
Intel Corporation (company) (4 plants)	Chandler, AZ	12/2/85	11/26/85	TA-W-16,988	Support functions & mfg of EPROMS.
Intel Corporation (company) (2 plants)	Phoeniz, AZ	12/2/85	11/26/85	TA-W-16,989	Administrative support function.
Intel Corporation (company)	Tempe, AZ	12/2/85	11/26/85	TA-W-16,990	Warehouse, EPROMS & DRAMS.
Intel Corporation (company) (12 plants)	Santa Clara, CA	12/2/85	11/26/85	TA-W-16,991	Support fuctions.
Intel Corporation (company)	Sunnyvale, CA	12/2/85	11/26/85	TA-W-16,992	Support training center.
Intel Corporation (company) (2 plants)	Santa Clara, CA	12/2/85	11/26/85	TA-W-16,993	Mfg & warehouse of EPROMS.
Intel Corporation (company)	Santa Cruz CA	12/2/85	11/26/85	TA-W-16,994	Research & development.
Intel Corporation (company)	Livermore, CA	12/2/85	11/26/85	TA-W-16,995	EPROMS Mfg.
Intel Corporation (company) (4 plants)	Folsom, CA	12/2/85	11/26/85	TA-W-16,996	Support, technical.
Intel Corporation (company)	San Jose, CA	12/2/85	11/26/85	TA-W-16,997	Computer center-support.
Intel Corporation (company)	Rio Rancho, NM	12/2/85	11/26/85	TA-W-16,998	Mfg EPROMS.
Intel Corporation (company) (5 plants)	Hillsboro, OR	12/2/85	11/26/85	TA-W-16,999	Support DRAMS.
Intel Corporation (company) (2 plants)	Aloha, OR	12/2/85	11/26/85	TA-W-17,000	DRAMS mfg.
Intel Corporation (company) (aloha 3)	Aloha, OR	12/2/85	11/26/85	TA-W-17,001	Support DRAMS.
Intel Corporation (company) (3 plants)	Beaverton, OR	12/2/85	11/26/85	TA-W-17,002	Support DRAMS.
Intel Corporation (company)	Huntsville, Al	12/2/85	11/26/85	TA-W-17,003	Sales office
Intel Corporation (company)	Phoenix, AZ	12/2/85	11/26/85	TA-W-17,004	Sales office
Intel Corporation (company)	Tucson, AZ	12/2/85	11/26/85	TA-W-17,005	Sales office
Intel Corporation (company)	Canoga Park, CA	12/2/85	11/26/85	TA-W-17,006	Sales office.
Intel Corporation (company)	El Segundo, CA	12/2/85	11/26/85	TA-W-17,007	Sales office
Intel Corporation (company)	Mountain Vie, CA	12/2/85	11/26/85	TA-W-17,008	Sales office
Intel Corporation (company)	Sacramento, CA	12/2/85	11/26/85	TA-W-17,009	Sales office
Intel Corporation (company)	San Diego, CA	12/2/85	11/26/85	TA-W-17,010	Sales office
Intel Corporation (company)	Santa Ana, CA	12/2/85	11/26/85	TA-W-17,011	Sales office
Intel Corporation (company)	Colorado Springs, Co	12/2/85	11/26/85	TA-W-17,012	Sales office
Intel Corporation (company)	Denver, CO	12/2/85	11/26/85	TA-W-17,013	Sales office
Intel Corporation (company)	Boulder, CO	12/2/85	11/26/85	TA-W-17,014	Sales office
Intel Corporation (company)	Danbury, CT	12/2/85	11/26/85	TA-W-17,015	Sales office
Intel Corporation (company)	Altamonte Springs, FL	12/2/85	11/26/85	TA-W-17,016	Sales office
Intel Corporation (company)	Ft. Lauderdale, FL	12/2/85	11/26/85	TA-W-17,017	Sales office
Intel Corporation (company)	St. Petersburg, Fl	12/2/85	11/26/85	TA-W-17,018	Sales office
Intel Corporation (company)	Norcross, GA	12/2/85	11/26/85	TA-W-17,019	Sales office
Intel Corporation (company)	Schaumburg, IL	12/2/85	11/26/85	TA-W-17,020	Sales office
Intel Corporation (company)	Indianapolis, IN	12/2/85	11/26/85	TA-W-17,021	Sales office
Intel Corporation (company)	Cedar Rapids, Iowa	12/2/85	11/26/85	TA-W-17,022	Sales office
Intel Corporation (company)	Overland Park, KS	12/2/85	11/26/85	TA-W-17,023	Sales office
Intel Corporation (company)	Greenbelt, MD	12/2/85	11/26/85	TA-W-17,024	Sales office
Intel Corporation (company)	Hanover, MD	12/2/85	11/26/85	TA-W-17,025	Sales office
Intel Corporation (company)	Chelmsford, MA	12/2/85	11/26/85	TA-W-17,026	Sales office
Intel Corporation (company)	Wellesley Hills, MA	12/2/85	11/26/85	TA-W-17,027	Sales office
Intel Corporation (company)	West Bloomfield, MI	12/2/85	11/26/85	TA-W-17,028	Sales office
Intel Corporation (company)	Bloomington,MN	12/2/85	11/26/85	TA-W-17,029	Sales office
Intel Corporation (company)	Earth City, MO	12/2/85	11/26/85	TA-W-17,030	Sales office
Intel Corporation (company)	Edison, NJ	12/2/85	11/26/85	TA-W-17,031	Sales office
Intel Corporation (company)	Hauppauge, NY	12/2/85	11/26/85	TA-W-17,032	Sales office
Intel Corporation (company)	Rochester, NY	12/2/85	11/26/85	TA-W-17,033	Sales office
Intel Corporation (company)	Wappingers Falls, NY	12/2/85	11/26/85	TA-W-17,034	Sales office
Intel Corporation (company)	Alkbuguerque, NM	12/2/85	11/26/85	TA-W-17,035	Sales office
Intel Corporation (company)	Charlotte, NC	12/2/85	11/26/85	TA-W-17,036	Sales office
Intel Corporation (company)	Raleigh, NC	12/2/85	11/26/85	TA-W-17,037	Sales office
Intel Corporation (company)	Cleveland, OH	12/2/85	11/26/85	TA-W-17,038	Sales office
Intel Corporation (company)	Dayton OH	12/2/85	11/26/85	TA-W-17,039	Sales office
Intel Corporation (company)	Tulsa, OK	12/2/85	11/26/85	TA-W-17,040	Sales office
Intel Corporation (company)	Beaverton, OR	12/2/85	11/26/85	TA-W-17,041	Sales office
Intel Corporation (company)	Camphill PA	12/2/85	11/26/85	TA-W-17,042	Sales office
Intel Corporation (company)	Ft. Washington, PA	12/2/85	11/26/85	TA-W-17,043	Sales office
Intel Corporation (company)	Pittsburgh, PA	12/2/85	11/26/85	TA-W-17,044	Sales office
Intel Corporation (company)	Austin, TX	12/2/85	11/26/85	TA-W-17,045	Sales office
Intel Corporation (company)	Dallas, TX	12/2/85	11/26/85	TA-W-17,046	Sales office
Intel Corporation (company)	Houston, TX	12/2/85	11/26/85	TA-W-17,047	Sales office
Intel Corporation (company)	Murray, UT	12/2/85	11/26/85	TA-W-17,048	Sales office
Intel Corporation (company)	Richmond, VA	12/2/85	11/26/85	TA-W-17,049	Sales office
Intel Corporation (company)	Bellevue, WA	12/2/85	11/26/85	TA-W-17,050	Sales office
Intel Corporation (company)	Spokane, WA	12/2/85	11/26/85	TA-W-17,051	Sales office
Intel Corporation (company)	Brookfield, WI	12/2/85	11/26/85	TA-W-17,052	Sales office

[FR Doc. 86-609 Filed 1-9-86 8:45 am]

BILLING CODE 4510-30-M

Rawlings Sporting Goods St. Louis, MO; Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance; Correction

In **Federal Register** Doc. 85–17832 appearing on page 30535 in the **Federal Register** of July 26, 1985, the following company name and location in the appendix under petitioner Rawlings Sporting Goods, TA–W–16, 167 is corrected to read as follows: "Summit Hill Distribution Center, Summit Hill, Pennsylvania."

Signed at Washington, DC this 6th day of January 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86–608 Filed 1–9–86; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–16,029 and TA–W–16,030]

Butler County Mushroom Farm in Cabot, and Worthington, PA; Negative Determination Regarding Application for Reconsideration

By an application dated December 5, 1985, and after being granted a filing extension, the United Steelworkers of America (USW) requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers at the Bulter County Mushroom Farm in Cabot and Worthington, Pennsylvania. The determination was published in the **Federal Register** on October 22, 1985 (50 FR 42788).

Pursuant to CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The union claims that (1) the 1980 findings of the U.S. International Trade Commission (USITC) on the mushroom industry, (2) a marketing research report on the mushroom industry by the U.S. Department of Agriculture and (3) a 15 crop-year report from the Pennsylvaina Department of Agriculture on the comparison of fresh mushroom and processed mushroom sales in the U.S. are sufficient to certify workers for trade adjustment assistance at the Butler County Mushroom Farm.

Workers at the Butler County Farm produce fresh mushrooms. The subject firm had increased sales and production in 1984 compared to 1983. Other findings in the Department's investigation show that the worker petition did not meet the "contributed importantly" test in 1984 compared to 1983 or in the first five months of 1985 compared to the same period in 1984. Since U.S. imports of fresh mushrooms are negligible and it was alleged that imports of canned mushrooms had contributed to layoffs at Butler, the Department surveyed Butler's customers for purchases of canned mushrooms.

The Department of Labor; survey of Butler's customers purchasing mushrooms in 1974 and 1985 showed that the predominant portion of the surveyed customers did not purchase imported canned mushrooms. Customers that increased purchases of imported canned mushrooms while reducing purchases of fresh mushrooms from the subject firm accounted for an insignificant percent of the farm's sales decline in the first 5 months of 1985 compared to the same period in 1984.

With respect to the union's claims that the USITC's findings in 1980 and a marketing report on the mushroom industry in 1982 from the U.S. Department of Agriculture are sufficient to certify workers for trade adjustment assistance, the Department notes that these are industry-wide in scope and not not focus specifically on the subject firm.

The Department's investigation deals with the Butler County Mushroom Farm in Cabot and Worthington, Pennsylvania. The Group Eligibility Requirements set at section 222 of the Trade Act provide certification criteria for individual firms or subdivisions of firms while the USITC findings are based on different criteria that apply industry-wide and as such are not controlling in this case for workers at the Bulter County Farm. Further, the 15 crop-year report of the Pennsylvania Department of Agriculture showing increased U.S. annual sales of fresh mushrooms at the expense of processed mushrooms would not form a basis for certification.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC this 26th day of December 1985.

Robert A. Schaerfl,

Director, Office of Program Managment, UIS.

[FR Doc. 86–613 Filed 1–9–86; 8:45 am]

BILLING CODE 4510–30–M

Great Western Sugar Co.; Affirmative Determination Regarding Application for Reconsideration

In the matter of Great Western Sugar Company, Loveland, Colorado TA–W–16,061, Denver, Colorado TA–W–16,062, Fort Morgan, Colorado TA–W–16,105, Sterling, Colorado TA–W–16,129, Goodland, Kansas TA–W–16,150, Greeley, Colorado TA–W–16,194, Bayard, Nebraska TA–W–16,215, Ovid, Colorado TA–W–16,216, and Billings, Montana TA–W–16,424.

The Teamsters Union, after being granted a filing extension, requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Workers Adjustment Assistance on behalf of workers and former workers of Great Western Sugar Company, Loveland, Denver, Fort Morgan, Sterling, Greeley and Ovid, Colorado; Goodland, Kansas; Bayard, Nebraska; and Billings, Montana. The determination was published in the **Federal Register** on November 5, 1985 (50 FR 45949).

The application claims, among other things, that the Department's survey was inadequate and that the Department had certified workers earlier at the Great Western Sugar Company in Johnston and Longmont, Colorado.

Conclusion

After careful review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is therefore granted.

Signed at Washington, DC, this 24th day of December 1985.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 86–614 Filed 1–9–86; 8:45 am]

BILLING CODE 4510–30–M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act and pursuant to the provisions of 29 CFR Part 1. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Notice and public comment procedures and a delay in the effective date as prescribed in 5 U.S.C. 553 were not provided prior to the issuance of these determinations, based on a finding of good cause. Because of the necessity to issue construction industry wage determinations frequently and in large volume, such procedures would have caused a delay and would have been impractical and contrary to the public interest.

General wage determination decisions contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts" shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Modifications and Supersedeas Decisions to General Wage Determinations

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

Such decisions contain no expiration date and are effective from the date that *notice* of such decisions is published in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3504, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I:

District of Columbia:
DC86-1 (Jan. 3, 1986)... p. 80.

Florida:
FL86-1 (Jan. 3, 1986).... p. 103.

Massachusetts:
MA86-1 (Jan. 3, 1986).. pp. 348, 357.
MA86-2 (Jan. 3, 1986).. pp. 363, 367.
MA86-3 (Jan. 3, 1986).. p. 375.

Pennsylvania:
PA86-1 (Jan. 3, 1986)... pp. 792-793, pp. 795-797, p. 799.
PA86-5 (Jan. 3, 1986)... p. 829.
PA86-7 (Jan. 3, 1986)... p. 850.
PA86-9 (Jan. 3, 1986)... p. 872.

Rhode Island:
RI86-1 (Jan. 3, 1986)..... pp. 965-966.

Virginia:
VA86-5 (Jan. 3, 1986)... p. 1065.

West Virginia:
WV86-3 (Jan. 3, 1986).. p. 1141, pp. 1145-1147, p. 1150.

Volume II:

Arkansas:
AR86-5 (Jan. 3, 1986)... pp. 15-17.

Iowa:
IA86-5 (Jan. 3, 1986).... pp. 43-44, p. 47.
IA86-6 (Jan. 3, 1986).... pp. 52-53.

Illinois:
IL86-2 (Jan. 3, 1986)..... p. 89.

Louisiana:
LA86-5 (Jan. 3, 1986)... pp. 363-366.

Oklahoma:
OK86-10 (Jan. 3, 1986). p. 816.
OK86-11 (Jan. 3, 1986). p. 817.
OK86-13 (Jan. 3, 1986). p. 822.
OK86-14 (Jan. 3, 1986). pp. 832-833.

Texas:
TX86-7 (Jan. 3, 1986)... p. 861-862.
TX86-16 (Jan. 3, 1986). p. 887.
TX86-18 (Jan. 3, 1986). p. 891.

Volume III:

California:
CA86-2 (Jan. 3, 1986)... pp. 45-47.

Nevada:
NV86-4 (Jan. 3, 1986)... p. 248.

Washington:
WA86-3 (Jan. 3, 1986). pp. 339-341, p. 343,pp. 350-352.
WA86-5 (Jan. 3, 1986). p. 355.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of notice in the **Federal Register** are listed with each state. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

Washington:
WA84-5040 (WA86-5)..... Nov. 16, 1984.
WA84-5040 (WA86-6)..... Do.
WA84-5040 (WA86-7)..... Do.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon And Related Acts". This publication is available at each of the 80 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783–3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since information is provided in three separate volumes, arranged by State.

Signed at Washington, DC, this 2nd day of January 1986.

James L. Valin,

Assistant Administrator.

[FR Doc. 86–382 Filed 1–10–86; 8:45 am]

BILLING CODE 4510-27-M

Occupational Safety and Health Administration

Nevada State Standards;

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator), under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(e) of the Act and 29 CFR Part 1902. On January 4, 1974, notice was published in the **Federal Register** (39 FR 1008) of the approval of the Nevada plan and the adoption of Subpart W to Part 1952 of Title 29 containing the decision. The Nevada plan provides for the adoption of Federal standards as State standards by reference.

By letter dated October 10, 1985, from Michael J. Lacey to Ray Owen and incorporated as part of the plan, the State submitted State standard revisions identical to 29 CFR 1910.1029, Coke Oven Emissions Standard (50 Fr 37352): This standard is contained in the Department of Occupational Safety and Health, Standards for General Industry. The subject standard, 29 CFR 1910.1029, Coke Oven Emission (50 FR 37252) was adopted by reference on September 13, 1985, pursuant to Nevada State law section 618.295

2. *Decision.* Having reviewed the State submission in comparison with Federal standard, it has been determined that the standard is identical to the Federal standard and accordingly should be approved.

3. *Location of Supplement for Inspection and Copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 450 Golden Gate Avenue, Room 11349, San Francisco, California 94102; and Director, Department of Occupational Safety and Health, 1370 South Curry Street, Carson City, Nevada 89710, and Directorate of Federal Compliance and State Programs, Room N3700, 200 Constitution Avenue NW., Washington, DC 20210.

4. *Public Participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Nevada State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standard is identical to the Federal standard and was promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standard was adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

This decision is effective January 10, 1986.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 [29 U.S.C. 667]

Signed at San Francisco, California this 16th day of December, 1985.

Russell B. Swanson,

Regional Administrator.

[FR Doc. 86–612 Filed 1–9–86; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meetings

AGENCY: National Foundation on the Arts and the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

DATE: February 6–7 1986.
TIME: 9:00 a.m. to 5:30 p.m.
ROOM: 415.
PROGRAM: This meeting will review applications submitted for Museums and Historical Organizations Humanities Projects, Division of General Programs, for projects beginning after July 1, 1986.

DATE: February 7, 1986.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: 415.
PROGRAM: This meeting will review Ancient, Classical, and Medieval Studies applications submitted to the Tools category, Reference Materials Program, Division of Research Programs, for projects beginning after July 1, 1986.

DATE: February 21, 1986.
TIME: 8:30 a.m. to 5:00 p.m.
ROOM: 315.
PROGRAM: This meeting will review History and Social Science applications submitted to the Tools category, Reference Materials Program, Division of Research Programs, for projects beginning after July 1, 1986.

DATE: February 27–28, 1986.
TIME: 8:30 a.m. to 5:30 p.m.
ROOM: 316–2.
PROGRAM: This meeting will review Linguistics applications submitted to the Tools category, Reference Materials Program, Division of Research Programs, for projects beginning after July 1, 1986.

The proposed meetings are 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. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated

January 15, 1978, I have determined that these meetings 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 about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 86-591 Filed 1-9-86; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Availability of Reports

Reports Issued

Aircraft Accident/Incident Summary Reports: Denver, Colorado, August 19, 1983; Blountville, Tennessee, July 16, 1983; Tucson, Arizona, February 6, 1983; Sioux Falls, South Dakota, December 20, 1983; Cockeysville, Maryland, April 28, 1984; Akron Ohio, September 30, 1984; Seattle, Washington, October 18, 1984; Miami, Florida, November 11, 1983. (NTSB/AAR-85/01/SUM) (NTIS Order No. PB85-910409)

Marine Accident/Incident Summary Reports: BONAVENTURE, February 27, 1982; JUDITH LEE ROSE, March 2, 1982; ANGELA BRILEY, September 25, 1982; LIBERTY, December 12, 1983; ALVENUS, July 30, 1984. (NTSB/MAR-85/02/SUM) (NTIS Order No. PB85-916414)

Marine Accident Report: Capsizing of the U.S. Self-Propelled Lift Boat AMAY S while Under Tow of the U.S. Coast Guard Cutter Point Hope, Gulf of Mexico, October 17, 1984. (NTSB/MAR-85/10) (NTIS Order No. PB85-916411)

Marine Accident Report: Explosion and Fire Aboard the U.S. Mobile Offshore Drilling Unit ZAPATA LEXINGTON, Gulf of Mexico, September 14, 1984. (NTSB/MAR-85/11) (NTIS Order No. PB85-916412)

Railroad Accident Report: Derailment of Seaboard System Railroad Train No. F-690 with Hazardous Material Release, Jackson, South Carolina, February 23, 1985, and Collision of Seaboard System Railroad Train No. F-481 with Standing Cars at Robbins, South Carolina, February 25, 1985. (NTSB/RAR-85/12) (NTIS Order No. PB85-916312)

Railroad Accident Report: Head-on Collision of Chicago, South Shore and South Bend Railroad Trains Nos. 123 and 218, Gary, Indiana, January 21, 1985. (NTSB/RAR-85/13) (NTIS Order No. PB85-916313)

Pipeline Accident Report: National Fuel Gas Company Natural Gas Explosion and Fire, Sharpsville, Pennsylvania, February 22, 1985. (NTSB/PAR-85/02) (NTIS Order No. PB85-916502)

Safety Study: Railroad/Highway Grade Crossing Review—Calendar Years 1983 and 1984. (NTSB/SS-85/05) (NTIS Order No. PB85-91710)

Hazardous Materials Accident Report: Overturn of a Tractor-Semitrailer Transporting Torpedoes, Denver, Colorado, August 1, 1984. (NTSB/HZM-85/02) (NTIS Order No. PB85-917011)

Safety Study: Airline Passenger Safety Education: A Review of Methods Used to Present Safety Information. (NTSB/SS-85/09) (NTIS Order No. PB85-917014)

Safety Study: Child Passenger Safety Symposium: Ways to Increase Use and Decrease Misuse of child Restraints. (NTSB/SS-85/03) (NTIS Order No. PB85-917013)

Special Investigation Report: New York City Transit Authority Subway System Fires (NTSB/SIR-85/04) (NTIS Order No. PB85-917012)

Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports, call 703-487-4650 and to order subscriptions to reports, call 703-487-4630.

Catherine T. Kaputa,

Federal Register Liaison Officer.

December 31, 1985.

[FR Doc. 86-521 Filed 1-9-86; 8:45 am]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-400 OL]

Carolina Power & Light Co. and North Carolina Eastern Municipal Power Agency, Shearon Harris Nuclear Power Plant; Oral Arugment

Notice is hereby given that, in accordance with the Appeal Board's order of December 19, 1985, oral argument on the appeal of the joint intervenors, Conservation Council of North Carolina and Wells Eddleman, from the Licensing Board's August 20, 1985 Partial Initial Decision, will be heard at *10:00 a.m. on Wednesday, February 5, 1986, in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.*

Dated: January 6, 1986.

For The Appeal Board.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 86-604 Filed 1-9-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-316]

Indiana & Michigan Electric Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee) for operation of the Donald C. Cook Nuclear Plant, Unit No. 2 located in Berrien County, Michigan.

The amendment would extend the 18 month surveillance frequency by 2 months for testing the reactor trip system instrumentation, the engineered safety feature actuation system instrumentation, the containment sump level and flow monitoring instrumentation, the reactor coolant system relief and block valve instrumentation, the reactor coolant pump spray headers, the electrical power systems including: the alternate source, diesel generator and batteries, the energy core cooling system subsystem, some snubbers, and inspection of the divider barrier seal. These revisions to the technical specificaitons would be made in response to the licensee's application for amendment dated December 13, 1985 as supplemented by letter dated December 19, 1985.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commisison's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The 18 month surveillance requirements are part of the periodic tests to assure operability of safety systems and components. The Technical Specifications provide additional margin in the frequency of these tests; however, D.C. Cook Unit 2 will begin to exceed the margin by the end of January 1986. The request to extend the 18 month limit until the end of March 1986 is supported by the licensee's justification that operation has been demonstrated on a less frequent basis or that a visual inspection of passive components will be proformed to the extent practical. The extension requested by the licensee would, for the most part, allow the plant to finish operation on the current fuel cycle and defer for up to two months the detailed operability surveillance requirements with all the proper procedures. There are no proposed changes to the equipment, instrumentation, setpoints, or operation which would further question the safety significance or alter previous hazards analyses for the D.C. Cook Unit 2.

For the reactor trip system instrumentation, the engineered safety feature actuation system instrumentation, and the reactor coollant system pressure relief and block valve instrumentation, the monthly functional tests are more stringent than required. These tests demonstrate functionality and verify calibration of trip setpoints, actuation, and alarms. The response times for the systems were demonstrated as late as November and mid December except for the pressure relief valves which were cycled during September 1985. The containment sump level and flow monitoring instrumentation has also shown no indication of problems during surveillance required by the current Technical Specifications. The diesel generators were run and paralleled to their busses on November 17 and December 2, 1985 which demonstrated their operability and the licensee has visually inspected the batteries to insure there is no significant physical deterioration. On November 11, 1984, a safety injection actuation occurred and all systems operated propertly and all valves were correctly aligned. The emergency core cooling system throttle valves used for flow balancing had been locked in place since the last surveillance assuring that the flow balance has not changed. Therfore, the operability of the above systems including valve line-ups has been demonstrated during the current fuel cycle on a less frequent basis than 18 months and it is unlikely that the 2 months extension will contribute to or result in inoperability of the systems.

There are three passive systems involved in the 2 month extension. The spray header for the reactor coolant pumps area is inside containment and is not expected to be subject to deterioration for the extension period. The divider seal barrier was last inspected in March 1984 and showed the seal in good condition: no degradation is expected. Some snubber tests will be affected by the extension and the licensee has committed to visually inspect the accessible snubbers for any sign of physical deterioration such as loss of fluid, rust, etc, that may affect operation. Inaccessible snubbers, due to ALARA considerations, will not be inspected.

The Commission has considered the licensee's proposed changes in light of the three criteria for amendment requests involving no significant hazards consideration. First, there are no changes to equipment, setpoints or operation of active systems for which operability has been sufficiently demonstrated less frequently than 18 months, and therefore, the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated. For the passive systems, we agree that any additional deterioration of spray headers or the barrier seal penetration for 2 months will be insignificant and the licensee will visually inspect the batteries and most of the snubbers involved. There may be some increase in the probability of non-inspected snubbers to fail but this increase is not significant and the consequences of previously evaluated accidents are unaffected by the proposed extension.

Second, since accidents which might be caused by inoperability or the possible failure of a few snubbers during the extended inspection interval are the same as those previously evaluated, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Third, since operability has been sufficiently demonstrated and the licensee will inspect most of the affected snubbers during the remainder of the interval, the reduction in safety margin is considered to be insignificant. Therefore, based on these considerations and the three criteria given above, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission has determined that failure to act in a timely way would result in shutdown of Unit 2. Therefore, the Commission has insufficient time to issue its usual 30-day notice of the proposed action for public comment.

If the proposed determination becomes final, an opportunity for a hearing will be published in the **Federal Register** at a later date and any hearing request will not delay the effective date of the amendment.

If the Commission decides in its final determination that the amendment does involve a significant hazards consideration, a notice of opportunity for a prior hearing will be published in the **Federal Register** and, if a hearing is granted, it will be held before any amendment is issued.

The Commission is seeking public comments on this proposed determination of no significant hazards consideration. Comments on the proposed determination may be telephoned to B.J. Youngblood, Project Director, PWR Project Directorate No. 4, Division of PWR Licensing-A, by collect call to 301–492–7000 or submitted in writing to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attn: Docketing and Service Branch. All comments received by January 24, 1986, will be considered in reaching a final determination. A copy of the application may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and at the Maude Preston Palensk Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Bethesda, Maryland, this 7th day of January 1986.

For the Nuclear Regulatory Commission.

B.J. Youngblood,

Director, PWR Project Directorate No. 4 Division of PWR Licensing-A.

[FR Doc. 86–605 Filed 1–9–86; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

White House Science Council (WHSC); Meeting

The White House Science Council, the purpose of which is to advise the Director, Office of Science and Technology Policy (OSTP), will meet on January 16 and 17, 1986 in Room 5104, New Executive Office Building, Washington, DC. The meeting will begin at 6:00 p.m. on January 16, recess and reconvene at 8:00 a.m. on January 17.

Following is the proposed agenda for the meeting:

(1) Briefing of the Council, by the Assistant Directors of OSTP, on the current activities of OSTP.

(2) Briefing of the Council by OSTP personnel and personnel of other agencies on proposed, ongoing, and completed panel studies.

(3) Discussion of composition of panels to conduct studies.

The January 16 session and a portion of the January 17, session will be closed to the public.

The briefing on some of the current activities of OSTP necessarily will involve discussion of material that is formally classified in the interest of national defense or for foreign policy reasons. This is also true for a portion of the briefing on panel studies. As well, a portion of both of these briefings will require discussion of internal personnel procedures of the Executive Office of the President and information which, if prematurely disclosed, would significantly frustrate the implementation of decisions made requiring agency action. These portions of the meeting will be closed to the public pursuant to 5 U.S.C. 552b(c) (1), (2), and 9(B).

A portion of the discussion of panel composition will necessitate the disclosure of information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, this portion of the meeting will also be closed to the public, pursuant to 5 U.S.C. 552b(c)(6).

The portion of the meeting open to the public will begin *approximately* 10:00 a.m. Because of the security in the New Executive Office Building, persons wishing to attend the open portion of the meeting should contact Annie L. Boyd, Secretary, White House Science Council at (202) 456–7740, prior to 3:00 p.m. on January 15. Ms. Boyd is also available to provide further information regarding this meeting.

Jerry D. Jennings,

Executive Director, Office of Science and Technology Policy.

January 6, 1986.

[FR Doc. 86–157 Filed 1–9–86; 8:45 am]

BILLING CODE 3170–01–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by 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

Rule 17Ad–4 (b) and (c)

No. 270–264

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 17Ad–4 (b) and (c) (17 CFR 240.17Ad–4 (b) and (c) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*), which generally requires transfer agents to prepare, maintain and, under certain circumstances, file a Notice of exempt status or loss or exempt status with their appropriate regulatory authority.

Submit comments to OMB Desk Officer: Ms. Sheri Fox, (202) 395–3785, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, DC 20503.

John Wheeler,

Secretary.

January 6, 1986.

[FR Doc. 86–599 Filed 1–9–86; 8:45 am]

BILLING CODE 8010–01–M

[File No. 22–14532]

Application and Opportunity for Hearing; Chrysler Financial Corp.

January 6, 1986.

Notice is hereby given that Chrysler Financial Corporation (the "Company") has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (hereinafter sometimes referred to as the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Irving Trust Company (the "Bank") under an indenture dated as of June 1, 1985 (the "June Indenture") between Company and Bank which was heretofore qualified under the Act and under an indenture dated September 17, 1985 (the "September Indenture") between Company and Bank which has not been qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bank from acting as trustee under the aforementioned indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of that section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture of the same obligor.

The Company alleges:

(1) Pursuant to the June Indenture, the Company has issued $400,000,000 aggregate principal amount of its Junior Subordinated Debt Securities (the "Debt Securities"). The Debt Securities were registered under the Securities Act of 1933 (the "1933 Act") and the June Indenture was qualified under the Act.

(2) Pursuant to the September Indenture, the Company has issued $75,000,000 aggregate principal amount of its Junior Subordinated Floating Rate Notes Due 1992 (the "Notes"). The Notes have not been registered under the 1933 Act and the September Indenture has not been qualified under the Act on the basis that the Notes will not be offered or sold directly or indirectly in the United States of America or to or for the account of any citizen, national or resident thereof or other United States person or any corporation or other entity organized under or governed by the laws thereof (other than Notes sold, subject to certain restrictions, to branches of United States banks located outside of the United States and to certain institutional investors located in the United States).

(3) The Company is not in default under the June Indenture and September Indenture. The Company's obligations under the June Indenture and September Indenture are wholly unsecured and rank equally *pari passu*.

(4) The provisions of the June Indenture and September Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank form acting as Trustee under said Indentures.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the Offices of the Commission's Public Reference Section, File Number 22–14532, 450 Fifth Street NW., Washington, DC 20549.

Notice is further given that any interested persons may, not later than January 31, 1986, request in writing that a hearing be held on such matter stating

the nature of his interest, the reasons for such request and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and for the protection of investors, unless a hearing is ordered by the Commission. For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-601 Filed 1-9-86; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-14576]

Application and Opportunity for Hearing; Citicorp

January 6, 1986.

Notice is hereby given that Citicorp (the "Applicant") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of United States Trust Company of New York (the "Trust Company") under four existing indentures, and two Pooling and Servicing Agreements (the "Agreements") each dated as of October 1, 1985 under which certificates evidencing interests in a pool of mortgage loans have been issued, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trust Company from acting as Trustee under either of such indentures or the Agreements.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such a conflicting interest, either eliminate the conflicting interest or resign as trustee. Subsection (1) of section 310(b) provides, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which securities of an obligor upon the indenture securities are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of the subsection another indenture under which other securities of the same obligor are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under both the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one of such indentures.

The Applicant alleges that:

(1) The Trust Company currently is acting as Trustee under four indentures in which the applicant is the obligor. The indenture dated as of February 15, 1972 involved the issuance of Floating Rate Notes due 1989, the indenture dated as of March 15, 1977 involved the issuance of various series of unsecured and unsubordinated Notes, the indenture dated as of August 25, 1977 involved the issuance of Rising-Rate Notes, Series A and the indenture dated as of April 21, 1980 involved the issuance of various series of unsecured subordinated Notes. Said indentures were filed as, respectively, Exhibits 4(a), 2(b), 2(b), and 2(a) to Applicant's respective Registration Statements Nos. 2-42915, 2-58355, 2-59396 and 2-64862 filed under the Securities Act of 1933, and have been qualified under the Trust Indenture Act of 1939. Said four indentures are hereinafter called the Indentures and the securities issued pursuant to the Indentures are hereinafter called the Notes.

(2) The Applicant is not in default in any respect under the Indentures or under any other existing indenture.

(3) On October 25, 1985, the Trust Company entered into a Pooling and Servicing Agreement dated as of October 1, 1985 (the "1985-J Agreement") with Citibank, N.A., Originator and Servicer, and Citicorp Homeowners, Inc., under which there were issued on October 25, 1985 Mortgage Pass-Through Certificates, Series 1985-J 11.00% Pass-Through Rate (the "Series 1985-J Certificates"), which evidence fractional undivided interests in a pool of conventional one-to-four-family mortgage loans (the "1985-J Mortgage Pool") originated and serviced by Citibank, N.A. and having adjusted principal balances aggregating $103,642,461.40 at the close of business on October 1, 1985, which mortgage loans were assigned to the Trust Company as Trustee simultaneously with the issuance of the Series 1985-J Certificates. On October 25, 1985, Applicant, the parent of Citibank, N.A., entered into a Guaranty of even date (the "1985-J Guaranty") pursuant to which Applicant agreed, for the benefit of the holders of the Series 1985-J Certificates, to be liable for 5.5% of the initial aggregate principal balance of the 1985-J Mortgage Pool and for lesser amounts in later years pursuant to the provisions of the 1985-J Guaranty. The 1985-J Guaranty states that Applicant's obligations thereunder rank *pari passu* with all unsecured and unsubordinated indebtedness of Applicant, and accordingly, if enforced against Applicant, the 1985-J Guaranty would rank on a parity with the obligations evidenced by the Notes. The Series 1985-J Certificates were registered under the Securities Act of 1933 (Registration Statement on Form S-11 and S-3, File Nos. 2-98528 and 33-780) as part of a delayed or continuous offering of $1,400,000,000 aggregate amount of Mortgage Pass-Through Certificates pursuant to Rule 415 under the Act. The Series 1985-J Certificates were offered by a Prospectus Supplement dated October 18, 1985, supplemental to a Prospectus dated October 9, 1985. The 1985-J Agreement has not been qualified under the Trust Indenture Act of 1939.

(4) On October 29, 1985, the Trust Company entered into a Pooling and Servicing Agreement dated as of October 1, 1985 (the "1985-K Agreement") with Citibank, N.A., Originator and Servicer, and Citicrop Homeowners, Inc., under which there were issued on October 29, 1985, Mortgage Pass-Through Certificates, Series 1985-K, 8.00% Pass-Through Rates (the "Series 1985-K Certificates"), which evidence fractional undivided interests in a pool of conventional one- to four-family mortgage loans (the "1985-K Mortgage Pool") originated and serviced by Citibank, N.A. and having adjusted principal balances aggregating $100,044,468.35 at close of business on October 1, 1985, which mortgage loans were assigned to the Trust Company as Trustee simultaneously with the issuance of the Series 1985-K Certificates. On October 29, 1985, Applicant, the parent of Citibank, N.A., entered into a guaranty of even date (the "1985-K Guaranty") pursuant to which Applicant agreed, for the benefit of the holders of the Series 1985-K Certificates, to be liable for 4% of the initial aggregate principal balance of the 1985-K Mortgage Pool and for lesser amounts in later years pursuant to the provisions of the 1985-K Guaranty. The 1985-K Guaranty states that Applicant's obligations thereunder rank *pari passu* with all unsecured and unsubordinated indebtedness of Applicant, and accordingly, if enforced against

Applicant, the 1985–K Guaranty would rank on a parity with the obligations evidenced by the Notes. The Series 1985–K Certificates were registered under the Securities Act of 1933 (Registration Statement on Forms S–11 and S–3, File No. 33–780) as part of a delayed or continuous offering of $1,000,000,000 aggregate amount of Mortgage Pass-Through Certificates pursuant to Rule 415 under the Act. The Series 1985–K Certificates were offered by a Prospectus Supplement dated October 24, 1985 supplemental to a Prospectus dated October 9, 1985. The 1985–K Agreement has not been qualified under the Trust Indenture Act of 1939.

The 1985–J Agreement and the 1985–K Agreement are hereinafter called the 1985 Agreements and the 1985–J Guaranty and the 1985–K Guaranty are hereinafter called the 1985 Guarantees.

(5) The obligations of Applicant under the Indentures and the 1985 Guarantees are wholly unsecured, are unsubordinated and rank *pari passu*. Any differences that exist between the provisions of the indentures and the 1985 Guarantees are unlikely to cause any conflict of interest among the trusteeships of the Trust Company under the indentures and the 1985 Agreements.

(6) The Applicant Company has waived notice of hearing, waived hearing, and waived any and all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, File No. 22–14576, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC.

Notice is Further Given that any interested person may, not later than January 31, 1986, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon.

Any such request should be adddressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and for the protection of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86–600 Filed 11–9–86; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22–14481]

Application and Opportunity for Hearing; Storage Equities, Inc.

January 6, 1986.

Notice is hereby given that Storage Equities, Inc., a California corporation ("Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Trust Services of America, Inc., a California corporation ("TSA") (as successor trustee to First Interstate Bank of California, a California banking corporation), under an eleventh supplement of an existing indenture qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify TSA from acting as trustee under such eleventh supplement.

Section 310(b) of the Act provides in part that, if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety (90) days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issue are outstanding.

However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

1. TSA, as successor trustee, currently is acting as trustee under an indenture (the "indenture") and several prior supplements thereto under which the Applicant is an obligor. The Indenture, dated as of August 9, 1983, is between Applicant and TSA and provides for the periodic issuance of secured notes in partial consideration for the purchase of property by Applicant. This indenture was filed as Exhibit 4.3 to Applicant's registration statement no. 2–80850 filed under the Securities Act of 1933, and has been qualified under the Trust Indenture Act in connection with a Form T–1 filing, File No. 22–12633.

Applicant has also entered into, and filed by way of post-effective amendments to the registration statement stated above, prior supplements under which TSA is a trustee. Applicant has issued several series of its secured notes under the prior supplements.

2. Applicant wishes TSA to continue as Trustee under the eleventh supplemental indenture executed October 31, 1985.

3. The Applicant is not in default in any respect under the Indenture or prior supplements thererto.

4. Each series of secured notes issued under the prior supplements are secured by separate and distinct assets of Applicant so that should TSA have occasion to proceed against the security under any series of notes, such action would not affect the security, or the use of any security, under any other series. Thus, the existence of the other trusteeships should not inhibit or discourage TSA's actions under any one series.

The Applicant has waived notice of hearing, hearing on the issues raised by its Application and all rights to specify procedures under Rule 8(b) of the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said Application File No. 22–14481, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC, 20549.

Notice is further given that any interested person may, not later than January 28, 1986, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said Application which he desires to controvert, or he may request

that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. At any time after said date, the Commission may issue an order granting the Application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest or for the protection of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-602 Filed 1-9-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Agreements Filed Under Sections 408, 409, 412, and 414 During the Week Ending January 3, 1986

Answers may be filed within 21 days from the date of filing.

Date filed	Docket No.	Parties	Subject	Proposed effective date
12/30/85	43694	Members of International Air Transport Association.	U.S. So Pacific Fares.	01/15/86
12/30/85	43695 R-1-R-14	Members of International Air Transport Association.	Greece-Mid East Fares.	04/01/86
01/02/86	43698	Members of International Air Transport Association.	U.S.-U.K. Fares.	01/20/86

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 86-569 Filed 1-9-86; 8:45 am]

BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits filed under Subpart Q of Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.); Week ended January 3, 1986

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Dec. 30, 1985	43482 43483	Leisure Air, Inc., c/o James Edward McNair, 7955 N.W. 12th Street, Suite 306, Miami, Florida 33126. Responses to Request for Additional Information filed by Leisure Air, Inc., with respect to the applications for interstate/overseas and foreign scheduled transportation. Answers may be filed by January 27, 1986.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 86-570 Filed 1-9-86; 8:45 am]

BILLING CODE 4910-62-M

[Docket 43687]

Denver-London Route Proceeding; Assignment of Proceeding

This proceeding has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications with respect to this proceeding should be addressed to him at U.S. Department of Transportation, Office of Hearings, M-50, Room 9400A, Nassif Bldg. 400 7th Street SW, Washington, DC 20590, telephone [202] 426-5560.

Dated Washington, DC, January 6, 1986.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 86-571 Filed 1-9-86; 8:45 am]

BILLING CODE 4910-62-M

[Docket 43687]

Denver-London Route Proceeding; Prehearing Conference

Order 85-12-70, issued December 26, 1985, instituting the above-captioned proceeding, directed that applications, motions to consolidate, petitions for leave to intervene and petitions for reconsideration shall be filed by January 10, 1986. Answers thereto are to be filed by January 17, 1986.

Notice is hereby given that a Prehearing Conference in this proceeding is assigned to be held on January 28, 1986 at 9:30 a.m. (local time) in Room 5332, Nassif Bldg., 400 7th Street, SW., Washington, D.C., before the undersigned Chief Administrative Law Judge.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and three copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for additional information and evidence; (4) statements of position; and (5) proposed procedural dates. These prehearing submissions shall be served on or by January 21, 1986.

Dated at Washington, DC, on January 6, 1986.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 86-572 Filed 1-9-86; 8:45 am]

BILLING CODE 4910-62-M

[Docket No. 43656]

State of Maryland, 55 MPH Speed Limit Compliance Proceeding; Postponement of Prehearing Conference

At the request of counsel for the State of Maryland and NHTSA/FHWA and for good cause shown, the prehearing

conference scheduled for January 9, 1986 has been postponed until January 17, 1986. The prehearing conference will begin at 10:00 a.m. in Room 5332, Nassif Building, 400 7th Street, SW., Washington, DC. In addition, any information, materials or requests which were required to be served on January 7 by the parties are now due on January 15, 1986.

Dated at Washington, DC, January 6, 1986.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 86-573 Filed 1-9-86; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA) Special Committee 137—Airborne Area Navigation Systems; Meeting

Pursuant to section 10(a)(2) of the Federal Avisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 137 on Airborne Area Navigation Systems (RNAV) to be held on February 12-14, 1986, in the RTCA Conference Room, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Meeting Held in January 9-11, 1985; (3) Report of European Organization for Civil Aviation Electronics (EUROCAE) Working Group 13 Activities; (4) Report of RTCA Special Committee 158 (Airborne Loran-C Equipment) Activities; (5) Review Status of the Federal Aviation Administration Loran-C Program; (6) Review Final Draft of Committee Report on Minimum Operational Performance Standards for Omega Based Airborne Area Navigation Equipment; (7) Review Final Draft of Committee Report on Minimum Operational Performance Standards for Loran-C Based Airborne Area Navigation Equipment; (8) Review Draft Revisions to Update RTCA Document DO-180, "Minimum Operational Performance Standards for Airborne Area Navigation Equipment Using VOR/DME Reference Facility Sensor Inputs," dated September 1982; and (9) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on January 3, 1986.

Karl F. Bierach,

Designated Officer.

[FR Doc. 86-505 Filed 1-9-86; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA) Special Committee 154—Airborne Thunderstorm Detection Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 154 on Airborne Thunderstorm Detective Equipment to be held on February 5-7, 1986, in the RTCA Conference Room, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chariman's Introductory Remarks; (2) Approval of Minutes of the Meeting Held on October 17-18, 1985; (3) Review Task Assignments From Previous Meeting; (4) Review the Fifth Draft Report on Minimum Operational Performance Standards for Airborne Thunderstorm Detection Equipment; and (5) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC on January 3, 1986.

Karl F. Bierach,

Designated Officer.

[FR Doc. 86-504 Filed 1-9-86; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

[Docket No. 73-19; Notice 31]

Consumer Information Program on Bumpers

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

ACTION: Announcement of results of analyses of data from bumper crash tests and real-world accidents, and request for comments.

SUMMARY: This notice announces the results of analyses which compared the results of bumper crash tests performed on 23 vehicles with real-world accident repair data from low-speed, bumper-involved, front and rear accidents. In comparing the damage repair cost levels obtained in laboratory bumper tests with insurance accident repair costs, a general relationship was found to exist for only two of the four groups of test modes studied. It should be noted that there were examples where the cars which received the most damage in the laboratory were also those that experienced the most in real-world crashes. Another aspect worth noting is that the inconsistencies in the real-world data are of a magnitude that would offset much of the variation seen in the laboratory/real-world data analyses.

The agency seeks written comments on the report, as well as other issues involved in developing a program which can inform consumers about the differences in bumper performance/damage protection for the various makes and models of automobiles offered for sale in the United States.

DATE: Written comments on this notice must be submitted no later than February 24, 1986.

ADDRESSES: Comments on this notice must refer to the docket and notice numbers set forth above and be submitted (preferably in 10 copies) to the Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. Submissions containing information for which confidential treatment is requested should be submitted (3 copies) to Chief Counsel, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW., Washington, DC 20590, and 7 additional copies from which the purportedly confidential information has been deleted should be sent to the Docket Section.

FOR FURTHER INFORMATION CONTACT: Charles L. Gauthier, Office of Market

Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington D.C. 20590 (202–426–1740).

SUPPLEMENTARY INFORMATION: On May 20, 1982, the agency published in the **Federal Register** (47 FR 21819) a Notice of Intent to develop information for consumers on relative bumper performance. Since that time, the agency has developed a low-cost, repeatable test procedure to measure the protective capabilities of bumpers, has tested late model vehicles with this procedure, and has compared the relative ranking of such vehicles—in terms of dollars of damage incurred in the laboratory tests—with actual, on-road experience of these vehicles.

On December 6, 1985, at a Bumper Ratings Workshop held in Detroit, Michigan, sponsored by the Insurance Institute for Highway Safety and the Motor Vehicle Manufactuers Association, the agency presented a technical paper titled "Consumer Information Program on Bumpers—Analysis of Laboratory Test Data and Insurance Claims Data of Selected 1983 and 1984 Model Automobiles." This paper discussed the data sources, methodology, and results of a series of analyses which where performed to assess the relationship between laboratory bumper crash test data on 23 model year 1983 and 1984 vehicles and insurance claims data gathered from different sources. Copies of the paper are available in Docket 73–19, Notice 30. The agency seeks comments on the analyses and conclusions presented in this paper.

In addition to comments on the technical paper, the agency also seeks comments on other aspects of developing a consumer information program on bumpers which were brought up and discussed at the Bumper Ratings Workshop. First, several attendees suggested that most automobiles today have bumper systems which exceed the minimum performance requirements of the bumper standard. It was stated that in many cases this resulted from manufacturers increasing the performance of their bumper systems (due to pressures from the media, insurance companies, etc.) after having reduced the performance in response to the lowering of the bumper standard from 5 mph to 2.5 mph. It was suggested that this clearly shows that the marketplace is working to establish the desired levels of bumper performance. The agency is interested in obtaining facts and information on the extent to which the marketplace has affected the types of bumper systems which are available on current model automobiles.

A second topic of discussion at the Bumper Ratings Workshop was whether or not a real-world accident repair cost data base could be developed which could be used to accurately determine it a correlation exists between laboratory bumper crash testing and real-world, low-speed, bumper-involved accidents. It was suggested that the analytical approach used in the agency's technical paper suffice, so long as it involved automobiles from the same marketclass, and had a reasonably homogeneous set of drivers. Another suggestion essentially stated that a real-world accident repair cost collection system would have to be developed which rigorously collected the data items necessary from all low-speed, bumper-involved accidents, whether or not they were reported to the police or an insurance company.

A third topic of discussion at the workshop concerned the types of bumper information consumers desire. Suggestions ranged from "nothing" to incremental testing at 1 mph increments to determining the failure threshold of the bumper system. It was claimed the latter was the ideal test method, since consumers primarily want bumpers that would avoid damage. Additionally, the "testing-to-failure" concept would not require correlation to real-world accidents. The agency is interested in alternative methods for rating bumper performance, which can produce valid comparative data for use by consumers in their vehicle puchasing decisions.

It was also suggested that consumers are only interested in having bumpers on their cars which provide an adequate minimum level of protection. It was further stated that this level is above that now required in the bumper standard—2.5 mph. The agency seeks comment on this conclusion and also on any and all aspects of consumer desires or expectations for information in this area.

The agency is also interested in data that may be available which is applicable to any facet of a consumer information program on bumpers. While quantitative information, e.g. consumer survey data, is of particular importance, qualitative data which has been obtained in a professional manner, e.g. focus group consumer research, is also desired.

Interested persons are invited to submit comments. It is requested but not required that 10 copies be submitted. A 45-day comment period is provided.

All comments must be limited not be exceed 15 pages in length. (49 CFR 553.21) Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies, from which proportedly confidential information has been deleted, should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above will be accepted, and will be available for examination in the docket at the above address both before and after that date. The agency will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the public docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Issued on January 7, 1986.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 86–555 Filed 1–9–86; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[DE. Cir.—Public Debt Series No. 4–86]

Treasury Bonds of 2006

Washington, January 2, 1986.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $4,750,000,000 of United States securities, designated Treasury Bonds of 2006 (CUSIP No. 912810 DU 9), hereafter referred to as Bonds. The Bonds will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the

Bonds and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Bonds may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Bonds will be dated Janaury 15, 1986, and will accure interest from that date, payable on a semiannual basis on August 15, 1986, and each subsequent 6 months on February 15 and August 15 through the date that the principal becomes payable. They will mature February 15, 2006, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next-succeeding business day.

2.2. The Bonds are subject to all taxes imposed under the Internal Revenue Code of 1954. The Bonds are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Bonds will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. Bonds in registered definitive form will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Bonds in book-entry form will be issued in multiples of those amounts. Bonds will not be issued in bearer form.

2.5. Denominational exchanges of registered definitive Bonds, exchanges of Bonds between registered definitive and book-entry forms, and transfers will be permitted.

2.6. The Bonds will become eligible for STRIPS (Separate Trading of Registered Interest and Principal of Securities) on August 18, 1986. Under the Treasury's STRIPS program, a book-entry Bond may be divided into its separate Principal and Interest Components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as fiscal agents of the United States. The provisions specifically applicable to the separation, maintenance, and transfer of Principal and Interest Components will be announced at a later date.

2.7. The Department of the Treasury's general regulations governing United States securities apply to the Bonds offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239, prior to 1:00 p.m., Eastern Standard time, Wednesday, Janaury 8, 1986. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, January 7, 1986, and received no later than Wednesday, January 15, 1986.

3.2. The par amount of Bonds bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished . Other are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loans associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of bonds applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 95.000. That stated rate of interest will be paid on all of the Bonds. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay at the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Bonds specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Bonds allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Pubic Debt, wherever the tender was submitted. Settlement on Bonds allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5. must be made or completed on or before Wednesday, January 15, 1986. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, January 13, 1986. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Bonds allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Wednesday, January 15, 1986. When payment has been submitted with the tender and the purchase price of the Bonds allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Bonds allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Bonds allotted are not required to be assigned if the new Bonds are to be registered in the same names and form as appear in the registrations of assignments of the securities surrendered. When the new Bonds are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (Bonds offered by this circular) in the name of (name and taxpayer identifying number)". Specific instructions for the issuance and delivery of the new Bonds, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment must be delivered at the expense and risk of the holder.

5.4 Registered definitive Bonds will not be issued if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (e.g., an individual's social security number or an employer identification number) is not furnished. Delivery of the Bonds in registered definitive form will be made after the requested form of registration has been validated, the registered interest account has been established, and the Bonds have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, to issue and deliver the Bonds on full-paid allotments, and to maintain, service, and make payment on the Bonds.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Bonds. Public announcement of such changes will be promptly provided.

6.3. The Bonds issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Bonds.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 86-619 Filed 1-8-85; 9:49 am]

BILLING CODE 4810-40

[Dept. Cir.—Public Debt Series No. 3-86]

Treasury Notes of January 15, 1993, Series E-1993

Washington, January 2, 1986.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $6,500,000,000 of United States securities, designated Treasury Notes on January 15, 1993, Series E-1993 (CUSIP No. 912827 TC 6), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated January 15, 1986, and will accrue interest from that date, payable on a semiannual basis on July 15, 1986, and each subsequent 6 months on January 15 and July 15 through the date that the principal becomes payable. They will mature January 15, 1993, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next-succeeding business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, and possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. Notes in registered definitive form will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Notes in book-entry form will be issued in multiples of those amounts. Notes will not be issued in bearer form.

2.5. Denominational exchanges of registered definitive Notes, exchanges of Notes between registered definitive and book-entry forms, and transfers will be permitted.

2.6. The Department of the Treasury's general regulations governing United States securities apply to the Notes offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239, prior to 1:00 p.m., Eastern Standard time, Tuesday,

January 7, 1986. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, January 6, 1986, and received no later than Wednesday, January 15, 1986.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commerical banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commerical bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.250. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7 Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5. must be made or completed on or before Wednesday, January 15, 1986. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, January 13, 1986. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Wednesday, January 15, 1986. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted are not required to be assigned if the new Notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new Notes are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (Notes offered by this circular) in the name of (name and taxpayer identifying number)". Specific instructions for the issuance and delivery of the new Notes, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment must be delivered at the expense and risk of the holder.

5.4. Registered definitive Notes will not be issued if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (e.g., an individual's social security number or an employer identification number) is not furnished. Delivery of the Notes in registered definitive form will be made after the requested form of registration

has been validated, the registered interest account has been established, and the Notes have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, to issue and deliver the Notes on full-paid allotments, and to maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 86-620 Filed 1-8-86; 9:39 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 7
Friday, January 10, 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).

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1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Thursday January 16, 1986.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, DC.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

Methylene Chloride

The staff will brief the Commission on the staff recommendation of a voluntary program to reduce consumer exposure to methylene chloride in paint strippers and spray paints.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

January 8, 1986.

[FR Doc. 86–697 Filed 1–8–86; 8:45 pm]

BILLING CODE 6355-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Wednesday January 15, 1986.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:

Compliance Status Report

The staff will brief the Commission on various enforcement matters.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

January 8, 1986.

[FR Doc. 86–698 Filed 1–8–86; 2:45 pm]

BILLING CODE 6355-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, January 14, 1986.

CHANGE IN THE MEETING: Cancellation of Meeting.

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat, (202) 634–6748.

Dated: January 7, 1986.

Cynthia C. Matthews,

Executive Officer.

This Notice Issued January 7, 1986.

[FR Doc. 86–633 Filed 1–8–86; 10:32 am]

BILLING CODE 6750-06-M

4

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NO.: 86–167.

PREVIOUSLY ANNOUNCED DATE AND TIME: Tuesday, January 7, 1986, 10:00 a.m.

CHANGE IN MEETING: The meeting scheduled for this date has been changed to Wednesday, January 8, 1986, at 10:00 a.m.

* * * * *

DATE AND TIME: Tuesday, January 14, 1986, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. §437g
Audits conducted pursuant to 2 U.S.C. §437g, §438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration
Internal personnel rules and procedures or matters affecting a particular employee

* * * * *

DATE AND TIME: Thursday, January 16, 1986, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC. (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Draft AO 1985–40—James M. Cannon, Republican Majority Fund
Draft AO 1985–41—Lamar J. Noriega, Dante Fascell Campaign Committee
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 86–710 Filed 1–8–86; 3:45 pm]

BILLING CODE 6715-01—M

5

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m.—January 15, 1986.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, DC 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Special Docket No. 1356: Application of Philippines, Micronesia & Orient Navigation Co. for the Benefit of Himmel Industries, Inc. Consideration of the Record.

2. Special Docket No. 1361: Application of OOCL-Seapac Services, Inc. for the Benefit of Asian Food Industries (HK) Ltd. Consideration of applicant's exceptions to presiding Administrative Law Judge's Initial Decision.

Portions closed to the public:

1. Consideration of Interpool, Ltd.'s Request for an Order to Show Cause against the U.S. Atlantic-North Europe Conference regarding the Conference's modification of its neutral container rules, and comments received in response to the Notice of Filing of the request.

2. Docket No. 85–21: Rinker Materials Corporation v. Port Everglades Authority, Sea-Land Service, Inc. and Trans Freight Lines. Consideration of complainant's request

that the Commission seek a preliminary injunction against the activities involved in the complaint.

3. Docket No. 84-28: Petchem, Inc. v. Canaveral Port Authority, et al. Consideration of various pleadings, motions, and replies thereto.

4. Special Docket No. 1345: Application of Gulf European Freight Association and Sea-Land Corporation on behalf of Sea-Land Service, Inc. for the Benefit of Arthur J. Fritz & Co. as agent for SDS Biotech Corporation. Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Bruce A. Dombrowski, Acting Secretary (202) 523-5725.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 86-674 Filed 1-8-86; 1:12 pm]

BILLING CODE 6730-01-M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

January 7, 1986.

TIME AND DATE: 2:00 p.m., Tuesday, January 7, 1986.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Closed (Pursuant to 5 U.S.C. § 552b(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. The NACCO Mining Company, Docket No. LAKE 85-87-R.

It was determined by a unanimous vote of Commissioners that this meeting be held and also that it be closed. No earlier announcement of the meeting was possible. 5 U.S.C. § 552b(e)(1).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653-5629.

Jean Ellen,

Agenda Clerk.

[FR Doc. 86-695 Filed 1-8-86; 2:27 pm]

BILLING CODE 6735-01-M

7

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, January 15, 1986.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Publication for comment of proposed enhancement to the Board's capital adequacy guidelines through a supplemental risk-based capital measure.

2. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: January 7, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-635 Filed 1-8-86; 10:32 am]

BILLING CODE 6210-01-M

8

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS

TIME AND DATE: Approximately 11:00 a.m., Wednesday, January 15, 1986, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: January 7, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-636 Filed 1-8-86; 10:32 am]

BILLING CODE 6210-01-M

9

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 10:00 a.m., Thursday, January 16, 1986.

PLACE: Columbia Marriott Hotel, 1200 Hampton Street, Columbia, South Carolina 29201 (803) 771-7000.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.

2. Review of Central Liquidity Facility Lending Rate.

3. Insurance Fund Report.

4. Proposed Revision of Part 708, NCUA Rules and Regulations: Mergers of Credit Unions.

5. Semi-Annual Agenda of Regulations.

6. NCUA Publications: Distribution and Sale.

7. Community Charter Application: Lower East Side Peoples FCU, New York.

TIME AND DATE: 4:30 p.m., Wednesday, January 15, 1986.

PLACE: Columbia Marriott Hotel, 1200 Hampton Street, Columbia, South Carolina 29201 (803) 771-7000.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.

2. Review of Central Liquidity Facility of Credit. Closed pursuant to exemption (8).

3. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, Telephone (202) 357-1100.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 86-704 Filed 1-8-86; 3:34 pm]

BILLING CODE 7535-01-M

10

NATIONAL SCIENCE BOARD

DATE AND TIME: January 17, 1986; 8:00-8:30 a.m.—Closed Session; 8:30-10:30 a.m.—Open Session.

PLACE: National Science Foundation, Washington, DC.

STATUS: Most of this meeting will be open to the public. Part of this meeting will be closed to the public.

MATTERS TO BE CONSIDERED JANUARY 17:

Closed Session (8:00-8:30 a.m.)

1. Minutes—November 1985 Meeting
2. Grants, Contracts, and Programs—Action Items

Open Session (8:30-10:30 a.m.)

Swearing in Ceremony for Dr. Baker as an NSB Member

* * * *

3. Chairman's Report
4. Minutes—November 1985 Meeting
5. Director's Report
6. Retreat Action
7. Status Report from the Undergraduate Science and Engineering Education Committee
8. Other Business

Thomas Ubois,

Executive Officer.

[FR Doc. 86-688 Filed 1-8-86; 2:17 pm]

BILLING CODE 7555-01-M

Federal Register

Friday
Januarv 10. 1986

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 121

Proposed Flight Operations Control System; Withdrawal of Advance Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 18591; Notice No. 80-16]

Proposed Flight Operations Control System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of advance notice of proposed rulemaking (ANPRM).

SUMMARY: This notice withdraws an advance notice of proposed rulemaking that was based on a petition for rulemaking submitted by Transamerica Airlines, Inc. (TIAS), and World Airways, Inc. (WRL). The petition, dated February 28, 1980, requested amendment of Part 121 of the Federal Aviation Regulations (FAR) to allow the FAA Administrator to issue operations specifications authorizing air carriers to exercise operational control of scheduled flights under a flight following system, rather than under a dispatch system. The ANPRM, published on October 9, 1980 (45 FR 67103), included the entire petition and requested comments on the proposed changes. The petition also proposed changes in the regulations on servicing and maintenance facilities, pilot in command qualifications, and duty time for aircraft dispatchers. The ANPRM is being withdrawn because the agency has determined, based on its review of public comments filed in response to the ANPRM, that no need for further rulemaking exists.

FOR FURTHER INFORMATION CONTACT: Roger Riviere, Project Development Branch (AFS-240), Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 426-8096.

SUPPLEMENTARY INFORMATION:

Background

From time to time the Federal Aviation Administration evaluates the appropriateness of its regulations in light of advancing technologies, innovations in management or operating procedures and changes directed or indicated by legislation. In conjunction with these evaluations, FAA also occasionally issues an ANPRM in accordance with its policy to seek public comments when FAA resources and reasonable outside inquiry are insufficient to identify and select a tentative course or alternative course of action.

On October 2, 1980, the FAA issued Notice No. 80-16 (45 FR 67103; October 9, 1980), an ANPRM. The ANPRM announced that FAA was considering amendments to the FAR based on a petition for rulemaking submitted jointly by TIAS and WRL that proposed changing Part 121 in the areas of servicing and maintenance, pilot in command qualifications, flight dispatching systems, and duty time for aircraft dispatchers to combine the rules for domestic, flag, and supplemental carriers into one set of rules for all three types of operations. The notice requested public comment and recommendations to assist FAA in determining what, if any, regulatory proposals should be developed. Docket No. 18591 was established to receive comments on the ANPRM. The docket remained open for comments until January 7, 1981.

The Airline Deregulation Act of 1978 caused substantial change in the airline industry. While the Airline Deregulation Act focused on the economic deregulation of the airline industry, it had implications for the applicability of FAA's Part 121 regulations as the aviation industry responded to the opportunity of deregulation. Among those opportunities was the ability of supplemental air carriers to begin offering scheduled passenger service. This change in service also meant that those airlines, which had previously operated under requirements established for supplemental carriers, would have to operate under FAA regulations established for domestic and flag air carriers. TIAS and WRL were two of the airlines that wanted to change the nature of their service.

Beginning in 1978, the Civil Aeronautics Board began allowing TIAS and WRL to operate scheduled passenger flights on certain specified routes. Before that time, the two airlines had operated only nonscheduled flights under the supplemental air carrier rules of Part 121 of the FAR. After initiating scheduled service, TIAS and WRL petitioned the FAA for exemption from the rules applicable to scheduled service so that they could conduct both their scheduled and nonscheduled operations under the supplemental rules. In 1979, FAA granted TIAS and WRL exemptions which allowed them to use the flight control and dispatch procedures for pilots, and en route and maintenance procedures of Part 121 that are applicable to supplemental air carriers. The intent of the TIAS/WRL rulemaking petition was to codify the provisions of those exemptions.

While considering the petition for rulemaking, the FAA extended those exemptions several times until 1983, when the agency decided to extend the exemptions only until December 31, 1983, in order to give the airlines time to bring the operations into compliance with the rules for scheduled operations. The basis for the change in the FAA's position was: (1) The proportion of scheduled operations being conducted by the petitioners had increased more rapidly than anticipated; and (2) the petitioners were either already meeting or capable of meeting the requirements for scheduled operations. Consequently, TIAS and WRL were required to make the change necessary to conform to the Part 121 rules for scheduled operations. The two airlines have been in complete compliance since December 31, 1983.

Comments and Discussion

The majority of comments on the ANPRM were from dispatcher organizations and individual dispatchers. Except for comments from the Air Transport Association that, in general, urge a review of the dispatch requirements, the docket contains no comments that support the proposed amendments.

Most of the dispatchers voice the view that the requirement of licensed dispatchers ensures a higher level of aviation safety. The dispatchers argue that dispatcher training and qualifications are established by the FAA, which as the licensing agency, exercises review of dispatcher performance. The dispatchers argue that this system ensures performance at specified levels of safety, allows them to consider safety above the economic interests of their employers, and establishes shared responsibility between the pilot and dispatcher. The dispatchers argue persuasively that the redundancy provided by this system of shared responsibility is consistent with the philosophy of redundancy that is the underpinning of all aviation safety.

Reasons for the Withdrawal

The ANPRM does not provide a basis for further rulemaking on this issue for several reasons.

First, the comments received on the ANPRM primarily oppose the proposal. There are no comments that provide any new information on why the proposal should be adopted.

Second, the experience of the petitioners themselves, while operating under the exemptions, shows that carriers who provide a significant number of scheduled operations recognize the superiority of the type of dispatch system that the FAA requires for scheduled services. During the time

period that the petitioners held exemptions, they moved toward compliance with the dispatching rules for scheduled operations. When the FAA announced that the exemptions would not be extended further, only a few changes had to be made by the carriers to bring themselves into complete compliance with the regulations.

Finally, the FAA recognizes that the organization and terminology of Part 121 need to be revised in the wake of economic deregulation and the demise of the Civil Aeronautics Board. Any substantive changes in the regulations would best occur within that framework rather than in piecemeal fashion as would have been the case in this instance.

Withdrawal of ANPRM

Accordingly, Notice 80–16 (45 FR 67103, October 9, 1980) is withdrawn. This action does not preclude the FAA from considering similar rulemaking in the future or commit it to any further or future course of action on this subject.

In a separate action, the FAA is issuing a denial of the petition for rulemaking to Transamerica Airlines, Inc., and World Airways, Inc. A copy of the denial is available for public inspection in Docket No. 18591.

Authority: 49 U.S.C. 1354(a), 1355, 1421, 1422, and 1427; 49 U.S.C. 106(g) (revised, Pub. L. 97–449; January 12, 1983).

Issued in Washington, DC, on December 31, 1985.

William T. Brennan,

Acting Director of Flight Standard.

[FR Doc. 86–503 Filed 1–9–86; 8:45 am]

BILLING CODE 4910–10–M

federal register

Friday
January 10, 1986

Part III

Environmental Protection Agency

Creosote, Pentachlorophenol, and Inorganic Arsenicals; Amendment of Notice of Intent to Cancel Registrations; Notice

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30000/28H; FRL-2952-6]

Creosote, Pentachlorophenol, and Inorganic Arsenicals; Amendment of Notice of Intent To Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Amendment of notice of intent to cancel.

SUMMARY: This notice amends the Notice of Intent to Cancel the registrations for the wood preservative uses of creosote, pentachlorophenol (including its salts) and inorganic arsenicals issued on July 13, 1984 [49 FR 28666]. The amendments are minor in scope and either (1) clarify a provision of the July 13, 1984 notice, (2) provide a somewhat different mechanism to achieve a degree of risk protection equivalent to that afforded by the prior provision, or (3) make minor changes in timing for certain of the label requirements. A revised existing stocks provision is also provided.

DATES: Registrants or applicants who requested a hearing in response to the July 13, 1984 Notice must file amended objections or otherwise affirm their previously filed hearing requests on or before February 10, 1986, or within 30 days from receipt of this Notice, whichever date is later, to avoid dismissal of their hearing requests. Other adversely affected parties who filed hearing requests pursuant to the July 13, 1984 Notice must file amended objections or otherwise affirm their previously filed hearing requests within 30 days from publication of this amended Notice or face dismissal of their hearing requests.

ADDRESSES: Applications must be submitted to:

By mail: Mr. Henry Jacoby, Product Manager 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Office location and telephone number: Room 229, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1900).

Amendments to objections must be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: Carol Langley, Special Review Branch, Registration Division (TS-767), Offfice of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Office location and telephone number: Room 711, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7400).

SUPPLEMENTARY INFORMATION:

I. Introduction

EPA issued a Notice of Intent to Cancel Registrations of Pesticide Products Containing Creosote, Pentachlorophenol (Including Its Salts) and the Inorganic Arsenicals, published in the **Federal Register** of July 13, 1984 (49 FR 28666) ("July 13 Notice"). The July 13 Notice concluded the rebuttable presumption against registration (RPAR) process of the wood preservative uses of the three chemicals, and announced that certain modifications in the terms and conditions of registration were required in order to avoid cancellation.

The Agency initiated RPARs for the three wood preservatives because each pesticide met or exceeded applicable regulatory criteria for risks. These conclusions were reaffirmed in the final decision issued on July 13, 1984. The creosote RPAR was based on information indicating that creosote posed risks of oncogenicity and mutagenicity. The Agency's bases for issuing an RPAR for the inorganic arsenicals were oncogenic, mutagenic, and reproductive or fetotoxic effects. For pentachlorophenol, the risks of concern were teratogenicity and fetotoxicity, as well as oncogenicity because of the presence of the contaminants HxCDD and HCB, which are formed during the manufacturing process of technical pentachlorophenol. HxCDD and HCB also have the potential to produce teratogenic and fetotoxic effects.

All wood preservatives uses of the three chemicals were affected by the July 13 notice, including pressure treatment of wood with all three chemicals, home and farm uses of creosote and pentachlorophenol (including railroad tie repair), groundline treatment of utility poles with creosote and/or pentachlorophenol, brush-on treatment with inorganic arsenicals, use of pentachlorophenol salts for sapstain control, and the non-pressure treatment plant use of pentachlorophenol.

After carefully evaluating the risks to public health posed by these wood preservative chemicals along with the significant economic benefits resulting from their use, the Agency determined that the use of the three wood preservative chemicals in accordance with certain modifications to the terms of registration would satisfy the statutory standard for registration. These modifications included (1) the classification of all uses (except the commercial construction use for the brush-on arsenicals) for restricted use, (2) protective clothing and equipment requirements, (3) prohibitions against eating, drinking and smoking while applying wood preservative chemicals, (4) requirements for proper care and disposal of work clothing and equipment, (5) requirements for proper disposal of pesticide waste, (6) a requirement for the use of respirators in arsenic pressure treatment plants when the arsenic ambient air levels exceed 10 $\mu g/m^3$ or are unknown (Permissible Exposure Limit Monitoring Program), (7) the requirement for adherence to industry standards that the processes used to apply inorganic arsenical formulations shall leave no visible surface deposits on the wood, (8) the requirement for the use of closed emptying/mixing systems for powder formulations of the inorganic arsenicals, prilled and flaked formulations of pentachlorophenol, and powdered formulations of pentachlorophenate (with a 3-year phase-in period for the pentachlorophenol and pentachlorophenate formulations with protective clothing and equipment provisions required in the interim), (9) label restrictions for home and farm uses of pentachlorophenol and creosote prohibiting the application of those products indoors, and to wood intended for interior use with a few exceptions, as well as prohibiting applying these products in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed or drinking and irrigation water, (10) the requirement for a teratogenicity label warning for all products containing pentachlorophenol and pentachlorophenate, (11) the requirement for a 15 parts per million upper limit for hexachlorodibenzo-p-dioxin (HxCDD) in all pentachlorophenol and pentachlorophenate technical products with a reduction to 1 ppm within 18 months; and (12) the requirement that wood treaters who pressure treat wood with creosote, pentachlorophenol, and the inorganic arsenicals participate in a mandatory Consumer Awareness Program designed to inform users of treated wood of proper use and handling precautions.

In response to the July 13, 1984 Notice, several trade associations and numerous registrants requested hearings to challenge the Agency's determinations. Section 6(b) of the

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) provides that a Notice of Intent to Cancel does not become a final order of cancellation if a person adversely affected by the notice properly requests an adjudicatory hearing to contest the cancellation. Therefore, because of the requests for hearing, the effective date of the modifications to the terms and conditions of registration were stayed as to those parties filing proper hearing requests pending the conclusion of the hearing. (FIFRA Docket Nos. 529 *et al*).

The Agency also on October 31, 1984 published a **Federal Register** notice postponing the effective date of these labeling modifications for those registrants who filed applications for amended registration in response to the July 13 Notice (49 FR 43772). On January 30, 1985 the Agency, by notice in the **Federal Register**, announced that persons other than registrants could sell and distribute existing stocks of wood preservative products with current labeling until further notice. (50 FR 4269).

During the prehearing stage of the administrative proceeding, several of the major parties, who had requested hearings, and the Agency engaged in discussions regarding alternative, but mutually acceptable, mechanisms for accomplishing the regulatory goals set out in the July 13 Notice. After careful consideration of some of these alternatives, the Agency has concluded that certain changes to the July 13 Notice are both appropriate and consistent with the Agency's goal of protecting the public from unreasonable adverse effects related to pesticide use. In reaching this conclusion, the Agency solicited and evaluated the comments of all the active parties to the proceeding.

As set forth in this amended Notice, the basic set of modifications to the terms and conditions of registration remains substantially the same as the requirements of the July 13 Notice. Where changes have been made, the changes are minor in scope and either (1) clarify a provision of the July 13, 1984 notice, (2) provide a somewhat different mechanism to achieve a degree of risk protection equivalent to that afforded by the prior provision, or (3) make minor changes in timing for certain of the label requirements. Specifically, changes have been made in the following areas: (1) a restricted use label will not be required for the pole framing, piling applications and railroad tie repair uses of creosote; rather the labels for these products, among other safeguards, will strictly limit the use of these products to applicators who have completed an EPA-approved training program; (2) certain protective clothing requirements have been revised; (3) minor revisions have been made in the dates for certain requirements in the Permissible Exposure Limitation (PEL) Monitoring Program in inorganic arsenical pressure treatment plants; (4) the definition of closed systems has been revised; (5) certain other minor clarifying changes have been made; (6) the existing stocks provision has been revised; and (7) the mandatory Consumer Awareness Program has been deleted from the labeling requirements; the wood preservative industry has agreed to undertake a voluntary Consumer Awareness Program to educate consumers in proper use and precautionary practices for treated wood. These changes to the July 13 Notice are discussed in more detail in Unit III. All other provisions of the July 13 Notice, e.g., the HxCDD limits in technical pentachlorophenol and pentachlorophenol products and the teratogenicity label warning for pentachlorophenol products, remain the same. The complete set of required modifications to the terms and conditions of registration is set forth in Unit IV of this Notice.

The record keeping requirements in this notice have been (or will be) submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* These record keeping requirements are not effective until OMB approves them and a technical amendment to that effect is published in the **Federal Register.**

This Notice is organized into six units. Unit I is this introduction. Unit II, entitled "Legal Background", provides a general discussion of the regulatory framework within which this action is taken. Unit III presents a detailed discussion of the amendments to the July 13 Notice and the rationale for those changes. Unit IV sets forth the modifications to the terms and conditions of registration which are required to avoid cancellation. The existing stocks provisions are set forth in Unit V. Finally, Unit VI, entitled "Procedural Matters", provides a brief discussion of the procedures which will be followed in implementing the modifications to the terms and conditions of registration required by Unit IV of this Notice. Appendix A contains a presentation of the voluntary Consumer Awareness Program undertaken by industry; Appendix B contains the language for the Consumer Information Sheets that are the focus of the Consumer Awarness Program. The material contained in these appendices is provided merely for information and is not a part of the regulatory requirements of this Notice.

II. Legal Background

In order to obtain a registration for a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended ("FIFRA") an applicant for registration must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires, among other things, that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment." FIFRA section 3(c)(5). The term "unreasonable adverse effects on the environment" is defined as "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide." FIFRA section 2(bb). This standard requires a finding that the benefits of each use of the pesticide exceed the risks of use, when the pesticide is used in compliance with the terms and conditions of registration or in accordance with commonly recognized practice.

The burden of proving that a pesticide satisfies the registration standard is on the proponents of registration and continues as long as the registration remains in effect. Under section 6 of FIFRA, the Administrator may cancel the registration of a pesticide or require modification or the terms and conditions of registration whenever it is determined that the pesticide causes unreasonable adverse effects on the environment. The Agency created the Special Review (previously referred to as the Rebuttable Presumption Against Registration ("RPAR")) process to facilitate the identification of pesticide uses which may not satisfy the statutory standard for registration and to provide an informal procedure to gather and evaluate information about the risks and benefits of these uses. The regulations governing the Special Review process are found at 40 CFR 162.11.

In determining whether the use of a pesticide poses risks which are greater than the benefits, the Agency considers possible modifications to the terms and conditions of registration which can reduce risks, and the impacts of such modifications on the benefits of use. If the Agency detemines that such modifications reduce risks to the level where the benefits outweigh the risks, it may require that such modifications be made in the terms and conditions of the registrations. Alternatively, the Agency may determine that no modification in

the terms and conditions of a registration will adequately assure that use of the pesticide will not pose an unreasonable adverse effect. In either case, the Agency will issue a Notice of Intent to Cancel the registration. Actual cancellation may be avoided by making the specified modifications set forth in the Notice, where appropriate. Adversely affected persons may also request a hearing on the cancellation of a specified registration and use, and, if they do so in a legally effective manner, that registration and use will be maintained pending a decision at the close of an administrative hearing.

III. Amendments to the July 13, 1984 Notice

The Agency has determined that certain changes to the terms and conditions of registration required by the July 13, 1984 Notice are appropriate. These changes are incorporated into the revised modifications to the terms and conditions of registration set forth in Unit IV required to maintain in effect the registrations of wood preservative products. The requirements set forth in Unit IV are substantially the same as the requirements of the July 13 Notice, with certain minor exceptions. As discussed below, the Agency has determined that minor changes to the modifications to the terms and conditions of registration of the July 13 Notice do not change the risk/benefit balance, and that the statutory standard of registration will be met for wood preservative products labeled in accordance with the requirements of this amended Notice.

A. Elimination of Restricted Use Label for Pole Framing, Piling Applications and Railroad Tie Repair Uses of Creosote

In the requirements set forth in the July 13 Notice, the pole framing, piling applications and railroad tie repair uses of creosote were included in the home and farm restricted use category. The Agency has since determined that these three industrial uses of creosote are sufficiently different from the other home and farm uses to require a separate labeling provision that does not include the restricted classification. In order to assure that the applicators of these products are trained in proper use an precautionary measures, the Agency will require a label provision that "Applicators must complete an EPA-approved training program to use this product." Within three (3) months of the date of publication of this amended Notice, the wood preservative trade associations, pursuant to an agreement with the Agency, will submit for the Agency's approval a training program for such applicators. Officials of both the Federal government and state governments have the right to attend sessions of the training program. The nature and content of this training program will be uniform throughout the country.

Other stringent label measures will be required for these products to assure that their use will be strictly limited to the three industrial uses listed on the label. For example, the label will specify that the product is "for sale only to pole framing, piling and railroad tie repair applicators", that the product is "not for household, farm, or non-pressure wood treatment plant use", and that the product is "for application to end cuts, bolt holes, and hardware fabrication." Finally, to give even greater assurance that the product will not be misused, the Agency will limit the sale of this product to containers 10 gallons or larger (a package of two five-gallon containers is permissible). The Agency believes that the labeling of creosote products for these three industrial uses as set forth in Unit IV below will provide sufficient safeguards so that the use of these products will be in accordance with the statutory standard.

B. Protective Clothing Changes

The July 13 Notice required the use of disposable coveralls or other suitable impermerable protective clothing for the poles-groundline use of creosote and/or pentachlorophenol during the application and mixing process and all situations where dermal contact is expected. Similar protective clothing was required for the non-spray application of the home and farm creosote products in that Notice. The Agency has reconsidered this requirement for impermeable protective clothing in light of the problems of heat stress which may arise in some situations from the use of this type of protective clothing. A determination has been made that an alternative type of clothing will provide adequate applicator protection without incuring the possibility of heat stress. Specifically, for the above two uses, the label will now require the use of long sleeved shirts, long pants, and an impermeable apron. Similar protective clothing is being required as one of the labeling measures for the pole framing, piling applications, and railroad tie repair creosote products. The protective clothing labeling language for these uses is set forth in Unite IV. The Agency has also identified the protective clothing requirements in the July 13 Notice for emptying and mixing prilled or flaked formulations of pentachlorophenol and powder formulations of pentachlorophenate as posing a potential heat stress problem. To avoid any possibility of heat stress in this situation, the Agency has replaced the requirement for "tightly-woven long-sleeved cotton or disposable coveralls" with a requirement for either "long-sleeved shirts and long pants or disposable coveralls". These changes to the protective clothing requirements of the July 13 Notice will provide adequate risk reduction and avoid any potential heat stress problems.

C. Changes in Dates for PEL Monitoring Program

One of the important applicator protections required by the July 13 Notice was a Permissible Exposure Limit (PEL) Monitoring Program for airborne arsenic in arsenical pressure treatment plants. Under this program, employees potentially exposed to airborne inorganic arsenic are required to wear respirators if the arsenic air levels in the plant are unknown or greater than 10 $\mu g/m^3$ averaged over an 8-hour period. The July 13 Notice set forth monitoring and measurement requirements to implement this PEL Program, including specified time intervals when monitoring was required to occur. This amended Notice does not change any of the substantive requirements of the PEL Program, but merely makes certain minor changes in the specified time intervals when monitoring is required. Specifically, the July 13 Notice did not specify when the PEL requirements became effective; this amended Notice allows a 6-month phase-in period from the date of publication of this Notice for the PEL Monitoring Program in existing inorganic arsenical pressure treatment plants. The Agency believes this phase-in time is reasonable to allow all existing plants time to ascertain the initial airborne arsenic levels. With this phase-in time, those plants which meet the PEL arsenic limit can avoid the necessity of purchasing respiratory equipment. The Agency has also addressed in this amended Notice the phase-in time for plants which begin operations in the future, and will give such plants 3 months from the date of initial operation to conduct monitoring. This time frame will allow such plants sufficient time to conduct initial monitoring prior to the purchase of respiratory equipment. The Agency believes that the risk to applicators is small during this phase-in period, particularly since it expects most plants to meet the PEL limits. This conclusion is based on data supplied by industry

and from other sources indicating that most plants currently have arsenic air levels below 10 $\mu g/m^3$.

In addition, the Agency will permit use of existing monitoring data obtained up to two years prior to the implementation date for this requirement ("grandfathering" period) as long as the data were obtained in the same manner as described in the "Monitoring and Measurement Procedures" section set forth in Unit IV, and no PEL checklist item has been answered in the affirmative. The July 13 Notice limited the grandfathering period to 1 year. The Agency believes that two years is a reasonable time to allow the use of "grandfathered" data under the stringent conditions for the use of this data set forth herein, and the fact that most plants are currently meeting the PEL standard. Expanding the grandfathering period to 2 years will not, in the Agency's view, in any way diminish the effectiveness of the PEL Program. Finally, the Agency will allow a 3-month period in which to conduct remonitoring when a PEL checklist item has been exceeded, rather than the 2-month period required by the July 13 Notice. This short additional time is reasonable to conduct such monitoring and does not pose any significant health consequences for the reasons discussed above. In conclusion, the Agency believes that the PEL Program, with these minor timing changes, will achieve its goal of reducing arsenic exposure to workers in arsenic pressure-treatment plants.

D. Definition of Closed Systems

In the July 13 Notice, the Agency required the use of closed systems for prilled or flaked formulations of pentachlorophenol and powder formulations of pentachlorophenate (with a phase-in period) and for powder formulations of the inorganic arsenicals. A "closed system" was defined as "any containment that prevents the release of subject chemicals into the surrounding environment". It has been brought to the Agency's attention that a strict reading of this definition would preclude the opening of these systems for loading and necessary clean-out and maintenance operations. Clearly, the Agency does not intend to prevent such necessary operations because of the small amounts of pesticide that may be unavoidably released during these operations. Therefore, the Agency has modified the definition of closed systems by revising the definition to read as follows:

> A closed system is defined as any containment which prevents the release of subject chemicals into the surrounding external environment, except that the release of incidental amounts of chemical during equipment loading and periodic clean-out or maintenance operations shall not be deemed a breach of containment.

During the loading and periodic clean-out or maintenance operations, workers will be adequately protected by the use of protective clothing as required by the labeling.

E. Minor Clarifying Changes

Other minor clarifying changes that have been made include (1) the clarification that category 13 of the July 13 Notice dealing with the non-pressure treatment use of pentachlorophenol includes, but is not limited to, use on millwork, plywood, and particleboard; (2) the addition of label language for the dip, thermal, and other non-pressure treatment plant uses of creosote; and (3) a minor change in the language on the labels for pentachlorophenol products used in non-pressure treatment plants regarding log homes, i.e. the label must now state: "Do not apply to logs used in construction of log homes" rather than "Do not apply to logs which are intended for use in construction of log homes." The Agency believes the above minor changes serve merely to clarify the requirements set forth in the July 13 Notice and do not represent any significant changes in the risk/benefit equation.

F. Existing Stocks Provision

Finally, with regard to the existing stocks provision, the Agency has simplified the complex existing stocks provision set forth in the July 13 Notice, and will require that all existing stocks of wood preservative products subject to this Notice (whether in the hands of registrants or others) must be relabeled with Agency approved labels in accordance with the label language set forth in this amended Notice by 10 months from the date of publication of this amended Notice in order to be lawfully distributed, sold, offered for sale, held for sale, shipped, delivered for shipment, or received and (having been so received) delivered or offered for delivery to any other person. The Agency has concluded that modifying the existing stocks provision to set a single date by which all products must be relabeled is desirable in order to limit the presence in the market place of similar products classified as both general and restricted use and bearing considerably different use instructions. Such a situation would only result in confusion to applicators and the public and would create potential enforcement difficulties. The revised existing stocks provision avoids such problems by requiring all products in the marketplace, whether newly produced by a registrant or residing on the dealer's shelf for some time, to be labeled with the new labels no later than 10 months from the date of publication of this amended Notice. This 10 month time frame should allow ample time for the states to have their applicator certification programs in place and for applicators to be certified.

G. Elimination of Mandatory Consumer Awareness Program

Another change that the Agency has made to the requirements of the July 13 Notice is the elimination of the mandatory Consumer Awareness Program from the labeling of wood preservative pesticide products. The Agency is satisfied that an alternative mechanism, namely a voluntary Consumer Awareness Program undertaken by industry, is likely to meet the Agency's goal of providing users of pressure-treated wood with proper use and precautionary information. Under this voluntary Program, a Consumer Information Sheet (CIS), which contains language agreed upon by the Agency and the wood treatment industry, will serve as the main vehicle for conveying information about treated wood to users. This CIS will be disseminated at the time of sale or delivery to end users of treated wood. The primary responsibility for ensuring that the CIS is disseminated to the consuming public resides with the wood treaters who have the responsibility to distribute CISs and signs and placards to their retailers, wholesalers, and distributors, attach a CIS to each bundle or batch of pressure-treated wood, and attach a CIS to each invoice. The preservative manufacturers and formulators will participate in the Consumer Awareness Program by notifying their purchasers of wood preservatives of the Program and of the availability of the CIS. The trade associations will have the responsibility of notifying the entire treating industry of the necessity to participate in the Program and to distribute CISs.

The wood preservative industry agreed to have this program substantially underway by the end of November 1985; to conduct an audit of this voluntary program by the end of September 1986; and to submit the results of the audit to the Agency 30 days after completion. Based on information submitted by industry, the Agency believes that the Consumer Awareness Program is in fact substantially underway. The Agency has every reason to believe that this voluntary Consumer Awareness Program will reach those members of

the public using treated wood and alert those individuals to proper use and precautionary practices. Because this voluntary program is expected to satisfy the Agency's public health protection goals, the Agency has determined that the risk-benefit balance will not be affected by eliminating the mandatory Consumer Awareness Program from the labeling. Should the voluntary program fail to meet the Agency's expectations, the Agency is prepared to issue a rule pursuant to the Toxic Substances Control Act directed to alert all purchasers and users of treated wood to appropriate information about the use of such products. The substance of the voluntary Consumer Awareness Program is set forth in Appendix A; Appendix B contains the agreed-upon language for the Consumer Information Sheet. This voluntary program is, of course, not part of the regulatory requirements of this Notice and is therefore not subject to challenge in an administrative hearing under FIFRA.

H. No Change in Other Requirements of July 13 Notice

All other requirements of the July 13 Notice remain unchanged. In conclusion, the Agency has determined that the use of inorganic arsenic, creosote, and pentachlorophenol wood preservative products in accordance with the modifications to the terms and conditions of registration required by this amended Notice will meet the statutory standards of FIFRA.

IV. Modifications to the Terms and Conditions of Registration Required to Avoid Cancellation

A. Label Changes

In order to avoid cancellation, registrants must make the modifications specified below to the labeling of their products following the procedures set forth in Unit IV of this Notice.

1. **For all products labeled for use as wood preservatives and containing pentachlorophenol or its salts, the following language must appear on the labels:**

The U.S. EPA has determined that pentachlorophenol can produce defects in the offspring of laboratory animals. Exposure to pentachlorophenol during pregnancy should be avoided.

2. **For all products labeled for pressure treatment of wood and containing inorganic arsenicals, the following language must appear on the labels:**

Restricted Use Pesticide

For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

Applicators must wear gloves impervious to the wood treatment formulation in all situations where dermal contact is expected (e.g., handling freshly treated wood and manually opening cylinder doors).

Individuals who enter pressure treatment cylinders and other related equipment that is contaminated with the wood treatment solution (e.g., cylinders that are in operation or are not free of the treatment solution) must wear protective clothing, including overalls, jacket, gloves, and boots, impervious to the wood treatment formulation. In addition, individuals who enter pressure-treatment cylinders must wear properly fitting, well-maintained, high efficiency filter respirators, MSHA/NIOSH-approved for inorganic arsenic, if the level of inorganic arsenic in the plant is unknown or exceeds 10 micrograms per cubic meter of air (10$\mu g/m^3$) average over an 8-hour work period. Air monitoring programs, procedures and record retention and submission must be conducted in accordance with the instructions on the attached labeling material.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation (e.g., manually opening/closing cylinder doors, moving trams out of cylinders, mixing chemicals, and handling freshly treated wood).

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Protective clothing must be changed when it shows signs of contamination. Applicators must leave protective clothing and workshoes or boots and equipment at the plant. Worn-out protective clothing and workshoes or boots must be left at the plant and disposed of in a manner approved for pesticide disposal and in accordance with state and federal regulations.

Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Processes used to apply inorganic arsenical formulations shall leave no visible surface deposits on the wood, as defined by AWPA Standard C-1 and AWPB Standards LP2 and LP22. (Visible surface deposits means a surface residue or crystallization on the treated wood. Small isolated or infrequent spots of chemical on otherwise clean wood shall be allowed.)

Individuals in the work area of an arsenical wood, treatment plant must wear properly fitting, well-maintained high efficiency filter respirators, MSHA/NIOSH-approved for inorganic arsenic, if the level of inorganic arsenic in the plant is unknown or exceeds 10 micrograms per cubic meter of air (10 $\mu g/m^3$) average over an 8-hour work period. Air monitoring programs, procedures and record retention and submission must be conducted in accordance with the instructions on the attached labeling material.

For powder formulations of inorganic arsenicals: A closed emptying and mixing system must be used for all powder formulations of the inorganic arsenicals. A closed system is defined as any containment which prevents the release of subject chemicals into the surrounding external environment, except that the release of incidential amounts of chemical during equipment loading and periodic clean-out or maintenance operations shall not be deemed a breach of containment.

Note to User: Examples of acceptable materials for protective clothing (e.g., gloves, overalls, jackets, and boots) required during application and handling of inorganic arsenicals are vinyl, polyvinyl chloride (PVC), neoprene, NBR (Buna-N), rubber, and polyethylene.

3. *For all products labeled for pressure treatment of wood and containing inorganic arsenicals, the following language must be attached as labeling:*

a. *Implementation of the permissible exposure limit (PEL) monitoring program.* Each arsenical wood treatment plant employer shall require all employees potentially exposed to airborne inorganic arsenic to wear properly fitting, well maintained high efficiency filter respirators MSHA/NIOSH-approved for inorganic arsenic for the entire period that the employees are in the treatment application work area or engaged in any activity associated with the treatment process. Alternatively, to potentially relieve employees from the burden of wearing respirators, the employer may implement a Permissible Exposure Limit (PEL) monitoring program. This requirement becomes effective for existing plants on July 10, 1986. Any plants which begin operations in the future will have 3 months from the date of initial operation to implement this requirement.

All wood treatment plant employers who elect to implement the PEL monitoring program must determine the current levels of airborne arsenic, averaged over an 8-hour period, to which their employees are exposed by July 10, 1986. Monitoring data obtained two years prior to this implementation date may be used to determine the initial levels of airborne exposure to employees, if the date were obtained in the same manner as described below in the "Monitoring and Measurements Procedures" unit, and if the employer can certify that no changes have been made since the time of monitoring that could have resulted in new or additional employee exposure to inorganic arsenic including events on the "PEL Checklist" below.

If the initial or subsequent monitoring demonstrates that airborne inorganic arsenic in a work area is greater than 10 $\mu g/m^3$, all employees working in that area are required to wear properly fitting, well-maintained high efficiency filter respirators MSHA/NIOSH-approved for inorganic arsenic. If in subsequent monitoring, at least two consecutive measurements taken at least 7 days apart, the inorganic arsenic levels are below 10 $\mu g/m^3$, employees in those areas may discontinue the wearing of the respirators, except as discussed in the "PEL Checklist" below. However, if the employee exposure is above 5 $\mu g/m^3$ and below 10 $\mu g/m^3$, the employer shall repeat monitoring at least every 6 months until at least two consecutive measurements, taken at least 7 days, apart, are below 5 $\mu g/m^3$. The employer may then discontinue monitoring, except as discussed in the "PEL Checklist" below.

If the monitoring reveals employees are exposed to airborne arsenic levels below 5 $\mu g/m^3$, monitoring need not be repeated, except as discussed in the "PEL Checklist" below.

b. *PEL Checklist.* In all cases where there has been a change in production, process, control, or employee handling procedures, or if any events in the PEL Checklist occurred, or if, for any other reason an employer should suspect new or additional airborne inorganic arsenic, additional monitoring that complies with the requirements for initial monitoring shall be completed. Responses to the Checklist will become part of the monitoring records. Monitoring is required within 3 months if any of the following events/questions on the check list can be answered in the affirmative with respect to any events which may have occurred since the last monitoring report submitted to the Agency:

1. After the wood has been treated, have you changed from hand stacking to mechanical stacking or from mechanical stacking to hand stacking? If yes, when?

2. Has your production capacity increased significantly? If yes, when?

3. Have you changed from a ready-to-use or dilute concentrate to a mix-it-yourself formulation? Has the proportional amount of arsenic in the solution increased, e.g., have you shifted from CCA type A or C to type B? If yes, when?

4. Has a significant, i.e., reportable under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980" (Superfund), 42 U.S.C. 9601 *et seq.*, spill occurred? If yes, when?

5. Is treated wood being retained on the drip pad for less time? If yes, when?

6. Have there been any other production, process, control or employee handling procedure changes which could result in new or additional airborne inorganic arsenic? Identify change, and when it occurred.

c. *Monitoring and measurement procedures.* The employer shall collect personal air samples, including at least one sample which is adequate to represent typical conditions for a full work shift (at least 7 hours) for each job classification in each work area. Sampling should be done using a personal sampling pump calibrated at a flow rate of 2 liters per minute. Samples should be collected on 0.8 micrometer pore size membrane filter (37 mm diameter). The method of sampling analysis should have an accuracy of not less than ± 25 percent (with a confidence limit of 95 percent) for 10 micrograms per cubic meter of air (10 $\mu g/m^3$) and ± 35 percent (with a confidence limit of 95 percent) for concentrations of inorganic arsenic between 5 and 10 $\mu g/m^3$.

Monitoring may be conducted through a request made to the Occupational Safety and Health Administration (OSHA) for monitoring assistance which may be provided free of charge under the terms of the OSHA consultation program as provided under section 7(c)(1) of the OSHA Act, or by employees or contractors of the employer's choosing.

The Environmental Protection Agency (EPA) may direct that remonitoring take place at statistically selected establishments to assure that the Checklist is effective in identifying events which increase airborne arsenic. Selected employers will be notified by EPA/State enforcement representatives. The employer will be responsible for obtaining current air monitoring data within the time specified in the remonitoring notification and for submitting these data and reports to the EPA as described below.

d. *Data submission and certification.* The employer shall establish and maintain accurate records which include responses to the PEL Checklist and all monitoring reports. The annual records or copies thereof shall be submitted to the U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances Office of Compliance Monitoring (EN-342), 401 M Street SW., Washington, D.C. 20460. All records submitted will be certified by the employer as accurate and in compliance with all calibration, analytical and sampling requirements outlined in this program. If the employer received assistance from an OSHA 7(c)(1) consultant, that consultant's report to the employer will be an acceptable record of calibration, analysis, and monitoring requiring no additional certification.

4. *For all products labeled for pressure treatment of wood and containing creosote, the labels must include:*

Restricted Use Pesticide

For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

Individuals must wear gloves impervious to the wood treatment formulation in all situations where dermal contact with creosote is expected (e.g., handling freshly treated wood and manually opening cylinder doors).

Individuals who manually open cylinder doors must wear gloves and a respirator.

Individuals who enter pressure treatment cylinders and other related equipment that is contaminated with the wood treatment formulation (e.g., cylinders that are in operation or are not free of the treatment formulation) must wear protective clothing (including overalls, jacket, gloves and boots) impervious to the wood treatment formulation and a respirator.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation (e.g., manually opening/closing cylinder doors, moving trams out of cylinders, mixing chemicals, and handling freshly treated wood).

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Pesticide wastes are toxic. Improper disposal of excess pesticide, spray

mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Protective clothing must be changed when it shows signs of contamination. Applicators must leave protective clothing and workshoes or boots and equipment at the plant. Worn-out protective clothing and workshoes or boots must be left at the plant and disposed of in any general landfill, in the trash, or in any other manner approved for pesticide disposal.

Note to User: As used on this label, the term "respirators" means properly fitting, well-maintained, half-mask canister or cartridge respirators which are MSHA/NIOSH-approved for polynuclear aromatics and organic vapors. Examples of acceptable materials for protective clothing (e.g., gloves, overalls, jackets, and boots) required during application and handling of creosote are polyvinyl acetate (PVA), polyvinyl chloride (PVC), neoprene, and NBR (Buna-N).

5. *For all products labeled for pressure treatment of wood and containing pentachlorophenol, the following language must appear on the labels:*

Restricted Use Pesticide

For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

Applicators must wear gloves impervious to the wood treatment formulation in all situations where dermal contact is expected (e.g., handling freshly treated wood and manually opening cylinder doors).

Individuals who manually open cylinder doors must wear gloves and a respirator.

Individuals who enter pressure treatment cylinders and other related equipment that is contaminated with wood treatment formulation (e.g., cylinders that are in operation or are not free of the treatment solution) must wear protective clothing (including overalls, jacket, gloves and boots) impervious to the wood treatment formulation and a respirator.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation (e.g., manually opening/closing cylinder doors, moving trams out of cylinders, mixing chemicals, and handling freshly treated wood).

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Protective clothing must be changed when it shows signs of contamination. Applicators must leave protective clothing and workshoes or boots and equipment at the plant.

Worn-out protective clothing and workshoes or boots must be left at the treatment plant and disposed of in any general landfill, in the trash, or in any other manner approved for pesticide disposal.

For prilled or flaked formulations of pentachlorophenol:

Until August 31, 1987, a closed emptying and mixing system must be used or protective clothing (including respirator, gloves, long-sleeved shirt and long pants or disposable coveralls) must be worn when emptying and mixing prilled or flaked formulations of pentachlorophenol. After September 1, 1987, a closed system must be used when emptying and mixing prilled or flaked formulations of pentachlorophenol. A closed system is defined as any containment which prevents the release of subject chemicals into the surrounding external environment, except that the release of incidential amounts of chemical during equipment loading and periodic clean-out or maintenance operations shall not be deemed a breach of containment.

Note to user: As used on this label, the term "respirators" means properly fitting, well-maintained, half-mask canister or cartridge respirators which are MSHA/NIOSH-approved for organic vapors and acid gases.

Examples of acceptable materials for protective clothing (e.g., gloves, overalls, jackets, and boots) required during application and handling of pentachlorophenol are polyvinly acetate (PVA), polyvinyl chloride (PVC), neoprene, NBR (Buna-N), and nitrile. In addition, plastic-coated disposable coveralls impervious to dust are acceptable for dust protection.

6. *For all products labeled for groundline treatment of utility poles and containing creosote and/or pentachlorophenol, the following language must appear on the label:*

Restricted use:

For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

Applicators must wear gloves impervious to the wood treatment formulations (e.g., polyvinyl acetate (PVA), polyvinyl chloride (PVC), or neoprene) in all situations where dermal contact is expected (e.g., during the actual application process and when handling freshly treated wood).

Applicators must wear long sleeved shirts, long pants, and an impermeable apron during the application and mixing processes and all situations where dermal contact is expected.

Work clothing must be changed when it shows signs of contamination. Launder work clothing separately from other household laundry. Dispose of worn-out work clothing and workshoes or boots in any general landfill, in the trash, or in any other manner approved for pesticide disposal.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation.

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

7. *For all products labeled as wood preservatives for home and farm use which contain creosote, the following language must appear on the label:*

Restricted use:

For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

Applicators must wear gloves impervious to the wood treatment formulation in all situations where dermal contact is expected (for example, during the actual application process and when handling freshly treated wood).

Spray applicators must wear protective clothing (including overalls, jackets, gloves, boots, and head covering) impervious to the wood treatment formulation, and a respirator and goggles when spraying.

Applicators who apply creosote by other application processes (e.g., brush-on) must wear long sleeved shirts, long pants and an impermeable apron. Launder work clothing separately from other household laundry.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation.

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Protective clothing must be changed when it shows signs of contamination. Dispose of worn-out protective clothing and workshoes or boots in a general landfill, in the trash or in any other manner approved for pesticide disposal.

For products for farm use: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

For household/domestic products: Securely wrap original pesticide container in several layers of newspaper and discard in the trash. Do not reuse empty containers.

Avoid inhaling vapors. If inhalation of vapors cannot be avoided, applicators must wear a properly fitting, well-maintained half-mask canister or cartridge respirator which is MSHA/NIOSH-approved for polynuclear aromatics and organic vapors.

Do not apply where there may be direct contact with domestic animals or livestock, and where there may be contamination of food, feed, or drinking and irrigation water.

Do not apply in interiors. Do not apply to wood intended for use in interiors except for those support structures which are in contact with the soil in barns, stables, and similar sites and which are subject to decay or insect infestation. Interior surfaces of the treated wood should be sealed with two coats of an appropriate sealer. Sealers may be applied at the installation site.

Do not apply creosote to wood intended for farrowing or brooding facilities. Do not apply creosote to wood intended to be used in the interiors of farm buildings where there may be direct contact with domestic animals of livestock which may crib (bite) or lick the wood. Creosote may be used to treat wood intended to be used in interiors of farm buildings where domestic animals or livestock are unlikely to crib or lick the wood, if two coats of an appropriate sealer will be applied. Sealers may be applied at the installation site.

Do not apply to wood intended to be used in a manner in which the preservative may become a component of food or animal feed. Examples of such sites would be structures or containers for storing silage or food.

Do not use this product to treat wood intended to be used for cutting boards or counter tops.

Do not use this product to treat wood intended for construction of those portions of beehives which may come into contact with the honey.

Do not use this product to treat wood intended for use where it may come into direct or indirect contact with public drinking water, except for those uses involving incidental contact such as docks and bridges.

Do not use this product to treat wood intended to be used where it may come into direct or indirect contact with drinking water for domestic animals or livestock, except for uses involving incidental contact such as docks and bridges.

Wood to be treated with this product should be cut to size before treatment. If it is necessary to saw or machine wood after treatment, wear goggles to protect the eyes from flying particles and a dust mask to avoid inhaling sawdust from the treated wood. If oily preservatives or sawdust accumulate on clothes, launder before re-use. Wash work clothes separately from other household laundry.

Contact with treated surfaces should be avoided even after the preservative has dried. When handling treated wood wear long-sleeved shirts, long pants and impervious gloves (e.g., vinyl coated). Wash exposed skin thoroughly after contact with treated wood and before eating, drinking or using tobacco products.

Wood which has been treated with this product should be disposed of by burial or ordinary trash collection. Do not burn treated wood in an outdoor fire or in stoves or fireplaces because toxic chemicals may be produced as part of the smoke and ashes.

This product should not be used to treat wood which will be in frequent or prolonged contact with skin, unless the wood will be treated with an effective sealer.

Note to user: As used on this label, the term "respirators" means properly fitting, well-maintained, half-mask canister or cartridge respirators which are MSHA/NIOSH-approved for polynuclear aromatics and organic vapors. Examples of acceptable impervious materials for protective clothing (e.g., gloves, overalls, head covering, jackets, and boots) required during application and handling of creosote are polyvinyl acetate (PVA), polyvinyl chloride (PVC), neoprene, and NBR (Buna-N). Urethane, epoxy, and shellac are acceptable sealers for all creosote-treated wood.

8. *For all products labeled as wood preservatives for home and farm use which contain pentachlorophenol (including railroad tie repair), the following language must appear on the labels:*

Restricted use:

For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

Applicators must wear gloves impervious to the wood treatment formulation in all situations where dermal contact is expected (for example, during the actual application process and when handling freshly treated wood).

Spray applicators must wear protective clothing (including overalls, jackets, gloves, boots and head covering) impervious to the wood treatment formulation, and a respirator and goggles when spraying.

Applicators who apply pentachlorophenol by other application methods (e.g., brush-on) must wear long sleeved shirts, long pants, and an impermeable apron. Launder protective clothing separately from other household laundry.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation.

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Protective clothing must be changed when it shows signs of contamination. Dispose of worn-out protective clothing and workshoes or boots in any general landfill in the trash, or in any other manner approved for pesticide disposal.

For products for farm use or railroad tie repair: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

For household/domestic use products: Securely wrap original pesticide container in several layers of newspaper and discard in the trash. Do not reuse empty containers.

Avoid inhaling vapors. If inhalation of vapors cannot be avoided, applicators must wear a properly fitting, well-maintained half-mask cannister or cartridge respirator which is MSHA/NIOSH-approved for organic vapors and acid gases.

Do not apply where there may be direct contact with domestic animals or livestock, and where there may be contamination of food, feed, or drinking and irrigation water.

Do not apply in interiors. Do not apply to wood intended for use in interiors except for those support structures which are in contact with the soil in barns, stables, and similar sites and which are subject to decay or insect infestation; and millwork which has outdoor surfaces (e.g., doorframes, windows and patio frames). Interior surfaces of the treated wood should be sealed with two coats of an appropriate sealer. Sealers may be applied at the installation site.

Do not apply pentachlorophenol to wood intended for farrowing or brooding facilities.

Do not apply pentachlorophenol to wood intended to be used in the interiors of farm buildings where there may be direct contact with domestic animals or livestock which may crib (bite) or lick the wood. Pentachlorophenol may be used to treat wood intended to be used in interiors of farm buildings where domestic animals or livestock are unlikely to crib or lick the wood, if two coats of an appropriate sealer will be applied. Sealers may be applied at the installation site.

Do not apply to wood intended to be used in a manner in which the preservative may become a component of food or animal feed. Examples of such sites would be structures or containers for storing silage or food.

Do not use this product to treat wood intended to be used for cutting-boards or counter tops.

Do not use this product to treat wood intended for construction of those portions of beehives which may come into contact with the honey.

Do not use this product to treat wood intended to be used where it may come into direct or indirect contact with public drinking water, except for those uses involving incidental contact such as docks and bridges.

Do not use this product to treat wood intended to be used where it may come into direct or indirect contact with drinking water for domestic animals or livestock, except for uses involving incidental contact such as docks and bridges.

Wood to be treated with this product should be cut to size before treatment. If it is necessary to saw or machine wood after treatment, wear goggles to protect the eyes from flying particles and a dust mask to avoid inhaling sawdust from the treated wood. If oily preservatives or sawdust accumulate on clothes, launder before reuse. Wash work clothes separately from other household laundry.

Contact with treated surfaces should be avoided even after the preservative has dried. When handling treated wood wear long-sleeved shirts, long pants and impervious gloves (e.g., vinyl coated). Wash exposed skin thoroughly after contact with treated wood, and before eating, drinking or using tobacco products.

Wood which has been treated with this product should be disposed by burial or ordinary trash collection. Do not burn treated wood in an outdoor fire or in stoves or fireplaces because toxic chemicals may be produced as part of the smoke and ashes.

This product should not be used to treat wood which will be in frequent or prolonged contact with skin, unless the wood will be treated with an effective sealer.

Note to user: As used on this label the term "respirators" means properly fitting, well-maintained half-mask canister or cartridge respirators which are MSHA/NIOSH-approved for organic vapors and acid gases. Examples of acceptable impervious materials for protective clothing (e.g., overalls, jackets, head covering, boots, and gloves) required during application and handling of pentachlorophenol are polyvinyl acetate (PVA), polyvinyl chloride (PVC), neoprene, NBR (Buna-N), and nitrile. Urethane, shellac, latex epoxy enamel and varnish are acceptable sealers for pentachlorophenol-treated wood.

9. *For all products labeled as wood preservatives for brush-on treatment which contain inorganic arsenicals, the following language must appear on the labels:*

Applicators must wear gloves (e.g., rubber, vinyl or neoprene) impervious to the wood treatment solution in all situations where dermal contact is expected (e.g., during the application process and handling freshly treated wood).

Applicators must wear disposable coveralls (e.g., vinyl or polyethylene) or other similar impermeable clothing during the application process where dermal contact is expected.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation.

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Protective clothing must be changed when it shows obvious signs of contamination. Launder non-disposable protective clothing separately from other household laundry. Dispose of worn-out protective clothing in a manner approved for pesticide disposal and in accordance with State and Federal regulations.

Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

For application to the cut ends of pressure-treated wood only. Do not dilute or mix with other products.

For commercial construction use only. Not for household use.

10. *For all products labeled as wood preservatives for sapstain control and containing salts of pentachlorophenol, the following language must appear on the labels:*

Restricted Use:

For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicator's certification.

All applicators must wear gloves impervious to the wood treatment formulation in all situations where dermal contact is expected (for example, during the application process and when handling freshly treated wood).

For the spray method of application: spray apparatus must (1) be operated so as to minimize overspray (i.e., no visible mist) and (2) be free of leaks in the system. Should there be a visible mist, spray applicators in the vicinity of the apparatus (the zone in which the mist is visible) must wear a respirator and protective clothing (including overalls, jackets, gloves, boots, and head covering) impervious to the wood treatment formulation and goggles.

Individuals who enter, clean, or repair vats, tanks or other related equipment that is contaminated with the treatment solution must wear a respirator. In addition, where dermal contact is expected, these individuals must wear overalls, jackets, boots, head covering impervious to the wood treatment formulation, and goggles.

Applicators must not eat, drink, or use tobacco products during those parts of

the application process that may expose them to the wood treatment formulation.

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Protective clothing must be changed when it shows signs of contamination. Applicators must leave all protective clothing, workshoes or boots, and equipment at the plant. Worn-out protective clothing, and workshoes or boots, must be left at the plant and disposed of in any general landfill, in the trash, or in any other manner approved for pesticide disposal.

Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by law according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

For powder formulations of pentachlorophenate:

Until August 31, 1987, a closed emptying and mixing system must be used or protective clothing (including respirator, gloves and long-sleeved shirts and long pants of disposable coveralls) must be worn when emptying and mixing powder formulations of pentachlorophenate. After September 1, 1987, a closed system must be used when emptying and mixing powder formulations of pentachlorophenate. A closed system is defined as any containment which prevents release of subject chemicals into the surrounding external environment, except that the release of incidental amounts of chemical during equipment loading and periodic clean-out or maintenance operations shall not be deemed a breach of containment.

Note to user: As used on this label, the term "respirators" means properly fitting, well-maintained half-mask canister or cartridge respirators which are MSHA/NIOSH-approved for organic vapors. Examples of acceptable materials for protective clothing (e.g., overalls, jackets, head covering, boots, disposable coveralls, and gloves) required during application and handling of pentachlorophenate are polyvinyl acetate (PVA), polyvinyl chloride (PVC), neoprene, NBR (Buna-N), and nitrile.

11. *For all products labeled as wood preservatives for use in non-pressure treatment plants which contain pentachlorophenol (including, but not limited to, use on millwork, plywood, and particleboard) the following language must appear on the labels:*

Restricted use:

For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

Applicators must wear gloves impervious to the wood treatment formulation in all situations where dermal contact is expected (for example, during the application process and when handling freshly treated wood).

For the spray method of application: spray apparatus must (1) be operated so as to minimize overspray (i.e., no visible mist) and (2) be free of leaks in the system. Should there be a visible mist, spray applicators in the vicinity of the apparatus (the zone in which the mist is visible) must wear a respirator and protective clothing (including overalls, jackets, gloves, boots, and head covering) impervious to the wood treatment formulation and goggles.

Individuals who enter, clean, or repair vats, tanks or other related equipment that are contaminated with the treatment solution must wear a respirator. In addition, where dermal contact is expected, these individuals must wear protective clothing (overalls, jackets, boots, gloves, and head covering) impervious to the wood treatment formulation and goggles.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation.

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Protective clothing must be changed when it shows signs of contamination. Applicators must leave all protective clothing, workshoes or boots, and equipment at the plant. Worn-out protective clothing, and workshoes or boots must be left at the plant and disposed of in any general landfill, in the trash, or in any other manner approved for pesticide disposal.

Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Do not apply to logs used in construction of log homes.

For prilled or flaked formulations of pentachlorophenol:

Until August 31, 1987, a closed emptying and mixing system must be used or protective clothing (including respirator, gloves and long-sleeved shirts and long pants or disposable coveralls) must be worn when emptying and mixing prilled or flaked formulations of pentachlorophenol. After September 1, 1987, a closed system must be used when emptying and mixing prilled or flaked formulations of pentachlorophenol. A closed system is defined as any containment which prevents the release of subject chemicals into the surrounding external environment, except that the release of incidental amounts of chemical during equipment loading and periodic clean-out or maintenance operations shall not be deemed a breach of containment.

Note to user: As used on this label, the term "respirator" means properly fitting, well-maintained half-mask canister or cartridge respirators which are MSHA/NIOSH-approved for organic vapors and acid gases. Examples of acceptable materials for protective clothing (e.g., overalls, jackets, head covering, boots, disposable coveralls, and gloves) required during application and handling of pentachlorophenol are polyvinyl acetate (PVA), polyvinyl chloride (PVC), neoprene, and NBR (Buna-N), and nitrile. In addition, plastic-coated disposable coveralls impervious to dust are acceptable for dust protection.

12. *For all products labeled as wood preservatives for use in non-pressure treatment plants which contain creosote, the following language must appear in the labels:*

Restricted use:

For sale to and use only be certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

Applicators must wear gloves impervious to the wood treatment formulation in all situations where dermal contact is expected (for example, during the actual application process and when handling freshly treated wood).

Spray applicators must wear protective clothing (including overalls, jackets, gloves boots, and head covering) impervious to the wood treatment formulation, and a respirator and goggles when spraying.

Individuals who enter, clean or repair vats, tanks or other related equipment that is contaminated with the wood treatment formulation (e.g., tanks that are in operation or are not free of the treatment formulation) must wear protective clothing (including overalls, jacket, gloves and boots) impervious to the wood treatment formulation, and goggles and a respirator.

Applicators who apply creosote by other application processes (e.g., brush-

on) must wear disposable coveralls or other suitable impermeable protective clothing.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation.

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Protective clothing must be changed when it shows signs of contamination. Applicators must leave protective clothing and workshoes or boots and equipment at the plant. Worn-out protective clothing and workshoes or boots must be left at the plant and disposed of in any general landfill, in the trash, or in any other manner approved for pesticide disposal.

Avoid inhaling vapors. If inhalation of vapors cannot be avoided, applicators must wear a properly fitting, well-maintained half-mask canister or cartridge respirator which is MSHA/NIOSH-approved for polynuclear aromatics and organic vapors.

Note to user: As used on this label the term "respirators" means properly fitting, well-maintained, half-mask canister or cartridge respirators which are MSHA/NIOSH-approved for polynuclear aromatics and organic vapors. Examples of acceptable materials for protective clothing (e.g., gloves, overalls, jackets, and boots) required during application and handling of creosote are polyvinyl acetate (PVA), polyvinyl chloride (PVC), neoprene, and NBR (Buna-N).

13. *For all products labeled as wood preservatives for use in pole framing, piling applications and railroad tie repair which contain creosote, the following language must appear on the label:*

For pole framing, piling applications and railroad tie repair use only. Not for household, farm, or non-pressure wood treatment plant use.

For application to end cuts, bolt holes, and hardware fabrication.

Do not dilute or mix with other products. Ready for use.

Applicators must wear gloves impervious to the wood treatment formulation in all situations where dermal contact is expected (for example, during the actual application process and when handling freshly treated wood).

Spray applicators must wear protective clothing (including overalls, jackets, gloves, head covering, and boots) impervious to the wood treatment formulation, and a respirator and goggles.

Railroad tie repair spray applicators operating a mechanized tie sprayer (dual adzer) must wear long-sleeved shirts and long pants or other suitable protective clothing. Applicators engaged in loading or maintenance of the spray equipment or other activities which may result in exposure to liquids, splashes or spills must wear long sleeved shirts, long pants and an impermeable apron.

Railroad tie repair spray applicators operating non-mechanized spray equipment must wear long sleeved shirts, long pants and an impermeable apron, gloves and boots and head covering impervious to the wood treatment formulation, and a respirator and goggles. Applicators engaged in loading or maintenance of the spray equipment or other activities which may result in exposure to liquids, splashes or spills must wear long sleeved shirts and long pants and an impermeable apron.

Applicators who apply creosote by other application processes (e.g., brush-on) must wear long sleeved shirts, long pants and an impermeable apron.

Protective clothing, workshoes or boots and equipment must not be taken home.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation.

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Protective clothing must be changed when it shows signs of contamination dispose of worn-out protective clothing and workshoes or boots in a general landfill, in the trash or in any other manner approved for pesticide disposal.

Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Enviromental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Avoid inhaling vapors. If inhalation of vapors cannot be avoided, applicators must wear a properly fitting, well maintained half-mask canister or cartridge repirator which is MSHA/NIOSH-approved for polynuclear aromatics and organic vapors

Applicators must complete an EPA-approved training program.

For the pole framing, piling applications and railroad tie repair applications the label must also state:

For sale only to pole framing, piling and railroad tie repair applicators.

For sale only in 10 gallon or larger containers. A package of two five gallon containers is permissible.

Note to User: As used on this label, the term "respirators" means properly fitting, well-maintained, half-mask canister or cartridge respirators which are MSHA/NIOSH-approved for polynuclear aromatics and organic vapors. Examples of acceptable impermeable materials for protective clothing (e.g., gloves, overalls, head covering, jackets, and boots) required during application and handling of creosote are polyvinyl acetate (PVA), polyvinyl chloride (PVC), neoprene, and NBR (Buna-N).

B. Other Required Changes in the Terms and Conditions of Registration

In addition to implementing the label changes specified in the preceding discussion, the Agency has also determined that any registrant of a product labeled for use as a wood preservative that contains pentachlorophenol or its salts must, within the time permitted by Unit VI of this Notice:

(1) amend the Confidential Statement of Formula for that product to state either

(a) that the exclusive source of any quantity of pentachlorophenol or its salts used in manufacturing or formulating the product is one or more specified, purchased, registered pentachlorophenol products, or

(b) that the product conforms to the uniform maximum certified limits for HxCDD and any other contaminants set forth in this amended Notice;

(2) file an application to amend the Confidential Statements of Formula for products containing technical pentachlorophenol or its salts to indicate that the HxCDD contamination in the technical pentachlorophenol used in the product does not exceed 1 ppm, and that 2,3,7,8–TCDD is below the limits of detection using a gas chromatography-mass spectrophotometry method acceptable to the Agency. The method used to lower the HxCDD levels to 1.0 ppm or lower must not increase the hexachlorobenzene or the polychlorinated dibenzofuran levels above the levels in products marketed at the time of publication of this amended Notice.

V. Existing Stocks Provision

In order to be lawfully distributed, sold, offered for sale, held for sale, shipped, delivered for shipment, or received and (having been so received) delivered or offered for delivery to any other person, all wood preservative products subject to this amended Notice, and all existing stocks of such products (whether in the hands of registrants or others) must be relabeled with Agency approved labels in accordance with the label language set forth in Unit IV of this Notice by November 10, 1986.

VI. Procedural Matters: Procedure for Amending the Terms and Conditions of Registration To Avoid Cancellation or Denial of Application

This Notice amends the July 13 Notice of Intent to Cancel Registrations of Pesticide Products Containing Creosote, Pentachlorophenol (Including its Salts) and the Inorganic Arsenicals. This action is taken pursuant to the authority granted by Section 6(b) of FIFRA. This amended Notice applies only to those registrants, applicants, or adversely affected persons who responded in the statutorily prescribed manner to the July 13, 1984 Notice. It creates no new hearing rights and affects only those registrations which have been preserved by compliance with statutory procedures.

Registrants who did not file an application for amended registration in accordance with the requirements of the July 13 Notice or who did not file a timely hearing request challenging that Notice were cancelled by operation of law. This amended Notice does not affect those cancelled registrations.

Adversely affected parties (e.g., registrants and wood treaters) to the ongoing cancellation proceeding on the wood preservative chemicals (*In re Chapman Chemical Company, et al.*; FIFRA Docket Nos. 529 *et al.*) are required to file a response to this amended Notice within the timeframe set forth below. Registrant parties have two options if they wish to avoid cancellation. They may submit applications for amended registrations in accordance with the terms and conditions of registrations set forth in Unit IV of this amended Notice, or, in the alternative, they may amend their objections filed in *In re Chapman* or otherwise affirm their previously filed hearing requests. Non-registrant hearing parties to *In re Chapman* who are adversely affected by the amended Notice must either amend their objections or otherwise affirm their previously filed hearing requests in a timely fashion, or face dismissal of their prior objections.

An applicant for a new registration whose product is subject to this amended Notice must submit an amended application in accordance with the terms and conditions of registration required by this amended Notice within the applicable 30-day period to avoid denial of the application.

Applications for amended registration or amended applications for new registration must be submitted within 30 days of publication of this amended Notice or receipt of the amended Notice, whichever occurs later.

Applications must be submitted to:

By mail: Mr. Henry Jacoby, Product Manager 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Office location and telephone number: Rm. 229, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1900).

Any amendments to objections (or affirmations of previous hearing requests) must be filed by a registrant hearing party within 30 days of receipt of this Notice or within 30 days from publication of this amended Notice, whichever occurs later, and for other adversely affected hearing parties within 30 days from publication of this Notice.

Amendments to objections must be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

This amended Notice gives notice to those registrants or applicants who elected to file requests for amended registration in accordance with the July 13 Notice that they must modify their labels in accordance with the terms and conditions of registration set forth in Unit IV of this amended Notice within the statutory 30-day period. The Agency had previously issued a notice, published in the **Federal Register** of October 31, 1984 (49 FR 43772) that such notice would be given to those registrants who filed requests for amended registrations in accordance with the requirements of the July 13 Notice. This amended Notice, as discussed above, makes only minor changes to the prior Notice and does not in the Agency's view create additional regulatory burdens. If, however, any registrant who filed a request for amended registration in accordance with the July 13 Notice believes that this amended Notice does create a new regulatory burden, that registrant may within 30 days following publication of this amended Notice or receipt by the registrant, whichever, occurs later, file objections with the hearing clerk stating with precision the basis for his objections and the reasons why the registrant is adversely effected in a way not contemplated by the terms of the July 13 Notice.

Finally, as indicated above, it is emphasized that the information provided in Appendices A and B about the industry voluntary Consumer Awareness Program is not part of the regulatory requirements set forth in this amended Notice and hence is not subject to challenge by a hearing request.

Dated: January 4, 1986.

J.A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

Appendix A.—Voluntary Consumer Awareness Program

I. Introduction

In rorde to apprise the consumer of treated wood of the proper uses of treated wood and the proper precautionary measures to take when using such wood, the treated wood industry has developed a voluntary Consumer Awareness Program (CAP). The treated wood industry is committed to the implementation of the CAP and the education of the consuming public.

The treated wood industry will develop a model Consumer Information Sheet (CIS) containing use site precautions and safe working practices for each of the three types of treated wood. The CIS will serve as the main vehicle for conveying information about treated wood to consumers. The focus of the CAP will be on ensuring the dissemination of the CIS at the time of sale or delivery to end users.

The individual wood treater's CIS will, at a minimum, contain the language agreed to by AWPI, SAWP, NFPA, and EPA on the model CIS, to the extent it applies to the wood preserver's product. For example, all statements on the model CIS pertaining to inorganic arsenically-treated wood would have to appear on the CIS for inorganic arsenically-treated wood. The statements about pentachlorophenol and creosote-treated wood would not have to be reproduced on the CIS for inorganic arsenically-treated wood. Reference to commonly used industry and consumer acronyms, e.g., CCA, ACA, ACZA, and FCAP, are acceptable. Each CIS would have "EPA-approved" printed on it. Each wood treater would be allowed to add other non-contradictory information pertaining to

the proper use and selection of pressure treated wood in a separate section. However, there must be a clear unambiguous demarcation (e.g., bordering) of "EPA approved" language from any other language added to the CIS.

Wood treaters will be free to add other information to their CISs, such as the member's name, address, and logo; but in all cases, the use site precautions and the safe handling practices information will be separate, legible, and prominent.

The primary responsibility for ensuring that the CIS is disseminated to the consuming public will reside with the wood treaters. NFPA will assist in this effort by publicizing the CAP and availability of CISs in its publications, and contacts with industry media, and with wood products distributors.

As described below in the "Implementation" section, wood treaters will distribute CISs and signs or placards to their retailers, wholesalers, and distributors, attach a CIS to each bundle or batch of pressure-treated wood, and attach a CIS to each invoice. However, the preservative manufacturers, formultors, and trade associations (AWPI, SAWP, etc.) will also have certain responsibilities for ensuring that consumers receive necessary product information. These responsibilities are also described below in the "Implementation" section. Finally, the treated wood industry is committed to carrying out a monitoring and enforcement program. Where non-compliance is detected, efforts will be made to bring the non-complying member into compliance. A yearly survey of member compliance will also be conducted. The results of the survey will be reported to EPA.

AWPI, SAWP, and NFPA will encourage all wood treaters to fully participate in the CAP. AWPI, SAWP, and NFPA will through their facilities, and those of other organizations, endeavor to distribute a sample CIS to every wood treater in the country. Informational mailings, press releases, announcements, and articles will be used to bring about full industry cooperation.

II. Implementation

A. Treater Member

1. AWPI and SAWP treater members will participate in the CAP by ensuring that consumer information sheets (CIS) are provided to buyers of treated wood. Treater members will:

a. Distribute consumer information sheets (CIS) with each normal shipment; one CIS will be attached to each bundle or batch of pressure-treated wood that leaves the treatment plant.

b. Attach one CIS to each invoice for pressure-treated wood sales.

c. Make an adequate quantity of CISs and signs or placards available to retailers, wholesalers, and distributors. The sign or placard will be prominently displayed in the sales areas and will inform consumers of the availability of the CIS. Retailers, wholesalers, and distributors will be asked to display the CISs at their sales counters and to give a CIS to each purchaser of pressure-treated wood. Trade associations representing lumber wholesalers and retailers will be asked to encourage their members to cooperate in disseminating CISs to the consuming public.

2. AWPI and SAWP will initially furnish their members with a limited number of CISs and signs or placards. This will serve to initiate the program and standardize the CIS and signs and placards. NFPA will cooperate by furnishing its members with a sample CIS encourage its members which are associations to do the same to their treater members.

3. AWPI and SAWP will have CISs available for purchase by both members and non-members.

4. AWPI and SAWP will give each member an environmental standards plaque or certificate, indicating participation in the CAP. The plaque or certificate may be displayed in the member's sales area or office. Members will be encouraged to advertise (1) their participation in the CAP and (2) the availability of CISs.

5. Verification of the distribution of CISs to retailers, distributors, and wholesalers by members will be accomplished by:

a. AWPI and SAWP conducting an annual survey of their members and the treating industry to determine compliance, using generally acceptable statistical methods, of the industry in conjunction with other associations and dealer's organizations, if they so agree. The survey will evaluate:

(i) Member and retailer, wholesaler and distributor participation;

(ii) Signs posted in retail and wholesale outlets; and

(iii) Consumer Information Sheets available and distributed to consumers by retail and wholesale outlets.

b. AWPI and SAWP furnishing EPA with an annual report on the industry's compliance with the CAP. The report will identify the percentage and number of wood treaters participating in the CAP and complying with its major elements (e.g., attaching CISs to bundles of wood and supplying CISs to wholesalers, retailers, and distributors), number and percentage of retailers, wholesalers, and distributors participating in the program, and statistics based on survey results on probable percentage and number of signs posted and consumers receiving CISs.

c. AWPI and SAWP maintaining their records on each survey for two years, during which time EPA may inspect records and data at any reasonable time.

6. Where non-compliance is detected, AWPI and SAWP will notify the treater member not in compliance and ask that he implement the program.

a. AWPI and SAWP will conduct a 90-day follow-up to ascertain if the recalcitrant treater is complying.

b. AWPI and SAWP will notify EPA of the overall magnitude of compliance and of any further action taken to ensure acceptable compliance levels.

B. Preservative Manufacturer/ Formulator Members

1. AWPI and SAWP preservative manufacturer and formulator members will participate in the CAP program by formally notifying their purchasers of wood preservatives of the CAP and of the availability of the CIS. Because almost all wood preservative chemical manufacturers are AWPI and SAWP members, this agreement will assure maximum industry exposure to the CAP. Preservative manufacturer and formulator members will:

a. Furnish each treater customer one or more copies of the CIS.

b. Furnish each treater customer one or more copies of the sign or placard for retail outlets.

c. Notify treater customers of the essence of the industry agreement with EPA that has led to the establishment of the Consumer Awareness Program (CAP).

d. Urge all treater customers to distribute CISs and signs or placards in accord with the CAP.

2. AWPI and SAWP will verify distribution of CISs and signs or placards to purchasers of wood preserving chemicals and formulations by:

a. Asking preservative manufacturer and formulators to furnish AWPI and SAWP with evidence of their compliance by means of correspondence and other suitable documents.

b. Incorporating statistical summaries of compliance as part of an annual compliance report to EPA.

c. Maintain documentation files for two years, during which time EPA may inspect files at any reasonable time.

3. Where non-compliance is detected, AWPI and SAWP will notify preservative manufacturer and formulators not in compliance and ask them to send direct mail notification to all purchasers of record during the preceding six months and to provide evidence of notification to AWPI and SAWP within 90 days.

a. AWPI and SAWP will conduct a 90-day follow-up.

b. AWPI and SAWP will notify EPA of the overall magnitude of compliance and of any further action taken to ensure acceptable compliance levels.

C. Other AWPI, SAWP, and NFPA Members and All Non-Members

1. AWPI, SAWP, and NFPA will initially, and thereafter no less than semi-annually, notify the entire treating industry of the necessity to participate in the CAP and to distribute CISs. This will be accomplished by:

a. Individual mailings to the entire treating industry.

b. Announcements in association newsletters, some of which are sent to the entire industry.

c. Announcements and news releases sent to other associations in the treating industry, such as AWPA, AWPB, SPTA, WWPI, etc., enlisting their support and urging/requesting their cooperation in notifying the industry of the need to participate in the CAP.

Appendix B.—Consumer Information Sheet

I. Inorganic Arsenical Pressure-Treated Wood

The following wording will appear on the Consumer Information Sheet (CIS) for inorganic arsenical pressure-treated wood:

Consumer Information. This wood has been preserved by pressure-treatment with an EPA-registered pesticide containing inorganic arsenic to protect it from insect attack and decay. Wood treated with inorganic arsenic should be used only where such protection is important.

Inorganic arsenic penetrates deeply into and remains in the pressure-treated wood for a long time. Exposure to inorganic arsenic may present certain hazards. Therefore, the following precautions should be taken both when handling the treated wood and in determining where to use or dispose of the treated wood.

Use Site Precautions for Inorganic Arsenical Pressure-Treated Wood. Wood pressure-treated with waterborne arsenical preservatives may be used inside residences as long as all sawdust and construction debris are cleaned up and disposed of after construction.

Do not use treated wood under circumstances where the preservatives may become a component of food or animal feed. Examples of such sites would be structures or containers for storing silage or food.

Do not use treated wood for cutting-boards or countertops.

Only treated wood that is visibly clean and free of surface residue should be used for patios, decks and walkways.

Do not use treated wood for construction of those portions of beehives which may come into contact with the honey.

Treated wood should not be used where it may come into direct or indirect contact with public drinking water, except for uses involving incidental contact such as docks and bridges.

Handling Precautions for Inorganic Arsenical Pressure-Treated Wood. Dispose of treated wood by ordinary trash collection or burial. Treated wood should not be burned in open fires or in stoves, fireplaces, or residential boilers because toxic chemicals may be produced as part of the smoke and ashes. Treated wood from commercial or industrial use (e.g., construction sites) may be burned only in commercial or industrial incinerators or boilers in accordance with State and Federal regulations.

Avoid frequent or prolonged inhalation of sawdust from treated wood. When sawing and machining treated wood, wear a dust mask. Whenever possible, these operations should be performed outdoors to avoid indoor accumulations of airborne sawdust from treated wood.

When power-sawing and machining, wear goggles to protect eyes from flying particles.

After working with the wood, and before eating, drinking, and use of tobacco products, wash exposed areas thoroughly.

If preservatives or sawdust accumulate on clothes, launder before reuse. Wash work clothes separately from other household clothing.

II. Creosote Pressure-Treated Wood

The following wording will appear on the Consumer Information Sheets (CIS) for creosote pressure-treated wood:

Consumer Information. This wood has been preserved by pressure treatment with an EPA-registered pesticide containing creosote to protect it from insect attack and decay. Wood treated with creosote should be used only where such protection is important.

Creosote penetrates deeply into and remains in the pressure-treated wood for a long time. Exposure to creosote may present certain hazards. Therefore, the following precautions should be taken both when handling the treated wood and in determining where to use the treated wood.

Use Site Precautions for Creosote Pressure-Treated Wood. Wood treated with creosote should not be used where it will be in frequent or prolonged contact with bare skin (for example, chairs and other outdoor furniture) unless an effective sealer has been applied.

Creosote-treated wood should not be used in residential interiors. Creosote-treated wood in interiors of industrial buildings should be used only for industrial building components which are in ground contact and are subject to decay or insect infestation and wood block flooring. For such uses, two coats of an appropriate sealer must be applied. Sealers may be applied at the installation site.

Wood treated with creosote should not be used in the interiors of farm buildings where there may be direct contact with domestic animals or livestock which may crib (bite) or lick the wood.

In interiors of farm buildings where domestic animals or livestock are unlikely to crib (bite) or lick the wood, creosote-treated wood may be used for building components which are in ground contact and are subject to decay or insect infestation if two coats of an effective sealer are applied. Sealers may be applied at the installation site.

Do not use creosote treated wood for farrowing or brooding facilities.

Do not use treated wood under circumstances where the preservative may become a component of food or animal feed. Examples of such use would be structures or containers for storing silage or food.

Do not use treated wood for cutting-boards or countertops.

Only treated wood that is visibly clean and free of surface residues should be used for patios, decks and walkways.

Do not use treated wood for construction of those portions of beehives which may come into contact with the honey.

Creosote-treated wood should not be used where it may come into direct or indirect contact with public drinking water, except for uses involving incidental contact such as docks and bridges.

Do not use creosote-treated wood where it may come into direct or indirect contact with drinking water for domestic animals or livestock, except for uses

involving incidental contact such as docks and bridges.

Handling Precautions for Creosote Pressure-Treated Wood. Dispose of treated wood by ordinary trash collection or burial. Treated wood should not be burned in open fires or in stoves, fireplaces, or residential boilers, because toxic chemicals may be produced as part of the smoke and ashes. Treated wood from commercial or industrial use (e.g., construction sites) may be burned only in commercial or industrial incinerators or boilers in accordance with state and Federal regulations.

Avoid frequent or prolonged inhalation of sawdust from treated wood. When sawing and machining treated wood, wear a dust mask. Whenever possible, these operations should be performed outdoors to avoid indoor accumulations of airborne sawdust from treated wood.

Avoid frequent or prolonged skin contact with creosote-treated wood; when handling the treated wood, wear long-sleeved shirts and long pants and use gloves impervious to the chemicals (for example, gloves that are vinyl-coated).

When power-sawing and machining, wear goggles to protect eyes from flying particles.

After working with the wood, and before eating, drinking, and use of tobacco products, wash exposed areas thoroughly.

If oil preservative or sawdust accumulate on clothes, launder before reuse. Wash work clothes separately from other household clothing.

Coal tar pitch and coal tar pitch emulsion are effective sealers for creosote-treated wood-block flooring. Urethane, epoxy and shellac are acceptable sealers for all creosote-treated wood.

III. Pentachlorophenol Pressure-Treated Wood

The following wording will appear on the Consumer Information Sheets (CIS) for pentachlorophenol pressure-treated wood:

Consumer Information. This wood has been preserved by pressure-treatment with an EPA-registered pesticide containing pentachlorophenol to protect it from insect attack and decay. Wood treated with pentachlorophenol should be used only where such protection is important.

Pentachlorophenol penetrates deeply into and remains in the pressure-treated wood for a long time. Exposure to pentachlorophenol may present certain hazards. Therefore, the following precautions should be taken both when handling the treated wood and in determining where to use and dispose of the treated wood.

Use Site Precautions for Pentachlorophenol Pressure-Treated Wood. Logs treated with pentachlorophenol should not be used for log homes.

Wood treated with pentachlorophenol should not be used where it will be in frequent or prolonged contact with bare skin (for example, chairs and other outdoor furniture), unless an effective sealer has been applied.

Pentachlorophenol-treated wood should not be used in residential, industrial, or commercial interiors except for laminated beams or building components which are in ground contact and are subject to decay or insect infestation and where two coats of an appropriate sealer are applied. Sealers may be applied at the installation site.

Wood treated with pentachlorophenol should not be used in the interiors of farm buildings where there may be direct contact with domestic animals or livestock which may crib (bite) or lick the wood.

In interiors of farm buildings where domestic animals or livestocks are unlikely to crib (bite) or lick the wood, pentachlorophenol-treated wood may be used for building components which are in ground contact and are subject to decay or insect infestation and where two coats of an appropriate sealer are applied. Sealers may be applied at the installation site.

Do not use pentachlorophenol-treated wood for farrowing or brooding facilities.

Do not use treated wood under circumstances where the preservative may become a component of food or animal feed. Examples of such sites would be structures or containers for storing silage or food.

Do not use treated wood for cutting-boards or countertops.

Only treated wood that is visibly clean and free of surface residue should be used for patios, decks and walkways.

Do not use treated wood for construction of those portions of beehives which may come into contact with the honey.

Pentachlorophenol-treated wood should not be used where it may come into direct or indirect contact with public drinking water, except for uses involving incidental contact such as docks and bridges.

Do not use pentachlorophenol-treated wood where it may come into direct or indirect contact with drinking water for domestic animals or livestock, except for uses involving incidental contact such as docks and bridges.

Handling Precautions for Pentachlorophenol Pressure-Treated Wood. Dispose of treated wood by ordinary trash collection or burial. Treated wood should not be burned in open fires or in stoves, fireplaces, or residential boilers because toxic chemicals may be produced as part of the smoke and ashes. Treated wood from commercial or industrial use (e.g., construction sites) may be burned only in commercial or industrial incinerators or boilers rated at 20 million BTU/hour or greater heat input or its equivalent in accordance with state and Federal regulations.

Avoid frequent or prolonged inhalation of sawdust from treated wood. When sawing and machining treated wood, wear a dust mask. Whenever possible, these operations should be performed outdoors to avoid indoor accumulations of airborne sawdust from treated wood.

Avoid frequent or prolonged skin contact with pentachlorophenol-treated wood; when handling the treated wood, wear long-sleeved shirts and long pants and use gloves impervious to the chemicals (for example, gloves that are vinyl-coated).

When power-sawing and machining, wear goggles to protect eyes from flying particles.

After working with the wood, and before eating, drinking, and use of tobacco products, wash exposed areas thoroughly.

If oily preservatives or sawdust accumulate on clothes, launder before reuse. Wash work clothes separately from other household clothing.

Urethane, shellac, latex epoxy enamel and varnish are acceptable sealers for pentachlorophenol-treated wood.

[FR Doc. 86-575 Filed 1-9-86; 8:45 am]

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Federal Register

Friday
January 10, 1986

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Parts 107 and 108

Airport and Airplane Operator Security Rules; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 107 and 108

[Docket No. 24883; Amdt. Nos. 107-3 and 108-4]

Airport and Airplane Operator Security Rules

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule makes a number of minor substantive and editorial changes in the airport and airplane operator security rules regarding the carrying of an explosive, an incendiary, or a deadly or dangerous weapon and the entry of person into sterile areas. They are needed to provide consistency within the rules and to ensure that the rules are given their intended effect. These amendments are being adopted to further enhance airport and air carrier security in response to the current heightened threat of U.S. civil aviation throughout the world.

DATES: Effective date of this amendment is January 10, 1986. Comments must be received on or before February 10, 1986.

ADDRESSES: Send comments on this amendment in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 24883, 800 Independence Avenue SW., Washington, DC 20591; or deliver comments in duplicate to: Federal Aviation Administration, Rules Docket, Room 916, 800 Independence Avenue SW., Washington, DC 20591. Comments may be examined in the Rules Docket on weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Donnie Blazer, Aviation Security Division (ACS-100), Office of Civil Aviation Security, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; Telephone: (202) 426-8798.

SUPPLEMENTARY INFORMATION:

Comments Invited

These regulations are being adopted without notice and public comment. However, the Regulatory Policies and Procedures of the Department of Transportation (DOT) (44 FR 11034; February 26, 1979) provide that, to the maximum extent possible, DOT operating administrations should provide an opportunity for public comment, after issuance, for regulations issued without prior notice. Accordingly, interested persons are invited to comment on this final rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-204, Docket No. 24883, 800 Independence Avenue SW., Washington, DC 20591. All comments submitted will be available in the Rules Docket for examination by interested persons. This amendment may be changed in light of the comments received.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. ." The postcard will be date and time stamped and returned to the commenter.

Background

The June 14, 1985, hijacking of Trans World Airlines Flight 847 resulted in the torture and kidnapping of U.S. citizens and the murder of one U.S. citizen. It was one of the latest in a continuing series of terrorist attacks against U.S. aviation and U.S. interests, Government officials, and tourists in Europe, the Middle East, and throughout the world during the 1980's. To combat this threat, the FAA undertook certain actions to protect U.S. civil aviation and U.S. citizens in designated areas and throughout the world.

On July 3, 1985, the FAA issued Amendment No. 108-2 (50 FR 27924; July 8, 1985) providing for the transportation of Federal Air Marshals, in the number and manner specified by the Administrator, on designated scheduled and public charter passenger operations. The purpose of that rule is to ensure that Federal Air Marshals are used effectively and efficiently for those high-risk flights that the Federal Aviation Administrator determines should be protected.

On July 11, 1985, the FAA issued Amendment No. 108-3 (50 FR 28892; July 16, 1985) requiring each certificate holder to whom the airplane operator security rules apply to have individuals identified and trained as Security Coordinators for international and domestic flights, in accordance with its approved security program. It also required certificate holders to provide security training for all crewmembers to the extent necessary to prepare each crewmember to respond adequately to various levels and types of threats.

This final rule is being issued to make a number of minor changes to Parts 107 and 108 of the Federal Aviation Regulations (FAR) that will provide consistency within the rules and ensure that they are given their intended effect.

Submission to Screening

For the most part, the general public now accepts the screening of their person and carry-on articles as a minor inconvenience. They view it as a small price to pay for the security of their persons while flying. Nonpassengers entering a sterile area generally understand that they too must be screened in order to ensure the security of the area.

There have been instances, however, in which nonpassengers have refused to be screened and intentionally entered a sterile area. Even when these persons turn out to be unarmed and have no intention of hijacking or sabotaging an aircraft, their presence requires an appropriate security response. That need to respond disrupts the orderly conduct of passenger screening and requires the diversion of security personnel from other duties. Should another incident constituting a genuine security threat occur at the same time, the ability to respond could be seriously compromised.

To prevent such occurrences, Part 107 is being amended to add a new § 107.20 that provides that no person may enter a sterile area without submitting to the screening of his or her person and property in accordance with the procedures being applied to control access to that area by a U.S. air carrier under § 108.9 of a foreign air carrier under § 129.25. Persons violating this prohibition would be subject to a civil penalty of $1,000 for each violation.

Deadly or Dangerous Weapon

Section 107.21 provides that, with certain exceptions, no person may have a firearm, an explosive, or an incendiary device on or about the individual's person or accessible property when presenting himself or herself for screening or when entering or in a sterile area. It states precisely the point at which a person may not have a prohibited item in his or her possession.

The prohibited items were intended to correspond to those which the certificate holder must keep out of the sterile area in accordance with Part 108 of the FAR and its approved security program. Section 108.9 requires the certificate holder to use the procedures in its security program to prevent or deter the carriage aboard its airplanes of any explosive, incendiary device, or

"deadly or dangerous weapon." A similar provision in § 129.25 applies to foreign air carriers.

The FAA has determined that the term "firearm" in § 107.21 should be replaced with "deadly or dangerous weapon," in order to be consistent with the terminology that is used elsewhere in the security regulations. Accordingly, § 107.21 is being amended to prohibit passengers from presenting themselves for screening with a deadly or dangerous weapon accessible to them. The effect of this amendment will be to broaden the rule to prohibit certain items at the screening point in addition to firearms. They would include such items as mace and certain knives. The passenger, however, already is prohibited from carrying any deadly or dangerous weapon on board the aircraft under § 108.11.

Incendiary Devices

Parts 107 and 108 currently prohibit the possession of an incendiary device while passing through the screening point, in a sterile area, or aboard the airplane. An "incendiary device" is generally considered to be anything which can cause a fire by ignition. An incendiary, such as gasoline, whether or not a means of ignition is attached to it, has been considered an incendiary "device" for purposes of the rule because cigarette lighters and other ignition sources are readily available. To avoid too narrow an interpretation of the rule, "incendiary device" is being replaced by "incendiary" wherever the phrase appears in Part 107 and Part 108.

Applicability of Part 108

A number of provisions in Part 108 apply to passengers and to certain persons on airports. Section 108.11 (a) and (b) prohibit the carriage of a deadly or dangerous weapon on or about the person of a passenger aboard an airplane unless certain conditions are met. This prohibition specifically applies to a certificate holder in the conduct of an operation with an airplane for which security screening is required by Part 108. The prohibition applies to passengers aboard airplanes for which screening is required and also to passengers on airplanes for which screening is not required. In the latter case, the rule does not apply to the certificate holder since it does not screen passengers.

Section 108.11(c) prohibits certificate holders from transporting, and passengers from tendering for transport, in checked baggage any explosive, incendiary device, or loaded firearm. An unloaded firearm may be tendered for transport and transported, if the conditions in § 108.11(d) are met.

Section 108.21 prescribes requirements for the carriage of passengers under the control of armed law enforcement escorts. In addition to requirements imposed on the certificate holder, paragraph (c) of the section requires the law enforcement officer at all times to accompany and keep under surveillance the escorted person while aboard the airplane. Paragraph (d) prohibits the law enforcement escort and any passenger under his or her control from drinking any alcoholic beverage while aboard the airplane.

It is clear on the face of these provisions that they apply to persons aboard airplanes being operated by certificate holders, not just to certificate holders themselves, and to persons at airports where operations by certificate holders are being conducted. However, the general statement of the applicability of Part 108 (§ 108.1) does not include reference to these persons. To remedy this editorial oversight, this section is being amended to state that the part applies not only to certificate holders, but also to persons aboard their airplanes and at airports where certificate holders conduct their operations.

Editorial Correction

This final amendment replaces the reference in § 107.21 to former § 121.585. This reference should have been replaced with § 108.11 when Part 108 was adopted.

Need for Immediate Adoption

These amendments are needed to ensure the overall effectiveness of the aviation security regulations in a time of heightened threat. The minor substantive changes conform to the general public understanding of the meaning and purpose of security screening requirements. The current behavior of the public and certificate holders already conforms to these changes. Other changes are of an editorial nature.

For these reasons, notice and public procedure are impracticable, unnecessary, and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days. Moreover, publication for prior comment would not reasonably be expected to result in the receipt of useful information on these changes to the regulations. In accordance with DOT Regulatory Policies and Procedures, an opportunity for public comment after publication is being provided.

Economic Assessment

These are minor substantive and editorial amendments. They are not expected to change the behavior patterns of passengers and other persons on airports who comply with them or to impose any additional burdens. For this reason, no economic impact is expected to result. In addition, the amendments would have no impact on trade opportunities for U.S. firms doing business overseas or on foreign firms doing business in the United States.

Conclusion

These amendments are not expected to change the behavior patterns of passengers and other persons on airports who comply with them or to impose any additional burdens. Therefore, the FAA has determined that this amendment involves a regulation which is not major under Executive Order 12291 or significant under the Department of the Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). For this same reason, it is certified that this amendment will not have a significant economic impact, positive or negative, on a substantial number of small entities. Because of the absence of any costs connected with the proposal, the FAA has determined that the expected impact of the amendment is so minimal that it does not warrant an evaluation.

List of Subjects

14 CFR Part 107

Transportation, Air safety, Safety, Aviation safety, Air transportation, Air carriers, Aircraft, Airports, Airplanes, Airlines, Arms and munitions, Firearms, Weapons, Security measures, Guns, Baggage, Security measures.

14 CFR Part 108

Transportation, Air safety, Safety, Aviation safety, Air transportation, Air carriers, Aircraft, Airports, Airplanes, Airlanes, Arms and munitions, Firearms, Weapons, Law enforcement officers, Police, Security measures, Guns, Baggage, Security measures.

The Amendment

Accordingly, Parts 107 and 108 of the Federal Aviation Regulations (14 CFR Parts 107 and 108) are amended as follows, effective January 10, 1986:

PART 107—AIRPORT SECURITY

1. The authority citation for Part 107 is revised to read as follows:

Authority: 49 U.S.C. 1354, 1356, 1357, 1358, and 1421; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983).

2. By adding a new § 107.20 to read as follows:

§ 107.20 Submission to screening.

No person may enter a sterile area without submitting to the screening of his or her person and property in accordance with the procedures being applied to control access to that area under § 108.9 or § 129.25 of this chapter.

3. By amending § 107.21 by removing the phrase "§ 121.585" in paragraph (b)(2) and inserting, in its place, the phrase "§ 108.11", and by revising the title and introductory language of paragraph (a) to read as follows:

§ 107.21 Carriage of an explosive, incendiary, or deadly or dangerous weapon.

(a) Except as provided in paragraph (b) of this section, no person may have an explosive, incendiary, or deadly or dangerous weapon on or about the individual's person or accessible property—

* * * * *

4. By amending § 107.23(b)(1) by removing the words "incendiary devices" and inserting, in their place, the word "incendiaries."

PART 108—AIRPLANE OPERATOR SECURITY

5. The authority citation for Part 108 is revised to read as follows:

Authority: 49 U.S.C. 1354, 1356, 1357, 1358, 1421, 1424, and 1511; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983).

6. By revising § 108.1 to read as follows:

§ 108.1 Applicability.

(a) This part prescribes aviation security rules governing—

(1) The operations of holders of FAA air carrier operating certificates or operating certificates engaging in scheduled passenger operations or public charter passenger operations;

(2) Each person aboard an airplane operated by a certificate holder described in paragraph (a)(1) of this section; and

(3) Each person on an airport at which the operations described in paragraph (a)(1) of this section are conducted.

(b) This part does not apply to helicopter or to all-cargo operations.

§ 108.9 [Amended]

7. By amending § 108.9(a) by removing the word "device" wherever it appears.

§ 108.11 [Amended]

8. By amending § 108.11(c) by removing the word "device".

§ 108.19 [Amended]

9. By amending § 108.19(a) by removing the word "device".

Issued in Washington, DC, on January 3, 1986.

Donald D. Engen,

Administrator.

[FR Doc. 86-508 Filed 1-9-86; 8:45 am]

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federal register

Friday
January 10, 1986

Part V

Department of the Treasury

Office of Foreign Assets Control

31 CFR Part 550
Libyan Sanctions Regulations; Final Rule

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 550

Libyan Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: On January 7, 1986, the President issued Executive Order 12543 declaring a national emergency with respect to Libya, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), ordering specified sanctions against Libya, and authorizing the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of this Order. In implementation of that Order, the Treasury Department is issuing the Libyan Sanctions Regulations. These Regulations generally prohibit: (a) Imports into the United States of goods or services of Libyan origin; (b) exports to Libya from the United States of goods, technology or services; (c) transactions by a U.S. person relating to transportation to or from Libya; transportation services to or from the United States by Libyan persons, vessels, or aircraft; or the sale in the United States by any person holding authority under the Federal Aviation Act of any transportation by air which includes any stop in Libya; (d) purchase by any U.S. person of goods for export from Libya to any country; (e) performance by U.S. persons of contracts in support of projects in Libya; (f) credits or loans by U.S. persons to the Government of Libya; and (g) transactions by U.S. persons relating to travel by U.S. citizens and permanent resident aliens to Libya or their activities within Libya.

EFFECTIVE DATE: January 7, 1986, except the prohibitions set forth in §§ 550.201, 550.202, 550.203, 550.204, and 550.205 are effective as of 12:01 a.m. Eastern Standard Time, February 1, 1986. The prohibitions set forth in §§ 550.206 and 550.207 are effective as of 8:06 p.m. Eastern Standard Time, January 7, 1986.

FOR FURTHER INFORMATION CONTACT: Dennis M. O'Connell, Director, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, Tel. (202) 376-0395.

SUPPLEMENTARY INFORMATION: Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply. Because the Regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulations. The information collection requests contained in this document are being submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Notice of OMB action on these requests will be published in the **Federal Register**.

List of Subjects in 31 CFR Part 550

Libya, Imports, Exports, Loans, Penalties, Reporting and recordkeeping requirements.

Accordingly, 31 CFR is amended by adding Part 550 to read as follows:

PART 550—LIBYAN SANCTIONS REGULATIONS

Subpart A—Relation of this Part to Other Laws and Regulations

Sec.

550.101 Relation of this part to other laws and regulations.

Subpart B—Prohibitions

550.201 Prohibited imports of goods or services from Libya.
550.202 Prohibited exports of goods, technology or services to Libya.
550.203 Prohibited transportation-related transactions.
550.204 Prohibited purchases of goods from Libya.
550.205 Prohibited engagement in contracts.
550.206 Prohibited grants or extensions of credits or loans.
550.207 Prohibited transactions relating to travel to Libya or to activities within Libya.
550.208 Evasions.
550.209 Effect of transfers violating the provisions of this part.

Subpart C—Definitions

550.301 Effective date.
550.302 Libya; Libyan.
550.303 Libyan origin.
550.304 Government of Libya.
550.305 Libyan person.
550.306 Person.
550.307 United States.
550.308 United States person.
550.309 License.
550.310 General license.
550.311 Specific license.
550.312 Credits or loans.

Subpart D—Interpretations

550.401 Reference to amended sections.

Sec.

550.402 Effect of amendment of sections of this part or of other orders, etc.
550.403 Extensions of credits or loans to Libya.
550.404 Import and export of goods in transit before the effective date.
550.405 Payments in connection with certain authorized transactions.
550.406 Offshore transactions.
550.407 Transshipment through the United States prohibited.
550.408 Imports from third countries; transshipments.
550.409 Exports to third countries; transshipments.
550.410 Release from bonded warehouse or foreign trade zone.
550.411 Publications.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

550.501 Effect of license or authorization.
550.502 Exclusion from licenses and authorizations.
550.503 Imports pursuant to Executive Order 12538.
550.504 Certain exports authorized.
550.505 Certain imports for diplomatic or official personnel authorized.
550.506 Certain services relating to participation in various events authorized.
550.507 Import of publications authorized.
550.508 Import of certain gifts authorized.
550.509 Import of accompanied baggage authorized.
550.510 Telecommunications and mail transactions authorized.

Subpart F—Reports

550.601 Required records.
550.602 Reports to be furnished on demand.

Subpart G—Penalties

550.701 Penalties.
550.702 Detention of shipments.

Subpart H—Procedures

550.801 Licensing.
550.802 Decisions.
550.803 Amendment, modification, or revocation.
550.804 Rulemaking.
550.805 Delegation by the Secretary of the Treasury.
550.806 Rules governing availability of information.
550.807 Customs procedures: merchandise specified in § 550.201.

Subpart I—Miscellaneous [Reserved]

Authority: 50 U.S.C. 1701 et seq.; E.O. 12543 of January 7, 1986.

Subpart A—Relation of this Part to Other Laws and Regulations

§ 550.101 Relation of this part to other laws and regulations.

(a) This part is independent of Parts 500, 505, 515, 520, 535, 540, and 545 of this chapter. Those parts do not relate to Libya. No license or authorization contained in or issued pursuant to those other parts authorizes any transaction

prohibited by this part. In addition, licenses or authorizations contained in or issued pursuant to any other provision of law or regulations do not authorize any transaction prohibited by this part.

(b) No license or authorization contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations. In particular, no license or authorization contained in or issued pursuant to this part authorizes the importation of petroleum products which would be banned by Presidential Proclamation 5141 of December 22, 1983 or Executive Order 12538 of November 15, 1985.

Subpart B—Prohibitions

§ 550.201 Prohibited imports of goods or services from Libya.

Except as authorized, no goods or services of Libyan origin, other than publications and materials imported for news publication or news broadcast dissemination, may be imported into the United States.

§ 550.202 Prohibited exports of goods, technology or services to Libya.

Except as authorized, no goods, technology (including technical data or other information) or services may be exported to Libya from the United States, except publications and donated articles intended to relieve human suffering, such as food, clothing, medicine and medical supplies intended strictly for medical purposes.

§ 550.203 Prohibited transportation-related transactions.

Except as authorized, the following are prohibited:

(a) Any transaction by a United States person relating to transportation to or from Libya;

(b) The provision of transportation to or from the United States by any Libyan person or any vessel or aircraft of Libyan registration; or

(c) The sale in the United States by any person holding authority under the Federal Aviation Act of any transportation by air which includes any stop in Libya.

§ 550.204 Prohibited purchases of goods from Libya.

Except as authorized, no U.S. person may purchase goods for export from Libya to any other country.

§ 550.205 Prohibited engagement in contracts.

Except as authorized, no U.S. person may perform any contract in support of an industrial or other commercial or governmental project in Libya.

§ 550.206 Prohibited grants or extensions of credits or loans.

Except as authorized, no U.S. person may grant or extend credits or loans to the Government of Libya.

§ 550.207 Prohibited transactions relating to travel to Libya or to activities within Libya.

Except as authorized, no U.S. person may engage in any transaction relating to travel by any U.S. citizen or permanent resident alien to Libya, or to activities by any U.S. citizen or permanent resident alien within Libya, after the effective date, other than transactions:

(a) Necessary to effect the departure of a U.S. citizen or permanent resident alien from Libya;

(b) Relating to travel to, from, or within Libya prior to February 1, 1986 to perform acts prohibited by §§ 550.201, 550.202, 550.203, 550.204, or 550.205 after that date; or

(c) Relating to journalistic activity by persons regularly employed in such capacity by a newsgathering organization.

This section prohibits the unauthorized payment by a U.S. person of his own travel or living expenses to or within Libya.

§ 550.208 Evasions.

Any transaction for the purpose of, or which has the effect of, evading or avoiding any of the prohibitions set forth in this subpart is hereby prohibited.

§ 550.209 Effect of transfers violating the provisions of this part.

Any transfer of property or transaction in violation of this part is null and void.

Subpart C—Definitions

§ 550.301 Effective date.

The "effective date" means 12:01 a.m. Eastern Standard Time, February 1, 1986, with respect to the transactions prohibited by §§ 550.201, 550.202, 550.203, 550.204, and 550.205; and 8:06 p.m. Eastern Standard Time, January 7, 1986, with respect to transactions prohibited by §§ 550.206 and 550.207.

§ 550.302 Libya; Libyan.

The term "Libya" means the country of Libya and any Libyan territory, dependency, colony, protectorate, mandate, dominion, possession, or place subject to the jurisdiction thereof. The term "Libyan" means pertaining to Libya as defined in this section.

§ 550.303 Libyan origin.

The term "goods or services of Libyan origin" includes:

(a) Goods produced, manufactured, grown, or processed within Libya;

(b) Goods which have entered into Libyan commerce;

(c) Services performed in Libya or by a Libyan national who is acting as an agent, employee, or contractor of the Government of Libya, or of a business entity located in Libya. Services of Libyan origin are not imported into the United States when such services are provided in the United States by a Libyan national who, during indefinite residency in the United States, works as, for example, a teacher, athlete, restaurant or domestic worker, or a person employed in any other regular occupation.

§ 550.304 Government of Libya.

(a) The "Government of Libya" includes:

(1) The state and the Government of Libya as well as any political subdivision, agency, or instrumentality thereof;

(2) Any partnership, association, corporation, or other organization substantially owned or controlled by the foregoing;

(3) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since the effective date acting or purporting to act directly or indirectly on behalf of any of the foregoing;

(4) Any other person or organization determined by the Secretary of the Treasury to be included within paragraph (a) hereof.

(b) A person specified in paragraph (a)(2) of this section shall not be deemed to fall within the definition of Government of Libya solely by reason of being located in, organized under the laws of, or having its principal place of business in, Libya.

§ 550.305 Libyan person.

The term "Libyan person" means any Libyan citizen, any juridical person organized under the laws of Libya, or any juridical person owned or controlled, directly or indirectly, by a Libyan citizen or the Government of Libya.

§ 550.306 Person.

The term "person" means an individual, partnership, association, corporation, or other organization.

§ 550.307 United States.

The term "United States" means the United States and all areas under the jurisdiction or authority thereof.

§ 550.308 United States person.

The term "United States person" or, as abbreviated, "U.S. person," means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States, or any person in the United States.

§ 550.309 License.

Except as otherwise specified, the term "license" shall mean any license or authorization contained in or issued pursuant to this part.

§ 550.310 General license.

A general license is any license or authorization the terms of which are set forth in this part.

§ 550.311 Specific license.

A specific license is any license or authorization issued purusant to this part but not set forth in this part.

§ 550.312 Credits or loans.

The term "credits" or "loans" means any transfer or extension of funds or credit on the basis of an obligation to repay, or any assumption or guarantee of the obligation of another to repay an extension of funds or credit. The term "credits" or "loans" includes, but is not limited to: overdrafts; currency swaps; purchases of debt securities issued by the Government of Libya after January 7, 1986; purchases of a loan made by another person; sales of financial assets subject to an agreement to repurchase; renewals or refinancings whereby funds or credits are transferred to or extended to the Government of Libya; and draw-downs on existing lines of credit.

Subpart D—Interpretations

§ 550.401 Reference to amended sections.

Reference to any section of this part or to any regulation, ruling, order, instruction, direction or license issued pursuant to this part shall be deemed to refer to the same as currently amended unless otherwise so specified.

§ 550.402 Effect of amendment of sections of this part or of other orders, etc.

Any amendment, modification, or revocation of any section of this part or of any order, regulation, ruling, instruction, or license issued by or under the direction of the Secretary of the Treasury pursuant to section 203 of the International Emergency Economic Powers Act shall not, unless otherwise specifically provided, be deemed to affect any act done or omitted to be done, or any suit or proceeding had or commenced in any civil or criminal case prior to such amendment, modification, or revocation, and all penalties, forfeitures, and liabilities under any such order, regulation, ruling, instruction or license shall continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 550.403 Extensions of credits or loans to Libya.

(a) The prohibition in § 550.205 applies to the unlicensed renewal of credits or loans in existence on the effective date.

(b) The prohibition in § 550.205 applies to credits or loans extended in any currency.

§ 550.404 Import and export of goods in transit before the effective date.

(a) Section 550.201 does not apply to goods:

(1) If imported by vessel, where the vessel arrives within the limits of a port in the United States prior to the effective date with the intent to unlade such goods; or

(2) If imported other than by vessel, where the goods arrive within the Customs territory of the United States before the effective date.

(b) Section 550.202 does not apply to goods:

(1) If exported by vessel or airline, where the goods are laden on board before the effective date; or

(2) If exported other than by vessel or airplane, where the goods have left the United States before the effective date.

(c) Payments relating to goods described in paragraphs (a) and (b) of this section are authorized, even when such related payments occur after the effective date.

§ 550.405 Payments in connection with certain authorized transactions.

Payments are authorized in connection with transactions authorized under subpart E.

§ 550.406 Offshore transactions.

(a) The prohibitions contained in § 550.201 do not apply to the importation into locations outside the United States of goods or services of Libyan origin.

(b) The prohibitions contained in § 550.202 do not apply to the export of goods to or destined for Libya from locations outside the United States. Such exports, however, may require authorization from the Department of Commerce under the Export Administration Regulations, 15 CFR Parts 370–399.

§ 550.407 Transshipment through the United States prohibited.

(a) The prohibitions in § 550.202 apply to the import into the United States, for transshipment or transit, of goods which are intended or destined for Libya.

(b) The prohibitions in § 550.201 apply to the import into the United States, for transshipment or transit, of goods of Libyan origin which are intended or destined for third countries.

§ 550.408 Imports from third countries; transshipments.

(a) Imports into the United States from third countries of goods containing raw materials or components of Libyan origin are not prohibited if those raw materials or components have been incorporated into manufactured products or otherwise substantially transformed in a third country.

(b) Imports into the United States of goods of Libyan origin which have been transshipped through a third country without being incorporated into manufactured products or otherwise substantially transformed in a third country are prohibited.

§ 550.409 Exports to third countries; transshipments.

(a) Exports from the United States to third countries of goods to be incorporated into products for re-export to Libya are not prohibited where the exporter has reasonable cause to believe

(1) That the goods will be incorporated into manufactured products or otherwise substantially transformed before shipment to Libya, or

(2) That the goods will come to rest in a third country for purposes other than reshipment to Libya, *e.g.*, for purposes of restocking the inventory of a distributer.

(b) Exports from the United States to third countries are prohibited where the exporter has reason to believe that the goods will be transshipped to Libya without being incorporated into manufactured products or otherwise

substantially transformed in a third country.

§ 550.410 Release from bonded warehouse or foreign trade zone.

Section 550.201 does not prohibit the release from a bonded warehouse or a foreign trade zone of goods of Libyan origin imported into a bonded warehouse or a foreign trade zone prior to the effective date.

§ 550.411 Publications.

For purposes of this part, publications include books, newspapers, magazines, films, phonograph records, tape recordings, photographs, microfilm, microfiche, and posters, including items described in the following:

(a) 15 CFR 399.1, Control List, Group 5, CL No. 7599I: microfilm that reproduces the content of certain publications, and similar materials.

(b) 15 CFR 399.1, Control List, Group 9, CL No. 7999I: certain publications and related materials.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§ 550.501 Effect of license or authorization.

(a) No license or other authorization contained in this part, or otherwise issued by or under the direction of the Secretary of the Treasury pursuant to section 203 of the International Emergency Economic Powers Act, shall be deemed to authorize or validate any transaction effected prior to the issuance of the license, unless such license or other authorization specifically so provides.

(b) No regulation, ruling, instruction, or license authorizes a transaction prohibited under this part unless the regulation, ruling, instruction, or license is issued by the Treasury Department and specifically refers to this part. No regulation, ruling, instruction, or license referring to this part shall be deemed to authorize any transactions prohibited by any provision of Parts 500, 505, 515, 520, 535, 540, or 545 of this chapter unless the regulation, ruling, instruction or license specifically refers to such provision.

(c) Any regulation, ruling, instruction, or license authorizing a transaction otherwise prohibited under this part has the effect of removing a prohibition or prohibitions in Subpart B from the transaction, but only to the extent specifically stated by its terms. Unless the regulation, ruling, instruction, or license otherwise specifies, such an authorization does not create any right, duty, obligation, claim, or interest in, or with respect to, any property which would not otherwise exist under ordinary principles of law.

§ 550.502 Exclusion from licenses and authorizations.

The Secretary of the Treasury reserves the right to exclude any person or property from the operation of any license or to restrict the applicability thereof to any person or property. Such action shall be binding upon all persons receiving actual or constructive notice thereof.

§ 550.503 Imports pursuant to Executive Order 12538.

Petroleum products loaded aboard maritime vessels at any time prior to November 17, 1985 may be imported into the United States if such importation would be permitted pursuant to Executive Order 12538 of November 15, 1985 (50 FR 47527).

§ 550.504 Certain exports authorized.

All transactions ordinarily incident to the exportation of any item, commodity, or product from the United States to or destined for Libya are authorized if such exports are authorized under one or more of the following regulations administered by the Department of Commerce:

(a) 15 CFR 371.6, General license BAGGAGE: accompanied and unaccompanied baggage;

(b) 15 CFR 371.13, General license GUS: shipments to personnel and agencies of the U.S. Government;

(c) 15 CFR 371.18, General license GIFT: shipments of gift parcels;

(d) 15 CFR 379.3, General license GTDA: technical data available to all destinations.

§ 550.505 Certain imports for diplomatic or official personnel authorized.

All transactions ordinarily incident to the importation of any goods or services into the United States from Libya are authorized if such imports are destined for official or personal use by personnel employed by Libyan missions to international organizations located in the United States, and such imports are not for resale.

§ 550.506 Certain services relating to participation in various events authorized.

The importation of services of Libyan origin into the United States is authorized where a Libyan national enters the United States on a visa issued by the State Department for the purpose of participating in a public conference, performance, exhibition or similar event.

§ 550.507 Import of publications authorized.

The importation into the United States is authorized of all Libyan publications as defined in § 550.411.

§ 550.508 Import of certain gifts authorized.

The importation into the United States is authorized for goods of Libyan origin sent as gifts to persons in the United States where the value of the gift is not more than $100.

§ 550.509 Import of accompanied baggage authorized.

Persons entering the United States directly or indirectly from Libya are authorized to import into the United States personal accompanied baggage normally incident to travel.

§ 550.510 Telecommunications and mail transactions authorized.

All transactions of common carriers incident to the receipt or transmission of telecommunications and mail between the United States and Libya are authorized.

Subpart F—Reports

§ 550.601 Required records.

Every person engaging in any transaction subject to this part shall keep a full and accurate record of each transaction in which he engages, including any transaction effected pursuant to license or otherwise, and such records shall be available for examination for at least two years after the date of such transaction.

§ 550.602 Reports to be furnished on demand.

Every person is required to furnish under oath, in the form of reports or otherwise, at any time as may be required, complete information relative to any transaction subject to this part, regardless of whether such transaction is effected pursuant to license or otherwise. Such reports may be required to include the production of any books of account, contracts, letters, and other papers connected with any transaction in the custody or control of the persons required to make such reports. Reports with respect to transactions are completed. The Secretary of the Treasury may, through any person or agency, conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

Subpart G—Penalties

§ 550.701 Penalties.

(a) Attention is directed to section 206 of the International Emergency

Economic Powers Act, 50 U.S.C. 1705, which provides in part:

> A civil penalty of not to exceed $10,000 may be imposed on any person who violates any license, order, or regulation issued under this title.
>
> Whoever willfully violates any license, order, or regulation issued under this title shall, upon conviction, be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

This section of the International Emergency Economic Powers Act is applicable to violations of any provision of this part and to violations of the provisions of any license, ruling, regulation, order, direction, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act.

(b) Attention is also directed to 18 U.S.C. 1001, which provides:

> Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

(c) Violations of this part may also be subject to relevant provisions of the Customs laws and other applicable laws.

§ 550.702 Detention of shipments.

Import shipments into the United States of goods of Libyan origin in violation of § 550.201 and export shipments from the United States of goods destined for Libya in violation of § 550.202 shall be detained. No such import or export shall be permitted to proceed, except as specifically authorized by the Secretary of the Treasury. Such shipments shall be subject to licensing, penalties or forfeiture action, under the Customs laws or other applicable provision of law, depending on the circumstances.

Subpart H—Procedures

§ 550.801 Licensing.

(a) *General licenses.* General licenses have been issued authorizing under appropriate terms and conditions certain types of transactions which are subject to the prohibitions contained in Subpart B of this part. All such licenses are set forth in Subpart E of this part. It is the policy of the Office of Foreign Assets Control not to grant applications for specific licenses authorizing transactions to which the provisions of an outstanding general license are applicable. Persons availing themselves of certain general licenses may be required to file reports and statements in accordance with the instructions specified in those licenses.

(b) *Specific licenses*—(1) *General course of procedure.* Transactions subject to the prohibitions contained in Subpart B of this part which are not authorized by general license may be effected only under specific licenses. The specific licensing activities of the Office of Foreign Assets Control are performed by its Washington office and by the Foreign Assets Control Division of the Federal Reserve Bank of New York.

(2) *Applications for specific licenses.* Applications for specific licenses to engage in any transaction prohibited under this part are to be filed in duplicate with the Federal Reserve Bank of New York, Foreign Assets Control Division, 33 Liberty Street, New York, NY 10045. Any person having an interest in a transaction or proposed transaction may file an application for a license authorizing such transaction, and there is no requirement that any other person having an interest in such transaction shall or should join in making or filing such application.

(3) *Information to be supplied.* The applicant must supply all information specified by the respective forms and instructions. Such documents as may be relevant shall be attached to each application except that documents previously filed with the Office of Foreign Assets Control may, where appropriate, be incorporated by reference. Applicants may be required to furnish such further information as is deemed necessary to a proper determination by the Office of Foreign Assets Control. Failure to furnish necessary information will not be excused because of any provision of Libyan law. If an applicant or other party in interest desires to present additional information or discuss or argue the application, he may do so at any time before or after decision. Arrangements for oral presentation should be made with the Office of Foreign Assets Control.

(4) *Effect of denial.* The denial of a license does not preclude the reopening of an application or the filing of a further application. The applicant or any other party in interest may at any time request explanation of the reasons for a denial by correspondence or personal interview.

(5) *Reports under specific licenses.* As a condition of the issuance of any license, the licensee may be required to file reports with respect to the transaction covered by the license, in such form and at such times and places as may be prescribed in the license or otherwise.

(6) *Issuance of license.* Licenses will be issued by the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury or by the Federal Reserve Bank of New York, acting in accordance with such regulations, rulings, and instructions as the Secretary of the Treasury or the Office of Foreign Assets Control may from time to time prescribe, or licenses may be issued by the Secretary of the Treasury acting directly or through a designated person, agency, or instrumentality.

§550.802 Decisions.

The Office of Foreign Assets Control or the Federal Reserve Bank of New York will advise each applicant of the decision respecting filed applications. The decision of the Office of Foreign Assets Control with respect to an application shall constitute a final agency action.

§ 550.803. Amendment, modification, or revocation.

The provisions of this part and any rulings, licenses, authorizations, instructions, orders or forms issued hereunder may be amended, modified, or revoked at any time.

§ 550.804 Rulemaking.

(a) All rules and other public documents are issued by the Secretary of the Treasury upon recommendation of the Director of the Office of Foreign Assets Control. Except to the extent that there is involved any military, naval, or foreign affairs function of the United States or any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts, and except when interpretive rules, general statements of policy, or rules of agency organization, practice, or procedure are involved, or when notice and public procedure are impracticable, unnecessary, or contrary to the public interest, interested persons will be afforded an opportunity to participate in rulemaking through the submission of written data, views, or arguments, with oral presentation at the discretion of the Director. In general, rulemaking by the Office of Foreign Assets Control involves foreign affairs functions of the

United States. Wherever possible, however, it is the practice to hold informal consultations with interested groups or persons before the issuance of any rule or other public document.

(b) Any interested person may petition the Director of the Office of Foreign Assets Control in writing for the issuance, amendment or revocation of any rule.

§ 550.805 Delegation by the Secretary of the Treasury.

Any action which the Secretary of the Treasury is authorized to take pursuant to Executive Order 12543 may be taken by the Director of the Office of Foreign Assets Control, or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

§ 550.806 Rules governing availability of information.

(a) The records of the Office of Foreign Assets Control which are required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the definitions, procedures, payment of fees, and other provisions of the regulations on the disclosure of records of the Office of the Secretary and of other bureaus and offices of the Department issued under 5 U.S.C. 552 and published as part 1 of this Title 31 of the Code of Federal Regulations.

(b) Any form issued for use in connection with this part may be obtained in person from or by writing to the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220, or the Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, NY 10045.

§ 550.807 Customs procedures: merchandise specified in § 550.201.

(a) With respect to merchandise specified in § 550.201, appropriate Customs officers shall not accept or allow any:

(1) Entry for consumption or warehousing (including any appraisement entry, any entry of goods imported in the mails, regardless of value, and any informal entry);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Entry for immediate transportation;

(5) Withdrawal from warehouse;

(6) Entry, transfer or withdrawal from a foreign trade zone; or

(7) Manipulation or manufacture in a warehouse or in a foreign trade zone, unless:

(i) The merchandise was imported prior to 12:01 a.m., Eastern Standard Time, February 1, 1986, or

(ii) A specific license pursuant to this part is presented, or

(iii) Instructions from the Office of Foreign Assets Control, either directly or through the Federal Reserve Bank of New York, authorizing the transactions are received.

(b) Whenever a specific license is presented to an appropriate Customs officer in accordance with this section, one additional legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the appropriate Customs officers at the port where the transaction is to take place. Each copy of any such entry, withdrawal or other appropriate document, including the additional copy, shall bear plainly on its face the number of the license pursuant to which it is filed. The original copy of the specific license shall be presented to the appropriate Customs officers in respect of each such transactions and shall bear a notation in ink by the licensee or person presenting the license showing the description, quantity and value of the merchandise to be entered, withdrawn or otherwise dealt with. This notation shall be so placed and so written that there will exist no possibility of confusing it with anything placed on the license at the time of its issuance. If the license in fact authorizes the entry, withdrawal or other transactions with regard to the merchandise, the appropriate Customs officer, or other authorized Customs employee, shall verify the notation by signing or initialing it after first assuring himself that it accurately describes the merchandise it purports to represent. The license shall thereafter be returned to the person presenting it and the additional copy of the entry, withdrawal or other appropriate document shall be forwarded by the appropriate Customs officer to the Office of Foreign Assets Control.

(c) If it is unclear whether an entry, withdrawal or other action affected by this section requires a specific Foreign Assets Control license, the appropriate Customs officer shall withhold action thereon and shall advise such person to communicate directly with the Federal Reserve Bank of New York, Foreign Assets Control Division, 33 Liberty Street, New York, New York 10045 to request that instructions be sent to the Customs officer to authorize him to take action with regard thereto.

Subpart I—Miscellaneous [Reserved]

Dated: January 8, 1986.

Dennis M. O'Connell,

Director, Office of Foreign Assets Control.

Approved: January 8, 1986.

Francis A. Keating II,

Assistant Secretary (Enforcement & Operations).

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