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federal register

Wednesday
January 8, 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

Air Pollution Control
Environmental Protection Agency

Aircraft
Federal Aviation Administration

Aviation Safety
Federal Aviation Administration

Fisheries
National Oceanic and Atmospheric Administration

Government Procurement
Blind and Other Severely Handicapped, Committee for Purchase from
Justice Department

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Veterans Administration

Income Taxes
Internal Revenue Service

Marketing Agreements
Agricultural Marketing Service

Pesticides and Pests
Environmental Protection Agency

Privacy
Justice Department

Railroad Safety
Federal Railroad Administration

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Selected Subjects

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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

Railroads
Interstate Commerce Commission

Savings and Loan Associations
Federal Home Loan Bank Board

Wages
Personnel Management Office

Wine
Alcohol, Tobacco and Firearms Bureau

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

Proclamation 5425 of January 6, 1986

To Amend the Quantitative Limitations on Imports of Certain Cheeses

By the President of the United States of America

A Proclamation

1. Import limitations have been imposed on certain cheeses pursuant to the provisions of section 22 of the Agricultural Adjustment Act of 1933, as amended, 7 U.S.C. 624. Section 701 of the Trade Agreements Act of 1979, P.L. 96–39 (the "Act") requires that the President proclaim limitations on the quantity of cheese of the types specified therein which may enter the United States in any calendar year after 1979. The Act provides that the annual aggregate quantity of such types of cheese entered shall not exceed 111,000 metric tons.

2. Presidential Proclamation No. 4708 of December 11, 1979, and Presidential Proclamation No. 4811 of December 30, 1980, established quantitative limitations on imports of such cheeses as required by the Act. Such quantitative limitations appear in Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS).

3. In order to permit imports of certain cheeses from Uruguay, the quantitative limitations set forth in the Appendix to the TSUS must be modified. This modification does not affect any existing quota allocations nor increase the annual aggregate quantity of quota cheese to an amount in excess of 111,000 metric tons.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States of America, including Section 701 of the Trade Agreements Act of 1979 and Section 22 of the Agricultural Adjustment Act of 1933, as amended, do hereby proclaim that Part 3 of the Appendix to the Tariff Schedules of the United States is modified effective January 1, 1986, as follows:

Item 950.10 is modified by adding the following new line immediately after the line beginning with "Argentina":

"Uruguay.....551,150 250,000".

IN WITNESS WHEREOF, I have hereunto set my hand this 6th 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. 86–547
Filed 1–7–86; 11:11 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 530

Special Salary Rate Schedules for Recruitment and Retention

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is adjusting, where warranted, the minimum rates and rate ranges for certain occupations and grade levels for which special salary rates are in effect. This action is based on an annual review of these rates through which OPM has determined, after considering the Federal staffing situation and competing salary rates in private enterprise, that adjustments to the special salary rates are necessary to ensure that Federal agencies are adequately staffed by well-qualified employees The special salary rates have been adjusted to the levels deemed necessary to achieve this outcome.

EFFECTIVE DATE: February 7, 1986. However, where increases in the rates have been approved, they are effective as of the first applicable pay period beginning on or after the date this notice appears in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: William M. Gualtieri, (202) 632-7858.

SUPPLEMENTARY INFORMATION: Section 5303 of title 5, United States Code, authorizes the President to establish special minimum rates of basic pay for one or more grades, occupational groups, series, classes, or subdivisions of classes subject to statutory pay schedules in one or more areas or locations, when the pay rates in private enterprise are so substantially above the statutory pay rates for the positions concerned as to handicap significantly the Government's recruitment or retention of well-qualified persons.

Section 301(a) of Executive Order 11721 of May 23, 1973, as amended, authorizes OPM to exercise the authority conferred upon the President by 5 U.S.C. 5303. Section 303 of Executive Order 11721 requires OPM to conduct an annual review of the special salary rates established under 5 U.S.C. 5303. The rates in this notice are a result of the 1985 review. The adjustments were made in accordance with § 530.303 of Title 5, Code of Federal Regulatons.

Comments

Notice of the proposed special salary rate actions was published on September 30, 1985 (50 FR 39697). The public comment period ended October 30, 1985. We received eighteen timely written comments—six from agencies, ten from employees, one from a Congressman, and one from an association. We also received a small number of written comments after the closing date. Although not officially counted in this tally, the issues mentioned in these letters were also expressed by those whose comments were timely and have therefore been addressed in our response. In addition, we received a number of comments by telephone. Most of the comments cover five issues, which we have stated as questions below. Our proposed rates were not changed as a consequence of considering the issues raised by these five questions.

1: *Why are some special salary rate schedules being increased this year while the regular General Schedule is not being increased* (one comment)?

The regular General Schedule and special rate schedules are entirely separate and are adjusted independently. Special salary rates are set in consideration of staffing needs and labor market factors as they affect the specific Federal occupations covered by the special salary rates. Adjustments in the regular General Schedule rates are based on comparisons between nationwide average Federal and private pay rates for a wide range of occupations, sometimes modified by Presidential and Congressional considerations of general national economic conditions. Thus, labor market factors that affect the staffing success of a specific occupation or narrow group of related occupations (e.g., typists, stenos, secretaries) in one geographic location bear no direct relationship to factors that may result in a general pay adjustment affecting all General Schedule occupations throughout the Federal service.

2: *Conversely, when special salary rate schedules are adjusted, why have they not been increased to match private sector pay for comparable positions* (two comments), *or at least increased by the amount of the increase made in the regular General Schedule* (four comments)?

Not receiving the regular General Schedule pay increase has been a concern frequently expressed by special rate employees. However, as noted in the response to the previous question, under the law, special salary rate schedules are not automatically adjusted when the regular General Schedule is adjusted. Instead, OPM conducts an annual review of all special rate authorizations, and makes any adjustment required by the Federal staffing situation. In some years, special rate employees may not receive an increase when regular General Schedule employees receive one (although special rates remain higher than regular rates), while in other years, special rate employees may receive an increase not granted to regular General Schedule employees. As a result of the 1985 annual review, for example, OPM is increasing the special rates for certain engineering specialties even though regular General Schedule rates will be frozen during FY 1986.

Special salary rates are set at levels that will permit agencies to adequately staff their positions. There is no requirement that the rates be set at levels that will match labor market pay rates. Further, there is a limit on how high a special salary rate may be set. Under the law, a special minimum rate (i.e., first step) may not exceed the maximum regular rate of the grade (i.e., the 10th step). For this reason, the GS-5 and GS-7 rates for most engineers cannot be further increased.

3: *If special salary rate schedules are not automatically increased on at least an annual basis, won't the consequent loss of staff have an adverse impact on the ability of agencies to perform their mission* (one comment)?

One of the objectives of the special salary rate program is to avoid situations in which pay-related staffing

difficulties have reached a point where agency operations are seriously hampered. Agencies are responsible for monitoring staffing needs and for taking actions to assure that adequate staff is available to meet operational requirements. Special salary rates are set and adjusted to help agencies meet their staffing needs in consideration of labor market pay competition. If there are no significant staffing problems, the special salary rates remain at their current levels. If staffing problems persist, the special salary rates may be increased to a level that is expected to stabilize or improve staffing conditions.

4: *In proposing special salary rate increases this year, why were the within grade dollar amounts not increased to match the regular General Schedule within grade dollar amounts* (four comments)?

When a decision is made that special salary rates are needed, the law provides only that the minimum rate (first step) be increased. Further, our regulations do not require either that (1) all steps be increased or (2) that full ten step schedules be established. However, our usual practice is to increase each step by the same dollar amount approved for the new minimum (or step 1). That way, the dollar increases are uniform for each stept of a grade. Increasing the within grade amount as well would have the effect of providing larger dollar increases for employees in steps 2 through 10, since, after having received the dollar increase made in the first step, they would in addition receive the dollar increase made in the within grade amount.

We emphasize that special salary rate schedules are indeed "special". Except for the limit placed on how high a minimum special salary rate may be set (see question 2), reference to the regular General Schedule rates, including within grade amounts, is not relevant.

5: *How is occupational coverage of a special salary rate authorization determined* (two comments, both concerned with occupational health medical officers not being paid at the higher special salary rates which apply only to clincial medical officers)?

Occupational and geographic coverage of special salary rate authorizations are based on agency staffing needs and labor market factors. Coverage may range from a group of occupations (e.g., all engineers or clericals) to a single occupation (e.g., computer scientists), to an individual specialization within an occupation (e.g., occupational health medical officers). Geographic coverage of the higher rates may range from worldwide to a single Federal duty station. The appropriate determination is based on the extent of the staffing problem. For example, we have found significant staffing differences to exist between occupational health and clinical medical officers, which has warranted establishing separate authorizations for these different functional fields of medicine.

Other Comments/Actions Taken:

—A nurse wrote to urge that the proposed increases in Table 531 (GS-610, Nurse, Indian Health Service) rates be approved. The final notice reflects approval of the proposed rates.

—We have amended Table 165 (Various clericals in Los Angeles, California) to clarify that while positions within the Department of Health and Human Services are generally excluded, positions in the Centers for Disease Control are now specifically covered by the authorization.

—Series GS-309, Correspondence Clerk, and the Securities and Exchange Commission were inadvertently omitted from Tables 159 (Clerical/Technician series in Juneau, Alaska) and 904 (GS-986, Legal Clerk/Technician (Typing) for selected New York, New York agencies), respectively, when the proposed rule was published. The authorizations have now been amended to show these changes.

—Three agencies (including a component of one of these agencies), in separate comments, asked us to reconsider the rates proposed for Tables 025, 471, 493, 590, and 591 for the purpose of requesting increases, or larger increases, as appropriate, in these rates. (These tables are, respectively, GS-083, Airport Police, Washington, D.C., GS-647, Diagnostic Radiologic Technologist, GS-681, Dental Assistant and GS-644, Medical Technologist at all Alaska area native health service facilities; and GS-1311, Physical Science Technician (Radiation Control) in Mare Island, California, and Pearl Harbor, Hawaii.) The agencies essentially repeated and reemphasized the arguments originally presented in support of their requests for increases. Congressman Mario Biaggi also wrote to urge us to reconsider the proposed rates for Table 025. Having reviewed these arguments, and having thoroughly reconsidered each of the related cases, we have decided that these rates should remain as they were proposed. However, we are adding grade GS-11 to Table 590 special salary rate coverage to improve staffing at that grade level.

Accordingly, OPM is adjusting the minimum rates and rate ranges for certain occupations and grade levels for which special rates have been established under 5 U.S.C. 5303. Section 530.307 contains the tables showing the basic special salary rate information for each occupation and grade level for which special rates are authorized. (Because the rates in the tables are subject to adjustment at any time, they will not appear in the Code of Federal Regulations.) Only the special minimum and maximum rates (i.e., 1st and 10th steps) are shown; however, a full special rate range is authorized for each occupation and grade level specified. The full range of special rates can be prepared by successively adding the amount of the within grade increase, as shown for each grade, beginning with the special minimum to produce a rate for each step up to the special maximum rate. Unless otherwise indicated, all agencies in the geographic area covered by each special salary rate authorization must pay the specified rates to their employees.

In instances where the schedules are to be terminated, employees' rates of basic pay will be adjusted in accordance with Part 530, Title 5, Code of Federal Regulations, to ensure that no employee's pay will be reduced because of these actions.

When cited, "MSA" means the Metropolitan Statistical Area (and "PMSA" and "CMSA" refer to Primary and Consolidated MSA) and defined by the Office of Management and Budget.

Pursuant to section 553(d)(3) of title 5, United States Code, I find that good cause exists to make parts of this amendment effective in less than 30 days. The increases in the special salary rates are being made effective as indicated above to provide agencies with the earliest opportunity to pay the rates deemed necessary to ensure their ability to adequately staff their positions with well-qualified employees.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities, since it applies only to Federal employees and agencies.

List of Subjects in 5 CFR Part 530

Administrative practice and procedure, Government employees, Wages.

U.S. Office of Personnel Management.

Constance Horner,

Director.

PART 530—PAY RATES AND SYSTEMS (GENERAL)

Part 530 is amended as follows:

1. The authority citation for Part 530 continues to read as follows:

Authority: 5 U.S.C. 5303 and Chapter 54; E.O. 11721, as amended.

2. Subpart C is amended by adding a new § 530.307 to read as follows:

Supbart C—Special Salary Rates Schedules for Recruitment and Retention

§ 530.307 Special salary rates.

This section contains the tables showing the basic special salary rate information for each occupation and grade level for which special rates are authorized.

Note.—Because the rates in the tables are subject to adjustment at any time, they will be published in the **Federal Register**, but will not appear in the Code of Federal Regulations. For changes to this section, consult the List of CFR Sections Affected.

BILLING CODE 6325-01-M

LOCAL AUTHORIZATIONS

OCCUPATIONAL SERIES	GEOGRAPHIC COVERAGE	GRADE	1ST STEP RATE	10TH STEP RATE	WITHIN-GRADE INCREASE	TABLE NUMBER	FINAL ACTION
GS-081, Fire Protection and Prevention Series	Clear Air Force Base, AK	GS-4	$15,436	$18,883	$383	#011	Increase
		GS-5	16,310	20,162	428		"
		GS-6	16,575	21,390	535		"
GS-083, Police Series	VA Medical Center, Northport, NY	GS-4	13,939	17,521	398	#024	No change
		GS-5	15,153	19,167	446		"
GS-083, Airport Police Officer	Washington, DC (Dulles and National Airports)	GS-4	14,578	18,286	412	#025	Increase
		GS-5	15,350	19,670	480		"
		GS-6	16,575	21,390	535		"
GS-083, Police Series	VA Medical Center Dallas, TX	GS-4	13,255	16,981	414	#021	No change
		GS-5	14,829	18,996	463		"
GS-083, Police Series	VA Medical Center Palo Alto, CA	GS-4	14,149	17,875	414	#023	Increase
		GS-5	15,350	19,517	463		"
GS-083, Police Series	Lower Colorado River Region, Boulder City, NV	GS-5	16,681	20,848	463	#026	No change
		GS-6	18,082	22,735	517		"
GS-083, Police Series	Naval Weapons Center, China Lake, CA	GS-3	14,132	17,201	341	#022	Increase
		GS-4	15,007	18,454	383		"
		GS-5	15,830	19,682	428		"
		GS-6	16,575	21,390	535		"
GS-085, Guard Series	Aberdeen Proving Ground, MD	GS-3	Regular rates apply			#016	Terminate
GS-085, Guard Series	Umatilla Army Depot, OR	GS-4	Regular rates apply			#019	Terminate
GS-xxx, (Typing/Stenography) (all clerical positions requiring a qualified typist or stenographer)	Hanscom Air Force Base, Bedford, MA	GS-3	12,604	16,042	382	#169	No change; not scheduled for review
		GS-4	13,720	17,581	429		
		GS-5	14,870	19,190	480		
GS-312, Clerk Stenographer and Reporter Series GS-318, Secretary Series GS-322, Clerk-Typist Series GS-356, Data Transcribing Series'	California: Los Angeles, within the area bounded by Manchester Ave. on the North, Crenshaw Blvd. on the East, Artesia Blvd. & Gould Ave. on the South, & the Pacific Ocean on the West. Included are positions in the Defense Investigative Service located at 15110 Atkinson Avenue, Gardena, CA, and Army Plant Representative Office - Hughes Helicopter, Los Angeles (Culver City), CA, and the Centers for Disease Control (other positions within the Department of Health and Human Services are excluded.)	GS-2	$12,114	$14,913	$311	#165	No change in dollar amounts; Centers for Disease Control added to coverage
		GS-3	13,651	16,801	350		
		GS-4	14,933	18,470	393		
		GS-5	15,828	19,788	440		
		GS-6	16,661	21,071	490		

'And all other positions in grades GS-2 through GS-6 with the parenthetical title (Typing) or (Stenography) classified under the Typing and Stenography Grade Evaluation Guide issued by Transmittal Sheet No. 34, January, 1979, or with the parenthetical title (Data Transcriber).

All Clerical Series and Certain Technical Series*	Juneau, AK	GS-1	10,847	13,141	286'	#159	No change
		GS-2	11,951	14,858	323		"
		GS-3	12,742	16,018	364		"
		GS-4	13,487	17,168	409		"
		GS-5	14,631	18,744	457		"

'The within-grade increase at GS-1 varies between steps 1, 2 and 3. The rates of basic pay payable at these steps are as follows: $10,847 (step 1); $10,860 (step 2); and $11,139 (step 3). The within-grade increase shown should be applied to construct all remaining step rates.

*THE FOLLOWING SERIES ARE INCLUDED IN THIS SPECIAL RATE AUTHORIZATION:

GS-072 Fingerprint Identification Series
GS-134 Intelligence Aid and Clerk Series
GS-203 Personnel Clerical and Assistance Series
GS-204 Military Personnel Clerical and Technician
GS-302 Messenger Series
GS-303 Miscellaneous Clerk and Assistant Series
GS-304 Information Receptionist Series
GS-305 Mail and File Series

LOCAL AUTHORIZATIONS

OCCUPATIONAL SERIES	GEOGRAPHIC COVERAGE	GRADE	1ST STEP RATE	10TH STEP RATE	WITHIN-GRADE INCREASE	TABLE NUMBER	FINAL ACTION
Con't.							
GS-309 Correspondence Clerk Series		GS-1087 Editorial Assistance Series					
GS-312 Clerk-Stenographer and Reporter Series		GS-1101 General Business and Industry (one grade interval work only)					
GS-313 Work Unit Supervising Series		GS-1106 Procurement Clerical and Assistance Series					
GS-318 Secretary Series		GS-1107 Property Disposal Clerical and Technician Series					
GS-319 Closed Microphone Reporting Series		GS-1411 Library Technician Series					
GS-322 Clerk-Typist Series		GS-1421 Archives Technician Series					
GS-332 Computer Operation Series		GS-1531 Statistical Assistant Series					
GS-335 Computer Clerk and Assistant Series		GS-1802 Compliance Inspection and Support Series					
GS-344 Management Clerical and Assistant Series		GS-1897 Customs Aid Series					
GS-350 Equipment Operator Series		GS-2001 General Supply Series					
GS-351 Printing Clerical Series		GS-2005 Supply Clerical and Technician Series					
GS-354 Bookkeeping Machine Operation Series		GS-2091 Sales Store Clerical Series					
GS-355 Calculating Machine Operation Series		GS-2101 Transportation Specialist Series					
GS-356 Data Transcribing Series		GS-2131 Freight Rate Series					
GS-357 Coding Series		GS-2132 Travel Series					
GS-359 Electric Accounting Machine Operation		GS-2133 Passenger Rate Series					
GS-361 Equal Opportunity Assistance Series		GS-2134 Shipment Clerical Series					
GS-382 Telephone Operating Series		GS-2151 Dispatching Series					
GS-385 Teletypist Series							
GS-394 Communications Clerical Series							
GS-503 Financial Clerical and Assistance Series							
GS-525 Accounting Technician Series							
GS-530 Cash Processing Series							
GS-540 Voucher Examining Series							
GS-544 Payroll Series							
GS-545 Military Pay Series							
GS-561 Budget Clerical and Assistance Series							
GS-590 Time and Leave Series							
GS-963 Legal Instruments Examining Series							
GS-986 Legal Clerk and Technician Series							
GS-998 Claims Clerical Series							
GS-1001 General Arts and Information Series							
GS-1021 Office Drafting Series							
GS-1046 Language Clerical Series							
GS-322, Clerk-Typist Series, limited to positions where at least 50 percent of the duties involve the operation of word processing equipment. GS-313, Work Unit Supervisors, limited to positions supervising word processing units.	Army Corps of Engineers, Federal Center South, Seattle, WA	GS-4	$14,340	$17,787	383	#163	Increase
		GS-5	14,994	18,846	428		No change
GS-322, Clerk-Typist (Medical Transcriptionist) Series	VA Medical Center, Sepulveda, CA	GS-3	12,852	16,155	367	#166	No change
		GS-4	14,427	18,135	412		"
		GS-5	15,220	19,369	461		"
GS-303, Miscellaneous Clerk and Assistant Series	Barrow, AK	GS-1	11,686	14,197	279	#167	Increase
GS-318, Secretary Series		GS-2	13,216	16,051	315		"
GS-322, Clerk-Typist Series*		GS-3	14,896	18,091	355		"
		GS-4	16,723	20,305	398		"
		GS-5	18,710	22,724	446		"
		GS-6	20,855	25,508	517		"

*And all other positions in grades GS-1 through GS-6 with the parenthetical title (Typing) classified under the Typing and Stenography Grade Evaluation Guide issued by Transmittal Sheet No. 34, January 1979.

GS-203, Personnel Clerical and Assistant Series	Bethel, AK	GS-1	10,764	13,002	279'	#168	Increase
GS-303, Miscellaneous Clerk and Assistant Series		GS-2	12,199	15,034	315		"
GS-318, Secretary Series		GS-3	13,750	16,945	355		"
GS-322, Clerk-Typist Series		GS-4	15,436	19,018	398		"
GS-382, Telephone Operating Series		GS-5	17,270	21,284	446		"
GS-525, Accounting Technician Series		GS-6	18,180	22,653	497		"
GS-540, Voucher Examining Series							
GS-1101, General Business and Industry Series (one grade interval work only)							
GS-2005, Supply Clerical and Technician Series							
GS-2132, Travel Series*							

'The within grade increase between steps 1, 2 and 3 varies. The rates of basic pay payable at these steps are as follows: step 1 -- $10,764; step 2 -- $10,777; step 3 -- $11,049. The within grade increase shown should be applied to construct all remaining step rates.

*And all other positions in grades GS-1 through GS-6 with the parenthetical title (Typing) classified under the Typing and Stenography Grade Evaluation Guide issued by Transmittal Sheet No. 34, January 1979.

LOCAL AUTHORIZATIONS.

OCCUPATIONAL SERIES	GEOGRAPHIC COVERAGE	GRADE	1ST STEP RATE	10TH STEP RATE	WITHIN-GRADE INCREASE	TABLE NUMBER	FINAL ACTION
GS-610, Nurse Series	Washington, DC MSA	GS-4	$15,739	$19,321	$398	#304	Increase
		GS-5	16,681	20,695	446		"
		GS-7	18,537	23,883	594		"
GS-610, Nurse (Critical Care Positions Only)	Washington, DC MSA	GS-9	23,258	29,549	699	#535	Increase
GS-610, Nurse and Psychiatric Nurse	Saint Elizabeths Hospital, Washington DC	GS-4	15,133	18,715	398	#534	No change
		GS-5	16,603	20,752	461		"
		GS-7	19,422	24,561	571		"
		GS-9	22,363	28,654	699		"
GS-610, Operating Room Nurse	Fitzsimons Army Medical Center, Aurora, CO	GS-9	22,969	29,287	702	#501	Increase
GS-610, Nurse, limited to positions titled Nurse, Clinical Nurse, and Operating Room Nurse	San Francisco and Oakland, CA PMSAs	GS-5	18,710	23,030	480	#352	No change*
		GS-7	23,170	28,516	594		No change
		GS-9	26,795	33,113	702		Increase
		GS-10	27,868	34,825	773		"
		GS-11	28,820	36,470	850		"

*Rates at GS-5 and GS-7 were already at the highest levels allowed by law and could not be further increased.

GS-620, Vocational Nurse	San Francisco and Oakland, CA PMSAs	GS-3	13,304	16,373	341	#394	No change
		GS-4	14,554	18,001	383		"
		GS-5	15,422	19,274	428		"
GS-620, Practical Nurse	All Alaska Area Native Health Service Facilities	GS-3	13,653	16,974	369	#536	No change
		GS-4	14,911	18,637	414		"
		GS-5	15,755	19,922	463		"
		GS-6	16,531	21,184	517		"
GS-620, Vocational Nurse	San Diego, CA	GS-3	Regular rates apply			#480	Terminate
GS-621, Nursing Assistant	All Alaska Area Native Health Service Facilities	GS-2	$11,456	$14,399	$327	#467	No change
		GS-3	12,915	16,236	369		"
		GS-4	13,939	17,521	398		"
GS-622, Medical Supply Aid and Technician Series	All Alaska Area Native Health Service Facilities	GS-1	10,286	12,529	Varies*	#468	No change
		GS-2	11,018	13,853	315		"
		GS-3	12,065	15,260	355		"
		GS-4	13,143	16,725	398		"

*The full range of rates is as follows: $10,286; $10,572; $10,585; $10,857; $11,135; $11,414; $11,693; $11,971; $12,250; $12,529.

GS-642, Nuclear Medicine Technician Series	Washington, DC MSA	GS-4	Regular rates apply			#359	Terminate
GS-644, Medical Technologist Series	All IHS Facilities within the Navajo and Phoenix Indian Health Areas	GS-5	16,579	20,431	428	#494	Increase
		GS-7	18,448	23,794	594		"
GS-644, Medical Technologist Series	San Francisco-Oakland-San Jose, CA CMSA	GS-5	Regular rates apply			#313	Terminate
GS-644, Medical Technologist Series	All Alaska Area Native Health Service Facilities	GS-5	18,070	22,237	463	#493	No change
		GS-7	20,665	25,831	574		"
		GS-9	Regular rates apply				Terminate
GS-647, Diagnostic Radiologic Technologist Series	San Francisco-Oakland San Jose, CA CMSA	GS-4	15,531	19,113	398	#363	No change
		GS-5	16,491	20,505	446		"
		GS-6	17,386	21,859	497		"
		GS-7	18,215	23,183	552		"

LOCAL AUTHORIZATIONS

OCCUPATIONAL SERIES	GEOGRAPHIC COVERAGE	GRADE	1ST STEP RATE	10TH STEP RATE	WITHIN-GRADE INCREASE	TABLE NUMBER	FINAL ACTION
GS-647, Diagnostic Radiologic Technologist Series	All Alaska Area Native Health Service Facilities	GS-4	$15,325	$19,051	$414	#471	No change
		GS-5	16,218	20,385	463		"
		GS-6	17,565	22,218	517		"
		GS-7	18,943	24,109	574		"
GS-648, Therapeutic Radiologic Technologist Series	National Cancer Institute, National Institutes of Health, Bethesda, MD	GS-5	Regular rates apply at all grades			#529	Terminate
		GS-6					"
		GS-7					"
		GS-8					"
		GS-9					"
GS-648, Therapeutic Radiologic Technologist Series	Washington, DC MSA.	GS-4	15,531	19,113	398	#360	No change
		GS-5	17,383	21,397	446		"
		GS-6	18,380	22,853	497		"
		GS-7	20,091	25,257	574		"
		GS-8	21,617	27,341	636		"
		GS-9	22,470	28,788	702		"
GS-648, Therapeutic Radiologic Technologist Series	San Francisco and Oakland, CA PMSAs	GS-5	17,383	21,397	446	#390	No change
		GS-6	18,380	22,853	497		"
		GS-7	19,871	24,839	552		"
GS-649, Heart Lung Machine Technician	Keesler, AFB, Biloxi, MS	GS-9	26,166	32,484	702	#537	Increase
GS-660, Pharmacist Series	San Francisco, CA	GS-9	23,874	29,949	675	#457	Increase
		GS-11	28,039	35,950	879		"
GS-660, Pharmacist Series	Los Angeles and San Bernardino Counties, CA	GS-9	25,980	32,055	675	#525	Increase
		GS-11	28,037	35,390	817		"
GS-661, Pharmacy Technician Series	San Francisco-Oakland San Jose, CA CMSA	GS-3	$12,281	$15,350	$341	#386	No change
		GS-4	13,405	16,852	383		"
GS-667, Orthotist and Prosthetist Series, limited to employees certified by the American Board for Certification in Orthotics and Prosthetics, Inc.	San Francisco and Oakland, CA PMSAs	GS-9	Regular rates apply			#397	Terminate
GS-681, Dental Assistant	All Alaska Area Native Health Service Facilities	GS-2	10,585	13,223	315*	#473	No change
		GS-3	12,915	16,236	369		"
		GS-4	13,669	17,395	414		"
		GS-5	14,829	18,996	463		"

*The within-grade increase varies between steps 1 and 2. The step 2 rate is $10,703. The within grade increase shown should be applied to construct all remaining step rates.

GS-682, Dental Hygiene Series	State of California	GS-4	15,436	19,162	414	#328	Increase
		GS-5	16,790	20,957	463		"
		GS-6	18,180	22,833	517		"
		GS-7	19,012	24,178	574		"
GS-699, Ultrasound Technician	Naval Hospital, Philadelphia, PA	GS-3	14,320	17,623	367	#533	No change
		GS-4	16,075	19,783	412		"
		GS-5	17,986	22,135	461		"
		GS-6	19,021	23,647	514		"
		GS-7	20,564	25,703	571		"
GS-699, Diagnostic Ultrasound Technician	Fort Ord, CA	GS-7	20,975	25,943	552	#509	No change
GS-699, Health Aid and Technician Series	All Alaska Area Native Health Service Facilities	GS-3	12,177	15,498	369	#472	No change
		GS-4	13,255	16,981	414		"

LOCAL AUTHORIZATIONS

OCCUPATIONAL SERIES	GEOGRAPHIC COVERAGE	GRADE	1ST STEP RATE	10TH STEP RATE	WITHIN-GRADE INCREASE	TABLE NUMBER	FINAL ACTION
GS-986, Legal Clerk/ Technician Series	U.S. Attorney's Office, Equal Employment Opportunity Commission, Securities and Exchange Commission, Commodity Futures Trading Commission, Executive Office for U.S. Trustees, Los Angeles, CA	GS-5	$16,310	$20,459	$461	#903	Increase
		GS-6	17,645	22,460	535		"
GS-986, Legal Clerk/ Technician (Typing)	U.S. Attorney's Office, Southern District of New York and Eastern District of New York; Commodity Futures Trading Commission, Securities and Exchange Commission (SEC), New York, NY	GS-4	14,576	18,302	414	#904	Increase
		GS-5	16,305	20,472	463		"
		GS-6	17,645	22,298	517		"
							SEC added to coverage
GS-1224, Patent Examining Series (Engineering Specializations only)	Washington, DC MSA	GS-5	17,750	22,070	480	#576	No change
		GS-7	20,794	26,140	594		"
		GS-9	23,985	30,528	727		"
GS-1310, Physicist (Optics) and GS-800 Engineer (Optics)	Air Force Weapons Laboratory (AFWL), Kirtland Air Force Base, NM	GS-9	27,384	33,702	702	#593	No change
		GS-11	31,439	39,089	850		"
		GS-12	35,639	44,801	1,018		"
		GS-13	39,960	50,859	1,211		"
GS-1311, Physical Science Technician Series (Radiation monitoring and control positions only)	Portsmouth Naval Shipyard, Portsmouth, NH	GS-6	18,552	23,142	510	#592	Increase
		GS-7	20,200	25,294	566		"
		GS-8	21,714	27,357	627		"
		GS-9	23,258	29,495	693		"
GS-1311, Physical Science Technician (Radiation monitoring and control positions only)	Mare Island Naval Shipyard, CA	GS-5	$18,230	$22,379	$461	#590	Increase
		GS-6	20,320	24,946	514		"
		GS-7	22,576	27,715	571		"
		GS-8	25,004	30,701	633		"
		GS-9	27,620	33,911	699		"
		GS-11	28,139	36,050	879		"
GS-1311, Physical Science Technician (Radiation monitoring and control positions only)	Pearl Harbor Naval Shipyard, Hawaii	GS-4	15,007	18,868	429	#591	No change
		GS-5	16,310	20,630	480		"
		GS-6	17,645	22,460	535		"
		GS-7	19,606	24,952	594		"
		GS-8	23,030	28,952	658		"
		GS-9	25,439	31,982	727		"
GS-1550, Computer Scientist, limited to positions within the National Aeronautics and Space Administration and the Departments of Navy, Commerce, Health and Human Services, Air Force, Army and the Defense Communications Agency	Washington, DC MSA; Annapolis, MD; Dahlgren, VA; and Patuxent River, MD	GS-5	18,710	22,823	457	#697	Increase
		GS-7	23,170	28,264	566		"
		GS-9	24,732	30,969	693		"
							Army added to coverage
GS-1550, Computer Scientist (Positions within the Department of Navy)	Newport, RI and New London, CT	GS-5	18,252	22,266	446	#698	Increase
		GS-7	22,603	27,571	552		"
		GS-9	24,103	30,178	675		"

NATIONWIDE AND WORLDWIDE AUTHORIZATIONS

OCCUPATIONAL SERIES	GEOGRAPHIC COVERAGE	GRADE	1ST STEP RATE	10TH STEP RATE	WITHIN-GRADE INCREASE	TABLE NUMBER	FINAL ACTION
NOTE: For all medical officer special rate authorizations listed below (tables numbered 290, 524 and 499), excluded are physicians who have received National Health Service Corps (NHSC) scholarships and who are fulfilling a service obligation through assignment to NHSC or the Department of Justice.							
GS-602, Medical Officer, Clinical Positions, limited to positions concerned with providing primary medical care and direct service to patients involving the performance of diagnostic, preventive and therapeutic services in hospitals, clinics, and other medical facilities. Excluded are positions involved in Preventive Medicine, including Occupational Health Medicine and Aviation Medicine, where the primary emphasis is the practice of medicine as applied to the worker and in relation to the work environment.	Worldwide	GS-11	$32,687	$40,229	$838	#290	No change
		GS-12	39,183	48,228	1,005		"
		GS-13	46,593	57,348	1,195		"
		GS-14	53,646	66,354	1,412		"
		GS-15	58,120	73,069'	1,661		"
'The rate payable to employees at these rates is limited to $68,700.							
GS-602, Medical Officer, Research Positions, limited to non-clinical positions primarily involving the conduct of medical research and experimental work (or the review or evaluation of such medical research and experimental work) or the identification of causes or sources of disease or disease outbreaks. This work may include the conduct of medical work pertaining to the evaluation of food, drugs, cosmetics, and devices. Research medical officer positions providing some primary patient care may be included.	Worldwide	GS-11	31,044	38,397	817	#524	No change
		GS-12	37,206	46,017	979		"
		GS-13	45,398	56,153	1,195		"
		GS-14	50,822	63,530	1,412		"
		GS-15	54,798	69,747'	1,661		"
'The rate payable to employees at these rates is limited to $68,700.							
GS-602, Medical Officer, Other Positions, includes all medical officer positions not elsewhere covered by other special salary rate authorizations for GS-602, Medical Officers.	Worldwide	GS-11	29,854	36,928	786	#499	No change
		GS-12	36,889	45,367	942		Increase
		GS-13	43,864	53,944	1,120		"
		GS-14	48,873	60,780	1,323		"
		GS-15	54,004	69,682'	1,742		"
'The rate payable to employees at this rate is limited to $68,700.							
GS-610, Nurse Series	Indian Health Service, Nationwide*	GS-4	$15,531	$18,978	$383	#531	Increase
		GS-5	18,070	22,084	446		"
		GS-7	19,422	24,390	552		"
		GS-9	23,761	29,836	675		"
*"Nationwide" geographic coverage includes the areas specified in Section 591.202 of OPM's Regulations.							
GS-800, Professional Series in the Engineering Group (This authorization covers GS-801, 803, 804, 806, 807, 810, 830, 840, 858, 861, 871, 890, 892, 893, 894, and 896)	Worldwide	GS-5	18,710	23,030	480	#414	No change*
		GS-7	23,170	28,516	594		No change*
		GS-9	26,893	33,211	702		Increase
		GS-11	29,018	36,668	850		"
							Series GS-855 deleted
*The rates for these grades were already at the highest levels permitted by law and could not be further increased.							
NOTE: this authorization covers all engineering series except those covered by other authorizations as shown below.							
GS-808, Architecture and GS-819, Environmental Engineering Series	Worldwide	GS-5	18,710	23,030	480	#421	No change
		GS-7	23,170	28,516	594		"
		GS-9	26,893	33,436	727		"
		GS-11	29,018	36,929	879		"
GS-850, Electrical Engineering Series and GS-855, Electronics Engineering Series	Worldwide	GS-5	18,710	23,030	480	#422	No change*
		GS-7	23,170	28,516	594		No change*
		GS-9	27,834	34,377	727		Increase
		GS-11	30,034	37,945	879		"
		GS-12	34,034	43,898	1,096		"
							Series GS-855 added
*The rates for these grades were already at the highest levels permitted by law and could not be further increased.							

NATIONWIDE AND WORLDWIDE AUTHORIZATIONS

OCCUPATIONAL SERIES	GEOGRAPHIC COVERAGE	GRADE	1ST STEP RATE	10TH STEP RATE	WITHIN-GRADE INCREASE	TABLE NUMBER	FINAL ACTION
GS-880, Mining Engineering Series	Nationwide	GS-5	$16,706	$20,558	$428	#417	No change
		GS-7	20,701	25,480	531		"
		GS-9	25,318	31,159	649		"
		GS-11	29,068	36,142	786		"
		GS-12	32,955	41,433	942		"
GS-881, Petroleum Engineering Series	Nationwide	GS-5	17,383	21,397	446	#415	No change
		GS-7	21,527	26,495	552		"
		GS-9	26,331	32,406	675		"
		GS-11	30,640	37,714	786		"
		GS-12	34,839	43,317	942		"
		GS-13	39,186	49,266	1,120		"
GS-1321, Metallurgy Series	Nationwide	GS-5	17,830	21,943	457	#589	No change
		GS-7	22,084	27,178	566		"
		GS-9	24,941	31,178	693		"
		GS-11	27,659	35,201	838		"
GS-1654, Printing Management Series, limited to employees who have at least a Baccalaureate Degree with a major in Printing Management	Nationwide	GS-5	16,268	20,228	440	#725	No change

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1320.2

NUCLEAR REGULATORY COMMISSION

10 CFR Part 1

Minor Clarifying Amendment: Production and Utilization Facilities, Domestic Licensing; Definitions; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule amending 10 CFR Parts 1, 20, and 50 with regard to the regulations pertaining to the domestic licensing or production and utilization facilities in which the definitions section was reorganized into an undesignated alphabetical listing (August 23, 1985; 50 FR 34085). At the same time, cross references to specific paragraphs in § 50.2 were revised in Parts 1, 20, and 50 to reflect the removal of designated paragraphs. This action is necessary in order to make several minor typographical corrections.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7086.

1. In FR Doc. 85-20252, published in the **Federal Register** of Friday, August 23, 1985, on page 34085, in the 9th line under § 1.60(a), the word "protection" should read "production", and in the 16th line after the word "fuel" and before the word "studies", insert the words "cycle regulatory base, conducting generic".

Dated at Bethesda, Maryland, this 27th day of December, 1985.

For the Nuclear Regulatory Commission.

Jack W. Roe,

Deputy Executive Director for Operations.

[FR Doc. 86-401 Filed 1-7-86; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 330

Brokered Deposits; Limitations on Deposit Insurance

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Notice of withdrawal of final rule.

SUMMARY: The FDIC gives notice that it has withdrawn its final rule published on April 2, 1984 (49 FR 13003) limiting insurance coverage on deposits placed by deposit brokers. The rule was challenged and permanently enjoined from implementation by the U.S. District Court for the District of Columbia on June 20, 1984. This decision was upheld on July 26, 1985 by the U.S. Court of Appeals for the District of Columbia Circuit which subsequently denied the FDIC's petition for rehearing on October 4, 1985. No further review of the court decision is sought by the FDIC.

In issuing its order, the district court required the FDIC to publish a "Notice of Order Enjoining the Implementation of Regulations" in the **Federal Register.** *See* 49 FR 27294 (1984). Therefore, the original language, rather than the revised language, of the regulations sought to be amended is reflected in the Code of Federal Regulations.

DATE: The withdrawal is effective January 8, 1986.

FOR FURTHER INFORMATION CONTACT: Patti C. Fox, Attorney, Legal Division, (202) 389-4171, Federal Deposit Insurance Corporation, 550 17th St., NW., Washington, DC 20429.

Accordingly, the document published on April 2, 1984 (49 FR 13003) affecting Part 330 of Title 12 of the Code of Federal Regulations is hereby withdrawn.

By order of the Board of Directors, this 30th day of December, 1985.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86-369 Filed 1-7-86; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

Federal Savings and Loan Insurance Corporation; Examinations and Audits; Technical Correction

Date: January 3, 1986.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; technical correction.

SUMMARY: The Federal Home Loan Bank Board ("Board") is correcting the text of 12 CFR 563.17-1 by restoring paragraph (a)(2), which was inadvertently omitted.

EFFECTIVE DATE: January 8, 1986.

FOR FURTHER INFORMATION CONTACT: Carol J. Rosa, Paralegal Specialist, (202) 377-6464, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: On December 16, 1982, the Board adopted an amendment to 12 CFR 563.17-1, a rule pertaining to examinations and audits, appraisals, and the establishment and maintenance of records by institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. Board Res. No. 82-810, 48 FR 393 (Jan. 5, 1983). As is evident from both the final amendment and the October 27, 1982, proposal of the amendment, the intent of the Board was to revise only paragraph (a)(1) of the rule, preserving paragraph (a)(2) without revision. *See id.;* Board Res. No. 82-706, 47 FR 49663 (Nov. 2, 1982). Nevertheless, paragraph (a)(2) was inadvertently omitted from the Code of Federal Regulations. *Compare* 12 CFR 563.17-1(a) (1985) *with* Federal Home Loan Bank Board Ann. Manual of Stats. and Regs. (GPO) ¶ 1165 (5th ed., Dec. 1984); 1 Fed. Guide (U.S. League of Sav. Insts.) ¶ 4692 (Feb. 1984); 3 Fed. Banking L. Rep. (CCH ¶ 40687-1 (Jan. 21, 1983) (paragraph (a)(2) omitted from CFR but retained in Board Manual, Fed. Guide, and Fed. Banking L. Rep.). The Board is hereby correcting that error by restoring paragraph (a)(2) to the Code of Federal Regulations without change except for the substitution of the word "institution" for the word "association" at one place in the paragraph. Pursuant to 12 CFR 508.11 and 508.14, the Board finds that, because of the technical nature of this corrective amendment of the Code of Federal Regulations, text, notice and public procedure are unnecessary, as is the 30-day delay of the effective date.

List of Subjects in 12 CFR Part 563

Savings and loan associations.

Accordingly, the Board hereby corrects Board Res. No. 82-810, 48 FR 393 (Jan. 5, 1983), and amends Part 563, Subchapter D, Chapter V, Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

1. The authority citation for Part 563 is revised to read as follows:

Authority: Sec. 17, 47 Stat. 736 as amended (12 U.S.C. 1437); sec. 202, 96 Stat. 1469 (12 U.S.C. 1729(f)); sec. 409, 94 Stat. 160 (12 U.S.C. 1726(b)); secs. 401-405, 407, 48 Stat. 1255-1260, as amended (12 U.S.C. 1724-1728, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071, unless otherwise noted.

563.17-1 [Amended]

2. Section 563.17-1(a)(2) is added to read as follows:

(a) * * *

(2) Each insured institution and service corporation thereof shall be audited at least once in each calendar year by auditors and in a manner satisfactory to the Corporation in accordance with general policies from time to time established by the Board. The Corporation may at any time make, or cause to be made, an audit of an insured institution or service corporation thereof, with appraisals when deemed advisable. An insured institution and each of its service corporations shall promptly file with the Corporation, through the Board's Chief Examiner of the Federal Home Loan Bank District in which the home office of the institution is located, a copy of the consolidated or separate report of each audit, other than audits made by the Corporation, made pursuant to this paragraph (a)(2). If a consolidated report is filed, such report shall include, either by footnote or in a schedule or schedules, the balance sheet and statement of income for the institution and each of its service corporations included in said consolidated report. If separate reports of audits are issued, a copy of each such report shall be filed as provided herein. The cost of any audit made pursuant to this paragraph (a)(2) shall be paid by the insured institution or service corporation audited.

* * * * *

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Executive Secretary.

[FR Doc. 86-406 Filed 1-7-86; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-ANE-43; Amdt. No. 39-5188]

Airworthiness Directives; Allison Gas Turbine Division, General Motors Corporation, Allison Model 250-C28 and -C30 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires repetitive inspections of outer combustion case assembly P/Ns 6899237 and 23009569 until mandatory replacement with P/Ns 23030910 and 23030911, respectively, is accomplished on certain Model 250-C28 and -C30 Series engines. The AD is needed to prevent possible failure of outer combustion case assembly P/Ns 6899237 and 23009569 that could lead to an inflight sudden loss of power/shutdown.

DATES: *Effective*—January 6, 1986. *Compliance schedule*—As prescribed in the body of the AD.

Incorporation by Reference—Approved by the Director of the Federal Register as of January 6, 1986.

ADDRESSES: The applicable commercial engine bulletin (CEB) may be obtained from Allison Gas Turbine Division, General Motors Corporation, P.O. Box 420, Indianapolis, Indiana 46206-0420.

A copy of the CEB is contained in the Rules Docket at the Office of Regional Counsel, FAA, ATTN: Rules Docket No. 85-ANE-43, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Royace H. Pratcher, Chicago Aircraft Certification Office, Propulsion Branch, ACE-140C, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone 312-694-7132.

SUPPLEMENTARY INFORMATION: There have been reports of cracks developing at the seam welds on outer combustion case P/Ns 6899237 and 23009569, which have progressed to a point where the case ruptured and an inflight sudden loss of power/shutdown occurred on certain Model 250-C28 and -C30 Series engines. Since this condition is likely to exist or develop on other engines of the same type design, an AD is being issued which requires repetitive inspections of outer combustion case assembly P/Ns 6899237 and 23009569 until mandatory replacement with P/N 23030910 and P/N 23030911, respectively, is accomplished.

Since a situation exists that requires the 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.

Conclusion

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

PART 39—[AMENDED]

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

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

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

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

Allison Gas Turbine Division, General Motors Corp. (Allison, Formerly Detroit Diesel Allison): Applies to Allison Model 250-C28 and -C30 Series engines which incorporate outer combustion case assembly P/N 6899237 or 23009569, installed in rotorcraft certificated in any category.

Compliance is required as indicated unless already accomplished.

To prevent possible cracks at the seam weld or outer combustion case P/Ns 6899237 and 23009569 from progressing to a point where the case could rupture and cause an inflight sudden loss of power/shutdown, accomplish the following:

(a) Model 250-C28B, -C28C, -C30, -C30P, -C30R, and -C30S engines

Inspect outer combustion case assembly P/N 6899237 or 23009569 in accordance with the following:

(1) Within the next 50 hours time-in-service after the effective date of this AD, and thereafter at intervals not to exceed 50 hours time-in-service from the last inspection, using a bright light (flashlight or equivalent) and mirror, inspect all of the outer combustion case welds which are located as follows:

(i) Horizontal butt welds on outer surface and between the air discharge tube attachment flanges and gas producer attachment flange on forward side.

(ii) Both forward and aft seam welds between outer case and inner liner.

(iii) Welds for attaching bosses for fuel nozzle, both combustion case drain valves, both igniter plugs.

Note.—Pay particular attention to welds in areas defined in sub-paragraphs (i) and where these horizontal welds meet the circumferential welds defined in sub-paragraph (ii).

Detection of any crack(s) requires removal of the outer combustion case from service before further flight.

(2) At 100 hour intervals in addition to paragraph (1) above, inspection of the areas of butt weld between the air discharge tube attachment flanges and gas producer attachment flange on the forward side of the outer combustion case is to be accomplished as follows:

(i) Apply dye penetrant, dye check, or other appropriate penetrant to the designated areas which will reveal crack(s), or

(ii) Apply a soap solution to the designated areas and, using a suitable power source to motor engine to at least 20% N_1, look for bubbles to reveal if any crack(s) are present.

Detection of any crack(s) requires removal of the outer combustion case from service before further flight.

(b) *Model 250–C30 and –C30S engines installed in Sikorsky Model S–76A rotorcraft*

Within the next 150 hours time-in-service after the effective date of this AD, but not later than June 30, 1986, perform the following:

Replace/modify outer combustion case assembly P/Ns 6899237 and 23009569 with/to P/Ns 23030910 and 23030911, respectively, in accordance with Allison CEB–A–72–2113/3115, Revision 1, dated February 15, 1985, or FAA approved equivalent.

(c) Model 250–C28B, –C28C, –C30, –C30P, –C30R, and –C30S engines installed in other than Sikorsky S–76A rotorcraft

At the next turbine repair/overhaul event, but not later than November 30, 1986, perform the following:

Replace/modify outer combustion case assembly P/Ns 6899237 and 23009569 with/to P/Ns 23030910 and 23030911, respectively, in accordance with Allison CEB–A–72–2113/3115, Revision 1, dated February 15, 1985, or FAA approved equivalent.

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

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

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

Allison CEB–A–72–2113/3115, Revision 1, dated February 15, 1985, is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Allison Gas Turbine Division, General Motors Corp., P.O. Box 420, Indianapolis, Indiana 46206–0420. This document also may be examined at the Office of Regional Counsel, FAA, ATTN: Rules Docket No. 85–ANE–43, 12 New England Executive Park, Burlington, Massachusetts 01803, weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

This amendment becomes effective January 6, 1986.

Issued in Burlington, Massachusetts, on December 11, 1985.

Jack A. Sain,

Acting Director, New England Region.

[FR Doc. 86-303 Filed 1-7-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-ANE-42; Amdt. No. 39-5189]

Airworthiness Directives; Allison Gas Turbine Division, General Motors Corporation, Allison Model 250-C28 and -C30 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires repetitive inspections of compressor mount assembly, P/Ns 6896021, 6898966, and 6898611 followed by replacement with P/N 23007217 at the next overhaul or repair event, but not later than November 30, 1986, on certain Allison Model 250–C28 and –C30 Series engines. The AD is needed to prevent possible failure of compressor mount assembly P/Ns 6896021, 6898966, or 6898611 that could lead to an inflight loss of power/shutdown or an overspeed uncontained failure of the gas producer turbine rotor.

DATES: *Effective*—January 6, 1986.

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

Incorporation by Reference—Approved by the Director of the **Federal Register** as of January 6, 1986.

ADDRESSES: The applicable commercial engine bulletins (CEBs) may be obtained from Allison Gas Turbine Division, General Motors Corporation, P.O. Box 420, Indianapolis, Indiana 46206–0420.

A copy of each CEB is contained in the Rules Docket at the Office of Regional Counsel, FAA, ATTN: Rules Docket No. 85–ANE–42, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Royace H. Prather, Chicago Aircraft Certification Office, Propulsion Branch, ACE–140C, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone 312–694–7132.

SUPPLEMENTARY INFORMATION: There have been reports of cracks developing on compressor mount assembly P/Ns 6896021, 6898966, and 6898611 which have progressed to a point where the mount failed on certain Model 250–C28B engines. A failed compressor mount assembly can cause misalignment and subsequent failure of compressor to turbine shafting spline joints. This condition can lead to an inflight loss of power or disconnect of the compressor to turbine shafting and subsequent inflight shutdown or overspeed uncontained failure of the gas producer turbine rotor. Since this condition is likely to exist or develop on other engines of the same type design or similar type designs, and AD is being issued which requires repetitive inspections of compressor mount assembly P/Ns 6896021, 6898966, and 6898611 followed by replacement with P/N 23007217 at the next overhaul or repair event, but not later than November 30, 1986, on certain Model 250–C28 and –C30 series engines.

Since a situation exists that requires the 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.

Conclusion

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impractical for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT

Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

PART 39—[AMENDED]

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

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

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

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

Allison Gas Turbine Division, General Motors Corp. (Allison, formerly Detroit Diesel Allison). Applies to Allison Model 250-C28 and -C30 Series engines, which incorporate compressor mount assembly P/N 6896021, 6898966, or 6898611 installed in rotorcraft certificated in any category. The following engine model and compressor serial numbers are affected:

Engine Model	Compressor Serial Number
250-C28B	CAC 70011 thru 70793, 70795
250-C28C	CAC 28001 thru 28021
250-C30, -C30P, -C30s	CAC 90001 thru 90822

Except:

Existing Model 250-C28 and -C30 Series engines which have incorporated Allison Commercial Engine Bulletin CEB 72-2085/3085, Revision 1, dated April 30, 1985, or FAA approved equivalent.

Compliance is required as indicated unless already accomplished.

To prevent possible failure of the compressor mount that can cause misalignment and subsequent failure of compressor to turbine shafting spline joints which may lead to an inflight loss of power or disconnect of the gas producer turbine rotor with a subsequent inflight shutdown/overspeed uncontained turbine wheel failure, accomplish the following:

(a) Within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished within the last 200 hours time-in-service, and thereafter at intervals not to exceed 300 hours time-in-service from the last inspection, perform the following:

Inspect P/Ns 6896021, 6898966, or 6898611 compressor mount assembly in accordance with the accomplishment instructions of Allison CEB-A-72-2080/3081 dated September 15, 1982, or FAA approved equivalent. The following continued service criteria apply for compressor mount assemblies found to have a crack(s) during the inspection:

(1) If there is only one crack in the compressor mount assembly and that crack has not progressed to within ⅜ inch of the edge of the mount sheet metal, the mount assembly can continue in service provided that inspection is made at intervals not exceeding 25 hours since the last inspection.

(2) If the crack has progressed to within ⅜ inch of the edge of the mount sheet metal, or if there is more than one crack of any length, the compressor mount assembly must be removed from service before further flight.

(b) At the next compressor assembly overhaul/repair event, but not later than November 30, 1986, perform the following:

Replace P/N 6896021, 6898966, or 6898611 compressor mount assembly with P/N 23007217 in accordance with the Accomplishment Instructions of Allison CEB 72-2085/3085, Revision 1, dated April 30, 1985, or FAA approved equivalent.

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

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

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

The following Allison commercial engine bulletins are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1):

CEB-A-72-2080/3081 dated September 15, 1982

CEB-72-2085/3085, Revision 1, dated April 30, 1985.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Allison Gas Turbine Division, General Motors Corp., P.O. Box 420, Indianapolis, IN 46206-0420. These documents also may be examined at the Office of Regional Counsel, FAA, ATTN: Rules Docket No. 85-ANE-42, 12 New England Executive Park, Burlington, Massachusetts 01803, weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

This amendment becomes effective January 6, 1986.

Issued in Burlington, Massachusetts, on November 29, 1985.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 86-304 Filed 1-7-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 85-ANE-41; Amdt. No. 39-5190]

Airworthiness Directives; Allison Gas Turbine Division, General Motors Corporation, Allison Model 250-C28B and -C28C Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires repetitive turbine shafting/coupling inspections until modifications are accomplished at the next appropriate modular overhaul or repair, but not later than November 30, 1987, on certain Allison Model 250-C28B and -C28C engines. The AD is needed to prevent excessive oil carboning deposit buildup on turbine shafting that can cause a shaft/coupling rub and subsequent turbine overspeed and/or uncontained turbine wheel failure with possible subsequent damage to aircraft.

DATES: *Effective*—January 6, 1986.

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

Incorporation by Reference—Approved by the Director of the Federal Register as of January 6, 1986.

ADDRESSES: The applicable commercial engine bulletins (CEB) may be obtained from Allison Gas Turbine Division, General Motors Corporation, P.O. Box 420, Indianapolis, Indiana 46206-0420.

A copy of each CEB is contained in the Rules Docket at the Office of Regional Counsel, FAA, ATTN: Rules Docket No. 85-ANE-41, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined weekdays, except Federal holidays between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Royace H. Prather, Chicago Aircraft Certification Office, Propulsion Branch, ACE-140C, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone 312-694-7132.

SUPPLEMENTARY INFORMATION: The FAA has determined that a damaged or wrong part number O-ring between the spur adapter gearshaft and turbine-to-compressor shaft joint can reduce the oil flow through the concentric gap between the gas producer and power turbine shafts on affected Allison Model 250-C28B and -C28C engines. The reduced oil flow can cause the shafting temperature to increase to the carboning temperature of the oil in engines which do not incorporate the type design of the turbine and spur adapter gearshaft

specified in this AD. Subsequent deposits of carbon on the turbine shafts and couplings can build until rub occurs. Continued rub could cause coupling or shaft failure. This could lead to turbine overspeed and/or uncontained turbine wheel failures with possible subsequent damage to aircraft. Since this condition is likely to exist or develop on other engines of the same type design, an AD is being issued which requires repetitive shafting/coupling inspections until modifications are accomplished at the next appropriate modular overhaul or repair, but not later than November 30, 1987, on certain Allison Model 250-C28B and -C28C engines.

Since a situation exists that requires the 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.

Conclusion

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the FAA amends Part 39 of the FAR as follows:

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

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

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

Allison Gas Turbine Division, General Motors Corp. (Allison, formerly Detroit Diesel Allison): Applies to Allison Model 250-C28B and -C28C engines installed in rotorcraft certificated in any category with the following engine and turbine serial numbers:

Model	Engine Serial Number	Turbine Serial Number
250-C28B	CAE 860011 thru 860787.	CAT 70011 thru 70804
250-C28C	CAE 280001 thru 280039.	CAT 28001 thru 28039

Except:

Existing Model 250-C28B and -C28C engines which have incorporated all of the following Allison Commercial Engine Bulletins (CEB):

	Subject
CEB-A-72-2127, Rev. 1 dated Sept. 15, 1985, or FAA approved equivalents; and	Engine, Turbine Assembly, Turbine-to-Compressor Coupling Shaft—Replace
CEB-72-2101, Rev. 1 dated Sept. 15, 1985, or FAA approved equivalent; and	Engine, Compressor Assembly, Spur Adapter Gearshaft—modified by adding Three Slots in Bore & Plugging Oil Feed Hole
CEB-72-2063, Rev. 4 dated Sept. 15, 1985, or FAA approved equivalent; and	Engine, Compressor and Gearbox Assemblies—modify to Roller Number 2½ Bearing Configuration
CEB-72-2099, Rev. 1 dated Sept. 15, 1985, or FAA approved equivalent.	Engine, Turbine-Exhaust Collector Modifications

Compliance is required as indicated unless already accomplished.

To prevent carbon buildup on turbine shafts and couplings that can cause shaft rub and subsequent shaft or coupling failures leading to possible overspeed and/or uncontained turbine wheel failures accomplish the following:

(a) Within the next 50 hours time-in-service after the effective date of this AD, unless already accomplished within the last 250 hours time-in-service, and thereafter at intervals not to exceed 300 hours time-in-service from the last inspection, perform the following:

Clean and inspect turbine shafting/couplings, and replace the P/N AS 3085-018 O-ring (two for P/N 23032345 and one for P/N 6896895 or P/N 6889071 turbine-to-compressor-coupling) on the aft end of the spur adapter gearshaft in accordance with CEB-A-72-2122 dated September 15, 1985, or FAA approved equivalent.

(b) At the next engine or module repair/overhaul shop visit, when both compressor and gearbox are disassembled to permit access, but not later than November 30, 1987, perform the following:

(i) Modify spur adapter gearshaft assembly P/N 23005276 in accordance with Allison CEB 72-2101, Revision 1 dated September 15, 1985, or FAA approved equivalent.

(ii) Modify engine compressor and gearbox assemblies to include the roller bearing configuration at the 2½ bearing location in accordance with Allison CEB 72-2063, Revision 4 dated September 15, 1985, or FAA approved equivalent.

(iii) Replace turbine-to-compressor-coupling P/N 6896895, or P/N 6889071, with P/N 23032345 and install two P/N AS 3085-018 O-rings on the aft end of the spur adapter gearshaft in accordance with Allison CEB-A-72-2127, Revision 1 dated September 15, 1985, or FAA approved equivalent.

(c) At the next turbine repair/overhaul shop visit, but not later than November 30, 1987, modify the turbine-exhaust-collector in accordance with Allison CEB 72-2099, Revision 1 dated September 15, 1985, or FAA approved equivalent.

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

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

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

The following Allison commercial engine bulletins are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1):

CEB-A-72-2127, Revision 1, dated September 15, 1985

CEB-72-2101, Revision 1, dated September 15, 1985

CEB-72-2063, Revision 4, dated September 15, 1985

CEB-72-2099, Revision 1, dated September 15, 1985

CEB-A-72-2122, dated September 15, 1985

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Allison Gas Turbine Division, General Motors Corp., P.O. Box 420, Indianapolis, IN 46206-0420. These documents also may be examined at the Office of Regional Counsel, FAA, ATTN: Rules Docket No. 85-ANE-41, 12 New England Executive Park, Burlington, Massachusetts 01803, weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

This amendment becomes effective January 6, 1986.

Issued in Burlington, Massachusetts, on November 27, 1985.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 86-305 Filed 1-7-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-ANE-40; Amdt. No. 39-5191]

Airworthiness Directives; Allison Gas Turbine Division, General Motors Corporation, Allison Model 250-C28B and -C28C Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires replacement of P/N 23008080 turbine-to-compressor-coupling with P/N 23032345 on certain Model 250-C28B and -C28C engines. The AD is needed to prevent possible failure of P/N 23008080 coupling that could lead to an overspeed uncontained failure of the gas producer turbine rotor.

DATES: *Effective*—January 6, 1986.

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

Incorporation by Reference—Approved by the Director of the Federal Register as of January 6, 1986.

ADDRESSES: The applicable commercial engine bulletin (CEB) may be obtained from Allison Gas Turbine Division, General Motors Corporation, P.O. Box 420, Indianapolis, Indiana 46206-0420.

A copy of the CEB is contained in the Rules Docket at the Office of Regional Counsel, FAA, ATTN: Rules Docket No. 85-ANE-40, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Royace H. Prather, Chicago Aircraft Certification Office, Propulsion Branch, ACE-140C, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone 312-694-7132.

SUPPLEMENTARY INFORMATION: There has been one probable cause report of axial fatigue cracking of the P/N 23008080 turbine-to-compressor-coupling originating in the thumbnail notch of the turbine end on a Model 250-C28B engine. This progressed to the point where a compressor to turbine shafting disconnect occurred and resulted in an overspeed uncontained failure of the gas producer turbine rotor. Since this condition is likely to exist or develop on other engines of the same type design, an AD is being issued which requires replacement of P/N 23008080 coupling with P/N 23032345 within the next 100 hours time in service after the effective date of this AD, or at the next turbine repair/inspection when access is gained, whichever occurs first, but not later than March 6, 1986.

Since a situation exists that requires the 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.

Conclusion

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the FAA amends Part 39 of the FAR as follows:

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

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

2. By adding the following new AD to § 539.13:

Allison Gas Turbine Division, General Motors Corp. (Allsion, formerly Detroit Diesel Allision): Applies to Allison Model 250-C28B and -C28C engines, which incorporate P/N 23008080 turbine-to-compressor-coupling, installed in rotorcraft certificated in any category.

Compliance is required as indicated unless already accomplished.

To prevent possible cracks in turbine-to-compressor-coupling P/N 23008080 from progressing to where a disconnect failure could occur and subsequently could result in an overspeed uncontained failure of the gas producer turbine rotor, accomplish the following:

Within the next 100 hours time-in-service after the effective date of this AD, or at the next turbine repair/inspection when access to P/N 23008080 coupling is gained, whichever occurs first, but not later than March 6, 1986, perform the following:

Replace P/N 23008080 turbine-to-compressor-coupling with P/N 23032345 and install two P/N AS 3085-018 O-rings on the aft end of the spur adapter gearshaft in accordance with Allison Commercial Engine Alert Bulletin CEB-A-72-2127, Revision 1, dated September 15, 1985, or FAA approved equivalent.

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

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

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

Allison CEB-A-72-2127, Revision 1, dated September 15, 1985, is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Allison Gas Turbine Division, General Motors Corp., P.O. Box 420, Indianapolis, IN 46206-0420. These documents also may be examined at the Office of Regional Counsel, FAA, ATTN: Rules Docket No. 85-ANE-40, 12 New England Executive Park, Burlington, Massachusetts 01803, weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

This amendment becomes effective January 6, 1986.

Issued in Burlington, Massachusetts, on November 27, 1985.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 86-306 Filed 1-7-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 84-ANE-29; Amdt. No. 39-5192]

Airworthiness Directives; Allison Gas Turbine Division, General Motors Corporation, Allison Model 250-C30 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires turbine inspection/modifications and removal of P/N 23008080 turbine-to-compressor-coupling on certain Allison Model 250-C30 Series engines. This amendment is needed to require removal of P/N 23008080 coupling in the next 100 hours time in service instead of 300 hours for certain Model 250-C30 Series engines installed in other than Sikorsky S-76A rotorcraft to reduce the risk of this coupling possibly failing and causing an uncontained turbine wheel failure.

DATES: Effective January 6, 1986.

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

FOR FURTHER INFORMATON CONTACT: Mr. Royace H. Prather, Chicago Aircraft Certification Office, Propulsion Branch, ACE-140C, FAA, East Devon Avenue, Des Plaines, Illinois 60018; telephone 312-694-7132.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-5163, 50 FR 46631, AD 84-24-54, which currently requires turbine inspection/modifications and removal of P/N 23008080 turbine-to-compressor-coupling before further flight for Model 250-C30 and -C30S engines installed in Sikorsky S-76A rotorcraft and within 300 hours time in service for all other Model 250-C30 Series engines. After issuing Amendment 39-5163, the FAA has determined, based on a recent incident, that it is also possible for axial fatigue cracks to originate in the thumbnail notch of the aft end of P/N 23008080 coupling and to progress to a point where a compressor to turbine shafting disconnect failure could occur on certain Model 250-C30 Series engines installed in other than Sikorsky S-76A rotorcraft. A compressor to turbine shafting disconnect will result in an inflight shutdown or possible overspeed uncontained failure of the gas producer turbine rotor. Therefore, the FAA is amending Amendment 39-5163 by requiring that P/N 23008080 coupling be replaced by P/N 23032345 within the next 100 hours time in service after the effective date of this amendment for certain Model 250-C30 Series engines installed in other than Sikorsky S-76A rotorcraft. This amendment retains the corrective actions of AD 84-24-54 to prevent possible compressor to turbine shafting misalignment and possible carbon buildup and subsequent shafting/coupling rub that can cause compressor to turbine shafting disconnects and/or overspeed uncontained failures of the gas producer turbine rotor.

Since a situation exists that requires the 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.

Conclusion

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

List of Subjects in 14 CFR Part 39

Air transportation, Engines, Aircraft, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the FAA amends Part 39 of the FAR as follows:

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

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

2. By amending Amendment 39-5163, 50 FR 46631, AD 84-24-54, in § 39.13 as follows:

Delete the first paragraph of paragraph (b)(2) and insert in lieu thereof the following new paragraph:

* * * * *

(b)(2) *Within the next 300 hours time in service after November 18, 1985, or within 100 hours time in service after the effective date of this amendment, or at next turbine repair/overhaul shop visit, whichever occurs first, but not later than March 6, 1986, perform the following:*

This amendment becomes effective January 6, 1986.

This amendment amends Amendment 39-5163, 50 FR 46631, AD 84-24-54.

Issued in Burlington, Massachusetts on November 27, 1985.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 86-302 Filed 1-7-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 85-ASO-17]

Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action alters a portion of Federal Airway V-290 by changing the name of that portion to V-266. Safety is enhanced by correcting the existing airway structure deficiency that permits a pilot to transition from V-139 to V-290 at two different locations.

EFFECTIVE DATE: 0901 UTC, March 13, 1986.

FOR FURTHER INFORMATION CONTACT: Robert G. Burns, Airspace and Air Traffic Rules Branch (ATO-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On September 18, 1985, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to rename a portion of VOR Federal Airway V-290 between Franklin, VA, and Wright Brothers, NC. Aircraft navigating along intersecting airways can intercept V-290 in two places 45 miles apart. To preclude incorrect transition betwen airways, V-290 is being changed to V-266 between Franklin, VA, and Wright Brothers, NC. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this admendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations renames that portion of VOR Federal Airway V-290 between Franklin, VA, and Wright Brothers, NC, as V-266.

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

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as amended (50 FR 20898) is further amended, as follows:

PART 71—[AMENDED]

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

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

2. Section 71.123 is amended as follows:

V-290 [Amended]

By removing the words "From Franklin, VA; Elizabeth City, NC; to Wright Brothers, NC."

V-266 [Amended]

By removing the words "Franklin, VA." and substituting the words "Franklin, VA; Elizabeth City, NC; to Wright Brothers, NC."

Issued in Washington, DC, on December 30, 1985.

Shelomo Wugalter,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86-300 Filed 1-7-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 85-AWA-36]

Alteration of Restricted Areas R-4802, R-4810 and R-4813—NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the times of use for Restricted Areas R-4802, R-4810 and R-4813, located near Fallon, NV, indicating more accurately when the areas are being utilized. The Department of Navy has requested these changes in times of designation to coincide with the published hours for approach control service provided by Fallon Naval Air Station.

EFFECTIVE DATE: 0901 UTC, March 13, 1986.

FOR FURTHER INFORMATION CONTACT: Andrew B. Oltmanns, Airspace and Aeronautical Information Requirements Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffice Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426-3128.

SUPPLEMENTARY INFORMATION:

The Rule

The purpose of this amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to change the times of use for Restricted Areas R-4802, R-4810 and R-4813, located near Fallon, NV, from 0600-2400 to 0715-2330. Because this would amend the time of designation to reflect actual times of use and would reduce the time the restricted areas are in effect, this action is a minor amendment in which the public would not be particularly interested. For this reason, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary. Section 73.48 of Part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

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

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

Adoption of the Amendment

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

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

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

2. Section 73.48 is amended as follows:

R-4802 Lone Rock, NV [Amended]

By removing "0600 to 2400" and substituting "0715 to 2330".

R-4810 Desert Mountains, NV [Amended]

By removing "0600 to 2400" and substituting "0715 to 2330".

R-4813 Carson Sink, NV [Amended]

By removing "0600 to 2400" and substituting "0715 to 2330".

Issued in Washington, DC, on December 30, 1985.

Shelomo Wugalter,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 85-299 Filed 1-7-85; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34-22758]

Delegation of Authority to the Director of the Division of Market Regulation

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its rules governing delegation of authority in order to allow the Director of the Division of Market Regulation to grant exemptions pursuant to section 15(b)(9) of the Securities Exchange Act of 1934 ("Act").

EFFECTIVE DATE: January 8, 1986.

FOR FURTHER INFORMATION CONTACT: Katherine England, Division of Market Regulation (202) 272-2882.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission") today announced the amendment, effective on publication in the **Federal Register**, of its rules under the Securities Exchange Act of 1934 ("Act") (15 U.S.C. 78a *et seq.* as amended) governing delegation of authority to the Director of the Division of Market Regulation (17 CFR § 200.30-3). The amendment authorizes the Director of the Division of Market Regulation to exempt broker-dealers from the requirements of section 15(b)(8) of the Act.

Background

Section 15(b)(8) of the Act requires a registered broker-dealer to either: (1) Limit its securities business to effecting transactions in securities solely on a national securities exchange of which it is a member; or (2) join a registered securities association ("membership requirement"). Section 15(b)(9) of the Act authorizes the Commission to grant

exemptions from the membership requirement to any broker-dealer or class of broker-dealers if the Commission deems the exemption consistent with the public interest and the protection of investors. The Commission has used this exemptive authority both to exempt a class of broker-dealers and to exempt a single broker-dealer.

First, the Commission adopted Rule 15b9-1 (17 CFR 240.15b9-1) pursuant to section 15(b)(9) of the Act, which exempts broker-dealers from the membership requirement if they are: (1) Members of a national securities exchange; (2) carry no customer accounts; and (3) have annual gross income derived from purchases and sales of securities otherwise than on a national securities exchange of which they are a member in an amount no greater than $1,000.[1] The Commission also granted an exemption to American Stock Exchange ("Amex") members for trades effected through the Amex/Toronto Stock Exchange ("TSE") linkage.

Second, the Commission has granted a temporary exemption to a former SECO broker-dealer allowing it to do business while it appealed to the Commission an NASD decision denying the broker-dealer membership in the NASD.

Discussion

Particularly as a result of the increasing internationalization of the securities markets, the Commission anticipates that the number of exemptive requests from broker-dealers, self-regulatory organizations, and others may increase. The Commission believes, for example, that exchange member broker-dealers that wish to participate in international linkages may be expected to seek an exemption from the membership requirement. The Commission anticipates that these exemption requests will present largely similar issues. Therefore, the Commission believes it appropriate to delegate to the staff the authority to review, and where appropriate, grant the requested exemptions. The Commission finds that there will be no burden on competition imposed by the amendment.

The Commission also finds that the foregoing action relates solely to agency management and personnel and, accordingly, that notice and prior publication for comment under the Administrative Procedure Act (5 U.S.C. 553) are not necessary. This action, taken pursuant to 15 U.S.C. 78d-1, as amended, becomes effective immediately on publication in the **Federal Register.**

List of Subjects in 17 CFR Part 200

Administrative authority delegations (Government agencies), Practice and procedure, Freedom of information, Organization and functions (Government agencies), Privacy, Securities.

Text of Amendment

The Commission hereby amends Title 17, Chapter II of the Code of Federal Regulations as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

1. The authority citation for Part 200 continues to read as follows:

Authority: Secs. 19, 23, 48 Stat. 85, 901 as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 78w, 79t, 77sss, 80a-37, 80b-11. § 200.30-3(a)(46) is also issued under sec. 2, 89 Stat. 97, and sec. 15, 84 Stat. 1653, as amended 15 U.S.C. 78b, 78o.

2. Section 200.30-3 is amended by adding paragraph (a)(46) as follows:

§ 200.30-3 Delegation of authority to Director of Division of Market Regulation

* * * * *

(a) * * *

(46) Pursuant to section 15(b)(9) of the Act, 15 U.S.C. 78o(b)(9) to review and, where appropriate, grant exemptions from the requirement of section 15(b)(8) of the Act, 15 U.S.C. 78o(b)(8).

* * * * *

By the Commission.

Dated: January 2, 1986.

John Wheeler,

Secretary

[FR Doc. 86-327 Filed 1-7-86; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 211

[Release No. SAB-42A]

Staff Accounting Bulletin No. 42A

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: This staff accounting bulletin expresses the staff's views regarding goodwill amortization periods for financial institutions which become SEC registrants in a period after a business combination. It amends Section A of Topic 2 relating to the purchase methods for business combinations.

DATE: December 31, 1985.

FOR FURTHER INFORMATION CONTACT: Laurel R. Bond or Robert J. Kueppers, Office of the Chief Accountant (202-272-2130) or Howard P. Hodges, Jr., Division of Corporation Finance (202-272-2553), Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

December 31, 1985

John Wheeler,

Secretary.

PART 211—[AMENDED]

Accordingly, Part 211 of Title 17 of the Code of Federal Regulations is amended by adding Staff Accounting Bulletin No. 42A to the table found in Subpart B.

Staff Accounting Bulletin No. 42A

The staff hereby adds section A-4 to Topic 2 setting forth the staff's views on the selection of goodwill amortization periods for financial institutions which become SEC registrants in a period after a business combination.

Topic 2: Business Combinations

A-4. Amortization of Goodwill by Financial Institutions Upon Becoming SEC Registrants

Facts: During 1981 (a period of high interest rates and increasing merger activity involving financial institutions), the staff noted that the use of the purchase method of accounting often resulted in substantial positive effects on earnings in the first few years following an acquisition of a financial institution. Often this was so because a low-yielding mortgage portfolio was discounted to fair value and the discount was taken into income using the interest method over the estimated life of the portfolio, while the excess of cost over the fair value of net assets acquired (goodwill), which often arose primarily as a result of discounting the mortgage portfolio, was charged to income on a straight-line basis over a period up to 40 years. For example, an institution which had been incurring

[1] The gross income limitation does not apply to income derived from transactions: (1) For the dealer's own account with or through another registered broker or dealer; or (2) through the Intermarket Trading System.

losses could be acquired by another entity and report a significant contribution to the combined entity's financial results due to excessively long amortization periods for the recorded goodwill compared to short periods used for accretion of the discount. Since this result did not reflect what the staff believed were the economics of the transaction (particularly when a troubled financial institution was acquired), the staff requested that goodwill be amortized over a shorter peiod than the 40 year maximum amortization period provided for in Accounting Principles Board Opinion No. 17.

On December 23, 1981, the staff issued Staff Accouting Bulletin No. 42 to publicize views on acquisitions of financial institutions. Among other things, the SAB noted that:

> Regulated depository institutions are experiencing erosion of traditional markets because of inroads made by unregulated financial segments. Competitive pressure; the potential effects of deregulatory initiatives; and rapid technology changes create an uncertain environment which must be considered when determining the period in which goodwill benefits will exist. This uncertainty may be greater for savings and loan associations and savings banks since high interest rates have adversely affected their financial positions due to the funding costs of their fixed rate loan portfolios.

The SAB went on to note that the automatic selection of the maximum 40-year amortization period allowed by generally accepted accounting principles is not appropriate, and that shorter amortization periods are usually called for.

During 1982, the staff continued to review filings involving acquisitions of financial institutions using the factors set forth in SAB No. 42. While SAB No. 42 did not specify a maximum acceptable goodwill life, practice evolved to the point where the maximum goodwill life that could be justified to the staff was 25 years.

Statement of Financial Accounting Standards No. 72 "Accounting for Certain Acquisitions of Banking or Thrift Institutions", effective for business combinations initiated after September 30, 1982, essentially requires that for acquisitions of certain institutions (those acquisitions in which the fair value of liabilities assumed exceeds the fair value of tangible and identified intangible assets acquired) goodwill representing the excess of liabilities over assets on a fair value basis must be written off over the life of the long term interest-bearing assets. Statement No. 72 did not address the amortization period for any remaining goodwill.[1]

In recent years, increasing numbers of financial institutions formed holding companies which became subject to SEC reporting requirements.[2] Some of these financial institutions, prior to the formation of the holding company, entered into business combinations after the issuance of SAB No. 42 on December 23, 1981, and used goodwill amortization periods of greater than 25 years.

Question: Should financial institutions which are amortizing goodwill arising from acquisitions which occurred after December 23, 1981 over periods greater than 25 years adjust such amortization at the time the institutions become SEC registrants?

Interpretive Response: The Commission's staff believes that a new SEC registrant should reexamine its accounting policies and practices prior to its initial filing with the SEC. When a registrant files with the SEC, it is expected to follow the guidance in Staff Accounting Bulletin No. 42. With respect to selection of the appropriate amortization period for goodwill acquired in business combinations after December 23, 1981, the automatic selection of a 40 year amortization period is not appropriate; therefore, a new registrant should be prepared to justify the use of a long amortization period. For business combinations initiated after September 30, 1982, the staff believes that 25 years is the maximum goodwill life that is acceptable.

Ordinarily, a registrant which amended its accounting policy regarding goodwill amortization would be permitted to do so on a prospective basis, providing, of course, that appropriate disclosure of the impact of the prospective change is made in the initial filing.[3] For example, assume a financial institution which previously had amortized goodwill acquired in a January 1, 1983 acquisition over a 40 year period formed a holding company on January 1, 1985 and was thereafter required to file with the SEC. Further assume that the financial institution used a 20 year amortization period for goodwill in financial statements filed with the SEC. In this situation, the institution would amortize the remaining goodwill balance over the remaining 18 years of the 20 year total amortization period, beginning in 1985.

[FR Doc. 86-326 Filed 1-7-86-8:45 am]

BILLING CODE 8010-01-M

[1] The authoritative literature governing the amortization period of remaining goodwill is Accounting Principles Board Opinion No. 17.

[2] Section 12(i) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. 781, provides for federally insured publicly-held banks and savings and loans to file Exchange Act reports with the appropriate bank regulatory agency and the Federal Home Loan Bank Board, respectively, in lieu of filing with the SEC. Holding companies, however, file their reports with the SEC.

[3] It should be noted, however, that if an amortization period previously used was clearly improper because it did not adequately reflect the economic realities of the combination a registrant would be expected to retroactively restate its financial statements to reflect the selection of an appropriate amortization period. Further, the staff understands that there may have been situations where two or more failing institutions were merged and that such transactions were accounted for as purchases using 40 year goodwill lives. This bulletin does not apply to any such cases, which may require restatement if filed with the Commission.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Sterile Methylprednisolone Acetate Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Med-Tech, Inc., providing for safe and effective intramuscular and intrasynovial use of sterile methylprednisolone acetate suspension: (1) For the treatment of inflammation in dogs, cats, and horses; (2) for the treatment of allergic and determatologic disorders in dogs and cats; and (3) as supportive therapy in severe infections in dogs and cats.

EFFECTIVE DATE: January 8, 1986.

FOR FURTHER INFORMATION CONTACT: Marcia K. Larkins, Center for Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Med-Tech, Inc., P.O. Box 338, Elwood, KS 66024, filed NADA 136-212 providing for safe and effective intramuscular and intrasynovial use of sterile methylprednisolone acetate suspension: (1) For the treatment of inflammation in

dogs, cats, and horses; (2) for the treatment of allergic and dermatologic disorders in dogs and cats; and (3) as supportive therapy to antibacterial treatment of severe infections in dogs and cats. The NADA is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(i) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 522 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

2. In § 522.1410 by revising paragraph (b) to read as follows:

§ 522.1410 Sterile methylprednisolone acetate suspension.

* * * * *

(b) *Sponsors.* See Nos. 000009 and 013983 in § 510.600(c) of this chapter.

* * * * *

Dated: December 30, 1985.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 86-307 Filed 1-7-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[T.D. 8068]

Income Taxes; Stock Acquisitions; Temporary Regulations Under Section 338(h)(10) of the Internal Revenue Code of 1954 and Extension of Time To Make Certain Elections

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to section 338 (h)(10) of the Internal Revenue Code of 1954 ("Code") as added by the Technical Corrections Act of 1982 ("TCA"). This document also contains amendments to temporary regulations so as to extend the time for making certain elections under section 338 to March 15, 1986. The temporary regulations provide guidance to taxpayers concerning the application of section 338. The text of the temporary regulations set forth in this document also serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the proposed rules section of this issue of the **Federal Register.**

DATES: These regulations are effective January 8, 1986. These temporary regulations under section 338(h)(10) generally apply to stock acquisitions made after January 12, 1983. The temporarily regulations being amended generally apply to stock acquisitions made after August 31, 1982.

FOR FURTHER INFORMATION CONTACT: Patricia Wendlandt or Bennett C. Steinhauer of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, Attention: CC:LR:T (202-566-3458, not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document adds new temporary regulations § 1.338(h)(10)-1T to Part 1 of Title 26 of the Code of Federal Regulations. The temporary regulations implement section 338(h)(10) of the Code by adding new §§ 1.338-1T(e). Section 338(h)(10) was originally added as section 338(h)(9) by section 306(a)(8)(B)(i) of TCA (Pub. L. 97-448; 96 Stat. 2402) and was redesignated as section 338(h)(10) by section 712(k)(6) of the Tax Reform Act of 1984 (Pub. L. 98-369; 98 Stat. 951).

This document also amends §§ 1.338-1T and 1.338-4T to extend from August 23, 1985, to March 15, 1986, the date for electing section 338, for making certain other elections under section 338, and for certain other purposes. Finally, this document amends the table of OMB control numbers in Part 602 of Title 26 of the CFR to reflect the OMB control number assigned to § 1.338(h)(10)-1T. The temporary regulations added and amended by this document will remain in effect until superseded by later temporary or final regulations relating to these matters.

Explanation of Provisions

Introduction

Section 338, generally, provides that, if the stock of a corporation ("target") is acquired by another corporation ("purchasing corporation") in a qualified stock purchase, the purchasing corporation may elect (or may be deemed to elect under certain consistency rules) to have the target treated as if it had sold all of its assets (as "old target") and then purchased those assets (as "new target"). The deemed sale of assets by old target generally is governed by the nonrecognition rule of section 337. Section 338 (h) (9) now provides that old target is not treated as a member of an affiliated group with respect to the deemed sale of its assets, except as otherwise provided in section 338(h)(10). Thus, even if consolidated returns are filed by the selling group and by the purchasing group, the general rule is that any gain that target must recognize notwithstanding section 337 is reported by target on its final return which is a separate return referred to as a "deemed sale return." See § 1.338-1T(f)(3)(i). Section 338(h)(10) provides that, under regulations, if the target is a member of a selling consolidated group ("selling group") and section 338(h)(10) is elected, old target is treated as having sold all of its assets to new target in a single transaction. Gain or loss is recognized by old target on the deemed sale of its assets but, except as provided by regulations, no gain or loss is recognized upon the sale or exchange of old target stock to the purchasing corporation. Old target, then, is treated as having sold all of its assets in a single taxable transaction while a member of the selling consolidated group. For an exception, see the discussion of tandem transactions below. Thus, if section 338(h)(10) is elected, the selling consolidated group directly bears any income tax on the deemed sale of

target's assets instead of target initially bearing that tax on a separate return.

Characterization of Transaction

Under this document, the section 338(h)(10) transaction is characterized as if old target sells all of its assets at the close of the acquisition date and then immediately liquidates under section 332. Thus, this document rejects the alternative of treating old target in the transaction as simply terminating.

Eligibility for Election

Under § 1.338 (h) (10)–1T, section 338(h)(10) may be elected for any target that is a member of a selling group whose acquisition date occurs after January 12, 1983, the date section 338(h)(10) was enacted.

The selling group is an affiliated group that filed or is required to file a consolidated return for the taxable period that includes the acquisition date, provided that the group's common parent is not a target. Notwithstanding § 1.1502–75 (a)(1) and (c), § 1.1502–75T (as added by this document) provides that the selling group may not withdraw its consolidated return or elect to discontinue filing consolidated returns on or after the day that a section 338 (h) (10) election is made for a former member of the group.

Time and Manner of Election

The procedural rules for making a section 338 (h)(10) election and related reporting requirements are designed to ensure that the purchasing corporation (through the target) receives the intended results of a section 338 election while any income tax arising on target's deemed sale of its assets is shifted to the selling consolidated group. Thus, the section 338(h)(10) election is an irrevocable election made jointly by the selling group and the purchaser on Form 8023 (the statement of section 338 election). A copy of this form must be filed with the return of the selling group for the taxable period that includes the acquisition date. The schedule listing each corporation subject to the section 338 election required by § 1.338–1T(e)(1) shall indicate which of the listed corporations is subject to the section 338(h)(10) election under the stock consistency rules explained below in this document. As part of the election procedure, the selling group must indicate the date and Service Center where the group filed its consolidated return for the taxable period that includes the acquisition date or for the last taxable period for which one was filed.

Interim election procedures provide the method of making an election until Form 8023 is modified to include a section 338(h)(10) election.

A section 338(h)(10) election may be made on or before the later of March 15, 1986, or the 15th day of the 9th month beginning after the month in which the acquisition date occurs. This last day is the same date as the last day for making a section 338 election since both elections must be made simultaneously. Exceptions to the simultaneous election requirement are provided for transitional section 338(h)(10) elections and pre-section 338(h)(10) target elections. In the case of a pre-section 338(h)(10) target election, all parties shall treat the transaction as if the election is not made until a delayed section 338(h)(10) statement of election is filed.

Consequences of Election

The following consequences obtain when an election is made for a section 338(h)(10) target:

1. Old target recognizes gain or loss as if, while a member of the selling group, it sold in a single taxable transaction all of its assets at the close of the acquisition date. For an exception, see the discussion of tandem transactions below.

2. Gain or loss from the sale or deemed sale of the stock of a section 338(h)(10) target or target affiliate to the purchaser by the selling group is ignored for all purposes of chapter 1 of the Code.

3. Old target is deemed to have liquidated under section 332 at the close of the acquisition date but after the deemed asset sale. Thus, attributes listed in section 381, such as net operating loss carryovers, carry over from target to the transferee in the deemed liquidation.

4. No gain or loss is recognized by the selling group or by shareholders other than the purchasing corporation with respect to target stock that is not acquired by the purchasing corporation in the transaction. The basis of such stock in the hands of minority shareholders (other than the selling group) remains unchanged. The basis of such stock retained by the selling group is adjusted to reflect its proportionate share of the net fair market value of new target's assets and no gain or loss is recognized as a result of this basis adjustment.

5. If the purchasing corporation owns shares of nonrecently purchased stock, it is deemed to have made a gain recognition election with respect to such shares.

6. The adjusted grossed-up basis (the "AGUB") of the target stock is the same as if only an express election were made except that it does not include income tax liabilities resulting from the deemed sale. The AGUB is allocated to assets in accordance with section 338(b)(5).

7. The foregoing deemed sale and liquidation rule applies for purposes of the consolidated returns regulations.

Deemed Sale Price

The price at which the assets of each old target is deemed to be sold is their fair market value. An elective formula (the "MADSP") for deemed sale price is provided that takes into account liabilities and other relevant items.

Stock Consistency Requirements

The temporary regulations require that, if a section 338(h)(10) election is made for one target, it is deemed to be made for all target affiliates that are members of the same selling group and whose stock is purchased by members of the same purchasing group.

Tandem Transactions

The temporary regulations provide rules coordinating section 338(h)(10) with sections 337 and 338 (h) (12). These rules may apply when the sale of old target stock is part of the liquidation of the entire selling consolidated group.

Miscellaneous Matters

The information return and recordkeeping requirements of section 6043 and § 1.332–6 are inapplicable to the constructive section 332 liquidation of target.

Further, a deemed sale return for target that is subsequently mooted by a section 338(h)(10) election is considered to be a return so that interest will be paid on the overpayment of tax.

Amendments to §§ 1.338–1T and 1.338–4T

Section 1.338–1T (e) is amended to integrate the requirements for making a section 338(h)(10) election with requirements for a section 338 election. Sections 1.338–1T and 1.338–4T are amended to extend certain due dates from August 23, 1985, to March 15, 1986.

Comments Requested

Comments are requested on the rules for determining the deemed sale price under § 1.338(h)(10)–1T(f). Consideration is being given to determining such amount under a mandatory formula (the "mandatory MADSP formula") and eliminating the option to determine the deemed sale price by reference to the fair market value of each asset of old T. Such comments should address, among other things, the concern that the mandatory formula not impose any

undue administrative burdens on taxpayers.

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

A general notice of proposed rulemaking is not required by 5 U.S.C. 553 for temporary regulations. Accordingly, these temporary regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6). The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis therefore is not required. The collection of information contained in these regulations has been submitted to the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act of 1980. These requirements have been approved by OMB (Control No. 1545-0702).

Drafting Information

The principal author of these temporary regulations is Bennett C. Steinhauer of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects

26 CFR 1.301-1—1.383-3

Income taxes, Corporations, Corporate distributions, Corporate adjustments, Reorganizations.

26 CFR Part 602

OMB control numbers, Paperwork Reduction Act, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Parts 1 and 602 are amended as follows:

PART—1 INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The authority citation for Part 1 is amended by adding the following citation:

Authority: 26 U.S.C. 7805; * * * §§ 1.338(h)(10)-1T, 1.338-1T, and 1.338-4T also issued under 26 U.S.C. 338; * * * § 1.1502-75T also issued under 26 U.S.C. 1502.

Par. 2. There is inserted in the appropriate place a new § 1.338(h)(10)-1T. The new section reads as follows:

§ 1.338(h)(10)-1T Elective recognition by selling consolidated group of deemed sale gain or loss on target's assets (temporary).

(a) *Scope.* This section sets forth the requirements, conditions, and consequences of a section 338(h)(10) election if a target corporation is acquired in a qualified stock purchase from a selling consolidated group. Subject to the detailed rules in paragraphs (e) and (j) of this section, the primary effects of a section 338(h)(10) election are a deemed taxable sale by target of all its assets followed by a deemed complete liquidation to which section 332 applies. In addition, gain or loss on the actual sale of target stock by a member of the selling group to a member of the purchasing group included in the qualified stock purchase is ignored.

(b) *Definitions and nomenclature.* For purposes of this section (and except as otherwise provided in this section)—

(1) *In general.* The definitions set forth in §§ 1.338-1T(b) and 1.338-4T(b)(2) also apply to this section. The nomenclature in § 1.338-4T(b)(1) does not apply to this section.

(2) *Section 338(h)(10) target.* A corporation is a "section 338(h)(10) target" if it is an original target that is included in the selling group's consolidated return for the taxable period that includes the acquisition date.

(3) *Selling consolidated group.* The "selling consolidated group" is the affiliated group (as defined in section 1504) which for the taxable period that includes the acquisition date—

(i) Includes the section 338(h)(10) target,

(ii) Filed a consolidated return or is required to file a consolidated return, and

(iii) Has as its common parent a corporation for which a section 338 election by the purchasing corporation does not apply.

(4) *Section 338(h)(10) target affiliate.* A "section 338(h)(10) target affiliate" is any member of the selling consolidated group that is an affected target.

(5) *Nomenclature.* (i) The S group is a selling consolidated group.

(ii) T is a section 338(h)(10) target.

(iii) T1, T2, etc. are section 338(h)(10) target affiliates.

(iv) S1, S2, etc. are members of the S group other than T, T1, T2, etc.

(v) P, P1, P2, etc. are members of the purchasing group. When the context requires, a reference to P refers to the purchasing corporation or corporations. See section 338(h)(8).

(vi) K is a shareholder of T other than a member of the S group or a member of the purchasing group.

(6) *Examples.* The provisions of this paragraph (b) may be illustrated by the following examples:

Example (1). T is a wholly-owned subsidiary of S1. T1 is a wholly-owned subsidiary of S2. T2 is a wholly-owned subsidiary of T1. S1, S2, T, T1, and T2 are all members of an affiliated group that files a consolidated return for calendar year 1986 with S1 as its common parent. On June 1, 1986, P1 purchases all of the outstanding stock of T and an express election and a section 338(h)(10) election are made for T. On July 1, 1986, P2 purchases all the outstanding stock of T1. Both T1 and T2 are section 338(h)(10) target affiliates.

Example (2). Assume the same facts as in *Example (1).* Assume further that P1 purchases all of the stock of S1 on July 10, 1986. Since the express election for T causes a deemed election for S1 (an affected target), a section 338 (h)(10) election may not be made for S1, T, T1, or T2 because there is no selling consolidated group.

(c) *Eligibility for section 338(h)(10) election.* A section 338(h)(10) election may be made for T if—

(1) P makes a qualified stock purchase of T stock,

(2) The acquisition date with respect to the stock of T or of any section 338(h)(10) target affiliate is after January 12, 1983, and

(3) An express election is made for T.

(d) *Time and manner of making section 338(h)(10) election*—(1) *Simultaneous joint election requirement.* Except as provided for a delayed election in paragraph (d)(7) of this section, the section 338(h)(10) election is made jointly by P and the S group on Form 8023 in accordance with the instructions to the Form.

(2) *Election irrevocable.* Once made, a section 338(h)(10) election is irrevocable.

(3) *Annotation on required schedule.* Section 1.338-1T(e)(1)(i)(D) requires that the schedule required by § 1.388-1T(e)(1) must indicate which of the listed corporations is subject to a section 338(h)(10) election, including corporations subject to deemed section 338(h)(10) elections under paragraph (h) of this section. This indication is made by clearly identifying such corporations, such as by a footnote system.

(4) *Attachments to target returns and additional filings.* Under § 1.338-1T(e)(2)(i), a copy of the statement of section 338 election that is filed with the return of the S group for the taxable period which includes the acquisition date is considered filed with the last return of old target.

(5) *Consequence of failure to comply with requirements of § 1.338-1T(e) (1) and (2).* For consequences of failure to comply with the requirements of § 1.338-1T(e) (1) and (2), see § 1.338-

1T(e)(3). Thus, an election and failure to comply with these requirements will not invalidate a section 338(h)(10) election and will have no effect on the applicability of paragraph (h) of this section.

(6) *Interim procedures*—(i) *In general.* If Form 8023 and accompanying instructions do not prescribe making the statement of section 338(h)(10) election on the face of Form 8023, then a separate statement of section 338(h)(10) election must be attached to the Form 8023 filed for T. For purposes of § 1.338–1T(e) and paragraph (d)(4) of this section (relating to attachments to target returns and additional filings), this attached statement of section 338(h)(10) election is treated as an integral part of the Form 8023.

(ii) *Contents of separate section 338(h)(10) election statement.* The separate statement of section 338(h)(10) election must—

(A) Contain the name, address, and employer identification number of each of P, T, and the common parent of the S group,

(B) Identify the election as an election under section 338(h)(10) of the Code,

(C) Indicate the date and Service Center where the S group filed its consolidated return for the taxable period that includes the acquisition date or for the last taxable period for which one was filed, and

(D) Be signed by both a person for P and a person for the common parent of the S group each of whom states under penalties of perjury that he or she is authorized to make the section 338(h)(10) election on behalf of P or the S group (as the case may be).

(7) *Delayed elections*—(i) *In general.* In lieu of the simultaneous election requirement of paragraph (d)(1) of this section, a delayed section 338(h)(10) statement of election ("delayed election") may be filed with the Internal Revenue Service Centers with which P and S group file their respective annual income tax returns in the following two situations:

(A) An express election was made before March 15, 1986 ("transitional election").

(B) An express election was made before the date the target became a section 338(h)(10) target, *i.e.*, before the date that the affiliated group of which the target was a member filed or was required to file a consolidated return ("pre-section 338(h)(10) target election").

(ii) *Time for filing*—(A) *Transitional election.* A transitional section 338(h)(10) election must be filed on or before March 15, 1986.

(B) *Pre-section 338(h)(10) target election.* A pre-section 338(h)(10) target election must be filed on or before the date that is the earlier of (*1*) the 30th day after the day the affiliated group of which the target is a member files a consolidated return for the period that includes the target's acquisition date or (*2*) the 15th day of the 4th month following the close of the S group's taxable year in which the acquisition date occurs.

(iii) *Contents of delayed statement.* The delayed section 338(h)(10) statement of election must contain the same information as required for a separate statement of section 338(h)(10) election by paragraph (d)(6)(ii) of this section except that the election must be prominently identified as a "DELAYED SECTION 338(h)(10) STATEMENT OF ELECTION ON ACCOUNT OF A TRANSITIONAL ELECTION" or "DELAYED SECTION 338(h)(10) STATEMENT OF ELECTION ON ACCOUNT OF A PRE-SECTION 338(h)(10) TARGET ELECTION" (as the case may be).

(iv) *Attachments to delayed statement.* There must be attached to the delayed statement of election copies of both the Form 8023 filed for T and the schedule required under § 1.338–1T(e)(1) properly annotated in accordance with paragraph (d)(3) of this section.

(v) *Application of certain provisions.* The delayed section 338(h)(10) statement of election is treated as an integral part of Form 8023 for purposes of § 1.338–1T(e) and paragraph (d)(4) of this section as of the day such delayed statement of election is filed.

(vi) *Operating rule.* Beginning with the date an express election is made and until a delayed section 338(h)(10) statement of election is filed for T, all parties shall treat the transaction as if a section 338(h)(10) election is not made. Thus, for example, until the delayed election is made, any recapture gain (as defined in § 1.338–4T(h)(2)(iv)) recognized by old T is reported, pursuant to § 1.338–1T(f)(3), by old T in its last return.

(8) *Coordination with consolidated returns regulations.* On or after the day that a section 338(h)(10) election is made for a former member of the S group, the group may not withdraw its consolidated return for the taxable period that includes the acquisition date or for certain periods elect to discontinue filing consolidated returns. See § 1.1502–75T.

(e) *Detailed consequences of section 338(h)(10) election.* If a section 338(h)(10) election is made, the following consequences apply:

(1) *Taxable sale of all target assets.* Old T recognizes gain or loss as if, while a member of the S group, it sold all of its assets in a single transaction as of the close of the acquisition date. For determination of deemed selling price, see paragraph (f) of this section. For coordination with sections 337 and 338(h)(12), see paragraph (j) of this section.

(2) *Nonrecognition treatment for target stock*—(i) *General rule.* For purposes of chapter 1 of the Code, gain or loss on the actual sale or exchange by the S group to P of stock of T or of a section 338(h)(10) target affiliate included in a qualified stock purchase is ignored. Likewise, gain or loss on the deemed sale of the stock of a section 338(h)(10) target affiliate that is a subsidiary of T is ignored.

(ii) *Example.* The provisions of this subparagraph (2) may be illustrated by the following example:

Example. S1 owns all of the outstanding stock of T and T1. T1 owns all of the outstanding stock of T2. On March 1, 1986, P purchases all of the outstanding stock of each of T and T1. An express election and a section 338(h)(10) election are made for T. Thus, a deemed election and a deemed section 338(h)(10) election, under paragraph (h) of this section, are caused for T1 and T2. Gain or loss realized by S1 on the actual sale of the T and T1 stock is ignored as is the gain or loss on the deemed sale of T2 stock by old T1. Thus, for example, gain or loss realized on the sale of the T and T1 stock is not taken into account in S1's earnings and profits.

(3) *Deemed section 332 liquidation for target*—(i) *In general.* Except as otherwise provided in this section, the target corporation is treated as if (at the close of the acquisition date but after the deemed sale of its assets) it distributed all its assets in a complete liquidation to which section 332 applies.

(ii) *Cross-references.* (A) For treatment of T stock retained by K and the S group, see paragraph (e)(4) of this section.

(B) For deemed gain recognition election with respect to nonrecently purchased T stock held by P, see paragraph (e)(5) of this section.

(C) For carryovers of old T's tax attributes (*e.g.*, earnings and profits and net operating loss carryovers) to certain members of the S group that owned T stock, see section 381.

(4) *Treatment of unacquired target stock*—(i) *Nonrecognition treatment.* No gain or loss shall be recognized by K or the members of the S group with respect to their shares of T stock that are not acquired by P as part of the qualified stock purchase ("unacquired stock").

(ii) *Basis to K.* K's basis for its new T stock is the same as K's basis for its unacquired old T stock.

(iii) *Basis to S group.* The basis of the unacquired T stock held by members of the S group shall be equal to the net fair market value of the portion of the new T assets that such members would receive were new T to completely liquidate at the beginning of the day after the acquisition date.

(iv) *Net fair market value.* For purposes of this subparagraph (4), the net fair market value of new T's assets is the excess of their fair market value over new T's liabilities as of the beginning of the day after the acquisition date.

(v) *Fair market value.* For purposes of paragraph (e)(4)(iv) of this section, the fair market value of new T assets is determined in the same manner as is the deemed sale price of old T assets under paragraph (f) of this section except that, if the S group elects the MADSP formula to determine the deemed selling price of old T assets, then the fair market value of new T assets is the MADSP amount determined under paragraph (f)(2)(i) of this section for old T assets.

(vi) *Example.* For an example illustrating S1's basis in unacquired T shares if the MADSP formula is not used, see *Example (4)* in paragraph (g) of this section.

(5) *Deemed gain recognition election.* If P owns shares of nonrecently purchased T stock (as defined in section 338(6)(B)) on the acquisition date, then P shall be deemed to have made a gain recognition election with respect to these shares and to have sold those shares under § 1.338–4T (j) (2) *Answer 2* (i).

(6) *Adjusted grossed-up basis*—(i) *In general.* P's adjusted grossed-up basis of T is the sum of—

(A) P's grossed-up basis in recently purchased T stock,

(B) The basis amount (as set forth in section 338 (b)(3)(B)) of P's nonrecently purchased T stock,

(C) The liabilities of new T as of the beginning of the day after the acquisition date (other than liabilities that were not liabilities of old T), and

(D) Other relevant items.

(ii) *Allocation.* P's adjusted grossed-up basis for the T stock shall be allocated as basis among the T assets in accordance with section 338 (b)(5).

(7) *Effect on consolidated returns*—(i) *General rule.* The deemed sale and liquidation rules of paragraph (e)(1) and (3) of this section apply for purposes of the consolidated return regulations. Illustrations of the preceding sentence are set forth in the remainder of this subparagraph (7).

(ii) *Investment credit recapture.* Any section 38 property deemed sold by T on the close of the acquisition date may be subject to section 47(a) (relating to dispositions of section 38 property). Any increase in tax is added to the tax liability of the S group under § 1.1502–2 for the taxable period that includes the acquisition date. See § 1.1502–3 (f)(1).

(iii) *Deferred intercompany transactions—(A) Target as selling member.* In general, in the case of an acquisition to which section 381(a) applies, under § 1.1503–13 (c)(6), the transferee inherits the entire remaining balance of the deferred gain or loss of the transferor. Thus, the member or members of the S group that would be subject to § 1.1502–13 (d), (e), and (f) (relating to restoration of deferred gain or loss) with respect to T's entire remaining balance of deferred gain or loss as of the close of the acquisition date had T actually liquidated under section 332 are thereafter subject to such provisions as a result of the deemed liquidation under section 332.

(B) *Target as owning member.* Deferred gain or loss is taken into account under § 1.1502–13 (f)(1) as of the close of the acquisition date by selling members of the S group with respect to any items which T (as the owning member) is deemed to have sold.

(iv) *Cross-references.* See § 1.1502–75T (a) for prohibition on selling consolidated group withdrawing a consolidated return on or after the day that a section 338(h)(10) election is made for a former member of the group. See § 1.1502–75T (b) for prohibition on selling consolidated group electing to discontinue filing consolidated returns on or after the day that a section 338(h)(10) election is made for a former member of the group.

(8) *Coordination with §§ 1.338–1T and 1.338–4T*—(i) *References to § 1.338–1T.* The following table sets forth the subunits of § 1.338–1T and indicates whether each is applicable or irrelevant to this section and section 338(h)(10).

Subunit of § 1.338–1T	Applicable to this section	Irrelevant to this section
(a)		X
(b)(1)–(7)	X	
(b)(8)		X
(c)	X	
(d)	X	
(e)	X	
(f) (1)–(3), (6), and (8)		X
(f) (4), (5), and (7)	X	
(g)		
(h)	X	
(j)	X	
(k)		X
(l)		X

(ii) *References to § 1.338–4T.* The following table sets forth the subunits of § 1.338–4T and whether each is applicable or irrelevant to this section and section 338(h)(10).

Subunit of § 1.338–4T	Applicable to this section	Irrelevant to this section
(a)		X
(b)(1)		X
(b)(2)–(10)	X	
(c)	X	
(d)	X	
(e)	X	
(f)		X
(g)	X	
(h)	[1] X	
(j)	[2] X	
(k)(1) Q.1–3	[3] X	
(k)(1) Q.4–5		X
(k)(2)	X	
(k)(3)	X	
(k)(4)–(6)		X
(l)	X	

[1] Paragraph (h) of § 1.338–4T is modified by paragraph (f) of this section.
[2] Paragraph (j) of § 1.338–4T is modified by paragraph (e)(5) of this section.
[3] §1.338–4T (k)(1) *Answers 1–3* are applicable as modified by paragraph (j) of this section.

(f) *Deemed sale price*—(1) *General rule.* The price at which each asset of old T is deemed to have been sold is its fair market value as of the close of the acquisition date.

(2) *Elective MADSP formula.* Under the authority of section 338(h)(11), in lieu of the general rule, the S group may elect to determine the price at which each asset of old T is deemed sold by—

(i) Determining modified ADSP ("MADSP") and

(ii) Then determining the deemed selling price by allocating MADSP to each asset in proportion to its relative fair market value.

(3) *Formula.* The elective formula is:

$$MADSP = G + L + X$$

For purposes of this formula:

(i) "G" is the grossed-up basis of P's recently purchased T stock as set forth in § 1.338–4T (h)(3) *Answer 2* (ii).

(ii) "L" is the sum of new T's liabilities as of the beginning of the day after the acquisition date (other than liabilities that were not liabilities of old T).

(iii) "X" is other relevant items.

(4) *Procedure for electing MADSP formula and revoking that election.* The election to apply the MADSP formula is made by attaching to the consolidated Federal income tax return of the S group (including an amended return) for the taxable period in which the acquisition date falls (the "taxable period return") a statement containing the following, or substantially similar, declaration: "THIS RETURN REFLECTS A MADSP FORMULA ELECTION FOR T UNDER SECTION 338 (h)(10) AND § 1.338(h)(10)–1T(f)". The MADSP election is revoked by attaching to an amended consolidated Federal income tax return of the S group for that taxable period the following, or substantially similar, declaration: "THIS RETURN DOES NOT REFLECT A MADSP FORMULA ELECTION FOR T UNDER

SECTION 338(h)(10) AND § 1.338(h)(10)–1T(f)". In addition, a MADSP election may be made or revoked in connection with the examination of the taxable period return. A MADSP election made for T also applies to all section 338(h)(10) target affiliates as does the revocation for T. A MADSP election may not be made or revoked if the period within which to make an assessment of tax has expired for any return that would be affected by the election or revocation. For this purpose, a return would be affected by the election (or revocation) if the election (or revocation) would have the effect, directly or indirectly, of increasing the tax liability reported in that return. If a MADSP election is made or revoked, members of the S group shall make proper adjustment to the basis of their unacquired T stock referred to in paragraph (e)(4)(iii) of this section.

(g) *Examples.* The provisions of paragraphs (e) and (f) of this section may be illustrated by the following examples:

Example (1). (i) T is a member of the S group which uses the calendar year. T uses the accrual method of accounting. T has only one class of stock, all of which is owned by S1. On March 1, 1986, S1 sells all of its T stock to P for $80,000 and both an express election and a section 338(h)(10) election are made for T. The S group does not elect the MADSP formula. On that date, assume the following facts:

	Basis	Fair market value	Liability
Assets:			
Land	$50,000	$75,000	
Equipment (recomputed basis $70,000)	30,000	60,000	
Liability: Note payable			$40,000

(ii) The deemed selling price of each old T asset, as determined under the general rule of paragraph (f)(1) of this section, is as follows:

	Fair market value
Land	$75,000
Equipment	60,000

(iii) Under paragraph (e)(1) of this section, old T recognizes $25,000 gain on the deemed sale of the land, *i.e.*, $75,000—$50,000, and ordinary income under section 1245 of $30,000 on the deemed sale of the equipment, *i.e.*, (the lower of fair market value, $60,000, or recomputed basis, $70,000) less adjusted basis, $30,000.

Example (2). (i) Assume the same facts as in *Example (1)*, except that the S group elects the MADSP formula.

(ii) Under paragraph (f)(3) of this section, the MADSP is as follows:

MADSP=G+L+X
MADSP=$80,000+$40,000+0
MADSP=$120,000

(iii) The portion of MADSP allocated to each asset is determined under paragraph (f)(2)(ii) of this section as follows:

	Basis [1]	Fair market value	Fraction	Allocable MADSP portion
Land	$50,000	$75,000	%	$66,667
Equipment	30,000	60,000	%	53,333
Total	80,000	135,000	1	120,000

[1] Basis shown for reference.

Gain on the deemed sale of the land is $16,667, *i.e.*, $66,667—$50,000. Ordinary income under section 1245 on the deemed sale of the equipment is $23,333, *i.e.*, (the lower of the amount deemed realized, $53,333, or the recomputed basis, $70,000) minus adjusted basis, $30,000.

Example (3). (i) The facts are the same as in *Example (1)*. In addition, assume the following:

(A) As of the close of the acquisition date, old T's current earnings and profits, other than those generated from the deemed sale of its assets, are $21,950. As of the close of 1985, old T had neither accumulated earnings and profits nor a deficit.

(B) Other than earnings and profits, old T has no items described in section 381(c).

(ii) The consequences that obtain to P, T, and S1 include the following:

(A) As determined in *Example (1)*, old T recognizes $25,000 of gain on the deemed sale of the land and $30,000 of ordinary income under section 1245 on the deemed sale of the equipment. Thus, earnings and profits attributable to the deemed sale of all of old T's assets are $55,000.

(B) P's basis in new T stock is P's cost for the stock, $80,000.

(C) The adjusted grossed-up basis of new T is $120,000, *i.e.*, P's cost for the old T stock ($80,000) plus T's liability (note payable, $40,000). (Assume there are no other relevant items.) This adjusted grossed-up basis is allocated as basis among the new T assets under section 338(b)(5).

(D) Assume that, under § 1.1502–33(d), old T's allocable share of the S group's consolidated tax liability for 1986 (all of which is attributable to the deemed sale of T's assets) is $11,950.

(E) As of the close of the acquisition date but after the deemed sale of its assets, old T's earnings and profits are $65,000, *i.e.*, $21,950 +$55,000−$11,950.

(F) S1 succeeds to and takes into account old T's earnings and profits of $65,000, determined as of the close of the acquisition date but after the deemed sale.

(G) S1 does not recognize gain or loss upon its sale of the old T stock to P.

Example (4). (i) Assume the same facts as in *Example (3)* except that S1 sells 80 percent of the old T stock to P for $64,000.

(ii) The consequences that obtain to P, T, and S1 include the following:

(A) P's basis for the new T stock is P's cost for the stock, $64,000.

(B) The adjusted grossed-up basis of new T is $120,000 as in *Example (3)*. The calculation (which is different) is not shown.

(C) S1 does not recognize gain or loss with respect to the retained stock in T.

(D) Under paragraph (e)(4)(iii) of this section, the basis of the T stock retained by S1 is $19,000, calculated as follows:

Net fair market value of T assets as of the beginning of the day after the acquisition date ($75,000+$60,000−$40,000)	$95,000
Multiplied by the proportion of T stock retained by S1	.20
Basis of S1's retained 20 percent of T stock	19,000

(E) S1 succeeds to and takes into account old T's earnings and profits of $65,000 as in *Example (3)*.

(F) The other consequences are the same as in *Example (3)*, except to the extent inconsistent with this subdivision (ii).

Example (5). (i) Assume the same facts as in *Example (4)* except that K owns 20 percent of the outstanding T stock and these shares are not purchased by P. K's basis in its T shares is $5,000.

(ii) The consequences that obtain to P, T, and S1 include the following:

(A) Section 1.381 (c) (2)–1 (c) (2) requires that T's earnings and profits be computed by taking into account the amount of its earnings and profits properly applicable to distributions to minority shareholders. Hence, S1 succeeds to and takes into account 80 percent of T's earnings and profits of $65,000, or $52,000, as a result of the deemed distribution of 80 percent of old T's assets to S1 in the deemed liquidation to which section 332 applies.

(B) K recognizes no gain or loss.

(C) K's basis in its T stock remains at $5,000.

(D) The other consequences are the same as in *Example (4)*, except to the extent inconsistent with this subdivision (ii). The consequences in *Example (4)* with respect to stock retained by S1 are inapplicable.

Example (6). (i) Assume that S1 sells all of its T stock to P and that all of the other facts are the same as in *Example (3)* except that the equipment is held by T1, a wholly-owned subsidiary of T.

(ii) In addition, assume the following:

(A) T1 has no liabilities other than its share of the S group's consolidated tax liability generated by the deemed sale of the equipment, its sole asset.

(B) As of the close of the acquisition date, but before the deemed sale of the equipment, T1 has none of the attributes listed in section 381 (c).

(iii) The consequences that obtain to T1 include the following:

(A) The deemed selling price of the equipment, under the general rule of paragraph (f)(1) of this section, is $60,000.

(B) Under paragraph (e)(1) of this section, T1 recognizes ordinary income under section 1245 of $30,000 on the deemed sale of the equipment as determined in *Example (1)*.

(C) Assume that, under § 1.1502-33 (d), T1's allocable share of the S group's consolidated tax liability for 1986 is $4,950.

(D) As of the close of the acquisition date, but after the deemed sale of the equipment, T1's earnings and profits are $25,050, *i.e.*, $0 + $30,000 − $4,950.

(iv) The consequences that obtain to T include the following:

(A) Old T does not recognize gain or loss upon its deemed sale of the T1 stock.

(B) The deemed selling price of the land, under the general rule of paragraph (f)(1) of this section, is $75,000.

(C) Gain on the deemed sale of the land is $25,000, the same amount as T recognizes in *Example (1)*.

(D) Assume that, under § 1.1502-33 (d), old T's allocable share of the S group's consolidated tax liability for 1986 is $7,000.

(E) Old T succeeds to and takes into account old T1's earnings and profits of $25,050, determined as of the close of the acquisition date but after the deemed sale by T1 of its asset.

(F) As of the close of the acquisition date, but after the deemed sale of its assets, old T's earnings and profits are $65,000, *i.e.*, $21,950 + $25,050 + ($25,000 − $7,000). (Note that T's current earnings and profits, other than those generated by the deemed sale of its assets, are $21,950, as set forth in subdivision (i) (A) of *Example (3)*.)

(v) The consequences that obtain to S1 include the following:

(A) S1 does not recognize gain or loss upon its sale of the old T stock to P.

(B) S1 succeeds to and takes into account old T's earnings and profits of $65,000, determined as of the close of the acquisition date but after the deemed sale of old T's assets.

(iv) P's basis in the new T stock is P's cost for the old T stock, $80,000.

Example (7). (i) The facts are the same as in *Example (6)* except that S1 elects to use the MADSP formula and P already owns 20 percent of the T stock which constitutes nonrecently purchased stock. Assume further that P's basis in these shares of nonrecently purchased T stock is $6,000, that P paid $64,000 for the 80 percent of old T stock purchased from S1, and that the fair market value of the T1 stock is $60,000.

(ii) The gain recognized by old T on the deemed sale of its assets is calculated as follows:

(A) Under paragraph (f) (3) of this section, the MADSP for the T assets is as follows:

MADSP=G+L+X
MADSP=$64,000/.8+$40,000+0
MADSP=$80,000+$40,000+0
MADSP=$120,000

(B) The portion of MADSP allocated to each T asset is determined under paragraph (f) (2) (ii) of this section as follows:

	Basis [1]	Fair market value	Fraction	Allocable MADSP portion
Land	$50,000	$75,000	5/9	$66,667
T1 stock	(2)	60,000	4/9	53,333
Total	(2)	135,000	1	120,000

[1] Basis shown for reference.
[2] Amount not stated.

(C) Old T recognizes gain of $16,667 on the deemed sale of the land, *i.e.*, the same amount as T recognizes in *Example (2)*.

(D) Old T does not recognize gain or loss upon its deemed sale of the old T1 stock.

(iii) The gain recognized by T1 on the deemed sale of its asset (equipment) is calculated as follows:

(A) Under paragraph (f)(3) of this section, the MADSP for the T1 asset (equipment) is as follows:

(B)

MADSP=G+L+X
MADSP=$53,333+0+0
MADSP=$53,333

(C) Under paragraph (e)(1) of this section, T1 recognizes ordinary income under section 1245 of $23,333 on the deemed sale of the equipment, *i.e.*, (the lower of the amount deemed realized, $53,333, or the recomputed basis, $70,000) minus adjusted basis, $30,000.

(iv) The additional consequences to T1 include the following:

(A) Assume that, under § 1.1502-33(d), old T1's share of the S group's consolidated tax liability (all of which is attributable to the deemed sale of old T1's equipment) for 1986 is $3,733.

(B) As of the close of the acquisition date, but after the deemed sale of its asset, T1's earnings and profits are $9,600, *i.e.*, $23,333—$3,733.

(v) The additional consequences that obtain to T include the following:

(A) Assume that, under § 1.1502-33(d), old T's allocable share of the S group's consolidated tax liability for 1986 (all of which is attributable to the deemed sale of old T's land) is $4,667.

(B) Old T succeeds to and takes into account old T1's earnings and profits of $19,600, determined as of the close of the acquisition date but after the deemed sale by T1 of its asset.

(C) As of the close of the acquisition date, but after the deemed sale of its assets, old T's earnings and profits are $53,550, *i.e.*, $21,950 + $19,600 + ($16,667 − $4,667).

(vi) The additional consequences that obtain to S1 include the following:

(A) S1 does not recognize gain or loss upon its sale to P of old T stock (that is recently purchased stock).

(B) S1 succeeds to and takes into account 80 percent of old T's earnings and profits of $53,550, or $42,840, determined as of the close of the acquisition date but after the deemed sale of the T and T1 assets. See § 1.381 (c) (2)-1 (c) (2).

(vii) P is deemed to have made a gain recognition election for its nonrecently purchased T stock. As a result, it recognizes gain of $10,000, calculated under paragraph (e) (5) of this section as follows:

(A) P's grossed-up basis for its recently purchased T stock is § 64,000, *i.e.*, the basis of the recently purchased T stock, $64,000, multiplied by the fraction in section 338 (b) (4), (1−.2)/(.8).

(B) P's basis amount for its nonrecently purchased T stock is $16,000, *i.e.*, the grossed-up basis in the recently purchased T stock, $64,000, multiplied by the fraction in section 338(b)(3)(B), (.2)/(1.0−.2).

(C) The recognized gain is $10,000, *i.e.*, the basis amount, $16,000, minus P's basis, $6,000.

(viii) As a result of the deemed gain recognition election, P's basis in the nonrecently purchased T stock is increased from $6,000 to $16,000. P's basis in all the T stock is $80,000, *i.e.*, $64,000 plus $16,000.

(h) *Deemed section 338(h)(10) election*—(1) *In general*. P and S shall be treated as having made a section 338(h)(10) election for any section 338(h)(10) target affiliate if—

(i) P makes an express election for T and

(ii) P and S make a section 338(h)(10) election for T.

(2) *Example*. The provisions of this paragraph (h) may be illustrated by the following examples:

Example (1). On January 1, 1986, and February 1, 1986, P purchases directly from S1 the stock of T and T1, respectively. An express election and a section 338(h)(10) election are made for T. P and S are treated as having made a section 338(h)(10) election for T1.

Example (2). T1 is a wholly-owned subsidiary of T. On March 1, 1987, P purchases all the T stock from S1. An express election and a section 338(h)(10) election are made for T. P and S are treated as having made a section 338 (h) (10) election for T1.

(i) [Reserved]

(j) *Coordination with sections 337 and section 338(h)(12)*—(1) *General rule*. If all the conditions set forth in paragraph (j)(2) of this section are met, then—

(i) Old T is treated as having distributed all of its assets as of the close of the acquisition date for purposes of section 337 and provisions that relate to section 337 and

(ii) Any item reportable for old T for its last taxable period are included in the S group's consolidated return for the taxable period that includes the acquisition date.

(2) *Conditions*. The conditions referred to in paragraph (j)(1) of this section are as follows:

(i) A section 338(h)(10) election is made for T.

(ii) The provisions of section 338 (h) (12) (relating to tandem section 337-338 transactions) are satisfied.

(iii) The provisions of section 337 (c)(3) (relating in section 337 chain liquidations) are met.

(3) *Exception for section 338(c)(1) percentage*. If the general rule of this paragraph (j) applies, then, under

§1.338–4T(k)(1) *Answer 3* (ii), T nevertheless recognizes gain or loss on both actual and deemed sales (that would otherwise be subject to the nonrecognition rule of section 337) to the extent of the section 338(c)(1) percentage.

(4) *Deemed gain recognition election.* The provisions of paragraph (e) (5) of this section (relating to deemed gain recognition election) apply to transactions described in this paragraph (j).

(5) *Examples.* The provisions of this paragraph (j) may be illustrated by the following examples:

Example (1). (i) Individual A owns all of the stock of S1, S1 owns all of the stock of S2, and S2 owns all of the stock of T. These corporations constitute an affiliated group. T has two assets. Asset No. 1, a capital asset, has a basis of $200 and fair market value of $300. Asset No. 2, which is section 1245 property, has a basis of $50 and a fair market value of $75. Its recomputed basis is $60. On January 1, 1986, plans of complete liquidation are adopted for all members of the group, including T. On June 1, 1986, members of the group sell property, including all of the T stock, to P. At no time is the plan for T's liquidation rescinded before June 1, 1986 (the acquisition date). An express election and a section 338(h)(10) election are made for T. On October 1, 1986, all of the members of the S group, other than T, distribute their respective assets in complete liquidation.

(ii) The following consequences obtain to the members of the S group, T, and A:

(A) Under section 337(a), no gain or loss is recognized to the members of the S group (including T) upon the actual sale of property (as defined in section 337(b)) including the sale of T stock by S2.

(B) T realizes gain of $125, *i.e.*, ($300–$200) + ($75–$50), on the deemed sale of its assets. Since section 337(a) applies, T recognizes only $10 of this gain which is ordinary income under section 1245, *i.e.*, (the lower of the fair market value, $75, or recomputed basis, $60) minus adjusted basis, $50. This ordinary income under section 1245 is reported on the consolidated return of the S group for the taxable period that includes the acquisition date. The remaining realized gain of $115 (*i.e.*, $125–$10) is not recognized under section 337.

(C) Pursuant to section 332, no gain or loss is recognized to S1 upon the complete liquidation of S2.

(D) Pursuant to section 331, gain or loss is recognized to A upon the complete liquidation of S1.

Example (2). Assume the same facts as in *Example (1)*, except that K owns 20 percent of the outstanding T stock and such shares are not disposed of in the transaction. Thus, the section 338(c)(1) percentage (within the meaning of § 1.338–4T(h)(2)(v)) is 20 percent. The consequences are the same as in *Example (1)*, except that T recognizes capital gain of $20 on the deemed sale of Asset No. 1, *i.e.*, 20 percent of $100, and section 1231 gain of $3 on the deemed sale of Asset No. 2, *i.e.*, 20 percent of $15.

Example (3). Assume the same facts as in *Example (2)*, except that T makes an actual sale of Asset No. 2 on May 15, 1986, to individual C for $75. The consequences are the same as in *Example (2)*.

(k) *Miscellaneous procedural matters*—(1) *Inapplicability of provisions.* The provisions of section 6043 and § 1.332–6 (relating to information returns and recordkeeping requirements for corporate liquidations) shall not apply to the constructive section 332 liquidation of T as provided by paragraph (e) (3) of this section. However, these provisions apply to transactions to which paragraph (j) of this section applies.

(2) *Mooted section 338(h)(9) return*—(i) *Transitional rule.* A deemed sale return for T (as defined in § 1.338–1T(f)(3)(i)) that is subsequently mooted by a section 338(h)(10) election shall be considered a return within the meaning of section 6011 for purposes of section 6513 (relating to time return deemed filed and tax considered paid) and section 6611 (relating to interest on overpayment of tax).

(ii) *Example.* The provisions of this subparagraph (2) may be illustrated by the following example:

Example. On January 1, 1984, P purchases all of the outstanding T stock from S1 and makes an express election for T. Old T's final tax return is filed on April 15, 1984 and the tax due of $10,000 is paid at that time. Subsequently, a delayed statement of a section 338(h)(10) election is filed for T pursuant to the provisions of paragraph (d)(7) of this section. As a result, section 338(h)(10) is elected for T. T is entitled to a refund of $10,000 plus interest thereon from April 15, 1984.

Par. 3. Section 1.338–1T is amended as follows:

1. Paragraph (c) is amended by removing from the first sentence the words "August 23, 1985" and by adding in their place the words "March 15, 1986".

2. Paragraph (e)(1)(i) is amended by—

a. Removing the word "and" from the end of paragraph (e)(1)(i)(B),

b. Removing the period from the end of paragraph (e)(1)(i)(C), and by adding in its place ", and", and

c. Adding, immediately following paragraph (e)(1)(i)(C), a new paragraph (e)(1)(i)(D) to read as set forth below.

3. Paragraph (e)(1)(ii) is amended by removing, from each place they appear, the words "August 23, 1985" and by adding in their place the words "March 15, 1986".

4. Paragraph (e)(2)(i) is revised to read as set forth below.

5. Paragraph (e)(2)(ii) is amended by removing, from each place they appear, the words "August 23, 1985" and by adding in their place the words "March 15, 1986".

6. Paragraph (e)(3) is amended by inserting in the last sentence after "§ 1.338–4T(j)(2)" the words "or a section 338(h)(10) election under § 1.338(h)(10)–1T(d)".

7. Paragraph (f)(7)(ii) is amended by removing the words "August 23, 1985" and adding in their place the words "March 15, 1986".

8. Paragraph (h) is amended by removing, from each place they appear, the words "August 23, 1985" and by adding in their place the words "March 15, 1986".

9. Paragraph (j)(2) is amended by removing from the third sentence the words "August 23, 1985" and by adding in their place the words "March 15, 1986".

§ 1.338–1T Elections under section 338(g) of the Internal Revenue Code of 1954 (temporary).

* * * * *

(e) *Schedule; attachments to target returns*—(1) *Schedule of information relating to corporations subject to election*—(i) *Required data.* * * *

(D) If an election under section 338(h)(10) is made, clearly identify (such as by a footnote system) each corporation listed on the schedule which is subject to that election, including corporations subject to deemed section 338(h)(10) elections under § 1.338(h)(10)–1T (h).

* * * * *

(2) *Attachments to target returns; additional filings with certain Service Centers*—(i) *Attachments.* Required items must be attached to old target's final return and to the first return of new target. If target is a foreign corporation not subject to United States tax (as defined in paragraph (k)(3)(iii) of this section), the first return of new target is considered to be the return specified in paragraph (k)(6) of this section. If the target is subject to a section 338(h)(10) election, the final return of old target is considered to be the return of the selling consolidated group for the taxable period which includes the acquisition date. The required items are (A) a copy of the statement of election, (B) the schedule described in paragraph (e)(1) of this section ("schedule"), and (C) if a gain recognition election under section 338(b)(3) is made in the statement of election, a copy of the gain recognition statement ("GRS"). See § 1.338–4T (j)(2) for guidance on the GRS and § 1.338(h)(10)–1T (d) for guidance for a section 338(h)(10) election. The requirement of this subdivision (i) applies both to the corporation for which the statement of election is expressly made and to a corporation

subject to such a statement by reason of section 338(f)(1).

* * * * *

§ 1.338-4T [Amended]

Par. 4. Section 1.338-4T is amended as follows:

1. Paragraph (f)(5) Answer (vii)(A) is amended by removing the words "[120th day after date of publication of these regulations in the **Federal Register**]" and by adding in their place the words "March 15, 1986".

2. Paragraph (f)(6)(iv) Answer 1 (i)(C)(*1*) is amended by removing the words "August 23, 1985" and by adding in their place the words "March 15, 1986".

3. Paragraph (j)(2) Answer 5(i) is amended by removing from the third sentence the words "August 23, 1985" and by adding in their place the words "March 15, 1986".

Par. 5. Immediately after § 1.1502-75 there is added a new § 1.1502-75T. The new section reads as follows:

§ 1.1502-75T Temporary regulations for filing of consolidated returns; coordination with section 338(h)(10).

(a) *Withdrawal of consolidated return barred.* Notwithstanding the last sentence of § 1.1502-75(a)(1), a consolidated return for the taxable period that includes the acquisition date (as defined in section 338(h)(2)) may not be withdrawn on or after the day that a section 338(h)(10) election is made for a former member of a selling consolidated group (as defined in § 1.338(h)(10)-1T(b)(3)).

(b) *Election to discontinue barred.* Notwithstanding § 1.1502-75(c), if a section 338(h)(10) election is made for a former member of a selling consolidated group that has not filed a consolidated return for the taxable period that includes the acquisition date but filed a consolidated return for a preceding taxable period, the selling consolidated group must file a consolidated return for the taxable period that includes the acquisition date and permission to discontinue filing consolidated returns cannot be granted for, and shall not apply to, that period or a preceding period.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 6. The authority citation for 26 CFR Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 7. Section 602.101(c) is amended by inserting in the appropriate place in the table "§1.338(h)(10)-1T(d), (f)(2), and (f)(4) . . . 1545-0702".

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: December 10, 1985.

Ronald A. Pearlman,
Assistant Secretary of the Treasury.

[FR Doc. 86-60 Filed 1-3-86; 12:46 pm]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-221; Re: Notice No. 571]

Revision of the Boundary of the Temecula Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Treasury decision, final rule.

SUMMARY: ATF is revising the approved boundary of the Temecula viticultural area to include vineyards which were unintentionally omitted from the area when it was approved in T.D. ATF-188 (49 FR 42563). This revision is based on a notice of proposed rulemaking, Notice No. 571, published in the **Federal Register** of October 10, 1985, at 50 FR 41364, and a petition submitted by Richard C. McMillan, a partner of Bear Valley Vineyards, located near Murrieta, California. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of viticultural area appellations of origin will also help winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: February 7, 1986.

FOR FURTHER INFORMATION CONTACT: John A. Linthicum, Coordinator, FAA, Wine and Beer Branch, (202) 566-7926.

SUPPLEMENTARY INFORMATION: On October 23, 1984, ATF published T.D. ATF-188 (49 FR 42563) establishing the Temecula viticultural area. ATF received two opposing petitions for the establishment of viticultural areas in southwestern Riverside County, California. The petitions proposed a total of four different boundaries for three different viticultural areas. The approved boundary, developed by ATF, incorporated portions of two of the boundaries proposed in the notice of proposed rulemaking (Notice No. 416, July 27, 1982, 47 FR 32450), and an alternative boundary suggested in 13 public comments.

Since voluminous public comments were received, and a public hearing was held, the opinions of all of the affected parties were well-established in the public record. The dispute was evenly divided between (1) establishing two or more areas, limiting the Temecula viticultural area to the area east of the town of Temecula, versus (2) establishing one large viticultural area extending throughout southwestern Riverside County. ATF chose the latter course of action.

The approved boundary inadvertently omitted a portion of Bear Valley Vineyards on the east side of Murrieta Creek. A vineyard map included in the public record incorrectly showed Bear Valley Vineyards located entirely west of Murrieta Creek. Mr. Richard C. McMillan, a partner of Bear Valley Vineyards, petitioned ATF to revise the boundary to include all of his vineyard in the approved area. The area being added, on the east side of Murrieta Creek, is approximately 60 acres containing approximately 35 acres of grapevines which are part of Bear Valley Vineyards.

Mr. McMillan's petition contained evidence that the area being added to the Temecula viticultural area is under the same marine climate influence which distinguishes the approved area from its surroundings. According to Irving P. Krick's microclimate study of the area, there is no discernible difference between the wind patterns in the area being added compared to the approved area on the opposite side of Murrieta Creek. The areas are similar in topography and microclimate. In addition, the Monserate-Arlington-Exeter soil association, another distinguishing geographical feature, is present on both sides of the creek, both within the approved area, and in the area being added.

ATF believes that the area being added is part of the place named "Temecula" because it is west of the village of Murrieta, California.

Mr. McMillan's petition contained affidavits supporting this enlargement from each of the two opposing parties in the original rulemaking

Rulemaking Procedure

Based on Mr. McMillan's petition, ATF published a notice of proposed rulemaking, Notice No. 571, in the **Federal Register** of October 10, 1985, at 50 FR 41364, to request comments concerning this proposed revision of the Temecula viticultural area boundary. In response to Notice No. 571, ATF received one comment, supporting the proposal, from Callaway Vineyard & Winery, Temecula, California. Based on the foregoing, the revision of the boundary of the Temecula Viticultural Area is adopted as proposed.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule is not a major rule since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Drafting Information

The principal author of this document is John A. Linthicum, FAA, Wine, and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural area, Wine.

Authority and Issuance

PART 9—[AMENDED]

27 CFR Part 9, *American Viticultural Areas*, is amended as follows:

¶ 1. The statutory authority for 27 CFR Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

¶ 2. Section 9.50 is amended by revising paragraphs (c)(23) and (c)(24) and by adding paragraphs (c)(25), (c)(26), and (c)(27), to read as follows:

§ 9.50 Temecula.

* * * * *

(c) * * *

(22) * * *

(23) The boundary proceeds northwesterly along the westernmost branches of Murrieta Creek to its intersection with Hayes Avenue, northwest of Murrieta, California.

(24) The boundary follows Hayes Avenue northwesterly, approximately 4,000 feet, to its terminus at an unnamed, unimproved, fair or dry weather road.

(25) The boundary follows this road southwesterly to Murrieta Creek.

(26) The boundary proceeds northwesterly along the westernmost branches of Murrieta Creek to its intersection with Orange Street in Wildomar, California.

(27) From the intersection of Murrieta Creek and Orange Street in Wildomar, California, the boundary proceeds in a straight line to the beginning point.

Signed: December 5, 1985.

Stephen E. Higgins,

Director.

Approved: December 18, 1985.

Edward T. Stevenson,

Deputy Assistant Secretary (Operations).

[FR Doc. 86-325 Filed 1-7-86; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 31-85]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: On September 12, 1985, the Department of Justice issued proposed regulations to amend Title 28 of the Code of Federal Regulations, Part 16, to exempt a new system of records entitled the "General Files System of the Office of the Attorney General (JUSTICE/OAG-001)" from subsections (c) (3) and (4); (d); (e) (1), (2) and (3), (e)(4) (G) and (H), (e)(5), and (g) of the Privacy Act, 5 U.S.C. 552a. The records contained in this system relate to official investigations and to internal policy decisions. The exemption is needed to protect ongoing investigations, as well as the privacy of third parties and the identities of confidential sources involved in such investigations.

DATE: This rule will be effective on or before January 8, 1986.

ADDRESS: J. Michael Clark, Acting Assistant Director, General Services Staff, Justice Management Division, United States Department of Justice, Room 9002, 601 D Street, NW., Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: J. Michael Clark, (202) 272-6474.

SUPPLEMENTARY INFORMATION: The notice of the proposed rule with invitation to comment was published in the **Federal Register** on September 12, 1985 (50 FR 37232). The public was given 60 days to comment; however, no comments were received.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in 28 CFR Part 16

Administrative Practice and Procedure, Courts, Freedom of Information, Privacy, Sunshine Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, 28 CFR Part 16 is amended to add § 16.70 as set forth below.

Dated: December 4, 1985.

W. Lawrence Wallace,

Assistant Attorney General for Administration.

PART 16—[AMENDED]

1. The authority for Part 16 continues to read as follows:

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301, 552, 552a; 31 U.S.C. 483a unless otherwise noted.

2. 28 CFR Part 16 is amended by adding § 16.70 to read as follows:

§ 16.70 Exemption of the Office of the Attorney General System—limited access.

(a) The following system of records is exempt from 5 U.S.C. 552a(c) (3) and (4); (d); (e) (1), (2) and (3), (e)(4) (G) and (H), (e)(5); and (g):

(1) General Files System of the Office of the Attorney General (JUSTICE/OAG-001).

These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1), (k)(2), and (k)(5).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because making available to a record subject the accounting of disclosures from records concerning him/her would reveal investigative interest on the part of the Department of Justice as well as the recipient agency. This would permit record subjects to impede the investigation, e.g., destroy evidence, intimidate potential witnesses, or flee the area to avoid inquiries or apprehension by law enforcement personnel.

(2) From subsection (c)(4) because this system is exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(3) From subsection (d) because the records contained in this system relate to official Federal investigations. Individual access to these records might compromise ongoing investigations, reveal confidential informants or constitute unwarranted invasions of the personal privacy of third parties who are involved in a certain investigation. Amendment of the records would interfere with ongoing criminal law enforcement proceedings and impose an impossible administrative burden by requiring criminal investigations to be continuously reinvestigated.

(4) From subsections (e) (1) and (5) because in the course of law enforcement investigations, information may occasionally be obtained or introduced the accuracy of which is unclear or which is not strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate to retain all information that may aid in establishing patterns of criminal activity. Moreover, it would impede the specific investigative process if it were necessary to assure the relevance, accuracy, timeliness and completeness of all information obtained.

(5) From subsection (e)(2) because in a law enforcement investigation the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be informed of the existence of the investigation and would therefore be able to avoid detection, apprehension, or legal obligations of duties.

(6) From subsection (e)(3) because to comply with the requirements of this subsection during the course of an investigation could impede the information gathering process, thus hampering the investigation.

(7) From subsections (e)(4) (G) and (H) because this system is exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(8) From subsection (g) because this system is exempt from the access and amendment provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

[FR Doc. 86-351 Filed 1-7-86; 8:45 am]
BILLING CODE 4410-01-M

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28 CFR Part 16

[AAG/A Order No. 32-85]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: On September 12, 1985, the Department of Justice issued proposed regulations to amend Title 28 of the Code of Federal Regulations, Part 16, to exempt two systems from subsections (c)(3) and (4); (d); (e)(1), (2) and (3), (e)(4) (G) and (H), (e)(5); and (g) of the Privacy Act, 5 U.S.C. 552a. They are the "General Files System of the Office of the Associate Attorney General (JUSTICE/AAG-001)" and the "Drug Enforcement Task Force Evaluation and Reporting System of the Office of Associate Attorney General (JUSTICE/AAG-002)." Records contained in these systems relate to official investigations and to internal policy decisions. The exemptions are needed to protect ongoing investigations, as well as the privacy of third parties and the identities of confidential sources involved in such investigations.

DATE: This rule will be effective on or before January 8, 1986.

ADDRESS: J. Michael Clark, Acting Assistant Director, General Services Staff, Justice Management Division, United States Department of Justice, Room 9002, 601 D Street, NW., Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: J. Michael Clark, (202) 272-6474.

SUPPLEMENTARY INFORMATION: The notice of the proposed rule with invitation to comment was published in the **Federal Register** on September 12, 1985 (50 FR 37235). The public was given 60 days to comment; however, no comments were received.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in 28 CFR Part 16

Administrative Practice and Procedure, Courts, Freedom of Information, Privacy, Sunshine Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, 28 CFR Part 16 is amended to add § 16.72 as set forth below.

Dated: December 4, 1985.

W. Lawrence Wallace,

Assistant Attorney General for Administration.

PART 16—[AMENDED]

1. The authority for Part 16 continues to read as follows:

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301, 552, 552a; 31 U.S.C. 483a unless otherwise noted.

2. 28 CFR Part 16 is amended by adding § 16.72 to read as follows:

§ 16.72 Exemption of Office of the Associate Attorney General System—limited access.

(a) The following systems of records are exempt from 5 U.S.C. 552a(c) (3) and (4); (d); (e) (1), (2) and (3), (e)(4) (G) and (H), (e)(5); and (g);

(1) General Files System of the Office of the Associate Attorney General (JUSTICE/AAG-001).

(2) Drug Enforcement Task Force Evaluation and Reporting System of the Office of the Associate Attorney General (JUSTICE/AAG-002).

The exemptions for the General Files System apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1), (k)(2), and (k)(5). The exemptions for the Task Force System apply only to the extent that information in the system is subject to exemption

pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

(b) Exemption from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because making available to a record subject the accounting of disclosures from records concerning him/her would reveal investigative interest on the part of the Department of Justice as well as the recipient agency. This would permit record subjects to impede the investigation, e.g., destroy evidence, intimidate potential witnesses, or flee the area to avoid inquiries or apprehension by law enforcement personnel.

(2) From subsection (c)(4) because these systems are exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(3) From subsection (d) because the records contained in these systems relate to official Federal investigations. Individual access to these records might compromise ongoing investigations, reveal confidential informants, or constitute unwarranted invasions of the personal privacy of third parties who are involved in a certain investigation. Amendment of the records would interfere with ongoing criminal law enforcement proceedings and impose an impossible administrative burden by requiring criminal investigations to be continuously reinvestigated.

(4) From subsections (e) (1) and (5) because in the course of law enforcement investigations, information may occasionally be obtained or introduced the accuracy of which is unclear or which is not strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate to retain all information that may aid in establishing patterns of criminal activity. Moreover, it would impede the specific investigative process if it were necessary to assure the relevance, accuracy, timeliness, and completeness of all information obtained.

(5) From subsection (e)(2) because in a law enforcement investigation the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be informed of the existence of the investigation and would therefore be able to avoid detection, apprehension, or legal obligations of duties.

(6) From subsection (e)(3) because to comply with the requirements of this subsection during the course of an investigation could impede the information gathering process, thus hampering the investigation.

(7) From subsections (e)(4) (G) and (H) because these systems are exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(8) From subsection (g) because these systems are exempt from the access and amendment provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

[FR Doc. 86-352 Filed 1-7-86; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 16

[AAG/A Order No. 33-85]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: On September 12, 1985, the Department of Justice issued proposed regulations to amend Title 28 of the Code of Federal Regulations, Part 16, to revise 28 CFR 16.71 by redesignating certain systems of records to accomplish consistency with reorganizations and by making necessary editorial changes. The changes were made to achieve clarity and consistency for the public. The Department also proposed to exempt two systems of records from certain Privacy Act provisions. The "General Files System of the Office of the Deputy Attorney General (JUSTICE/DAG-013)" is exempted from subsections (c)(3) and (4); (d); (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5), and (g) of the Privacy Act, 5 U.S.C. 552a. The records contained in this system relate to official investigations and to major policy issues. The exemption is needed to protect ongoing investigations, as well as the privacy of third parties and the identities of confidential sources involved in such investigations. The "Miscellaneous Attorney Personnel Records System (JUSTICE/DAG-011)" is exempted from subsections (d)(1) and (e)(1) of the Privacy Act. The exemption is needed to protect the identities of confidential sources and to ensure the unhampered collection of information for investigative and evaluative purposes concerning the subject's candidacy for the position of attorney.

DATE: This rule will be effective on or before January 8, 1986.

ADDRESS: J. Michael Clark, Acting Assistant Director, General Services Staff, Justice Management Division, United States Department of Justice, Room 9002, 601 D Street, NW, Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: J. Michael Clark, (202) 272-6474.

SUPPLEMENTARY INFORMATION: The Office of the Deputy Attorney General (ODAG) has revised paragraph (a) of § 16.71 to remove a system and to correct other system number identifiers so that they are consistent with a reorganization of functions and with the respective system notices as currently published in the **Federal Register** (45 FR 60303). By Attorney General Order No. 945-81, dated May 26, 1981, the management roles of the Deputy Attorney General and the Associate Attorney General were restructured, and the Office of Legal Policy (OLP) was established. As a result, a system of records now identified as "United States Judges Records System (JUSTICE/DAG-014)" has been removed from § 16.71(a) and redesignated under a new section, § 16.73, as "United States Judges Records System (JUSTICE/OLP-002);" and other system number identifiers in this section are renumbered. In addition, the ODAG has revised paragraph (a) to exempt a system of records entitled "Miscellaneous Attorney Personnel Records System (JUSTICE/DAG-011)" from certain Privacy Act provisions. This system was last published in the **Federal Register** on December 9, 1981 (46 FR 60310). Finally, the ODAG has added a new paragraph (c) to exempt the "General Files System of the Office of Deputy Attorney General (JUSTICE/DAG-013)" from certain provisions of the Act. The notice of the proposed rule with invitation to comment was published in the **Federal Register** on September 12, 1985 (50 FR 37233). The public was given 60 days to comment; however, no comments were received.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in 28 CFR Part 16

Administrative Practice and Procedure, Courts, Freedom of Information, Privacy, Sunshine Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, 28 CFR 16.71 is revised as set forth below.

Dated: December 4, 1985.

W. Lawrence Wallace,

Assistant Attorney General for Administration.

PART 16—[AMENDED]

1. The authority for Part 16 continues to read as follows:

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301, 552, 552a; 31 U.S.C. 483a unless otherwise noted.

2. 28 CFR Part 16 is amended by revising § 16.71 to read as follows:

§ 16.71 Exemption of the Office of the Deputy Attorney General System—limited access.

(a) The following systems of records are exempt from 5 U.S.C. 552a(d)(1) and (e)(1):

(1) Appointed Assistant United States Attorneys Personnel System (JUSTICE/DAG-002).

(2) Assistant United States Attorneys Applicant Records System (JUSTICE/DAG-003).

(3) Presidential Appointee Candidate Records System (JUSTICE/DAG-006).

(4) Presidential Appointee Records System (JUSTICE/DAG-007).

(5) Special Candidates for Presidential Appointments Records System (JUSTICE/DAG-008).

(6) Miscellaneous Attorney Personnel Records System (JUSTICE/DAG-011).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(k)(5).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (d)(1) because many persons are contacted who, without an assurance of anonymity, refuse to provide information concerning a candidate for a Presidential appointee, Assistant U.S. Attorney, or Department attorney position. Access could reveal the identify of the source of the information and constitute a breach of the promise of confidentiality on the part of the Department of Justice. Such breaches ultimately would restrict the free flow of information vital to a determination of a candidate's qualifications and suitability.

(2) From subsection (e)(1) because in the collection of information for investigative and evaluative purposes, it is impossible to determine in advance what exact information may be of assistance in determining the qualifications and suitability of a candidate. Information which may appear irrelevant, when combined with other seemingly irrelevant information, can on occasion provide a composite picture of a candidate for a position which assists in determining whether that candidate should be nominated for appointment.

(c) The following system of records is exempt from 5 U.S.C. 552a(c) (3) and (4); (d); (3)(1), (2) and (3), (e)(4)(G) and (H), (e)(5); and (g):

(1) General Files System of the Office of the Deputy Attorney General (JUSTICE/DAG-013).

These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1), (k)(2), and (k)(5).

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because making available to a record subject the accounting of disclosures from records concerning him/her would reveal investigative interest on the part of the Department of Justice as well as the recipient agency. This would permit record subjects to impede the investigation, e.g., destroy evidence, intimidate potential witnesses, or flee the area to avoid inquiries or apprehension by law enforcement personnel.

(2) From subsection (c)(4) because this system is exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(3) From subsection (d) because the records contained in this system relate to official Federal investigations. Individual access to these records might compromise ongoing investigations, reveal confidential informants or constitute unwarranted invasions of the personal privacy of third parties who are involved in a certain investigation. Amendment of the records would interfere with ongoing criminal law enforcement proceedings and impose an impossible administrative burden by requiring criminal investigations to be continuously reinvestigated.

(4) From subsections (e)(1) and (5) because in the course of law enforcement investigations information may occasionally be obtained or introduced the accuracy of which is unclear or which is not strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate to retain all information that may aid in establishing patterns of criminal activity. Moreover, it would impede the specific investigative process if it were necessary to assure the relevance, accuracy, timeliness and completeness of all information obtained.

(5) From subsection (e)(2) because in a law enforcement investigation the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be informed of the existence of the investigation and would therefore be able to avoid detection, apprehension, or legal obligations or duties.

(6) From subsection (e)(3) because to comply with the requirements of this subsection during the course of an investigation could impede the information gathering process, thus hampering the investigation.

(7) For subsections (e)(4)(G) and (H) because this system is exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(8) From subsection (g) because this system of records is exempt from the access and amendment provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

[FR Doc. 86-353 Filed 1-7-86; 8:45]

BILLING CODE 4410-01-M

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28 CFR Part 16

[AAG/A Order No. 34-85]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: On September 12, 1985, the Department of Justice issued proposed regulations to amend Title 28 of the Code of Federal Regulations, Part 16, to redesignate two Privacy Act systems of records and publish them under a new 28 CFR Section, § 16.73. They are the "Freedom of Information and Privacy Appeals Index (JUSTICE/OLP-001)" and the United States Judges Records System (JUSTICE/OLP-002)." These redesignations were made to accomplish consistency with reorganizational changes and have no effect on the public. In addition, the Department proposed to exempt the Appeals Index system from subsections (d)(1), (2), (3) and (4); (e)(1) and (2), (e)(4)(G) and (H), (e)(5); and (g) of the Privacy Act, 5 U.S.C. 552a. Information in this record system relates to official Federal investigations and matters of law enforcement. The exemption is needed to protect ongoing investigations, the privacy of third parties, and the identities of confidential sources involved in such investigations.

The Department also proposed to exempt a new system, the "General Files System of the Office of Legal Policy (JUSTICE/OLP-003)," from subsections (c)(3) and (4); (d); (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5); and (g) of the Privacy Act. The records contained in this system relate to official investigations and to major policy issues. The exemption is needed to protect ongoing investigations, as well as the privacy of third parties and the identities of confidential sources involved in such investigations.

DATE: This rule will be effective on or before January 8, 1986.

ADDRESS: J. Michael Clark, Acting Assistant Director, General Services Staff, Justice Management Division, United States Department of Justice, Room 9002, 601 D Street, NW, Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: J. Michael Clark, (202) 272-6474.

SUPPLEMENTARY INFORMATION: OLP is establishing a new section, § 16.73. By Attorney General Order No. 945-81, dated May 26, 1981, the management roles of the Deputy Attorney General and the Associate Attorney General were restructured, and OLP was established. Paragraphs (a) and (b) of this section exempt from certain Privacy Act provisions a system of records entitled "Freedom of Information and Privacy Appeals Index (JUSTICE/OLP-001)," now under the management of OLP as a result of Attorney General Order No. 945-81. Paragraphs (c) and (d) of this section are merely a republication of an exempt system of records currently identified in § 16.71 as "United States Judges Records System (JUSTICE/DAG-014)." JUSTICE/DAG-014 is being removed from § 16.71 and reprinted in § 16.73 as "United States Judges Record System (JUSTICE/OLP-002)" since the system is now under the management of OLP. The "Freedom of Information and Privacy Appeals Index" was last published in the **Federal Register** on February 4, 1983 (48 FR 5368). The notice of the proposed rule with invitation to comment was published in the **Federal Register** on September 12, 1985 (50 FR 37236). The public was given 60 days to comment; however, no comments were received.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in 28 CFR Part 16

Administrative Practice and Procedure, Courts, Freedom of Information, Privacy, Sunshine Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, 28 CFR Part 16 is amended to add § 16.73 as set forth below.

Dated: December 4, 1985.

W. Lawrence Wallace,

Assistant Attorney General for Administration.

PART 16—[AMENDED]

1. The authority for Part 16 continues to read as follows:

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301, 552, 552a; 31 U.S.C. 483a unless otherwise noted.

2. 28 CFR Part 16 is amended by adding § 16.73 to read as follows:

§ 16.73 Exemption of Office of Legal Policy System—limited access.

(a) The following system of records is exempt from 5 U.S.C 552a (d)(1), (2), (3) and (4); (e)(1) and (2), (e)(4)(G) and (H), (e)(5); and (g):

(1) Freedom of Information and Privacy Appeals Index (JUSTICE/OLP-001).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2), (k)(2) and (k)(5).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsections (d)(1), (2), (3), and (4) to the extent that information in this record system relates to official Federal investigations and matters of law enforcement. Individual access to these records might compromise ongoing investigations, reveal confidential informants or constitute unwarranted invasions of the personal privacy of third parties who are involved in a certain investigation. Amendment of the records would interfere with ongoing criminal law enforcement proceedings and impose an impossible administrative burden by requiring criminal investigations to be continuously reinvestigated.

(2) From subsections (e)(1) and (5) because in the course of law enforcement investigations, information may occasionally be obtained or introduced the accuracy of which is unclear or which is not strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate to retain all information that may aid in establishing patterns of criminal activity. Moreover, it would impede the specific investigative process if it were necessary to assure the relevance, accuracy, timeliness, and completeness of all information obtained.

(3) From subsection (e)(2) because in a law enforcement investigation the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be informed of the existence of the investigation and would therefore be able to avoid detection, apprehension, or legal obligations or duties.

(4) From subsections (e)(4)(G) and (H) because this system is exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(5) From subsection (g) because this system is exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(c) The following system of records is exempt from 5 U.S.C. 552a(d)(1) and (e)(1):

(1) United States Judges Records System (JUSTICE/OLP-002).

These exemptions apply to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(5).

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (d)(1) because many persons are contracted who, without an assurance of anonymity, refuse to provide information concerning a candidate for a judgeship. Access could reveal the identity of the source of the information and constitute a breach of the promised confidentiality on the part of the Department. Such breaches ultimately would restrict the free flow of information vital to the determination of a candidate's qualifications and suitability.

(2) From subsection (e)(1) because in the collection of information for investigative and evaluative purposes, it is impossible to determine advance what exact information may be of assistance in determining the qualifications and suitability of a candidate. Information which may seem irrelevant, when combined with other seemingly irrelevant information, can on occasion provide a composite picture of a candidate which assists in determining whether that candidate should be nominated for appointment.

(e) The following system of records is exempt from U.S.C. 552a(c) (3) and (4);

(d); (e)(1), (2) and (3), (e)(4)(G) and (H) (e)(5); and (g):

(1) General Files System of the Office of Legal Policy (JUSTICE/OLP-003).

These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2), (k)(1), (k)(2), and (k)(5).

(f) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because making available to a record subject the accounting of disclosures from records concerning him/her would reveal investigative interest on the part of the Department as well as the recipient agency. This would permit record subjects to impede the investigation, e.g., destroy evidence, intimidate potential witnesses, or flee the area to avoid inquiries or apprehension by law enforcement personnel.

(2) From subsection (c)(4) because this system is exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(3) From subsection (d) because the records contained in this system relate to official Federal investigations. Individual access to these records might compromise ongoing investigations, reveal confidential informants, or constitute unwarranted invasions of the personal privacy of third parties who are involved in a certain investigation. Amendment of records would interfere with ongoing criminal law enforcement proceedings and impose an impossible administrative burden by requiring criminal investigations to be continuously reinvestigated.

(4) From subsections (e) (1) and (5) because in the course of law enforcement investigations, information may occasionally be obtained or introduced the accuracy of which is unclear or which is not strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate to retain all information since it may aid in establishing patterns of criminal activity. Moreover, it would impede the specific investigation process if it were necessary to assure the relevance, accuracy, timeliness and completeness of all information obtained.

(5) From subsections (e)(2) because in a law enforcement investigation the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be informed of the existence of the investigation and would therefore be able to avoid detection, apprehension, or legal obligations and duties.

(6) From subsection (e)(3) because to comply with the requirements of this subsection during the course of an investigation could impede the information gathering process, thus hampering the investigation.

(7) From subsections (e)(4) (G) and (H) because this system is exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(8) From subsection (g) because this system is exempt from the access and amendment provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

[FR Doc. 86-354 Filed 1-7-86; 8:45 am]

BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-2948-2]

Approval and Promulgation of Implementation Plans; Rhode Island; Additional BACT Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the State of Rhode Island. These revisions will require the use of best available control technology (BACT) for each air pollutant emitted when permitting new stationary sources and modifications to existing stationary sources not otherwise subject to lowest achievable emission rate (LAER) requirements. The revisions also require the owners/operators of fuel burning equipment to have a sampling value in the fuel line to the boiler to facilitate sampling. The intended effect of this action is to approve these revisions as part of the Rhode Island SIP under Secton 110 of the Clean Air Act.

EFFECTIVE DATE: February 7, 1986.

ADDRESSES: Copies of the submittal are available for public inspection at Room 2313, J.F.K. Federal Building, Boston, MA 02203; Public Information Reference Unit, EPA Library, 401 M Street SW., Washington, DC 20460; Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, DC 20408 and Air and Hazardous Materials Division, Department of Environmental Management, 75 Davis Street, Cannon Building, Room 204, Providence, RI 02908.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, (617) 223-4868; FTS 223-4868.

SUPPLEMENTARY INFORMATION: On June 25, 1985 (50 FR 26225), EPA published a Notice of Proposed Rulemaking (NPR) to approve revisions to Regulations 8 and 9 of the Rhode Island SIP proposed by the Rhode Island Department of Environmental Management (DEM). The revisions and the rationale for EPA's proposed action are explained in that NPR and will not be restated here. No comments were received on the proposed action. On May 2, 1985, the State of Rhode Island adopted the revisions to Regulations 8 and 9 exactly as proposed.

This Rhode Island SIP revision, as well as the currently approved Rhode Island SIP, contains requirements for sources to do air quality modeling. On July 8, 1985, EPA revised its regulations concerning stack height credits for air quality modeling. Rhode Island DEM has committed to implement all air quality modeling analyses consistent with the July 8, 1985 rulemaking in a letter dated October 15, 1985.

Final Action

EPA is approving revisions to Regulations 8 and 9 of the Rhode Island SIP as submitted by the DEM on May 25, 1985 and October 15, 1985.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, and Reporting and Recordkeeping requirements.

Note.—Incorporation by reference of the State Implementation Plan for the State of Rhode Island was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 11, 1985.

Lee M. Thomas,

Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart OO—Rhode Island

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.2070 is revised by adding paragraph (c)(24) as set forth below:

§ 52.2070 Identification of Plan.

* * * * *

(c) * * *

(24) Revisions to the State Implementation Plan were submitted by the Rhode Island Department of Environmental Management on May 28, 1985 and October 15, 1985.

(i) *Incorporation by reference.* (A) Amendments to Regulation 8, "Sulfur Content of Fuels" at 8.4.1(b) requiring owners/operators of fuel burning sources to have a sampling valve in the fuel line to the boiler to facilitate fuel sampling, amended on May 2, 1985.

(B) Amendments to Regulation 9, "Approval to Construct, Install, Modify, or Operate" requiring best available control technology (BACT) for each air pollutant emitted when permitting all new stationary sources and modifications not otherwise subject to lowest achievable emission rate (LAER) requirements under Rhode Island's approved new source review plan. The amended sections are 9.1.9, 9.1.14, 9.1.21, 9.1.22, 9.1.33, 9.1.36, 9.3.1, 9.3.3, 9.5.3, and 9.13:1. Regulation 9 was incorporated by reference in its present form on July 6, 1984 at subparagraph (c)(22), above. The entire Regulation is being reincorporated by reference here to maintain consistency in the numbering and format, amended May 2, 1985.

(ii) October 15, 1985 letter from Rhode Island DEM to EPA which commits to implement the stack height related requirements of Regulation 9 in accordance with the Stack Height regulations at 40 CFR Part 51, Subpart B.

§ 52.2081 [Amended]

3. Section 52.2081 is amended by adding the following entries to the Table of EPA Approved Regulations under State Citations numbers 8 and 9:

TABLE 52.2081.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date adopted by State	Date approved of EPA	Federal Register citation	52.2070	Comments/unapproved sections
*	*	*	*	*	*	*
No. 8	Sulfur Content of Fuels	05/02/85	1-8-86	[51 FR —]	(c)(24)	Requires sampling valve.
No. 9	Approval to Construct, Modify, or Operate.	05/02/85	1-8-86	[51 FR—]	(c)(24)	Additional BACT requirements.
*	*	*	*	*	*	*

[FR Doc. 86-400 Filed 1-7-86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 212, 217, 219, and 225

[FRA Docket No. RSOR-6, Notice No. 13]

Suspension; Control of Alcohol and Drug Use in Railroad Operations

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of suspension of final rule and conforming amendments.

SUMMARY: The final rule on Control of Alcohol and Drug Use in Railroad Operations, including miscellaneous related amendments to other FRA safety regulations, is suspended pending further notice. (The only exception is an editorial amendment to the title of Part 218, which was effective on December 12, 1985, the date of publication of Notice No. 12.) Implementation of the final rule has been enjoined by order of the United States Court of Appeals for the Ninth Circuit while an appeal of a lower court judgment upholding the rule is pending in the Ninth Circuit.

DATE: The rules are suspended retroactively to January 3, 1986, the date of the Ninth Circuit's order.

FOR FURTHER INFORMATION CONTACT: Walter C. Rockey, Jr., Executive Assistant to the Associate Administrator for Safety, FRA (Telephone: 202-426-0895), or Grady C. Cothen, Jr., Special Assistant to the Chief Counsel (Telephone: 202-426-9416).

SUPPLEMENTARY INFORMATION: On July 29, 1985, FRA issued a final rule on Control of Alcohol and Drug Use in Railroad Operations (50 FR 31508; Aug. 2, 1985), which included a new Part 219 in Title 49, Code of Federal Regulations, and certain amendments to Parts 212, 217, 218, and 225 of that title. FRA published technical corrections and amendments on September 24, 1985 (50 FR 38660) and October 31, 1985 (50 FR 45406).

With certain exceptions, the final rule became effective on November 1, 1985. On that date the U.S. District Court for the Northern District of California (Judge Legge) issued a temporary restraining order (TRO) that prohibited FRA from continuing in effect or further implementing any portion of the final rule. The TRO issued on application of the plaintiffs in *Railway Labor Executives' Association* v. *Dole*, Civil Action No. 85-7958. In compliance with the TRO, FRA published a notice suspending the operation of the final rule, pending further notice, on November 5, 1985 (50 FR 45917).

On November 26, 1985, the court heard arguments on cross motions for summary judgment filed by the plaintiff unions and the Government defendants. At the conclusion of the arguments, Judge Legge ruled orally that the final rule was valid in all respects and that the Government's motion for summary judgment should be granted. On December 9, 1985, the court entered a final order and judgment in the Government's favor and dissolved the TRO, thus allowing FRA to make the final rule effective at its discretion. Judge Legge also denied the plaintiff unions' motion to stay his decision (and enjoin the regulations) pending appeal.

On December 12, 1985, FRA published Notice No. 12 (50 FR 50868), containing a new schedule of effective dates for this rule. Part 219 was to have become effective on January 6, 1986, except that Post-Accident Testing under Subpart C would have been authorized as of January 6, but would not have been mandatory until February 1, 1986, and Pre-Employment Drug Screens would not have been mandatory until April 1, 1986. Conforming amendments to related FRA regulations in Parts 212, 217, and 225 technically became effective on January 1, 1986, but are also covered by this suspension. An editorial amendment to the title of Part 218 was effective on December 12, 1985, the date of publication of Notice No. 12, and is not affected by this notice.

On December 16, 1985, Plaintiffs filed a notice of appeal with the Ninth Circuit. *Railway Labor Executives' Association* v. *Dole*, No. 85-2891. On that same date plaintiffs filed an Emergency Motion For Order Restoring or Granting Injunction Pending Appeal, asking the court to enjoin implementation of the rule while the appeal is being briefed and decided. The Government defendants filed their opposition to that motion on December 19. The court issued an order granting the motion on January 3, 1986.

FRA is suspending the entirety of the substantive regulations contained in the

final rule in order to avoid any implication that the agency is not in full compliance with the order of the Court of Appeals. The only elements of the final rule actively contested at this stage of the litigation appear to be Post-Accident Toxicological Testing (Subpart C) and the Authorization to Test for Cause ("reasonable cause testing") (Subpart D). Plaintiffs relied exclusively on arguments relating to these provisions in seeking emergency relief. Nevertheless, because of the vagueness of plaintiffs' motion, the apparent breadth of the court's order granting the motion, the need to provide prompt guidance to the regulated community, and the absence of any opportunity to seek clarification prior to the new effective dates of the contested regulations, FRA sees no alternative to immediate, a total suspension of all of the substantive regulations.

Accordingly, Part 219 of Title 49, Code of Federal Regulations is suspended pending any further notice. In addition, the amendments made to Parts 212, 217, and 225 by the final rule document (50 FR 31508, 31678–31579) are also suspended pending any further notice.

List of Subjects in 49 CFR Part 219

Railroad safety, Control of alcohol and drug use.

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

John H. Riley,

Federal Railroad Administrator.

[FR Doc. 86–439 Filed 1–7–86; 8:45 am]

BILLING CODE 4910–06–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

[Docket No. 51299–5199]

Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Notice of interim first quarter. 1986 fishing quotas.

SUMMARY: NOAA issues interim quotas for the surf clam and ocean quahog fisheries for the first quarter of 1986. These interim quotas are based on proposed quotas for 1986 published for public comment on December 17, 1985. The intended effect of this action is to provide quota guidelines for the conduct of the fisheries until the proposed quotas can be issued in final form.

EFFECTIVE DATES: The interim quotas will cover the period from December 29, 1985, through March 29, 1986, or until superseded by publication of final 1986 quotas.

FOR FURTHER INFORMATION CONTACT: Bruce Nicholls (Plan Coordinator), 617–281–3600, extension 263.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries directs the Secretary of Commerce, in consultation with the Mid-Atlantic Fishery Management Council, to specify quotas for surf clams and ocean quahogs on an annual basis from within ranges which have been identified as optimum yield for each fishery. Those quotas are published in proposed form, followed by a 30-day period during which public comment is received. Final quotas are then published to guide fishery management decisions and fishing activity during the fishing year..

This procedure was used to develop and propose quotas for the 1986 fishing year. Unfortunately, procedural delays postponed the date of publication of proposed quotas until December 17, 1985 (50 FR 51435). With the provision for public comment, publication of a notice of final quotas will not be possible until after the 1986 fishing year begins. To cover the interim period, this notice of interim quotas specifies allowable harvests in the fishery conservation zone during the first quarter of 1986. This notice, and the interim quotas, will be superseded by publication of the final quotas as soon as is practicable.

The interim quotas are based on the values proposed for the full year of 1986, prorated for the first calendar quarter as follows:

Fishery area	Interim quota (in bushels)
Mid-Atlantic surf clam	662,500
Georges Bank surf clam	30,000
Nantucket Shoals surf clam	100,000
Ocean quahog	1,500,000

Other Matters

This action is taken under authority of 50 CFR 652.21 and is in compliance with Executive Order 12291. This action is covered by the certification for Amendment 3 to the Fishery Management Plan for Atlantic Surf Clam and Ocean Quahog Fisheries, and under the Regulatory Flexibility Act, that the authorizing regulations do not have a significant economic impact on a substantial number of small entities.

List of Subjects in 50 CFR Part 652

Fisheries, Recordkeeping and reporting requirements.

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

Dated: January 3, 1986.

Carmen J. Blondin,

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

[FR Doc. 86–392 Filed 1–3–86; 5:14 pm]

BILLING CODE 3510–22–M

50 CFR Part 671

[Docket No. 50950–5182]

Tanner Crab Off Alaska

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

ACTION: Notice of season adjustment.

SUMMARY: The Secretary of Commerce (Secretary) issues this notice extending the season for *Chionoecetes opilio* Tanner crab in the Bering Sea District of Registration Area J to allow adequate harvesting time in the *C. opilio* fishery. This action is intended as a conservation and management measure to promote fuller utilization of *C. opilio* stocks.

DATE: This notice is effective January 1, 1986. Public comments are invited until January 15, 1986.

ADDRESSES: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service (NMFS), P.O. Box 1668, Juneau, AK 99802. During the 15-day comment period, the data on which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m.) at the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Raymond E. Baglin (Fishery Management Biologist, NMFS) 907–586–7230.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP), which governs this fishery in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act), provides for inseason adjustments of season and area openings and closures. Regulations at § 671.27(b) specify that notice of these adjustments will be issued by the Secretary of Commerce under criteria set out in that section.

Section 671.26(f) establishes six districts within Registration Area J in order to better manage individual Tanner crab stocks. One of these districts is the Bering Sea District, for

which the FMP specifies an optimum yield range for *C. opilio* of 20.0 to 130.5 million pounds.

The 1985 season for *C. opilio* was extended twice from its scheduled closing date of August 1 (50 FR 31604, August 5, 1985; 50 FR 41902, October 16, 1985) until December 31, 1985, to promote fuller utilization of *C. opilio*. About 57 million pounds of *C. opilio* were available for harvest, but only about 4.6 million pounds of these crabs have been harvested. Many participants in the industry currently harvesting and processing *C. opilio* have requested the Director, Alaska Region, NMFS (Regional Director) to extend the *C. opilio* season. Failure to do so would result in excessive costs to fishermen from having to remove their pots from the fishing gounds and forgo fishing time without justification. Processors and their employees would also incur unnecessary costs due to interruption of supplies and furlough of employees. The Regional Director has also concluded that, based on the small 1985 harvest of *C. opilio*, additional fishing time is necessary to fully utilize the *C. opilio* optimum yield. The Regional Director has reviewed the status of the harvest to date and the concerns of the industry to continue operations. He has concluded that failure to extend the season would impose unnecessary inefficiencies on the crab industry, which would be inconsistent with the Magnuson Act.

In light of this information, and after consultation with the State of Alaska, the Regional Director has determined that the season for the *C. opilio* fishery should be extended to prevent the underharvest of the *C. opilio* stock and to prevent economic loss to the harvesting and processing industry. Comments may be submitted to the Regional Director at the address above until January 15, 1986.

Other Matters

The *C. opilio* stock will be subject to underharvest and economic harm will occur to the U.S. fishing industry unless this notice takes effect promptly. The Agency, therefore, finds for good cause that advance opportunity for public comment on this notice is contrary to the public interest, and that its effective date should not be delayed.

This action is taken under § 671.27 and it complies with Executive Order 12291. It is not subject to the requirements of the Regulatory Flexibility Act. It does not contain a request for the collection of information, as defined in the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 671

Fisheries.

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

Dated: January 3, 1986.

Carmen J. Blondin,

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

[FR Doc. 86-389 Filed 1-3-86; 5:00 pm]

BILLING CODE 3510-22-M

DEPARTMENT OF JUSTICE

48 CFR Parts 2801 and 2835

[Justice Acquisition Circular 85-2]

Amendments to the Justice Acquisition Regulation (JAR), Regarding Authority Delegations, Procedures for Appeal, and Review on R&D Contracting

December 16, 1985.

AGENCY: Justice Management Division, Office of the Procurement Executive, Justice.

ACTION: Final rule.

SUMMARY: The Justice Acquisition Regulations, Part 2801, is revised to clarify redelegations of procurement authority and to give the Procurement Executive authority to review procurement redelegations. Such review authority is a first step in creating standards for procurement redelegations and increasing the professionalism of the Department's procurement workforce in accordance with Executive Order 12352 and recent legislation. This rule will also add procedures for appealing contract review decisions. Part 2835, Research and Development Contracting is revised to be consistent with changes in procurement regulations and simplify the technical review process.

EFFECTIVE DATE: January 8, 1986.

FOR FURTHER INFORMATION CONTACT: Wilson L. Silvis on (202) 272-8356.

SUPPLEMENTARY INFORMATION: These revisions were not published for public comment because they do not have an effect beyond the internal operating procedures of the agency. The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted agency procurement regulations from review under Executive Order 12291 except for selected areas. The exemption applies to these revisions. The Department of Justice certifies that this document will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 60 et seq.).

List of Subjects in 48 CFR Parts 2801 and 2835

Government procurement.

W. Lawrence Wallace,

Assistant Attorney General for Administration.

1. The authority citation for 48 CFR Parts 2801 and 2835 continue to read as follows:

Authority: 28 U.S.C. 510; 40 U.S.C. 486(c); 28 CFR 0.75(j) and 0.76(j).

PART 2801—DEPARTMENT OF JUSTICE ACQUISITION REGULATION SYSTEM

2. Section 2801.601 is revised to read as follows:

§ 2801.601 General.

(a) In accordance with Attorney General Order 1085-85, the authority vested in the Attorney General with respect to contractual actions is delegated to the following officials:

(1) Assistant Attorney General for Administration (for the offices, boards, and divisions (OBDs));

(2) Director, Federal Bureau of Investigation;

(3) Director, Bureau of Prisons;

(4) Commissioner, Federal Prison Industries;

(5) Commissioner, Immigration and Naturalization Service;

(6) Administrator, Drug Enforcement Administration;

(7) Assistant Attorney General, Office of Justice Programs; and

(8) Director, U.S. Marshals Service.

(b) The contracting officer authority delegated to the officials in 2801.601(a) may be redelegated to subordinate officials as necessary for the efficient and proper administration of the Department's procurement operations. Such redelegated authority shall expressly state whether it carries the power of redelegation and the limits, if any, of the redelegation authority (see § 2801.601(d) for the mandatory elements to be included in a procurement authority redelegation memorandum). Redelegations of procurement authority existing prior to the effective date of this amendment are not voided by this amendment, however, an individual having an existing redelegation of procurement authority shall not have the power of redelegation unless the existing redelegation expressly grants this authority or is reissued in accordance with this paragraph.

(c)(1) Contracting Officer authority to other than those positions expressly identified in paragraphs (a)(1) through (a)(8) of this section shall be redelegated only to subordinate individuals who:

(i) Are employed in the 1100 personnel classification series; or,

(ii) Must function as contracting officers in the performance of their duties; except that

(iii) Authority to make small purchases may be redelegated to subordinate individuals not classified in the 1100 series provided:

(A) That the office(s) they serve would otherwise be without supply support for their immediate needs; and

(B) The individuals have been adequately instructed in the regulations concerning small purchases.

(2) The redelegation of contracting authority directly to specific persons without regard for intermediate organizational levels only establishes authority to represent the government in its commercial business dealings. It is not intended to affect the organizational relationship between the contracting officers and higher administrative and supervisory levels in the performance of their duties.

(d) Redelegations to other than those positions expressly identified in § 2801.601(a) shall be made only to individuals. Redelegations shall be in writing and shall contain the following mandatory elements:

(i) The dollar limit, if any, of the redelegation.

(ii) If the redelegation of authority carries the power of redelegation and the limits of the redelegation authority.

(iii) Any limitations on the type of purchases, i.e. open market, GSA schedules, etc.

(e) When exercising redelegated contracting officer authority a designated employee shall be identified as the contracting officer and shall function within the limits prescribed by law, the FAR, the JAR, and their redelegation of contracting authority.

(f) A contracting officer shall maintain evidence of his/her redelegation and scope of authority and while functioning as a contracting officer shall make such evidence available upon request.

(g) A copy of all redelegations of procurement authority, along with documentation showing the candidate's experience and training in the procurement field, shall be submitted to the Office of the Procurement Executive. The Procurement Executive may make recommendations to improve or enhance the candidate's qualifications if such action is appropriate.

3. Section 2801.602-70, paragraph (e) is amended to add a sentence at the end of the paragraph and add paragraphs (e)(1) through (4) as follows:

§ 2801.602-70 Office of the Procurement Executive.

* * * * *

(e) * * * The head of a contracting activity, as defined in 2802.102(c), when appealing a decision of the Procurement Executive shall follow the procedures described in paragraphs (e)(1) through (4) of this section

(1) The appeal file shall be submitted through the Office of the Procurement Executive (OPE) to the Deputy Attorney General as Chairperson of the Contract Appeals Panel. Submission of the appeal through the OPE is required so that the Procurement Executive may provide a written response to the issues raised in the appeal and, due to the ad hoc nature of the Contract Appeals Panel, provide a location for the collection and maintenance of appeal documents and files. The Procurement Executive shall forward the appeal file to the Chairperson within five working days of receipt.

(2) Content of the Appeal File. The appeal file must be complete in that it fully addresses the issue(s) being appealed. The file shall include a copy of the proposed contract or other award action, documents relied upon by the contracting officer in taking the action under dispute, the Procurement Executive's decision and a statement of facts setting forth the basis on which the appeal is made. The statement of facts shall cite, where applicable, procurement regulations, statutes, or decisions by other authorities, such as GAO decisions, that support or form the basis of the appeal. A summary shall be provided stating the resolution requested by the procurement activity. An original and three copies of the appeal file shall be submitted.

(3) The head of the contracting activity shall also submit to the OPE, with the appeal file, the original contract file as submitted to the OPE for review.

(4) The Contract Appeals Panel, following review and consideration of the appeal shall issue its decision in writing to the head of the contracting activity through the Office of the Procurement Executive and return with the decision all documents submitted by the contracting activity.

PART 2835—RESEARCH AND DEVELOPMENT CONTRACTING

4. Section 2835.003-70 is revised to read as follows:

§ 2835.003-70 Policy and procedures.

Requiring activities and contracting offices shall adhere to the policies and procedures in this Section in acquiring R&D services.

(a) Acquisition approvals. All requirements for R&D activities of more than $25,000 shall be submitted to the Assistant Attorney General for Administration (AAG/A) for approval prior to solicitation and award by the contracting office. Requirements for R&D will be submitted for approval via the Systems Policy Staff, OIT, and the Office of the Procurement Executive, who will review the submission and recommend to the AAG/A the appropriate action. The proposed R&D project shall be reviewed for the following elements.

(1) The requirement is not duplicative of any R&D activity previously conducted or in progress.

(2) The statement of work clearly and adequately describes the objectives of the R&D project.

(b) Contracting for R&D requirements. Approval of the requirement by the AAG/A does not constitute approval of the method of procurement or contract type. Such decisions will be made by the contracting officer in accordance with applicable regulations.

(c) R&D requirements of $25,000 or less shall be approved by the heads of the contracting activity as defined in 2802.102(c) following review by the Systems Policy Staff and Office of the Procurement Executive.

[FR Doc. 86-315 Filed 1-7-86; 8:45 am]
BILLING CODE 4410-01-M

Proposed Rules

Federal Register
Vol. 51, No. 5
Wednesday, January 8, 1986

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 959

Onions Grown in South Texas; Amendment No. 3 to Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would further amend the continuing handling regulation § 959.322 by allowing unlimited experimental shipments of onions in 50, 40, 25 and 20 pound cartons, rather than the current 10 percent. The amendment would promote orderly marketing of such onions by removing unnecessary limitations and providing improved marketing information.

DATES: Comments due February 7, 1986.

ADDRESSES: Comments should be sent to: Docket Clerk, F&V, AMS, Room 2069-S, U.S. Department of Agriculture, Washington, DC 20250. Two copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Dino Heon, Vegetable Branch, F&V, AMS, USDA, Washington, DC 20250 (202) 447-2681.

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

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

Marketing Agreement No. 143 and Order No. 959, both as amended, regulate the handling of onions grown in designated counties in South Texas. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The South Texas Onion Committee, established under the order, is responsible for its local administration.

Because requirements under this program have changed infrequently, in October 1981 the committee recommended, and the Secretary approved, a regulation which would continue in effect from marketing season to marketing season indefinitely unless modified, suspended or terminated by the Secretary upon recommendation submitted by the committee or other information available to the Secretary.

On November 7, 1985, the committee recommended deleting the 10 percent limitation on experimental shipments and allowing unlimited experimental shipments of onions in 50, 40, 25 and 20 pound cartons under subparagraph (f)(4), *Experimental shipments.* The committee believes that there are presently too many unknowns regarding carton size(s) and type of construction, and it is therefore premature to recommend specific cartons to be included in § 959.322(c). Permitting unlimited experimental shipments of onions in 50, 40, 25 and 20 pound containers would allow the committee to collect sufficient data from which it can determine the most beneficial carton sizes that would also be practicable to the trade.

To ensure that the handling of onions in such experimental containers remains under proper supervision, the South Texas Onion Committee must be notified of carton size and furnished a container manifest; and shippers must furnish the committee with outturn reports of such shipments.

Although the regulation proposed to be amended is effective for an indefinite period, the committee will continue to meet prior to or during each season, to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee will submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings or may file comments with the Fruit and Vegetable Division before December 1 each year. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension or termination of the regulations on shipments of South Texas onions would tend to effectuate the declared policy of the act.

It is hereby found and determined that providing more than 30 days notice with respect to this proposal is impractical, unnecessary and contrary to the public interest because the onion shipping season begins on March 10, and any regulatory amendment should become effective by that date.

List of Subjects in 7 CFR Part 959

Marketing agreements and orders, Onions, Texas.

PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR Part 959 continues to read as follows:

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

2. Section 959.322 (47 FR 8551, March 1, 1982; 48 FR 7427, February 22, 1983; 48 FR 25169, June 6, 1983; and 49 FR 4931, February 9, 1984) is hereby proposed to be further amended by revising (f)(4)(i) as follows:

§ 959.322 Handling regulation.

* * * * *

(f) *Special purpose shipments.* * * *

(4) *Experimental shipments.* (i) Upon approval of the committee, onions may be shipped in bulk bins with inside dimensions of 47 inches x 37½ inches x 36 inches deep and having a volume of 63,450 cubic inches, or containers deemed similar by the committee. Each container shall have a new perforated polyethylene liner at least 2 mils in thickness. Also, onions may be shipped in 50, 40, 25 and 20-pound cartons, upon approval of the committee. Such experimental shipments shall be exempt from paragraph (c) of this section but shall be handled in accordance with safeguard provisions of § 959.54 and paragraph (g) of this section. The committee shall be notified of carton size and furnished a container manifest, and shippers must furnish the committee with outturn reports on such shipments.

* * * * *

Dated: January 2, 1986.

Thomas R. Clark,

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

[FR Doc. 86-281 Filed 1-7-86; 8:45 am]

BILLING CODE 3410-02-M

Federal Crop Insurance Corporation

7 CFR Part Ch. IV

[Doc. No. 2922S]

General Amendment; Various Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Withdrawal of proposed rule.

SUMMARY: On Wednesday, May 22, 1985, the Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking (NPRM) to amend all crop insurance regulations issued by FCIC to provide that commercial insurance companies, reinsured by FCIC, would be used as the main means of delivering the crop insurance program. This notice is published to withdraw that notice of proposed rulemaking because the proposed actions are no longer necessary due to accomplished and proposed administrative changes in the management of FCIC. The authority for the withdrawal of this proposed rule is contained in the Federal Crop Insurance Act, as amended.

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.

Merritt W. Sprague, Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order No. 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons.

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

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

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

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

On Wednesday, May 22, 1985, FCIC published a NPRM in the **Federal Register** at 40 FR 21060, proposing to amend the regulations of FCIC to provide that commercial insurance companies reinsured by FCIC would be used as the primary means of delivering the crop insurance program. The proposed rule also provided for crop insurance to be made available through such other means as the Manager determines is necessary to insure the adequate delivery of crop insurance. The action proposed was for a conversion of FCIC's insurance operations from a combination of direct insurance policy writing and reinsurance of private commercial insurance company policies to a system predominantly relying on reinsured companies while retaining extended control over all aspects of the program. FCIC was considering the following options:

Option 1. Continue providing Federal crop insurance through a dual-channel delivery system of Master Marketers and reinsured commercial insurance companies.

Option 2. Provide the major portion of Federal crop insurance through reinsured commercial insurance companies.

Under the authority of the Federal Crop Insurance Act, the Federal Crop Insurance program provides crop insurance coverage for major commercially grown crops and select speciality crops in the United States. Currently, insurance coverage is offered in 3,012 counties on 38 crop programs plus combined crop insurance and prevented planting programs in designated counties.

Crop insurance is presently provided through a dual-channel delivery system. One channel is composed of Agency Sales and Service contractors (Master Marketers) consisting of approximately 60 agencies. Each Master Marketer enters into a contract with FCIC to write FCIC policies in a direct insurance operation. Master Marketers provide management and supervision relating to sales and contract servicing, agent training and quality control.

A large number of the agents are licensed under applicable State law and all are certified by FCIC in the crops for which they sell insurance. The Federal Crop Insurance Corporation compensates the Master Marketers on a commission basis.

FCIC provides marketing assistance, quality control, loss adjustment, claims payment, document processing and premium collection functions.

The second channel is composed of 48 commercial insurance companies which have entered into a Reinsurance Agreement with FCIC. Reinsured commercial insurance companies write crop insurance policies under their own names, but under the same terms and conditions as provided on FCIC policies. The companies provide marketing, sales and contract servicing, quality control, document processing, premium collection, loss adjustment, claims payment and agent training. All agents are required to be licensed by applicable State law. FCIC reinsures these commercial insurance companies against a portion of the losses and compensates them for administrative costs.

FCIC premium, through its direct writing operations with Master Marketers, declined from $366.4 million in 1981 to an estimated $162.0 million for crop year 1985; a 56 percent decrease. Simultaneously, crop insurance premium on policies written by reinsured commercial companies increased from $12.8 million to an estimated $378.0 million, approximately a 2,900 percent increase.

The mix of business has firmly shifted from primarily FCIC policies to primarily reinsured commercial insurance company policies.

The shift in market shares between the Master Marketers and reinsured commercial insurance companies has a marked impact on the current FCIC infrastructure. The current organizational structure of FCIC is to a major extent based upon an analysis of needs to support direct insurance and reinsurance operations at levels projected in the Fiscal Year 84 budget request and the actual $340 million of

Federal policy premium for crop year 1982, the first full year of reinsured commercial company activities. Current estimated Federal policy premium through direct writing operations is $162 million for crop year 1985; 48 percent of the projected business for which the current organizational structure was designed with full staffing. The reduction in the level of direct writing operation responsibilities on the part of FCIC has not been accompanied by a concurrent comparable reduction in support staffing levels.

Following three months of study and deliberation, FCIC announced on June 18, 1985, that the Corporation would offer Master Marketers a new agency sales and service contract for the 1986 crop sales year. In the anouncement it was stated that the new contract would be substantially different from the current one and that a complete review of FCIC operations was contemplated.

The acton was taken to steamline FCIC's direct insurance writing operations which have outgrown the volume of Federal insurance. FCIC has determined that direct writing of crop insurance will continue, but with substantial changes in both the Master Marketing contract and in the FCIC support structure, the latter being redesigned to better reflect the volume of business currently written.

The determination not to convert to a strictly reinsurance function was based on several factors, including the determination that further study was necessary to assure that crop insurance was available to all farmers under the mandate of the Federal Crop Insurance Act.

As a result of this determination, FCIC published a notice of proposed rulemaking in the **Federal Register** on Friday, November 1, 1985, at 50 FR 45625, to revise and reissue the Standards for Approval-Agency Sales and Service Contract for the 1986 crop sales year. Such revision includes modification of the requirements relative to licensing and certification, errors and omissions insurance, and submission of a Certified Public Accountant audit. Concurrent with this action FCIC extended the provisions of the 1985 Agency Sales and Service Contract, which expired on October 1, 1985, to allow sufficient time for comment on the proposed standards to be made effective with the 1986 Agency Sales and Service Contract. This action was taken with the agreement of all current contract holders.

Therefore, for the reasons stated above, FCIC hereby withdraws the notice of proposed rulemaking published on May 22, 1985, at 50 FR 21060.

Done in Washington, DC, on November 5, 1985.

Merritt W. Sprague,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 86-355 Filed 1-7-86; 8:45 am]

BILLING CODE 3410-08-M

Office of the Secretary

7 CFR Part 3015

Proposal To Exclude Department of Agriculture Programs and Activities From Executive Order 12372

AGENCY: Department of Agriculture, USDA.

ACTION: Proposed rule related notice.

SUMMARY: This Notice proposes that the Foreign Agricultural Service's (FAS) Foreign Market Development Program (FMDP) be excluded from coverage under Executive order 12372, "Intergovernmental Review of Federal Programs." This Notice sets forth the justification to exclude this program on the basis that it does not directly affect State and local governments. A full understanding of the requirements of the Order may be gained by referring to the final rules published in 7 CFR Part 3015, Subpart V, at 46 FR 29100, dated June 24, 1983.

DATE: Comments must be received on or before February 24, 1986.

ADDRESS: Interested persons should submit comments to Ms. Lyn Zimmerman, Office of Finance and Management, USDA, Room 2117-B, Auditors Building, 201 14th Street, SW., Washington, DC 20250. Comments will be available for inspection at the above address from 9:00 to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ms. Lyn Zimmerman, Office of Finance and Management, USDA, Room 2117-B, Auditors Building, 201 14th Street, SW., Washington, DC 20250. (Telephone (202) 382-1553.)

SUPPLEMENTARY INFORMATION:

Background

FAS is charged with developing foreign markets for United States (U.S.) farm products through effective market expansion activities. It provides services to U.S. and foreign agricultural trade sectors that are necessary to extablish, build, and maintain overseas markets for U.S. agricultural products.

The FMDP is a Government/industry program carried out by FAS with nonprofit agricultural-related organizations known as "cooperators" and with private firms. The Program's primary purpose is to build commercial export markets for U.S. agricultural products through trade servicing and technical assistance, consumer promotion, trade and consumer advertising, trade fairs and exhibits, market surveys, trade team travel, and similar activities. Activities with private firms are limited to advertising, point-of-sale demonstrations, trade fairs and other similar direct consumer promotion activities in specified foreign markets.

Under the FMDP cooperator program, funds are made available to nonprofit agricultural commodity trade associations, on a matching funds basis, for the sole purpose of promoting U.S. agricultural commodities abroad under arrangements with FAS. Funds are also made available to private U.S. firms to reimburse no more than half their actual expenses to promote brand-identified U.S. agricultural products in foreign markets.

Authority for assisting in the development of foreign markets for U.S. agricultural commodities is found in section 601 of the Agricultural Act of 1954 and section 203(e) of the Agricultural Marketing Act of 1946. These statutes clearly contemplate assistance being provided for this purpose to farmers, processors, distributors, exporters, and other persons engaged in the marketing and exportation of agricultural commodities and products.

The agricultural commodities that make up these activities are originated in U.S. forests and/or U.S. farms and ranches, products processed from such agricultural commodities, and fish and fish products, without regard to whether such fish are harvested in aquacultural operations.

A program may be limited to activities in one foreign country, or may include activities in several foreign countries. U.S. cooperator activities must be described and budgeted in an annual marketing plan and approved by FAS prior to their initiation. Presently, FAS utilizes the services of 52 U.S. cooperators (including support of 62 overseas offices) and 16 private U.S. firms to conduct 5,200 activities in 136 foreign countries. Funds appropriated to this program for FY 1984 were $31.3 million.

The program listed below by Catalog of Federal Domestic Assistance Number is proposed for exclusion from the scope of Executive Order 12372 because it has no direct effect on State and local governments. A full program description will be included in the December 1985 update to the Catalog.

10.600 Foreign Market Development Program

Following the end of the comment period, the Department will review all comments received and made a determination on whether to exclude or include the Foreign Market Development Program. A Notice will be published in the **Federal Register** announcing this determination.

Dated: November 7, 1985.

John J. Franke, Jr.,

Assistant Secretary for Administration.

[FR Doc. 86-322 Filed 1-7-86; 8:45 am]

BILLING CODE 3410-10-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-218-83]

Income Taxes; Stock Acquisitions; Section 338(h)(10) Election and Extension of Time To Make Certain Elections

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is issuing temporary regulations that add new §§ 1.338(h)(10)-1T and 1.1502-75T, relating to elections under section 338(h)(10), and that amend existing temporary regulations §§ 1.338-1T and 1.338-4T, relating generally to procedural and miscellaneous matters under section 338. The text of the new and revised sections also serves as the comment document for this notice of proposed rulemaking.

DATES: *Proposed Effective Date:* The regulations under section 338(h)(10) are proposed to generally apply to stock acquisitions made after January 12, 1983. The temporary regulations being amended generally apply to stock acquisitions made after August 31, 1982.

Date for Comments and Requests for a Public Hearing: Written comments and requests for a public hearing must be delivered or mailed by March 10, 1986.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T [LR-218-83], Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Patricia Wendlandt or Bennett C. Steinhauer of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:LR:T) (202-566-3458, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

Temporary regulations published in the Rules and Regulations portion of this issue of the **Federal Register** add new temporary regulations §§ 1.338(h)(10)-1T and 1.1502-75T to Part 1 of Title 26 of the Code of Federal Regulations ("CFR") and amend temporary regulations §§ 1.338-1T and 1.338-4T. Section 1.338-1T was published as T.D. 7942 in the **Federal Register** on February 8, 1984 (49 FR 4722), was amended and redesignated (as § 1.338-1T) by temporary regulations published as T.D. 7975 in the **Federal Register** on September 6, 1984 (49 FR 35086), and was further amended by T.D. 8021 in the **Federal Register** on April 25, 1985 (50 FR 16428). Section 1.338-4T was also published in T.D. 8021. The final regulations that are proposed to be based on the new and amended temporary regulations would be added to Part 1 of Title 26 of the CFR. Those final regulations would provide guidance on elections under section 338(h)(10) of the Code as well as on the date for electing section 338, for making certain other elections under section 338, and for certain other purposes. Section 338 of the Code was added by section 224 of TEFRA (Pub. L. 97-248; 96 Stat. 485) and was amended by section 306(a)(8) of the Technical Corrections Act (Pub. L. No. 97-448; 96 Stat. 2402) and section 712(k) of the Tax Reform Act of 1984 (Pub. L. No. 98-369; 98 Stat. 946). For the text of the new and amended temporary regulations, see T.D. 8068, published in the Rules and Regulations portion of this issue of the **Federal Register.** The preamble to the temporary regulations explains the additions to the regulations.

Regulatory Flexibility Act and Executive Order 12291

Although this document is a notice of proposed rulemaking that solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6). The Commission of Internal Revenue had determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis therefore is not required.

Comments and Request for a Public Hearing

Before these proposed regulations are adopted, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.** The collection of information requirements contained herein have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act. Comments on the requirements should be sent to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Internal Revenue Service, New Executive Office Building, Washington, DC 20503. The Internal Revenue Service requests persons submitting comments to OMB to also send copies of the comments to the Service.

Drafting Information

The principal author of these proposed regulations is Bennett C. Steinhauer of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 86-59 Filed 1-3-86; 12:46 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 402

Tariff of Tolls; Proposed Revision

Correction

In FR Doc. 85-30000, beginning on page 51710 in the issue of Thursday, December 19, 1985, make the following correction:

On page 51711, first column, the heading to the table in § 402.8 should have read as follows:

	Tolls	
	Montreal to or from Lake Ontario	Lake Ontario to or from Lake Erie (Welland Canal)
	1986	1986

* * * * *

BILLING CODE 1505-01-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Nonmatriculated Students

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The law forbids payment of G.I. Bill benefits to veterans who are not in a program of education. For several years the VA (Veterans Administration) has had rules for determining whether or not veterans are in a program of education if they are planning on taking courses at two colleges or universities sequentially but have not matriculated at either one. The VA has found that these rules are too restrictive. This proposal will liberalize those rules.

DATES: Comments must be received on or before February 7, 1986.

ADDRESSES: Send written comments to: Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132 of the above address between the hours of 8 a.m. to 4:30 p.m., Monday though Friday (except holidays) until February 24, 1986.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, (202) 389-2092.

SUPPLEMENTARY INFORMATION: A paragraph in 38 CFR 21.4252 is amended in order to liberalize the rules for determining whether a nonmatriculated student is in a program of education for VA purposes.

The VA has determined that this proposal does not contain a major rule as that term is defined by E.O. 12291, entitled, Federal Regulation. The proposal will not cause a major increase in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans Affairs certifies that promulgation of this regulation, if made final, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to section 605(b), this regulation, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because this change will affect only payments made to individual benefit recipients. The regulation will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The information collection requirement contained in this proposed regulation has been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act of 1980. Comments on the information collection requirement should be submitted to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Veterans Administration, 726 Jackson Place NW., Washington, DC 20503 (202) 395-7316.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.111.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational rehabilitation.

Approved: December 10, 1985.
By direction of the Administrator.

Everett Alvarez, Jr.,
Deputy Administrator.

PART 21—[AMENDED]

38 CFR, Part 21, Vocational Rehabilitation and Education, is amended by revising § 21.4252, paragraphs (l)(2) and (l)(3) to read as follows:

§ 21.4252 Courses precluded.

* * * * *

(l) * * *

(2) The first portion of the courses leading to a single degree may be offered at one college or university. The remaining courses are not offered at that college or university, but are offered at a second college or university which grants the degree based upon the combined credits earned by the student. If the student is not required to matriculate during the portion of the program offered at the first college of university, the VA may approve an enrollment in a course or subject that is part of that portion of the program only when the certifications described in either paragraph (l)(2) (i) or (ii) of this section are made.

(i) The college or university granting the degree certifies concurrently with the student's enrollment in the first portion of the program, that

(A) Full credit will be granted for the subjects taken in the portion of the curriculum offered at the first college or university;

(B) In the last 5 years at least three students who have completed the first part of the program have been accepted into the second part of the program;

(C) At least 90 percent of those who have applied for admission to the second part of the program, after successfully completing the firstpart, have been admitted;

(D) The student will be required to matriculate during the first two terms, quarters or semesters following his or her admission to the second part of the program.

(ii) The college or university offering the first part of the program:

(A) Certificates to the appropriate State approving agency that as a result of an agreement between the college or university and the college or university offering the second part of the program, all of the courses taken by the veteran or eligible person in the first part of the program, will be accepted by the college or university offering the second part of the program without any loss of credit in partial fulfillment of the requirements for an associate or higher degree. This certification may be made once for each program for which an agreement exists.

(B) Certifies to the VA that the veteran or eligible person has stated to an appropriate official of the college or university offering the first part of the program that he or she is pursuing the program.

(3) The first portion of the subjects or courses in a baccalaureate program beyond those necessary for an associate degree may be given at a 2-year college, while the remainder may be offered at a 4-year college or university. When the college or university does not require the student to matriculate while pursuing the additional study at the 2-year college, the VA may approve an enrollment in a course offered in the program at the 2-year college only if the certifications described in either

paragraph (l)(3) (i) or (ii) of this section are made.

(i) The college or university granting the baccalaureate degree certifies that:

(A) Full credit is granted for the course upon the student's transfer to the college or university granting the baccalaureate degree,

(B) The courses taken at the 2-year college will be acceptable in partial fulfillment for the baccalaureate degree, and

(C) The student will be required to matriculate during the first two terms, quarters or semesters following his or her admission to the college or university granting the baccalaureate degree.

(ii) Either the 2-year college or the college or university granting the baccalaureate degree:

(A) Certifies to the appropriate State approving agency that as a result of an agreement between the 2-year college and the college or university offering the baccalaureate degree all of the courses pursued beyond the associate degree will be accepted without any loss of credit in partial fulfillment of the requirements for a baccalaureate degree. This certification may be made once for each program for which an agreement exists.

(B) Certifies to the VA that the veteran or eligible person is enrolled in courses covered by the agreement.

(38 U.S.C. 1652)

* * * * *

[FR Doc. 86-308 Filed 1-7-86; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 5E3243/P381; FRL-2949-6]

Exemption From Tolerance for Whole Egg Solids

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that an exemption from the requirement of a tolerance be established for residues of whole egg solids when used as an animal repellent in or on the raw agricultural commodity almonds. This proposal to eliminate the need to establish a maximum permissible level for residues of whole egg solids in or on almonds was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments, identified by the document control number [PP 5E3243/P381], must be received on or before February 7, 1986.

ADDRESS: By mail, submit written comments to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to:

Rm 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Donald Stubbs, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1806).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 5E3243 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project and the Agricultural Experiment Station of California.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of an exemption from the requirement of a tolerance for whole egg solids when used as an animal repellent in or on the raw agricultural commodity almonds.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the exemption is sought.

Whole egg solids are registered for use on certain non-food seedlings and ornamental shrub plantings and on bearing and non-bearing fruit and citrus trees before flowering and leafing out and after harvest. The material has been shown to be effective in repelling deer in almond orchards. There is no expectation of whole egg solid residues in almond nut meats from use as an animal repellent.

The residue resulting from the proposed use will consist of putrescent egg solids, i.e., the normal degradation products of proteins and carbohydrates. The repellent properties likely result from sulfur-containing degradates, either small organosulfur molecules, or hydrogen sulfide. Although there may be residues of dried egg solids in or on almond hulls, which is a livestock feed item, excessive residue would render almond hulls unpalatable to livestock.

Based on the above information considered by the Agency, the proposed exemption from the requirement of a tolerance would protect the public health. Therefore, it is proposed that the exemption be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 5E3243/P381]. All written comments filed in response to this petition will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial

number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: December 23, 1985.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Part 180 is amended by adding § 180.1071 to read as follows:

§ 180.1071 Egg solids (whole); exemption from the requirement of a tolerance.

Whole egg solids (of at least feed grade quality) are exempted from the requirement of a tolerance for residues when used as an animal repellant in or on almonds and applied to the growing crop in accordance with good agricultural practices.

[FR Doc. 86-160 Filed 1-7-86; 8:45 am]
BILLING CODE 6560-50-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

41 CFR Part 51-2

Employment in Production of Commodities and Provision of Services

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

ACTION: Proposed rule.

SUMMARY: The Committee proposes to amend its regulations to establish standards for the employment of blind or other severely handicapped persons in the production of commodities and the provision of services proposed for addition to and those on the Procurement List.

DATES: Comments must be received on or before March 5, 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:

Background

The Javits-Wagner-O'Day Act (Pub. L. 92-28) requires blind workshops to employ blind for not less than 75 percent of the total direct labor hours performed in the agency in each fiscal year and other severely handicapped workshops to employ blind or other severely handicapped for not less than 75 percent of the total direct labor hours performed in the agency in each fiscal year. The Act provides that, in determining the 75 percent ratio, the total direct labor hours employed in the production of all commodities or the provision of all services shall be used, whether or not the commodities or services are procured under the Act. However, in discussing this provision of the Act, House Report 92-228 states that "It is necessary to specify this requirement in the amended law . . . to assure that this preferential procurement program is, in fact, used to provide employment opportunities for blind and other severely handicapped individuals who are incapable of engaging in regular competitive employment. As has been the practice, the 75 percent criterion is to be applied during the fiscal year in which the commodities or services are procured under the Act. *The percentage of blind or other severely handicapped labor on a given commodity may be slightly higher or lower in any given fiscal year owing to a variety of factors, including training of personnel for the manufacture of a new product or absence of blind or other severely handicapped workers on account of illness. However, the overall average of man hours of direct labor during the entire fiscal year should meet the 75 percent requirement.*" (Emphasis added)

During 1979 and 1980 the General Accounting Office (GAO) conducted an in-depth study of the Committee's program. In September 1981, the GAO issued the report of its findings and made a number of recommendations to the Congress, to the Secretary of Labor and to the Committee on changes in various laws and regulations governing workshops. Two of the recommendations concerned the Committee's requiring information on the direct labor ratio on commodities and services on the Procurement List and those proposed for addition to the list. The GAO recommended:

(a) That the Committee require workshops to submit information on the estimated direct labor ratio for proposed additions to the Procurement List.

(b) That the Committee require participating workshops to report annual on the direct labor ratio for Procurement List items.

The Committee, in reports to the Chairman of the oversight and appropriations Committee of the Congress, notified them that it was implementing those recommendations.

The ratio of the estimated direct labor hours on proposed additions is now addressed in the letter to the Committee members which proposes the addition of a commodity or service to the Procurement List. The Committee has approved additions to the Procurement List only where the workshop has reported that it planned to employ at least 75 percent blind or severely handicapped direct labor in production of the commodity or provision of the service being proposed for addition to the Procurement List. However, the Committee has approved additions to the Procurement List when the workshop has indicated that a phase-in period would be required usually of not more than six months, before it expected to reach or exceed the 75 percent goal.

Beginning in fiscal year 1982 workshops participating in the Committee's program have been including data on the hours of direct labor performed in the production of commodities and the provision of services on the Procurement List as a part of their annual reports to the Committee. In some instances workshops have reported that they are employing substantially less than 75 percent direct labor in producing commodities or providing services under the Committee's program. A few have reported employing less than 50 percent blind or other severely handicapped direct labor. However, since the Committee had prescribed no standards in its regulations regarding the ratio of direct labor required in the production of commodities or the provision of services on the Procurement List, it has no legal basis for taking action against those workshops which were clearly not complying with the intent of Congress as expressed in the House Report cited above.

The Committee has considered a number of approaches for resolving these problems and has decided that the fairest is to address the ratio of blind or other severely handicapped direct labor performed on a specific commodity or service rather than disqualifying a workshop because the low ratio on a particular commodity or service has caused the workshop's overall ratio of blind or other severely handicapped direct labor in producing or providing

items on the Procurement List to fall below 75 percent.

Discussion of Changes

The Committee proposes to expand the definition of suitability contained in 41 CFR 51-2.6 to include the minimum standards indicated by the House Report quoted above. These changes will reflect in regulations the policies and standards which the Committee has for the past several years used in approving additions to the Procurement List and in reviewing the annual reports submitted by workshops on their direct labor or Procurement List items. The changes will permit the Committee to exercise reasoned judgement in evaluating the performance of those workshops which fall substantially below or which repeatedly fail to meet the 75 percent ratio in producing commodities and providing services on the Procurement List and will establish the regulatory basis for the Committee to take action, when appropriate, against those workshops. The proposed changes will require no new recurring reports.

The addition to paragraph (a)(1) would establish that, after an initial phase-in period, the workshop expects to employ blind or other severely handicapped for 75 percent or more of the hours of direct labor required to produce a commodity or to provide a service being proposd for addition to the Procurement List.

The new paragraph (f)(1) would require that, when a commodity or service has been on the Procurement List for at least one year and a workshop reports that it has employed less than 50 percent blind or other severely handicapped direct labor in the production of a commodity or the provision of a service, that commodity or service will no longer be considered to be suitable for production or provision by that workshop.

Similarly in paragraph (f)(2) when the production of a commodity or the provision of a service causes a workshop to fall below 75 percent blind or other severely handicapped direct labor in two out of three consecutive fiscal years, that commodity or service will no longer be considered to be suitable for production or provision by that workshop.

Paragraph (f)(3) was included to permit the Committee to make exceptions, when justified by special circumstances, in the case of a workshop which fails to meet the requirements of (f)(1) of (f)(2) but where it appears that the workshop can demonstrate that it is capable of meeting those requirements.

List of Subjects in 41 CFR Part 51-2

Blind, Handicapped, Government procurement.

I certify that this is not a major rule under Executive Order 12291 and would not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

PART 51-2—[AMENDED]

Accordingly, it is proposed to amend 41 CFR 51-2 as follows:

1. The authority citation for Part 51-2 continues to read as follows:

Authority: Pub. L. 92-28, 85 Stat. 77 (41 U.S.C. 46-48c).

§ 51-2.6 [AMENDED]

2. Amend paragraph § 51-2.6(a)(1) by removing the period after the word "price" and adding the following:

(a) * * *

(1) * * *

And, after an initial period for phase in, expects to employ blind persons, in the case of a workshop for the blind, or blind and other severely handicapped persons, in the case of a workshop for the other severely handicapped, for 75 percent or more of the hours of direct labor required to produce the commodity or provide the service.

* * * * *

3. Amend § 51-2.6 by adding a new paragraph (f):

* * * * *

(f)(1) Any commodity or service which has been on the Procurement List for at least one year and which has not been produced or provided by employing blind persons, in the case of a workshop for the blind, or blind and other severely handicapped persons, in the case of a workshop for the other severely handicapped, for at least 50 percent of the hours of direct labor required to produce that commodity or to provide that service in a fiscal year is not suitable for continuation on the Procurement List for production or provision by that workshop.

(2) Similarly, any commodity or service which has been on the Procurement List for at least one year and which causes the total hours of direct labor performed in the workshop in the production of commodities and the provision of services on the Procurement List by blind persons, in the case of workshops for the blind, or by blind and other severely handicapped persons, in the case of workshops for the other severely handicapped, to fall below 75 percent in any two out of three consecutive fiscal years is not suitable for continuation on the Procurement List for production or provision by that workshop.

(3) The Committee may, when justified by special circumstances, permit a workshop which, in the production of a commodity or the provision of a service, fails to employ blind or other severely handicapped persons for the percent of direct labor hours required in (1) or (2) above, to continue to produce the commodity or to provide the service for not more than one additional fiscal year to demonstrate that it is capable of meeting the requirements in (1) or (2) above.

Authority: 41 U.S.C. 46-48c.

C.W. Fletcher,

Executive Director.

[FR Doc. 86-47 Filed 1-7-86; 8:45 am]

BILLING CODE 6820-33-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1244

[Ex Parte No. 385 (Sub-No. 2)]

Procedures on Release of Data From the ICC Waybill Sample

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposal Rulemaking.

SUMMARY: This rulemaking sets forth proposed procedures concerning the type of data and information that may be obtained from the "ICC Waybill Sample". (49 CFR Part 1244). The Commission proposes to adopt guidelines for the release of waybill data according to five classes of users, and to formalize notice and protest procedures for the possible release of waybill data to other users to protect against inappropriate release of confidential data. These proposed rules, with some refinements, adopt the policy of the Office of Transportation Analysis for handling waybill requests. (48 FR 40328, September 6, 1983). Comments are requested on (1) the extent to which the data is confidential; (2) the proposed classification of users and the type of waybill data and release requirements proposed for each group, and (3) the proposed notice and protest procedures.

Comments: Comments must be received on or before February 24, 1986.

ADDRESS: An original and 15 copies of any comments referring to Ex Parte No. 385 (Sub-No. 2) should be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTRACT: James A. Nash, Tel: (202) 275-6864

or

Elaine K. Kaiser, (202) 275–0907.

SUPPLEMENTARY INFORMATION: The text of the proposed rules follows as an appendix to this notice. Additional information is contained in the Commission's full decision. To obtain a copy of the full decision contact the Office of the Secretary, Interstate Commerce Commission, Room 2215, Washington, DC 20423, or call (202) 275–7428.

It appears that the proposed regulations will not significantly affect either the quality of the human environment or conservation of energy resources. Also, it appears that this action will not have a significant economic impact on a substantial number of small entities nor increase the compliance burden on regulated carriers or members of the public who have an interest in these proceedings.

List of Subjects in 49 CFR Part 1244

Frieght, Railroads, Reporting and recordkeeping requirements.

This rulemaking notice is issued under the authority of 5 U.S.C. 552 and 553 and 49 U.S.C. 10303, 10321, 11144 and 11145.

Decided: November 25, 1985.

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

James H. Bayne,

Secretary.

Attachment I

Title 49 of the CFR is proposed to be amended as follows:

PART 1244—[AMENDED]

A new § 1244.8 is proposed to be added to 49 CFR 1244 to read as follows:

§ 1244.8 Procedures for the Release of Waybill Data.

(a) *General.* The procedures for the release of waybill data identify five classes of users of the ICC Waybill Sample, define the waybill information or data that each class of users may obtain, and set forth the applicable requirements for the data's release. They also formalize notice and protest procedures for the possible release of waybill data to other users to protect against the inappropriate release of confidential data. The Director of the Office of Transportation Analysis shall be responsible for releasing waybill data in accordance with these procedures.

(b) Class of User, Available Data, and Applicable Release Requirements.

(1) *Railroads.* Each requesting railroad may obtain any waybill record from the ICC Waybill Sample covering traffic that originated, terminated, or was bridged by that railroad. The railroad shall not have access to waybill data pertaining to traffice in which it did not participate. The railroad will be required to treat the data as if it had collected and processed the data itself. Also, it must meet all ICC and legal requirements concerning release of shipper information in accordance with 49 U.S.C. 11910(a).

(2) *Federal Agencies.* Each requesting Federal agency may obtain any waybill record from the ICC Waybill Sample subject to the following requirements:

(i) The Federal agency shall make the information contained in the ICC Waybill Sample available only to its employees or those contractors working on the particular project or study requiring the waybill data.

(ii) The Federal agency will ensure that railroads and shippers are afforded the same privilege and protection against disclosure of the waybill data as the Commission provides.

(iii) The Federal agency will not release any data to the public unless the data elements are aggregated to contain at least three shippers and to prevent identification of an individual railroad.

(iv) The Federal agency must sign an agreement with the Commission agreeing to these restrictions before the data will be released.

(3) *States.* Each requesting State may obtain any waybill record pertaining to traffic that was originated, terminated, interchanged in, or that passed through its State subject to the same requirements imposed on federal agencies under § 1244.8(b)(2)(i) through (iv).

(2) *Federal Agencies.* Each requesting Federal agency may obtain any waybill record from the ICC Waybill Sample subject to the following requirements:

(i) The Federal agency shall make the information contained in the ICC Waybill Sample available only to its employees or those contractors working on the particular project or study requiring the waybill data.

(ii) The Federal agency will ensure that railroads and shippers are afforded the same privilege and protection against disclosure of the waybill data as the Commission provides.

(iii) The Federal agency will not release any data to the public unless the data elements are aggregated to contain at least three shippers and to prevent identification of an individual railroad.

(iv) The Federal agency must sign an agreement with the Commission agreeing to these restrictions before the data will be released.

(3) *States.* Each requesting State may obtain any waybill record pertaining to traffic that was originated, terminated, interchanged in, or that passed through its State subject to the same requirements imposed on federal agencies under § 1244.8(b)(2)(i) through (iv).

(4) *Transportation Consulting and Law Firms—Specific Proceedings.* Transportation consulting firms and law firms may use data from the ICC Waybill Sample in preparing verified statements to be submitted in formal proceedings before the ICC and State Commissions (Commission) subject to the following requirements:

(i) The ICC Waybill Sample is the only source of the data and these data are needed by the Commission.

(ii) All waybill data must be returned to the ICC, and the firm must not keep any copies.

(iii) If the transportation consulting or law firm introduces into the record evidence drawn from the ICC Waybill Sample that might result in identification of individual shippers, the firm must submit this evidence only to the Commission. However, the evidence may be provided to counsel for other parties subject to the usual and customary protective order issued by the Commission or appropriate authorized official.

(iv) Each firm must sign a confidentiality agreement with the ICC for each Commission proceeding in which it needs access to the ICC Waybill Sample, agreeing to these restrictions on the use of the data before it will be released.

(5) *Public Use.* Other users requesting waybill data may obtain information from the "Public Use Waybill File". Reports produced from the Public Use Waybill File may be used, published, or released. The Public Use Waybill File contains the following nonconfidential items:

(i) Waybill Date (quarter, year).

(ii) Number of Carloads.

(iii) AAR Mechanical Designation.

(iv) ICC Cartype.

(v) TOFC Plan.

(vi) Number of TOFC/COFC's.

(vii) Commodity Code (only those STCC's used on ICC Form QCS (Quarterly Report of Freight Commodity Statistics) (1982).

(viii) Billed Weight.

(ix) Total Freight Line Haul Revenues.

(x) Interstate/Intrastate Code.

(xi) Outbound Transit Code.

(xii) All Rail/Intermodal Code.

(xiii) Estimate of Miles.

(xiv) Stratum Identification.

(xv) Replicate Number.

(xvii) Number of Interchanges.

(xviii) States of Interchanges (first through ninth).
(xix) State of Termination.
(xx) Origin Territory.
(xxi) Termination Territory.
(xxii) Expansion Factor.

(c) Procedures for Granting Relief From Release of Confidential Data.

This provision provides railroads and shippers with procedures for objecting to the release of confidential data in circumstances other than those described in §§ 1224.8(b)(1) through 1224.8(b)(5) above:

(1) Notice of request for confidential waybill data. Affected railroads and shippers will receive notice by **Federal Register** Publication. If railroad specific or shipper specific data are requested, those parties will be given written notice of the request.

(2) *Form of Notice.* The notice shall identify the parties requesting the data; describe the type of waybill data requested; and state the purpose for which the data is requested. The notice shall include a statement that parties seeking information concerning the filing of objections should refer to Ex Parte No. 385 (Sub-No. 2), 49 CFR 1224.8, or contact the Interstate Commerce Commission's Office of Transportation Analysis.

(3) *Objections to release.* (i) Objections to release of the confidential waybill data must be filed by the railroad and/or shipper no later than 14 calendar days from publication of the notice in the **Federal Register.**

(ii) An original and 3 copies of each objection shall be filed with the Director, Office of Transportation Analysis, Interstate Commerce Commission, Washington, DC 20423.

(iii) The objection shall identify the parties seeking the confidential waybill data, reiterate the purposes for which the data is sought, and state all grounds for objection to full or partial disclosure of the requested data.

(iv) If no objections are filed, no further notice will be provided before release of the data.

(4) *Commission determination.* (i) The Director of the Office of Transportation Analysis will consider all objections in determining whether to release the requested waybill data. Each railroad or shipper who filed objections will be sent written notice of the Director's decision not less than 14 calendar days prior to the disclosure date.

(ii) Appeals must be filed with the Chairman within 10 days of the date of the Director's decision, and responses to appeals must be filed within 10 days thereafter (49 CFR 1011.7(b)(1)). The filing of an appeal will not automatically stay the effect of the Director's decision. However, upon petition or the Chairman's own motion, the Chairman may stay the effect of the Director's decision.

Attachment II—Data Elements Contained in Master Waybill File

The Master Waybill File contains the following items:

Serial Number
Waybill Number
Waybill Date
Accounting Month and Year (Machine Readable Input (MRI) Only)
Number of Cars on Original Waybill Document
Car Initial and Number
Origin Railroad and Station Number (FSAC)
Termination Railroad and Station Number (FSAC)
Transit Flag (1 or 2)
Interstate (1) /Interstate (2) Flag
All Rail (1) /Intermodal (2) Flag (MRI Only)
Import/Export Flag
Rebill (1 or 3) Flag
Commodity Code Including STCC49 (Hazardous Materials Code)
Waybill Weight (Hundred-Weight)
Freight Revenue on Original Document
TOFC Plan—First Field
TOFC Plan—Second Field
Number of Trailers/Containers
Trailer/Container Initial and Number (MRI)
Actual Weight (MRI)
Transit Charges (MRI)
Miscellaneous Charges (MRI)
Sample Strata
Subsample Replicate Number
Railroad Waybill ID (Varies—MRI Only)
Reporting Railroad (MRI)
Origin Standard Point Location Code
Origin Rate Area
Origin Rate Territory
Termination Standard Point Location Code
Termination Rate Area
Termination Rate Territory
Short Line Miles (9999 if Unknown)
Car Type
Tons—Computed From Original Weight
Expansion Factor
Local or Route Code
Junction Frequency
First to Ninth Junction Stations
First to Eight Junction Railroads
STCC Commodity Code Without STCC49 (Hazardous Material Codes)
Princeton Rail Network Model Junction Points
Cars—Factored by Strata
Net Tons—Factored by Strata
Total Revenue—Factored by Strata
Trailer Count—Factored by Strata
Route Segment Distances (Up to ten segments)
Total Distance (99999 if Unknown)
Factored Revenue for Each Segment (Up to ten segments)
Error Codes (Flags Placed by Waybill Edit Programs)
First Route Segment Distance
Second Route Segment Distance
Third Route Segment Distance
Fourth Route Segment Distance
Fifth Route Segment Distance
Sixth Route Segment Distance
Seventh Route Segment Distance
Eighth Route Segment Distance
Ninth Route Segment Distance
Tenth Route Segment Distance
Factored Revenue, Segment 1
Factored Revenue, Segment 2
Factored Revenue, Segment 3
Factored Revenue, Segment 4
Factored Revenue, Segment 5
Factored Revenue, Segment 6
Factored Revenue, Segment 7
Factored Revenue, Segment 8
Factored Revenue, Segment 9
Factored Revenue, Segment 10

[FR Doc. 86-328 Filed 1-7-86; 8:45 am]
BILLING CODE 7035-01

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 80

Federal Aid in Sport Fish Restoration and Federal Aid in Wildlife Restoration Act; Interest Earned From License Fees

Correction

In FR Doc. 85-29063, beginning on page 50185 in the issue of Monday, December 9, 1985, make the following correction:

On page 50186, second column, in § 80.4(a)(3), second line, "or" should have read "on".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 50587-5133]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

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

ACTION: Notice of preliminary change in total allowable catch, permit requirements, and bag limits for the

Atlantic migratory group of king mackerel.

SUMMARY: The Secretary of Commerce issues a notice of preliminary changes in the total allowable catch (TAC), permitting requirements, and bag limits for the Atlantic migratory group of king mackerel in accordance with the framework procedure under Amendment 1 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic. This notice proposes reductions in TAC and allocations for the Atlantic migratory group of king mackerel based on recent catch data and requirements for permits for commercial vessels and bag limits for recreational fishermen. The intended effects are to protect the Atlantic migratory group of king mackerel and still allow a catch by the important recreational and commercial fisheries that are dependent on this resource and to implement a permit requirement for commercial vessels for the purpose of improved management.

DATES: Comments must be received on or before January 23, 1986.

ADDRESSES: Comments should be sent to Donald W. Geagan, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersbury, FL 33702.

FOR FURTHER INFORMATION CONTACT: Donald W. Geagan, 813-893-3722.

SUPPLEMENTARY INFORMATION: The king mackerel fishery is regulated under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP) and its final regulations (50 CFR Part 642). An amendment to the FMP (Amendment 1) was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and implemented September 22, 1985 (50 FR 34843, August 28, 1985).

The TAC for the Atlantic migratory group was set high under Amendment 1 to allow for an increase in catch (as TAC for the Gulf migratory group was set low to provide a decrease) so that equilibrium might be established for the entire stock. Subsequently, new catch information for the period 1981-84 became available that indicated recreational catches were much larger than previously experienced. The Atlantic group is no longer underused, but considered fully used. Therefore, and in view of the overfishing occurring in the Gulf group of king mackerel, the Councils determined to adopt a more conservative harvest strategy for the Atlantic group.

Total catches of the Atlantic migratory group of king mackerel would have exceeded the TAC of 11.8 million pounds, set for that group under Amendment 1, in two out of the past six years owing to large recreational catches. Recreational catches would have been in excess of the recreational allocation in the 1980-1981, 1983-1984, and 1984-1985 fishing years (Table 1).

Pursuant to the provisions of § 642.27 Stock assessment procedures, the Councils considered the stock assessment report (August 15, 1985), along with the results of 10 public hearings, comments of the Advisory Panel and Scientific and Statistical Committee, and the social and economic impacts of alternative TAC's strategies. At the completion of these procedures, the Councils determined that the TAC for the Atlantic migratory group should be reduced by 18 percent to stabilize catches, to prevent overfishing and to assist in recovery of the Gulf migratory group with which it mixes seasonally. An 18 percent reduction is necessary to still allow a bag limit of three fish per person per trip. Results from public hearings indicated that a three-fish bag limit was generally acceptable to the public. This also would provide for long-term stability of this resource in recognizing the anticipated shift in effort to the Atlantic migratory group as the result of action recommended for the Gulf group.

An 18 percent reduction means that the TAC will be 9.68 million pounds for the Atlantic migratory group for the 1986-1987 year beginning on April 1, 1986. The allocations established by the prescribed formula (62.9 percent recreational, 37.1 percent commercial) in the FMP would be a commercial allocation of 3.59 million pounds under § 642.21(a) and 6.09 million pounds for recreational fishermen, who are to be regulated under § 642.28 by a bag limit of three fish per person per trip including the captain and the crew of the vessel.

When either the recreational fishery allocation of 6.09 million pounds or the commercial fishery allocation of 3.59 million pounds is reached, or is projected to be reached, that fishery will be closed under the authority of § 642.22.

Commercial boats fishing the Atlantic migratory group are required to obtain a permit annually and may do so providing the owner or operator has derived at least 10 percent of his earned income from commercial fishing in the previous calendar year. Charter boats may obtain a permit to fish the Atlantic migratory group commercially if they meet the earned income requirement and provided they adhere to bag limits while under charter. A charter vessel with a commercial permit will be considered to be under charter if more than three persons are aboard including the captain and crew. Permits to fish the Atlantic migratory group will be issued by the Regional Director at no cost and will be available 60 days prior to the beginning of the season (April 1). Permits may be issued at other times for newly registered vessels or in cases of demonstrated hardship. Also, permits are non-transferable. The issuance of permits for commercial vessels will assist in deteriming the distribution of the lowered TAC between commercial and recreational fishermen and will be an aid in evaluating the status of the catch of each user group. The minimum income percentage requirement for a permit for commercial fishermen also will prevent recreational fishermen from obtaining permits and thereby circumventing the bag limitations.

Based on actual landings over the past six fishing years (Table 1), the reduction in TAC is expected to have minimal adverse impacts on the recreational and commercial sectors. Although the proposed TAC (9.68 million pounds) is an 18 percent reduction from the original TAC of 11.8 million pounds, average landings from the user groups, as shown in Table 1, were 9.94 million pounds over the past six years.

Under the proposed TAC, the recreational sector would be allocated 6.09 million pounds. This amount is an 18 percent reduction (1.34 million pounds) in the average landings over the past six fishing years. Recreational fishermen are regulated by the three-fish-per-person-per-trip bag limit. This bag limit reduces the catch by the desired 18 percent. When the recreational sector catches its allocation and the fishery is closed, the recreational anglers have the following (unranked) options: (1) Continue to fish for king mackerel but release the catch; (2) diversify their activity to include other species such as cobia and red snapper; or (3) cease fishing. Permitted charter vessel operators would be able to fish commercially as long as the commercial quota is not reached. The impact on the private, angler-dependent support industries and the charter vessel operators is unknown; however, it would be adverse only if a large number of anglers ceased fishing. At this time, no information exists to make this determination, but it is doubtful that an 18 percent reduction in catch would cause wholesale abandonment by recreational fishermen.

Under the proposed TAC, the commercial sector would be allocated 3.59 million pounds, an 18 percent reduction from the original allocation of 4.38 million pounds. This amount is 43 percent or 1.08 million pounds above the average landings over the past six fishing years. Commercial and permitted charter vessels fishing on the Atlantic migratory group should not be adversely affected by the allocation since the new commercial allocation was reached only once over the past six fishing years. The number of vessles permitted to fish on this migratory group is estimated to be about 900 (415 charter, 463 Florida-based commercial, and 22 snapper/grouper commercial vessels). An unknown number of the 64 permitted king mackerel Louisiana-based commercial vessels may enter this fishery. There is no information to determine which groups of vessels will receive which amount of the allocation. Cost to NMFS for issuing the permits has been estimated to be about $2,200. Total burden to the fishermen has been estimated to be about 150 hours. Comments on this proposed change of TAC and the permit requirement for the fishery on the Atlantic migratory group of king mackerel will be accepted for 15 days.

TABLE 1.—ATLANTIC MIGRATORY GROUP KING MACKEREL RECREATIONAL AND COMMERCIAL CATCHES

[Thousands of pounds]

Year	Recreational	Commercial	Total
1979-80	2,729	1,925	4,654
1980-81	[1] 11,098	2,787	13,885
1981-82	4,968	2,342	7,310
1982-83	5,917	3,834	9,751
1983-84	[1] 10,332	2,386	12,718
1984-85 [2]	9,561	1,778	11,339
Average	7,434	2,509	9,943

[1] Exceeded recreational allocation of 7,434,000 pounds.
[2] Preliminary Source: Peter Eldridge; Trends in Commercial and Recreational Fisheries for King Mackerel in the Southeastern United States. Fishery Analysis Division Contribution No. ML 1-85-16, August 1985. NMFS, Charleston Laboratory.

Other Matters

This action is taken under the authority of 50 CFR 642.27 and is taken in compliance with Executive Order 12291. This action is covered by the supplemental regulatory impact review and supplemental regulatory flexibility analysis which concluded that the authorizing regulations could have a significant economic impact on a substantial number of small entities.

Because sections proposed in this rule contain a collection of information subject to the Paperwork Reduction Act, this collection has been submitted to OMB for approval. Comments should be directed to the desk Officer for NOAA, Office of Information and Regulatory Affairs, OMB.

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: January 3, 1986.

Joseph W. Angelovia,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR Part 642 is proposed to be amended as follows:

PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND THE SOUTH ATLANTIC

1. The authority citation for Part 642 continues to read as follows:

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

2. In Part 642, the table of contents is amended by revising the heading for § 642.21 from "Quotas" to "Quotas and allocations".

3. Section 642.2 is amended by revising the definition of "Charter vessel" to read as follows:

§ 642.2 Definitions.

* * * * *

Charter vessel (includes headboats) means a boat or vessel whose captain or operator is licensed by the U.S. Coast Guard to carry paying passengers and whose passengers fish for a fee. Charter vessels with commercial permits to fish Atlantic migratory group king mackerel are under charter when there are more than three (3) persons aboard including captain and crew.

* * * * *

4. Section 642.4 is amended by revising paragraphs (a), (b) introductory text, (b)(7), (d), (f), and (g) and adding a new paragraph (b)(8) to read as follows:

§ 642.4 Permits and fees.

(a) *Applicability.* (1) Owners or operators of fishing vessels which fish for king mackerel under the commercial quotas (§ 642.21) are required to obtain an annual vessel permit.

(2) Owners or operators of charter vessels and headboats that fish for Gulf migratory group king mackerel are excluded from eligibility for a vessel permit unless they will charter only in the Atlantic migratory group area.

(3) Owners or operators of charter vessels may obtain a permit to fish the Atlantic migratory group provided they adhere to bag limits while under charter.

(b) *Application for permits.* An application for a permit must be submitted and signed by the owner or operator of the vessel. The application must be submitted to the Regional Director or his designee within 60 days prior to April 1 for fishing the Atlantic migratory group and July 1 for fishing the Gulf migratory group each year. Owners or operators of newly registered or documented vessels may submit an application at any time during a fishing year provided it is received by the Regional Director within 60 days after registration or documentation. In cases of demonstrated hardship the Regional Director may accept applications at other times. Permit applicants must provide the following information.

* * * * *

(7) Any other information concerning vessel, gear characteristics and fishing area requested by the Regional Director; and

(8) The migratory group of king mackerel that will be fished.

* * * * *

(d) *Issuance.* The Regional Director or his designee will issue a permit to the applicant only during February and March of each year to fish the Atlantic migratory group and May to June of each year to fish the Gulf migratory group. The Regional Director may issue permits to newly registered or documented vessels, or cases of demonstrated hardship at other times, as found at paragraph (b) of this section. Until the permit is received, fishermen must comply with the bag limits under § 642.28.

* * * * *

(f) *Duration.* A permit is valid only for the duration of the year for which it is issued (July 1–June 30 for the Gulf migratory group and April 1–March 31 for the Atlantic migratory group) unless revoked or suspended pursuant to Subpart D of 15 CFR Part 904.

(g) *Transfer.* A permit issued under this section is not transferable or assignable except on sale of the vessel to a new owner. A permit is valid only for the fishing vessel for which it is issued. New owners purchasing a permitted vessel to fish under the Gulf or Atlantic migratory groups' quotas must comply with the provisions of paragraph (b) of this section. The application must be accompanied by an executed (signed) bill of sale. New owners who have purchased a permitted vessel may fish with the preceding owner's permit until a new permit has been issued, but for a period not to exceed 60 days from date of purchase.

* * * * *

5. Section 642.6 is amended by revising paragraph (a) introductory text to read as follows:

§ 642.6 Vessel identification.

(a) *Official number.* Each vessel of the United States engaged in commercial fishing for king mackerel under a quota and the permit specified in § 642.4 must—

* * * * *

6. Section 642.7 is amended by revising existing paragraphs (a)(21), (22), and (25); changing period at end of (a)(26) to "; or", and adding a new paragraph (a)(27) to read as follows:

§ 642.7 Prohibitions.

(a) * * *

(21) Land, consume at sea, sell, or have in possession at sea or time of landing king mackerel in excess of the bag limits specified in § 642.28 except as provided for under § 642.21;

(22) Fish for king mackerel from the Gulf and Atlantic migratory groups in the FCZ as defined in § 642.29 under the quotas specified in § 642.21(a) without a permit as specified in § 642.4;

* * * * *

(25) Land king mackerel in other than an identifiable form as specified in § 642.28(b);

* * * * *

(27) Possess king mackerel harvested from the FCZ under the recreational allocation set forth at § 642.21(b) after closure has been invoked as specified in § 642.22.

* * * * *

7. Section 642.21 is amended by revising the section title and paragraph (a), redesignating existing paragraphs (b) through (e) as (c) through (f), and adding a new paragraph (b) to read as follows:

§ 642.21 Quotas and allocations.

(a) *Commercial quotas for king mackerel.* The initial commercial allocation for the Gulf migratory group of king mackerel is 4.552 million pounds per fishing year. This allocation is divided into quotas as follows:

(1) 2.940 million pounds for the eastern allocation zone;

(2) 1.328 million pounds for the western allocation zone; and

(3) 0.284 million pounds for purse seines (see Figure 2 and paragraph (f) of this section for description of allocation zones).

(4) The commercial allocation for the Atlantic migratory group of king mackerel is 3.59 million pounds per fishing year.

(5) In this part, a fish is counted against the commercial quota or allocation when it is first sold (Table 2).

(b) *Recreational allocations for king mackerel.* The recreational allocation for the Atlantic migratory group is 6.09 million pounds per fishing year.

* * * * *

8. Section 642.22 is amended by designating the existing paragraph as (a) and adding a new paragraph (b) to read as follows:

§ 642.22 Closures.

* * * * *

(b) The Secretary, by publication of a notice in the **Federal Register**, will close the recreational fishery for king mackerel of the Atlantic migratory group when allocation for that group under § 642.21(b) is reached or is projected to be reached.

9. Section 642.28 is revised to read as follows:

§ 642.28 Bag and possession limits.

(a) *Recreational allocation bag limits.* Persons who fish for king mackerel from the Gulf or Atlantic migratory groups (see Figure 2) in the FCZ except those fishing under the permits and quotas specified in § 642.4, § 642.21, and § 642.24(c) are limited to the following:

(1) *Gulf migratory group.* (i) Possessing three (3) king mackerel per person per trip, excluding the captain and crew or possessing two (2) king mackerel per person per trip, including the vessel captain and crew, whichever is the greater, when fishing from a charter vessel.

(ii) Possessing two (2) king mackerel per person per trip when fishing from other vessels.

(2) *Atlantic Migratory group.* Possessing three (3) king mackerel per person per trip.

(b) All king mackerel must be landed in an identifiable form as to number and species (with the understanding that head and tail can be removed).

(c) After a closure under § 642.22 is invoked for a migratory group or allocation zone specified in § 642.21, vessels permitted under § 642.4 may not fish for Gulf migratory group king mackerel under the bag limit specified under paragraph (a) of this section nor can persons fishing under the bag limit sell their fish. Permitted charter vessels that fish the Atlantic migratory king mackerel group may fish under the bag limit specified under (a)(2) of this section provided they are under charter (more than three (3) persons aboard including captain and crew).

10. Part 642 is amended by designating Tables 1 and 2 and Figures 1 through 3 as Appendix A to the part. Table 2 is amended by revising the "King Mackerel—Atlantic" line and adding a new "King Mackerel—Atlantic Recreational" line to read as follows:

TABLE 2.—KING AND SPANISH MACKEREL QUOTAS AND TOTAL ALLOWABLE CATCH (TAC) FOR WHICH CLOSURES ARE INVOKED FOR SPECIFIC MIGRATORY GROUPS OR ALLOCATION ZONES OR GEAR TYPES [1]

Migratory group(s)	Fishing year	Gear	Allocation zone[1]	Initial year quota/ TAC (million pounds)	Prohibition on sale and/or catch invoked when—
King Mackerel:					
Atlantic Commercial	1. Apr.-31 Mar	All types	Entire range [2]	3.590	Sales from migratory group are projected to reach quota.
Atlantic Recreational	1. Apr.-31 Mar	All types	Entire range [2]	6.090	Catches from migratory group are projected to reach allocation.
*	*	*	*	*	* * *

[1] * * *
[2] * * *

[FR Doc. 86-350 Filed 1-3-86; 4:10 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 51, No. 5
Wednesday, January 8, 1986

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

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

January 3, 1986.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

• *Agricultural Marketing Service*
Marketing Order No. 985, Regulating the Handling of Spearmint Oil Produced in the Far West
Committee Report Forms
Recordkeeping; On occasion; Annually
Businesses or other for-profit; 1,857 responses; 164 hours; not applicable under 3504(h)
Frank M. Grasberger, (202) 475–5053

• *Forest Service*
Volunteer Application for Natural Resource Agencies
One-time
Individuals or households; 52,000 responses; 13,000 hours; not applicable under 3504(h)
Bridget Boyd, (202) 382–1703

• *Agricultural Research Service*
Taxonomic Data Input Forms—Beetle Genus and Species
On occasion
Individuals or households; 1,350 responses; 113 hours; not applicable under 3504(h)
John Kingsolver, (202) 382–1789

Donald E. Hulcher,
Acting Departmental Clearance Officer.
[FR Doc. 86–381 Filed 1–7–86; 8:45 am]
BILLING CODE 3410-01-M

Federal Grain Inspection Service

Advisory Committee Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Publ. L. 92–463), a notice is hereby given of the following committee meeting:

Name: Federal Grain Inspection Service Advisory Committee.
Date: January 30, 1986.
Place: U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 3501 South Building, Washington, DC 20250.
Time: 8:30 a.m.
Purpose: To provide advice to the Adminstrator of the Federal Grain Inspection Service on the efficient and economical implementation of the U.S. Grain Standards Act of 1976, in order to assure the normal movement of grain in an orderly and timely manner.

The agenda includes: (1) Insect-related issues; (2) summary of a January 7 Denver wheat dockage meeting; (3) financial matters; (4) safety concerns; (5) Cu-Sum Plan explanation; and (6) other matters.

The meeting will be open to the public. Public participation will be limited to written statements unless otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting or submit written statements before or at the meeting should contact Dr. Kenneth A. Gilles, Administrator, FGIS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382–0219.

Dated: January 2, 1986.

K.A. Gilles,
Administrator, Federal Grain Inspection Service.
[FR Doc. 86–320 Filed 1–7–86; 8:45 am]
BILLING CODE 3410-EN-M

Forest Service

Notice of Decision; A Change in the Chattooga Wild and Scenic River Corridor Boundary

In accordance with section 3(b) of the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274), notice is hereby given of a decision to relocate a portion of the official corridor boundary for the Chattooga Wild and Scenic River. The portion of the boundary being changed occurs in the vicinity of Marcus Mountain and Warwoman Creek on the Tallulah Ranger District of the Chattahoochee National Forest in Georgia. The original boundary was approximately two miles from the River. The new boundary will be located approximately one-fourth of a mile from the River and will blend into the existing corridor pattern above and below the relocation.

The original location of the boundary described in the **Federal Register** on Monday, March 22, 1976, 41 FR 11847 reads as follows:

Georgia Section

From the top of Marcus Mountain; thence westerly, northerly and easterly along the west of the ridge 8,500 feet to the top of a knob overlooking Warwoman Creek, opposite Marsengills Creek; thence a direct course, easterly, crossing Warwoman Creek at 500 feet, for a total distance of 1,600 feet to a point on a flat low ridge west of Gold Mine Branch; thence in a southeasterly direction 1,500 feet to a point on the east divide ridge of Gold Mine Branch; thence in a southeasterly direction 1,700 feet down the ridge, across the intersection of two

branches, to a point on a knob east of Carvers Ford; thence in an easterly direction 600 feet along the ridge to a point across a saddle; thence in a southeasterly direction 2,000 feet down the side slope, across a branch and up a spur ridge to a point on the main ridge leading to Willis Knob.

The new location of this portion of the boundary is as follows:

Georgia Section

Begin on original corridor boundary at top of Marcus Mountain; thence easterly along ridge top for 4,100 feet to top of knob at end of ridge; thence 2,500 feet southeasterly across Warwoman Creek to gap on Warwoman Road; thence easterly 600 feet to ridge point; thence northeasterly 2,600 feet along (original corridor boundary) a spur ridge to a point on the main ridge leading to Willis Knob.

The new boundary was determined to be necessary to better protect the River environment, improve public service to recreation users of the River and the corridor, and improve River administration. The boundary change will permit the development of a parking area for river users that is outside the corridor, sufficiently large to accommodate the use, and still within a reasonable walking distance to River. Parking of vehicles away from the river, where they presently park, will result in an improved recreational experience opportunity on this Wild section of the River.

A detailed location description and map are available in the following Forest Service Offices:

District Ranger, USDA Forest Service, Tallulah Ranger District, P.O. Box 438, Clayton, Georgia 30525

Regional Forester, Southern Region, 1720 Peachtree Road NW., Atlanta, Georgia 30367

Forest Supervisor, Chattahoochee and Oconee National Forest, 601 Broad Street SE., Gainesville, Georgia 30501

USDA Forest Service, Recreation Management, Room 4231, 12th and Independence SW., P.O. Box 2417, Washington, DC 20013.

This boundary change will be effective 90 days after publication of this notice in the **Federal Register** and notification of the President of the Senate and the Speaker of the House. This decision is subject to administrative review pursuant to 36 CFR 211.18.

Dated: November 7, 1985.

R. Max Peterson,

Chief.

[FR Doc. 86-321 Filed 1-7-86; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 45-85]

Foreign-Trade Zone 22—Chicago, IL; Application for Subzones; Power Packaging, Inc. (Sugar Blending/Food Processing)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Chicago Regional Port District, grantee of Foreign-Trade Zones 22, requesting special-purpose subzone status for three food processing plants of Power Packaging, Inc., in the Chicago area. It was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 20, 1985.

Power Packaging is a contract food processor with annual sales approaching one billion dollars. The company is headquartered in West Chicago, and has 9 plants in the United States and one in Canada. Its primary business is blending, packaging and distributing food and beverage products for a variety of customers, including major brands. The products include cake and flour mixes, breakfast cereals, pudding mixes, soup mixes, sirups, soft drinks, juice and drink mixes, tea mixes, and other edible preparations.

The proposed subzones would involve the company's three Chicago-area plants, all of which are within 30 miles of Chicago: a 4.5-acre facility at 1815 Arthur Drive, West Chicago, Du Page County; a 4.2-acre facility at 425 South 37th Avenue, St. Charles, Kane County; and, a 4.1-acre facility at 200 East Fullerton, Carol Stream, Du Page County. The three plants employ 150 persons. In its blending activities the company uses about 40 percent foreign ingredients, primarily sugar.

Zone procedures would exempt Power Packaging from duty payment and quota requirements on the foreign material used in its exports. On its domestic sales, the company would be able to take advantage of the same duty rates and quota treatment (sugar) applicable to imported finished food products. The use of world-price, ex-quota sugar will help Power Packaging's U.S. plants compete with imports of sugar-containing food products. The Department of Agriculture is being consulted regarding the implications of the proposal on the sugar quota program.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Richard Roster, District Director, U.S. Customs Service, North Central Region, 610 S. Canal St., Chicago, IL 60607; and Lt. Colonel Frank R. Finch, District Engineer, U.S. Army Engineer District Chicago, 219 S. Dearborn St., Chicago, IL 60604.

Comments concerning the proposed subzone are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before February 14, 1986.

A copy of the application is available for public inspection:

U.S. Dept. of Commerce District Office, 1406 Mid Continental Plaza Bldg., 55 East Monroe St., Chicago, IL 60603

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania NW., Washington, DC. 20230.

Dated: December 31, 1985.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 86-379 Filed 1-7-86; 8:45 am]

BILLING CODE 3510-DS-M

[Docket No. 46-85]

Foreign-Trade Zone—Davenport, Iowa; Milan, IL; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Quad-City Foreign Trade Zone, Inc., an Iowa non-profit corporation also licensed to do business in Illinois, requesting authority to establish a general-purpose foreign-trade zone in Davenport, Iowa, and Milan, Illinois, within the proposed Quad-City Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (19 CFR Part 400). It was formally filed on December 23, 1985. The applicant is authorized to make this proposal under House File 2491, Acts of 68th General Assembly of the State of Iowa, signed April 20, 1980, and under Illinois Public Act 83-1331.

The proposed interstate foreign-trade zone project would involve a site in Iowa and one in Illinois. The Iowa site involves a 44,000 square foot warehouse at 4725 Kimmel Drive, Davenport, and the Illinois site covers 23 acres and

includes 2 warehouse facilities on Knoxville Road at East 8th Street in Milan. Both sites are operated by the Aspen Group which has been selected to manage the zone.

The application contains evidence of the need for the zone project in the Quad-City area, which involves 14 communities in the Davenport-Rock Island-Moline, IA-IL Metropolitan Statistical Area. A number of firms have indicated an interest in using zone procedures for handling products such as agricultural and construction equipment, herbicides, food processing equipment, appliances, pumps, gauges, tools, plastics, furniture, processed foods, and film. No specific manufacturing approvals are being sought at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Richard Roster, Director, U.S. Customs Service, North Central Region, 610 S. Canal St., Chicago, IL 60607; and Colonel William C. Burns, District Engineer, U.S. Army Engineer District Rock Island, Clark Tower Bldg., P.O. Box 2004, Rock Island, IL 61204.

As part of its investigation, the examiners committee will hold a public hearing on February 4, 1986, beginning at 9:00 a.m., in the City Council Chambers of the Davenport City Hall, 4th and Harrison, Davenport.

Interested parties are invited to present their views at the hearing. Persons wishing to testify should notify the Board's Executive Secretary in writing at the address below or by phone (202/377-2862) by January 28. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through March 6, 1986.

A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Quad-City Development Group Offices, First National Bank Bldg., Rm. 406; 17th St. and 2nd Ave., Rock Island, IL 61201

Office of the Executive Secretary; Foreign-Trade Zones Board; U.S. Department of Commerce, Room 1529, 14th and Pennsylvania NW., Washington, DC 20230.

Dated: December 31, 1985.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 86-380 Filed 1-7-86; 8:45 am]

BILLING CODE 3510-DS-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishing Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products From Taiwan Effective on January 1, 1986

Correction

In FR Doc. 85-30672, beginning on page 52988 in the issue of Friday, December 27, 1985, make the following correction:

On page 52988, third column, in the table, in Category 353/354/653/654, the entry under 12-mo restraint limit, reading "22,429 dozen" should have read "229,429 dozen".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on the LHX Helicopter

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on the LHX Helicopter will meet in closed session on 3-4 February 1986 at the MITRE Corporation, McLean, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting this Task Force will evaluate the Army's requirements for the LHX Helicopter.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerning matters listed in 5 U.S.C. 552b(c)(1)(1982), and that accordingly this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Departmental Defense.

January 3, 1986.

[FR Doc. 86-388 Filed 1-7-86; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Semi-Conductor Dependency

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Semi-Conductor Dependency will meet in closed session on 20-21 February 1986 in the Crystal City, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will evaluate the currrent state of current and projected Department of Defense Foreign Semi-Conductor Dependency.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1)(1982), and that accordingly this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Office Department of Defense.

January 3, 1986.

[FR Doc. 86-387 Filed 1-7-86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

Public Information Collection Activities Under OMB Review

ACTION: Public information collection requirement submitted to OMB for review.

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contract from whom a copy of the information proposal may be obtained.

Existing Collection in Use Without an OMB Number

Retired Annuitant Pay System (RAPS)

This series of letters and forms is used by the Air Force retired military personnels' beneficiaries to send us information which is used to determine continued entitlement to the beneficiaries Air Force pension. Eligibility criteria are based on entitlement authorities.

Individuals
Responses 32,000
Burden Hours 4,800

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, telephone number (202) 746-0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Ms. Melanie Reed, AFAFC/CPR, Denver, CO 80279-5000, telephone number (303) 370-7277.

Patricia H. Means,
OSD Federal Register Liaison Officer, Department of Defense.

January 3, 1986.

[FR Doc. 86-386 Filed 1-7-86; 8:45 am]

BILLING CODE 3810-01-M

Air Force Activities for Potential Conversion to Contract

ACTION: Notice.

The Air Force recently announced eight activities for potential conversion to contract. These activities are to undergo a cost comparison to determine whether in-house or contract operations are more economical: Base Information Transfer Center at Kelly AFB, TX; Animal Caretaking at Brooks AFB, TX; Transient Aircraft Maintenance at Dover AFB, DE; Beale AFB, CA; Fairchild AFB, WA; Griffiss AFB, NY; Minot AFB, ND; and Wurtsmith AFB, MI; Mess Attendants at Andersen AFB, Guam; Medical Linen Control at England AFB, LA; Holloman AFB, NM; Mt Home AFB, ID; Myrtle Beach AFB, SC; Nellis AFB, NV; Shaw AFB, SC; and Tyndall AFB, FL; Laboratory Supply Support at Edwards AFB, CA; Griffiss AFB, NY; Kirtland, AFB, NM; Wright-Paterson AFB, OH; and Eglin AFB, FL; Military Family Housing Maintenance at Dover AFB, DE; Laundry and Dry Cleaning at Loring AFB, ME. In addition, nine activities were announced for direct conversion to contract. Since these activities involve either all military or ten or fewer civilian employees, a cost comparison is not required per Pub. L. 96-342, as amended. However, based on local evaluation, contracting is expected to be cost effective in each case. These activities are Medical Linen Control at Keesler AFB, MS; Laughlin AFB, TX; Reese AFB, TX; Williams AFB, AZ; Cannon AFB, NM; and Moody AFB, GA; Animal Caretaking at Wright-Paterson AFB, OH; Transient Aircraft Maintenance at Hickam AFB, HI; Kirtland AFB, NM; Pope AFB, NC; Andersen AFB, Guam; McConnell AFB, KS; and Gila Bend Range, AZ; Weapons System Trainer Operations at Castle AFB, CA; Aircraft Maintenance/ACE at Columbus AFB, MS; Training Computer Operations at Keesler AFB, MS; Academic/Platform Instructors at Bergstrom AFB, TX; Canon AFB, NM; Davis Monthan AFB, AZ; George AFB, CA; Holloman AFB, NM; Homestead AFB, FL; Luke AFB, AZ; MacDill AFB, FL; Mt Home AFB, ID; Nellis AFB, NV; Patrick AFB, FL; Tyndall AFB, FL; and Williams AFB, AZ; Simulator/Platform Instructors at Dyess AFB, TX; Kirtland AFB, NM; Little Rock AFB, AR; McChord AFB, WA; and Pope AFB, NC; SAC Missile Site Helicopter Maintenance Support at Ellsworth AFB, SD; FE Warren AFB, WY; Grand Forks AFB, ND; Malmstrom AFB, MT; Minot AFB, ND; Vandenburg AFB, CA; and Whiteman AFB, MO.

FOR FURTHER INFORMATION CONTACT: The local contracting office.

Norita C. Koritko,
Air Force Federal Register Liaison Officer.

[FR Doc. 86-420 Filed 1-7-86; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Morgantown Energy Technology Center, Laramie Project Office; Availability of Program Research and Development Announcement

AGENCY: Morgantown Energy Technology Center, Laramie Project Office, DOE.

ACTION: Notice of availability of a program research and development announcement.

SUMMARY: The Laramie Project Office of the Department of Energy's Morgantown Energy Technology Center announces the availability of a Program Research and Development Announcement (PRDA) which solicits proposals for research to improve process efficiency, process economics, and/or resolve environmental problems involved in the utilization of oil shale as an energy source.

FOR FURTHER INFORMATION CONTACT: Mr. G. Richard Marron, Laramie Project Office, U.S. Department of Energy, P.O. Box 1189, Laramie, Wyoming 82070.

SUPPLEMENTARY INFORMATION: The primary objective of this program is to cost-share research in applied science carried through proof of concept, which will contribute to the development of novel concepts or techniques with the potential to significantly enhance the safe, efficient development of the oil shale energy resource. It is expected that this PRDA will result in the award of multiple cooperative agreements of differing values. Current program plans call for approximately $3,000,000.00 in DOE funds to be available for awards under this PRDA. It is likely that three to five awards will be made. However, the Government reserves the right to make no award, a single award, or multiple awards as determined to be in the best interests of the Government. It is anticipated that any award(s) will be cost-shared financial assistance actions as covered by the Department of Energy Financial Assistance Rules (10 CFR 600). The Government reserves the right, however, to make any or all awards as contracts subject to the Federal Acquisition Regulation (48 CFR 1) and the DOE Acquisition Regulation (48 CFR 9). Interested parties are invited to submit written requests for a copy of the PRDA when it becomes available. Reference Procurement Request No. DE-RA20-85LC10070. It is anticipated that the PRDA will be available on January 15, 1986.

Issued in Oak Ridge, Tennessee, December 24, 1985.

Peter D. Dayton,
Director, Procurement & Contracts Division Oak Ridge Operations Office.

[FR Doc. 86-411 Filed 1-7-86; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Continuation of Solicitation for Special Research Grants and Program Announcement for Basic Research Contracts, No. 86-1

AGENCY: Department of Energy.

ACTION: Notice of Continuation of Availability of Research Grants And Contracts.

SUMMARY: The Office of Energy Research of the Department of Energy hereby announces its continuing interest in receiving applications/proposals for Special Research Grants or Basic

Research Contracts supporting work in the following program areas: Basic Energy Sciences, Health and Environmental Research, High Energy and Nuclear Physics, and Fusion Energy. In addition, the Division of Advanced Energy Projects is particularly interested in supporting exploratory research on concepts for x-ray laser configurations for any specific civilian application; for further information regarding x-ray laser configuration, contact Dr. Ryszard Gajewski on (301) 353-5995. The Catalog of Federal Domestic Assistance number is 81.049. Information about submission of applications/proposals, eligibility, limitations, evaluation and selection processes, and other policies and procedures are specified, for grants, in 10 CFR Part 605 which was published in the **Federal Register** on April 15, 1985 (50 FR 14856) and, for contracts, in the Program Announcement also published on April 15, 1985 at 50 FR 14865.

DATES: The dates mentioned in the two notices identified above will continue to apply to the award of these grants and contracts in Fiscal Year 1986.

ADDRESSES: Applicants/proposers may obtain application forms and additional information from Robert A. Zich, Acquisition and Assistance Management Division, Office of Energy Research, ER-64, U.S. Department of Energy, Washington, DC 20545, (301) 353-5544. Completed applications or proposals must be sent to this same address.

SUPPLEMENTARY INFORMATION: As mentioned above, the solicitation for Special Research Grants and the Program Announcement for basic research contracts were published in the **Federal Register** on April 15, 1985. Those solicitations specify the policies and procedures which govern the application, evaluation, and selection processes, for research grants and contracts. It is anticipated that approximately 250 million dollars will be available in FY 1986. DOE is under no obligation to pay for any costs associated with the preparation or submission of applications/proposals. DOE reserves the right to fund, in whole or in part, any, all, or none of the applications/proposals submitted in response to this notice.

Issued in Washington, D.C. on January 2, 1986.

Ira M. Adler,

Deputy Director for Management, Office of Energy Research.

[FR Doc. 86-390 Filed 1-7-86; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangements

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above-mentioned agreement involves approval of the following sales:

Contract Number S-EU-874, to the Centre d'Etude de l'Energie Nucleaire, Brussels, Belgium, 25.994 grams of natural uranium, for use as standard reference material.

Contract Number S-EU-875, to Isocommerz GmbH, Akademie der Wissenschaft der DDR, Berlin, the Federal Republic of Germany, 2 grams of uranium depleted in the isotope U-235, 25.994 grams of natural uranium, 9.009 grams of uranium enriched to 14.06 percent in the isotope U-235, and 0.0098 grams of uranium-233, for use as standard reference materials.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: January 2, 1986.

For the Department of Energy.

R. Sean Randolph,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 86-391 Filed 1-7-86; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[SW-FRL-2951-4]

Availability of Report to Congress on Mining Waste; Announcement of Hearings

AGENCY: United States Environmental Protection Agency.

ACTION: Notice.

SUMMARY: As required by the Resource Conservation and Recovery Act, a report on mining wastes was submitted to Congress on December 31, 1985. The report, entitled "Report to Congress on Wastes from the Extraction and Beneficiation of Metallic Ores, Phosphate Rock, Asbestos, Overburden from Uranium Mining, and Oil Shale," was prepared in response to sections 8002(f) and (p) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6982(f) and (p). In the report, EPA provides information on the: (1) Structure and Location of Mines, (2) Waste Quantities, (3) Potential Hazard Characteristics, (4) Evidence of Environmental Transport, (5) Evidence of Damage, (6) Management Practices, (7) Potential Costs of Alternative Controls, and (8) Recommendations. The purpose of this notice is to solicit public comment on the accuracy of the findings and the appropriateness of the recommendations.

DATES: Public comments on this report are due by March 31, 1986. EPA will conduct three public hearings on this report: March 6, 1986, Tucson, Arizona; March 11, 1986, Washington, DC; and March 13, 1986, Denver, Colorado.

ADDRESSES: The locations of the public hearings are:

The Radisson Suite Hotel/Tucson, 6555 East Speedway Blvd., Tucson, Arizona 85710, (602) 721-7100, Toll-free number for reservations: 800-228-9822

Department of Health and Human Services, North Auditorium, 330 Independence Avenue SW., Washington, DC (Use "C" Street Entrance)

Clarion Hotel/Denver Airport, 3203 Quebec Street, Denver, Colorado 80207, (303) 321-8068.

Copies of the report will be available for purchase from the U.S. Government Printing Office (GPO). For information on how to purchase this report, contact Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. (202) 783-3238. Please use the full title of the document when ordering from GPO. The major supporting documents cited in the mining waste report to Congress are available for public review in the RCRA Docket (Rm. S212), Office of Solid Waste WH-565, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. All comments on the report or supporting studies should be addressed to the Docket Clerk. Requests for additional details on hearings, or to participate in a hearing, should be addressed to Ms. Geraldine

Wyer, Public Participation Officer, Office of Solid Waste WH-562, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: RCRA/Superfund Hotline (800) 424-9346 or (202) 382-3000. For technical information, contact Dr. Dexter Hinckley (202) 382-2791.

Marcia Williams,

Director, Office of Solid Waste.

[FR Doc. 86-362 Filed 1-7-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30000/49; FRL-2950-9]

Initiation of a Special Review of Certain Pesticide Products Containing Tributyltins Used as Antifoulants; Availability of Support Document

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This Notice announces that EPA is initiating a Special Review of pesticide products containing tributyltin (TBT) active ingredients used as paint additives (antifoulants) to inhibit the growth of certain aquatic organisms. It also announces that the Agency's Support Document, further describing this Special Review and detailing the technical basis for the decision to conduct this Special Review, is available upon request.

DATE: Comments, evidence to support or rebut the presumptions in this Notice, and other information, pertinent to the risks and benefits of the uses of each of the pesticides subject to this Special Review, must be received no later than 45 days from the date this Notice is received or by February 24, 1986, whichever is later.

ADDRESS: Written comments identified as "OPP-30000/49" should be sent by mail to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. In person, bring comments to: Room 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment or response concerning this Notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. To assert a claim of confidentiality for all or any part of a written submission concerning a Special Review, the submitter must furnish three copies of the material. Two complete copies must be submitted, with claimed confidential business information clearly marked in the text. Items in the document that are claimed confidential should be numbered consecutively, throughout the text. The third copy must have the claimed confidential business information excised from the text without closing up or paraphrasing the remaining text. The deletions should be consecutively numbered to correspond to the numbering of the complete copies. Each copy must be marked on the cover as to whether it contains claimed confidential business information. Information not marked confidential may be made available through the docket or otherwise disclosed publicly by EPA without prior notice to the submitter.

Public Docket: A public docket is established for this special review. The docket and index will be available for inspection and copying from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, at the following location: Program Management Support Division, Room 236, CM#2, 1921 Jefferson Davis Highway; Arlington, VA.

FOR FURTHER INFORMATION CONTACT: By mail: Linda K. Vlier, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Office location and telephone number: Room 711, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-7451).

SUPPLEMENTARY INFORMATION: EPA is initiating a special review of certain pesticide products containing tributyltins used as antifoulants.

I. Legal Background

A. The Statute

A pesticide product may be sold or distributed in the United States only if it is registered or exempt from registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 1136 *et seq.*). Before a product can be registered, it must be shown that it can be used without "unreasonable adverse effects on the environment" (FIFRA section 3(c)(5)), that is, without causing "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of the pesticide" (FIFRA section 2(bb)). The burden of proving that a pesticide meets this standard for registration is, at all times, on the proponent of initial or continued registration. If at any time the Agency determines that a pesticide no longer meets this standard for registration, then the Administrator may cancel the registration under section 6 of FIFRA.

B. The Special Review Process

The Special Review process, formerly called the Rebuttable Presumption Against Registration (RPAR), is a mechanism by which the Agency collects information on the risks and benefits associated with the uses of pesticide to determine whether any use causes unreasonable adverse effects to the environment. The Special Review process is currently governed by 40 CFR 162.11. Modifications to the process are described in the final Special Review regulations (50 FR 49003; November 27, 1985). These regulations will become effective after 60 days of continuous congressional session after the issuance of the regulations.

Through the Special Review process the Agency (1) announces and describes the Agency's risk concerns regarding pesticidal use based on certain task criteria, (2) establishes a public docket, (3) solicits comments from the public, and under certain circumstances, from the Secretary of Agriculture and the Scientific Advisory Panel regarding the Agency's analysis and proposed regulatory decisions, (4) reviews and responds to all significant comments timely submitted, and (5) makes a final regulatory decision based on a balancing of risks and benefits associated with a pesticide's use.

II. Determination To Initiate a Special Review and Availability of Support Document

The TBT compounds subject to this Notice are used in marine paints to inhibit the growth of certain aquatic organisms. The TBT containing paints are applied primarily to boat and shiphulls. The use of TBT paints can lead to the accumulation of TBT concentrations in the aquatic environment. Toxicity studies have shown that TBT results in both acute and chronic toxicity to nontarget aquatic organisms, including fish, crustaceans, molluscs, and algae. The TBT concentrations in marine and freshwater environment which may result from the use of TBT paints are sufficient to cause the acute and chronic effects observed in the toxicity studies noted above.

The Agency has determined that the toxic effects which may result from the use of TBT exceeds the Agency's criteria for the initiation of a Special Review, as defined in 40 CFR 162.11(a)(3) (i)(B) and (ii)(C). 40 CFR 162.11(a)(3)(i)((B)

provides that a Special Review shall be conducted if the use of a pesticide:

Results in a maximum calculated concentration following direct application to a 6-inch layer of water more than ½ the acute LC_{50} for aquatic organisms representative of the organisms likely to be exposed.

40 CFR 162.11(a)(3)(ii)(C) provides that a Special Review shall be conducted if the use of a pesticide:

Can reasonably be anticipated to result in significant local regional or national population reductions in nontarget organisms, or fatality to members of endangered species.

Therefore, the Agency has initiated a Special Review of all pesticide products containing the following active ingredients in antifoulant paints: bis(tributyltin) oxide, bis (tributyltin) adipate, bis(tributyltin) dodecenyl succinate, bis (tributyltin) sulfide, tributyltin acetate, tributyltin acrylate, tributyltin fluoride, tributyltin methacrylate, and tributyltin resinate.

If information reviewed during the Special Review indicates that use of these compounds on other sites results in exposure to nontarget aquatic organisms or that any other criteria are met or exceeded, the Special Review may be extended to include other pesticidal applications of these products and potentially to other TBT active ingredients with registered uses which result in acute or cronic effects, or other effects of concern.

The new Special Review regulations issued by the Agency (50 FR 49003) include revised risk criteria. Although these criteria are not in place at the present, we have concluded that these products would also meet or exceed the new criterion because concentrations of TBT in the marine and freshwater aquatic environments may result in residues of the pesticide product or its ingredients, impurities, metabolites, or other degradation products.

In the environment of nontarget organisms at levels which equal or exceed concentrations acutely or chronically toxic to such organisms or at levels which produce adverse reproductive effects in such organisms, as determined from tests conducted on representative species or from other appropriate data.

III. Public Record

EPA has established a public record, docket number (OPP-30000/49) for this Special Review. This public docket will include: (1) This Notice; (2) any other notices pertinent to the tributyltins Special Review; (3) documents and copies of written comments submitted to the Agency in response to the pre-Special Review registrant notification, this Notice, and any other Notice regarding tributyltins submitted at any time during the tributyltins Special Review process by any person outside government; (4) any written response to the Notice of Preliminary Determination by the Secretary of Agriculture or the Scientific Advisory Panel; (5) a transcript of all public meetings held by the Agency or the Scientific Advisory Panel for the purpose of gathering information on tributyltins; (6) memorandum describing each meeting between Agency personnel and any person outside government which concerns a tributyltins Special Review decision; (7) comments, documents, proposals, or other materials concerning the tributyltins Special Review submitted by a person or party outside government; and (8) a current index of materials in the public docket.

The Agency will distribute a compendium of indices for new materials for this Special Review in the public docket by mail, on a monthly basis, to those members of the public who have specifically requested such material for this Special Review, and who, as may be required, renew their previous request for such materials.

IV. Availability

A Support Document which presents in detail the technical basis for the Agency's determination is available upon request from Linda K. Vlier of the Registration Division, at the address and telephone number given under **"FOR FURTHER INFORMATION CONTACT:"**

V. Comment Opportunity and Rebuttal Criteria

All registrants, applicants for registration and interested members of the public are invited to submit evidence either to support or to rebut the presumptions (discussed in Unit I. of this Notice) or to address other issues pertaining to the risks and benefits associated with the use of tributyltin compounds as antifoulants.

All comments and information (including any evidence to support or rebut the presumptions in this Notice) must be sent in triplicate to the address given above, no later than 45 days from the date this Notice is received or by February 24, 1986, whichever is later. All comments and information should bear the identifying notation [OPP-30000/49].

Dated: December 26, 1985.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 86-256 Filed 1-7-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180686; FRL-29497]

Minnesota Department of Agriculture; Receipt of Application for Emergency Exemption To Use Assert™; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a request for an emergency exemption from the Minnesota Department of Agriculture (hereafter referred to as the "Applicant") to use the active ingredients 6-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl) methyl ester and 2-(4-isopropyl-4-methyl-5-oxo-2-imidazoline-2-yl) methyl ester to control wild mustard on 150,000 acres of sunflowers in Minnesota. It is the Agency's policy to solicit comment on applications involving active ingredients which have not been previously registered. Accordingly, EPA is soliciting comment before making the decision whether or not to grant the exemption.

DATE: Comments must be received on or before January 23, 1986.

ADDRESS: Three copies of written comments, bearing the identification notation "OPP-180686" should be submitted by mail to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for inspection in Rm. 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday excluding legal holidays.

FOR FURTHER INFORMATION:

By mail: Libby Pemberton, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716A, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1806).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any provisions of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption to permit the use of an unregistered herbicide, a mixture of 6-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl) methyl ester (CAS 69969-22-8) and 2-(4-isopropyl-4-methyl-5oxo-2-imidazoline-2-yl) methyl ester (CAS 69969-62-6) on sunflowers in Minnesota. Information in accordance with 40 CFR Part 166 was submitted as part of this request.

The Applicant indicates that 250,000 acres of sunflowers will be grown throughout Minnesota in 1986. There are 150,000 acres economically infested with wild mustard (*Sinapis arvensis* L.) and the Applicant is proposing to treat 150,000 acres throughout the state. The Applicant states that most herbicides currently registered for use in sunflowers control annual grasses and some broadleaved weeds but provide little or no wild mustard control. According to the Applicant, chloramben is registered for wild mustard control in sunflowers, but gives inconsistent control. The Applicant states that wild mustard, when uncontrolled, competes vigorously with sunflowers.

According to the Applicant, wild mustard germination is inhibited by warm soil temperatures. In 1985 soil temperatures did not warm sufficiently to inhibit germination. Heavy wild mustard populations resulted because of the cool wet weather. Herbicide treatments were generally less effective at controlling wild mustard in 1985 than in previous years due to the cool, wet, cloudy weather. Moisture was plentiful in the fall of 1985 and wild mustard populations are expected to further intensify in 1986.

The Applicant indicates that without adequate control of wild mustard, Minnesota sunflower growers could lose $4.1 million.

The Applicant proposes to treat 150,000 acres of sunflowers with Assert™, manufactured by American Cyanamid, which contains the active ingredients 6-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl) methyl ester and 2-(4-methyl-5-oxo-2-imidazoline-2-yl) methyl ester. A single postemergence application will be made by ground or air at a maximum rate of 0.8 pint product (4 oz. a.i.) per acre. The Applicant has requested a specific exemption to allow applications of Assert™ to this year's crop. Applications, if approved, will be made from May 15 through July 31.

This notice does not constitute a decision by EPA on the application itself. Use of a chemical under section 18 of FIFRA for which no uses are registered has been determined to be of national interest and, therefore, the Agency has decided that public notice and opportunity for public comment pursuant to 40 CFR 166.10 is called for as a part of the informal ajudication for specific exemptions. Accordingly, interested persons may submit written views on this subject to the Program Management and Support Division at the address above. The comments must be received on or before January 23, 1986 and should bear the identifying notation "OPP-180686." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, Crystal Mall No. 2, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Minnesota Department of Agriculture.

Dated: December 26, 1985.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-159 Filed 1-7-86; 8:45 am]

BILLING CODE 6560-50-M

[SW-FRL-2951-2]

Procedures for Planning and Implementing Off-Site Respose Action; Correction Notice

AGENCY: Environmental Protection Agency.

ACTION: Correction.

SUMMARY: On November 5, 1985 a notice was published in the **Federal Register** (50 FR 45933) requesting public comment on the Environmental Protection Agency (EPA) policy entitled "Procedures for Planning and Implementing Off-site Response Acitons." In that notice the effective date of the policy was erroneously noted as November 6, 1985. It was effective on June 6, 1985.

SUPPLEMENTARY INFORMATION: On November 5, 1985 EPA published in the **Federal Register** [50 FR 45933] for comment a policy entitled "Procedures for Planning and Implementing Off-Site Response Actions." This policy governs selection of a facility for any off-site storage, treatment or disposal of hazardous substances which may be necessary in conneciton with a response action under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA or "Superfund") or section 7003 of the Resource Conservation and Recovery Act (RCRA). The policy also establishes Agency policy on consideration of treatment in connection with CERCLA actions.

The policy was signed on May 6, 1985 and made effective on June 6, 1985. The purpose of the November 5, 1985, notice was to take comment on the policy. The effective date of the policy in the November 5 notice, however, was mistakenly cited as November 6, 1985. Accordingly, the following correction is made to the first sentence of Section V of the notice as published at 50 FR 45937. The sentence should read as follows "Beginning June 6, 1985 all Records of Decision and Enforcement Documents (EDDs) for Superfund-lead and enforcement lead actions respectively must include a discussion of compliance with these procedures for alternatives involving off-site management of Superfund hazardous substances at RCRA facilities."

Dated: December 17, 1985.

J.W. McGraw,

Acting Assistant Administrator.

[FR Doc. 86-361 Filed 1-7-86; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL-2951-5]

Science Advisory Board Executive Committee; Open Meeting—January 30-31, 1986

Under Pub. L. 92-463, notice is hereby given of a meeting of the Science Advisory Board's Executive Committee on January 30-31, 1986 in the Administrator's Conference Room 1101, West Tower, of the Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The meeting will begin at 12:00 noon on January 30 and will adjourn at approximately 12:00 noon on January 31, 1986.

The agenda for the meeting includes a discussion of the report of the Study Group on Biotechnology, an EPA request to form a panel to review scientific issues related to chlorofluorocarbons, and other issues of interest to the Committee.

The meeting is open to the public. Any member of the public wishing to attend,

obtain information, or submit written comments should contact Dr. Terry F. Yosie, Director, Science Advisory Board or Mrs. Joanna Foellmer located at 401 M Street SW., Washington, DC 20460 or call (202) 382-4126 by close of business January 23, 1986.

Dated: December 30, 1985.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 86-363 Filed 1-7-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 84-1299]

Establishment of Satellite Systems Providing International Communications

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration; Extension of reply comment period.

SUMMARY: This action extends the time to file reply comments to the Petition for Reconsideration of the Report and Order in this proceeding concerning the establishment of Satellite Systems Providing International Communications, published on December 2, 1985, 50 FR 49455. This action is taken as a result of a request filed by Communications Satellite Corporation (COMSAT).

DATES: Reply comments are due by January 6, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John F. Healy, Common Carrier Bureau, (202) 632-7834.

Order

Adopted: December 27, 1985.

Released: December 31, 1985.

By the Chief, Common Carrier Bureau.

1. On December 23, 1985, the Communications Satellite Corporation (Comsat) filed a request for an extension of time from January 2, 1986 to January 6, 1986, to file reply comments in the above captioned docket. Comsat states the requested extension is necessary because of the press of other business and the scheduled holiday vacations of key personnel involved in the captioned proceeding.

2. Comsat has attempted to notify counsel of other parties of its request and we find that good cause has been shown for the limited extension of time requested.

3. Accordingly, it is ordered, pursuant to § 0.291 of the Commission's Rules and Regulations, 47 CFR 0.291 (1983), that the period for filing reply comments in the *Report and Order* in Common Carrier Docket No. 84-1299, "Establishment of Satellite Systems Providing International Communications," FCC 85-399 (released September 3, 1985) Is Extended. Interested parties may file reply comments on or before January 6, 1986.

Federal Communications Commission.

Carl D. Lawson,

Deputy Chief (Policy), Common Carrier Bureau.

[FR Doc. 86-318 Filed 1-7-86; 8:45 am]

BILLING CODE 6712-01-M

Fifth Meeting of the Land Mobile Radio/UHF Television Technical Advisory Committee

The fifth meeting of the Land Mobile Radio/UHF Television Technical Advisory Committee will be held on January 27, 1986, in Room 856 (the Commission Meeting Room), 1919 M Street, NW., Washington, DC. The meeting will start at 10:00 a.m.

All interested parties are invited to attend this meeting. Since this is to be a technical advisory committee, attendees should be prepared for technical discussions.

The agenda for this meeting will consist of:

1. Approval of minutes of last meeting;
2. Status report from working group co-convenors;
3. Discussion of new business for the Committee;
4. Discussion of appropriate date and tentative agenda for next meeting.

Any questions regarding these meetings should be directed to Mr. Kenneth Nichols at (301) 725-1585.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-317 Filed 1-7-86; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-463]

South Savings & Loan Association Slidell, LA; Final Action Approval of Conversion Application

Date: December 31, 1985.

Notice is hereby given that on December 20, 1985, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of South Savings and Loan Association, Slidell, Louisiana for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street NW., Washington, DC 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Dallas, 500 E John Carpenter Freeway, Post Office Box 619026, Dallas/Fort Worth, Texas 75261-9026.

By the Federal Home Loan Bank Board.

John M. Buckely, Jr.,

Executive Secretary.

[FR Doc. 86-370 Filed 1-7-86; 8:45 am]

BILLING CODE 6720-01-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.: 207-009882-005

Title: Pacific Australia Direct Line Joint Service Agreement.

Parties: Associated Container Transportation (Australia) Ltd. Rederiaktiebolaget Transatlantic.

Synopsis: The proposed amendment would extend the date upon which the parties may give notice of termination of the agreement to March 1, 1986.

Agreement No.: 224-010798-002.

Title: Port of Galveston Terminal Agreement.

Parties: The Board of Trustees of the Galveston Wharves (Galveston Wharves) Container Terminal of Galveston, Inc. (Container Terminal).

Synopsis: The agreement amends the basic agreement by providing for an extension of its terms to and including January 31, 1986. The Galveston

Wharves East End Terminal will continue to be operated by Container Terminal. Parties have requested a shortened review period for the agreement.

Dated: January 3, 1986.

By Order of the Federal Maritime Commission.

Mary F. Whitmore,

Assistant to the Secretary.

[FR Doc. 86-374 Filed 1-7-86; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration; Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (DHHS) covers the Social Security Administration (SSA). Notice is given that Part S, as published in the **Federal Register** on November 3, 1982, is being amended to reflect changes in the organizational designations and functional responsibilities for the Office of Hearings and Appeals (OHA). Accordingly, Chapter S is being amended to show the reorganization of OHA.

The revisions are as follows:

Section S.20 *The Social Security Administration*—(Functions): Chapter SG *The Office of Hearings and Appeals.*

Delete: Section SG.00 *The Office of Hearings and Appeals*—(Mission): in its entirety.

Section SG.10 *The Office of Hearings and Appeals*—(Organization): in its entirety.

Section SG.20 *The Office of Hearings and Appeals*—(Functions): in its entirety.

Add: Section SG.00 *The Office of Hearings and Appeals*—(Mission): The Office of Hearings and Appeals (OHA) holds hearings and issues decisions as part of the SSA appeals process. It directs a nationwide field organization staffed with Administrative Law Judges (ALJs) who conduct impartial hearings and make decisions on appealed determinations involving retirement, survivors, disability, health insurance, black lung and supplemental security income benefits. The Office also performs central office reviews of decisions by ALJs which are appealed by claimants, or reopened by the Appeals Council, and renders the Secretary's final decision on such cases.

Section SG.10 *The Office of Hearings and Appeals*—(Organization): The Office of Hearings and Appeals, under the leadership of the Associate Commissioner for Hearings and Appeals, includes:

A. The Associate Commissioner for Hearings and Appeals ( ).

B. The Deputy Associate Commissioner for Hearings and Appeals (Program) ( ).

C. The Deputy Associate Commissioner for Hearings and Appeals (Management) ( ).

D. The Immediate Office of the Associate Commissioner for Hearings and Appeals ( ) which includes:

1. The Executive Secretariat ( ).
2. The Equal Opportunity Staff ( ).
3. The Special Counsel Staff ( ).

E. The Office of the Chief Administrative Law Judge ( ).

F. The Appeals Council ( ).

G. The Office of Appeals Operations ( ).

H. The Office of Policy and Procedures ( ).

I. The Office of Appraisal ( ).

J. The Office of Management Analysis Planning and Innovation ( ).

K. The Office of Workforce Management and Career Development ( ).

L. The Office of Financial Resources ( ).

M. The Office of Material Resources ( ).

N. The Office of Systems Resources ( ).

O. The Offices of the Regional Chief Administrative Law Judges ( ).

Section SG.20 *The Office of Hearings and Appeals*—(Functions):

A. The Associate Commissioner for Hearings and Appeals ( ) is directly responsible to the Commissioner for carrying out OHA's mission, and providing executive leadership and direction to major components of OHA by establishing specific objectives, standards, and management and program policies. The Associate Commissioner serves as Chairperson of the Appeals Council.

B. The Deputy Associate Commissioner for Hearing and Appeals (Program) ( ) assists the Associate Commissioner in carrying out his/her OHA-wide responsibilities and performs other duties as the Associate Commissioner may prescribe. In addition, this Deputy has specialized duties in day-to-day program activities which include, but are not limited to, developing and issuing programmatic policy and procedures and ensuring consistent implementation throughout OHA; identifying and articulating the need for programmatic policy and procedural changes to resolve operational and legal problem areas; and managing OHA's programmatic, litigation and related issues.

C. The Deputy Associate Commissioner for Hearings and Appeals (Management) ( ) assists the Associate Commissioner in carrying out his/her OHA-wide responsibilities and performs other duties as the Associate Commissioner may prescribe. In addition, this Deputy has specialized duties in day-to-day management activities which include, but are not limited to, developing management policies as they relate to obtaining, allocating and controlling fiscal, materiel, automated systems and human resources and overseeing their implementation; assessing the effectiveness of mission accomplishments and making recommendations to improve OHA's performance; managing OHA's external affairs and congressional relations; executing operational activities relating to workload management and productivity improvement; planning and setting organizational goals and overseeing internal controls and integrity programs.

D. The Immediate Office of the Associate Commissioner for Hearings and Appeals ( ) assists the Associate Commissioner and the Deputies by providing a full range of staff services to assist them in carrying out their duties.

1. The Executive Secretariat ( ).

a. Maintains liaison and coordination between the Office of the Associate Commissioner and major OHA components. Coordinates, clears, reviews and analyzes completed staff work on correspondence directed to the Associate Commissioner.

b. Controls correspondence for the Office of the Associate Commissioner, assigning action on incoming correspondence and developing information on action requests.

c. Provides OHA-level guidance and liaison to components on correspondence management.

d. Coordinates and prepares briefing materials for meetings attended by the Associate Commissioner and Deputies. Completes special projects, as required by the Associate Commissioner and Deputies.

e. Plans, directs, administers and evaluates the congressional and public inquiries activities.

2. The Equal Opportunity Staff ( ).

a. Plans, develops, implements and administers an equal opportunity program within OHA.

b. Investigates and attempts to resolve informal complaints of discrimination

arising in equal opportunity areas of responsibility.

c. As appropriate, participates with SSA's Office of Civil Rights and Equal Opportunity staff in the development of equal opportunity policies and procedures, and develops adaptations to policies, procedures, standards and guidelines necessary for the operation of this program within OHA.

3. The Special Counsel Staff ( ).

a. Represents OHA in liaison activities with other governmental organizations on integrity matters.

b. With DHHS, Office of the General Counsel 9OGC), serves as the principal legal advisor to the Associate Commissioner, OHA, on matters pertaining to administrative law and the legislative process.

c. Conducts or coordinates investigations of allegations of misconduct, waste, fraud or abuse by OHA employees in central office or in the field.

E. The Office of the Chief Administrative Law Judge ( ) directs a nationwide organization of ALJs engaged in conducting hearings and in rendering decisions in cases where claimants disagree with reconsidered and revised determinations. These determinations involve claims for retirement, survivors, disability, health insurance and supplemental security income benefits under titles II, XVI and XVIII of the Social Security Act, as amended, and disability and survivors insurance benefits under title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended. Directs a professional staff engaged in providing liaison services to professional field personnel in implementing substantive policy, program and procedural matters; provides management oversight for all administrative and managerial functions involved in the day-to-day operations of field activities; coordinates hearing office activities and conducts liaison with other Government and private agencies.

F. The Appeals Council ( ) reviews decisions of ALJs involving retirement, survivors, disability, health insurance, black lung and supplemental security income benefits, on the motion of the appellants or on its own motion. Examines case records, obtains additional evidence when appropriate, and renders written decisions or orders which are the Secretary's final decisions or orders, or remands cases to ALJs. Recommends action concerning decisions appealed to the courts, and obtains additional evidence, prepares supplemental decisions on remanded cases and recommends whether appeals should be taken to higher courts on judicial reversals of the Secretary's decisions. Directs the medical advisory services program for OHA's components in the evaluation of claims for disability and health insurance benefits; supplemental security income for disability and blindness and black lung benefits.

Participates in the formulation of medical policies used in the evaluation of claims for disability and health insurance benefits, supplemental security income for disability and blindness and black lung benefits. Maintains liaison with medical groups to promote program understanding and to keep abreast of disability evaluation developments and changes in health insurance regulations.

G. The Office of Appeals Operations (OAO) ( ) provides advice and assistance to the Appeals Council on the adjudication of cases. Reviews decisions of ALJs to assist the Appeals Council in deciding whether to assume jurisdiction. Analyzes cases and recommends action to the Appeals Council on appealed and litigated cases, and prepares documents required to implement the action decided upon by the Appeals Council. Identifies and analyzes problem areas, and recommends improvements in the appeals process. Authorizes the payment of fees of attorneys and other representatives of claimants for the provision of services at the Appeals Council level.

H. The Office of Policy and Procedures (OPP) ( ) plans, analyzes and develops OHA-wide policy and procedural guidelines for the hearings, appeals and civil actions processes. Develops and coordinates program legislative activity for OHA. Provides a system for communicating hearings and appeals policies and procedures, through the issuance of manuals and directives. Develops and maintains publications, informational materials, references and forms on the hearings and appeals and civil action processes. Reviews current and developing trends in administrative law and litigation; analyzes policy recommendations and develops long-range and short-range hearings and appeals policy plans. Develops, coordinates and maintains litigation management strategy for OHA. Provides advice and guidance throughout OHA on matters involving program policies and procedures. Coordinates policy and procedural matters within OHA and with other SSA components, the Health Care Financing Administration (HCFA), OGC and other HHS components, other Federal agencies and private organizations. Identifies program training needs, and coordinates the development of training packages with appropriate OHA, SSA, HCFA, HHS and OGC components. Serves as the focal point for overall coordination and implementation of the Freedom of Information Act and the Privacy Act.

I. The Office of Appraisal (OA) ( ) plans, develops and conducts a program of continuing appraisal of the application of, and compliance with, policies and procedures in all phases of OHA's hearings and appeals processes and the quality of results achieved. Designs and overseas the installation of appropriate systems and procedures for collecting, recording, analyzing and evaluating data pertinent to assessing the quality of OHA work products. Analyzes data flowing from review activities, both internal and external, to OHA for possible impact on OHA. Conducts special studies and analyses of non-OHA claims processes that impact on the hearings and appeals process, workloads and results to develop OHA recommendations for SSA policy and procedural changes or other corrective managerial initiatives. Identifies problem areas and deficiencies in policies, policy application, methods and procedures, and recommends corrective action. Develops and conducts systematic evaluations of the integrity of the appellate process. Provides advice and assistance to other OHA components regarding the interpretation and application of quality review and related special study findings and recommedations.

J. The Office of Management Analysis Planning and Innovation (OMAPI) ( ) provides statistical analyses, reporting and workload forecasting services. Develops, validates and maintains work measurement systems and standard time values for all functional areas. Plans, designs and operates evaluation programs and tracking systems to assess the efficiency and effectiveness of OHA operations in the field and central office. Provides advice to the Associate Commissioner concerning the establishment of operational goals and objectives. Designs and administers systems to assess vulnerability of OHA operations to fraud, waste and abuse. Serves as focal point for coordinating General Accounting Office (GAO), Inspector General (IG), SSA and other studies of OHA operations. Administers the OHA planning program. Develops innovative approaches to management and operational problems, and communicates those improvements to management. Coordinates the implementation of administrative

delegations of authority throughout OHA central and field offices. Administers the directives management program within OHA. Develops and maintains organizational planning documentation and publishes changes, as appropriate.

K. The Office of Workforce Management and Career Development (OWMCD) ( ) plans and directs a comprehensive human resources development and utilization program to enable OHA to carry out its programmatic functions. Provides personnel administration services to OHA central office employees and to ALJs in the field. Develops an OHA-wide training needs identification program; develops mechanisms to meet identified training needs; assesses the effectiveness of the OHA training program in meeting the training needs. Manages a national program for provision of vocational experts and medical advisors to serve as expert witnesses at ALJ hearings. Develops, implements and evaluates OHA-wide policies in all aspects of human resources development and utilization in accordance with governing statutes, regulations and HHS and SSA instructions. The Division of Personnel Management, within OHA's OWMCD, works under the joint direction of the Associate Commissioner and the Director of SSA's Office of Human Resources.

L. The Office of Financial Resources ( ) plans, develops and coordinates OHA's financial management programs, advising the Associate Commissioner of the financial impact of all decisions which affect OHA. Formulates and executes budgetary requirements and controls in the areas of resource management, work measurement and workload forecasting; administrative cost allocation; cost benefit analysis; pay and travel; ceiling control; contract services; fiscal operations and regional interface of the budget process.

M. The Office of Materiel Resources ( ) plans, directs and provides administrative support services in the areas of space planning, assignment and utilization; forms and records management; property management; equipment control and maintenance; graphic arts; safety and self-protection, including emergency planning; security; procurement and supply; laboring services; mail and messenger services; motor vehicle operations, communications systems management and library reference. Plans and executes a program establishing requirements for and complying with established health, safety and security concepts, regulations, standards and procedures. Evaluates adequacy and effectiveness of procedures and practices. Coordinates services provided to OHA by SSA, HHS, OPM, GSA and other agencies, such as building maintenance, alterations and inventory management.

N. The Office of Systems Resources ( ) provides office automation and data processing support to all OHA components. Provides computer programming and systems support for the planning, design, development and implementation of selected OHA automated data processing (ADP) systems. Serves as OHA liaison with the SSA Systems components on all matters pertaining to systems. Prepares requests for ADP systems changes, and provides updates to the appropriate OHA component for publication in the **Federal Register** to ensure compliance with the Privacy Act. Develops and coordinates systems data for the OHA ADP/telecommunications (TC) budget submission and evaluates OHA user requests for ADP services. Provides technical support for the nationwide OHA TC network. Administers the OHA ADP systems security programs. Maintains liaison with system users to resolve user problems, identify training needs and coordinate equipment relocation and needs.

O. The Offices of the Regional Chief Administrative Law Judges ( ), reporting through the Chief ALJ, represents the Associate Commissioner at the regional level on all matters involving the hearings process. Plans, organizes and administers regional programs for scheduling and conducting independent and impartial hearings on appealed determinations involving claims for retirement, survivors, disability and health insurance benefits; supplemental security income and black lung benefits. Provides guidance, direction and leadership to ALJs and their staffs. Coordinates operations and administrative activities with HHS regional offices; other SSA regional components, State agencies and others, are required. Reviews and analyzes fee petitions from attorneys and representatives of claimants for the provision of services at the hearing level, and authorizes payment of fees in those cases where fees recommended by ALJs are more than an ALJ is authorized to grant.

Dated: December 10, 1985.

Nelson J. Sabatini,

Acting Deputy Commissioner for Management and Assessment.

[FR Doc. 86-331 Filed 1-7-86; 8:45 am]

BILLING CODE 4190-11-M

HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of January 1986:

Name: National Advisory Council on Health Professions Education.

Date and Time: January 21-22, 1986, 9:00 a.m.

Place: Conference Room E, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open on January 21, 9:00 a.m.-5:00 p.m.

Closed for the remainder of meeting.

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda: The open portion of the meeting will cover: welcome and opening remarks; report of the Director, Bureau of Health Professions; financial management update; discussion of Council dealing with perspective reimbursement of clinical education costs; presentation on Veterinary Medicine Education; options for coordinating geriatric activities in Area Health Education Centers with Geriatric Education Centers; review of Council operating procedures and future agenda items. The meeting will be closed to the public on January 22, 1986, for the remainder of the meeting for the review of grant application for Family Medicine Residency Training, Area Health Education Centers and Preventive Medicine Residency Training. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Administrator, Health Resources and Services Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Mr. Robert L. Belsley, Executive Secretary, National Advisory Council on Health Professions Education, Bureau of Health Professions, Health Resources and Services Administration, Room 8C-22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6880.

Name: National Advisory Council on Nurse Training.

Date and Time: January 21-22, 1986, 9:00 a.m.

Place: Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open January 21, 1986, 9:00 a.m. to 11:00 a.m.

Closed for remainder of meeting.

Purpose: The Council advises the Secretary and Administrator, Health Resources and Services Administration, concerning general regulations and policy matters arising in the administration of Title XXVII, National Health Service Corps, Health Professional Education, Nurse Training Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). The Council also performs final review of grant applications for Federal assistance, and makes recommendations to the Administrator, HRSA.

Agenda: Agenda items for the open portion of meeting will cover announcements; consideration of minutes of previous meeting; reports by the Director, Bureau of Health Professions (BHPr.), the Financial Management Officer, BHPr., the Director, Division of Nursing, and staff reports. The meeting will be closed to the public on January 21, 1986 at 11:00 a.m.-5:00 p.m. and January 22, for the review of grant applications for advanced nurse training grants, nurse practitioner grants, special project grants, national research service awards and research project grants. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5, U.S. Code and the Determination by the Acting Administrator, Health Resources and Services Administration, pursuant to section 10(d) of Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should write to or contact Dr. Mary S. Hill, Bureau of Health Professions, Health Resources and Services Administration, Room 5C-04, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6193.

Name: Joint Meeting of the National Advisory Council on Health Professions Education and the National Advisory Council on Nurse Training.

Date and Time: Thursday, January 23, 1986, 9:00 a.m.

Place: Auditorium, Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

The entire meeting is open.

Purpose: The Councils advise the Secretary concerning general regulations and policy matters arising in the administration of Title VII and VIII of the Public Health Service Act. The Council also perform final reviews of grant applications for Federal assistance and make recommendations to the Secretary.

Agenda: Agenda will cover announcements, reports from the Acting Administrator, Health Resources and Service Administration, and a presentation and discussion on current changes occurring in reimbursement of educational costs. The Councils will also explore the access of minorities into the health professions including a presentation on the Access to Health Career Training for American Indians.

Agenda items are subject to change as priorities dictate.

George T. Lewis,

Acting Advisory Committee Management Officer, HRSA.

[FR Doc. 85-368 Filed 1-7-85; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF HEALTH AND HUMANS SERVICES

National Institutes of Health

Meeting; President's Cancer Panel

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, January 30, 1986, at the Champagne Room, Beverly Wilshire Hotel, 9500 Wilshire Boulevard, Beverly Hills, California 90212.

The entire meeting will be open to the public from 2:30 p.m. to adjournment. Agenda items include reports by the Chairman, President's Cancer Panel, and discussions to obtain information regarding center programs supported by the National Cancer Institute. Attendance by the public will be limited to space available.

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

Dr. Elliott Stonehill, Executive Secretary, President's Cancer Panel, National Cancer Institute, Building 31, Room 11A23, National Institutes of Health, Bethesda, Maryland 20892 (301/496-1148) will furnish substantive program information.

Dated: January 2, 1986.

Betty J. Beveridge,

Committee Management Officer; NIH.

[FR Doc. 86-319 Filed 1-7-86; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Aroostook Band of Micmacs; Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

This is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.8(a) (formerly 25 CFR 54.8(a)) notice is hereby given that the Aroostook Band of Micmacs, Mr. Donald Sanipass, 8 Church Street, P.O. Box 930, Presque Isle, Maine 04769 has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on November 29, 1985. The petition was forwarded and signed by members of the group's governing body.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be sent by mail to the petitioner and other interested parties at the appropriate time.

Under section 83.8(d) (formerly 54.8(d)) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Branch of Acknowledgment and Research, Code 440B, Bureau of Indian Affairs, Interior South Building, Room 32, 1951 Constitution Avenue, NW., Washington, DC 20245.

Hazel E. Elbert,

Acting Deputy Assistant Secretary Indian Affairs.

[FR Doc. 86-356 Filed 1-7-86; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

December 30, 1985.

Final Environmental Assessments; Desolation Canyon, Mexican Mountain, Muddy Creek, and San Rafael Reef Wilderness Study Areas, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of Final Environmental Assessments and accompanying Records of Decision for three separate actions taking place in the above mentioned Wilderness Study Areas (WSAs).

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Land Policy and Management Act, section 603, and the Bureau's Interim Management Policy, notice is hereby given as to the availability of the Final Environmental Assessments and Records of Decision.

WSAs Involved: Desolation Canyon (UT-060-068A), Mexican Mountain (UT-060-054), Muddy Creek (UT-060-007), San Rafael Reef (UT-060-29A).

Decisions

1. As a result of a 30-day comment period, October 4, to November 2, 1985, one comment was received and incorporated into the environmental assessment. The decision was made to allow the Bureau of Land Management to construct a riparian habitat exclosure on Range Creek in Desolation Canyon WSA.

2. As a result of a 30-day comment period, October 4 to November 2, 1985, resulting in two comments supporting the proposal, the decision was made to allow the Utah Division of Wildlife Resources (UDWR) to transplant up to 35 desert bighorn sheep into Muddy Creek WSA and Mexican Mountain WSA.

3. As a result of a 45-day comment period, October 31 to December 15, 1985, changes were made to the *Analysis of Carrying Capacity for the Taylor Flat Allotment* and the Environmental Assessment resulting from the two comments received. The decision was made to allow the partial change of kind of livestock on the Taylor Flat allotment.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Price Resource Area Headquarters, P.O. Drawer AB, Price, UT, 84501. A copy of each of the Final Environmental Assessments and Records of Decision is available upon request.

Dated: December 30, 1985.

Gene Nodine,

District Manager.

[FR Doc. 86-316 Filed 1-7-86; 8:45 am]

BILLING CODE 4310-DQ-M

[A-19263]

Public Lands Exchange; Mohave County, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Realty Action; Exchange, Public Lands; Mohave County, Arizona.

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

Gila and Salt River Meridian

T. 20 N., R. 21 W.,
Sec. 28, N½NE¼, SE¼NE¼, NE¼NW¼, and S½S½.
T. 19 N., R. 22 W.,
Sec. 12, S½N½ and N½S½.
Containing 640 acres, more of less.

In exchange for these lands, the United States will acquire the following described lands from George M. Aeed of Scottsdale, Arizona.

Gila and Salt River Meridian

T. 18 N., R. 16 W.,
Sec. 1, lots 1-4, inclusive, S½N½, and S½;
Sec. 17, NE¼ and S½NW¼.
T. 19 N., R. 16 W.,
Sec. 5, lots 1-4, inclusive, S½N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 7, lots 1 and 2, NE¼, and E½NW¼;
Sec. 9, E½, NE¼NW¼, S½NW¼, and SW¼;
Sec. 11, NE¼ and S½;
Sec. 25, E½SE¼;
Sec. 33, NE¼ and S½.
T. 20 N., R. 16 W.,
Sec. 27, N½, N½SW¼, and SE¼;
Sec. 29, NE¼ and S½.
T. 18 N., R. 17 W.,
Sec. 7, those portions of lots 5, 6, 15, and 16 lying easterly of the easterly boundary of the railroad R/W;
Sec. 13, all.
T. 19 N., R. 17 W.,
Sec. 7, those portions of lots 1, 10, 11, and 20 lying easterly of the easterly boundary of the railroad R/W;
Sec. 15, NE¼;
Sec. 19, those portions of lots 2, 9, 13, and 18 lying easterly of the easterly boundary of the railroad R/W;
Sec. 21, N½, N½SW¼, SE¼SW¼, and SE¼.
T. 22 N., R. 17 W.,
Sec. 29, SE¼;
Sec. 33, W½.
Containing 6707.59 acres, more or less.

The public lands to be transfered are subject to the following terms and conditions:

1. Reservations to the United States (a) right-of-way for ditches and canals pursuant to the Act of August 30, 1890; (b) all the oil and gas and with it, the right to prospect for, mine and remove same; (c) electric transmission rights-of-way PHX-085193 and A-8891; and (d) road right-of-way A-21624.

2. Subject to (a) prior valid rights existing as of the date of this action; (b) any restrictions that may be imposed by the Mohave County Board of Supervisors in accordance with county floodplain regulations established under Resolution No. 84-10 of July 16, 1984; and (c) road rights-of-way A-15807, A-20912, and AR-01868.

Private lands to be acquired by the United States will be subject to the following reservations, terms and conditions:

1. All minerals in the subject are reserved to the Santa Fe Pacific Railroad Company as set forth in Book 59 of Deeds, page 518, and Book 78 of Deeds, page 348, Mohave County, Arizona.

2. Those easements for pipelines, transmission lines, roadways, and railways as described in Docket 18, page 292; Docket 3, page 217; Book 78 of Deeds, page 348; and Book 704 of Official Records, page 498.

Publication of this Notice will segregate the subject lands from all appropriations under the public lands laws, including the mining laws, but not mineral leasing laws. This segregation will terminate upon the issuance of a patent or two years from the date of this Notice, of upon publication of a Notice of Termination.

Detailed information concerning this exchange can be obtained from the Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401. For a period of forty-five (45) days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will be evaluated by the State Directory who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: December 31, 1985.

Marlyn V. Jones,

District Manager.

[FR Doc. 86-314 Filed 1-7-86; 8:45 am]

BILLING CODE 4310-32-M

National Park Service

Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Saturday, February 8, 1986, at 1:00 p.m. at the Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Carrie Johnson, Chairman, Arlington, Virginia
Mr. Carl L. Shipley, Washington, D.C.
Ms. Polly Bloedorn, Bethesda, Maryland
Mr. James B. Coulter, Annapolis, Maryland
Mrs. Constance Lieder, Baltimore, Maryland
Mr. William H. Ansel, Jr., Romney, West Virginia

Mr. Silas Starry, Shepherdstown, West Virginia
Mr. Ted Troxell, Cumberland, Maryland
Mr. John D. Millar, Cumberland, Maryland
Mr. Rockwood H. Foster, Washington, D.C.
Mr. Barry Passett, Washington, D.C.
Ms. Barbara Yeaman, Brookmont, Maryland
Ms. Joan LaRock, Lovettsville, Virginia
Ms. Elise Heinz, Arlington, Virginia
Ms. Marjorie Stanley, Silver Spring, Maryland
Mrs. Minny Pohlmann, Dickerson, Maryland
Dr. James H. Gilford, Frederick, Maryland
Mr. R. Lee Downey, Williamsport, Maryland
Mr. Edward K. Miller, Hagerstown, Maryland

Matters to be discussed at this meeting include:

1. Old and new business
2. Superintendent's report
3. Committee reports
   Plans and Projects Committee
   Recreation Policies and Issues Committee
   Resource Protection Committee
4. Public comments

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Minutes of the meeting will be available for public inspection six (6) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: December 31, 1985.

Robert Stanton,

Acting Regional Director, National Capital Region.

[FR Doc. 86-311 Filed 1-7-86; 8:45 am]

BILLING CODE 4310-70-M

Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 7:30 p.m. (PST) on Wednesday, January 22, 1986, at Building 201, Fort Mason, San Francisco, California.

The Advisory Commission was established by Pub. L. 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin, San Francisco and San Mateo Counties:

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Vice Chair
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Margot Patterson Doss
Mr. Jerry Friedman
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Burr Heneman
Mr. John Mitchell
Ms. Gimmy Park Li
Mr. Merritt Robinson
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The main agenda items are guidelines and procedures for review of construction projects on the Presidio of San Francisco and public comment on the memorial to Congressman Phillip Burton.

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact Acting General Superintendent Brian O'Neill, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, CA 94123.

Minutes for the meeting will be available for public inspection by February 21, 1986, in the office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Date December 20, 1985.

Howard Chapman,

Regional Director, Western Region.

[FR Doc. 86-312 Filed 1-7-86; 8:45 am]

BILLING CODE 4310-70-M

Area Closed to the Public; Big Cypress National Preserve

Notice of intention is hereby given in accordance with Title 36 CFR, Chapter I, § 7.86(a)(2)(iii), Big Cypress National Preserve Special Regulations, that an area of the preserve is to be closed to the public. This closure is being made after consultation with the Florida Game and Fresh Water Fish Commission.

The road known as the "Eleven-Mile Road" provides access to the Raccoon Point oil development site. In 1981, Exxon, USA, sought permits with the Department of Interior and the State of Florida to place the Raccoon Point field into production. Consultation with the U.S. Fish and Wildlife Service, during the permitting process, resulted in a Jeopardy Opinion under the Endangered Species Act. In order to mitigate that Opinion and protect the natural resources, the State of Florida and the National Park Service agreed to close this road. Closure of this road by the Service, under the above authority, will complete the Federal obligation under the Endangered Species Act and allow the Service to enforce the closure through the Federal Courts.

Written comments will be accepted until February 7, 1986. This closure will take effect, without further **Federal Register** notice at the close of this comment period.

Address: Comments should be directed to: Superintendent, Big Cypress National Preserve, Star Route Box 110, Ochopee, Florida 33943.

For Further Information Contact: Fred J. Fagergren, Superintendent Big Cypress National Preserve, Star Route Box 110, Ochopee, Florida 33943, (813) 695-2000.

The Closure is as follows: The Eleven-Mile Road is a closed area except to use by the following authorized vehicles: petroleum-industry vehicles; vehicles of persons hired to carry out the activities essential to oil exploration and production; government vehicles; or vehicles of mineral owners whose lands are in active exploration or production. Access by vehicles of mineral owners shall be limited to activities directly associated with pursuing or protecting mineral interests.

Dated: December 23, 1985.

William Penn Mott, Jr.,

Director.

[FR Doc. 86-378 Filed 1-7-86; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[332-221]

The Effects of Eximbank Financing Programs on U.S. Industries and Employment

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation.

SUMMARY: Following receipt on October 11, 1985 of a Congressionally mandated request from the Export-Import Bank of the United States (Eximbank), the Commission instituted investigation No. 332-221 under section 322(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), for the purpose of assessing the impact of the Bank's activities on industries and employment in the United States.

EFFECTIVE DATE: December 31, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Estes or Mr. Walter S. Trezevant, General Manufactures Division, Office of Industries, U.S. International Trade Commission, Washington, D.C. 20436, telephone 202-724-0977 or 202-724-1719, respectively.

SUPPLEMENTARY INFORMATION: The Commission's investigation shall include an assessment of previous loans of financial guarantees and shall provide recommendations concerning general areas which may adversely affect domestic industries, including agriculture, and employment. Further, the evaluation shall examine both U.S. exports generated by Bank activities as well as possible shifts in U.S. import trade resulting from the start-up of a Bank funded facility. To the degree possible, the analysis of downstream import impact shall consider the extent to which such impact would have existed regardless of Eximbank participation. The Eximbank requested that the Commission provide its report to the Bank by August 1, 1986.

Written Submissions

Interested persons are invited to submit written statements concerning the investigation. Persons wishing to submit evidence of any adverse effects of Eximbank activities on any U.S. firm or industry are encouraged to do so at the earliest possible date, but such evidence should be received no later than close of business or February 14, 1986, Written statements on all other aspects of the investigation should be received by the close of business on May 13, 1986. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Businesss Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedures (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office of Washington, DC.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 724-0002.

Issued: January 3, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-397 Filed 1-7-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-240 and 731-TA-249 (Final)]

Oil Country Tubular Goods From Austria

AGENCY: United States International Trade Commission.

ACTION: Termination of investigation.

SUMMARY: On December 23, 1985 and December 30, 1985, the Commission received letters from counsel on behalf of U.S. Steel Corp., Lone Star Steel Co., and CF&I Steel Corp., the petitioners in investigations Nos. 701-TA-240 and 731-TA-249 withdrawing their petition. Accordingly, pursuant to § 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)), the countervailing duty and antidumping investigations concerning oil country tubular goods from Austria are terminated.

EFFECTIVE DATE: January 2, 1986.

FOR FURTHER INFORMATON CONTACT: Rebecca Woodings (202-523-0282), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

Authority: This investigation is being terminated under authority of the Tariff Act of 1930, Title VII. This notice is published pursuant to § 207.40 of the Commission's rules (19 CFR 207.40).

Issued: January 3, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-395 Filed 1-7-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-292 Through 296 (Preliminary)]

Certain Welded Carbon Steel Pipes and Tubes From the People's Republic of China, the Philippines, and Singapore

Determinations

On the basis of the record [1] developed in the investigations, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there ia a reasonable indication that an industry in the United States is materially injured by reason of imports of the following welded carbon steel pipes and tubes which are alleged to be sold in the United States at less than fair value (LTFV):

Standard pipes and tubes [2] from the People's Republic of China (China), the Philippines, and Singapore (investigations Nos. 731-TA-292 through 294 (Preliminary)) [3]

Light-walled rectangular pipes and tubes [4] from Singapore (investigation No. 731-TA-296 (Preliminary)) [5]

The Commission further determines, on the basis of the record developed in investigation No. 731-TA-295 (Preliminary) pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from Singapore of heavy-walled rectangular pipes and tubes [6] which are alleged to be sold in the United States at LTFV. [7]

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[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] For purposes of these investigations, the term "standard pipes and tubes" covers welded carbon steel pipes and tubes of circular cross section, 0.375 inch or more but not over 16 inches in outside diameter, provided for in items 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258, and 610.4925 of the *Tariff Schedules of the United States (Annotated) (TSUSA).*

[3] Chairwoman Stern and Vice Chairman Liebeler find that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports of standard pipes and tubes from China, the Philippines, and Singapore.

[4] For purposes of this investigation, the term "light-walled rectangular pipes and tubes" covers welded carbon steel pipes and tubes or rectangular (including square) cross section, having a wall thickness less than 0.156 inch, provided for in item 610.4928 of the *TSUSA.*

[5] Vice Chairman Liebeler dissents.

[6] For purposes of this investigation, the term "heavy-walled rectangular pipes and tubes" covers welded carbon steel pipes and tubes of rectangular (including square) cross section, having a wall thickness not less than 0.156 inch, provided for in item 610.3955 of the *TSUSA.*

[7] Commissioner's Eckes and Lodwick dissenting.

Background

On November 13, 1985, petitions were filed with the Commission and the Department of Commerce by counsel for the Committee on Pipes & Tube Imports, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of certain welded carbon steel pipes and tubes from China, the Philippines, and Singapore. Accordingly, effective November 13, 1985, the Commission instituted preliminary antidumping investigations Nos. 731-TA-292 through 296 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. Interntional Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of November 20, 1985 (50 FR 47851). The conference was held in Washington, DC, on December 6, 1985, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in these investgations to the Secretary of Commerce on December 30, 1985. The views of the Commission are contained in USITC Publication 1796 (December 1985), entitled "Certain carbon steel pipes and tubes from the People's Republic of China, the Philippines, and Singapore: Determinations of the Commission in Investigations Nos. 731-TA-292 through 296 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations." By order of the Commission:

Issued: December 30, 1985.

Sincerely yours,

Kenneth R. Mason,

Secretary.

[FR Doc. 86-396 Filed 1-7-86; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30760]

Northeast Wisconsin Railroad Transportation Commission and Escanaba & Lake Superior Railroad Co.; Exemption; Acquisition and Operation

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 10901 acquisition by Northeast Wisconsin Railroad Transportation Commission and operation by Escanaba & Lake Superior Railroad Company of 21.8 miles of track between Crivitz, WI and the twin cities of Marinette, WI, and Menominee, MI.

DATES: This exemption will be effective on January 28, 1986.

ADDRESSES: Send pleadings referring to Finance Docket No. 30760 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representatives: Richard B. Felder, Suite 501, 1000 Potomac Street, NW., Washington, DC 20007

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

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

Decided: December 24, 1985.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Taylor, Sterrett, Andre, Lamboley and Strenio. Commissioner Lamboley concurred in the result. Commissioners Taylor and Strenio did not participate.

James H. Bayne,

Secretary.

[FR Doc. 86-329 Filed 1-7-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 1118-86]

President's Commission on Organized Crime: Meetings

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: This notice announces four forthcoming meetings of the President's Commission on Organized Crime. This notice also sets forth a summary of the agenda for the four meetings. Notice of these meetings is required by the Federal Advisory Committee Act, 5 U.S.C. App. I, section 10(a)(2).

DATES: January 3, 1986.

January 23, 24, 29 and 30, 1986, 10:00 a.m. to 3:00 p.m. (public hearing).

ADDRESSES:

January 23 and 24—1425 K Street, NW., Suite 700, Washington, DC 20005

January 29 and 30—U.S. Department of Labor Auditorium, First Floor, Third Street entrance, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: James D. Harmon, Jr., Executive Director and Chief Counsel, President's Commission on Organized Crime, 1425 K Street, N.W., Suite 700, Washington, D.C. 20005; (202) 786-3500.

SUPPLEMENTARY INFORMATION: The public hearings on January 23, 24, 29 and 30 are to be open to both the public and press, and are for the purpose of receiving testimony concerning organized criminal groups in the United States, including, but not limited to, La Cosa Nostra. The Commission will solicit testimony concerning the scope of activities of such groups, the manner in which their operations are conducted, and the effectiveness of Federal and state statutes and agencies in dealing with such groups. In particular, the Commission will solicit testimony from persons believed to be involved in such groups and law enforcement and other public officials with knowledge of and experience in such investigations. Members of the public who wish to present written statements to the Commission are invited to send such statements to the President's Commission on Organized Crime, 1425 K Street, NW., Suite 700, Washington, D.C. 20005.

Dated: January 3, 1986.

Edwin Meese III,

Attorney General.

[FR Doc. 86-399 Filed 1-7-86; 8:45 am]

BILLING CODE 4410-01-M

LIBRARY OF CONGRESS

Copyright Office

[Docket RM 85-8]

Policy Decision Regarding Mandatory Deposit of Books and Other Printed Works Published With Notice of Copyright in the United States After First Publication Abroad

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of policy decision.

SUMMARY: The Copyright Office of the Library of Congress has reviewed its policies regarding the issuance of demands for the mandatory deposit of works published in the United States with notice of copyright following first

publication in a foreign country, pursuant to 17 U.S.C. 407. By this Notice of a policy decision, the Office gives notice that it continues to adhere to the policy announced previously (45 FR 49721). The Office has, however, adopted a form to simplify requests for waiver of the regulation. This Notice also explains that the Office does not knowingly demand the deposit of works which are imported into the United States in such small numbers that it is not clear whether publication had been made in this country.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, DC 20559, Telephone: (202) 287-8380.

SUPPLEMENTARY INFORMATION:

1. Background

Under section 407 of the Copyright Act of 1976, title 17 of the United States Code, as amended by Pub. L. 94-553 (90 Stat. 2541) (hereafter, the current Act) the owner of copyright or of the exclusive right of publication in a work published with notice of copyright in the United States must deposit two copies of the work (or, in the case of sound recordings, two phonorecords) in the Copyright Office (hereafter sometimes, the Office) for the use or disposition of the Library of Congress. The regulations of the Copyright Office may exempt certain categories of material from the mandatory deposit requirements or may require the deposit of only one copy or phonorecord with respect to particular categories. 17 U.S.C. 407(c). Regulations implementing the mandatory deposit requirements of 17 U.S.C. 407 were published in the **Federal Register** on September 29, 1978 (43 FR 41975) and appear as 37 CFR 202.19.

The required deposit must be made within three months after publication with notice in the United States. Failure to deposit does not affect the copyright in the work, but may subject the owner of copyright or the right of publication to fines and other monetary liability if deposit is not made after a written demand for the required deposit has been issued by the Register of Copyrights.

The mandatory deposit requirements applies to works published with notice of copyright in the United States after first publication in a foreign country (hereafter, foreign works). This is clear from the language of section 407 of the current Act, which refers to a "work published with notice of copyright in the United States" without limiting the application of the section to works *first* published in the United States. The relevant congressional reports explicitly confirm this interpretation of the Act:

> Although the basic deposit requirements are limited to works "published with notice of copyright in the United States," they would become applicable as soon as a work first published abroad is published in this country through the distribution of copies or phonorecords that are either imported or are part of an American edition.

S. Rep. No. 94-473, 94th Cong., 1st Sess. 134 (1975); H.R. Rep. No. 94-1476, 94th Cong., 2d Sess. 151 (1976).

Deposit of copies under the authority of the copyright statutes for the enrichment of the collections of the Library of Congress has been a significant method of acquisition for the Library since 1870. Under former statues, the deposit requirement was linked to copyright registration. The current Act separates mandatory deposit for the use of the Library of Congress (17 U.S.C. 407) from copyright registration (17 U.S.C. 408), although it is possible to satisfy the mandatory deposit requirements at the time of registration.

With the passage of the current Act, the Register of Copyrights instituted a policy of comprehensive enforcement of the mandatory deposit requirements under section 407. Written demands were issued for the deposit of certain books and other printed works that appeared to have been published with notice of copyright in the United States. Many copyright owners responded favorably to these demands and complied promptly. Some responded that the work had not been published in the United States. Other stated that they were neither the owner of copyright nor of the right of publication, asserting instead that the owners were foreign corporations or individuals. Sometimes, these assertions were made even though the alleged foreign copyright owner appeared to be a subsidiary of an American corporation. A few foreign copyright owners protested the application of the mandatory deposit provisions to their works, expecially where periodicals were distributed through subscriptions rather than through publication of an "American edition." Some American publishers voiced concern that enforcement of the deposit requirements against foreign publishers would lead to retaliatory measures by foreign countries.

To assess its policy regarding the deposit of foreign works, the Office, in the latter part of 1978, undertook a review of its mandatory deposit-demand policies and temporarily suspended issuance of demands for foreign works pending this review. The Office did not, however, either explicitly or by implication, exempt foreign works published with notice of copyright in the United States from mandatory deposit except where registration was made under 17 U.S.C. 408. On completion of its review, in July 1980, the Office decided that the mandatory deposit provisions of section 407 were applicable to foreign works and that the enforcement of these provisions against such works would result in considerable benefit to the Library. A policy decision was published on July 25, 1980, resuming the Office's issuance of written demands for the deposit of foreign works. The Office also expressed a willingness to review the results of the Office's policy at some future time, based on its experience under the stated policy. (45 FR 49721).

The policy adopted in 1980 has engendered some criticism from a number of foreign publishers, particularly with respect to works that are published multinationally where the publisher is generally viewed as not being a United States publisher. Concern continued to be expressed by the Association of American Publishers (hereafter AAP) over the impact of the Library's demands for the deposit of foreign works on the United States publishers. In May 1985 representatives of the Copyright Office and the Library of Congress met with the AAP to discuss the matter and to explore possible solutions. The AAP proposed three alternatives to the Library's current policy: (i) Changing the deposit requirements of section 407(a) by regulation to exclude foreign publishers; or (ii) Limiting demands to works that are imported in bulk—10,000 copies or more; or (iii) Dropping the option of submitting non-compliance cases to the Department of Justice for prosecution.

2. Policy Decision

After thorough consideration and for the following reasons, the Copyright Office has decided not to adopt any of the above proposals. The Office will continue its policy of enforcing the deposit requirements against foreign books and other printed works published in the United States with notice of copyright. This Notice also explains more fully the circumstances under which demands for foreign works will be issued, and the Office has prepared a special form to simplify requests for "special relief," i.e., waiver of the deposit requirements.

(i) *Excluding works by foreign publishers from the deposit requirement by regulation.* The Office declines to exclude works by foreign publishers from the deposit regulations because

Congress clearly intended for these works to be subject to demand under section 407, and the Library of Congress has a strong interest in acquiring publications in this category. S. Rep. 94-473, 94th Cong., 1st Sess. (1975), H.R. Rep. 94-1476, 94th Cong., 2d Sess. (1976). Indeed, the idea of including foreign works within the demand process may be traced to the Vestal and Perkins copyright law revision bills of 1925 and 1930. H.R. 11258, 68th Cong., 2d Sess. (1925) and H.R. 12549, 71st Cong., 2d Sess. (1930). In other countries as well, *e.g.* the United Kingdom and Sweden, legal deposit laws require the deposit of imported works. J. Lunn, *Study On A Model Law For Legal Deposit* (1980). If the U.S. copyright law were to differentiate between foreign and domestic works and treat foreign publishers as a special class, U.S. publishers could, and some might, claim discrimination. The deposit requirement, moreover, is consistent with the Universal Copyright Convention, and has also been held to be a reasonable fee for the exclusive rights granted by the copyright law to the owner of copyright. *Ladd* v. *Law and Technology Press*, 762 F.2d 809 (9th Cir. 1985).

Moreover, special accommodations are already made in the present regulations for the deposit of foreign works. They are exempted from deposit under section 407(a), if registration is made before a demand is issued; special relief is available in cases of hardship; and the Library generally acquires only one copy of a work instead of two. In most cases, publishers have responded favorably to the Library's deposit demands and many have established a regular procedure for automatically depositing their works with the Copyright Office. The benefits to the Library of Congress and the U.S. public have proved significant.

(ii) *Limiting demands to works imported in bulk.* The AAP also suggested that the Library might limit its demands to foreign works imported in bulk of 10,000 copies or more. It is not feasible, however, for the Copyright Office to ascertain in the case of each foreign work the number of copies published in the United States. Additionally, many works, particularly scholarly publications which are of great significance to the Library's collections, are intended for a limited market and have small press runs.

(iii) *Dropping the option of referring foreign cases to the Department of Justice.* The Copyright Office has concluded, after careful review, that the current sanctions, particularly the option of referring cases where there has been failure to deposit following the issuance of a demand to the Department of Justice, are necessary to assure compliance with the Copyright Act.

We reiterate, however, our commitment to a sensible and flexible application of section 407. The deposit requirement is intended to be "as flexible as possible so that there will be no obligation to make deposits where it serves no purpose, so that only one copy or phonorecord may be deposited where two are not needed, and so that reasonable adjustments can be made to meet practical needs in special cases." H.R. Rep. 94-1476, 94th Cong., 2d Sess. 151 (1976). Special relief is available to publishers of foreign works in cases of hardship, and the Office is simplifying the request procedure. The Deposits and Acquisitions Division has prepared a form for use in requesting special relief for works published in the United States after first publication abroad. In appropriate cases, special relief may be arranged on an ongoing basis, eliminating the need for frequent written requests.

Demands, moreover, will only be issued where publication is clear: copies which enter the United States only at random or in a very limited way will not knowingly be requested. Demands for foreign works will also be limited to books and other "printed works," including microfiche. Finally, no foreign case has yet been referred to the Department of Justice, and before the first foreign noncompliance case is referred for enforcement of the demand, the case will be reviewed by the General Counsel's Office in consultation with the Register of Copyrights.

(17 U.S.C. 407, 702)

List of Subjects

Copyright, Copyright Office.

Dated: December 13, 1985.

Ralph Oman,

Register of Copyrights.

Approved by:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 86-358 Filed 1-7-86; 8:45 am]

BILLING CODE 1410-01-M

NUCLEAR REGULATORY COMMISSION

Baltimore Gas & Electric Co.; Environmental Assessment and Finding of No Significant Impact

[Docket Nos. 50-317 And 50-318]

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating Licenses DPR-53 and DPR-69 for Calvert Cliffs Units 1 and 2, respectively. The proposed amendments, submitted via applications dated December 22, 1983 and March 26, 1984, as supplemented by letters dated March 21 and August 9, 1985, would change the Technical Specifications (TS) to allow the use of a former hydrogen purge line as an operational containment vent.

Environmental Assessment

Identification of Proposed Action

At the present time, hydrogen purge motor operated valves (MOV)-6900 and 6901 are required to be maintained closed during reactor operation. Baltimore Gas & Electric Company has proposed changes to the TS to allow the unrestricted opening of MOV-6900 and MOV-6901 for the purpose of pressure and airborne radioactivity control inside containment via a former hydrogen purge line.

The Need for the Proposed Action

During normal plant operation, the need exists for containment purge. For example, during startup, the pressure inside containment increases due to the heat-up of the containment atmosphere. This pressure must be relieved to maintain margin to the 4 psi engineered safety features actuation setpoint.

At the present time, the containment atmosphere is purged via the containment sump, directly to the emergency core cooling system (ECCS) pump rooms, as needed. The ECCS pump rooms are serviced by a ventilation system which includes high efficiency particulate and charcoal filters. The issuance of the proposed amendments would allow use of the former hydrogen purge line (MOV-6900 and MOV-6901) and eliminate the need to purge via the ECCS pump room which would improve access to these areas.

Environmental Impact of the Proposed Action

The environmental impact of allowing unrestricted use of MOV-6900 and MOV-6901 for radioactive airborne and pressure control results from consideration of the design basis accident (large break loss-of-coolant accident) initiated when MOV-6900 and MOV-6901 are open to the environment.

The staff has reviewed the radiologic consequences of a hypothetical loss-of-coolant (LOCA) while MOV-6900 and MOV-6901 are open. This evalution was conducted in accordance with the guidance of Branch Technical Position 6-4 of Standard Review Plan (SRP)

Section 6.2.4, SRP Section 15.6.5 and Regulatory Guide 1.4.

The staff evaluation is based on the release of an estimated 569 cubic feet of containment volume prior to post-LOCA closure of MOV-6900 and MOV-6901. The staff conservatively assumed that the fraction of core fission product inventory available for release was 25% for iodine and 100% for the noble gases. The analysis assumed uniform mixing in the containment and used an iodine filter removal efficiency of 95% (high-efficiency particulate and charcoal filters are located downstream of MOV-6900 and MOV-6901 and prior to the environmental release point). Estimated atmospheric diffusion (X/Q) values at the Exclusion Area Boundary (EAB) and Low Population Zone (LPZ) Boundary consistent with a ground level release were used in the dose calculations.

The staff estimates that the volume released through the purge line would result in an incremental dose increase of 42 Rem (a 38% increase) to the thyroid and 4.3 Rem (a 108% increase) to the whole body at the EAB, and 8.6 Rem (a 9% increase) to the thyroid and 0.9 Rem (a 30% increase) to the whole body at the LPZ, when compared to the licensing basis evaluation. The licensing basis calculation contained in the Safety Evaluation Report (SER) dated August 28, 1972 results in 110 Rem thyroid and 4 Rem whole body at the EAB and 80 Rem thyroid and 3.0 Rem whole body at the LPZ when no initial containment purging is assumed. It should be noted that the staff's dose estimates, assuming containment purging, represent an extreme upper bound because the release from the containment was assumed to contain fission products derived from a uniform mixing in the containment atmosphere of the iodines and noble gases specified in TID-14844.

Even though the percentage increase in LOCA doses is not small, the actual total doses are a fraction of the limits of 10 CFR Part 100. In evaluating the impact of the increased LOCA doses, it is important to view these results in light of the low probability of the LOCA. This change does not significantly affect the risk of any dominant accident scenario and the effect on overall risk of accident at this facility is insignificant.

With regard to normal environmental releases, as indicated previously, the existing containment purge capability is via the ECCS pump room atmosphere. The most significant change resulting from use of MOV-6900 and 6901 would be to provide a different purge path rather than a significant change in material released or quantities of these materials. Moreover, the Calvert Cliffs Technical Specifications contain the NRC staff-approved Radiological Effluent Technical Specifications (RETS) for implementation of 10 CFR 50.36a and Appendix I to 10 CFR Part 50 regarding the limiting of radioactive material in effluents to unrestricted areas. The RETS would apply to either present or proposed containment purge path. Therefore, with regard to normal environmental releases, there will be no additional environmental impact resulting from the change in purge path.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the "Final Environmental Statement Relating to Operation of Calvert Cliffs Nuclear Power Plant, Units 1 and 2" dated April 1973.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed amendments.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see (1) the applications for license amendments dated December 22, 1983 and March 26, 1984 and (2) the licensee's supplemental letters dated March 21 and August 9, 1985, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Calvert County Library, Prince Frederick, Maryland.

Dated at Bethesda, Maryland this 31st day of December 1985.

For The Nuclear Regulatory Commission.

Ashok C. Thadani,

Director, PWR Project Directorate #8, Division of PWR Licensing-B.

[FR Doc. 86-403 Filed 1-7-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix E to 10 CFR Part 50 to Florida Power and Light Company (the licensee), for the Turkey Point Plant, Units Nos. 3 and 4, located in Dade County, Florida.

Evironmental Assessment

Identification of Proposed Action

The exemption would permit the extension of the time for performance of the emergency preparedness exercise at the Turkey Point Plant, Units 3 and 4, from November 1985 to January 1986 for the 1985 exercise and permit all subsequent annual exercises to be performed in early part of each calendar year. The proposed action is responsive to the licensee's request for exemption dated September 6, 1985.

The Need for the Proposed Action

10 CFR 50.54(q) requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of § 50.47(b) and the requirements of Appendix E to CFR Part 50. Section IV.F of Appendix E requires each licensee to conduct emergency preparedness exercises at each site at least annually.

Exercises for the Turkey Point Plant were conducted in the fall time period during the years of 1975 through 1981. Under the upgraded emergency planning regulation, the first full scale exercise of State and local plans for the Turkey Point Plant was in March 1982 and the last full scale local exercise with participation of all major State agencies was conducted in November 1984. The licensee has requested that all subsequent annual exercises be performed in the early part of each calendar year to avoid conflict with the summer hurricane season which impacts the emergency organizations of Dade and Monroe Counties which participate in the annual Turkey Point exercises. In addition, the State of Florida emergency preparedness program will benefit by a more even distribution of its exercise related work. Because of deferral of the next full scale exercise until January 1986 would extend the period between full scale exercises to more than a year, the licensee requested an exemption from the annual exercise requirement of 10 CFR Part 50, Appendix E.

Environmental Impacts of the Proposed Action

The proposed exemption affects only scheduling of the annual emergency preparedness exercise and does not affect the risk of facility accidents. Thus, post-accident radiological releases will not differ from those determined previously, and the proposed exemption does not otherwise affect facility radiological effluents, or any significant

occupational exposures. Likewise, the exemption does not affect facility nonradiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or nonradiological environmental impacts associated with the proposed exemption.

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption, any alternatives either will have no environmental impact or will have a greater environmental impact. The principal alternative to the exemption would be to require literal compliance with Section IV.F of Appendix E to 10 CFR Part 50. Such an action would not enhance the protection of the environment and could result in unnecessary conflicts with the summer hurricane season in Florida and other exercise related work of the local and State participating agencies.

Alternative Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement (operating licenses) for the Turkey Point Plant, Unit Nos. 3 and 4.

Agencies and Persons Consulted

The NRC and Federal Emergency Management Agency (FEMA) concluded that during the most recent exercise, implementation of onsite and offsite emergency plans was adequate to protect the health and safety of the public. The NRC staff did not consult with any other agencies of persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the qualify of the human environment. The Commission has, therefore, determined not to prepare an environmental impact statement of the proposed exemption.

For further details with respect to this action, see the application for exemption dated September 6, 1985, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Dated at Bethesda, Maryland, this 24th day of December, 1985.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Acting Director, Division of PWR Licensing-A, Office of Nuclear Reactor Regulation.

[FR Doc. 86-404 Filed 1-7-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-206/213/289/305]

GPU Nuclear Corp. et al.; Issuance of Directors' Decision Under 10 CFR 2.206

In the Matter of GPU Nuclear Corp. (Three Mile Island Unit 1), Wisconsin Public Service Corporation (Kewaunee), Southern California Edison Company (San Onofre Unit 1), Connecticut Yankee Power Company (Haddam Neck)

The Office of Nuclear Reactor Regulation has considered pursuant to 10 CFR 2.206 alleged equipment qualification deficiencies at specific plants identified in the "Union of Concerned Scientists' Comments on Proposed Rule" filed with the Commission by the Union of Concerned Scientists (Petitioner) on May 23, 1984. The Petitioner included as a concern that specific items of electrical equipment for certain facilities had not been found environmentally qualified in Technical Evaluation Reports prepared by the Franklin Research Center for the NRC in 1982 and 1983.

Upon review of the information pertaining to these items and the information provided by the Petitioner, the Director of the Office of Nuclear Reactor Regulation has determined that the concerns identified by the Petitioner have been adequately addressed. The reasons for the Director's conclusions are contained in the "Director's Decision Under 10 CFR 2.206" (DD-85-20), which is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Local Public Document Rooms for the above listed facilities located at: Kewaunee—University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301; San Onofre-San Clemente Public Library, 242 Del Mar, San Clemente, California 92672; Haddam Neck—Russell Library, 123 Broad Street, Middletown, Connecticut 06547; and Three Mile Island—Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

A copy of the Decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). As provided in this regulation, the Decision will become the final action of the Commission twenty-five (25) days after issuance, unless the Commission on its own motion institutes review of the Decision within that time.

Dated at Bethesda, Maryland, this 23rd day of December, 1985.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 86-402 Filed 1-7-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Company et al., Millstone Nuclear Power Station, Unit No. 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Operating License No. DPR-65 to Northeast Nuclear Energy Company, et al., (the licensee) for Millstone Unit No. 2 located in Waterford, Connecticut.

Identification of Proposed Action

The amendment would consist of changes to the operating license and Technical Specifications (TS) and would authorize an increase of the storage capacity of the spent fuel pool (SFP) from 667 fuel assemblies to 1112 fuel assemblies with enrichments no greater than 4.5 weight percent U-235.

The amendment to the TS is responsive to the licensee's application dated July 24, 1985. the NRC staff has prepared an Environmental Assessment of the proposed action, "Environmental Assessment By the Office of Nuclear Reactor Regulation Relating to the Modification of the Spent Fuel Storage Pool, Operating License No. DPR-65, Northeast Nuclear Energy Company, et al., Millstone Unit No. 2, Docket No. 50-336" dated December 16, 1985.

Summary of Environmental Assessment

The final Generic Environmental Impact Statement (FGEIS) on Handling and Storage of Spent Light Water Power Reactor Fuel (NUREG-0575) concluded that the environmental impact of interim storage of spent fuel was negligible and the cost of the various alternatives reflects the advantage of continued generation of nuclear power with the accompanying spent fuel storage. because of the differences in SFP designs, the FGEIS recommended licensing SFP expansio of a case-by-case basis.

For Millstone Unit 2, the expansion of the storage capacity of the SFP will not create any significant additional radiological effects or measurable non-radiological environmental impacts. The additional total body dose that might be received by an individual at the site boundary is less than 0.1 millrem per year; the estimated dose to the population within an 80 kilometer radius of the plant is estimated to be less than 0.1 person-rem per year. These doses are small compared to the fluctuations in the annual dose this population receives from exposure to the background radiation. The total occupational exposure for the reracking and the additional occupational exposure for the subsequent operation of the modified SFP is less than 2% of the average annual occupational dose of 500 person-rems for all plant operations of Millstone Unit 2. Therefore, the staff concludes that the exposure to worker is as low as is reasonably achievable (ALARA) and is acceptable.

Finding of No Significant Impact

The staff has reviewed this proposed facility modification relative to the requirements set forth in 10 CFR Part 51. Based upon the environmental assessment, the staff concluded that there are no significant radiological or non-radiological impacts associated with the proposed action and that the proposed license amendment will not have a significant effect on the quality of the human environment. Therefore, the Commission has determined, pursuant to 10 CFR 51.31, not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see (1) the application for amendment to the Technical Specifications dated July 24, 1985 (2) the FGEIS on Handling and Storage of Spent Light Water Power Reactor Fuel (NUREG-0575), (3) the Final Environmental Statement for Millstone 2 issued June 1973, and (4) the Environmental Assessment dated December 16, 1985. These documents are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, DC, 20555 and at the Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut.

Dated at Bethesda, Maryland, this December 16, 1985.

For the Nuclear Regulatory Commission.

Ashok C. Thadani,

Director, PWR Project Directorate #8, Division of PWR Licensing-B.

[FR Doc. 86-405 Filed 1-7-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District (Rancho Seco Nuclear Generating Station); Exemption

I

Sacramento Municipal Utility District (the licensee) is the holder of Facility Operating License No. DPR-54 which authorizes the operation of the Rancho Seco Nuclear Generating Station (the facility) at steady-state power levels not in excess of 2772 megawatts thermal. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility is a pressurized water reactor (PWR) located at the licensee's site in Sacramento County, California.

II

On December 2, 1981, the Commission published a revised section 10 CFR 50.44, "Standards for Combustible Gas Control System in Light-Water-Cooled Power Reactors" (46 FR 58484). Section 10 CFR 50.44(c)(3)(iii) of the regulation requires:

"To provide improved operational capability to maintain adequate core cooling following an accident, by the end of the first scheduled outage beginning after July 1, 1982, and of sufficient duration to permit required modifications, each light-water nuclear power reactor shall be provided with high point vents for the reactor coolant system, for the reactor vessel head, and for other systems required to maintain adequate core cooling if the accumulation of noncondensible gases would cause the loss of function of these systems."

By letter dated July 2, 1982, the licensee requested an exemption from the requirement of 10 CFR 50.44(c)(3)(iii) to install a reactor vesselhead vent. The basis for the request was a proposed alternate technique for venting noncondensible gases from the reactor vessel head. The alternate technique involved the use of high point vents at the top of the hot leg U-bends as a means to vent noncondensible gases from the reactor vessel.

On July 25, 1983, the Commission issued an interim exemption to defer the implementation date for installation of a reactor vessel head vent until December 31, 1985. At that time, the Commission ws unable to condlude that noncondensible gases could be safely vented by the hot leg high point vents alone. The primary reason for the Commission's conclusion was the lack of integral system test data which would demonstrate the feasibility of the proposed venting procedure. The interim exemption was granted in order to allow the licensee to perform the necessary integral system testing.

On April 12, 1985, the licensee provided the results of testing performed in the Once-Through Integral System (OTIS) test facility which was performed to demonstrate that a reactor vessel head vent is not necessary to ensure adequate core cooling in the presence of significant quantities of noncondensible gases. Based upon these test results, the licensee requisted a permanent exemption from the requirement to install a reactor vessel head vent.

III

The OTIS facility is an experimental test facility at Babcock & Wilcox's (B&W's) Alliance Research Center in Alliance, Ohio. The OTIS facility was designed to evaluate the thermal/hydraulic conditions in the reactor coolant system and steam generator of a raised-loop B&W reactor, during the natural circulation phases of a small-break Loss of Coolant Accident (LOCA). The OTIS facility is a portion of the Integral Systems Test Program sponsored by the Commission, EPRI, B&W Owners Group and B&W.

The Commission has reviewed the OTIS test results and the licensee's proposed procedures and found that:

—The hot leg vent can be used to remove noncondensible gases from the reactor vessel head during a plant cooldown and depressurization without interrupting natural circulation.

—Even if noncondensible gases in the reactor vessel head expanded into the hol leg U-bend and interrupted natural circulation, feed-and-bleed cooling can be used to assure core cooling. In addition, opening of the hot leg vent will also allow the restoration of natural circulation.

—Venting procedures have been developed to limit gas expansion rates from the reactor vessel head in order to ensure that natural circulation is continuously maintained during a plant cooldown.

—Procedures would specify initiation of feed-and-bleed cooling of the core, should natural circulation become interrupted, while attempting to recover natural circulation by leaving the hot leg vents open.

—The reactor vessel head gas bubble which would remain following plant cooldown to actuation of the decay heat removal system will not interfere with core cooling. The licensee has developed various means to remove this gas bubble in the long term.

—The OTIS tests were performed in a manner which assures that the results bound the expected Rancho Seco plant performance.

Based on the above discussion, we conclude that an exemption to 10 CFR 50.4(c)(3)(iii) can be granted. Details of the review may be found in the Commission's related Safety Evaluation dated December 24, 1985, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Sacramento City-County Library, 828 I Street, Sacramento, California.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR Part 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and hereby grants an exemption with respect to the requirements of 10 CFR 50.44(c)(3)(iii), as follows:

The licensee is not required to install a reactor vessel head vent at the Rancho Seco Nuclear Generating Station.

Pursuant to 10 CFR 51.32, for the reasons stated in the Environmental Assessment and Finding of No Significant Impact, published in the **Federal Register** on December 17, 1985, 50 FR 51492, the Commission has determined that the issuance of the exemption will have no significant impact on the environment.

This exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 24th day of December 1985.

For the Nuclear Regulatory Commission.

Frank Schroeder,

Deputy Director, Division of PWR Licensing-B, Office of Nuclear Reactor Regulation.

[FR Doc. 86-217 Filed 1-7-86; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Change in Telephone Numbers

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: *Notice of change in telephone numbers.*

SUMMARY: This notice advises the public that the telephone numbers to be called in order to obtain information about regulations of the Pension Benefit Guaranty Corporation have been changed. The old numbers have been replaced by a single number for obtaining information on published regulations, notices, and the PBGC's semiannual agenda of regulations under development. The new telephone number is 202-956-5050, effective immediately. Hearing impaired persons may telephone 202-956-5059. (Persons with inquiries not relating to regulations or other **Federal Register** notices may call 202-956-5000). These are not toll-free numbers. This notice is needed to enable interested parties to reach the appropriate PBGC persons with questions on proposed and final regulations and on other notices.

EFFECTIVE DATE: The new telephone number is effective January 8, 1986.

FOR FURTHER INFORMATION CONTACT: Renae R. Hubbard, Special Counsel, Corporate Policy and Regulations Department, Code 35100, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, 202-956-5050 (202-956-5059 for TTY and TDD). These are not toll-free numbers.

Issued at Washington, DC, this 3rd day of January 1986.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 86-377 Filed 1-7-86; 8:45 am]

BILLING CODE 7708-01-M

POSTAL RATE COMMISSION

[Docket No. MC86-2]

Third-Class Preparation Requirements, 1986; Postal Service's Filing of Proposed Changes in Third-Class Preparation Requirements and Order Designating Officer of the Commission and Fixing Procedural Dates

Before Commissioners: Janet D. Steiger, Chairman; Henry R. Folsom, Vice Chairman; John W. Crutcher; Bonnie Guiton; Patti Birge Tyson.

Issued January 2, 1986.

Notice is hereby given that on December 26, 1985, the United States Postal Service, pursuant to section 3623 of title 39, United States Code, filed a request with the Postal Rate Commission for a Recommended Decision on proposed changes to the Domestic Mail Classification Schedule eliminating the requirement that bulk third-class five-digit presort mail be prepared so as to avoid handling of individual packages until they reach the five-digit ZIP code delivery unit, DMCS § 300.0231, 39 CFR 3001.68, Appendix A.[1] This filing has been designated Docket No. MC85-2.

The proposal was accompanied by the filing of Library Reference, LR-TCMPR-1 and the Direct Testimony of William A. Campbell in support of the proposal.

Motions for waiver of Rules 64(b)(3) and 64(c). Simultaneously with the filing of the case, the Postal Service filed a Motion for Waiver of Sections 64(b)(3) and 64(c) of the Commission's rules of practices. [39 CFR 3001.64 (b)(3) and (c)]. Section 64(b)(3) requires the Postal Service to file a statement "identifying the degree of substitutability between various classes and subclasses" including a description of cross-elasticity of demand between various classes of mail. Section 64(c) requires the Postal Service to provide information concerning the characteristics of mailers and the items they mail by class and subclass.

The Postal Service says that it should be granted a waiver because the proposed changes will not significantly affect costs or revenues nor significantly change the amount of mail eligible for five-digit presort rates. The Postal Service also asserts that because the proposed change is limited to the five-digit presort rate category of the bulk third-class mail subclass other subclasses and classes of mail will not be affected. The Postal Service says that the proposal will not affect the character of bulk third-class mail and states "the change proposed would itself not change how mailers prepare bulk third-class five-digit presort mail for mailing". The Postal Service submits its proposal will increase management flexibility and that there is no need for the information called for by section 64 (b)(3) and (c) because such information would not be useful in the consideration of its proposal.

Persons who wish to address the Postal Service's motion should file their answers on or before January 27, 1986.

The request of the Postal Service for a recommended decision on establishing changes to the Domestic Classification Schedule and the motion for waiver of certain filing provisions of the Commission's rules of practice and procedure are on file with the Commission and are available for public inspection during regular business hours.

Intervention. Any person desiring to be heard with reference to the proposal submitted by the Postal Service in Docket No. MC86-2 and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a notice of intervention. Notices of intervention must be filed

[1] The specific changes to the Domestic Mail Classification Schedule are set out in legislative format in Attachment A of the Postal Service's Request.

with the Secretary, Postal Rate Commission, Washington, DC 20268-0001 on or before January 27, 1986, and must be in accordance with section 20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to section 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not the petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in the hearing.[2] Alternatively, persons seeking limited participation, but who do not wish to become parties may, on or before January 27, 1986, file a written notice of limited participation, pursuant to section 20a of the Commission's rules of practice (39 CFR 3001.20a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participants, may file comments pursuant to section 20b of the Commission's rules, 39 CFR 3001.20b.

Office of the Commission. The Officer of the Commission charged with representing the interests of the general public in this docket [39 U.S.C. 3624(a)] is Stephen A. Gold, Director, Office of the Consumer Advocate. During this proceeding, he will direct the activities of the Commission personnel assigned to assist him and neither he nor such personnel assigned to assist him and neither he nor such personnel will participate in nor advise as to any Commission decision (39 CFR 3001.8). The Officer of the Commission shall supply for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case.

In this case of Officer of the Commission shall be separately served with three copies of all filings, in addition to and simultaneously with service on the Commission of the 25 copies required by section 10(c) of the rules of practice [39 CFR 3001.10(c)].

The Commission orders:

(A) Notices of intervention as a full or limited participator in this docket shall be sent to Charles L. Clapp, Secretary, Postal Rate Commission, 1333 H Street NW., Suite 300, Washington, DC 20268-0001, on or before January 27, 1986.

(B) Responses to the Postal Service's motion for waiver of sections 64(b)(3) and 64(c) of the rules of practice shall be due on or before January 27, 1986.

(C) Stephen A. Gold is designated Officer of the Commission to represent the interests of the general public in this proceeding. Service of documents on the Commission shall not constitute service on the Officer of the Commission, who shall separately be served three copies of all documents.

(D) The Secretary shall cause this Notice and Order to be published in the **Federal Register.**

By the Commission.

Charles L. Clapp,

Secretary.

[FR Doc. 86-330 Filed 1-7-86; 8:45 am]

BILLING CODE 7715-01-M

[2] In this regard, parties who intend to participate actively in this proceeding are encouraged to inform the Postal Service informally and promptly of desired preliminary clarifications of the Postal Service's presentation wherever the participant believes such clarification will expedite this proceeding.

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs, Washington, DC 20549

Extension

Rule 13e-4

File No. 270-190

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 13e-4 under the Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) which requires the filing of a Schedule 13E-4 with respect to an issurer tender offer. The potential affected respondents are issuers who commence tender offers for their own stock.

Submit comments to OMB Desk Officer: Ms Sheri Fox, (202) 395-3785, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, DC 20503.

Dated: December 31, 1985.

John Wheeler,

Secretary.

[FR Doc. 86-324 Filed 1-7-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Inc.

December 31, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Compaq Computer Corp.
  Common Stock, $.01 Par Value (File No. 7-8733)

Family Dollar Stores
  Common Stock, $.10 Par Value (File No. 7-8731)

Legg Mason, Inc.
  Common Stock, $.10 Par Value (File No. 7-8732)

Iowa Electric Light & Power Co.
  Common Stock, $2.50 Par Value (File No. 7-8733)

SCOA Industries, Inc.
  Common Stock, $1.00 Par Value (File No. 7-8734)

Federal Paper Board, Inc.
  Convertible Exchangeable Preferred (File No. 7-8735)

Milton Roy Co.
  Common Stock, $1 Par Value (File No. 7-8736)

Xerox Corp.
  $5.45 Cumulative Preferred $1 Par Value (File No. 7-8737)

Temple Inland, Inc.
  Common Stock, $1 Par Value (File No. 7-8738)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 21, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should filed three copies thereof with the Secretary of the Securities and Exhange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-342 Filed 1-7-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22759; File No. SR-BSE-85-10]

Self-Regulatory Organizations; Proposed Rule Change by Boston Stock Exchange, Inc. Relating to Amendments in Chapter XIV and Chapter XXII of the Boston Stock Exchange Rules

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 19, 1985 the Boston Stock Exchange, Incorporated ("BSE") filed with the Securities and Exchange Commission the proposed changes as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CHAPTER XIV

INDEPENDENT FLOOR BROKERS

Registration

(a) A member or member-organization may be registered as an Independent Floor Broker upon application to and with the consent of the Exchange. Such registration provides for the execution of orders on behalf of the following:

1. The Independent Floor Broker's public customers;

2. Other members on the floor (non-dealer-specialist activity);

3. Members of the Exchange who do not have their Exchange member on the floor.

(b) An Exchange member who desires to be registered to act as an Independent Floor broker must:

1. Establish and maintain on deposit with the Exchange at all times no less than $25,000 in cash or securities, or such greater amounts, as determined by the Market Performance Committee;

2. Pass the Exchange-administered Floor Member Examination.

Account Limitation

(c) No Independent Floor Broker shall initiate transactions while on the Floor, for an account in which he has an interest unless such member is registered as a Dealer-Specialist with the Exchange and unless the Exchange has approved of his so acting as a dealer-specialist and has not suspended or withdrawn such approval.

* * * * *

CHAPTER XXII

Capital Requirements (Excerpt)

* * * * *

(b) A member or member-organization using the facilities of the Boston Stock Exchange Clearing Corporation doing business as a floor broker (other than a floor broker whose other securities activity is as a registered specialist or doing business with the public) shall at all times maintain on deposit with the Exchange a liquidating equity of $25,000.

Current sections (b) through (i) shall be identified as (c) through (j).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements governing the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose and Statutory Basis for, the Proposed Rule Change

(a) The purpose of the proposed rule change is to eliminate a potentially restrictive practice and encourage orderflow by providing an opportunity for members to develop a commission business not in conjunction with performing the duties and obligations of a Dealer-Specialist.

(b) The statutory basis for the proposed Rule change is section 6(b)(5) of the Securities Exchange Act of 1934, as amended

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Boston Stock Exchange does not believe that the proposed change will have an adverse impact upon competition. The proposed measures are designed to enhance competition and attract more orderflow by providing an opportunity for members to develop a commission business.

(C) Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others

On April 26, 1984 the Board of Governors of the BSE chartered the Special Committee on Specialists, chaired by William F. Devin. The Committee was charged with reviewing and evaluating the specialist system at the BSE and with making recommendations to strengthen that system. During the succeeding months comments were solicited from all members of the BSE as well as from a broad spectrum of the brokerage community. These comments were solicited through questionnairies, personal interviews and general requests for comment. The changes proposed by this filing represent conclusions reached by the Committee after consideration of the comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 29, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretray.

January 2, 1986.

[FR Doc. 86-333 Filed 1-7-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22746; File No. SR-CBOE-85-46]

Self Regulatory Organizations; Proposed Rule Change by the Chicago Board Options Exchange, Inc.; Relating to Filing Fees in Arbitration of Member Controversies and the Award of Damages for Knowing and Purposeful Failure To Pay for Floor Brokerage Services

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 12, 1985, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of the Proposed Rule Change

Additions are italicized; deletions are bracketed,

Part 1

Procedure in Member Controversies

Rule 18.2 No change.

(a)-(b) No change.

(c) The minimum filing deposit and fee shall be $75.00. If the claim would require a higher filing deposit and fee under Rule 18.33, then the higher amount shall be required. In the event that a matter is resolved prior to the hearing, a minimum of $50.00 of the filing deposit will be retained by the Exchange.

(d) Additional provisions relating to member controversies are set forth beginning at Rule 18.34.

[(c)] *(e)* No change.

Payment for Floor Brokerage Services

Rule 18.34. In any arbitration between parties who are members or persons associated with a member concerning the alleged failure to pay for floor brokerage services, Chapter XVIII shall be supplemented by the following provisions:

a. In order to commence such a proceeding, the claimant shall include with his statement of claim the following: (1) copies of billing copies of order tickets relating to the unpaid brokerage; (2) copies of monthly bills reflecting the unpaid brokerage; (3) copies of evidence reflecting the claimant's post-billing efforts to collect the unpaid brokerage; and (4), a certification of any efforts, not reflected in writing, made to collect the unpaid brokerage.

b. If the arbitrators find that the respondent knowingly and purposefully failed to pay for floor brokerage services, and such failure was without sufficient justification or excuse, then the arbitrators have the authority to award up to two times the amount of the brokerage bill, in addition to whatever determinations the arbitrators may ordinarily make concerning arbitration fees, interest, and attorney's fees or other expenses.

Part 2

ARBITRATION COMMITTEE

Rule 2.8. The Arbitration Committee shall consist of at least nine persons who are *past or present* members of the Exchange, *or persons associated with or officers of member organizations* [or persons registered as Option Principals under Rule 9.2], none of whom shall be a director of the Exchange or The Clearing Corporation. [In addition, the President] *The Director of Arbitration or his designee* shall from time to time appoint a panel or panels of non-member arbitrators consisting of persons who are not engaged in the securities or commodities business.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

Part 1

There are two revisions to Rule 18.2. New subpart (c) sets a minimum fee for member to member arbitrations, to assure that members make legitimate efforts to resolve disputes before turning to arbitration. Thus, the proposed rule would raise the minimum filing fee in a member to member dispute to $75 and retention of minimum of $50.00. New subpart (d) simply cross-references other member-to-member rules, including new Rule 18.34.

New Rule 18.34 is an addition to the rules of arbitration set forth in Chapter XVIII of the Exchange rules. the genesis of the rule is reports from numerous floor brokers that there are a small number of members who regularly do not pay small bills for floor brokerage services, secure in the knowledge that floor brokers often will not force payment because the cost of pursuing a remedy through arbitration exceeds the amount of the bill. In order to provide an incentive for the payment of legitimate bills this rule change would permit arbitrators to award damages up to twice the amount of the brokerage bill if they believe the respondent purposely failed to pay a bill and such failure was without justification or excuse. To assure that floor brokers make legitimate efforts to collect floor brokerage before resorting to arbitration, there is also a requirement of showing pre-arbitration efforts to collect the brokerage.

This portion of the proposed rule change provides a fair, balanced procedure for bringing to arbitration disputes involving payment for floor brokerage services, and is consistent with the provisions of the Securities Exchange Act of 1934.

Part 2

This portion of the rule change expands the categories of persons eligible to serve as members of the Exchange's arbitration committee. The rule change also permits the Director of Arbitration to appoint panels of non-member arbitrators.

The first change expands the categories of eligible industry arbitrators. The arbitration committee believes that the current, narrower categories have kept good industry arbitrators from serving as such. The revised rule is similar to the current New York Stock Exchange rule.

The second portion of the rule change clarifies the authority of the Director of Arbitration to appoint non-industry arbitrators. Rule 2.8 in its present form fails to reflect the authority given the Director of Arbitration by rule 18.10.

The statutory basis for this portion of the proposed rule change is Section 6(b)(5) of the Securities Exchange Act, in that the rule change is designed to expand the available classes of eligible persons to arbitrate controversies and to allow greater flexibility in selection of non-industry abritrators, both of which

modifications are designed to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposal rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 29, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 30, 1985.

John Wheeler,

Secretary.

[FR Doc. 86-334 Filed 1-7-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Application for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange

December 31, 1985.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stock:

Intelogic Trace, Inc.
Common Stock, $.01 Par Value (File No. 7-8724)

This security is registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 21, 1986, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such applications is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-343 Filed 1-7-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22750; File No. SR-NASD-85-36]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Modification of the Computer Assisted Execution System

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 23, 1985, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The following is the full text of a rule change by the National Association of Securities Dealers, Inc. relating to modification of the facilities description of the Computer Assisted Execution System ("CAES") for transaction in listed and NASDAQ/NMS securities approved by the Commission in SR-NASD-81-1.

The National Association of Securities Dealers, Inc. ("NASD") has filed as a stated policy, practice or interpretation, certain modifications to the operation of the CAES system, which have been developed for implementation by NASD Market Services, Inc., to permit the automatic execution of round lot and mixed lot agency orders at the prevailing inside market. The term agency order used herein shall include, in addition to a customer agency order, an order entered in CAES on a principal basis by a member that is not a market maker in the security where the member has contemporaneously received an order from a customer and executes the transaction on a riskless principal basis. The calculation of the inside market for listed securities shall include all exchange quotations in such securities. Such inside market shall consist of at least two open, active, two-sided quotations.

Henceforth, the system will process only designated agency market orders, designated agency limit orders, undesignated agency market orders and undersignated agency limit orders for automatic execution at the inside bid (for sell orders) and inside ask (for buy orders). This change will not, however, affect the current operating characteristics and procedures of the ITS/CAES linkage which remains unchanged.

A designated market order for 1000 shares or less will be executed against the designated CAES market maker at the existing inside market whenever the market maker's size in CAES is greater than zero. Where a designated order for more than 1000 shares is received by CAES, and the designated market maker's quote is equal to the inside, the order shall be automatically executed up to the size displayed by the market maker and the balance of the order shall

be priced at the inside and forwarded to the market maker for acceptance within 90 seconds.

If there is no current inside market the designated order, regardless of size, will be forwarded to the market maker with a notation that a price is required. If there is an inside market, but the market maker's size is zero the designated order will be priced at the inside and forwarded to the market maker for acceptance within 90 seconds.

A designated limit order for 1000 shares or less will be executed against the designated market maker at the inside, unless there is no current inside market, the market makers size is zero or the inside is inferior to the limit price, whereupon the order shall be priced at the limit and forwarded to the designated market maker for acceptance as a day order. A designated limit order in excess of 1000 shares shall be processed in the same manner as an order for 1000 shares except that where a portion of the order has been automatically executed at the inside, up to the size displayed by the CAES market maker, the balance of the order shall be priced at the limit and forwarded to the market maker for execution as a day order, and where specialized execution instructions accompany the order, i.e. All or None or Fill or Kill, the entire order will be priced at the limit and forwarded to the market maker for acceptance within the time frame applicable to such qualified orders.

An undesignated market order for up to 1000 shares will be automatically executed against an eligible CAES market maker at the inside market for that security. A market maker shall be eligible for receipt and automatic execution of an order at the inside market if his displayed size remains greater than zero. If an execution reduces a market maker's displayed size to zero additional orders received in CAES will be executed at the inside market against the next eligible market maker in rotation priority within CAES until the size displayed by each of the succeeding market makers is exhausted. When the size of all eligible market makers has been exhausted, orders will be priced at the inside quote and forwarded to all CAES market makers in the security. If there is no inside market at the time the order is received in CAES, the order will be forwarded to all CAES market makers in the security with an appropriate notation indicating that the market maker may price and accept the order within 90 seconds.

An undesignated market order in excess of 1000 shares will be executed against market makers up to their displayed size or against succeeding market makers up to their displayed size, so long as the CAES market maker's quote is equal to the inside market. If no CAES market maker is at the inside quote, the order shall be priced at the inside and forwarded to all CAES market makers in the security for acceptance. If there is no inside market the entire order will be forwarded to the CAES market makers with a notation indicating that a price and acceptance is required within 90 seconds. Similarly if a qualified order is received by CAES, i.e. All or None, the entire order will be priced at the inside and forwarded to all CAES market makers.

An undesignated limit order of 1000 shares or less will be automatically executed against the next eligible CAES market maker with size greater than zero if the inside market is equal to or better than the limit price. If there is no inside market, if there is no CAES market maker with size greater than zero, or if the inside market is inferior to the limit price, the order shall be priced at the limit and forwarded to all CAES market makers in the security for acceptance as a day order.

An undesignated limit order in excess of 1000 shares shall be executed against market makers up to their displayed size or against succeeding market makers up to their displayed size, so long as the CAES market maker quote is equal to the inside market. The balance, if any, shall be priced at the limit and forwarded to all CAES market makers in the security for acceptance. If no CAES market maker is at the inside market, if that market is inferior to the limit price, or if there is no inside market then the entire order will be priced at the limit and forwarded to all CAES market makers in that security for acceptance as a day order. If the limit order is qualified, i.e. All or None, Fill or Kill, and the total size available from CAES market makers is less than the size of the order, the entire order will be placed at the limit and forwarded to all CAES market makers for acceptance.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the development and implementation of this modification to CAES is to improve the efficiency of execution of transactions in listed and NASDAQ/NMS securities through the use of new data processing and communication techniques. Transactions automatically executed through CAES are presently effected at the best current quotation of a CAES market maker, which may be inferior to the inside market. This modification will ensure that transactions executed through CAES will be effected only at the prevailing inside market for any securities in CAES.

The statutory basis for the development and implementation of CAES is found in section 11A(a)(1)(B) and in (C)(i), 15A(b)(6), and 17(A)(a)(1)(B) and in (C) of the Securities Exchange Act of 1934 ("Act"). Section 11A(a)(1)(B) and (C)(i) sets forth a Congressional goal of achieving more efficient and effective market operations and the economically efficient execution of transactions through new data processing and communication techniques. Section 15A(b)(6) requires that the rules of the Association be designed "to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect a mechanism of a free and open market." Section 17(A)(a)(1) (B) and (C) sets forth a Congressional goal of reducing cost involved in the clearance and settlement process through new data processing and communication techniques. The Association believes that the modification of CAES will further these ends by providing an enhanced mechanism for the efficient and economic execution and clearance of transactions in both listed and NASDAQ/NMS securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

CAES is a service to which participants subscribe on a voluntary basis and as such the Association believes the modification imposes no burden on competition. To the extent that any burden on competition may be found to exist, the Association believes that the benefit of increased efficiency of CAES together with the protection of

the investing public provided by a guarantee that transactions will be effected in CAES only at the best price displayed by any market maker or market center will outweigh any potential burden upon competition and materially advance the purposes to be served under the foregoing Sections of the Act.

C. Self-Regulatory Organization's Statement on Comments On the Proposed Rule Changes Received From Members, Participants, or Others

Comments were neither solicited nor received in connection with the enhancement to the CAES system.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period as the Commission may designate up to 120 days of such date if it finds such longer periods to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

The Commission requests comment on this proposed rule change. The Commission notes that the proposed rule change by further automating executions in CAES, reduces the potential for CAES executions that constitute trade-throughs of another market's quote (*i.e.* executions at a price inferior to another market's published quotation). At the same time, however, the proposed rule change would provide for automated executions in listed stocks traded in CAES at the inside market without providing market makers the ability to improve the price received by customers, by executing a customer order between the inside market quote. The Commission notes that, with the exception of the Philadelphia Stock Exchange, Inc's PACE System, all automated execution exchange systems provide at least a fifteen second exposure period to enable the exchange specialist to improve the customer execution price. The Commission requests comment on the appropriateness of the proposed operation of the CAES system to the extent that it does not provide market makers the ability to improve the execution price in customer transactions.

Interested persons are invited to submit written comments concerning the foregoing. Persons making written submissions should file six copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, and all related items, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR-NASD-85-36 and should be submitted by January 29, 1986.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

December 31, 1985.

[FR Doc. 86-335 Filed 1-7-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22761; File No. SR-NASD-85-37]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to the Reporting of Aggregate Short Positions in NASDAQ Securities

Pursuant to section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78(b)(1), notice is hereby given that on December 30, 1985, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Proposed new Article III, section 41 of the NASD's Rules of Fair Practice will require NASD members to maintain a record of aggreate "short" positions in NASDAQ securities in all customer and properietary firm accounts and to report such information to the NASD on a monthly basis. Reports shall be made as of the close on the settlement date falling on the 15th of each month, or, where the 15th is a non-settlement date, on the preceding settlement date. Reports shall be submitted as soon as possible but not later than noon on the second day after the reporting settlement date

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule change

In its filing with the Commission, the self-regulatory oranization included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified in Item IV, below. The self-regulatory organization had prepared summaries, set forth in sections (A), (B) and (C), below of the the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

At its November 1985 meeting, the NASD's board of governors called for an extensive study of short sale activity in the over-the-counter market to serve as a basis for further policy decisions regarding the possible need for additional regulation of short sale practices. Current information regarding the extent of short sale activity on the part of NASD members and their customers is essential to such a study. Accordingly, the Board approved a proposed new rule, Article III, section 41 of the NASD's Rules of Fair Practice, which will require NASD members to maintain a reocrd of aggregate "short" positions in NASDAQ scurities in all customer and properietary firm accounts and to report such information to the NASD on a monthly basis. Members' reports of aggregate "short" positions will not be disseminated publicly, but will be utilized only for internal NASD purposes in connection with the NASD's short sale study.

The proposed new rule is consistent with seciton 15A(b)(6) of the Securities Exhange Act of 1934, which requires the rules of a registered securities association to promote just and equitable principles of trade, prevent fraudulent and mainpulative practices, and protect investors and the public interest.

B. Self-Regulatory Organization's Statement of Burden on Competition

The NASD does not anticipate that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (1) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 29, 1986.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

January 2, 1986.

[FR Doc. 86-336 Filed 1-7-86; 8:45]

BILLING CODE 8010-01-M

[Release No. 34-22741; File No. SR-NYSE-85-11]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the New York Stock Exchange, Inc., Relating to Amendments to NYSE Rule 304A

The New York Stock Exchange, Inc. ("NYSE") submitted on April 1, 1985, copies of a proposed rule change (SR-NYSE-85-11) pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and rule 19b-4 thereunder, to establish an interpretation to Rule 304A ("Member and Allied Member Examination Requirements") requiring allied members to satisfy the examination requirement under this rule by passing an examination acceptable to the Exchange pertaining to the applicant's specific job responsibilities, unless the Exchange determines that a waiver of the examination is appropriate. Under the proposal, a waiver may be deemed appropriate in light of an applicant's prior educational and employment background and any prior examinations he or she already has passed. Further, the NYSE must be notified of any change in an allied member's job responsibilities to determine whether the change in duties warrants the member's taking an additional examination pertaining to the new duties.[1]

Notice of the proposed rule change together with the terms of substance of the proposal was given by the issuance of a Commission release (Securities Exchange Act Release No. 21971, April 22, 1985) and by publication in the **Federal Register** (50 FR 18757, May 2, 1985). No comments were received regarding the proposal.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 24, 1985.

John Wheeler,

Secretary.

[FR Doc. 86-337 Filed 1-7-86; 8:45 am]

BILLING CODE 8010-01-M

[1] On November 25, 1985, the NYSE submitted to the Commission Amendment No. 1 to the proposed rule in response to a discussion with Commission staff on June 20, 1985. The amendment clarifies that, as a general rule, allied members will be required to pass an examination pertaining to his or her specific duties unless a waiver of the examination requirement is deemed appropriate by the NYSE. Further, the amendment provides that the Exchange must be given "prompt notice" of "any change" in an allied member's duties so as to determine whether any additional examination is necessary. In addition, the amended proposal provides for three additional examinations that would be available for allied members acting as a supervisor or principal.

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

December 31, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Adobe Resources Corporation
  Common Stock, $.01 Par Value (File No. 7-8725)
Hasbro, Inc.
  Common Stock, $.50 Par Value (File No. 7-8726)
Lionel Corporation
  Series A Common Stock Purchase Warrants (File No. 7-8727)
Lionel Corporation
  Series B Common Stock Purchase Warrants (File No. 7-8728)
Compaq Computer Corporation
  Common Stock, $.01 Par Value (File No. 7-8729)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 21, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-344 Filed 1-7-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

December 31, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

CRS Sirrine, Inc.
Common Stock, $1 Par Value (File No. 7-8711)
Standard Products Co. (The)
Common Shares, $1 Par Value (File No. 7-8712)
Mass Mutual Corporate Investors (Massachusetts Business Trust)
Common Stock, $1 Par Value (File No. 7-8713)
Mesa Limited Partnership
Depository Units (File No. 7-8714)
Reynolds Metals
4½ Cumulative Convertible Second Preferred
$1 Par Value (File No. 7-8715)
Reynolds Metals
$2.30 Convertible Preferred (File No. 7-8716)
First Wachovia Corp.
Common Stock, $5 Par Value (File No. 7-8717)
Compaq Computers
Common Stock, $.01 Par Value (File No. 7-8718)
Columbia Saving & Loan Association
Common Stock, $1 Par Value (File No. 7-8719)
Metropolitan Financial Corp.
Common Stock, $.01 Par Value (File No. 7-8720)
Chyron Corp.
Common Stock, $.01 Par Value (File No. 7-8721)
Summit Energy Inc.
$1.80 Cumulative Convertible Preferred (File No. 7-8722)
Home Group
Common Stock, $1 Par Value (File No. 7-8723)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 21, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-345 Filed 1-7-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14882; File No. 812-6173]

Application and Opportunity for Hearing; Bankers National Life Insurance Co. et al.

January 2, 1986.

Notice is hereby given that Bankers National Life Insurance Company (the "Company"), Bankers National Variable Account C (the "Account"), and BNL Securities, Inc. (collectively, "Applicants"), 1599 Littleton Road, Parsippany, New Jersey 07054, filed an application on August 8, 1985, and an amendment thereto on December 23, 1985, for an order of the Commission, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicants from section 2(a)(35) of the Act, and paragraphs (b)(1), (b)(13)(i)(B), (c)(2), (c)(4), and (c)(4)(vii) of Rule 6e-3(T) to the extent necessary, as described in the application. Applicants assert the requested exemptions involve technical and unforeseen matters under Rule 6e-3(T), the exemptive rule under the Act for separate accounts offering flexible premium variable life insurance contracts. All interested persons are referred to the application on file with the Commission for a statement of Applicants' representations, which are summarized below, and are referred to the Act and the rules thereunder for a statement of the relevant statutory provisions.

The Company is a stock life insurance company organized under the laws of the State of Texas and is admitted to do business in the District of Columbia and in all states except New York. The Company is the sponsor-depositor for the Account. The Account, a segregated investment account of the Company, is registered under the Act as a unit investment trust. Applicants state that the Account meets all conditions set forth in section (a) of Rule 6e-3(T) under the Act and was established for the purpose of funding individual flexible premium variable life insurance contracts ("the contracts"), as defined in paragraph (c)(1) of Rule 6e-3(T). Applicants state that they are relying on the provisions of Rule 6e-3(T) and have elected to be governed by paragraph (b)(13)(i)(B) thereunder. BNL Securities Inc., a registered broker-dealer, is the principal underwriter of the contracts. Each sub-account of the Account invests exclusively in shares of a corresponding portfolio of the Bankers National Series Trust (the "Trust"). The Trust is registered under the Act as an open-end, diversified management investment company, and is presently segmented into three portfolios. Bankers Investment Advisor, Inc. is the investment adviser to the Trust.

Applicants state that the contracts are designed to give the contractowner maximum flexibility by permitting him to vary the frequency and amount of purchase payments and to increase or decrease the sum insured (*i.e.*, the amount of insurance under a contract). At the contractowner's election, the death benefit will be either "Option 1", the greater of the sum insured or the cash value multiplied by the insurance amount factor (*i.e.*, the cash value corridor percentage required by the Internal Revenue Code of 1954, as amended) or "Option 2", the greater of the sum insured plus cash value or cash value multiplied by the insurance amount factor. Optional incidental insurance benefits are available by riders to the contract. The cash value will reflect the amount and frequency of payments, the investment experience of the Account, any partial withdrawals, any loans, and any charges and deductions under the contracts. The contract will remain in force, without regard to the contractowner making purchase payments, unless the cash value reduced by any outstanding debt is insufficient to cover the charges and deductions under the contract, and a grace period expires without a sufficient payment.

Applicants request an exemption from section 2(a)(35) of the Act and from Rule 6e-3(T)(b)(1), (b)(13)(i)(B), and (c)(4). Paragraph (c)(4) of Rule 6e-3(T) prescribes that the amount excluded from sales load for cost of insurance is limited to the cost of insurance for the period based on the 1980 Commissioners Standard Ordinary Mortality Table

("CSO Table"), with net interest at the annual effective rate of the greater of 5% or the rate guaranteed at issuance of the contract. Applicants seek an exemption to the extent necessary to permit the exclusion from sales load of amounts deducted for the actual cost of insurance charges under the contracts, which for standard underwriting risk classes is guaranteed never to exceed amounts based upon the 1958 CSO Table and an annual effective interest rate of 4%. Applicants state that, without the exemption, any portion of the cost of insurance charge in excess of a charge based on the 1980 CSO Table would be deemed sales load. Thus, unless contract owners made sufficient premium payments in advance of, or coincident with, each monthly cost of insurance deduction, the sales load technically could exceed 9% of actual payments, and might result in a violation of the rule. Applicants reiterate that the sales load on the contracts is based on payments made, rather than guideline annual premiums, and therefore, the sales load can at not time exceed 9% of payments made to date. They argue that use of the 1980 CSO Table is inapposite when sales load is not determined by reference to a guideline annual premium and that it would force the Company to lower its cost of insurance rates below those of other variable life issuers who compute sales loads based on actual payments. Applicants argue that this would create competitive inequities when viewed in light of current industry practice.

Applicants request exemption from paragraph (c)(2) of Rule 6e-3(T) to the extent that the Mortality Risk Charge Benefit Rider (the "Rider") may not be deemed to meet the definition of "incidental insurance benefits" in that paragraph. If not an incidental insurance benefit, then the charge for the Rider would be assumed to be a sales load by Rule 63-3(T)(c)(4)(vii). The Rider provides that, in the event of disability of the insured, as defined therein, the Company will waive the monthly cost of insurance charge and any rider charge during the period of disability. The monthly cost of insurance charge can vary with the investment experience of the Account in certain respects. However, Applicants assert that the benefits, i.e., the waiver of the monthly cost of insurance and rider charges, is predominantly a fixed benefit. Applicants represent that these charges are waived regardless of how much the cash value and the net amount at risk vary. Thus, Applicants submit that the Rider should be treated as "fixed" for purposes of Rule 6e-3(T). Applicants, therefore, request relief from Rule 6e3-(T) (c)(2) and (c)(4(vii), to the extent necessary, to permit the payment for the Rider to be deemed payment for an incidental insurance benefit.

Applicants represent that if and to the extent that Rule 6e-3(T) is amended to provide relief in terms different from any relief granted to them by order, they shall take all necessary steps to comply with the final Rule 6e-3, to the extent Rule 6e-3 is applicable.

For the reasons stated above, Applicants submit that the requested relief is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than January 27, 1986 at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-338 Filed 1-7-86; 8:45 am]

BILLING CODE 8010-011-M

[Release No. IC-14881; File No. 812-6245]

Application and Opportunity for Hearing; John Hancock Variable Life Insurance Co. et al.

December 31, 1985.

Notice is hereby given that John Hancock Variable Life Insurance Company ("JHVLICO"), Variable Life Stock Account of John Hancock Variable Life Insurance Company ("VL Stock Account"), Variable Life Bond Account of John Hancock Variable Life Insurance Company ("VL Bond Account"), Variable Life Money Market Account of John Hancock Variable Life Insurance Company ("VL Money Market Account") (collectively, "VL Accounts"), John Hancock Variable Series Fund I, Inc. ("Fund"), and John Hancock Mutual Life Insurance Company ("John Hancock") (collectively, "Applicants"), at John Hancock Place, Boston, MA 02117, filed an application on November 7, 1985, for an order of the Commission, pursuant to section 17(b) of the Investment Company Act of 1940 ("Act"), exempting Applicants from the provisions of Section 17(a) of the Act to the extent necessary to permit the issuance of shares of the corresponding portfolios of the Fund in exchange for the assets and related liabilities of the VL Accounts and to permit the simultaneous combination of the VL Accounts and two new accounts into one account, John Hancock Variable Life Account U ("Account U"), which will be registered under the Act as a unit investment trust. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and rules thereunder for the text of the applicable provisions.

According to the application, JHVLICO is a stock life insurance company, authorized to transact a life insurance and annuity business in Massachusetts and other states.

The application states that JHVLICO is a wholly-owned subsidiary of John Hancock, principal underwriter for the VL Accounts and registered as a broker-dealer under the Securities Exchange Act of 1934 and as an investment adviser under the Investment Advisers Act of 1940. The application further states that the VL Accounts are separate investment accounts of JHVLICO to which assets have been allocated from time to time to support benefits payable under JHVLICO's annual-premium and single-premium variable life insurance policies ("existing VLI policies"), whole life policies with both a death benefit and cash value which may vary with the investment performance of the VL Accounts. Each VL Account presently is registered as an open-end diversified management investment company under the Act. According to the application, the Fund is a management investment company of the series type, organized under Maryland law on September 23, 1985. Applicants state that the Fund has five separate portfolios, each with a separate series of shares, to correspond to the five subaccounts of Account U. The Application represents that the Fund is, in part, a successor to the three VL Accounts; the VL Stock, Bond, and Money Market Accounts will be succeeded by the Stock, Bond, and Money Market Portfolios of the Fund (collectively, "portfolios"). According to

the application, in addition to the successor portfolios, there are two new portfolios: the Aggressive Stock and Total Return Portfolios. According to the application, under the Fund's Articles of Incorporation, the board of directors of the Fund is authorized to create additional portfolios or delete portfolios.

Applicants state that the VL Accounts will, subject to policyowner approval, be converted into a unit investment trust ("U.I.T.") each subaccount of which will invest exclusively in shares of the corresponding portfolio of the Fund.

Applicants state that the conversion to the U.I.T. form will include the simultaneous combination of the VL Accounts and two new Subaccounts (corresponding to the Aggressive Stock and Total Return Portfolios) ("New Subaccounts") into Account U. According to Applicants, policyholders will be permitted to transfer cash values under their policies among these five Subaccounts of Account U. Applicants state that Account U will be the separate investment account of JHCLICO, operated as a U.I.T., which will support benefits payable under JHVLICO's VLI policies. Applicants further state that the Fund, which will succeed to the portfolio assets and related liabilities of the VL Accounts, will be the continuing funding vehicle for the existing VLI policies.

According to Applicants, the board of directors of JHVLICO has adopted a resolution authorizing the reorganization of all other actions necessary to restructure and combine the VL Accounts and the New Subaccounts into a single U.I.T. with five Subaccounts investing exclusively in the shares of the corresponding portfolios of the Fund. Pursuant to that resolution, an Agreement and Plan of Reorganization ("Plan") has been entered into, subject to the consideration and approval of the policyowners. Applicants state that JHCLICO will assume all costs to be incurred in effecting the reorganization, including the expenses of organizing the Fund. Applicants further state that the reorganization will not have any adverse economic impact on the policyowners' interests under the existing VLI policies. Applicants state that the overall level of fees and charges borne, directly or indirectly, by policyowners will be no greater immediately after the reorganization than before it.

The application states that currently, each policyowner has one vote per $100 of cash value and no votes are cast with respect to cash value attributable to policy owners which do not deliver voting instructions to JHVLICO. Applicants state that following the reorganization, JHVLICO will offer policyowners the opportunity to instruct JHVLICO as to how Fund shares allocable to their policies and held by JHVLICO in Account U will be voted with respect to the same kinds of matters as to which policyowners are currently entitled to vote. Applicants state that JHVLICO will vote the shares of each of the portfolios of the Fund (which are deemed attributable to the existing VLI policies) at regular and special meetings of the Fund's shareholders in accordance with instructions received from the policyholders. Applicants state that shares of the Fund which are not attributable to VLI policies and shares for which instructions from policyowners are not received will be voted by JHVLICO for and against each matter in the same proportion as the votes based upon the instructions received from policyowners. Applicants assert that although voting instructions will be reflected somewhat differently after the reorganization than before, Applicants do not believe that this will result in any diminution of policyowners' voting rights. Applicants note that the number of Fund shares held in each subaccount deemed attributable to each policyowner will be determined by dividing an existing VLI policy's cash value (less any outstanding indebtedness) in the subaccount by the net asset value of one share in the corresponding Fund portfolio in which the assets of the Subaccount are invested. Applicants state that fractional votes will be counted. The application states that the number of shares as to which the policyowner may give instructions will be determined as of the record date for the Fund's meeting.

The application states that John Hancock will serve as investment adviser to the Stock, Bond, and Money Market Portfolios of the Fund. Applicants state that Independent Investment Associates, a registered investment adviser and indirectly-owned subsidiary of John Hancock, will serve as sub-investment adviser, providing day-to-day services for the Stock, Agressive Stock, and Total Return Portfolios. Applicants state that the charges and expenses currently deducted from premium payments or otherwise under existing VLI policies will not change, except that the advisory fee, brokerage commissions, and similar securities transaction charges will be deducted from Fund assets after the reorganization rather than from the VL Account assets as they are currently. Applicants assert that pursuant to the Fund's Investment Management Agreement, John Hancock has agreed to bear most of the Fund's other operating expenses which are of a type or amount which would not have been borne by policyowners had the reorganization not occurred. Applicants note that John Hancock will not, however, assume extraordinary or non-recurring expenses of the Fund such as legal claims and liabilities and litigation costs and indemnification payments in connection with the litigation. Applicants state that subject to shareholder approval as required by law, the Agreement could be amended to require the Fund and thus, indirectly, the policyowners to bear certain other operating expenses which the VL Accounts do not currently bear. Applicants state that John Hancock and JHVLICO have no plans to seek such an amendment.

Applicants note that each Applicant may be deemed an affiliated person or an affiliated person of an affiliated person under Section 2(a)(3) of the Act, and the reorganization may be deemed to entail one or more purchases or sales of securities or other property between and among certain Applicants. Therefore, Applicants state, the Plan and the reorganization may require an exemption from section 17(a) of the Act, pursuant to section 17(b) of the Act. In this regard, Applicants argue that the terms of the proposed transactions are, for the reasons summarized below: reasonable and fair and do not involve overreaching; consistent with the investment policies of each VL Account; and consistent with the general purposes of the Act.

The application states that the establishment of a series fund will benefit policy-owners by facilitating the future expansion of investment alternatives under the existing VLI policies and subsequent JHVLICO VLI policies. Applicants note that the addition of new portfolios, with differing investment objectives, is more easily and economically accomplished than the establishment of a new management separate account. Applicants further state that this potential benefit is created at no cost to existing or future policyowners, as JHVLICO has undertaken to assume all expenses relating to the reorganization and the establishment of the Fund. The application states that it is expected that existing and future VLI policyowners will benefit from the potential economies of scale and administration. Applicants further state that the transactions effecting transfer of the portfolio assets of the VL Accounts in return for shares of the Funds will be

done in compliance with section 22(c) of the Act and Rule 22c-1 thereunder.

Applicants argue that the transaction is consistent with the investment objectives and policies of the VL Accounts, the Fund, and Account U. The application states that the investment objectives of each of the three portfolios that correspond to the three VL Accounts will be identical to the investment objectives of the VL Accounts immediately preceding the reorganization. Applicants state that the reorganization, therefore, will not require liquidation of any assets of either the VL Accounts or the Fund. Thus, Applicants note, neither the VL Accounts nor the Fund will incur any extraordinary costs, such as brokerage commissions, in effecting the transfer of assets. JHVLICO believes, based on its review of existing federal income tax laws and regulations, that the transfer of assets and the combination of the VL Accounts and the New Subaccounts will be tax-free events. Therefore, Applicants note, no gain or loss will be realized on the transfers or combination by the VL Accounts, Account U, or the Fund. The application states that the Fund will succeed to the same adjusted basis, upon any subsequent disposition of such assets, as such assets had prior to the transfers.

Finally, Applicants state that policyowners will be fully informed of the terms of the Plan through the proxy materials and will have an opportunity to approve or disapprove the Plan at the special meeting of policyowners called for that purpose.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than January 24, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or my mail upon Applicants at the address stated above. Proof of service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-339 Filed 1-7-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-23978; 70-3816]

Jersey Central Power & Light Co. et al.; Proposed Cash Capital Contribution to Subsidiary Not To Exceed $1 million

December 31, 1985.

Jersey Central Power & Light Company ("JCP&L"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, Metropolitan Edison Company, 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19603, and Pennsylvania 19603, and Pennsylvania Electric Company ("Penelec"), 1001 Broad Street, Johnstown, Pennsylvania 15907 (collectively the "Utility Companies"), subsidiaries of General Public Utilities Corporation, a registered holding company, and their subsidiary Saxton Nuclear Experimental Corporation ("SNEC"), P.O. Box 452, Reading, Pennsylvania 19603, have filed a post-effective amendment to the declaration previously filed with this Commission pursuant to section 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder.

The Utility Companies propose to make additional cash capital contributions aggregating $1,000,000 to (SNEC) from time to time until December 31, 1987. SNEC experimental and research activities have been terminated and its reactor facility has been decommissioned. SNEC requires additional cash capital contributions to be used to wind-up its affairs, to monitor and dispose of its properties or to place and maintain such properties in a safe condition and to obtain any and all necessary permits and approvals from governmental agencies and others. It is estimated that these costs for the period of January 1, 1986 through December 31, 1987 will range from approximately $300,000 to $600,000 per year.

The Utility Companies propose to make capital contributions to SNEC from time to time during the period beginning with the effective date of the declaration, as so amended, and ending on December 31, 1987 totaling $1,000,000 as follows: JCP&L—$440,000; Met-Ed—$320,000; and Penelec—$240,000. Such contributions would increase to $11,500,000 the total capital contributions by the Utility Companies to SNEC.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 27, 1986, to Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-347 Filed 1-7-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-23979; 70-6158]

Jersey Central Power & Light Co. et al.; Proposed Reacquisition of Capital Stock

December 31, 1985.

Jersey Central Power & Light Company, Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, Metropolitan Edison Company, 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605, Pennsylvania Electric Company, 1001 Broad Street, Johnstown, Pennsylvania 15907, and Cherry Hills Fuels Corporation ("Cherry Hill"), 100 Interpace Parkway, Parsippany, New Jersey 07054, and their parent General Public Utilities, a registered holding company, have filed a post-effective amendment to their application-declaration with this Commission pursuant to sections 9(a), 10 and 12(c) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 42 thereunder.

By order dated August 25, 1978 (HCAR No. 20686), the Commission authorized GPU, among other things, to organize Cherry Hill as a wholly-owned subsidiary of GPU, purchase 5,000 shares of Cherry Hill's common stock for $50,000, make open account advances to Cherry Hill from time to time during the period 1978–1980 of up to $1,000,000 annually for the purpose of exploration within the United States for additional supplies of uranium and for the acquisition of related land and land rights, make open account advances from time to time during the period 1978–1980 of not more than $100,000 annually for preliminary investigations in connection with the possible acquisition of uranium reserves, and be

allowed a rate of return on its advances to Cherry Hill based upon a specific formula. Cherry Hill was to have no employees of its own but instead would utilize personnel from GPU's other subsidiaries.

Cherry Hill was organized to make provision for a portion of the GPU System's anticipated future uranium requirements for the two nuclear generating stations then in operation (Oyster Creek and Three Mile Island Unit No. 1) and for the two additional stations then under construction (Three Mile Island Unit No. 2 ("TMU-2") and Forked River). However, as a result of the financial impact on GPU and its subsidiaries of the March 28, 1979 Cherry Hill discontinued all further uranium exploration and development projects and began to dispose of its interests therein and responsibilities in connection therewith. Cherry Hill has disposed of all of such acquired reserves and similar properties and has been inactive since September 1980. Consequently, GPU and Cherry Hill request authority for Cherry Hill to reacquire all of its capital stock from GPU, at which time it will dissolve.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 27, 1986, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit, or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended and as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-348 Filed 1-7-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket 85-17; Notice 1]

Heavy Truck Safety Studies

AGENCY: Department of Transportation, National Highway Traffic Safety Administration (NHTSA).

ACTION: Request for comments on studies of Heavy Truck Safety and Truck Occupant Crash Protection.

SUMMARY: Section 216 of the Motor Carrier Safety Act of 1984 (Pub. L. 98-554; October 30, 1984) requires the Department of Transportation to conduct a study of various aspects of heavy truck safety. Section 217 of the Act requires a study of heavy truck occupant crash protection. Responsibility for those studies has been delegated to the NHTSA. The Agency seeks public views, comments, and technical data, on several specific issues required in those studies, and on heavy truck safety in general. Information gathered in this docket will be used by the Agency in preparing the reports to Congress.

DATES: Comments must be submitted no later than April 1, 1986, in order to ensure their inclusion and usefulness in developing the reports.

ADDRESS: Comments should refer to the docket number and the number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. (Docket Room hours are 8 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Clarke, Office of Crash Avoidance Research, Room 6220, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, (202) 426-4558.

SUPPLEMENTARY INFORMATION: Section 216 of the Motor Carrier Safety Act of 1984 requires a "comprehensive study of a safety characteristics of heavy trucks, the unique problems related to heavy trucks, and the manner in which such trucks are driven." The Section also requires "an examination of the handling, braking, stability, and crashworthiness of heavy trucks, and an examination of the programs and needs of enforcement agencies to assure compliance with traffic laws by commercial motor vehicle drivers." Section 217 of the Act requires an examination of "potential and known hazards to truck occupants and means of improving truck-occupant safety." The Section 217 study is also directed to "include potential performance standards, if any, to be met by truck manufacturers." Congress specifically directed the Department to conduct these studies in consultation "with truck manufacturers, employee representatives, truck operators, and other interested parties." Thus, the purpose of this notice is to solicit the views of all these parties, along with any factual information, technical analyses, or engineering test results they may wish to share, that have a bearing on these issues.

The report will rely heavily on existing information and will attempt to:

- Clearly identify and define all the issues involved in each topic.
- Assemble and lay out all available data about each topic and issue.
- Identify areas where additional research is needed.
- Set out the options and approaches that could be taken to find answers to questions that remain, specifically identifying the research approaches deemed most viable as well as likely to produce reasonable alternatives for achieving safety improvement goals.

The intent of using this approach is to derive a "blueprint" for improvements—some that can be accomplished in the near term based on existing information, and others which will require further development through research which the report will outline.

Commenters are specifically asked to provide views and data on each of the following issues:

Truck Occupant Protection

A substantial amount of problem-identification work in this area has already been completed by the agency in response to a 1980 Senate Appropriations Committee directive. That work indicated that truck drivers are seriously injured and killed primarily in single vehicle accidents involving driver ejection, rollover/cab crush and entrapment, contact with cab interior surfaces especially the steering wheel, or post-crash fires. Research work and findings associated with any of these topics would be most useful. Comments are also sought as to which, if any, existing Federal Motor Vehicle Safety Standards, Society of Automotive Engineers Recommended Test Practices or Standards, etc., could be modified to be made suitable for application to heavy trucks.

Truck crashworthiness (Aggressivity)

Truck collisions with other smaller vehicles are typically more severe accidents than those involving vehicles of more equal size and weight. In collisions of this type, as could be expected, the occupants of the smaller vehicle (typically cars) are much more likely to be seriously injured and killed than are the occupants of the truck. The agency requests research results indicating how, and under what conditions, it might be possible to ameliorate the effects of this mismatch.

Braking and Handling/Stability

Efforts to improve heavy truck brake system and handling/stability safety performance characteristics have been directed towards the following six safety problems:

1. Complete lack/failure of the brakes—i.e., fade, brake defects, or brake non-operation due to lack of maintenance;
2. Poor braking performance—i.e., inability to stop "in time" which translates to straight line stopping distance performance in a maximum braking effort maneuver.
3. Stability while stopping—i.e., inability to maintain directional control under limit/maximum braking effort, especially under lightly loaded or empty, wet road operating conditions.
4. Pure Rollover—typically at the .3–.4g lateral acceleration level on curves/exit ramps negotiated at too high a speed (i.e., a speed sufficiently high to induce .3–.4g lateral acceleration).
5. Rearward amplification of the rearmost trailer in a multiple trailer combination unit vehicle—this is the "crack-the-whip" phenomenon that can occur when these type of vehicles attempt a moderately severe high speed lane change accident avoidance maneuver.
6. Yaw plane instability—this is a high speed phenomenon which may be controlled by actions of the driver, if sensed and reacted to quickly and correctly.

The agency requests research results on how these aspects of truck performance could possibly be improved through vehicle design improvements. Suggestions as to what research data are needed to support further improvements in these areas would also be desirable.

Truck Driver Driving Behavior, and Traffic Law Enforcement and Truck Driver Licensing

It has been suggested that many truck drivers drive dangerously. However, little factual information exists to substantiate or refute this perception. Accordingly, data or other pertinent information is sought describing the extent to which truck driver errors and behavior lead to accidents. Additionally, evidence is sought concerning the general procedures employed by States in the issuance and control of truck drivers' licenses. Issues that will be addressed include: entry level and renewal requirements (classified license), frequency and consequence of multiple licenses/multiple records, handling out-of-state violations and accidents, point systems for license actions, driver improvement activities, and impediments to addressing these and other truck driver related issues where drivers who hold multiple licenses or inappropriate licenses are over-involved in serious accidents. Finally, information is sought indicating the ability of State and local police to enforce traffic laws for heavy truck drivers.

(Pub. L. 98–554, 98 Stat. 2829 (49 USC app. 2513, 2514); delegations of authority at 49 CFR 1.50 and 501)

Issued on: January 3, 1986.

Michael M. Finkelstein,

Associate Administrator for Research and Development.

[FR Doc. 86–373 Filed 1–7–86; 8:45 am]

BILLING CODE 4910–59–M

Research and Special Programs Administration

Applications for Exemptions

AGENCY: Research and Special Programs Administration, D.O.T.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes February 11, 1986.

ADDRESS COMMENTS TO: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9560-N	Linde Homecare Medical Systems, Inc., St. Petersburg, FL.	49 CFR 172.506, 177.823	To authorize shipment of both liquid and gaseous oxygen in the same transport vehicle bearing the oxygen placard only. (Mode 1.)
9561-N	Afrimet-Indussa, Inc., New York, NY	49 CFR 173.366(b)(3)	To authorize shipment of arsenic trioxide, solid, class B poison, in non-DOT specification steel drums of 37 gallon capacity overpacked not to exceed 80 per freight container. (Modes 1, 2.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on January 3, 1986.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 86–393 Filed 1–7–86; 8:45 am]

BILLING CODE 4910–60–M

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Research and Special Programs Administration, D.O.T.

ACTION: List of applicants for renewal or modification of exemptions or applications to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "p" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes January 28, 1986..

Address comments to: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
3302-X	Airco Industrial Gases, Murray Hill, NJ.	3302
3302-X	Air Products and Chemicals, Inc., Allentown, PA.	3302
3996-X	Stauffer Chemical Company, Westport, CT.	3996
4453-X	H.L. & A.G. Balsinger, Inc., Bridgeville, PA.	4453
4453-X	Ren-Loi, Inc., Bridgeville, PA	4453
4453-X	Explo, Inc., Bridgeville, PA	4453
4453-X	Mountaineer Explosives Inc., Bridgeville, PA.	4453
4453-X	Pacific Motor Transport, Inc., Tenino, WA.	4453
4453-X	PACCO, Inc., Tenino, WA	4453
4453-X	Pacific Powder Company, Tenino, WA.	4453
4844-X	The Walter Kidde Company Limited, Avon, England.	4844
4850-X	GOEX, Inc., Cleburne, TX	4850
5749-X	E.I. duPont de Nemours & Company, Inc., Wilmington, DE.	5749
6016-X	O.E. Meyer & Sons, Inc., Sandusky, OH.	6016
6016-X	Langdon Oxygen Co., Texarkana, TX	6016
6016-X	Southern Welding Supply Co., Inc., Bowling Green, KY.	6016
6016-X	Wilson Welding Supply, Inc., Warren, MI.	6016
6016-X	Acety-Arc, Inc., Paducah, KY	6016
6016-X	Strate Welding Supply Co., Inc., Buffalo, NY.	6016
6325-X	Atlas Powder Company, Dallas, TX	6325
6418-X	PureGro Company, West Sacramento, CA.	6418
6517-X	Coyne Cylinder Company, Huntsville, AL.	6517
6530-X	Brown Welding Supply, Inc., Salina, KS.	6530
6530-X	Airco Industrial Gases, Murray Hill, NJ.	6530
6530-X	Acme Welding Supply Co., Inc., Bismarck, ND.	6530
6602-X	Jones Chemicals, Incorporated, Caledonia, NY.	6602
6691-X	Union Carbide Corporation, Danbury, CT.	6691
6743-X	Atlas Powder Company, Dallas, TX	6743
6746-X	The Firestone Tire and Rubber Company, Akron, OH.	6746
6765-X	Airco Industrial Gases, Murray Hill, NJ.	6765
6883-X	Hedwin Corporation, Baltimore, MD	6883
6921-X	Airco Industrial Gases, Murray Hill, NJ.	6921
7052-X	Northrop Corp., Hawthorne, CA	7052
7052-X	Plainview Electronics Corporation, Plainview, NY.	7052
7052-X	GTE Products Corp., Waltham, MA	7052
7052-X	McDonnell Douglas Corporation, St. Louis, MO.	7052
7052-X	Exploration Logging Inc., Sacramento, CA.	7052
7052-X	Flopetrol Johnston, a Division of Schlumberger, Houston, TX.	7052
7073-X	Ethyl Corp., Baton Rouge, LA	7073
7208-X	National Aeronautics and Space Administration, Washington, DC.	7208
7438-X	Ethyl Corp., Baton Rouge, LA	7438
7465-X	State of Alaska, Department of Transportation, Juneau, AK.	7465
7595-X	Rhone-Poulenc Inc., Monmouth Junction, NJ.	7595
7595-X	American Cyanamid Co., Wayne, NJ	7595
7598-X	United Technologies Corp., Pratt & Whitney Mfg., East Hartford, CT.	7598
7654-X	Texas Eastman Company, Longview, TX.	7654
7753-X	Stauffer Chemical Company, Westport, CT.	7753
7770-X	Fauvet-Girel, Paris, France	7770
7915-X	U.S. Department of Defense, Falls Church, VA.	7915
7928-X	Alaska Marine Highway System, State of Alaska, Juneau, AK.	7928
7945-X	HTL Industries Inc., Duarte, CA	7945
7954-X	Air Products and Chemicals, Inc., Allentown, PA.	7954
8156-X	Scott Environmental Technology, Incorporated, Plumsteadville, PA.	8156
8156-X	Air Products and Chemicals, Inc., Allentown, PA.	8156
8156-X	Ashland Chemical, Columbus, OH	8156
8156-X	Union Carbide Corporation, Danbury, CT.	8156
8162-X	Structural Composites Industries, Inc., Pomona, CA.	8162
8308-X	Customized Transportation, Inc., Jacksonville, FL.	8308
8453-X	Atlas Powder Company, Dallas, TX	8453
8468-X	Hedwin Corporation, Baltimore, MD	8468
8499-X	Hedwin Corporation, Baltimore, MD	8499
8718-X	Structural Composites Industries, Inc., Pomona, CA.	8718
8770-X	Eastman Kodak Co., Rochester, NY	8770
8843-X	GOEX, Inc., Cleburne, TX	8843
8871-X	Chase Bag Co., Oak Brook, IL	8871
8962-X	HTL Industries, Inc., Duarte, CA [1]	8962
8967-X	Hercules, Incorporated, Wilmington, DE.	8967
9106-X	Kitty Hawk Airways, Inc., Dallas, TX	9106
9118-X	ICI Americas Inc., Wilmington, DE	9118
9133-X	American Cyanamid Co., Wayne, NJ	9133
9157-X	Air Products and Chemicals, Inc., Allentown, PA.	9157
9168-X	All Pak, Inc., Buffalo, NY [2]	9168
9176-X	Minnesota Valley Engineering, New Prague, MN.	9176
9194-X	Cyanamid Canada, Inc., Willowdale, Ont., Canada.	9194
9195-X	Owens-Illinois, Inc., Toledo, OH	9195
9201-X	Cyanamid Canada, Inc., East Willowdale, Canada.	9201
9355-X	Eastman Kodak Co., Rochester, NY [3]	9355
9428-X	CGTX, Inc., Montreal, Quebec Canada [4].	9428

[1] To require flattening test without cracking of ten times wall thickness of the cylinder rather than six.

[2] To authorize an alternate specially designed packaging for shipment of limited quantities of flammable, corrosive and poison B materials without labeling.

[3] To authorize an additional battery composed of lithium manganese dioxide.

[4] To authorize an additional 13 chlorine tank cars having modified insulation systems.

Application No.	Applicant	Parties to exemption
5704-P	Aerojet General Corporation, Sacramento, CA.	5704
6874-P	Harrisons & Crosfield (Pacific), Inc., Emeryville, CA.	6874
7052-P	XCELATRON, Incorporated, Chimacum, WA.	7052
7052-P	Malhar Corporation, Bryn Mawr, PA	7052
7835-P	General Air Service & Supply, Denver, CO.	7835
7835-P	AmeriGas, Inc., Valley Forge, PA	7835
7891-P	Farchan Laboratories, Inc., Gainesville, FL.	7891
7991-P	The Denver and Rio Grande Western Railroad Company, Denver, CO.	7991
8451-P	Pyrotechnic Specialties, Inc., Byron, GA.	8451
8522-P	Ashland Oil, Inc., Dublin, OH	8522
8937-P	Industrial Mineral Product, Inc., Ravensdale, WA.	8937
9262-P	Schlumberger Well Services, Rosharon, TX.	9262
9275-P	Boyle-Midway, New York, NY	9275
9275-P	Hercules Incorporated, Wilmington, DE.	9275

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on January 3, 1986.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 86-394 Filed 1-7-86; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to section 10 of Pub. L. 92-463, that a meeting will be held at the U.S. Treasury Department in Washington, DC on

January 28 and 29, 1986, of the following debt management advisory committee: Public Securities Association, U.S. Government and Federal Agencies Securities Committee.

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meeting provides for a working session on January 28 and the preparation of a written report to the Secretary of the Treasury on January 29, 1986.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 101-5, I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by section 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of section 552b of Title 5 of the United States Code.

Dated: January 2, 1986.

Charles O. Sethness,

Assistant Secretary (Domestic Finance).

[FR Doc. 86-364 Filed 1-7-86; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Advisory Committee on Former Prisoners of War; Meeting

The Veterans Administration gives notice under Pub. L. 92-463, section 10(a)(2) that a meeting of the Advisory Committee on Former Prisoners of War will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420, on January 21 and 22, 1986. The purpose of the committee is to consult with and advise the Administrator of Veterans' Affairs on the administration of benefits under title 38, United States Code, for veterans who are former prisoners of war and on the need of such veterans for compensation, health care, and rehabilitation.

The meeting will convene at 9 a.m. both days in the Omar N. Bradley Conference Room. This meeting will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Miss Linda Gardner, Administrative Assistant to the Chief Benefits Director, Veterans Administration Central Office (phone 202/389-2455) prior to January 11, 1986.

Members of the public may direct questions or submit prepared statements for review by the Committee in advance of the meeting, in writing only, to Mr. H. B. Mars, Deputy Director, Compensation and Pension Service, Department of Veterans Benefits, Room 400, Veterans Administration Central Office. Submitted material must be received at least five days prior to the meeting. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Summary minutes of the meeting and rosters of the Committee members may be obtained from Miss Linda Gardner at the aforementioned address.

Dated: December 20, 1985.

By direction of the Administrator.

Dennis R. Boxx,

Executive Assistant to the Associate Deputy Administrator for Public and Consumer Affairs.

[FR Doc. 86-309 Filed 1-7-86; 8:45 am]

BILLING CODE 8320-01-M

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains extensions and lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) how often the form must be filled out, (5) who will be required or asked to report, (6) an estimate of the number of responses, (7) an estimate of the total number of hours needed to fill out the form, and (8) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from Nancy C. McCoy, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Jim Brown, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collections should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: January 2, 1986.

By direction of the Administrator:

Everett Alvarez, Jr.,

Deputy Administrator.

Extensions

1. Department of Veterans Benefits
2. Request for Confidential Verification of Birth
3. VA Form 21-4504
4. On occasion
5. State or local governments
6. 1,575 responses
7. 788 hours
8. Not applicable

1. Department of Veterans Benefits
2. Application for Cash Surrender Value or Policy Loan Government Life Insurance

3. VA Form 29-1546
4. On occasion
5. Individuals or households
6. 31,500 responses
7 5,250 hours
8. Not applicable

1. Department of Veterans Benefits
2. Request for Supplies
3. VA Form 28-1905m
4. On occasion
5. Individuals or households; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations
6. 1,000 responses
7 1,000 hours
8. Not applicable

[FR Doc. 86-371 Filed 1-7-86; 8:45 am]
BILLING CODE 8320-01-M

Agency Telephone Survey Instruments Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains a revision to a currently approved collection of information on the Emergency Veterans' Job Training Act of 1983 and lists the following information: (1) The department sponsoring the survey, (2) telephone survey instrument titles, (3) frequency of surveys, (4) who will be required or asked to respond, (5) an estimate of the number of responses, (6) an estimate of the total number of hours needed to complete the survey and (7) an indication of whether section 3504(h) of Public Law 96-511 applies.

ADDRESSES: Copies of the telephone survey instruments and supporting documents may be obtained from Nancy C. McCoy, Agency Clearance Office (732), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Jim Brown, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: January 2, 1986.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

Revision

1. Department of Veterans Benefits
2. Emergency Veterans' Job Training Act of 1983
   a. Employer Followup Interview
   b. Veteran Participant/Nonparticipant Reinterview
   c. Veteran Participant/Nonparticipant Interview
3. One-time survey
4. Individuals or households; State or local governments; Farms; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations
5. 4,400 responses
6. 1,661.75 hours
7 Not applicable

[FR Doc. 86-372 Filed 1-7-86; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 5
Wednesday, January 8, 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

COMMISSION ON CIVIL RIGHTS

PLACE: Hotel La Posado, 1000 Zaragosa, Laredo, Texas.

DATE AND TIME: Friday, January 10, 1986, 9.00 a.m.–5:00 p.m..

STATUS OF MEETING: Open to the public.

MATTERS TO BE CONSIDERED:

Business Meeting

I. Approval of Agenda
II. Approval of Minutes of Last Meeting
III. Staff Director's Report
  A. FY 85 Final Budget Report
  B. Personnel Report
  C. Office Directors' Report
IV. Status of Commission Budget for FY 1986
V. Proposed Statement Honoring Dr. Martin Luther King, Jr.
VI. Civil Rights Developments in the Southwestern Region

PLANNING MEETING: Program Goals and Objectives for FY 86.

FOR FURTHER INFORMATION PLEASE CONTACT: Barbara Brooks, Press and Communications Division (202) 376–8314.

Lawrence B. Glick,
Solicitor.

[FR Doc. 86–383 Filed 1–3–86 4:12 pm]

BILLING CODE 6335-01-M

2

EQUAL OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m. (eastern time), Monday, January 13, 1986.

CHANGE IN THE MEETING: The following item has been postponed and rescheduled for the January 27, 1986 Commission Meeting: "Proposed Commission Decision".

CONTRACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat at (202) 634–6748.

Johnnie L. Johnson, Jr.,
Attorney-Advisor.

This Notice Issued January 6, 1986.

[FR Doc. 86–479 Filed 1–6–86; 3:22 pm]

BILLING CODE 6750-06-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Monday, January 13, 1986, 2:00 p.m. (Eastern Time).

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200–C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, DC 20507.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

Closed

1. Litigation Authorization: General Counsel Recommendations
2. Proposed Commission Decision

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE IMFORMATION: Cynthia C. Matthews, Executive Officer at (202) 634–6748.

Dated: January 6, 1986.

Johnnie L. Johnson,
Attorney-Advisor.

This Notice Issued January 6, 1986.

[FR Doc. 86–450 Filed 1–6–86; 12:52 pm]

BILLING CODE 6750-06-M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, January 14, 1986, 9:30 a.m. (eastern time.)

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200–C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, DC 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Votes
2. A Report on Commission Operations (Optional)
3. Proposed Compliance Manual Section 26, Selection and Analysis of Evidence

Closed

1. Proposed Commission Decision
2. Litigation Authorization: General Counsel Recommendations

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Office at (202) 634–6748.

Dated: January 6, 1986.

Johnnie L. Johnson,
Attorney-Advisor.

This Notice Issued January 6, 1986.

[FR Doc. 86–451 Filed 1–6–86; 12:53 pm]

BILLING CODE 6750-06-M

5

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Monday, January 13, 1986.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC, 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: January 3, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-452 Filed 1-6-86; 12:54 pm]

BILLING CODE 6210-01-M

6

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of January 6, 13, 20, and 27, 1986.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of January 6

Monday, January 6

2:00 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

Tuesday, January 7

10:00 a.m.
Briefing by Staff on TVA Corporate Plan (Public Meeting)
2:00 p.m.
Discussion of Pending and Possible Investigations (Closed—Ex. 5 & 7)

Thursday, January 9

10:00 a.m.
Briefing by TVA on Corporate Plan (Public Meeting)
2:00 p.m.
Briefing by Executive Branch (Closed—Ex. 1)
4:00 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Friday, January 10

2:00 p.m.
Briefing by Executive Branch (Closed—Ex. 1) (Tentative)

Week of January 13—Tentative

Tuesday, January 14

10:00 a.m.
Briefing by GPU on TMI-2 Cleanup and TMI-1 Operational Experience (Public Meeting)
2:00 p.m.
Staff briefing on Integrated Safety Assessment Program (ISAP) (Public Meeting)

Thursday, January 16

2:00 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Friday, January 17

10:00 a.m.
Discussion of Revisions to NRC Sunshine Act Regulations (Public Meeting)

Week of January 20—Tentative

Tuesday, January 21

2:00 p.m.
Briefing on Status of Report of Task Force on Technical Specifications (Public Meeting)

Wednesday, January 22

10:00 a.m.
Briefing on San Onofre (Public Meeting)
2:00 p.m.
Discussion of Management/Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

Thursday, January 23

10:00 a.m.
Briefing by INPO (Public Meeting)
2:00 p.m.
Briefing by DOE on Monitored Retrievable Storage (Public Meeting)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Friday, January 24

10:00 a.m.
Presentations by Participants on Proposed Amendments to Part 60 (Public Meeting)

Week of January 27—Tentative

Monday, January 27

2:00 p.m.
Status Briefing on Fermi (Open/Portion may be Closed—Ex. 5 & 7)

Tuesday, January 28

10:00 a.m.
Discussion/Possible Vote on 1986 Policy and Planning Guidance (Public Meeting)
2:00 p.m.
Discussion on Design Basis Threat (Closed—Ex. 1)

Wednesday, January 29

10:00 a.m.
Discussion/Possible Vote on Full Power Operating License for Millstone-3 (Public Meeting)
2:00 p.m.
Discussion of Management/Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Julia Corrado (202) 634-1410.

Julia Corrado,

Office of the Secretary.

January 3, 1986.

[FR Doc. 86-398 Filed 1-3-86; 4:58 pm]

BILLING CODE 7590-01-M

7

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, January 16, 1986.

PLACE: Suite 410, 1825 K Street, NW., Washington, DC.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Mary Ann Miller (202) 634-4015.

Dated: January 6, 1986.

Earl R. Ohman, Jr.,

General Counsel.

[FR Doc. 86-459 Filed 1-6-86; 1:54 pm]

BILLING CODE 7600-01-M

8

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

TIME AND PLACE: 8:00 a.m., 13 January 1986.

PLACE: Uniformed Services University of the Health Sciences, Room D3-001, 4301 Jones Bridge Road, Bethesda, Maryland 20814-4799.

STATUS: Open—under "Government in the Sunshine Act" [5 U.S.C. 552b(e)(3)].

MATTERS TO BE CONSIDERED:

8:00: Meeting—Board of Regents

(1) Administration of Oath of Office to New Board Members (2) Approval of Minutes—21 October 1985; (3) Report of Executive Committee Action; (4) Faculty Appointments; (5) Report—Admissions (6) Report—Associate Dean for Operations: (a) Budget (7) Report—President, USUHS: (a) University Awards, (b) F. Edward Hebert School of Medicine—(1) Liaison Committee for Medical Education Accreditation, (2) Faculty Development, (3) Legislation; (c) Graduate Education—(1) School of Allied Health Sciences, (2) Masters Program in Human Factors, (3) Ph.D. Program in Medical Parasitology and Vector Biology; (d) Continuing Medical Education; (e) Medical Licensure; (f) Informational Items; (8) Comments—Members, Board of Regents; (9) Comments—Chairman, Board of Regents.

New Business

SCHEDULED MEETINGS: April 21, 1986.

CONTACT PERSON FOR MORE INFORMATION: Donald L. Hagengruber, Executive Secretary of the Board of Regents, 202/295-3049.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense

[FR Doc. 86-385 Filed 1-3-86; 4:30 am]

BILLING CODE 3810-01-M

federal register

Wednesday
January 8, 1986

Part II

Department of Health and Human Services

Health Resources and Services Administration

List of Designated Dental Health Manpower Shortage Areas (Dental HMSAs); List of Withdrawals From Dental HMSA Designation; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

List of Designated Dental Health Manpower Shortage Areas (Dental HMSAs); List of Withdrawals From Dental HMSA Designation

SUMMARY: This notice provides two lists. The first is a list of all areas, population groups and facilities designated as dental health manpower shortage areas (dental HMSAs) as of September 30, 1985. Second is a list of previously-designated dental HMSAs that have been found to no longer meet the dental shortage criteria and whose designations are therefore being withdrawn from the HMSA list. HMSAs are designated or withdrawn by the Secretary of HHS under the authority of section 332 of the Public Health Service Act.

FOR FURTHER INFORMATION CONTACT: Richard C. Lee, Chief, Distribution and Shortage Analysis Branch, Office of Data Analysis and Management, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8-57, 5600 Fishers Lane, Rockville, Maryland 20857 (301-443-6932).

SUPPLEMENTARY INFORMATION:

1. Background

Section 332 of the Public Health Service Act provides that the Secretary of Health and Human Services shall designate health manpower shortage areas based on criteria established by regulation. Health manpower shortage areas (HMSAs) are defined in section 332 to include (1) urban and rural geographic areas, (2) population groups, and (3) facilities with shortages of health manpower. Section 332 further requires that the Secretary publish a list of the designated geographic areas, population groups and facilities. The list of areas is to be reviewed annually and revised as necessary. The Health Resources and Services Administration's Bureau of Health Professions has been assigned the responsibility for designating these areas.

Public or nonprofit entities in (or with a demonstrated interest in) these areas are eligible to apply for assignment of National Health Service Corps (NHSC) personnel to provide health services in, or to, the areas. These areas are also eligible obligated service areas for certain Public Health Service scholarship, loan repayment and nurse practitioner traineeship programs, and entities located in the areas are eligible to apply for (or receive preference for) certain Public Health Service grant programs.

2. Development of the Designation and Withdrawal Lists

Criteria for designating HMSAs were first published by the Department of Health, Education, and Welfare as Interim-Final regulations (42 CFR Part 5) in the **Federal Register** of January 10, 1978. Final regulations, revised as warranted by public comments received, were published in the **Federal Register** on November 17, 1980. Criteria are defined for each of seven health manpower types (primary medical care, dental, psychiatric, vision care, podiatric, pharmacy, and veterinary manpower).

The first list of HMSAs developed under these criteria by the Bureau of Health Professions, with the review and recommendations of the appropriate Health Systems Agencies (HSAs), State Health Planning and Development Agencies (SHPDAs) and Governors, was published in 1978. Since then, updated lists have been published approximately annually to reflect changes which occur as a result of the continuous process of shortage area designation. Individual requests received for designation or for withdrawal of particular areas, population groups or facilities are routinely submitted to the appropriate HSAs (where active), SHPDAs, Governors and other interested organizations and individuals for their review and recommendations. Requests regarding dental manpower are also provided to the appropriate State dental society and State dental director for comment.

Annually, the Bureau of Health Professions also provides data listings to all HSAs, SHPDAs, State professional societies and others showing the latest data contained in the HMSA data base for each county and designated HMSA within their State, requesting their review and update of the data, and seeking their recommendations regarding new additions to, continuations of, and/or withdrawals from the HMSA list.

The Bureau of Health Professions reviews each designation or withdrawal request, together with any recommendations received on individual requests or in the annual review process, and determines whether or not each area involved meets the shortage criteria. The results of these reviews are provided by letter to the agency or individual requesting action or providing data; copies are sent to the other commenting agencies as well as to other interested organizations and individuals. These letters constitute the official notice of designation as a HMSA or rejection of recommendations for such a designation, and/or constitute advance notice of pending withdrawals from the list. Designations (or revisions of designations) are effective as of the date of the letter making (or revising) the designation; withdrawals are effective only when published in the **Federal Register.**

The first list below ("List of Designated Dental HMSAs") includes all those areas, population groups and facilities which were designated as dental HMSAs by the Bureau of Health Professions as of September 30, 1985. This list incorporates the 1984 review of all dental HMSAs designated or last updated on or before December 31, 1979 and supersedes the last published dental HMSA list which was included in the list of primary care, dental, and psychiatric HMSAs that appeared in the **Federal Register** on August 19, 1983.

The second list below ("List of Withdrawals from Dental HMSA Designation") includes those areas, population groups and facilities which had previously been designated as dental HMSAs but were found, between January 1, 1983 and September 30, 1985, to no longer meet the HMSA criteria and therefore were indicated as scheduled for withdrawal from the HMSA list in letters from the Bureau of Health Professions. This list does not include any previously withdrawn dental HMSAs which were not included in the HMSA list published on August 19, 1983.

Some dental service area definitions have been modified in such a way that portions of some areas have effectively been withdrawn. The list of withdrawals does not include such technical withdrawals, but rather consists of those whole counties, service areas, population groups, and facilities that have been completely withdrawn from dental designation. However, the list of designated dental HMSAs includes the current definitions for each designated service area, excluding any portions withdrawn.

3. Format of Lists

a. List of Designated Dental HMSAs

The list of dental HMSAs is arranged by State. Within each State, the list is first presented by county. If only a portion (or portions) of a county has been designated, or if the county is part of a larger designated service area, or if a population group residing in the county or a facility located in the county

has been designated, the name of the service area, population group, or facility involved is listed under the county name.

Following the county listing for each State, a list of any designated service areas within that State is presented, identifying their component parts in terms of counties, towns, townships, census tracts (CTs), minor civil divisions (MCDs), census county divisions (CCDs), enumeration districts (EDs), magisterial districts, or other definable geographic divisions recognized by the Bureau of the Census. Following the service area listing, a list of any designated population groups within the State is presented, identifying each such group and the geographic area wherein it resides. Following the population group listing, a list by name and location of any separately designated facilities (including prisons, correctional institutions or health centers) within the State is presented.

Beside each designated area, population group and facility the appropriate "degree-of-shortage" group is indicated, corresponding to the criteria for these groupings contained in the regulations. (Group 1 represents areas with the highest degree of shortage, Group 2 with next highest degree of shortage, etc.) These groups have been defined for use in determining relative priorities for placement of NHSC personnel; however, these groupings represent only part of the process for making placement decisions, which includes other considerations relating to need, demand, and attractiveness of the various designated areas.

In addition to the specific listings included in this notice, all Indian tribes which meet the definition of such tribes referenced in section 4(d) of Public Law 94-437, the Indian Health Care Improvement Act of 1976, are automatically designated as population groups with primary medical care and dental manpower shortages. Such Indian tribes are automatically considered assigned to degree-of-shortage group 4 (unless otherwise indicated in this listing based on specific data provided for this purpose).

b. List of Withdrawals From Dental HMSA Designation

Withdrawals from the list of dental HMSAs are also arranged by State. Within each State, whole counties being withdrawn are presented first. Following the county lisiting, a list of service areas, population groups, and facilities withdrawn is presented identifying their component parts in terms of counties and subparts of counties.

4. Future Updates of List of Designated Areas

The list of dental HMSAs below consists of all those which were designated as of September 30, 1985. It should be noted that additional areas have been designated by letter since September 30, 1985, and the appropriate agencies and individuals notified of the action. Although official, these actions are not included in the list below, because they had not yet been added to the computerized data base at the time this list was generated.

Any designated area listed below is subject to possible future withdrawal from designation if new information is received by the Bureau of Health Professions indicating that the situation in the area has changed or that erroneous or incomplete data were used in making the original designation. Interested parties will be notified by mail of any such pending withdrawal, which will become effective only upon publication in a future **Federal Register** listing of withdrawals or upon publication of a future **Federal Register** listing of dental HMSAs which does not include the area.

For further information on the HMSA designations and withdrawals listed below, or to request additional designations or withdrawals or reinstatement of a withdrawn HMSA, please contact Richard C. Lee, Chief, Distribution and Shortage Analysis Branch, Office of Data Analysis and Management, at the address listed above. All requests for designations or withdrawals should be based on the criteria in the regulations as published on November 17, 1980.

Dated: November 26, 1985.

John H. Kelso,

Acting Administrator.

HEALTH MANPOWER SHORTAGE AREAS

DENTAL CARE: Alabama

County name	Degree of shortage group
Autauga	04
Barbour	03
Bibb	04
Blount	01
Bullock	01
Chambers	02
Cherokee	02
Chilton	03
Choctaw	04

DENTAL CARE: Alabama—Continued

County name	Degree of shortage group
Clay	02
Cleburne	01
Conecuh	01
Coosa	01
Crenshaw	01
Cullman	04
Dale	02
De Kalb:	
Service Area: Crossville	01
Service Area: Ider	01
Elmore	02
Etowah:	
Service Area: East Gasden	01
Franklin	03
Geneva	03
Greene	01
Hale	02
Jackson	04
Jefferson:	
Service Area: Pratt City	01
Service Area: Roosevelt City	01
Lamar	02
Lawrence	03
Lowndes	04
Macon	01
Madison:	
Population Group: Den. Ind. pop.	01
Marengo	03
Marion	04
Mobile:	
Service Area: Davis Ave. Community	01
Perry	04
Pickens	04
Randolph	01
Russell:	
Service Area: Hurtsboro	01
St. Clair	03
Sumter	01
Talladega	04
Washington	01
Wilcox	01
Winston	02

DENTAL CARE: Alabama

Service Area Listing

Service area name	Degree of shortage group
Crossville	01
County—De Kalb:	
Parts:	
Collinsville CCD	
Crossville CCD	
Davis Ave. Community	01
County—Mobile:	
Parts:	
C.T. 2-3	
C.T. 4.01-4.02	
C.T. 5-6	
East Gasden	01
County—Etowah:	
Parts:	
C.T. 13-17	
C.T. 105-106	
Hurtsboro	01
County—Russell:	
Parts: Hurtsboro CCD	
Ider	01
County—De Kalb:	
Parts:	
Hengar	
Ider CCD	
Valley Head-Mentone CCD	
Pratt City	01
County—Jefferson:	
Parts:	
C.T. 10-12	
C.T. 14	
Roosevelt City	01

DENTAL CARE: Alabama—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Jefferson:	
Parts:	
C.T. 105	
C.T. 131	
C.T. 133	
C.T. 136-137	

DENTAL CARE: Alabama

Population Group Listing

Population Group	Degree of shortage group
Den. Ind. Pop.	01
County—Madison	

DENTAL CARE: Alaska

County name	Degree of shortage group
Kobuk Area	03
North Slope Borough	01
Southeast-Fairbanks Area	04
Yukon-Koyukuk	01

DENTAL CARE: Alaska

County name	Degree of shortage group
Kobuk Area	03
North Slope Borough	01
Southeast-Fairbanks Area	04
Yukon-Koyukuk	01

DENTAL CARE: Arizona

County name	Degree of shortage group
Apache:	
Service Area: Kayenta	01
Service Area: South Central Apache	01
Population Group: Indian Population of Jsaile	01
Coconino:	
Service Area: Hopi Indian Reservation	01
Population Group: Coconino/Mohave Indian Population	01
Gila	04
Greenlee	03
Maricopa:	
Service Area: El Mirage	01
Service Area: Guadalupe	01
Service Area: South Phoenix	04
Population Group: Gila River Indian Community	01
Navajo:	
Service Area: Hopi Indian Reservation	01
Service Area: Kayenta	01
Population Group: Indian Pop. of Ganado	01
Pima:	
Service Area: Marana	02
Pinal:	
Population Group: Mig./Seas. Farmworkers of Cent./W. Pinal	01
Population Group: Gila River Indian Community	01
Santa Cruz	02
Yavapai:	
Service Area: Seligman	01

DENTAL CARE: Arizona

Service Area Listing

Service area name	Degree of shortage group
El Mirage	01
County—Maricopa:	
Parts:	
C.T. 405 (Southern ½)	
C.T. 608	
C.T. 609	
Guadalupe	01
County—Maricopa:	
Parts:	
Twn of Guadalupe	
Hopi Indian Reservation	01
County—Coconino:	
Parts:	
Hopi CCD	
County—Navajo:	
Parts:Hopi CCD	
Kayenta	01
County—Apache:	
Parts:	
Dennehotso CCD	
County—Navajo:	
Parts:	
Western CCD	
Marana	02
County—Pima:	
Parts:	
Marana CCD	
Seligman	01
County—Yavapai:	
Parts:	
Ashfork CCD	
South Phoenix	04
County—Maricopa:	
Parts:	
C.T. 1152-1161	
C.T. 1162.01-1162.02	
C.T. 1163-1167	
South Central Apache	01
County—Apache:	
Parts:	
Puerco	
St. Johns	

DENTAL CARE: Arizona

Population Group Listing

Population Group	Degree of shortage group
Mig./Seas. Farmworkers of Cent./W. Pinal	01
County—Pinal:	
Parts:	
Casa Grande Div.	
Coolidge Div.	
Eloy Div.	
Maricopa/Stanfield Div.	
Sacaton Div.	
Coconino/Mohave Indian Population	01
County—Coconino	
Gila River Indian Community	01
County—Maricopa	
County—Pinal	
Indian Pop. of Ganado	01
County—Navajo	
Parts:	
Apache (Indian Pop.)	
Indian Population of Jsaile	01
County—Apache	

DENTAL CARE: Arkansas

County name	Degree of shortage group
Ashley:	
Service Area: Parkdale	01
Calhoun	01
Chicot	03
Clay:	
Service Area: Rector	02

DENTAL CARE: Arkansas—Continued

County name	Degree of shortage group
Cleveland	01
Fulton	02
Grant	04
Greene:	
Service Area: Rector	02
Lafayette	01
Lincoln	03
Manon	03
Monroe:	
Service Area: Clarendon	01
Montgomery	04
Nevada	04
Newton	03
Perry	01
Poinsett	03
Scott	04
Sharp	04
Woodruff	01

DENTAL CARE: Arkansas

Service Area Listing

Service area name	Degree of shortage group
Clarendon	01
County—Monroe:	
Parts:	
Cache	
Cleburne	
Cypress Ridge	
Duncan	
Hindman	
Jackson	
Montgomery	
Pine Ridge	
Raymond	
Roc Roe	
Smally	
Parkdale	01
County—Ashley:	
Parts:	
Beech Creek	
De Bastrop	
Portland	
Wilmot	
Rector	02
County—Clay:	
Parts:	
Blue Cane	
Haywood	
Oak Bluff	
Rector	
County—Greene:	
Parts:	
Hopewell	
Hurricane	

DENTAL CARE: California

County name	Degree of shortage group
Alameda:	
Service Area: East Oakland	02
Service Area: Southwest Berkeley	03
Alpine:	
Population Group: Washoe Indian Reservation	01
Imperial:	
Service Area: Brawley	03
Population Group: Mig./Seas. Frmwkrs	04
Kern:	
Service Area: Arwin/Lamont	02
Service Area: Frazier Park	03
Los Angeles:	
Service Area: Maple/Santa Barbara	02
Mono:	
Service Area: Northern Mono	01
Monterey:	
Service Area: Soledad	04

DENTAL CARE: California—Continued

County name	Degree of shortage group
Riverside	
Service Area: Lower Coachella Valley	01
Population Group: Morongo Indian pop	04
Population Group: Soboba Indian pop	01
Population Group: Torres-Martinez Indian pop	01
San Bernardino:	
Population Group: San Manuel Indian pop	01
San Diego:	
Service Area: Anza	03
Service Area: Pauma Val./Val. Ctr. Div.	01
Service Area: Ramona	03
San Francisco:	
Service Area: Potrero Hill/South Bayshore	02
Population Group: Indigent Soviet Emigre Pop	02

DENTAL CARE: California

Service Area Listing

Population Group	Degree of shortage group
Anza	03
County—San Diego:	
Parts: Anza Div. (C.T. 210)	
Arwin/Lamont	02
County—Kern:	
Parts:	
C.T. 24	
C.T. 32.01-32.02	
C.T. 62-64	
Brawley	03
County—Imperial:	
Parts: Brawley CCD	
East Oakland	02
County—Alameda:	
Parts:	
C.T. 4073-4078	
C.T. 4082-4098	
C.T. 4101-4104	
Frazier Park	03
County—Kern:	
Parts:	
C.T. 33.02	
Lower Coachella Valley	01
County—Riverside:	
Parts:	
C.T. 456.02	
Maple/Santa Barbara	02
County—Los Angeles:	
Parts:	
C.T. 2214.01-2214.02	
C.T. 2215.01-2215.02	
C.T. 2216.01-2216.02	
C.T. 2217.01-2217.02	
C.T. 2218-2219	
C.T. 2221-2227	
C.T. 2244-2247	
C.T. 2264-2267	
Northern Mono	01
County—Mono:	
Parts: Northern Mono	
Pauma Val./Val. Ctr. Div.	01
County—San Diego:	
Parts:	
C.T. 191.01-191.02	
Potrero Hill/South Bayshore	02
County—San Francisco:	
Parts:	
C.T. 180	
C.T. 226-227	
C.T. 230-234	
C.T. 606-610	
Ramona	03
County—San Diego:	
Parts:	
Ramona Div. (C.T. 208)	
Soledad	04
County—Monterey:	
Parts:	
Gonzulez Div.	
Greenfield Div.	
Soledad Div.	

DENTAL CARE: California—Continued

Service Area Listing

Population Group	Degree of shortage group
Southwest Berkeley	03
County—Alameda:	
Parts:	
C.T. 4233-4234	
C.T. 4239 (W. of Shattuck)	
C.T. 4240	

DENTAL CARE: California

Population Group Listing

Population Group	Degree of shortage group
Indigent Soviet Emigre Pop	02
County—San Francisco	
Mig/Seas Frmwkrs of Imperial	04
County—Imperial	
Morongo Indian Pop	04
County—Riverside	
San Manuel Indian Pop	01
County—San Bernardino	
Soboba Indian Pop	01
County—Riverside	
Torres-Martinez Indian Pop	01
County—Riverside	
Washoe Indian Reservation	01
County—Alpine	

DENTAL CARE: Colorado

County name	Degree of shortage group
Denver:	
Population Group: Pov. Pop.—Eastside Denver	04
Population Group: Pov. Pop.—Westside Denver	02
Las Animas	03
Saguache	04
Washington	04

DENTAL CARE: Colorado

Population Group Listing

Population Group	Degree of shortage group
Pov. Pop. of Eastside Denver	04
County—Denver:	
Parts:	
C.T. 15-16	
C.T. 23	
C.T. 24.01	
C.T. 25	
C.T. 26.01-26.02	
C.T. 27.01	
C.T. 27.03	
C.T. 35	
C.T. 36.01-36.03	
Pov. Pop. Westside Denver	02
County—Denver:	
Parts:	
C.T. 4.02	

DENTAL CARE: Colorado—Continued

Population Group Listing

Population Group	Degree of shortage group
C.T. 6	
C.T. 7.02	
C.T. 8	
C.T. 9.01	
C.T. 9.03	
C.T. 10	
C.T. 11.02	
C.T. 18	
C.T. 19	
C.T. 21	

DENTAL CARE: Connecticut

County name	Degree of shortage group
Fairfield:	
Population Group: Pov. Pop. of S.W. Bridgeport	03
Hartford:	
Service Area: North/Northcentral Hartford	03
Middlesex:	
Population Group: Low Inc. Pop. of Middletown	01

DENTAL CARE: Connecticut

Service Area Listing

Service area name	Degree of shortage group
North/Northcentral Hartford	03
County—Hartford:	
Parts:	
C.T. 5008—5015	
C.T. 5017—5018	
C.T. 5035	
C.T. 5037	

DENTAL CARE: Connecticut

Population Group Listing

Population Group	Degree of shortage group
Low Inc. Pop. of Middletown	01
County—Middlesex:	
Parts:	
C.T. 5401	
C.T. 5407-5408	
Pov. Pop. of S.W. Bridgeport	03
County—Fairfield:	
Parts:	
C.T. 702-710	

DENTAL CARE: Delaware

County name	Degree of shortage group
Sussex	04

DENTAL CARE: District of Columbia

County name	Degree of shortage group
Dist of Columbia:	
Service Area: Anacostia	03
Service Area: North Capital Service Area	01

DENTAL CARE: District of Columbia

Service Area Listing

Service area name	Degree of shortage group
Anacostia	03
County—Dist of Columbia:	
Parts:	
C.T. 73.1-73.2	
C.T. 73.6	
C.T. 73.8	
C.T. 74.1	
C.T. 74.4-74.8	
C.T. 75.1-75.2	
C.T. 75.4	
C.T. 76.1	
C.T. 76.3	
C.T. 76.5	
C.T. 77.3	
C.T. 77.7-77.9	
C.T. 78.3-78.5	
C.T. 78.7-78.8	
C.T. 96.1-96.4	
C.T. 97	
C.T. 98.3-98.8	
C.T. 99.1-99.7	
North Capital Service Area	01
County—Dist of Columbia:	
Parts:	
C.T. 33.20	
C.T. 46	
C.T. 47 (43)	
C.T. 86 (42)	
C.T. ?? (??)	

DENTAL CARE: Florida

County name	Degree of shortage group
Baker:	
Facility: Baker Correctional Inst	01
Collier:	
Service Area: Collier (Southern Portion)	01
Columbia	04
Dade:	
Service Area: Model City	02
Population Group: Migrant & Seasonal Farmworkers	02
Dixie	02
Escambia:	
Service Area: Northern Escambia	01
Franklin	02
Gilchrist	01
Gulf	03
Hamilton	04
Hardee	02
Highlands	03
Hillsborough:	
Population Group: Pov./Mig. Pop	02
Holmes	02
Indian River:	
Population Group: Dent. Ind	01
Lafayette	04
Lake:	
Population Group: Mig./Seas. Frmw	01
Lee:	
Population Group: Mig./Seas. Frmw. Pop	01
Leon;	
Population Group: Low-Income Pop	01
Manatee:	
Population Group: Pov./Mig. Pop	01

DENTAL CARE: Florida—Continued

County name	Degree of shortage group
Martin:	
Service Area: Indian Twn	01
Okaloosa:	
Population Group: Low-Income Pop	01
Okeechobee	04
Orange:	
Service Area: West Central Orange	04
Osceola	03
Palm Beach:	
Service Area: Glades	01
Service Area: West Palm Beach	01
Pasco:	
Population Group: Dent. Indigent Pop	03
Polk:	
Service Area: Frostproof	01
Putnam	04
St Lucie:	
Population Group: Dentally Indig/Mig. Pop	01
Sumter	02
Suwannee	02
Taylor	03
Union	01
Wakulla:	
Population Group: Low-Income Pop	01
Walton	04

DENTAL CARE: Florida

Service Area Listing

Service area name	Degree of shortage group
Collier (Southern Portion)	01
County—Collier:	
Parts:	
Everglades (Southern Portion)	
Immokalee CCD	
Frostproof	01
County—Polk:	
Parts:	
C.T. 142-144	
C.T. 154-158	
C.T. 160	
Glades	01
County—Palm Beach:	
Parts:	
C.T. 80-83	
Indian Twn	01
County—Martin:	
Parts:	
Indian Twn	
Model City	02
County—Dade:	
Parts:	
C.T. 9.03	
C.T. 10.04	
C.T. 14	
C.T. 15.01-15.02	
C.T. 17.01-17.02	
C.T. 18.01-18.03	
C.T. 19.01-19.02	
C.T. 20.01-20.02	
C.T. 22.01-22.02	
C.T. 23	
Northern Escambia	01
County—Escambia:	
Parts:	
Century CCD	
N.W. Escambia	
West Central Orange	04
County—Orange:	
Parts:	
C.T. 150	
C.T. 171 (N.½)	
C.T. 172-174	
West Palm Beach	01

DENTAL CARE: Florida—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Palm Beach:	
Parts:	
C.T. 21-26	

DENTAL CARE: Florida

Population Group Listing

Population Group	Degree of shortage group
Dent. Ind	01
County—Indian River	
Dent. Indigent Pop	03
County—Pasco:	
Parts:	
C.T. 319-331	
Dentally Indig Mig. Pop	01
County—St Lucie	
Low-Income Pop	01
County—Leon	
County—Okaloosa	
County—Wakulla	
Mig./Seas. Frmw	01
County—Lake	
Mig./Seas. Frmw. Pop	01
County—Lee	
Migrant & Seasonal Farmworkers	02
County—Dade:	
Parts:	
C.T. 113-114	
Pov./Mig. Pop	02
County—Hillsborough:	
Parts:	
C.T. 121-141	
Pov./Mig. Pop	01
County—Manatee	

DENTAL CARE: Florida

Facility Listing

Facility	Degree of shortage group
Baker Correctional Inst	01
County—Baker	

DENTAL CARE: Georgia

County name	Degree of shortage group
Atkinson	01
Banks	01
Ben Hill	04
Brantley	01
Brooks	03
Bryan	01
Butts	03
Calhoun	03
Camden:	
Service Area: Woodbine	01
Candler	02
Charlton	01
Clinch	02
Coffee	03
Crawford	02
Crisp	04
Dawson	03
Dooly	03
Early	02
Emanuel	02

DENTAL CARE: Georgia—Continued

County name	Degree of shortage group
Fulton:	
Service Area: Atlanta Southside	02
Glascock:	
Service Area: Tri-County	03
Grady	03
Greene	04
Hancock	01
Haralson	03
Harris	01
Irwin	04
Lamar	04
Lanier	03
Lee	01
Liberty	01
Lincoln	02
Long	01
Macon	02
Madison	01
Marion:	
Service Area: Marion/Schley	02
Miller	02
Mitchell	02
Murray	04
Oglethorpe	01
Pike	01
Randolph	
Schley:	
Service Area: Marion/Schley	02
Seminole	04
Stewart:	
Service Area: Stewart/Webster	02
Sumter:	
Population Group: Dent, Ind. Pop	01
Talbot	01
Taliaferro:	
Service Area: Tri-County	03
Tattnall	01
Taylor	02
Union	01
Warren:	
Service Area: Tri/County	03
Webster:	
Service Area: Stewart/Webster	02
Wilcox	01
Wilkinson	01
Worth	01

DENTAL CARE: Georgia

Service Area Listing

Service area name	Degree of shortage group
Atlanta Southside	01
County—Fulton:	
Parts:	
C.T. 44	
C.T. 46.95	
C.T. 48	
C.T. 49.95	
C.T. 50	
C.T. 52-53	
C.T. 55.01-55.02	
C.T. 56-58	
C.T. 63-64	
C.T. 67	
C.T. 68.01-68.02	
C.T. 69-73	
Marion/Schley	02
County—Marion	
County—Schley	
Stewart/Webster	02
County—Stewart	
County—Webster	
Tri-County	03
County—Glascock	
County—Taliaferro	
County—Warren	

DENTAL CARE: Georgia—Continued

Service Area Listing

Service area name	Degree of shortage group
Woodbine	01
County—Camden	
Parts: Woodbine	

DENTAL CARE: Georgia

Population Group Listing

Population Group	Degree of shortage group
Dent. Ind. Pop	01
County—Sumter	

DENTAL CARE: Hawaii

County name	Degree of shortage group
Honolulu	
Facility: Oahu Comm. Corrections Center	02

DENTAL CARE: Hawaii

Facility Listing

Facility	Degree of shortage group
Oahu Comm. Corrections Center	02
County—Honolulu	

DENTAL CARE: Illinois

County name	Degree of shortage group
Alexander:	
Service Area: Alexander/Pulaski	01
Bond	04
Brown	04
Calhoun	04
Cook:	
Service Area: South Lawndale (Chicago)	03
Facility: Cook County Dept. of Corr	02
Cumberland	04
Fayette:	
Population Group: Pov. Pop	02
Gallatin	01
Hardin:	
Service Area: Hardin/Pope	03
Henderson	02
Jackson:	
Population Group: Pov. Pop	01
Jasper	02
Kankakee:	
Service Area: Pembroke	01
Macon:	
Service Area: Decatur Inner City	01
Mercer	03
Pope:	
Service Area: Hardin-Pope	03
Pulaski:	
Service Area: Alexander/Pulaski	01
Randolph:	
Population Group: Pov. Pop	04
Rock Island:	
Population Group: Pov. Pop	02
St. Clair:	
Service Area: East Side Health Dist	02

DENTAL CARE: Illinois—Continued

County name	Degree of shortage group
Wayne	04
Will:	
Facility: Joliet Correctional Inst	02
Facility: Statesville Correction Inst	03
Winnebago:	
Service Area: Rockford Inner City	03

DENTAL CARE: Illinois

Service Area Listing

Service area name	Degree of shortage group
Alexander/Pulaski	01
County—Alexander	
County—Pulaski	
Decatur Inner City	01
County—Macon	
Parts:	
C.T. 1	
C.T. 7-9	
East Side Health Dist	02
County—St Clair	
Parts:	
C.T. 5004-5014	
C.T. 5015.01	
C.T. 5020-5030	
Hardin/Pope	03
County—Hardin	
County—Pope	
Pembroke	01
County—Kankakee	
Parts:	
Pembroke Twp	
St Anne Twp (E ½)	
Rockford Inner City	03
County—Winnebago	
Parts:	
C.T. 10	
C.T. 21	
C.T. 24-29	
South Lawndale (Chicago)	03
County—Cook	
Parts:	
C.T. 3001-3020	

DENTAL CARE: Illinois

Population Group Listing

Population Group	Degree of shortage group
Pov. Pop	02
County—Fayette	
Pov. Pop	01
County—Jackson	
Pov. Pop	04
County—Randolph	
Pov. Pop	02
County—Rock Island	

DENTAL CARE: Illinois

Facility Listing

Facility	Degree of shortage group
Cook County Dept. of Corr	02
County—Cook	

DENTAL CARE: Illinois—Continued

Facility Listing

Facility	Degree of shortage group
Joliet Correctional Inst.	02
County—Will	
Statesville Correctional Inst.	03
County—Will	

DENTAL CARE: Indiana

County name	Degree of shortage group
Lake:	
Service Area: Gary/Area #1	01

DENTAL CARE: Indiana

Service Area Listing

Service area name	Degree of shortage group
Gary/Area #1	01
County—Lake	
Parts: C.T. 102-126	

DENTAL CARE: Iowa

County name	Degree of shortage group
Adair	03
Guthrie	03
Louisa	02
Polk:	
Population Group: Dentally Indigent	01
Van Buren	02
Wayne	01

DENTAL CARE: Iowa

Population Group Listing

Population Group	Degree of shortage group
Dentally Indigent	01
County—Polk	

DENTAL CARE: Kansas

County name	Degree of shortage group
Coffey	03
Comanche	01
Doniphan	03
Gray	03
Hodgeman	01
Jefferson	04
Jewell	04
Meade	02
Smith	04
Wabaunsee	02
Wallace	01

DENTAL CARE: Kentucky

County name	Degree of shortage group
Ballard	02
Bath	03
Breckinridge	04
Carlisle	04
Casey	03
Clay	04
Edmonson	02
Estill	04
Fleming	04
Gallatin	04
Jackson	02
Jefferson:	
Service Area: West End	03
Knott	02
Lee:	
Service Area: Lee/Owsley	03
Letcher	03
Lewis	03
Logan	04
Martin	02
Meade	02
Menifee	01
Owsley:	
Service Area: Lee/Owsley	03
Wolfe	04

DENTAL CARE: Kentucky

Service Area Listing

Service area name	Degree of shortage group
Lee/Owsley	03
County—Lee	
County—Owsley	
West End	03
County—Jefferson	
Parts: C.T. 1-35	

DENTAL CARE: Louisiana

County name	Degree of shortage group
Bienville	01
Caddo:	
Population Group: Low Income Pop. of Shreveport	01
Calcasieu:	
Service Area: North Lake Charles	01
Caldwell	01
Catahoula	01
Concordia	04
De Soto	03
East Carroll	03
Franklin	02
Grant	01
Jackson	03
Lincoln	04
Madison	01
Morehouse	04
Natchitoches	04
Orleans:	
Service Area: Lower 9th Ward	04
Population Group: Pov. Pop. of St. Bernard	01
Population Group: Poverty Pop. of Irish Channel	01
Red River	01
St Landry:	
Service Area: Palmetto	01
Tensas	02
Union	04
Vernon	04
West Baton Rouge	02
West Carroll	01

DENTAL CARE: Louisiana

Service Area Listing

Service area name	Degree of shortage group
Lower 9th Ward	04
County—Orleans:	
Parts:	
C.T. 7.01-7.02	
C.T. 8	
C.T. 9.01-9.04	
North Lake Charles	01
County—Calcasieu:	
Parts:	
C.T. 2-4	
C.T. 14-15	
Palmetto	01
County—St. Landry:	
Parts:	
E.D. 725-727	
E.D. 730-738	

DENTAL CARE: Louisiana

Population Group Listing

Population Group	Degree of shortage group
Pov. Pop. St. Bernard	01
County—Orleans:	
Parts:	
C.T. 33.05	
C.T. 33.06	
Poverty Pop. Irish Channel	01
County—Orleans:	
Parts:	
C.T. 77-80	
C.T. 81.01-81.02	
C.T. 82-89	
Shreveport Low Income Pop. of Shreveport	01
County—Caddo	

DENTAL CARE: Maine

County name	Degree of shortage group
Aroostook:	
Service Area: Allagash	01
Service Area: Danforth	01
Service Area: Island Falls/Patten	01
Franklin:	
Service Area: Rangeley/Kingsfield	01
Hancock:	
Service Area: Gouldsboro	02
Knox:	
Service Area: Penobscot Bay	01
Oxford:	
Service Area: Rangeley/Kingsfield	01
Penobscot:	
Service Area: Brooks	01
Service Area: Danforth	01
Service Area: Howland/Old Town	02
Service Area: Island Falls/Patten	01
Service Area: Pittsfield	03
Somerset:	
Service Area: Pittsfield	03
Waldo:	
Service Area: Brooks	01
Washington:	
Service Area: Danforth	01
Service Area: Eastport/Lubec	01
Service Area: Gouldsboro	02

DENTAL CARE: Maine

Service Area Listing

Service area name	Degree of shortage group
Allagash	01
County—Aroostook:	
Parts:	
Allagash	
St. Francis	
St. John	
Unorg. Terr. N.W. Aroostook	
Brooks	01
County—Penobscot:	
Parts:	
Dixmont Twn	
Etna Twn	
County—Waldo:	
Parts:	
Brooks Twn	
Freedom Twn	
Jackson Twn	
Knox Twn	
Monroe Twn	
Montville Twn	
Thorndike Twn	
Troy Twn	
Unity Twn	
Danforth	01
County—Aroostook:	
Parts:	
Bancroft	
Orient	
Western	
County—Penobscot:	
Parts:	
Drew	
Kingman	
Prentiss	
County—Washington:	
Parts:	
Codyville	
Danforth	
Indian Twp	
Lvand Lakes Stream	
Talmage	
Topsfield	
Unorg. Terr. N. Washington	
Vanceboro	
Waite	
Eastport/Lubec	01
County—Washington:	
Parts:	
Dennysville Twn	
Eastport City	
Lubec Twn	
Pembroke Twn	
Perry Twn	
Plantation #14	
Whiting Twn	
Gouldsboro	02
County—Hancock:	
Parts:	
Gouldsboro	
Sorrento	
Sullivan	
Unorg. Terr. East Hancock	
Winter Harbor	
County—Washington:	
Parts:	
Beddington	
Cherryfield	
Columbia	
Deblois	
Harrington	
Millbridge	
Steuben	
Howland/Old Town	02

DENTAL CARE: Maine—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Penobscot:	
Parts:	
Alton Twn	
Argyle Twn	
Bradley Twn	
Burlington Twn	
Edinburg Twn	
Enfield Twn	
Grand Falls Plantation	
Greenbush Twn	
Greenfield Twn	
Howland Twn	
La Grange Twn	
Lowell Twn	
Milford Twn	
Old Town City	
Passadumqeaq Twn	
Summitt Twn	
Island Falls/Patten	01
County—Aroostook:	
Parts:	
Benedicta Twn	
Crystal Twn	
Dyer Brook Twn	
Hersey Twn	
Island Falls Twn	
Moro Plantation	
Sherman Twn	
Unorg. Terr. of S. Aroostook	
County—Penobscot:	
Parts:	
Mt. Chase Plantation	
Patten Twn	
Staceyville Twn	
Penobscot Bay	01
County—Knox:	
Parts:	
Matinicus Isle Plantation	
North Haven	
Vinalhaven	
Pittsfield	03
County—Penobscot:	
Parts:	
Newport Twn	
Plymouth Twn	
County—Somerset:	
Parts:	
Detroit Twn	
Howrtland Twn	
Palmyra Twn	
Pittsfield Twn	
St. Albans Twn	
Rangeley/Kingsfield	01
County—Franklin:	
Parts:	
Caplin Plantation	
Dallas Plantation	
Eustis Twn	
Kingsfield Twn	
Madrid Twn	
Phillips Twn	
Rangeley Plantation	
Rangeley Twn	
Sandy River Plantation	
Unorg. Terr. (N. Franklin)	
County—Oxford:	
Parts:	
Lincoln Plantation	
Magalloway Plantation	

DENTAL CARE: Maryland

County name	Degree of shortage group
Somerset:	
Service Area: Princess Anne	03
Baltimore City:	
Service Area: Constant Care	02
Service Area: East Baltimore	02
Service Area: Hampden/Woodberry/Remington	02
Service Area: West Baltimore	03

DENTAL CARE: Maryland

Service Area Listing

Service area name	Degree of shortage group
Constant Care	02
County—Baltimore City:	
Parts:	
C.T. 402	
C.T. 1401-1403	
C.T. 1501-1502	
C.T. 1601-1604	
C.T. 1701-1703	
C.T. 2101	
East Baltimore	02
County—Baltimore City:	
Parts:	
C.T. 501	
C.T. 603-605	
C.T. 704	
C.T. 806-808	
C.T. 909	
C.T. 1001-1002	
C.T. 1004	
Hampden/Woodberry/Remington	02
County—Baltimore City:	
Parts:	
C.T. 1203	
C.T. 1206-1207	
C.T. 1305-1306	
C.T. 1308.03-1308.04	
Princess Anne	03
County—Somerset:	
Parts:	
Election Dist. 1-4	
Election Dist. 6	
Election Dist. 8	
Election Dist. 13	
Election Dist. 15	
West Baltimore	03
County—Baltimore City:	
Parts:	
C.T. 1365	
C.T. 1802-1803	
C.T. 1901-1903	
C.T. 2001-2005	

DENTAL CARE: Massachusetts

County name	Degree of shortage group
Suffolk:	
Service Area: North Dorchester	01
Service Area: Roxbury	02
Service Area: South End	02

DENTAL CARE: Massachusetts

Service Area Listing

Service Area name	Degree of shortage roup
North Dorchester	01
County—Suffolk:	
Parts: C.T. 901-924	
Roxbury	02
County—Suffolk:	
Parts: C.T. 801-821	
South End	02
County-Suffolk:	
Parts: C.T. 704-712	

DENTAL CARE: Michigan

County name	Degree of shortage group
Alcona	03
Chippewa:	
Service Area: Bay Mills	01

DENTAL CARE: Michigan—Continued

County name	Degree of shortage group
Clare	
Service Area: Harrison	04
Wayne:	
Population Group: Medicaid Eligible of Highland Park	01
Population Group: Medicaid Eligible of W. Wayne Co	02

DENTAL CARE: Michigan

Service Area Listing

Population Group	Degree of shortage group
Bay Mills	01
County—Chippewa	
Parts:	
Bay Mills Twp	
Chippewa Twp	
Hulbert Twp	
Superior Twp	
Whitefish Twp	
Harrison	04
County—Clare	
Parts:	
Arthur Twp	
Franklin Twp	
Freeman Twp	
Frost Twp	
Greenwood Twp	
Hamilton Twp	
Harrison City	
Hatton Twp	
Hayes Twp	
Lincoln Twp	
Redding Twp	
Summerfield Twp	
Winterfield Twp	

DENTAL CARE: Michigan

Population Group Listing

Population Group	Degree of shortage group
Medicaid Eligible of Highland Park	01
County—Wayne	
Parts:	
C.T. 5530-5537	
Medicaid Eligible of W. Wayne Co	02
County—Wayne	
Parts:	
Allen Pk City	
Belleville City	
Brownstown Twp	
Dearborn City Twp	
Dearborn Hts City	
Ecorse City	
Flat Rock City	
Garden City	
Gibralter City	
Harper Woods	
Huron Twp	
Inkster City	
Levonia City	
Lincoln Pk City	
Melvindale City	

DENTAL CARE: Michigan—Continued

Population Group Listing

Population Group	Degree of shortage group
Northville City	
Northville Twp	
Plymonth City	
Plymonth Twp	
Redford Twp	
River Rouge City	
Riverview City	
Rockwood City	
Romulus City	
Southgate City	
Sumpter City	
Taylor City	
Trenton City	
Van Buren Twp	
Wayne City	
Westland City	
Woodhaven City	
Wyandotte City	

DENTAL CARE: Minnesota

County name	Degree of shortage group
Hennepin:	
Population Group: Am. Ind. Pop. in Minneapolis	01
Population Group: Indo-Chinese Refugee Pop.	01
Ramsey:	
Population Group: Indo-Chinese Refugee Pop.	01

DENTAL CARE: Minnesota

Population Group Listing

Population Group	Degree of shortage group
Am. Ind. Pop. in Minneapolis	01
County—Hennepin	
Indo-Chinese Refugee Pop.	01
County—Hennepin	
County—Ramsey	

DENTAL CARE: Mississippi

County name	Degree of shortage group
Amite:	
Service Area: Gloster	04
Benton	01
Carroll	01
Chickasaw	02
Choctaw	02
Claiborne	03
Clarke	02
Clay	04
Covington	04
De Soto	03
Franklin	01
Greene	01
Hancock	04
Hinds:	
Service Area: Good Samaritan	02
Holmes	01
Humphreys	01
Issaquena:	
Service Area: Issaquena-Sharkey	01
Jasper	02
Jefferson	01
Jefferson Davis	04
Kemper	02
Lawrence	04
Leake	02
Madison	02
Marion	04
Marshall	02

DENTAL CARE: Mississippi—Continued

County name	Degree of shortage group
Monroe	04
Neshoba	03
Noxubee	01
Perry	04
Pontotoc	02
Quitman	03
Sharkey:	
Service Area: Issaquena-Sharkey	01
Smith	01
Stone	04
Sunflower	04
Tallahatchie	03
Tate	03
Tunica	02
Webster	03
Wilkinson:	
Service Area: Gloster	04

DENTAL CARE: Mississippi

Service Area Listing

Service area name	Degree of shortage group
Gloster	04
County—Amite:	
Parts:	
District 1-3	
County—Wilkinson:	
Parts:	
District 3	
District 5	
Good Samaritan	02
County—Hinds:	
Parts:	
C.T. 17-20	
C.T. 25-28	
Issaquena-Sharkey	01
County—Issaquena	
County—Sharkey	

DENTAL CARE: Missouri

County name	Degree of shortage group
Atchison	04
Bollinger	03
Callaway:	
Facility: Renz Correctional Center	03
Carter	04
Chariton	02
Cole:	
Facility: Algoa Correctional Center	02
Facility: Central Missouri Correctional Center	02
Facility: Missouri State Penitentiary	02
Crawford	04
Dallas	04
Daviess	04
De Kalb	04
Douglas:	
Service Area: Ava	03
Dunklin	04
Franklin:	
Facility: Missouri Eastern Correctional Center	03
Hickory	02
Iron:	
Service Area: Arcadia Valley	02
Jackson:	
Service Area: Central Kansas City	02
Knox	04
Lewis	04
Lincoln	04
McDonald	04
Macon	04
Madison	04
Mercer	01
Miller	04
Mississippi	03
Nodaway	04
Oregon	01

DENTAL CARE: Missouri—Continued

County name	Degree of shortage group
Ozark	03
Pemiscot	04
Pulaski	03
Randolph:	
Facility: Missouri Training Center for Men	03
Reynolds:	
Service Area: Arcadia Valley	02
Ripley	03
St Clair	04
Scotland	04
Shannon	01
Stone	03
Sullivan	02
Texas	03
Warren	03
Washington:	
Service Area: Arcadia Valley	02
Service Area: Potosi	03
Wayne	02
St. Louis City:	
Service Area: Grace Hill	01

DENTAL CARE: Missouri

Sevice Area Listing

Service area name	Degree of shortage group
Arcadia Valley	02
County—Iron:	
County—Reynolds:	
Parts:	
Black River Twp	
Carroll Twp	
Lesterville Twp	
County—Washington:	
Parts:	
Belgrade Twp	
Belleview Twp	
Concorde Twp	
Harmony Twp	
Ava	03
County—Douglas	
Parts:	
Benton Twp (Ava)	
Bonne Twp	
Brown Twp	
Buchanan Twp	
Campbell Twp	
Clay	
Findley Twp	
Lincoln	
McMurtrey Twp	
Miller Twp	
Spencer	
Spring Creek Twp	
Walls Twp	
Washington Twp	
Central Kansas City	02
County—Jackson:	
Parts:	
C.T. 4-10	
C.T. 15-26	
C.T. 32-34	
C.T. 35.01-35.02	
C.T. 36.01-36.02	
C.T. 37-42	
C.T. 52-55	
C.T. 56.01-56.02	
C.T. 57	
C.T. 58.01-58.02	
C.T. 59.01	
C.T. 60	
C.T. 61-64	
C.T. 75-77	
C.T. 78.01-78.02	
C.T. 79-80	

DENTAL CARE: Missouri—Continued

Sevice Area Listing

Service area name	Degree of shortage group
Grace Hill	01
County—St Louis City:	
Parts:	
C.T. 1095	
C.T. 1202-1203	
C.T. 1261-1265	
Potosi	03
County—Washington:	
Parts:	
Breton (Potosi)	
Johnson	
Kingston	
Liberty	
Richwoods	
Union	
Walton	

DENTAL CARE: Missouri

Facility Listing

Facility	Degree of shortage group
Algoa Correctional Center	02
County—Cole	
Central Missouri Correctional Center	02
County—Cole	
Missouri Eastern Correctional Center	03
County—Franklin	
Missouri State Penitentiary	02
County—Cole	
Missouri Training Center for Men	03
County—Randolph	
Renz Correctional Center	03
County—Callaway	

DENTAL CARE: Montana

County name	Degree of shortage group
Garfield	01
Lake:	
Population Group: Am. Indian Pop. Flathead Res.	01
Missoula:	
Population Group: Am. Indian Pop. Flathead Res.	01
Roosevelt:	
Service Area: Poplar/Wolf Point	02
Sanders:	
Population Group: Am. Indian Pop. Flathead Res.	01

DENTAL CARE: Montana

Service Area Listing

Service area name	Degree of shortage group
Poplar/Wolf Point	02
County—Roosevelt:	
Parts:	
Poplar Div.	
Wolf Point Div.	
Wolf Point Rural Div.	

DENTAL CARE: Montana

Population Group Listing

Population Group	Degree of shortage group
Am. Indian Pop. Flathead Res	01
County—Lake	
County—Missoula	
County—Sanders	

DENTAL CARE: Nebraska

County name	Degree of shortage group
Thurston:	
Population group: Omaha Indians	01
Population group: Winnebago Indians	01

DENTAL CARE: Nebraska

Population Group Listing

Population Group	Degree of shortage group
Omaha Indians	01
County—Thurston	
Winnebago Indians	01
County—Thurston	

DENTAL CARE: Nevada

County name	Degree of shortage group
Clark:	
Service Area: Northeast Clark	04
Service Area: South/Southwest Clark	01
Service Area: Western Clark	01
Population Group: Low Inc. Pop. of W. Las Vegas	01
Douglas:	
Population Group: Washoe Indian Reservation	01
Esmeralda	01
Eureka	01
Lander	04
Lyon	04
Storey	01
Carson City:	
Population Group: Washoe Indian Reservation	01

DENTAL CARE: Nevada

Population Group	Degree of shortage group
Northeast Clark	04
County—Clark	
PARTS:	
C.T. 56	
C.T. 59 (East)	
South/Southwest Clark	01
County—Clark	
PARTS:	
C.T. 57	
C.T. 58 (South)	
Western Clark	01

DENTAL CARE: Nevada—Continued

Population Group	Degree of shortage group
County—Clark	
PARTS:	
C.T. 58 (Cent./North)	
C.T. 59 (West)	

DENTAL CARE: Nevada

Population Group Listing

Population Group	Degree of shortage group
Low Inc. Pop. W. Las Vegas	01
County—Clark	
Parts—	
C.T. 3.01-3.02	
C.T. 7	
C.T. 9	
C.T. 11	
C.T. 35	
Washoe Indian Reservation	01
County—Douglas	
County—Carson City	

DENTAL CARE: New Jersey

County name	Degree of shortage group
Camden:	
Service Area: Camden City	02
Mercer:	
Population Group: Dent. Ind. in Austin HC	02

DENTAL CARE: New Jersey

Service Area Listing

Service Area Name	Degree of shortage group
Camden City	02
County—Camden;	
Parts: C.T. 6001-6020	

DENTAL CARE: New Jersey

Population Group Listing

Population Group	Degree of shortage group
Dent. Ind. in Austin HC	02
County—Mercer	
Parts: C.T. 1-22	

DENTAL CARE: New Mexico

County name	Degree of shortage group
Bernalillo:	
Service Area: Southwest Valley Albuquerque	02
Catron	01
De Baca	01
Dona Ana:	
Service Area: Hatch	01
Service Area: Southern Dona Ana	01
Guadalupe	01
Harding	01
Hidalgo	01

DENTAL CARE: New Mexico—Continued

County name	Degree of shortage group
McKinley:	02
Population Group: Indian Pop. (Navajo)	01
Rio Arriba:	
Service Area: Rio Arriba	01
Sandoval:	
Service Area: Sandoval	02
Santa Fe:	
Population Group: Dent. Ind	02
Sierra	04
Taos:	
Service area: Rio Arriba	01

DENTAL CARE: New Mexico

Service Area Listing

Service area name	Degree of shortage group
Hatch	01
County—Dona Ana:	
Parts: Hatch	
Rio Arriba	01
County—Rio Arriba:	
Parts:	
Coyote	
Jicarilla	
Rio Chama	
Tierra Amarilla	
Vallecitos	
W. Rio Arriba	
County—Taos:	
Parts: Tres Piedras	
Sandoval	02
County—Sandoval:	
Parts:	
Cuba Div.	
Jemez Div.	
Santo Domingo Div.	
Southern Dona Ana	01
County—Dona Ana:	
Parts:	
Anthony Div.	
S. Dona Ana Div.	
Southwest Valley Albuquerque	02
County—Bernalillo:	
Parts:	
C.T. 23	
C.T. 24.01-24.02	
C.T. 40	
C.T. 43	
C.T. 44.01-44.02	
C.T. 45.01-45.02	
C.T. 46.01-46.02	

DENTAL CARE: New Mexico

Population Group Listing

Population Group	Degree of shortage group
Dent. Ind	02
County—Santa Fe	
Indian Pop. (Navajo)	01
County—McKinley	

DENTAL CARE: New York

County name	Degree of shortage group
Bronx:	
Service Area: Belvis	03
Service Area: Hunts Point	03
Service Area: Massive E. Bronx	04
Service Area: Morris Heights	01
Chenango:	
Service Area: Hamilton	03

DENTAL CARE: New York—Continued

County name	Degree of shortage group
Cortland:	
Service Area: Marathon	01
Erie:	
Population Group: Tonawanda Indian Pop	01
Genesee:	
Population Group: Tonawanda Indian Pop	01
Kings:	
Service Area: Brownsville	01
Service Area: Coney Island	04
Service Area: Ralph Ave.	01
Service Area: Sunset Park	02
Madison:	
Service Area: Hamilton	03
New York:	
Service Area: East Harlem	02
Service Area: Metro North	01
Niagara:	
Population Group: Tonawanda Indian Pop	01
Population Group: Tuscarora Ind. Pop	01
Oneida:	
Service Area: Hamilton	03
Westchester:	
Population Group: Dent. Ind. Pop. of Mt. Vernon	02

DENTAL CARE: New York

Service Area Listing

Service area name	Degree of shortage group
Belvis	03
County—Bronx:	
Parts:	
C.T. 11	
C.T. 15	
C.T. 17	
C.T. 23	
C.T. 25	
C.T. 27.01-27.02	
C.T. 31	
C.T. 33	
C.T. 35	
C.T. 37	
C.T. 39	
C.T. 41	
C.T. 43	
C.T. 47	
C.T. 49	
C.T. 65	
C.T. 81	
Brownsville	01
County—Kings:	
Parts:	
C.T. 301	
C.T. 303	
C.T. 361	
C.T. 363	
C.T. 365.01-365.02	
C.T. 367	
C.T. 369	
C.T. 371	
C.T. 373	
C.T. 375	
C.T. 377	
C.T. 379	
C.T. 882	
C.T. 884	
C.T. 886	
C.T. 888	
C.T. 890	
C.T. 892	

DENTAL CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 894	
C.T. 896	
C.T. 898	
C.T. 900	
C.T. 902	
C.T. 904	
C.T. 906	
C.T. 908	
C.T. 910	
C.T. 912	
C.T. 914	
C.T. 916	
C.T. 918	
C.T. 920	
C.T. 922	
C.T. 928	
C.T. 930	
C.T. 1138	
Coney Island	04
County—Kings:	
Parts:	
C.T. 326	
C.T. 328	
C.T. 330	
C.T. 336	
C.T. 340	
C.T. 342	
C.T. 348.01-348.02	
C.T. 350	
C.T. 352	
C.T. 354	
C.T. 356	
C.T. 360.01-360.02	
C.T. 362	
C.T. 364	
East Harlem	02
County—New York:	
Parts:	
C.T. 166	
C.T. 168	
C.T. 172.01-172.02	
C.T. 174.01-174.02	
C.T. 178	
C.T. 180	
C.T. 182	
C.T. 184	
C.T. 188	
C.T. 192	
C.T. 194	
C.T. 196	
C.T. 198	
C.T. 202	
C.T. 204	
Hamilton	03
County—Chenango:	
Parts:	
Columbus	
Otselic	
Sherburne	
Symra	
County—Madison:	
Parts:	
Brookfield	
Eaton	
Georgetown	
Hamilton	
Lebanon	
Madison	
County—Oneida:	
Parts:	
Sanlerfield	
Hunts Point	03
County—Bronx:	

DENTAL CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts:	
C.T. 71	
C.T. 73	
C.T. 75	
C.T. 77	
C.T. 79	
C.T. 83	
C.T. 85	
C.T. 87	
C.T. 89	
C.T. 91	
C.T. 97	
C.T. 99	
C.T. 115.01-115.02	
C.T. 119	
C.T. 127.02	
C.T. 129.01-129.02	
C.T. 133	
Marathon	01
County—Cortland	
Parts:	
Cincinnatus	
Freetown	
Harford	
Lapeer	
Marathon	
Taylor	
Willet	
Massive E. Bronx	04
County—Bronx:	
Parts:	
C.T. 44	
C.T. 48	
C.T. 50	
C.T. 52	
C.T. 54	
C.T. 56	
C.T. 62	
C.T. 64	
C.T. 66	
C.T. 68	
C.T. 70	
C.T. 214	
Metro North	01
County—New York:	
Parts:	
C.T. 156.02	
C.T. 162	
C.T. 164	
C.T. 170	
Morris Heights	01
County—Bronx:	
Parts:	
C.T. 205	
C.T. 213.01	
C.T. 215.01-215.02	
C.T. 217.01	
C.T. 235.01	
C.T. 241	
C.T. 243	
C.T. 245	
C.T. 247	
C.T. 249	
C.T. 251	
C.T. 255	
C.T. 257	
Ralph Ave.	01
County—Kings:	
Parts:	
C.T. 259.02	
C.T. 273	
C.T. 275	
C.T. 277	
C.T. 279	
C.T. 281	
C.T. 283	
C.T. 285.02	
C.T. 287	
C.T. 289	
C.T. 291	
C.T. 293	
C.T. 295	
C.T. 297	
C.T. 381	
C.T. 383	
C.T. 387	
Sunset Park	02

DENTAL CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Kings:	
Parts:	
C.T. 2	
C.T. 18	
C.T. 20	
C.T. 22	
C.T. 72	
C.T. 74	
C.T. 76	
C.T. 78	
C.T. 80	
C.T. 82	
C.T. 84	
C.T. 88	
C.T. 90	
C.T. 92	
C.T. 94	
C.T. 96	
C.T. 98	
C.T. 100	
C.T. 101	
C.T. 102	
C.T. 104	
C.T. 106	
C.T. 108	
C.T. 118	
C.T. 122	
C.T. 143	
C.T. 145	
C.T. 147	

DENTAL CARE: New York

Population Group Listing

Population Group	Degree of shortage group
Dent. Ind. Pop. of Mt. Vernon	02
County—Westchester:	
Parts:	
C.T. 25	
C.T. 27-29	
C.T. 31-32	
C.T. 35	
Tonawanda Indian Pop.	01
County—Erie:	
Parts: Tonawanda Ind. Reservation	
County—Genesee:	
Parts: Tonawanda Ind. Reservation	
County—Niagara:	
Parts: Tonawanda Ind. Reservation	
Tuscarora Ind. Pop	01
County—Niagara:	
Parts: Tuscarora Ind. Reservation	

DENTAL CARE: North Carolina

County name	Degree of shortage group
Alexander	04
Anson	02
Ashe	02
Beaufort:	
Service Area: Chocowinity-Richland	01
Bertie	01
Bladen	03
Brunswick	03
Camden	01
Caswell	03
Clay	02
Columbus	04
Cumberland:	
Service Area: Eastern Cumberland Co	01
Currituck	03
Duplin	04
Edgecombe	03
Franklin	03
Gates	03
Graham	03

DENTAL CARE: North Carolina—Continued

County name	Degree of shortage group
Greene	01
Halifax	03
Harnett	03
Hoke	02
Hyde	03
Johnston:	
Population Group: Mig. Seas. Frmwkrs. of Johnston-Sampson	01
Jones	01
Madison	01
Martin	04
Northampton	02
Pender	03
Perquimans	02
Robeson:	
Population Group Poverty Pop. of Pembroke Area	02
Sampson	03
Population Group Mig Seas. Frmwkrs. of Johnston-Sampson	01
Tyrrell	01
Warren	01
Washington	02

DENTAL CARE: North Carolina

Service Area Listing

Service area name	Degree of shortage group
Chocowinity-Richland	01
County—Beaufort:	
Parts:	
Chocowinity Twp	
Richland Twp	
Eastern Cumberland Co	01
County—Cumberland:	
Parts:	
C.T. 14	
C.T. 26-29	

DENTAL CARE: North Carolina

Population Group Listing

Population Group	Degree of shortage group
Mig. Seas. Frmwkrs. of Johnston-Sampson	01
County—Johnston:	
Parts:	
Banner (E.D. 5)	
Bentonsville (E.D. 10)	
Elevation (E.D. 35)	
Ingrams (E.D. 40)	
Meadow (E.D. 45)	
County—Sampson	
Poverty Pop of Pembroke Area	02
County—Robeson:	
Parts:	
Burnt Swamp Twp	
Pembroke	
Philadelphus	
Smiths	

DENTAL CARE: North Dakota

County name	Degree of shortage group
Billings	01
Burke	01
Dunn	01
Kidder	01
Sioux	01
Slope	01

DENTAL CARE: Ohio

County name	Degree of shortage group
Adams	04
Allen:	
Service Area: South Side Lima	01
Brown	04
Cuyahoga:	
Service Area: Central/Fairfax/Kinsman	01
Service Area: Clark-Fulton/Dension/Tremont	01
Service Area: Corlett/Mt. Pleas/Wdland	03
Service Area: Glenville (Area I—Cleveland)	01
Service Area: Hough/Norwood	01
Service Area: Near Westside-Cleveland	01
Service Area: North/South Collingwood	04
Service Area: Puritas-Bellaire/Jeffrsn	04
Population Group: Homebound Pop.	01
Facility: Justice Ctr	01
Darke	04
Hamilton:	
Service Area: Avondale	01
Service Area: East/Lower Price Hill (Cincinnati)	01
Service Area: Millvale	01
Service Area: Winton Hills (Cincinnati)	01
Harrison	02
Henry	04
Lucas:	
Service Area: Old West End/Ctr. City/Door-Toledo	02
Mahoning:	
Service Area: Eastside-Youngstown	01
Meigs	03
Monroe	
Service Area: New Matamoras	01
Service Area: Woodsfield	04
Morgan	02
Noble	04
Putnam:	
Population Group: Poverty/Migrant Frmwkr. Pop	01
Vinton	01
Washington:	
Service Area: New Matamoras	01

DENTAL CARE: Ohio

Service Area

Service area name	Degree of shortage group
Avondale	01
County—Hamilton:	
Parts:	
C.T. 34	
C.T. 66-69	
Central/Fairfax/Kinsman	01
County—Cuyahoga:	
Parts:	
C.T. 1079	
C.T. 1087-89	
C.T. 1091-1093	
C.T. 1096-1099	
C.T. 1101-1103	
C.T. 1129	
C.T. 1131-1139	
C.T. 1141-1146	
C.T. 1148	
Clark-Fulton/Dension/Tremont	01
County—Cuyahoga:	
Parts:	
C.T. 1027-1029 (Clark/Fulton)	
C.T. 1041-1048 (Tremont)	
C.T. 1049 (Denison)	
C.T. 1051-1053 (Clark/Fulton)	
C.T. 1054-1056 (Denison)	
Corlett/Mt. Pleas/Wdland	03
County—Cuyahoga:	
Parts:	
C.T. 1156	
C.T. 1193	
C.T. 1196	
C.T. 1198-1199	
C.T. 1201-1209	
C.T. 1213	
East/Lower Price Hill (Cincinnati)	01

DENTAL CARE: Ohio—Continued

Service Area

Service area name	Degree of shortage group
County—Hamilton:	
Parts:	
C.T. 1	
C.T. 87	
C.T. 89	
C.T. 91-96	
C.T. 103	
Eastside-Youngstown	01
County—Mahoning:	
Parts:	
C.T. 8001-8008	
Glenville (Area I—Cleveland)	01
County—Cuyahoga:	
Parts:	
C.T. 1114	
C.T. 1161-1168	
C.T. 1181-1185	
Hough/Norwood	01
County—Cuyahoga:	
Parts:	
C.T. 1112-1113	
C.T. 1115-1119	
C.T. 1121	
C.T. 1123-1128	
C.T. 1186	
C.T. 1189	
Millvale	01
County—Hamilton:	
Parts:	
C.T. 28	
C.T. 77	
C.T. 85.02	
C.T. 86.01	
Near Westside-Cleveland	01
County—Cuyahoga:	
Parts:	
C.T. 1012	
C.T. 1014-1019	
C.T. 1021-1026	
C.T. 1031-1039	
New Matamoras	01
County—Monroe:	
Parts:	
Benton Twp	
Jackson Twp	
County—Washington:	
Parts:	
Grandview Twp	
Independence Twp	
Liberty Twp	
Ludlow Twp	
North/South Collingwood	04
County—Cuyahoga:	
Parts:	
C.T. 1169	
C.T. 1171-1179	
C.T. 1261	
Old West End/Ctr. City/Door-Toledo	02
County—Lucas:	
Parts:	
C.T. 8	
C.T. 14-16	
C.T. 21-23	
C.T. 24.01-24.02	
C.T. 25-27	
C.T. 31-37	
Puritas-Bellaire/Jeffrsn	04
County—Cuyahoga:	
Parts:	
C.T. 1014	
C.T. 1021	
C.T. 1233	
C.T. 1235	
C.T. 1239	
C.T. 1241-1246	
South Side Lima	01
County—Allen:	
Parts:	
C.T. 117	
C.T. 135-138	
Winton Hills (Cincinnati)	01
County—Hamilton:	
Parts:	
C.T. 80 (Winton Hills)	
Woodsfield	04

DENTAL CARE: Ohio—Continued

Service Area

Service area name	Degree of shortage group
County—Monroe:	
Parts:	
Adams Twp	
Bethel Twp	
Center Twp	
Franklin Twp	
Green Twp	
Lee Twp	
Malaga Twp	
Ohio Twp	
Perry Twp	
Salem Twp	
Seneca Twp	
Simsburg Twp	
Summit Twp	
Switzerland Twp	
Washington Twp	
Wayne Twp	

DENTAL CARE: Ohio

Population Group Listing

Population Group	Degree of shortage group
Homebound Pop	01
County—Cuyahoga	
Poverty/Migrant Fmwkr. Pop	01
County—Putnam	

DENTAL CARE: Ohio

Facility Listing

Facility	Degree of shortage group
Justice Ctr	01
County—Cuyahoga	

DENTAL CARE: Oklahoma

County name	Degree of shortage group
Adair	02
Choctaw	03
Coal	01
Johnston	02
Latimer	02
Le Flore:	
Service Area: Talihina	01
McCurtain	03
Okfuskee	01
Oklahoma:	
Service Area: Southeast Oklahoma City	01
Osage	04
Pushmataha:	
Service Area: Talihina	01
Tillman	03
Tulsa:	
Service Area: North Tulsa	01
Population Group: American Indian Pop	01

DENTAL CARE: Oklahoma

Service Area Listing

Population Group	Degree of shortage group
North Tulsa	01
County—Tulsa	
Parts:	
C.T. 2-10	
C.T. 12-14	
C.T. 62	
C.T. 80.01-80.02	
Southeast Oklahoma City	01
County—Oklahoma	
Parts:	
C.T. 1037-1040	
C.T. 1047-1049	
C.T. 1053-1054	
C.T. 1072.09	
C.T. 1073.02	
Talihina	01
County—Le Flore	
Parts:	
S. Le Flore CCD	
Talihina CCD	
County—Pushmataha	
Parts:	
N. Pushmataha CCD	

DENTAL CARE: Oklahoma

Population Group Listing

Population Group	Degree of shortage group
American Indian Pop	01
County—Tulsa	

DENTAL CARE: Oregon

County name	Degree of shortage group
Curry:	
Service Area: Port Orford	01
Tillamook	
Service Area: Pacific City	01
Wheeler	01

DENTAL CARE: Oregon

Service Area Listing

Service area name	Degree of shortage group
Pacific City	01
County—Tillamook	
Parts:	
Beaver Division	
Neskown Division	
Port Orford	01
County—Curry	
Parts:	
Port Orford CCD	

DENTAL CARE: Pennsylvania

County name	Degree of shortage group
Adams:	
Service Area: North Adams	04
Allegheny:	
Service Area: Arlington Heights/St. Clair	01
Service Area: Beltzhoover	01
Service Area: Homewood-Brushton	04
Service Area: Manchester	01

DENTAL CARE: Pennsylvania—Continued

County name	Degree of shortage group
Armstrong:	
Service Area: Armstrong-Clarion	03
Bedford:	
Service Area: Broad Top	01
Service Area: Hyndman	01
Cambria:	
Service Area: North Cambria (Areas 1&8)	03
Centre:	
Service Area: Snow Shoe	02
Clarion:	
Service Area: Armstrong-Clarion	03
Clearfield:	
Service Area: Mahaffey	01
Service Area: Snow Shoe	02
Service Area: South Central Clearfield	02
Clinton:	
Service Area: Renovo	01
Crawford:	
Service Area: East Crawford County	01
Dauphin:	
Service Area: Williamstown	02
Delaware:	
Service Area: City of Chester	03
Fayette:	
Service Area: Greensboro	04
Franklin:	
Service Area: Valleys Community	01
Fulton	02
Greene:	
Service Area: Greensboro	04
Huntingdon:	
Service Area: Broad Top	01
Service Area: Mt. Union	04
Indiana:	
Service Area: Mahaffey	01
Lancaster:	
Service Area: Welsh Mountain	01
Population Group: Sp. Spkg. Pop. of SE Lancaster City	03
McKean:	
Service Area: Smithport	04
Mercer:	
Population Group: Medicaid Eligible & Sharon of Farrell	01
Mifflin:	
Service Area: McClure	02
Service Area: Mt. Union	04
Northumberland:	
Service Area: Herndon/Mandata	01
Perry	03
Philadelphia:	
Service Area: North Philadelphia	03
Population Group: Spanish Speaking Pop. of N.C. Phila	02
Schuylkill:	
Service Area: Herndon/Mandata	01
Service Area: Williamstown	02
Snyder:	
Service Area: McClure	02
Somerset:	
Service Area: Hyndman	01
Susquehanna:	
Service Area: Barnes-Kasson	01
Tioga:	
Service Area: Blossburg	03
York:	
Service Area: York City	01

DENTAL CARE: Pennsylvania

Service Area Listing

Service area name	Degree of shortage group
Arlington Heights/St. Clair	01
County—Allegheny	
Parts:	
C.T. 1603—1604	
C.T. 1606	
Armstrong—Clarion	03

DENTAL CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Armstrong:	
Parts:	
Brady's Bend Twp	
Madison Twp	
Perry Twp	
Pine Twp	
Sugarcreek Twp	
Washington Twp	
County—Clarion:	
Parts:	
Brady Twp	
East Brady Twp	
Madison Township	
Barnes—Kasson	01
County—Susquehanna:	
Parts:	
C.T. 301-302	
C.T. 307	
Beltzhoover	01
County—Allegheny:	
Parts:	
C.T. 1803-1805	
Blossburg	03
County—Tioga:	
Parts:	
Bloss Twp	
Blossburg Borough	
Covington Twp	
Duncan Twp	
Hamilton Twp	
Liberty Borough	
Liberty Twp	
Putnam Twp	
Union Twp	
Ward Twp	
Broad Top	01
County—Bedford:	
Parts:	
Broad Top Twp	
Coaldale Borough	
Hopewell Borough	
Liberty Twp	
Saxton Twp	
County—Huntingdon:	
Parts:	
Broad Top city Borough	
Carbon Twp	
Cass Twp	
Cassville Borough	
Coalmont Borough	
Dudley borough	
Hopewell Twp	
Todd Twp	
Wood Twp	
City of Chester	03
County—Delaware:	
Parts:	
C.T. 4048	
C.T. 4049.01-4049.02	
C.T. 4050-4057	
C.T. 4058.01-4058.02	
C.T. 4059-4060	
East Crawford County	01
County—Crawford:	
Parts:	
Athens Township	
Bloomfield Township	
Centerville Township	
Richmond Township	
Rockdale Township	
Rome Township	
Sparta Township	
Spartanburg Township	
Steuben Township	
Townville Borough	
Greensboro	04

DENTAL CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Fayette:	
Parts:	
German Township	
Masontown Borough	
Nicholson Township	
Point Marion Borough	
Springhill Township	
County—Greene:	
Parts:	
Dunkard Township	
Greene Township	
Greensboro Borough	
Monongahela Township	
Herndon/Mandata	01
County—Northumberland:	
Parts:	
Herndon Borough	
Jackson Twp	
Jordon Twp	
Little Mahoney Twp	
Lower Mahoney Twp (N½)	
Upper Mahoney Twp	
Washington Twp	
West Cameron Twp	
County—Schuylkill:	
Parts:	
Eldred Twp	
Upper Mahantango Twp	
Homewood—Brushton	04
County—Allegheny:	
Parts:	
C.T. 1207	
C.T. 1301-1305	
Hyndman	01
County—Bedford:	
Parts:	
Harrison Twp	
Hyndman Boro.	
Juniata Twp	
Londonderry Twp	
County—Somerset:	
Parts:	
Allegheny Twp	
Fairhope Twp	
New Baltimore Borough	
Mahaffey	01
County—Clearfield:	
Parts:	
Bell Twp	
Burnside Boro	
Burnside Twp	
Ferguson Twp (W¾)	
Greenwood Twp	
Mahaffey Boro	
N. Washington Boro	
Newbury Boro	
County—Indiana:	
Parts:	
Banks Twp (S¼)	
Glen Campbell Boro	
Manchester	01
County—Allegheny:	
Parts:	
C.T. 2101-2103	
C.T. 2106	
C.T. 2201-2202	
C.T. 2502	
McClure	02
County—Mifflin:	
Parts:	
Decatur Twp	
County—Snyder:	
Parts:	
Adams Twp	
McClure Borough	
Spring Borough	
West Beaver Twp	
Mt. Union	04

DENTAL CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Huntingdon:	
Parts:	
Brady Twp	
Mapleton Borough	
Mill Creek Borough	
Mt. Union Borough	
Shirley Twp	
Shirleysburg Borough	
Union Twp	
County—Mifflin:	
Parts:	
Kistler Borough	
Newton Hamilton Borough	
Wayne Twp	
North Adams	04
County—Adams:	
Parts:	
Arendtsville Borough	
Bendersville Borough	
Biglerville Borough	
Butler Township	
Huntington Township	
Menallen Township	
Tyrone Township	
York Springs Borough	
North Cambria (Areas 1&8)	03
County—Cambria:	
Parts:	
Allegheny Twp	
Ashville Boro.	
Barnesboro Boro.	
Barr Twp	
Carrolltown Boro.	
Chest Springs Boro.	
Chest Twp	
Clearfield Twp	
Dean Twp	
East Carroll Twp	
Elder Twp	
Gallitzin Twp	
Gallitzin Boro.	
Hastings Boro.	
Loretto Boro.	
Patton Boro.	
Reade Twp	
Spangler Boro.	
Susquehanna Twp	
Tunnel Hill Boro.	
West Carroll Twp	
White Twp	
North Philadelphia	03
County—Philadelphia:	
Parts:	
C.T. 125-149	
C.T. 151-156	
C.T. 165-169	
C.T. 171-174	
Renovo	01
County—Clinton:	
Parts:	
Chapman Twp	
East Keating Twp	
Grugan Twp	
Liedy Twp	
Noyes Twp	
Renovo Borough	
S. Renovo Borough	
Smithport	04
County—McKean:	
Parts:	
Annin Twp	
Eldred Borough	
Eldred Twp	
Hamlin Twp (E½)	
Keating Twp	
Liberty Twp	
Norwich Twp	
Otto Twp	
Port Allegany Borough	
Smethport Borough	
Snow Shoe	02

DENTAL CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Centre:	
Parts:	
Boggs Twp (S½)	
Burnside Twp	
Curtin Twp (E½)	
Snow Shoe Borough	
Snow Shoe Twp	
Union Twp (S½)	
Unionville Borough	
County—Clearfield:	
Parts:	
Cooper Twp (N⅝)	
Covington Twp	
Karthaus Twp	
South Central Clearfield	02
County—Clearfield:	
Parts:	
Beccaria Twp	
Bigler Twp	
Chest Twp	
Coalport Borough	
Glen Hope Borough	
Gulich Twp	
Irvona Borough	
Jordan Twp	
Ramey Borough	
Westover Borough	
Valleys Community	01
County—Franklin:	
Parts:	
Fannet Twp	
Metal Twp	
Welsh Mountain	01
County—Lancaster:	
Parts:	
Caernarvon Twp	
Earl Twp	
East Earl Twp	
Salisbury Twp	
Williamstown	02
County—Dauphin:	
Parts:	
Jackson Twp (E⅓)	
Jefferson Twp (E½)	
Lykens Borough	
Rush Twp	
Williams Twp	
Williamstown Borough	
Wisconisco Twp	
County—Schuylkill:	
Parts:	
Porter Twp	
Tower City Borough	
York City	01
County—York:	
Parts:	
C.T. 1-3	
C.T. 5	
C.T. 7	
C.T. 10	
C.T. 15-16	

DENTAL CARE: Pennsylvania

Population Group Listing

Population Group	Degree of shortage group
Medicaid Eligible of Sharon-Farrell	01
County—Mercer:	
Parts:	
Farrell City	
Sharon City	
Sp. Spkg. Pop. of SE Lancaster City	03
County—Lancaster	
Parts:	
C.T. 8-9	
C.T. 15-16	
Spanish Speaking Pop. of N. C. Phila.	02

DENTAL CARE: Pennsylvania—Continued

Population Group Listing

Population Group	Degree of shortage group
County—Philadelphia	
Parts:	
C.T. 156-157	
C.T. 162-164	
C.T. 175-176	
CT. 195	

DENTAL CARE: Rhode Island

County name	Degree of shortage group
Providence:	
Service Area: Inner City Providence	01
Facility: Allen Berry Hlth Ctr	01
Facility: Central Hlth Ctr. Providence	01

DENTAL CARE: Rhode Island

Service Area Listing

Service area name	Degree of shortage group
Inner City Providence	01
County—Providence	
Parts:	
C.T. 3-4	
C.T. 6-7	
C.T. 12-14	

DENTAL CARE: Rhode Island

Facility Listing

Facility	Degree of shortage group
Allen Berry Hlth Ctr	01
County—Providence	
Central Hlth Ctr. Providence	01
County—Providence	

DENTAL CARE: South Carolina

County name	Degree of shortage group
Abbeville:	
Service Area: Isla	02
Aiken:	
Population Group: Dev. Disa. Pop. of Midlands Region	01
Allendale:	
Population Group: Dev. Disa. Pop. of Midlands Region	01
Anderson:	
Service Area: Isla	02
Bamberg:	
Population Group: Dev. Disa. Pop. of Midlands Region	01
Barnwell:	
Population Group: Dev. Disa. Pop. of Midlands Region	01
Beaufort:	
Population Group: Dev. Disa. Pop. of Coastal Region	01
Berkeley	03
Population Group: Dev. Disa. Pop. of Coastal Region	01
Calhoun:	
Population Group: Dev. Disa. Pop. of Midlands Region	01

DENTAL CARE: South Carolina—Continued

County name	Degree of shortage group
Charleston:	
Population Group: Dev. Disa. Pop. of Coastal Region	01
Chesterfield	04
Clarendon	04
Colleton	04
Population Group: Dev. Disa. Pop. of Coastal Region	01
Dillon	03
Dorchester:	
Population Group: Dev. Disa. Pop. of Coastal Region	01
Fairfield	04
Population Group: Dev. Disa. Pop. of Midlands Region	01
Hampton:	
Population Group: Dev. Disa. Pop. of Coastal Region	01
Jasper	02
Population Group: Dev. Disa. Pop. of Coastal Region	01
Kershaw:	
Population Group: Dev. Disa. Pop. of Midlands Region	01
Lee	02
Lexington:	
Population Group: Dev. Disa. Pop. of Midlands Region	01
McCormick	01
Marlboro	03
Orangeburg:	
Population Group: Dev. Disa. Pop. of Midlands Region	01
Richland	
Service Area: Richland/Eastover	02
Population Group: Dev. Disa. Pop. of Midlands Region	01
Saluda	02
Sumter	04
Williamsburg	02
York:	
Service Area: Western York	04

DENTAL CARE: South Carolina

Service Area Listing

Service area name	Degree of shortage group
Isla	02
County—Abbeville:	
Parts:	
Antreville-Lowndesville	
Calhoun Falls Div	
County—Anderson:	
Parts:	
Iva	
Starr	
Richland/Eastover	02
County—Richland:	
Parts:	
Eastover CCD	
Hopkins CCD	
Horrell CCD	
Western York	04
County—York:	
Parts:	
Clover	
Hickory Grove	
McConnelld	
York	

DENTAL CARE: South Carolina

Population Group Listing

Population Group	Degree of shortage group
Dev. Disa. Pop. of Coastal Region	01
County—Beaufort	
County—Berkeley	
County—Charleston	
County—Colleton	
County—Dorchester	
County—Hampton	
County—Jasper	
Dev. Disa. Pop. of Midlands Region	01
County—Aiken	
County—Allendale	
County—Bamberg	
County—Barnwell	
County—Calhoun	
County—Fairfield	
County—Kershaw	
County—Lexington	
County—Orangeburg	
County—Richland	

DENTAL CARE: South Dakota

County name	Degree of shortage group
Buffalo	01
Campbell	01
Corson	04
Dewey	04
Gregory	04
Harding	01
Jackson	01
Lyman	02
Mellette	01
Sanborn	01
Shannon	01
Todd	01

DENTAL CARE: Tennessee

County name	Degree of shortage group
Claiborne	04
Clay	02
Cumberland:	
Service Area: Monterey	03
Fayette	01
Fentress:	
Service Area: Monterey	03
Grainger	01
Grundy	02
Hancock	03
Haywood	04
Johnson	04
Morgan	02
Overton:	
Service Area: Monterey	03
Putnam:	
Service Area: Monterey	03
Scott	03
Union	03
Wayne	04

DENTAL CARE: Tennessee

Service Area Listing

Service area name	Degree of shortage group
Monterey:	03
County—Cumberland:	
Parts:	
Maryland/Pleasant Hill	
County—Fentress:	
Parts:	
Clark Range	
County—Overton:	
Parts:	
Crawford	
County—Putnam:	
Parts:	
Monterey	

DENTAL CARE: Texas

County name	Degree of shortage group
Caldwell:	
Population Group: Ind. Pop	01
Cameron	02
Castro	03
Cochran	01
Dallas:	
Service Area: West Dallas	02
Population Group: Indian Pop. of Dallas/Ft. Worth	01
Dimmit	01
Duval	01
Edwards	01
El Paso:	
Service Area: S.E. El Paso	01
Frio	03
Hall	04
Hardin	02
Hidalgo	03
Jefferson:	
Service Area: Beaumont Inner City	04
Kinney	01
La Salle	04
Live Oak:	
Service Area: McMullen/Live Oak	04
McMullen:	
Service Area: McMullen/Live Oak	04
Maverick	01
Newton	01
Parmer	01
San Jacinto	02
Sherman	01
Starr	01
Tarrant:	
Population Group: Indian Pop. of Dallas/Ft. Worth	01
Trinity	02
Val Verde	03
Waller	02
Webb	01
Willacy	01
Yoakum	02
Zapata	01
Zavala	01

DENTAL CARE: Texas

Service Area Listing

Service area name	Degree of shortage group
Beaumont Inner City	04
County—Jefferson:	
Parts:	
C.T. 7-8	
C.T. 10	
C.T. 15-19	

DENTAL CARE: Texas—Continued

Service Area Listing

Service area name	Degree of shortage group
McMullen/Live Oak	04
County—Live Oak	
County—McMullen	
S.E. El Paso	01
County—El Paso:	
Parts:	
C.T. 28-32	
C.T. 35.01-35.02	
C.T. 36	
C.T. 37.01-37.02	
C.T. 38.01-38.02	
C.T. 39-40	
C.T. 41.01-41.02	
C.T. 42.01-42.02	
C.T. 104-105	
West Dallas	02
County—Dallas:	
Parts:	
C.T. 43	
C.T. 101-106	

DENTAL CARE: Texas

Population Group Listing

Population Group	Degree of shortage group
Ind. Pop	01
County—Caldwell	
Indian Pop. of Dallas/Ft. Worth	01
County—Dallas	
County—Tarrant	

DENTAL CARE: Utah

County name	Degree of shortage group
Daggett	01
Davis:	
Population Group: American Indian Pop	01
Duchesne:	
Population Group: Amer. Ind. Pop. Uintah & Ouray Res	01
Grand:	
Population Group: Amer. Ind. Pop. Uintah & Ouray Res.	01
Piute	01
Rich	01
Salt Lake:	
Population Group: American Indian Pop	01
Population Group: Poverty Pop. of N.W. Salt Lake	02
San Juan:	
Service Area: Blanding/Monticello	04
Tooele:	
Population Group: American Indian Pop	01
Uintah:	
Population Group: Amer. Ind. Pop. Uintah & Ouray Res.	01
Wasatch:	
Population Group: Amer. Ind. Pop. Uintah & Ouray Res	01
Weber:	
Population Group: American Indian Pop	01

DENTAL CARE: Utah

Service Area Listing

Service area name	Degree of shortage group
Blanding/Monticello	04
County—San Juan:	
Parts:	
Blanding Div.	
Monticello Div.	

DENTAL CARE: UTAH

Population Group Listing

Population Group	Degree of shortage group
Amer. Ind. Pop. Uintah & Ouray Res	01
County—Duchesne	
County—Grand	
County—Uintah	
County—Wasatch	
American Indian Pop	01
County—Davis	
County—Salt Lake	
County—Toogle	
Parts: Tooele-Grantsville Div.	
County—Weber	
Poverty Pop. of N.W. Salt Lake	02
County—Salt Lake:	
Parts:	
C.T. 1001	
C.T. 1003.03-1003.04	
C.T. 1004-1006	
C.T. 1024-1027	

DENTAL CARE: Vermont

County name	Degree of Shortage Group
Addison:	
Service Area: Addison	02
Essex	01
Grand Isle	01
Washington:	
Service Area: Plainfield	01

DENTAL CARE: Vermont

Sevice Area Listing

Service Area Name	Degree of shortage group
Addison	02
County—Addision:	
Parts:	
Addison	
Bridport	
Bristol	
Ferrisburg	
Lincoln	
Monkton	
New Haven	
Orwell	
Panton	
Shoreham	
Starksboro	
Waltham	
Plainfield	01

DENTAL CARE: Vermont—Continued

Sevice Area Listing

Service Area Name	Degree of shortage group
County—Washington:	
Parts:	
Cabot Town	
Calais Town	
East Montpelier Town	
Marshfield Town	
Plainfield Town	
Woodbury Town	

DENTAL CARE: Virginia

County name	Degree of shortage group
Albemarle:	
Service Area: Southern Albemarle Co	01
Brunswick	02
Buchanan	03
Charlotte	04
Craig	01
Dickenson	02
Grayson:	
Service Area: Troutdale	01
Greene	03
Henry:	
Population Group: Poverty Pop	01
King and Queen:	
Service Area: King & Queen/Northern King William	01
King William:	
Service Area: King & Queen/Northen King William	01
Lee:	
Service Area: St. Charles	02
Louisa	04
Patrick	02
Rappahannock	01
Russell	04
Scott	04
Southampton	01
Surry	01

DENTAL CARE: Virginia

Service Area Listing

Service area name	Degree of shortage group
King & Queen/Northern King William	01
County—King and Queen	
County—King William	
Parts:	
Acquiton Dist.	
Mangokick Dist.	
Southern Albemarle Co.	01
County—Albemarle	
Parts:	
Samuel Miller Dist (S. Part)	
Scottsville Dist.	
St. Charles	02
County—Lee	
Parts:	
Rocky Station Dist.	
Yokum Dist.	
Troutdale	01
County—Grayson	

DENTAL CARE: Virginia—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts:	
Troutdale	

DENTAL CARE: Virginia

Population Group Listing

Population Group	Degree of shortage group
Poverty Pop	01
County—Henry	

DENTAL CARE: Washington

County name	Degree of shortage group
Adams:	
Population Group: Migrant Population	04
Benton:	
Population Group: Migrant & Seas. Farmwkrs, Lower Yakima	01
Ferry	04
Grant:	
Population Group: Migrant Population	04
King:	
Population Group: Dent. Ind. Pop	04
Facility: Seattle & King Co. Jails	02
Pierce:	
Population Group: Poverty Pop	02
Facility: McNeil Island Corr. Ctr	02
Facility: Pierce Co. Jail	02
Spokane:	
Population Group: Am. Indian Pop	01
Yakima:	
Population Group: Migrant & Seas. Farmwkrs, Lower Yakima	01

DENTAL CARE: Washington

Population Group Listing

Population Group	Degree of shortage group
Am Indian Pop	01
County—Spokane	
Dent. Ind. Pop	04
County—King	
Migrant Population	04
County—Adams	
County—Grant	
Migrant & Seas. Farmwkrs. of Lower Yakima	01
County—Benton:	
Parts:	
N.W. Benton Div. (West ½)	
Prosser City	
County—Yakima:	
Parts:	
Mabton Division	
S. Yakima Division	
Sunnyside Division	
Toppenish-Wapato Division	
Poverty Pop	02
County—Pierce	

DENTAL CARE: Washington

Facility Listing

Facility	Degree of shortage group
McNeil Island Corr. Ctr	02
County—Pierce	
Pierce Co. Jail	02
County—Pierce	
Seattle & King Co. Jails	02
County—King	

DENTAL CARE: West Virginia

County name	Degree of shortage group
Calhoun	02
Clay	01
Doddridge	01
Kanawha:	
Service Area: Cabin Creek	02
Population Group: Indigent Pop	01
Lincoln	01
Logan	03
McDowell	04
Preston:	
Service Area: Rowlesburg	04
Putnam:	
Population Group: Indigent Pop	01
Roane	01
Summers	03
Taylor	02
Tucker	03
Wayne	03
Wirt	02
Wyoming	03

DENTAL CARE: West Virginia

Service Area Listing

Service area name	Degree of shortage group
Cabin Creek	02
County—Kanawha:	
Parts:	
C.T. 121-123 (Dist. 1)	
C.T. 126 (Dist. 1)	
Rowlesburg	04
County—Preston:	
Parts:	
Reno Dist.	
Union Dist.	

DENTAL CARE: West Virginia

Population Group Listing

Population Group	Degree of shortage group
Indigent Pop	01
County—Kanawha:	
Parts:	
Dist. 1 (Part)	
Dists. 2-5	
Indigent Pop	01

DENTAL CARE: West Virginia—Continued

Population Group Listing

Service area name	Degree of shortage group
County—Putnam	

DENTAL CARE: Wisconsin

County name	Degree of shortage group
Forest:	
Service Area: Mountain	02
Jackson	03
Langlade:	
Service Area: Mountain	02
Milwaukee:	
Service Area: Capitol Dr	02
Service Area: Inner City North (Milwaukee)	01
Service Area: Inner City West	03
Oconto:	
Service Area: Mountain	02

DENTAL CARE: Wisconsin

Service Area Listing

Service area name	Degree of shortage group
Capitol Dr	02
County—Milwaukee:	
Parts:	
C.T. 26	
C.T. 39	
C.T. 41-43	
C.T. 45-48	
C.T. 63-65	
Inner City North (Milwaukee)	01
County—Milwaukee:	
Parts:	
C.T. 44	
C.T. 66-72	
C.T. 79-86	
C.T. 101-107	
C.T. 114-118	
C.T. 139	
C.T. 140	
C.T. 141-142	
Inner City West	03
County—Milwaukee:	
Parts:	
C.T. 62	
C.T. 87-90	
C.T. 96-100	
C.T. 119-126	
C.T. 133-138	
C.T. 148-149	
Mountain	02
County—Forest:	
Parts:	
Blackwell Twn	
Freedom Twn	
Wabeno Twn	
County—Langlade:	
Parts:	
Evergreen Twn	
White Lake Village	
Wolf River Twn	
County—Oconto:	
Parts:	

DENTAL CARE: Wisconsin—Continued

Service Area Listing

Service area name	Degree of shortage group
Armstrong Twn	
Bagley Twn	
Brazeau Twn	
Breed Twn	
Doty Twn	
Lakewood Twn	
Riverview Twn	
Townsend Twn	

DENTAL CARE: Wyoming

County name	Degree of shortage group
Fremont:	
Service Area: Dubois	01
Service Area: Jeffrey City	01
Johnson:	
Service Area: Kaycee	01

DENTAL CARE: Wyoming

Service Area Listing

Service area name	Degree of shortage group
Dubois	01
County—Fremont:	
Parts: Dubois CCD	
Jeffrey City	01
County—Fremont	
Parts: Sweetwater CCD	
Kaycee	01
County—Johnson:	
Parts: Kaycee CCD	

DENTAL CARE: American Samoa

District name	Degree of shortage group
Eastern Tutuila District:	
Service Area: Terr. of Amer. Samoa	04
Manu'a District:	
Service Area: Terr. of Amer. Samoa	04
Rose Island:	
Service Area: Terr. of Amer. Samoa	04
Swains Island District:	
Service Area: Terr. of Amer. Samoa	04
Western Tutuila District:	
Service Area: Terr. of Amer. Samoa	04

DENTAL CARE: American Samoa

Service Area Listing

Service area name	Degree of shortage group
Terr. of Amer. Samoa	04

DENTAL CARE: American Samoa—Continued

Service Area Listing

Service area name	Degree of shortage group
District—Eastern Tutuila	
District—Manu'a District	
District—Rose Island	
District—Swains Island	
District—Western Tutuila	

DENTAL CARE: Guam

District name	Degree of shortage group
Agat:	
Service Area: Southern Guam	01
Inarajan:	
Service Area: Southern Guam	01
Merizo:	
Service Area: Southern Guam	01
Santa Rita:	
Service Area: Southern Guam	01
Talofofo:	
Service Area: Southern Guam	01
Umatac:	
Service Area: Southern Guam	01
Yona:	
Service Area: Southern Guam	01

DENTAL CARE: Guam

Service area name	Degree of shortage group
Southern Guam	01
District—Agat	
District—Inarajan	
District—Merizo	
District—Santa Rita	
District—Talofofo	
District—Umatac	
District—Yona	

DENTAL CARE: Puerto Rico

Municipio name	Degree of shortage group
Anasco	01
Arecibo:	
Population Group: Poverty Pop	01
Barceloneta	01
Barranquitas	01
Camuy	01
Catano:	
Population Group: Poverty Pop	01
Cayey:	
Population Group: Poverty Pop	01
Ciales	01
Cidra	01
Comerio	01
Corozal	01
Dorado:	
Population Group: Poverty Pop	01
Fajardo	01
Guanica:	
Population Group: Poverty Pop	01
Guayama:	
Population Group: Poverty Pop	01
Guayanilla:	
Population Group: Poverty Pop	01
Gurabo:	
Population Group: Poverty Pop	01
Hatillo	01
Hormigueros:	
Population Group: Poverty Pop	01
Humacao:	
Population Group: Poverty Pop	01

DENTAL CARE: Puerto Rico—Continued

Municipio name	Degree of shortage group
Isabela:	
Population Group: Poverty Pop	01
Jayuya:	
Population Group: Poverty Pop	01
Juana Diaz:	
Population Group: Poverty Pop	01
Juncos:	
Population Group: Poverty Pop	01
Lajas	01
Lares	01
Las Marias	01
Las Peidras	01
Loiza:	
Population Group: Poverty Pop	02
Luquillo	01
Manati:	
Population Group: Poverty Pop	01
Maricao	01
Maunabo:	
Population Group: Poverty Pop	01
Moca:	
Population Group: Poverty Pop	01
Morovis	01
Naguabo:	
Population Group: Poverty Pop	01
Naranjito	01
Orocovis	01
Patillas	01
Ponce:	
Population Group: Poverty Pop	01
Quebradillas:	
Population Group: Poverty Pop	01
Rincon:	
Population Group: Poverty Pop	02
Rio Grande:	
Population Group: Poverty Pop	01
Sabana Grande	01
Salinas:	
Population Group: Poverty Pop	01
San German:	
Population Group: Poverty Pop	01
San Juan:	
Service Area: Barrio Abrero	01
San Lorenzo:	
Population Group: Poverty Pop	01
San Sebastian:	
Population Group: Poverty Pop	01
Santa Isabel:	
Population Group: Poverty Pop	01
Toa Alta:	
Population Group: Poverty Pop	01
Toa Baja:	
Population Group: Poverty Pop	01
Trujillo Alto:	
Population Group: Poverty Pop	01
Utuado:	
Population Group: Poverty Pop	01
Vega Alta:	
Population Group: Poverty Pop	01
Vega Baja:	
Population Group: Poverty Pop	01
Vieques	02
Villalba	01
Yabucoa:	
Population Group: Poverty Pop	01
Yauco:	
Population Group: Poverty Pop	01

DENTAL CARE: Puerto Rico

Service Area Listing

Service area name	Degree of shortage group
Barrio Abrero	01
Municipio—San Juan:	
Parts:	
C.T. 29-39	
C.T. 44-45	

DENTAL CARE: Puerto Rico

Population Group Listing

Population Group	Degree of shortage group
Poverty Pop	01
Municipio—Arecibo	
Poverty Pop	01
Municipio—Catano	
Poverty Pop	01
Municipio—Cayey	
Poverty Pop	01
Municipio—Dorado	
Poverty Pop	01
Municipio—Guanica	
Poverty Pop	01
Municipio—Guayama	
Poverty Pop	01
Municipio—Guayanilla	
Poverty Pop	01
Municipio—Gurabo	
Poverty Pop	01
Municipio—Hormigueros	
Poverty Pop	01
Municipio—Humacao	
Poverty Pop	01
Municipio—Isabela	
Poverty Pop	01
Municipio—Jayuya	
Poverty Pop	01
Municipio—Juana Diaz	
Poverty Pop	01
Municipio—Juncos	
Poverty Pop	02
Municipio—Loiza	
Poverty Pop	01
Municipio—Manati	
Poverty Pop	01
Municipio—Maunabo	
Poverty Pop	01
Municipio—Moca	
Poverty Pop	01
Municipio—Naguabo	
Poverty Pop	01
Municipio—Ponce	
Poverty Pop	01
Municipio—Quebradillas	
Poverty Pop	02
Municipio—Rincon	
Poverty Pop	01
Municipio—Rio Grande	
Poverty Pop	01
Municipio—Salinas	
Poverty Pop	01
Municipio—San German	
Poverty Pop	01
Municipio—San Lorenzo	
Poverty Pop	01
Municipio—San Sebastian	
Poverty Pop	01
Municipio—Santa Isabel	
Poverty Pop	01
Municipio—Toa Alta	
Poverty Pop	01
Municipio—Toa Baja	
Poverty Pop	01
Municipio—Trujillo Alto	
Poverty Pop	01
Municipio—Utuado	
Poverty Pop	01
Municipio—Vega Alta	
Poverty Pop	01
Municipio—Vega Baja	
Poverty Pop	01
Municipio—Yabucoa	
Poverty Pop	01

DENTAL CARE: Puerto Rico—Continued

Population Group Listing

Population Group	Degree of shortage group
Municipio—Yauco	

DENTAL CARE: Trust Terr-Pac

District name	Degree of shortage group
Kosrae District	02
Marshall District	01
Palau District	02
Ponape District	01
Truk District	01
Yap District	01

DENTAL CARE: North Mariana Islands

District name	Degree of shortage group
Mariana Island District	01

DENTAL CARE: Virgin Islands

Island name	Degree of shortage group
St. Croix:	
Service Area: Fredericksted	01
St. Thomas:	
Service Area: East End St. Thomas	01

DENTAL CARE: Virgin Islands

Service Area Listing

Service area name	Degree of shortage group
East End St. Thomas	01
Island—St. Thomas:	
Parts:	
East End	
Southside	
Tutu	
Fredericksted	01
Island—St. Croix:	
Parts:	
Fredericksted	
Northwest	
Southwest	

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS

Service area	County	Parts
Alaska		
	Aleutian Islands area.	All.
	Bethel area	All.
	Nome area	All.
	Pr. Wales Outer Ketchikan.	All.
	Skagway-Yakutat-Angoon.	All.
	Valdez-Cordova area.	All.
	Wade Hampton	All.
Bristol Bay	Bristol Bay Borough.	All.

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
	Dillingham Area	All.
Arizona		
Population Group		
Mig./Low Inc. Pop. (Somerton).	Yuma	Somerton Div.
California		
	San Benito	All.
Barstow	San Bernardino	C.T. 89.02, 90.01-90.02, 93-95, 96.01-96.03, 103.
E. Palo Alto/E. Menlo Park.	San Mateo	C.T. 6117-6121.
Huron/Five Points	Fresno	C.T. 78
Loma Prieta School District.	Santa Clara	Lexington Div. (Part).
	Santa Cruz	San Lorenzo Valley (Part), Scotts Valley Div. (Part).
Newhall	Los Angeles	C.T. 1081-1082, 9200.01-9200.03, 9201, 9203.01-9203.03.
South Tulare	Tulare	C.T. 32, 42-45.
West Modesto	Stanislaus	C.T. 15-17, 22-25, 31.
Population Group		
Mig/Seasonal Farmworkers (San Joaquin).	San Joaquin	All.
Span.-Spkng/Ind. Pop. in Nipomo Area.	San Luis Obispo	All.
Colorado		
Avondale	Pueblo	C.T. 30.01-30.02 (Part-Avondale), C.T. 31.02 (Part-Avondale), C.T. 32-34 (Avondale).
Commerce City	Adams	C.T. 87.02-87.03 (Commerce City), C.T. 88.01 (Irondale), C.T. 88.02 (Adams City), C.T. 89.01 (Commerce City), C.T. 89.52 (South Welby).
Eastside (Denver)	Denver	C.T. 15-16, 23, 24.01-24.02, 31.01, 35, 36.01.
Westside (Denver)	Denver	C.T. 6, 7.02; 8, 9.01, 9.03, 10, 18-19, 21.
Connecticut		
Central Bridgeport	Fairfield	C.T. 713-717.
Charter Oak/Rice Hts.	Hartford	C.T. 5046, 5049.
N. Central Bridgeport.	Fairfield	C.T. 728.
S.E. Bridgeport	Fairfield	C.T. 740-744.
S.W. Stanford	Fairfield	C.T. 222-223.
Florida		
	Baker	All.
	Citrus	All.
	Gadsden	All.
	Glades	All.
	Hendry	All.
	Hernando	All.
	Jackson	All.
	Madison	All.
	Pasco	All.
	St Lucie	All.

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
	Washington	All.
Northwest Orange	Orange	C.T. 175-179.
Population Group		
Low Income Pop. (Highlands).	Highlands	All.
Facility		
Cross City Corr. Inst	Dixie	Cross City Corr. Inst.
Georgia		
	Chattahoochee	All.
	Chattooga	All.
	Decatur	All.
	Fannin	All.
	Franklin	All.
	Hart	All.
	Heard	All.
	Jefferson	All.
	Lumpkin	All.
	Meriwether	All.
	Montgomery	All.
	Oconee	All.
	Peach	All.
	Pickens	All.
Athens Neighborhood Health Center Target.	Clarke	C.T. 2-3, 6, 9.
Burke-Jenkins-Screven.	Burke	All.
	Jenkins	All.
	Screven	All.
Facility		
Gracewood School.	Richmond	Gracewood School.
Hawaii		
Kau	Hawaii	C.T. 212
Illinois		
	Greene	All.
	Hamilton	All.
	Hancock	All.
	Johnson	All.
	Massac	All.
Englewood Area	Cook	C.T. 6101-6122, 6701-6720, 6801-6814.
Nashville	Washington	Ashley Twp, Beaucoup Twp, Bolo Twp, Covington Twp, Dubois Twp, Johannisburg Twp, Lively Grove Twp, Nashville Twp, Oakdale Twp, Okawville Twp, Pilot Knob Twp, Plum Hill Twp, Richview Twp, Venedy Twp.
Robbins	Cook	Robbins Village.
Uptown	Cook	C.T. 310-312, 315-321.
Indiana		
	Crawford	All.
	Martin	All.
	Miami	All.
	Owen	All.
	Pike	All.
	Starke	All.
Iowa		
	Decatur	All.
	Keokuk	All.
Albia	Appanoose	Monrovia Town.
	Marion	Hamilton Town.
	Monroe	Albia City.
		Lovilla Town.
	Wapello	Blakesburg Town.

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
Bedford	Taylor	Athelstan, Bedford Town, Blackton, Clearfield, Conway, Gravity, New Market, Sharpsburg.
Belle Plaine	Benton	Belle Plaine Town, Keystone Town, Luzerne Town.
	Tama	Chelsea Town, Elberon Town, Vining Town.
Brooklyn-Montezuma.	Iowa	Victor Town
	Jasper	Lynnville Town
	Mahaska	Barnes City/
	Poweshiek	Town Brooklyn Town, Deep River Town, Guernsey Town, Hartwick Town, Malcom Town, Montezuma Town, Searsboro Town, Victor Town.
Chariton	Lucas	Chariton Township, Derby Town, Lucas Town, Russell Town, Williamson Town.
	Monroe	Melrose Town.
	Warren	Lacona Town.
Clarence-Wheatland.	Cedar	Clarence Town, Lowden Town, Stanwood Town.
	Clinton	Calamus Town, Lost Nation Town, Toronto Town, Wheatland Town.
	Jones	Olin Town, Oxford Junction Town, Wyoming Town.
	Scott	Dixon Town, New Liberty Town.
Logan	Harrison	Little Sioux Town, Logan Town, Magnolia Town, Missouri Valley Town, Modale Town, Mondamin Town, Persia Town, Pisgah Town, Woodbine Town.
	Monona	Moorhead Town.
	Pottawattamie	Neola Town, Underwood Town.
	Shelby	Panama Town, Portsmouth Town, Tennant Town.
Onawa-Mapleton	Crawford	Charter Oak Town, Ricketts Town.
	Monona	Castana Town, Mapleton Town, Onawa Town, Rodney Town, Soldier Town, Turin Town, Ute Town, Whiting Town.
	Woodbury	Anthon Town, Danbury Town, Hornick Town, Oto Town, Smithland Town.
Osceola	Clarke	All.
	Madison	Truro Town.

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
	Union	Afton, Arispe, Lorimar, Thayer.
	Warren	New Virginia Town.
Southern Clayton County.	Clayton	Edgewood Town, Elkader Town, Elkport Town, Garber Town, Garnavillo Township, Guttenberg City, Little Port Town, North Buena Vista Town, Saint Olaf Town, Strawberry Point Town, Volga City Town.
Facility		
State Correctional Institutions.	Jones	Men's Reformatory (Anamosa).
	Lee	State Penitentiary (Ft. Madison).
Kansas		
	Chase	All.
	Chautauqua	All.
	Cherokee	All.
	Graham	All.
	Greeley	All.
	Lane	All.
	Linn	All.
	Ness	All.
	Woodson	All.
Gove/Logan	Gove	All.
	Logan	All.
Kentucky		
	Bracken	All.
	Breathitt	All.
	Butler	All.
	Carter	All.
	Elliott	All.
	Grant	All.
	Hancock	All.
	Johnson	All.
	Larue	All.
	Laurel	All.
	Leslie	All.
	Lincoln	All.
	Livingston	All.
	McCreary	All.
	Magoffin	All.
	Morgan	All.
	Ohio	All.
	Pendleton	All.
	Perry	All.
	Pike	All.
	Spencer	All.
	Trimble	All.
	Wayne	All.
	Webster	All.
Cumberland	Harlan	Benham-Lynch Division, Cumberland CCD, Poor Fork CCD, Upper Clover CCD.
Tejay/Pruden Fonde.	Bell	Pruden Fork, Tejay CCD.
Western Harlan	Harlan	Alva CCD, Wallins Creek CCD.
Williamsburg	Knox	Barbourville CCD, Barbourville East CCD, Barbourville West CCD, Bryants CCD, Dewitt CCD, Girdler CCD, Gray CCD, Trosper CCD.
	Whitley	Auler CCD, Rockholds CCD; Williamsburg CCD.

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
Facility		
Kentucky State Reformatory.	Lyon	Kentucky State Reformatory.
Louisiana		
	Winn	All.
Eden Park	East Baton Rouge	C.T. 8-10, 12-13.
Zwolle	Sabine	Wards 5-6, 8.
Massachusetts		
Allston	Suffolk	C.T. 1, 7-8.
Michigan		
Cohoctah	Livingston	Cohoctah Twp, Conway Twp, Deerfield Twp.
	Shiawassee	Antrim Twp, Perry Twp.
Detroit Area #1	Wayne	C.T. 501-503, 505, 509, 511-515, 517-527, 537, 539-542, 547-550, 554-556, 558-572, 601.01, 602, 604, 651-657, 662-665, 751-797, 951-961.
Detroit Area #2	Wayne	C.T. 3-13, 15-21, 36, 38-41, 43, 51-56, 58-64, 66-73, 101, 103-123, 153-169, 170 (Portions), 171 (Portions), 173-183, 184 (Portions), 185, 187, 201-203, 206-213, 251-255, 256.01-256.02, 257, 258.01, 259.02, 260, 261.01-261.02, 262.01 (Portions), 262.02 (Portions), 263, 358, 401, 407-408, 409.01.
Easton	Saginaw	Brady Twp., Chapin Twp., Chesaning Twp., Maple Grove Twp.
	Shiawassee	Fairfield Twp., Hazelton Twp., New Haven Twp., Rush Twp.
Eloise (Dental Area #4).	Wayne	C.T. 841-844; C.T. 918.01-918.02; C.T. 919, C.T. 942.02, C.T. 943.
Gladwin	Gladwin	Beaverton City, Beaverton Twp., Bentley Twp., Billings Twp., Buckeye Twp., Butman Twp., Clement Twp., Gladwin City, Gladwin Twp., Grout Twp., Hay Twp., Sage Twp., Secord Twp., Sherman Twp., Tobacco Twp.

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
Houghton Lake—St. Helen.	Roscommon	Au Sable Twp., Backus Twp., Denton Twp., Higgins Twp., Nester Twp., Richfield Twp., Roscommon Twp.
North Flint	Genesee	C.T. 1-7, C.T. 19-26, C.T. 44.
Rifle River	Arenac	Clayton Twp., Mason Twp., Moffet Twp.
	Iosco	Burleigh Twp., Plainfield Twp., Reno Twp.,
	Ogeman	Churchhill Twp., Horton Twp., Logan Twp., Mills Twp., Richland Twp.
Saginaw (Inner City).	Saginaw	C.T. 1-11.
Sandusky	Lapeer	Burnside Twp.
	Sanilac	All.
Sterling-Standish	Arenac	Adams Twp., Areanac Twp., Au Gres City, Au Cres Twp., Deep River Twp., Lincoln Twp., Omer City, Sims Twp., Standish Twp., Turner Twp., Whitney Twp.,
	Bay	Gibson Twp.,
	Gladwin	Bourret Twp., Grim Twp.
Sumpter (Dental Area #3).	Wayne	C.T. 937, C.T. 938.01-938.02, C.T. 939-941, C.T. 942.01
Facilty		
Herman Kiefer Hlth. Complex.	Wayne	Herman Kiefer Hlth Complex.
Titus Greenwood Hlth Center.	Wayne	Titus Greenwood Hlth. Center.
Wayne County Jail	Wayne	Wayne County Jail.
Mississippi		
	Amite	All.
	Attala	All.
	Bolivar	All.
	Copiah	All.
	Itawamba	All.
	Lafayette	All.
	Lamar	All.
	Lincoln	All.
	Montgomery	All.
	Newton	All.
	Prentiss	All.
	Rankin	All.
	Tippah	All.
	Tishomingo	All.
	Walthall	All.
	Wayne	All.
	Winston	All.
	Yalobusha	All.
	Yazoo	All.
Southwest Hinds	Hinds	C.T. 106-107, C.T. 112-113.
Missouri		
	Bates	All.
	Clark	All.
	Holt	All.
	Maries	All.
	New Madrid	All.
	Ralls	All.
	Reynolds	All.

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
	Schuyler	All.
	Washington	All.
	Webster	All.
	Wright	All.
Hickory	Hickory	Center Township, Cross Timbers Township, Green Township, Jordan Township, Montgomery Township, Stark Township, Wheatland Township.
Humansville	Cedar	Jefferson Township, Washington Township.
	Hickory	Tyler Township, Weaubleau Township.
	Polk	Campbell Township, Cliquot Township, Flemington Township, Jefferson Township, Johnson Township.
	St. Clair	Collins Township, Washington Township.
Montana		
	Liberty	All.
Nebraska		
Mullen	Arthur	All.
	Cherry	Calf Creek Prec., Elsmere Prec., Gillaspie Prec., Kennedy Prec., Lackey Prec., Loup Prec., Mother Lake Prec., Pleasant Hill Prec., Wells Prec.
	Grant	All.
	Hooker	All.
	Logan	Cody Lake Prec., Lone Valley Prec., Stapleton #1 Prec.
	McPherson	Hall Prec., Whitewater, Prec., Worden Prec.
	Thomas	All.
Northeast Omaha	Douglas	C.T. 6-7, 9, 10-12, 13.01-13.02, C.T. 14-15, 52, 60.
Nevada		
	Mineral	All.
	Nye	All.
	White Pine	All.
New Jersey		
Northside Patterson.	Passaic	C.T. 1803-1807.

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
New Mexico		
	Quay	All.
	Rio Arriba	All.
	Sandoval	All.
	San Miguel	All.
	Torrance	All.
Northern Lincoln Co.	Lincoln	Capitan, Carrizozo, Corona.
Population Group		
Dent. Ind. of S. Chaves.	Chaves	C.T. 12-14
New York		
East Central Harlem.	New York	C.T. 186, 190, 197.02, 200, 201.02, 206, 207.02, 208, 209.02 210, 212, 213.02, 214, 216, 217.02, 218, 220, 221.02, 222, 224, 226, 227.02, 228, 230, 231.02, 232, 234, 235.02, 236, 243.02.
Gowanus/Park Slope.	Kings	C.T. 71, 127, 131, 133.
Lower Eastside	New York	C.T. 10.02, 20, 22.02, 24, 26.01-26.02.
Northern Rockland	Rockland	C.T. 101-107.
Northwest Cattaraugus.	Cattaraugus	Conewango, Dayton, East Otto, Leon, Little Valley, Mansfield, Napoli, New Albion, Otto, Persia.
S. Williamsburg	Kings	C.T. 253, 257, 259.01-259.02, 261, 279, 281, 283, 285.01-285.02, 287, 289, 291, 293, 387, 389, 391, 393, 395, 397, 399, 415, 417, 419, 421, 423, 429, 435, 487, 489, 491, 505, 507, 509, 511, 523, 525, 527, 529, 531, 533, 535, 537, 539, 545, 547.
S.W. Brooklyn (Health Area 41).	Kings	C.T. 55, 57, 59, 85.
Soundview	Bronx	C.T. 2, 4, 16, 20, 24, 28, 36, 38, 40.01-40.02, 46, 72, 74, 78, 84, 86, 88, 98, 102, 110, 118, 130, 132, 138, 144, 154, 156, 158, 160, 162, 164, 166, 194, 274, 276.

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
South Bronx	Bronx	C.T. 23, 25, 27.01-27.02, 31, 33, 35, 37, 39, 41, 43, 47, 49, 53, 57, 59.01-59.02, 61, 67, 69, 71, 73, 75, 77, 79, 83, 85, 87, 89, 91, 97, 99, 105, 115.01-115.02, 119, 127.02, 129.01-129.02, 133, 135, 137, 139, 141, 143, 145, 147, 149, 153, 155, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 187, 189, 193, 195, 197, 199, 201, 211, 213.02, 217.02, 219, 221, 223, 225, 227.02-227.03, 229.02, 369.02.
South Central Bronx-Fort Apache.	Bronx	C.T. 121.01-121.02, 123, 125, 127.01, 131, 151, 157, 161.
West Harlem	New York	C.T. 209.01, 211, 213.01, 217.01, 219, 221.01, 223, 225, 227.01, 229, 231.01, 233.
North Carolina		
	Alleghany	All.
	Chatham	All.
	Hertford	All.
	Johnston	All.
	Onslow	All.
	Scotland	All.
	Swain	All.
	Wilkes	All.
Facility		
Lincoln Comm. Health Center.	Durham	C.T. 8.01-8.02, 9, 10.01, 11, 12.01-12.02, 13.01-13.02, 14.
North Dakota		
	Benson	All.
	Eddy	All.
	Emmons	All.
	Grant	All.
	Logan	All.
	McKenzie	All.
	Mountrail	All.
Harvey	McHenry	Drake Div.
	Pierce	South Pierce Division.
	Sheridan	All.
	Wells	All.
Kenmare	Ward	Des Lacs Valley Div., Kenmare Div.
Mercer/Oliver	Mercer	All.
	Oliver	All.
Ohio		
Area I—Dayton	Montgomery	C.T. 1-5, 16-18, 30-31.
Area II—Dayton	Montgomery	C.T. 19, 22-23, 25-29, 32-34.
Area III—Dayton	Montgomery	C.T. 6-7, 12-15, 20-21.

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
Population Group		
Dentally Indigent of Ross Co.	Ross	All.
Migrant Pop. of Sandusky Co.	Sandusky	All.
Pov. Pop. of Sandusky Co.	Sandusky	All.
Oklahoma		
	Atoka	All.
	Beaver	All.
	Cotton	All.
	Delaware	All.
	Dewey	All.
	Grant	All.
	Greer	All.
	Haskell	All.
	Hughes	All.
	Jefferson	All.
	Kiowa	All.
	Le Flore	All.
	Major	All.
	Pushmataha	All.
	Roger Mills	All.
	Seminole	All.
Oregon		
	Gilliam	All.
	Morrow	All.
Jordan Valley	Malheur	Jordan CCD.
Population Group		
Low Income Pop. of Multnomah.	Multnomah	All.
Mig. Pop. of Marion/Polk/Yamhill.	Marion	All.
	Polk	All.
	Yamhill	All.
Pennsylvania		
	Sullivan	All.
Forest	Clarion	Farmington Township, Washington Township.
	Forest	All.
	Venango	Allegheny Township, Pleasantville Township, President, Township.
	Warren	Cherry Grove Township, Deerfield Township, Limestone Township, South West Township, Triumph Township, Watson Township.
Indiana—N, Portion.	Indiana	Banks Twp, Canoe Twp, Cherry Tree Borough, Clymer, Creekside Borough, East Mahoning Twp, Glen Campbell Borough, Grant Twp, Green Twp, Marion Center Borough, Montgomery Twp, North Mahoning Twp, Pine Twp, Plumville Borough, Rayne Twp,

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
		Smicksburg Borough, South Mahoning Twp, Washington Twp, West Mahoning Twp.
Jim Thorpe	Carbon	East Side Borough, Jim Thorpe Borough, Kidder Township, Lausanne Township, Lehigh Township, Penn Forest Township.
Kiski Valley	Armstrong	Apollo Borough, Bethel Township, Burrel Township, Gilpin Township, Kiskiminitas Township, Leechburg Borough, North Apollo Borough, Parks Township, South Bend Township.
	Westmoreland	Allegheny Township, Avonmore Borough, Bell Township, East Vandergrift Borough, Hyde Park Borough, Oklahoma Borough, Vandergrift Borough, Washington Township, West Leechburg Borough.
McKees Rocks/Stowe.	Allegheny	C.T. 4621-4625, 4631-4632, 4634-4636.
Orbisonia	Huntingdon	Clay Twp, Cromwell Twp, Dublin Twp, Orbisonia Boro., Rockhill Boro., Saltillo Boro., Shade Gap Boro., Springfield Twp, Tell Twp, Three Springs Boro.
Shenandoah/Mahanoy City.	Schuylkill	Delano Twp, East Union Twp, Gilberton Borough, Kline Twp, Mahanoy City Borough, Mahanoy Twp, McAdoo Borough, North Union Twp, Ringtown Borough, Ryan Twp, Shenandoah Borough, Union Twp, West Mahanoy Twp.
Southern Wyoming	Wyoming	Exeter Twp, Faus Twp, Monroe Twp, Northmoreland Twp, Noxen Twp.

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
West Greene	Greene	Alleppo Township, Center Township, Freeport Township, Gilmore Township, Gray Township, Jackson Township, Morris Township, Richhill Township, Springhill Township, Washington Township, Wayne Township.
Population Group		
Medicaid Eligible—Erie City.	Erie	Erie City.
South Carolina		
	Abbeville	All.
	Allendale	All.
	Bamberg	All.
	Beaufort	All.
	Calhoun	All.
	Chester	All.
	Darlington	All.
	Edgefield	All.
	Lancaster	All.
Bethune/Mt. Pisgah.	Kershaw	Bethune Div., Mt. Pisgah Div.
Richburg	Chester	E.D. 397 (Chester Div.), E.D. 398 (Chester Div.), E.D. 402 (Chester Div.), E.D. 406 (Chester Div.), Great Falls Div., Lansford Div., Richburg Div.
Sea Islands	Charleston	C.T. 19.01-19.02, 20.01-20.04, 21.01-21.02, 22-25.
South Dakota		
	Aurora	All.
	Marshall	All.
	Moody	All.
	Roberts	All.
	Sully	All.
Facility		
Human Services Center.	Yankton	Human Services Center.
Tennessee		
	Bledsoe	All.
	Henry	All.
	Lewis	All.
	Marion	All.
	Rhea	All.
West Polk	Polk	E.D. 1-7.
Texas		
	Bandera	All.
	Bee	All.
	Colorado	All.
	Deaf Smith	All.
	Karnes	All.
	Polk	All.
	Uvalde	All.
East Side (San Antonio).	Bexar	C.T. 1301, 1303-1313.
Fair Park/White Rock Creek Industrial.	Dallas	C.T. 23, 25-26, 27.01-27.02, 28, 93.02, 115.

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
Lisbon	Dallas	C.T. 56-57, 59.01-59.02, 87.01-87.02, 88.
Port Authur Inner City.	Jefferson	C.T. 51-53, 57-62.
Simpson Stuart/Polk South.	Dallas	C.T. 112-113, 114.01, 167.01.
South Dallas	Dallas	C.T. 29, 31.02, 32.02, 33-38, 39.01-39.02, 40.
South Side (San Antonio).	Bexar	C.T. 1501, 1503-1507, 1510, 1601-1605.
Southern Rural Bexar.	Bexar	C.T. 1314-1316, 1318, 1416-1419, 1519-1522, 1610-1612, 1619-1620.
Trinity	Dallas	C.T. 41, 49, 54-55, 86, 89.
West Side (San Antonio).	Bexar	C.T. 1606-1607, 1701, 1703-1704, 1707-1712, 1715-1716.
Virginia		
	Amelia	All.
	Bath	All.
	Fluvanna	All.
	King George	All.
	Lee	All.
	Lunenburg	All.
	Madison	All.
	Orange	All.
	Susex	All.
	Tazewell	All.
	Wise	All.
Randolph Dental Serv. Area.	Richmond	C.T. 411, 413-414.
Washington		
	Pend Oreille	All.
Grand Coulee	Grant	Grand Coulee Area.
Facility		
Washington State Correctional Inst.	Clallam	Forks (Clearwater Corrections Ctr.).
	Clark	Yacolt (Larch Corrections Ctr.).
	King	Seattle (Firland Correctional Ctr.).
	Mason	Shelton (Washington Corrections Ctr.).
	Pierce	Gig Harbor (Purdy Trtment. Ctr. for Women).
	Snohomish	Monroe (Washington State Reformatory).
	Walla Walla	Walla Walla (Wa. St. Pen./Ment. Health Unit).
West Virginia		
	Barbour	All.
	Boone	All.
	Gilmer	All.
	Monroe	All.
	Preston	All.
	Putnam	All.
	Ritchie	All.
Baker	Hardy	Capon, Lost River.
Blacksville	Monongalia	Battelle, Clay.
Cabin Run	Mineral	Cabin Run, Frankfurt.
Capon Bridge	Hampshire	Bloomery, Capon, Gore, Sherman.

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
Fayetteville	Fayette	Falls, Fayetteville, Mountain Cove, Nuttall, Quinnimont, Sewell Mountain.
Greenbrier	Greenbrier	Meadow Bluff.
Jefferson	Pleasants	Grant, Jefferson, Lafayette, McKim, Union.
Mason County S.A.	Mason	Arbuckle Dist., Clendenin Dist., Cologne Dist., Cooper Dist., Graham Dist., Hannan Dist., Robinson Dist., Union Dist., Waggener Dist.
Mercer	Mercer	Jumping Branch, Plymouth, Rock.
Mingo	Mingo	Hainey, Hardie, Kermit, Lee, Magnolia.
Mt. Storm	Grant	Union.
Nicholas-Webster	Nicholas	All.
	Webster	All.
Tyler	Tyler	Centerville, Ellsworth, McElroy, Meade, Union.
Wetzel	Marshall	Cameron Dist., Liberty Dist., Meade Dist., Webster Dist.
	Wetzel	Center Dist., Church Dist., Clay Dist.
Wisconsin		
Hillsboro	Juneau	Wonewoc (Twn), Wonewoc (Vil).
	Monroe	Cashton, Glendale, Jefferson, Kendall (Vil), Sheldon, Wellington.
	Richland	Bloom Town (Part), Henrietta, Westford, Yuba (Vil).
	Sauk	La Valle, Woodland.
	Vernon	Clinton, Forest, Greenwood, Hillsboro (Twn), Hillsboro (City, Ontario (Vil), Stark, Union Town (Part), Whitestown.
Kickapoo Valley	Brown	Pittsfield Town, Pulaski Village.
	Crawford	Bell Center Village, Clayton Town, Gays Mills Village, Haney Town, Mount Sterling Village, Scott Town, Soldiers Grove Village, Utica Town.
	Richland	Bloom Town (Part), Forest Town, Sylvan Village (Part), Viola Village (Part).

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
	Vernon	Clinton Town, Forest Town, Kickapoo Town, La Farge Village, Liberty Town, Ontario Village, Readstown Village, Stark Town, Union Town (Part), Viola Village (Part), Webster Town, Whitestown Town.

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
Whitehall/Arcadia	Buffalo	Cross, Glencoe, Milton.
	Trempealeau	Arcadia (City), Arcadia (Town), Blair (City), Burnside (Town), Chimney Rock, Dodge, Hale, Independence (City), Lincoln, Pideon, Pigeon Falls (Vil), Preston, Whitehall.

WITHDRAWALS FROM LIST OF DENTAL MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
Wyoming		
	Campbell	All.
	Converse	All.
	Crook	All.
	Platte	All.
Big Piney	Sublette	Big Piney CCD.
Hanna-Rock River	Albany	Rock River CCD.
	Carbon	Hanna CCD.

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Wednesday
January 8, 1986

Part III

Environmental Protection Agency

40 CFR Part 180

Tolerances and Exemption From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Tolerance Processing Fees; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-30072A, FRL 2864-5]

Tolerances and Exemption From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Tolerance Processing Fees

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This rule revises fees charged for processing tolerance petitions for pesticides under the Federal Food, Drug, and Cosmetic Act (FFDCA). Since the fee schedule was last revised in 1972, inflation, increases in Federal employee salary and expense costs and increases in the complexity of scientific review have substantially increased the processing costs. In order to correct this imbalance, the Agency is revising the fees charged for the processing of tolerance petitions. The regulation also establishes a new "lockbox" mailing address in Pittsburgh, Pennsylvania for payment of fees.

EFFECTIVE DATE: February 7, 1986.

FOR FURTHER INFORMATION CONTACT: By mail: Ken Wetzel, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.
Office location and telephone number: Rm. 1002-E, CM#2, Arlington, VA 22202, (703-557-1127), 1921 Jefferson Davis Highway.

SUPPLEMENTARY INFORMATION:

I. Background

The EPA (or the Agency) is charged with administration of Section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA). Section 408 authorizes the Agency to establish tolerance levels and exemptions from the requirements for tolerances for raw agricultural commodities. Section 408(o) requires that the Agency collect fees as will, in the aggregate, be sufficient to cover the costs of processing petitions for pesticide products, i.e., that the tolerance process be as self-supporting as possible.

The fee schedule for tolerance petitions was last revised in 1972 and since that time, such factors as inflation, rises in Federal employee salary and expense costs, and the increasing complexity of scientific review of petitions have resulted in costs substantially exceeding the fees charged. To correct this imbalance, the Agency issued a proposed rule, published in the **Federal Register** of October 10, 1984 (49 FR 39698), to revise the fees charged for processing the petitions. The revised fees were based on a study entitled "Tolerance Fee Cost Analysis" prepared in 1983 by the Office of Pesticide Programs (OPP). The purpose of the study was to determine the costs of processing tolerance petitions by reviewing Fiscal Year 1982 activities. The study and a Regulatory Impact Analysis were available for public inspection at the Office of Pesticide Programs during the 60-day public comment period on the proposed rule.

II. Comments Received on the Proposed Rule and Drafts of the Final Rule

A. Introduction

The proposed rule of October 10, 1984, invited comments for 60 days ending December 10, 1984. Comments were received on the proposed rule from the Small Business Administration (SBA), Abbott Laboratories, Dow Chemical, FMC Corporation, Zoecon Corporation, the National Agricultural Chemicals Association (NACA), and the government of New Zealand. Comments were also received from SBA and the U.S. Department of Agriculture on drafts of the final rule. The major changes to the current fee structure and the comments received are summarized in Unit II. B through D.

B. Major Changes and Issues on Which Comments Were Requested

The Agency proposed several major changes to the existing regulations on tolerance fees: (1) The elimination of separate charges for supplements and substantive amendments to petitions, (2) the addition of fees for processing crop group petitions (tolerance that applies to a group of related commodities as opposed to a single commodity), (3) an automatic annual adjustment to fees based on annual percentage change in Federal salaries, and (4) a $1,000 deposit ($1,100 in the final rule) for waiver or refund requests except for public interest groups (persons who have no financial interest in the action). No comments were received on the proposed elimination of separate charges for supplements and substantive amendments and the proposed addition of fees for processing crop group petitions. These provisions are included in the final rule as originally proposed.

Comments were received from the National Agricultural Chemicals Association (NACA) on the proposed annual method of adjusting fees to compensate for changes in costs. NACA opposed the automatic nature of the yearly increases and that they would be based solely on changes in the Federal General Schedule (GS) pay scale. They stated that increases should be justified by the actual cost of services, implying that adjustments based solely on the GS pay scale may not fully reflect changes in costs and that changes should undergo public notice and comment before becoming final. The Agency believes that the fees being promulgated are based on the actual cost of services since they resulted from a detailed review of the process (the Tolerance Fee Cost Analysis), and that an annual adjustment based on Federal pay changes is a fair, efficient and timely method of complying with the legislative requirement that the tolerance process be as self-supporting as possible. The Agency also recognizes, as NACA implied in its comments, that adjustments in fees based solely on annual changes in the Federal GS pay scale may not fully reflect changes in costs. This happened when the increasing complexity of scientific review since 1972 increased processing costs to a greater degree than the increases in either inflation or Federal salaries. The Agency, therefore, will periodically review costs and fees to make sure they are in balance in addition to the automatic annual adjustments based on salary changes. When changes are made based on periodic reviews, the changes will be subject to public comment. This provision has been added to paragraph (o).

The Agency received several comments from NACA and the Small Business Administration (SBA) concerning waivers and refunds of fees. NACA objected to fee waivers for public interest groups and others not having a financial interest in the tolerance because they feared the Agency would be deluged with "nuisance" petitions and waiver requests for which industry would be forced to bear the costs of Agency review. The Agency has not been troubled with nuisance petitions in the past when there was no fee for requesting a waiver so there is no reason to believe that this will become a problem under this rule in which the new fee is being waived for those who have no financial interest in the tolerance. This regulation does not automatically waive all fees for public interest groups and those having no financial interest; only the $1,100 request fee is automatically waived. Industry will not bear the cost of waivers and refunds; the cost of all waivers and

refunds (industry, government and public interest groups) will be covered by Congressionally appropriated funds.

The Small Business Administration (SBA) noted that the criteria for requesting a waiver of fees for economic hardship were not set forth in the preamble or proposed regulatory language. The criteria were established on June 20, 1977 through Pesticide Registration (PR) Notice 77-4, entitled "Criteria for Waiver of Fees Associated with Tolerance Petitions." The Notice, as all PR Notices, was distributed to producers, formulators, distributors, and registrants of pesticides. The applicable paragraph concerning criteria for economic hardship waivers is as follows:

For hardship waivers the request must include certified or notarized profit/loss statements for the most current and preceding two company fiscal years. Fee waivers may be granted under the following two conditions:

1. The firm's sales have been less than its operating expenses (excluding salaries to partners or officers) in the most current and each of the preceding two company fiscal years—up to 100% may be waived.

2. The firm's net income, after deducting all costs of operating, has been zero or negative in the most current and each of the preceding two company fiscal years—up to 50% may be waived; except that, if the loss occurs principally due to research expenditures on pesticides deemed to be in the public interest, up to 100% may be waived.

When informed of the criteria in PR Notice 77-4, SBA objected because they believed the criteria to be too stringent. They recommended that the criteria for economic hardship be based on the fee's percentage of the pesticide's projected dollar value of sales, suggesting a figure of one to three percent. If the fee exceeded the established percentage of projected sales, the waiver would be granted.

Tolerance petitions are primarily the domain of large chemical or pharmaceutical firms; small businesses rarely submit petitions for tolerances. Past experience under the economic hardship criteria has not shown a need for change as recommended by SBA. For example, in 1983 the Agency received three requests for waivers/refunds because of economic hardship and two were granted. The Agency will continue to review each economic hardship waiver and refund request on a case-by-case basis in conformance with the above policy. The criteria will be reevaluated and changed if experience under the new fee system so dictates. Any changes to the above criteria will be communicated to the pesticide industry.

The proposed rule requested comments on two additional issues: (1) Recovery of the costs associated with inert ingredients through prorating to appropriate fee categories versus a specific fee and (2) fees for processing food additive petitions under section 409 of FFDCA. Only comments received from NACA addressed these two issues. A specific fee for inerts was not proposed because the Tolerance Fee Cost Analysis found that the amount of scientific review, thus the cost, required per individual inert action covered a very wide range due to the nature of inert ingredients. The amount and extent of review required by the Agency cannot be known by the petitioner when submitting the request and often it is difficult for the Agency to determine the amount of review upon initial examination. For this reason, an equitable fee could not be established to which the petitioner could respond when submitting a request. It was therefore proposed that the costs be prorated to other fee categories for recovery. The Association agreed with the Agency that there should be no specific fee for inert actions and that the costs be recovered through prorating to other appropriate fee categories. There are no specific fees for inert actions in this rule. The Agency, however, has recently initiated the development and implementation of a new strategy for dealing with inert ingredients which may lead to specific fees in the future.

Section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA) refers to raw agricultural commodities and the authority for charging fees is contained in 408(o). The authority for processing food additive petitions is contained in section 409 but there is no mention of fees in section 409. For these reasons, the Agency has not charged fees for food additive petitions in the past and did not propose to do so in the NPRM. The NPRM did state, however, that the Agency believed sufficient authority existed under the Independent Offices Appropriation Act of 1952 (31 U.S.C. 9701), commonly referred to as the User Charge Statute, to charge fees for food additive petitions but would consider the appropriateness of doing so in the context of establishing user charges for registration actions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). NACA did not agree with the Agency that sufficient authority exists under the User Charge Statute to charge fees for food additive petitions. As mentioned in the NPRM, it is anticipated that this issue will be addressed in the context of proposed user charges for actions under FIFRA. Fees for food additive petitions are not levied under this rule.

C. Comments on the Tolerance Fee Cost Analysis

The comments received on the Tolerance Fee Cost Analysis were very general in most cases; no comments were received on the Regulatory Impact Analysis. Dow Chemical stated that the proposed fee increase was probably appropriate based on the tolerance fee cost analysis information and inflationary factors that have occurred over the past 14 years since the last fee adjustment. Zoecon Corporation did not object to an updating of fees based on a commonly used economic indicator such as the Consumer Price Index (CPI) but believed that the Agency's analysis led to an excessive increase (300 percent) in the fee for each new tolerance. Zoecon, however, did not comment directly on the cost analysis which was used to calculate and determine the fees. Although the CPI was not used to determine the new fees, the cost of services at the end of 1984, as determined by the CPI, was 278 percent of the comparable figure in 1972 (when fees were last adjusted). Furthermore, as mentioned earlier in the Proposed Rule and in this preamble, the process has also become more scientifically complex, thus more expensive, than in 1972.

The majority of comments on the cost analysis was provided by NACA. In general, NACA's position is opposition to any increase in fees unless justified by data on the costs of processing. They also stated that the underlying data to support the increases should be made available. The Agency believes that the Tolerance Fee Cost Analysis fully supports the new fees and will again make the cost analysis, along with the back-up data, available for public inspection. NACA questioned the average Office of Pesticide Programs salary and expense figure of $41,350 used in determining the costs of various actions in the proposed fee categories. As discussed in the Proposed Rule, this figure includes personnel compensation (salary), benefits (government share/contribution for employee retirement, Medicare, life insurance, medical insurance, etc.), and such operating expenses as office supplies, equipment, travel, ADP, etc. NACA also questioned the use of employee questionnaires and interviews to supplement and refine cost information derived from OPP's computerized Time Accounting Information System (TAIS). The TAIS was the major source of information for

the cost study and the Agency believes that questionnaires and interviews to supplement the computerized data were proper and accepted analytical tools of the cost analysis.

NACA stated that their interpretation of the statutory language and legislative history of section 408(o) of FFDCA shows no indication that the Agency is directed or expected to recover all the costs of processing petitions, but only enough to cover the costs of providing adequate and prompt review. NACA also believes that the tolerance setting function is part public service and part private benefit and should be shared by both sectors. The Agency does not share NACA's narrow interpretation of section 408(o) and wishes to point out that only Office of Pesticide Programs' costs were considered in the fee calculations. Costs for such centralized functions as personnel services and leasing of office space were not used in the calculations due to the nature of the Pesticide Tolerance Revolving Fund as explained in the Proposed Rule.

D. Other Comments

The New Zealand government expressed concern that the current fees economically hinder exports to the United States of some products that are produced in limited quantities and that additional fee increases would further compound the problem. The government also stated that "representations" by them in the past concerning fee waivers were unsuccessful and expressed the desire that exemptions for special situations such as this be granted. The reference to past inquiries is in regard to an Agency policy of not accepting waiver requests from foreign governments. That policy has been changed however, so as not to discriminate against foreign governments. The Agency will review all fee waiver requests, whatever their origin including foreign governments, based on the merits of the requests and the criteria established under 40 CFR 180.33(m).

The proposed rule would also have automatically waived fees for petitions from federal and state governments and agencies. In order to establish an equitable policy for fee waivers with regard to foreign governments the final rule deletes the proposed automatic waiver for petitions submitted by federal and state governments and their agencies, except for those submitted under the Inter-Regional Research Project Number 4 (IR-4 Program). IR-4 is a nation-wide cooperative effort including EPA, U.S. Department of Agriculture (USDA) Agricultural Research Service Cooperative State Research Service and cooperating state experiment stations which collects residue data in support of pesticide registrations and tolerances for minor uses. USDA objected to this change, advocating that petitions from federal and state governments are clearly in the public interest and should be waived automatically. As a practical matter, federal and state agencies normally do not request tolerances except in the context of the IR-4 Program. Under this rule, each waiver request from a foreign, federal of state government will be reviewed on its own merits, on a case-by-case basis.

Abbott Laboratories proposed establishment of a fee schedule based on the toxicity of pesticide products as outlined in the toxicity categories of 40 CFR 162.10, plus the addition of a category for biochemicals and microbials. Under Abbott's proposal, the fees would decrease as the toxicity of the products decreased. The purpose, as stated by Abbott Laboratories, would be to encourage the development of less toxic pesticides and protect the public interest. The implication is that the level and amount of scientific expertise, and therefore the cost, required for review is determined by the toxicity of the product. This is not always true. Many other variables affect the cost of scientific review, such as the site of application, Agency familiarity with the pesticide and related uses, etc. Furthermore, the toxicity categories employed in labelling are determined solely by the acute toxicity of an individual product (as opposed to an active ingredient, on which tolerances are set) and therefore do not reflect possible Agency concerns and costs involving chronic toxicity and variations in exposure opportunities. The Agency finds the proposal from Abbott Laboratories to be a novel and interesting approach to fee structuring. This fee structure, however, in based on the actual costs of providing services. The structuring of fees to provide incentives will be considered in the proposed user charges for FIFRA actions.

Zoecon Corporation wanted to know what percentage of tolerance petitions are for fewer than nine raw agricultural commodities and suggested that the fee structure provide a more flexible approach for small petitions, which require less time for review, as opposed to larger petitions which require a longer review time. The number of tolerance petition requests completed in 1982 for less than nine raw agricultural commodities was 29 of 31 or 94 percent. The Cost Analysis showed that the number of commodities in a petition was a minor determinant of the actual cost of processing. This is reflected in the new fee structure in that the basic fee has increased from $10,000 to $44,100 but the fee for each commodity over nine has only increased $100 to $1,100.

Most of those submitting comments expressed concern over the quality of reviews and the time to process and review petitions or emphasized the need for the Agency to review the petitions within the statutory time limits. The Agency is employing every effort to minimize processing times and backlogs while instituting process efficiencies such as the fast-track processing of petitions requiring limited review and the early return to petitioners of incomplete petitions. The Agency, however, wishes to point out that additional scientific review is now required for petitions involving far more sophisticated data than was anticipated when the current statutory time limit was enacted into law over 30 years ago.

III. New Procedures and Mailing Address for Submitting Fees for Tolerance Petitions

The U.S. Treasury Department has assigned EPA a lockbox for collecting funds owed the Agency. This method of collection has been determined to be more efficient and expedient than that of processing payments sent directly to individual EPA offices, such as OPP. Therefore, effective with implementation of the new tolerance fees, payments are to be sent to the following address:

Environmental Protection Agency,
Headquarters Accounting Operations Branch, Office of Pesticide Programs (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

The payments should be specifically labeled "Tolerance Petition Fees" and should be accompanied by a copy of the letter requesting the tolerance so that proper identification and credit is obtained. The actual letter or petition, along with supporting data, shall be forwarded to:

Environmental Protection Agency,
Office of Pesticide Programs, Registration Division (TS-767C), Washington, DC 20460.

A petition will not be accepted for processing until the required fees have been submitted and identified. These requirements are contained in paragraph (n) of the regulation.

IV. Adjustment To Fees To Reflect 1984 and 1985 Costs

The fees in this regulation have been adjusted to reflect 1984 and 1985 employee costs as set forth in the Proposed Rule. This was accomplished by multiplying the average cost in work years, in the Cost Analysis Study, by the average OPP employee salary and expense (personnel compensation and benefits and operating expenses) in 1984 ($44,250). This figure was then increased by 3.5 percent to reflect the 1985 percent change in the Federal General Schedule (GS) pay scale. There is no increase in fees for 1986 because there is no change in the pay scale for civilian employees.

The following summarizes the new fees and categories of petitions.

Fee category	Fee
(a) Each petition for a new tolerance or for a higher tolerance than already established up to and including nine raw agricultural commodities.	$44,100+$1,000 for each commodity more than nine.
(b) Each petition for a lower tolerance or tolerance on additional commodities at the same level.	$10,100+$700 for each raw agricultural commodity, including the first.
(c) Each petition for exemption from a tolerance or repeal of an exemption.	$8,100.
(d) Each petition for temporary tolerance or temporary exemption..	$17,600.
Renew or extend temporary tolerance.	$2,500.
(e) Each petition for temporary tolerance at the same or higher level for pesticide having tolerances for other uses.	$8,800+$700 for each raw agricultural commodity, including the first.
(f) Each petition for repeal of a tolerance.	$5,500.
(g) If petition is incomplete or voluntarily withdrawn before significant Agency scientific review has begun.	Agency deducts $1,100 and returns balance of original deposit to petitioner. When resubmitted, fee will be as if submitted the first time.
(h) Each petition for a crop group tolerance.	100 percent of the fee of the analogous category for a single tolerance that is not a crop group petition, regardless of the number of raw agricultural commodities.
(i) Filing of objections	$2,200.
(j) (3) Advance deposit to cover costs of advisory committee.	$22,000.
Further advance deposits.	$22,000.
(k) Petition for judicial review of an order under section 408 (d)(5) or (e) of FFDCA.	Cost of preparing the record on which the order is based but automatically waive this requirement for those who have no financial interest in the petition for judicial review.
(l) Fee waivers for the IR-4 Program.	Fees will be automatically waived for the IR-4 program.
(m) Administrator may waive or refund fees to promote the public interest or for hardship.	$1,100 fee for the request to waive or refund except for those who have no financial interest in any action under paragraphs (a) through (k). Waiver and refund requests are to be sent to an EPA, Washington, DC mailing address.
(n) Mailing and payment instructions to the petitioner.	Petition will not be accepted for processing until the required fee has been submitted or a waiver has been granted. A request for waiver or refund will not be accepted after scientific review has begun. Fees shall be sent to an EPA lockbox in Pittsburgh, PA; petitions and supporting data are to be sent to an EPA, Washington, DC address.
(o) Updating the fee schedule.	Fee schedule will be adjusted annually based on changes in the Federal GS pay scale. In addition, processing costs and fees will periodically be reviewed and changes made to the schedule as necessary. When automatic adjustments are made, the new fee schedule will be published as a final rule in the FEDERAL REGISTER to become effective 30 or more days after publication. When changes are made based on periodic reviews, the changes will be subject to public comment.

V. Statutory Requirements

In order to satisfy requirements for analysis as specified by Executive Order 12291 and the Regulatory Flexibility Act, the Agency developed a document entitled "Regulatory Impact Analysis of Revising Fees for Tolerances". This document was available for public inspection at the Office of Pesticide Programs during the 60-day comment period on the proposed rule. No comments were submitted on the Regulatory Impact Analysis.

A. Executive Order 12291

EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it does not meet any of the criteria set forth and defined in section 1(b) of the Order. This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. No comments were received from OMB.

B. Regulatory Flexibility Act

This rulemaking has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354; 94 Stat. 1165, 5 U.S.C. 60 *et seq.*) and it has been determined that it will not have significant economic impact on a substantial number of small businesses, small governments, or small organizations. If any firm can show that fees may cause economic hardship, the firm may request that the fees be waived. Such waiver requests will be judged on a case-by-case basis in conformance with Agency policy and criteria.

C. Paperwork Reduction Act

This proposed rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* No additional information will be required from petitioners because of this rule. The only change from current practice and procedures is the change in fees and the new mailing address for submitting fees.

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Agricultural commodities, Pesticides and pests.

Dated: December 23, 1985.

Lee M. Thomas,

Administrator.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a, 371.

2. Section 180.33 is revised to read as follows:

§ 180.33 Fees.

(a) Each petition or request for the establishment of a new tolerance or a tolerance higher than already established, shall be accompanied by a fee of $44,100, plus $1,100 for each raw agricultural commodity more than nine on which the establishment of a tolerance is requested, except as provided in paragraphs (b), (d), and (h) of this section.

(b) Each petition or request for the establishment of a tolerance at a lower numerical level or levels than a tolerance already established for the same pesticide chemical, or for the establishment of a tolerance on additional raw agricultural commodities at the same numerical level as a tolerance already established for the same pesticide chemical, shall be accompanied by a fee of $10,100 plus $700 for each raw agricultural commodity on which a tolerance is requested.

(c) Each petition or request for an exemption from the requirement of a tolerance or repeal of an exemption shall be accompanied by a fee of $8,100.

(d) Each petition or request for a temporary tolerance or a temporary exemption from the requirement of a tolerance shall be accompanied by a fee

of $17,600 except as provided in paragraph (e) of this section. A petition or request to renew or extend such temporary tolerance or temporary exemption shall be accompanied by a fee of $2,500.

(e) A petition or request for a temporary tolerance for a pesticide chemical which has a tolerance for other uses at the same numerical level or a higher numerical level shall be accompanied by a fee of $8,800 plus $700 for each raw agricultural commodity on which the temporary tolerance is sought.

(f) Each petition or request for repeal of a tolerance shall be accompanied by a fee of $5,500. Such fee is not required when, in connection with the change sought under this paragraph, a petition or request is filed for the establishment of new tolerances to take the place of those sought to be repealed and a fee is paid as required by paragraph (a) of this section.

(g) If a petition or a request is not accepted for processing because it is technically incomplete, the fee, less $1,100 for handling and initial review, shall be returned. If a petition is withdrawn by the petitioner after initial processing, but before significant Agency scientific review has begun, the fee, less $1,100 for handling and initial review, shall be returned. If an unacceptable or withdrawn petition is resubmitted, it shall be accompanied by the fee that would be required if it were being submitted for the first time.

(h) Each petition or request for a crop group tolerance, regardless of the number of raw agricultural commodities involved, shall be accompanied by a fee equal to the fee required by the analogous category for a single tolerance that is not a crop group tolerance, i.e., paragraphs (a) through (f) of this section, without a charge for each commodity where that would otherwise apply.

(i) Objections under section 408(d)(5) of the Act shall be accompanied by a filing fee of $2,200.

(j)(1) In the event of a referral of a petition or proposal under this section to an advisory committee, the costs shall be borne by the person who requests the referral of the data to the advisory committee.

(2) Costs of the advisory committee shall include compensation for experts as provided in § 180.11(c) and the expenses of the secretariat, including the costs of duplicating petitions and other related material referred to the committee.

(3) An advance deposit shall be made in the amount of $22,000 to cover the costs of the advisory committee. Further advance deposits of $22,000 each shall be made upon request of the Administrator when necessary to prevent arrears in the payment of such costs. Any deposits in excess of actual expenses will be refunded to the depositor.

(k) The person who files a petition for judicial review of an order under section 408(d)(5) or (e) of the Act shall pay the costs of preparing the record on which the order is based unless the person has no financial interest in the petition for judicial review.

(l) No fee under this section will be imposed on the Inter-Regional Research Project Number 4 (IR-4 Program).

(m) The Administrator may waive or refund part or all of any fee imposed by this section if the Administrator determines in his or her sole discretion that such a waiver or refund will promote the public interest or that payment of the fee would work an unreasonable hardship on the person on whom the fee is imposed. A request for waiver or refund of a fee shall be submitted in writing to the Environmental Protection Agency, Office of Pesticide Programs, Registration Division (TS-767C), Washington, DC 20460. A fee of $1,100 shall accompany every request for a waiver or refund, except that the fee under this sentence shall not be imposed on any person who has no financial interest in any action requested by such person under paragraphs (a) through (k) of this section. The fee for requesting a waiver or refund shall be refunded if the request is granted.

(n) All deposits and fees required by the regulations in this part shall be paid by money order, bank draft, or certified check drawn to the order of the Environmental Protection Agency. All deposits and fees shall be forwarded to the Environmental Protection Agency, Headquarters Accounting Operations Branch, Office of Pesticide Programs (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. The payments should be specifically labeled "Tolerance Petition Fees" and should be accompanied only by a copy of the letter or petition requesting the tolerance. The actual letter or petition, along with supporting data, shall be forwarded to the Environmental Protection Agency, Office of Pesticide Programs, Registration Division, Washington, DC 20460. A petition will not be accepted for processing until the required fees have been submitted. A petition for which a waiver of fees has been requested will not be accepted for processing until the fee has been waived or, if the waiver has been denied, the proper fee is submitted after notice of denial. A request for waiver or refund will not be accepted after scientific review has begun on a petition.

(o) This fee schedule will be changed annually be the same percentage as the percent change in the Federal General Schedule (GS) pay scale. In addition, processing costs and fees will periodically be reviewed and changes will be made to the schedule as necessary. When automatic adjustments are made based on the GS pay scale, the new fee schedule will be published in the **Federal Register** as a final rule to become effective thirty days or more after publication, as specified in the rule. When changes are made based on periodic reviews, the changes will be subject to public comment.

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January 8, 1986

Part IV

Environmental Protection Agency

40 CFR Parts 202 and 205

Noise Abatement Programs: Motor Carriers Engaged in Interstate Commerce; and Medium and Heavy Trucks (Transportation Equipment); Effective Date Deferral; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 202 and 205

[OAR FRL 2934-9]

Noise Standards; Motor Carriers Engaged in Interstate Commerce; Transportation Equipment Noise Emission Controls; Medium and Heavy Trucks

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this action, the Environmental Protection Agency concurrently amends two noise regulations for medium and heavy trucks, as follows:

1. Defers from January 1, 1986 to January 1, 1988, the effective date of the 80 decibel (dB) noise standard under 40 CFR Part 205, Subpart B, for newly manufactured medium and heavy trucks having GVWR[1] greater than 10,000 pounds; and

2. Reduces by 3 decibels (3dB) the noise limits under 40 CFR Part 202, Subpart B, for motor carriers engaged in interstate commerce. The revised not-to-exceed sound levels for 1986 and later model year vehicles, having a GVWR greater than 10,000 pounds, are as follows: 83 dB at speeds of 35 MPH or less; 87 dB at speeds above 35 MPH; and 85 dB when the truck engine is accelerated to maximum engine speed with the vehicle stationary.

These two closely related actions, promulgated in response to petitions from the truck industry, are expected to permit coordinated design and engineering efforts by manufacturers to comply with both noise and emissions control requirements. Although the deferral of the 80-dB standard will cause some loss of near-term health and welfare benefits, the reduction of the in-use noise limits will provide counterbalancing short-term benefits and substantial long-term benefits.

DATES:

1. Effective January 8, 1986.
2. The 80 dB noise standard for medium and heavy trucks applies to trucks manufactured on or after January 1, 1988.
3. The revised noise limits for trucks operated by motor carriers engaged in interstate commerce applies to all such trucks of 1986 and later model years.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Feith, Office of Air and Radiation (ANR-443), U.S. Environmental Protection Agency, Washington, DC 20460, (202) 382-7400.

SUPPLEMENTARY INFORMATION:

I. Introduction

These two closely related actions are promulgated in response to petitions[2] for a delay of the medium and heavy truck (MHT) 80 dB noise standard which were submitted by the International Harvester Company, the Ford Motor Company, the General Motors Corporation, and the American Trucking Association.

The petitioners requested additional time to permit the coordination of otherwise duplicative design, engineering and testing efforts necessary to comply with both the MHT 80 dB noise standard and EPA's nitrogen oxide (NO_x) and particulate emission standards for heavy-duty engines that were promulgated on March 15, 1985 (50 FR 10606).

The Administrator has concluded that the petitioners' request has merit and that the granting of a two-year deferral should significantly reduce duplicative design, engineering and testing, thereby producing economic benefits that should accrue to the public. However, such deferral will result in a delay in health and welfare benefits to that segment of the nation's population that is regularly exposed to truck noise. To reduce the potential near-term loss of benefits, due to the delayed entry into the fleet of the MHT 80 dB truck, the Administrator is concurrently prescribing lower-in-use noise emission limits for 1986 and later model year trucks operated by motor carriers engaged in interstate commerce.

With lowered in-use standards, the deferral of the MHT 80 dB noise standard should have only a minor adverse impact on near-term (1986 through 1988) health and welfare benefits. The more stringent in-use noise emission standards should have a very beneficial effect on long-term health and welfare by significantly restricting the permitted increase (degradation) in the noise emissions of 1986 and later model year trucks.

The legal basis and factual information and conclusions which support promulgation of these regulations were set forth in substantial detail in the Notice of Proposed Rulemaking published in the **Federal Register** on June 19, 1985 (50 FR 25516).

II. Summary of Comments Received

The Agency received a total of sixteen responses to its proposal to amend the two noise regulations for trucks (50 FR 25516). The comments may be categorized as follows:

1. Six respondents supported the regulatory amendments as proposed.
2. Two supported the amendments with minor (and differing) reservations regarding the proposed reduction of the noise limits for interstate motor carriers (IMC). (The issues addressed are discussed in later paragraphs.)
3. Three respondents expressed support for the two-year deferral of the 80 dB MHT Standard but were silent about the IMC amendment.
4. One expressed opposition to the two-year deferral of the 80 dB MHT Standard (and implied support of the lower IMC noise limits).
5. Two respondents expressed support for lower IMC noise limits (but were silent with regard to the deferral of the MHT standard). One would prefer IMC noise reductions beyond those proposed by the Agency, as well as applying the revised IMC limits to all post-1977 trucks.
6. Two respondents expressed opposition to lowering the IMC noise limits.

In summary, thirteen of the sixteen respondents expressed support for all or part of the proposed amendments and three expressed opposition to one part or another. Of the latter three, two were opposed to tightening the IMC standards and one was opposed to deferring the 80 dB MHT standard.

Substantive issues raised in the various docket responses are discussed below:

1. With respect to the two-year deferral of the 80 dB MHT standard, the only issue raised in opposition was the assertion that a delay of the 80 dB standard may lead to further deterioration of the hearing of Americans.

The Agency's position is that truck noise in the community is a source of annoyance, and may cause speech and sleep interference, but it is not a significant contributor to hearing loss of the general public. Data from the truck noise impact model, summarized in a technical analysis report,[3] show that about one percent of the population exposed to truck noise is subject to day-night average sound levels ranging from 75 to 85 decibels. Such exposure, if continued over 40 years, would lead to an average increase of less than 10 decibels in hearing threshold at 4000

[1] GVWR—Gross Vehicle Weight Rating

[2] EPA Docket Number OPMO-0184, Items 1 thru 4.

[3] Draft Technical Analysis—Alignment of the Interstate Motor Carrier Noise Regulation (with the Medium and Heavy Truck Noise Standard) U.S. Environmental Protection Agency, June 1982 (Docket OPMO-0184, Item #27).

Hertz, the most sensitive frequency band for the ear. A change of 5 decibels is not considered significant. Since the estimated increase in significant population exposed to truck noise is about two percent for the two-year deferral, the maximum potential effect of that deferral is an increase of two-hundredths of one percent of the exposed population that would potentially experience a just-detectable loss of hearing acuity. Therefore, we do not expect that deferring the MHT 80 dB standard for two years will impose a significant risk of hearing damage. Further, we believe that the long-term benefits of the reduced IMC noise levels will tend to compensate for the short-term loss of benefits due to the two-year deferral of the MHT 80 dB standard.

The remaining substantive issues raised in the docket pertain to the lowering of the IMC noise limits.

2. The respondents in favor of extending the reduced IMC limits to all post-1977 trucks (i.e., those vehicles subject to the 83 dB standard for newly manufactured trucks) contend that such an extension would provide greater health and welfare benefits by decreasing noise exposure of the population.

The Agency agrees that application of the standard to all post-1977 trucks would provide increased benefits. However, the Agency believes that such extended applicability would impose unexpected and unreasonably high costs on a substantial number of truck users. This could be particularly true for small enterprises that are second and third owners of the post-1977 trucks as these trucks find their way into the used truck market. These purchasers/users, who try to economize by buying used trucks, could be confronted with substantial expenditures to repair or replace noise-control hardware, since the original owners might have performed only that maintenance necessary to meet the prior, less stringent IMC standard. EPA has therefore decided to extend the new IMC standards only to 1986 and later model year trucks, as proposed.

3. Two respondents expressed concern that the reduced IMC noise limits could adversely affect a number of tire dealers and retreaders by discouraging sales of crossbar tires (which are noisier than radial tires). Because the noise contributed by crossbar tires at highway speeds is close to the proposed new IMC limits, one commenter considered the proposed new limits to be unreasonable.

The Agency finds that the truck industry generally has shown a shift to the quieter radial tires, away from crossbar tires. This shift has evolved over a period of time partly because of the noise requirements, but more particularly because of the greater fuel economy resulting from radial tires. Crossbar tires with "aggressive" tread design are used to provide greater traction for the drive wheels in mud and under wet and snowy road conditions. We believe they will continue to be used for such applications. In light of the gradual shift from crossbar tires, as tempered by their continuing use for specific applications, the reduced IMC limits should result in minimal economic impact on tire dealers and retreaders. Since crossbar tires are only effective on the drive wheels, truck operators can minimize the potential noise contribution of such tires by using them only on drive wheels. Thus, by properly maintaining their trucks and appropriately restricting use of crossbar tires, the Agency believes that operators should be able to comply with the new IMC limits. As indicated in the NPRM, under "Truck Fleet Noise Levels", there is a 4 dB increase allowed for tire noise at speeds over 35 mph; 98 percent of the current fleet already is in compliance with the new limits.

4. One respondent, while supporting lower in-use noise limits, argues that:

a. Such lower limits are not needed to offset losses in benefits due to the deferral of the 80 dB MHT standard because no loss is anticipated;

b. The proposed limits should not apply to model year 1986 and 1987 trucks, as these trucks, manufactured to meet an 83 dB standard, will be required to retain virtually "as-new" noise levels.

c. Truck noise levels increase with mileage but are not related to maintenance. Therefore, the IMC noise limits should permit "reasonable" degradation. To reflect this factor, either the IMC noise limits should be 1 dB higher than proposed, or the proposed limits should apply only to post-1987 trucks (i.e., those manufactured to an 80 dB standard).

The Agency responds as follows:

a. EPA's analysis (Docket OPMO-0184, Item 27) clearly shows that the two-year deferral of the 80 dB MHT standard will result in a loss (albeit a modest one) in health and welfare benefits. The commenter provides no data to support its contention to the contrary. The expectation of such loss is one of the major reasons for reducing the IMC noise limits; the latter action will provide offsetting health and welfare benefits to the public, although the gains will accrue in a different time frame.

b. Data supplied to the Agency in manufacturers' compliance reports show that new trucks manufactured to meet the 83 dB noise standard average 2 dB or more below the standard, with the vast majority entering the fleet at levels below 82 dB. In addition, an independent study on truck noise degradation[4] indicates that the noise level increase before overhaul (generally at 100,000 miles) does not exceed one decibel on average. Consequently, EPA expects that model year 1986 and 1987 trucks, if properly maintained, will continue to conform to the new IMC standards.

c. All of the data available to the Agency (including the detailed data in the report referred to by the respondent) show that, for a properly-maintained truck, noise levels increase only very slowly with mileage (less than one-half decibel on average for 100,000 miles). The assertion that truck noise levels are not related to maintenance is supported neither by logic nor by the data. For example, a maintenance action such as replacing a defective muffler will most certainly have an effect on the truck noise level. In the light of the foregoing discussion, as well as the many other factors discussed elsewhere in this preamble, the Agency believes that the reduced IMC levels, as specified here, are appropriate.

5. One respondent commented that the proposed IMC noise limits are too lax, and should be lowered (i.e., made more stringent) by 2 dB. At that level, expected compliance would be about 89–91 percent, justifying reactivation of DOT enforcement activities.

The Agency concedes that more stringent IMC noise limits would provide additional health and welfare benefits, but does not agree that it would be practical to reduce those limits by 2 decibels. Such action would require many truck operators/owners to reduce the noise levels of their vehicles to "below-new" levels, and would allow little or no margin for the eventual degradation that may occur after many years of service for even a well-maintained truck. The Agency believes that the economic impact on a large number of small entity truck users and owners would be unacceptable.

III. Conclusion

The Agency has concluded that the deferral of the MHT 80 dB noise emission standard is in the public interest and should result in cost savings to both truck manufacturers and the public. EPA has further concluded that such deferral should be accompanied by actions to minimize any potential loss of

[4] Wyle Laboratories report quoted in Docket OPMO-0184, Item Number 42.

health and welfare benefits to the public.

Accordingly, EPA defers the effective date of the MHT 80 dB noise emission standard from January 1, 1986 to January 1, 1988 and concurrently lowers by 3 decibels the IMC noise limits for 1986 and later model year vehicles. The Administrator believes that this latter action should mitigate the potential near-term delay of health and welfare benefits arising from the deferral of the MHT 80 dB noise standard. Further, and more importantly, the revised IMC standards should provide long-term health and welfare benefits that far outweigh their near-term utility by requiring continuance of proper maintenance to ensure vehicle noise control integrity.

IV. Administrative Designation

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. These two concurrent actions are not judged "major" because they do not impose significant new costs above those attributable to the existing medium and heavy truck regulation. Additionally, they are not judged major because:

1. They will not have an annual adverse affect on the economy of $100 million or more;

2. They will not cause a major increase in costs or prices to consumers, individual industries, Federal, State or local government agencies or geographic regions; and

3. They will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or in the ability of United States enterprises to compete with foreign enterprises in domestic or export markets.

For these same reasons, under the provisions of the Regulatory Flexibility Act, 5 U.S.C.. 601 *et seq.*, I hereby certify that these two actions will not have a significant economic impact on a substantial number of small entities.

V. Statutory Authority

These regulatory actions have been prepared under the authority of sections 6(e)(3) and 18(a)(12) of the Noise Control Act, 42 U.S.C. 4917 *et seq.*

List of Subjects

40 CFR Part 202

Motor carrier, Noise control.

40 CFR Part 205

Labeling, Motor vehicles, Noise control, Reporting and recordkeeping requirements.

Dated: December 22, 1985.

Lee M. Thomas,

Administrator.

I. PART 202—MOTOR CARRIERS ENGAGED IN INTERSTATE COMMERCE

PART 205—TRANSPORTATION EQUIPMENT NOISE EMISSION CONTROLS

For reasons set forth in the preamble, the noise emission rules for interstate motor carrier operations at 40 CFR Part 202, and for newly manufactured Medium and Heavy Trucks at 40 CFR Part 205, are amended as follows:

1. The authority citation for Parts 202 and 205 continues to read as follows:

Authority: 42 U.S.C. 4905.

2. Section 202.11 is revised to read as follows:

§ 202.11 Effective Date.

The provisions of Subpart B shall become effective October 15, 1975, except that the provisions of § 202.20(b) and § 202.21(b) of Subpart B shall apply to motor vehicles manufactured during or after the 1986 model year.

3. Section 202.12 is amended by adding paragraphs (f) and (g) as follows:

§ 202.12 Applicability.

* * * * *

(f) The provisions of § 202.20(a) and § 202.21(a) of Subpart B apply only to applicable motor vehicles manufactured prior to the 1986 model year.

(g) The provisions of § 202.20(b) and § 202.21(b) apply to all applicable motor vehicles manufactured during or after the 1986 model year.

4. Section 202.20 is amended by redesignating the introductory paragraph as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 202.20 Standards for Highway Operations.

* * * * *

(b) No motor carrier subject to these regulations shall operate any motor vehicle of a type to which this regulation is applicable which at any time or under any condition of highway grade, load, acceleration or deceleration generates a sound level in excess of 83 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of 35 MPH or less; or 87 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of more than 35 MPH.

5. Section 202.21 is amended by redesignating the introductory paragraph as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 202.21 Standard for Operation under Stationary Test.

* * * * *

(b) No motor carrier subject to these regulations shall operate any motor vehicle of a type to which this regulation is applicable which generates a sound level in excess of 85 dB(A) measured on an open site with fast meter response at 50 feet from the longitudinal centerline of the vehicle, when its engine is accelerated from idle with wide open throttle to governed speed with the vehicle stationary, transmission in neutral, and clutch engaged. This paragraph shall not apply to any vehicle which is not equipped with an engine speed governor.

6. Section 205.52 is amended by revising paragraph (a) to read as follows:

§ 205.52 Vehicle Noise Emission Standards.

(a) Low Speed Noise Emission Standard.

Vehicles which are manufactured after the following effective dates shall be designed, built and equipped so that they will not produce sound emissions in excess of the levels indicated.

Effective date	Level
(i) January 1, 1979	83 dBA.
(ii) January 1, 1988	80 dBA.

* * * * *

[FR Doc. 86-346 Filed 1-7-86; 8:45 am]

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Part V

Environmental Protection Agency

40 CFR Part 60

Standards of Performance for New Stationary Sources Industrial Surface Coating; Plastic Parts for Business Machines; Proposed Rule

Listing of Surface Coating of Plastic Parts for Business Machines as a Source Category for New Source Performance Standard Development; Notice

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2889-6(a)]

Standards of Performance for New Stationary Sources Industrial Surface Coating; Plastic Parts for Business Machines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The proposed standards would limit emissions of volatile organic compounds (VOC's) from new, modified, and reconstructed facilities that surface coat plastic parts for business machines. The proposed standards implement section 111 of the Clean Air Act and are based on the Administrator's determinations that emissions from facilities that coat plastic business machine parts cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. The intent is to require new, modified, and reconstructed facilities to control emissions to the level achievable by the best demonstrated system of continuous emission reduction, considering costs, nonair quality health, and environmental and energy impacts.

DATES: *Comments.* Comments must be received on or before March 18, 1986.

Public Hearing

If anyone contacts EPA requesting to speak at a public hearing by January 24, 1986, a public hearing will be held on February 19, 1986 beginning at 10:00 a.m. Persons interested in attending the hearing should call Ms. Shelby Journigan at (919) 541-5578 to verify that a hearing will be held.

Request to Speak at Hearing

Persons wishing to present oral testimony must contact EPA by January 24, 1986.

Incorporation by Reference

The incorporation by reference of certain publications in these standards will be approved by the Director of the **Federal Register** as of the date of publication of the final rule.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (LE-131), Attention Docket Number A-83-50, U.S. EPA, 401 M Street SW., Washington, DC 20460.

Public Hearing

If a public hearing is held, it will be at EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Ms. Shelby Journigan, Standards Development Branch (MD-13), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5578.

Background Information Document

The background information document (BID) for the proposed standards may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Surface Coating of Plastic Parts for Business Machines—Background Information for Proposed Standards," EPA-450/3-85-019a.[1]

Docket

Docket No. A-83-50, containing supporting information used in developing the proposed standards, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For policy questions—Mr. C. Douglas Bell, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. EPA, research Triangle Park, North Carolina 27711, telephone number (919) 541-5624; for technical questions—Mr. James C. Berry, Chemicals and Petroleum Branch, Emission Standards and Engineering Division (MD-13), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5605.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. New Source Performance Standards—General

New source performance standards (NSPS or "standards") implement section 111 of the Clean Air Act. The NSPS are issued for categories of sources which cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. They apply to new stationary sources of emissions, i.e., stationary sources whose construction, reconstruction, or modification begins after a standard for them is proposed.

An NSPS requires these sources to control emissions to the level achievable by "best demonstrated technology," or "BDT," which is defined in Item B.3 below.

B. NSPS Decision Scheme

An NSPS is the product of a series of decisions related to certain key elements for the source category being considered for regulation. The elements identified in this "decision scheme" are generally the following:

1. *Source category to be regulated*—usually an entire industry, but can be a process or group of processes within an industry.

2. *Pollutant(s) to be regulated*—the particular substance(s) emitted by the source that the standard will control.

3. *Best demonstrated technology*—the technology on which the Agency will base the standards, i.e.,

> *** application of the best technological system of continous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated. [section 111(a)(1)].

For convenience, this will be referred to as "best demonstrated technology" or "BDT."

4. *Affected facility*—the pieces or groups of equipment that comprise the sources to which the standards will apply.

5. *Emission points to be regulated*—within the affected facility, the specific physical location emitting pollutants (e.g., vents, stacks, or equipment leaks).

6. *Format for the standards*—the form in which the standards are expressed, e.g., as a percent reduction in emissions, as pollutant concentrations, or as equipment standards.

7. *Actual standards*—based on what BDT can achieve, the maximum permissible emissions.

> **Note.**—In general, standards do not require that a specific technology be used to achieve them. The source owner/operator may select the method for achieving the pollution control required.

8. *Other possible considerations*—in addition, NSPS often include: modification/reconstruction considerations, monitoring requirements, performance test methods, and reporting and recordkeeping requirements.

C. Overview of This Preamble

This preamble will:

[1] The document will be available from the EPA RTP Library after the standard is proposed.

1. Summarize the important features of this NSPS by discussing the conclusions reached with respect to each of the elements in the decision scheme.
2. Describe the environmental, energy, and economic impacts of this NSPS.
3. Present a rationale for each of the decisions in the decision scheme.
4. Discuss why a regulatory flexibility analysis is not needed.
5. Discuss administrative requirements relevant to this action.

II. Summary of the NSPS

A. Source Category To Be Regulated

The proposed standards limit emissions of VOC's from new, modified, and reconstructed facilities that perform exterior coating of plastic parts for business machines. Plastic parts are components formed of synthetic polymers. Examples of business machines using these parts include typewriters, computers, display terminals, printers, photocopiers, and telephones.

B. Pollutants To Be Regulated

The pollutants to be regulated are VOC's.

C. Best Demonstrated Technology

1. Electromagnetic/Radio Frequency Interference Shielding

No BDT is proposed for electromagnetic/radio frequency interference (EMI/RFI) shielding.

2. Exterior Coating

Table 1 summarizes BDT and the proposed standards for exterior surface coating. The BDT for exterior coating is a combination of coatings and application technologies. The BDT for prime and color coating is the use of organic-solvent-based coatings containing approximately 60 percent, by volume, solids as applied and sprayed at a transfer efficiency (TE) of 40 percent.

Note.—Hereinafter, the solids content of coatings will be stated by volume as applied unless otherwise stated.

The BDT for fog coating, a special type of color coating, is the application of waterborne coatings at a TE of 25 percent. The BDT for texture and touch-up coating is the application of organic-solvent-based coatings containing approximately 60 percent solids at a TE of 25 percent. Each of the proposed exterior coating standards can also be met with waterborne coatings applied at a TE of 25 percent.

As noted in Table 1, a TE of 25 percent can be achieved with air atomized spray equipment, and a TE of 40 percent can be achieved with either air-assisted airless or electrostatic spray equipment.

D. Affected Facility.

The proposed affected facility is the spray booth. The spray booth means the structure housing the spray application equipment and ancillary equipment associated with the enclosure. More than one standard may apply to an affected facility.

TABLE 1. SUMMARY OF PROPOSED STANDARDS

Coating process	Level of standard, kg VOC/l solids applied	Best demonstrated technology [a]		
		Coating [b]	Spray technique	Transfer efficiency, percent
Exterior:				
Prime	1.5	SB containing 60 percent, by volume, solids	Air-assisted airless or electrostatic	40
Color	1.5	SB containing 60 percent, by volume, solids	Air-assisted airless or electrostatic	40
Texture	2.3	SB containing 60 percent, by volume, solids	Air atomized	25
Fog	1.5	WB	Air atomized	25
Touch-up	2.3	SB containing 60 percent, by volume, solids	Air atomized	25

[a] Other technologies can be used to meet the proposed standards.
[b] SB = Organic-solvent-based; WB = waterborne.

E. Emission Points

The VOC emission sources in the coating of plastic parts for business machines are: (1) The spray booths (80 percent of VOC emissions), (2) the flashoff areas (10 percent), and (3) the curing ovens (10 percent).

F. Format for the Standards

The format for the proposed standards is the mass of VOC's per unit volume of coating solids applied expressed as kilograms of VOC per liter (kg VOC/l) of coating solids applied.

G. Actual Standards

1. EMI/RFI Shielding

No standard is proposed for EMI/RFI shielding.

2. Exterior Coating

The proposed standards for exterior coating would limit VOC emissions to no more than 1.5 kg VOC/l of coating solids applied for prime and color coats and to no more than 2.3 kg VOC/l of coating solids applied for texture and touch-up coats.

H. Modification/Reconstruction Considerations

Existing facilities can become subject to the NSPS when they are modified or reconstructed as defined in 40 CFR 60.14 and 60.15, respectively. A modification is defined as certain physical or operational changes to an existing facility that result in an increased emission rate of any pollutant to which the standard applies (40 CFR 60.14). Upon modification, an existing facility becomes an affected facility and, therefore, subject to the standard. Possible modifications that might occur include: (1) Adding application equipment (i.e., enlarging a facility's capacity by adding new spray guns in order to coat larger parts or to increase production) and (2) switching from coating of metal parts to coating of plastic parts. A facility built after proposal of this NSPS that switches from coating metal parts to coating of plastic parts would be covered under this NSPS as a new source.

A reconstruction is defined in 40 CFR 60.15 as any replacement of components of an existing facility to the extent that the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable new facility, and it is technologically and economically feasible to meet the applicable standards. An existing facility, upon reconstruction, becomes an affected facility, irrespective of any changes in emission rate. A possible reconstruction that might occur is the replacement of coating application equipment.

I. Performance Test and Compliance Methods

Compliance would be determined by calculating the emissions from coating VOC content data, dilution data,

monthly coating consumption data, and TE. The VOC emissions (the average weighted mass [kg] of VOC's per unit volume [l] of coating solids applied) would be calculated each month. Coating VOC content would be determined by analysis of each coating, as received, using EPA Reference Method 24, from data that have been determined by the coating manufacturer using EPA Reference Method 24, or by other methods approved by the Administrator. The TE would be determined from a table provided in the regulation. A TE of 25 percent is assigned to air atomized spray equipment, and a TE of 40 percent is assigned to air-assisted airless and electrostatic spray equipment. The proposed standards allow coaters the option of demonstrating TE's higher than the assigned values.

J. Reporting and Recordkeeping Requirements

Following an initial performance report, each owner or operator would be required to submit a semiannual report stating that each affected facility is in compliance. In addition, each owner or operator of an affected facility which is not in compliance with the applicable emission limits specified in § 60.722 must submit quarterly reports for all months of noncompliance. The quarterly reports of noncompliance would contain the volume-weighted average mass of VOC's per unit volume of coating solids applied for each affected facility.

Each owner or operator would be required to keep records of coating VOC content, coating consumption, coating dilution, and calculations of the kg VOC's emitted per l of coating solids applied from each affected facility in each nominal 1-month period. These records would be maintained at the source for a period of at least 2 years as specified in 40 CFR 60.7(d).

III. Impacts of This NSPS

Environmental, energy, and economic impacts of standards of performance are normally expressed as incremental differences between facilities complying with the proposed standards and those facilities if no NSPS were promulgated. Currently, there are only one State regulation and two local regulations that specifically limit VOC emissions from the surface coating of plastic parts. Because there are few regulations, the baseline is based on coating data provided by industry. The environmental, energy, and economic impacts were computed relative to this baseline.

A. Air

In a typical plant, the proposed standards would reduce overall VOC emissions by 51 percent below baseline. The emission reductions from specific operations are a 74-percent emission reduction from prime and color coating operations and a 60-percent emission reduction from texture coating operations. Total VOC emission reductions (megagrams of VOC's per year [Mg VOC/yr]) for model plants are 5.5 Mg VOC/yr for a small plant, 44 Mg VOC/yr for a medium plant, and 109 Mg VOC/yr for a large plant.

The fifth-year nationwide emission reduction achieved by the recommended standards is approximately 2,200 Mg/yr, or 51 percent of the total emissions from affected facilities, which corresponds to an emission reduction of 1,200 Mg/yr from prime and color coating operations and 980 Mg/yr from texture coating operations. Small additional reductions will be achieved from fog and touch-up coating processes.

In the fifth year after the standards become applicable (1990), it is estimated that new, modified, and reconstructed affected facilities at 216 plants will be covered by the NSPS, including 191 small plants, 24 medium plants, and 1 large plant. This is equivalent to 8.2 million square meters (m^2) of plastic being coated at affected facilities. An additional 15.4 million m^2 would be coated at existing facilities, for a total industrywide production rate of 23.6 million m^2. The above numbers are approximations. The number of affected facilities may vary depending upon the number of existing plants incorporating BDT for economic reasons and the number of existing metal coaters switching to the coating of plastic. Thus, the impacts of the proposed standards on emissions, costs, energy, and other environmental impacts are also approximations because they depend on the number of affected facilities.

B. Water

Water pollution from waterwash spray booths would be reduced under this NSPS due to improved TE for prime and color coating.

C. Solid Waste

This NSPS will reduce the volume of solid wastes generated nationwide. Improving TE for prime and color coating from 25 percent to 40 percent will reduce solid waste resulting from overspray. Solid waste generated by a typical plant would be reduced approximately 25 percent below baseline discharge levels.

D. Noise

This NSPS will have no impact on noise.

E. Radiation

This NSPS will have no impact on radiation.

F. Energy

Annualized energy costs will not be affected by the proposed standards.

G. Control Costs

Annualized control costs include the raw material costs (i.e., low-VOC-content coatings) and the capital recovery value of any additional application equipment. During the fifth year of applicability of the proposed standards, the nationwide annualized costs at plants covered by the standards would amount to $120 million, compared with the annualized costs of $150 million at new plants with emissions at the regulatory baseline. The cumulative 5-year capital costs for plants covered by the proposed standards would be $23 million compared to $20 million at the regulatory baseline.

H. Economic Effects

The proposed standards would result in a 24-percent and a 13-percent reduction in the overall price for the surface coating of plastic parts for business machines for small plants and large plants, respectively. The availability of the lower cost technologies on which the proposed standards are based could increase the amount of plastic parts coated for business machines to 24.6 million m^2 in 1990.

IV. Rationale for Proposed Standards

A. Selection of Source Category

As discussed elsewhere in today's **Federal Register**, the surface coating of plastic parts for business machines has been listed for NSPS development. The rationale for the decision to list this source category is discussed below.

Industrial surface coating operations account for over 2 million Mg of VOC emissions each year. Approximately 4,600 Mg of VOC's were emitted from the surface coating of plastic parts for business machines in 1984. The projected annual growth rate for the surface coating of plastic parts for business machines is 17 percent, which is high compared to that for other coating industries.

The VOC's emitted from surface coating operations participate in atmospheric photochemical reactions to produce ozone and other photochemical

oxidants. Photochemical oxidants result in adverse impacts on health and welfare, including impaired respiratory function, eye irritation, necrosis of plant tissue, and deterioration of some synthetic materials. Further information on these effects can be found in the U.S. EPA document entitled "Air Quality Criteria for Ozone and Other Photochemical Oxidants" (EPA-600/8-78-004).

B. Pollutant To Be Regulated

The VOC's are emitted to the atmosphere when organic solvents evaporate from the coatings used to coat plastic parts for business machines and as a by-product of the curing reaction of the coatings. The VOC's are the primary pollutants from this process and are the only pollutants that would be regulated by this standard because of their overall volume and severity as an air pollution problem and because technology is currently available to reduce these emissions. This VOC emission reduction can occur both through the use of low-VOC-content coatings and through the improvement of TE.

Spray booths are also potential sources of pollutants other than VOC's, such as particulate matter. Particulate overspray from exterior coatings would consist of resins and pigments that are components of the coatings; particulate overspray from EMI/RFI shielding coatings would consist of resins and conductive fillers such as nickel and copper. Zinc-arc spraying operations would emit zinc particulates and zinc oxide fumes. Particulate emissions would be negligible because of the high removal efficiency (greater than 95 percent) of the spray booth filtration systems; therefore, these emissions are not regulated by this NSPS.

C. Selection of Best Demonstrated Technology

Section 111 of the Clean Air Act requires that standards of performance reflect the BDT, which is the technology that yields the greatest emission reduction without imposing unreasonable impacts. See *Essex Chemical Corp. v. Ruckelshaus, 486 F.2d 427, 433 (D.C. Cir. 1973).*

1. Applicable Control Technologies

Control techniques commonly used to reduce VOC emissions from surface coating processes include the substitution of non-VOC-emitting processes for VOC-emitting processes, the use of low-VOC-content coatings, the use of more efficient conating application techniques, and the use of add-on controls. With the exception of add-on controls, the control techniques listed above are all used in this industry.

a. *Non-VOC-emitting processes.* Non-VOC-emitting processes are being used to provide EMI/RFI shielding to plastic parts for business machines. Examples of non-VOC-emitting EMI/RFI shielding processes include zinc-arc spray, zinc-flame spray, electroless plating, vacuum metallizing, sputtering, use of conductive plastics, and use of metal inserts. These EMI/RFI shielding methods do not, in themselves, emit VOC's; however, some secondary processing steps used in conjunction with these techniques may emit VOC's.

Zinc-arc spraying is a two-step process in which the plastic surface, usually the interior of a housing, is first roughened by sanding or grit-blasting and then spray-coated with zinc that has been melted by an electric arc. Zinc-flame spraying is similar to zinc-arc spraying except that the zinc is melted by a high temperature flame. Zinc-arc spraying is the most frequently used of the non-VOC-emitting shielding techniques. Zinc-arc spray emits fumes, noise, and light. A face shield, breathing air supply or respirator, and hearing protection are required for the operator. Although the conventional zinc-arc spray process does not emit VOC's, VOC-emitting primers that can be used instead of grit-blasting to improve zinc adhesion have recently been developed. The use of these coatings would result in VOC emissions from the surface preparation step for zinc-arc spray.

Electroless plating is a dip process in which a film of metal is deposited from aqueous solution, usually onto all exposed surfaces of the part. The plastic parts are prepared for electroless plating by oxidizing their surfaces with aqueous chromic and sulfuric acids or with gaseous sulfur trioxide. Following the oxidizing step, a metal film (usually copper, nickel, or chrome) is plated onto the plastic part.

Selective electroless plating processes that permit the metal film to be deposited onto specific areas of the part without masking have recently been developed. To perform selective plating, an organic-solvent-based or waterborne coating is usually applied to the areas of the part to be plated. This surface preparation step emits some VOC's. The metal film is deposited from the plating solution only onto the coated areas of the part.

Vacuum-metallizing and sputtering are two similar techniques in which a thin film of metal is deposited onto the plastic part from the vapor phase. Although no VOC emissions occur during the actual metallizing process, organic-solvent-based prime coats and top coats are often sprayed onto parts to promote adhesion and prevent degradation of the metal film. The VOC emission reduction potential of these techniques depends on the extent to which VOC-emitting prime coats and top coats are used and the organic solvent content of the coatings used.

Conductive plastics, which are mixtures of resins and conductive fillers, are not widely used for EMI/RFI shielding at the present time. These materials are being studied extensively for business machine applications.

Metal inserts used to provide EMI/RFI shielding to electronic components within plastic housings can be in the form of a metal box within a plastic housing, metal foil glued onto the plastic part or laminated between layers of compression molded plastic, or metal screens or fibers placed within a plastic housing.

b. *Low-VOC-content coatings.* Low-VOC-content coatings are being used both for EMI/RFI shielding and exterior coating of plastic parts for business machines. Coatings for EMI/RFI shielding are typically applied to the interior surface of plastic housings. Examples of low-VOC-content coatings are powder coatings, waterborne coatings, and organic-solvent-based coatings with higher solids contents than conventional organic-solvent-based coatings.

Powder coatings contain no organic solvent and emit little or no VOC's. Powder coatings are not used on plastic parts for business machines at the present time because they require curing temperatures that exceed the temperature limitations of the plastic parts. Powder coatings that can be cured with ultraviolet (UV) or infrared (IR) radiation are being developed and, once proven, may be applicable to this industry.

Of the demonstrated low-VOC-content coatings, waterborne coatings produce the least VOC emissions. Waterborne coatings use water as their primary carrier but do contain some VOC's. Waterborne nickel-filled acrylics and urethanes are available for EMI/RFI shielding. These coatings typically contain between 0.31 and 1.0 kg VOC/*l* of coatings solids, as applied. Single-component waterborne acrylics and two-component acid-catalyzed waterborne coatings are being used for exterior coating. These exterior coatings contain from 0.23 to 0.41 kg VOC/*l* of coating solids, as applied.

Organic-solvent-based coatings containing more solids than conventional organic-solvent-based

coatings are being used for both EMI/RFI shielding and exterior coating processes. The volume solids content of EMI/RFI shielding coatings is substantially lower and the VOC content is higher than in exterior coatings. The density of the metal particles in EMI/RFI shielding coatings limits their volume solids content. Conventional organic-solvent-based EMI/RFI shielding coatings typically contain approximately 15 percent solids, which corresponds to a VOC content of approximately 5.00 kg/l of coating solids, as applied. Organic-solvent-based single-component nickel-filled acrylics and two-component catalyzed nickel-filled urethanes that contain up to 25 percent solids have been used for EMI/RFI shielding. The higher solids content of these coatings corresponds to approximately 2.64 kg VOC/l of coatings solids, as applied. A two-component catalyzed nickel-filled urethane that contains 35 percent solids has recently been developed. The higher solids content of this coating corresponds to a VOC content of approximately 1.63 kg/l of coating solids, as applied.

Conventional organic-solvent-based exterior coatings contain an average of 32 percent solids, which corresponds to a VOC content of about 1.88 kg/l of coating solids, as applied. Organic-solvent-based two-component catalyzed urethane exterior coatings containing an average of 50 percent solids, or approximately 0.88 kg VOC/l of coating solids, as applied, are being used. The catalyst and coating can be mixed before spraying, and the catalyzed coating has a pot life of up to 4 hours. Single-component organic-solvent-based acrylics and urethanes in this higher solids range have also been developed but are still being tested.

Organic-solvent-based two-component catalyzed urethanes containing over 60 percent solids have been developed, and one of these coatings has been used in production. These coatings contain an average of 0.58 kg VOC/l of coating solids and emit less VOC's than any other organic-solvent-based coatings currently in use. The pot life of the coating that has been used in production is less than 1 hour after the coating and catalyst are mixed; consequently, plural-component metering systems that mix the coating and catalyst at the spray gun are usually necessary to apply this coating. The need to purchase plural-component metering equipment has slowed the acceptance of this coating.

An organic-solvent-based two-component catalyzed acrylic coating that contains approximately 60 percent solids (0.58 kg VOC/l of coating solids) has recently been developed. This coating has a pot life of 8 to 16 hours and does not require the use of plural-component metering equipment. This coating is still being tested by business machine manufacturers and has not been used in production.

c. *Improving transfer efficiency.* Transfer efficiency is the ratio of the coating solids that adhere to a part to the total amount of coating solids used. Improving TE reduces total coating consumption, resulting in decreased VOC emissions. The most commonly used coating application technique in this industry is air atomized spray, which provides an average TE of 25 percent for exterior coating and an average TE of 50 percent for EMI/RFI shielding. Metal-filled EMI/RFI shielding coatings are typically sprayed at a lower atomization pressure and with a narrower spray pattern than are exterior coatings, resulting in a higher TE.

Two types of spray application techniques that have been used to improve TE are air-assisted airless spray and electrostatic air spray. Air-assisted airless spray is a variation of airless spray, a spray technique used in other industries. In airless spray coating, the coating is atomized without air by forcing the liquid coating through specially designed nozzles at pressures of 7 to 14 Megapascals. Air-assisted airless spray atomizes the coating by the same mechanism as airless spray but at lower fluid pressures. A small amount of air is used to further atomize the coating and to help shape the spray pattern, reducing the amount of overspray below that achieved with airless atomization alone.

Air-assisted airless spray can achieve an average TE of 40 percent for exterior coating and has been used to apply prime and color coats, but not texture coats, to plastic parts for business machines. A touch-up coating step using air atomized spray equipment (25 percent TE) is sometimes necessary to apply color to recessed and louvered areas missed by air-assisted airless spray. Silver-filled organic-solvent-based EMI/RFI shielding coatings have been applied to plastic parts in this industry using air-assisted airless spray guns.

For electrostatic air spray, usually the coating is charged and the parts being coated are grounded to create an electric potential between the coating and the parts. The atomized coating is attracted to the part by electrostatic force. Because plastic is an insulator, it is necessary to provide a conductive surface that can bleed off the electrical charge to maintain the ground potential of the part as the charged coating particles accumulate on the surface. Conductivity of the plastic surface can be achieved by deposition of a thin metal film onto the surface of the plastic part or by application of a conductive sensitizer onto the part. These are the only two electrostatic air spray methods that have been used successfully in this industry. Other methods that have been used in other industries to coat plastic parts electrostatically include the use of conductive (waterborne) coatings and the placement of a grounded metal image behind the part being coated.

Electrostatic air spray has been demonstrated for application of prime and color coats to plastic parts for business machines and can achieve a TE of at least 40 percent for these two processes. Electrostatic air spray has also been used to apply texture coats in this industry. However, this technique functions poorly with the large size particles generated for the texture coat and does not offer any substantial improvement in TE over air atomized spray for texture coating. A touch-up coating step using air atomized spray is sometimes necessary to apply color and texture to recessed and louvered areas missed by electrostatic spray. Electrostatic air spray has not been used to apply EMI/RFI shielding coatings.

d. *Add-on controls.* Add-on controls used to control VOC emissions in other surface coating industries include thermal and catalytic incinerators, carbon adsorbers, and condensers. These control devices are most often used for processes in which VOC's can be efficiently captured and delivered to the control device at high concentrations.

In this industry, approximately 80 percent of the emissions occur in the spray booths, 10 percent occur in the flashoff areas, and 10 percent occcur in the ovens. Of these three emission points, only the emissions in the spray booths and ovens are captured efficiently. The flashoff areas are usually very large and not enclosed, and indoor VOC concentrations resulting from flashoff are typically reduced by dilution ventilation.

The spray booth exhaust stream is a high volume stream with low VOC concentrations. Large amounts of supplemental fuel would be required to control spray booth emissions using either thermal or catalytic incinerators, resulting in a large increase in energy consumption compared to other control techniques. The average cost effectiveness of controlling VOC emissions from spray booths by thermal

incineration in a typcial medium-size plant is at least $9,700 per Mg of VOC's controlled, which is considered unreasonable. The high humidity of the exhaust stream from waterwash spray booths would necessitate pretreatment to lower the relative humidity before a carbon adsorber or a condenser could be used. Large carbon beds and condensers would also be necessary to handle the large flow of air exhausted from spray booths. The cost of carbon adsorbers or condensers would be similar to the cost of thermal incineration and would, therefore, be an unreasonable cost.

Thermal and catalytic incineration, carbon adsorption, or condensation might be used to control VOC emissions from ovens and flashoff areas. Since coatings used in this industry are cured at temperatures of about 60 °C (140 °F), a large amount of supplemental fuel would be required to control oven emissions by incineration. The average cost effectiveness of controlling VOC emissions from ovens by thermal incineration in a typical medium-size plant is at least $2,800 per Mg of VOC's controlled, which is considered unreasonable. The average cost effectiveness of controlling VOC emissions from flashoff areas by thermal incineration in a typical medium-size plant would be even higher than the $2,800 per Mg of VOC's calculated for the oven because additional investments would be required to build enclosures around the flashoff area. Therefore, the cost of capturing and controlling VOC emissions from the flashoff areas is also considered unreasonable.

Add-on controls are not used in this industry, and no plants are expected to be built that use add-on control techniques. Nonetheless, the proposed standards allow the use of add-on controls to reduce VOC emissions.

2. Regulatory Alternatives and Control Options Considered

To simplify examination of the regulatory alternatives, which consider EMI/RFI shielding and exterior coating process together, the cost, environmental, and energy impacts and cost effectiveness of control options for EMI/RFI shielding and exterior coating are presented separately. The economic impacts are presented in terms of the regulatory alternatives. The VOC emissions, coats, and cost effectiveness for each control option are summarized for Model Plant A (small plant) in Tables 2 through 5. Similar cost trends were observed for Model Plans B (medium plant) and C (large plant). The baseline for EMI/RFI shielding and exterior coating is summarized in Table 6.

Some control options are inferior to others in the sense that they provide less emission reduction at a higher cost. The impacts of inferior control options are not discussed in the text of this preamble.

a. *EMI/FRI shielding control options.* The EMI/RFI shielding control options are listed below in order of the least stringent to the most stringent control option:

(1) Organic-solvent-based coatings containing 15 percent solids applied at 50 percent TE (baseline);

(2) Organic-solvent-based coatings containing 25 percent solids applied at 50 percent TE;

(3) Waterborne coatings applied at 50 percent TE; and

(4) Non-VOC-emitting processes (zinc-arc spray).

Emission and cost data for the EMI/RFI shielding control options are presented in Table 2. Option 2 is inferior to Option 3 and, therefore, is not discussed further as a candidate for BDT. The costs and emission reductions of Options 1, 3, and 4 are compared in Table 3.

TABLE 2. EMISSION AND COST DATA FOR EMI/RFI SHIELDING CONTROL OPTIONS FOR MODEL PLANT A [a]

Control option	Coating material	Percent solids, by volume, at the gun	Transfer efficiency, percent	Emissions, Mg/yr	Total annualized cost, $/yr [b]
1 [c]	SB coating No. 1 [d]	15	50	2.48	433,637
2	SB coating No. 2	25	50	1.31	450,264
3	WB coating (72/28) [e]	33	50	0.27	441,433
4	Zinc-arc spray	100	53	0	613,651

[a] Model Plant A (the small model plant) applies 1,730 / of coating solids per year to plastic parts, 250 / of which are for EMI/RFI shielding.
[b] Total annualized cost figure includes exterior coating cost. Exterior coating costs remain fixed at the baseline level while EMI/RFI shielding costs are varied.
[c] Control Option 1 is the baseline.
[d] SB = Organic-solvent-based.
[e] WB = Waterborne. Numbers in parentheses give the ratio of water to organic solvent (VOC's) in the coating.

TABLE 3. COST EFFECTIVENESS OF EMI/RFI SHIELDING CONTROL OPTIONS FOR MODEL PLANT A

Control option	Emission reduction, Mg/yr	Cost with respect to baseline, $/yr	Average cost effectiveness $/Mg [a]	Incremental cost effectiveness, $/Mg
1	0	0	[b] N/A	N/A
2	1.17	16,627	[c] N/A	[c] N/A
3	2.21	7,796	3,500	[d] 3,500
4	2.48	180,013	72,000	[e] 640,000

[a] Cost effectiveness with respect to baseline (Option 1).
[b] N/A = Not applicable.
[c] Not applicable because Option 2 is inferior to Option 3 and was not considered for BDT.
[d] Incremental cost efffectiveness compared to Option 1.
[e] Incremental cost efffectiveness compared to Option 3.

TABLE 4. EMISSION AND COST DATA FOR EXTERIOR COATING CONTROL OPTIONS FOR MODEL PLANT A [a]

Control option	Coating material	Percent solids, by volume at the gun	Transfer efficiency, percent	Emissions, Mg/yr	Total annualized cost, $/yr [b]
1 [c]	Baseline mix [d]	[d] BM	[e, f] 25	8.12	433,637
2	Baseline mix [d]	[d] BM	[e] 40 [f] 25	6.60	402,815
3	SB coating No. 2 [g]	50	[e, f] 25	4.82	428,137
4	SB coating No. 2	50	[e] 40 [f] 25	3.91	398,943
5	SB coating No. 3	60	[e, f] 25	3.28	359,445
6	SB coating No. 3	60	[e] 40 [f] 25	2.67	327,498
7	WB (80/20) [h]	37	[e, f] 25	1.78	433,756
8	WB (80/20)	37	[e] 40 [f] 25	1.45	402,916

[a] Model Plant A (the small model plant) applies 1,730 / of coating solids per year to plastic parts, 1,480 / of which are for exterior coating.
[b] Total annualized cost figure includes EMI/RFI shielding cost. Shielding costs remain fixed at the baseline level while exterior coating costs are varied.
[c] Control Option 1 is the baseline.
[d] "Baseline mix" (BM) referes to the mix of exterior coatings summarized in Table 6.
[e] TE for prime and color coating.
[f] TE for texture and touch-up coating.
[g] SB = Organic-solvent-based.
[h] WB = Waterborne. Number in parentheses give the ratio of water to organic solvent (VOC's) in the coating.

TABLE 5. COST EFFECTIVENESS OF EXTERIOR COATING CONTROL OPTIONS FOR MODEL PLANT A

Control option	Emission reduction, Mg/yr	Cost with respect to baseline, $/yr	Average cost effectiveness, $/MG [a]	Incremental cost effectiveness, $/Mg [b]
6	5.45	−106,139	−19,000	[c] N/A
7	6.34	118	[d] N/A	[d] N/A
8	6.87	−30,721	−4,600	62,000

[a] Cost effectiveness with respect to baseline (Option 1).
[b] Incremental cost effectiveness with respect to Option 6.
[c] N/A = Not applicable.
[d] Not applicable because Option 7 is inferior to Option 8.

TABLE 6. BASELINE COATING UTILIZATION

Type of coating [a]	Percent solids, by volume, at the gun	Percent of total coating consumption	VOC emissions	
			kg VOC/l of solids [b]	kg/l of solids applied at 25 percent TE
SB EMI/RFI shielding coating [c]	15	17.1	5.00	20.0
SB exterior coating No. 1 [d]	32	53.7	1.88	7.52
SB exterior coating No. 2 [d]	50	19.5	0.88	3.52
WB exterior coating (80/20) [d]	37	9.7	0.31	1.24

[a] SB = Organic-solvent-based; WB = waterborne. Numbers in parentheses give the ratio of water to organic solvent (VOC's) in the coating.
[b] Assuming as average VOC density of 0.882 kg/l.
[c] Numbers do not reflect the baseline use of zinc-arc spray EMI/RFI shielding at medium and large model plants.
[d] The baseline mix of exterior coatings consists of the three exterior coatings shown in this table.

Options 1 and 3 are based on the use of nickel-filled acrylics. Option 4, which is the most stringent option that could be selected as BDT, is the use of non-VOC-emitting EMI/RFI shielding processes. Of the non-VOC-emitting shielding processes, zinc-arc spray was evaluated as the most reasonable candidate for BDT because it is widely demonstrated on many types of plastics. A TE of 53 percent is assumed for zinc-arc spray.

b. *Exterior coating control options.* Eight control options were considered for exterior coating. Four of the control options assume that all exterior coatings are applied at a TE of 25 percent using air atomized spray equipment. The remaining four control options assume that prime and color coats (approximately one-half of the exterior coating solids applied) are applied at a TE of 40 percent, while the texture and touch-up coats are applied at a TE of 25 percent. It was assumed that either air-assisted airless or electrostatic spray equipment could be used to achieve a TE of 40 percent. The control options are listed below in order of the least stringent to the most stringent control option:

(1) Baseline mix of exterior coatings (see Table 6) applied at 25 percent TE for all exterior coating steps (baseline);

(2) Baseline mix of exterior coatings applied at 40 percent TE for prime and color coats and 25 percent TE for texture and touch-up coats;

(3) Organic-solvent-based coatings containing 50 percent solids applied at 25 percent TE for all exterior coating steps (the quantity of plastic coated with waterborne coatings remains at the baseline level);

(4) Organic-solvent-based coatings containing 50 percent solids applied at 40 percent TE for prime and color coats and 25 percent TE for texture and touch-up coats (the quantity of plastic coated with waterborne coatings remains at the baseline level);

(5) Organic-solvent-based coatings containing 60 percent solids applied at 25 percent TE for all exterior coating steps (the quantity of plastic coated with waterborne coatings remains at the baseline level);

(6) Organic-solvent-based coatings containing 60 percent solids applied at 40 percent TE for prime and color coats and 25 percent TE for texture and touch-up coats (the quantity of plastic coated with waterborne coatings remains at the baseline level);

(7) Waterborne coatings applied at 25 percent TE for all exterior coating steps; and

(8) Waterborne coatings applied at 40 percent TE for prime and color coats and 25 percent TE for texture and touch-up coats.

Emission and cost data for the exterior coating control options are presented in Table 4. Options 1 through 5 are inferior to Option 6 and, therefore, are not discussed further as candidates for BDT. Likewise, Option 7 is inferior to Option 8 and, therefore, is not discussed further as a candidate for BDT. The costs and emission reductions of Options 6 and 8 are compared in Table 5.

3. Environmental Impacts

Environmental impacts were evaluated for each control option. The impacts of inferior control options are not presented here. Nationwide impacts were estimated based on the assumption that in 1990, 191 small plants, 24 medium plants, and 1 large plant will be covered by the NSPS.

a. *EMI/RFI shielding.* Option 1 is the baseline and would result in 2,800 Mg of VOC's being emitted nationwide from EMI/RFI shielding processes at existing and new plants in 1990. Option 3, the use of waterborne EMI/RFI shielding coatings, would reduce emissions in 1990 by 890 Mg. Option 4, the use of non-VOC-emitting processes, would reduce VOC emissions in 1990 by 1,000 Mg.

Using zinc-arc spray for EMI/RFI shielding may increase zinc and zinc oxide fume emissions to the atmosphere. However, these emissions would be minimal because most of the zinc overspray is recovered for resale. A typical zinc-arc spray station operating at capacity would emit approximately 0.8 Mg/yr of zinc. In-plant noise levels would increase as a result of using zinc-arc spray.

b. *Exterior coating.* Option 1 is the baseline and would result in 9,000 Mg of VOC's being emitted nationwide from all exterior coating processes in 1990. Option 6 would reduce VOC emissions in 1990 by 2,200 Mg. Option 8 would reduce VOC emissions in 1990 by 2,700 Mg.

Improving TE for Options 6 and 8 would reduce overspray, and, consequently, solid waste and water pollution from dry filter and waterwash spray booths would be decreased.

4. Energy Impacts

The energy impacts of all control options are negligible. The exterior coatings outlined in the control options can all be cured at low temperatures, and differences in energy consumption among these control options are insignificant.

5. Economic Impacts

The economic impacts were evaluated in terms of regulatory alternatives. The economic impacts of regulatory alternatives that use inferior control options for EMI/RFI shielding or exterior coating are not discussed here. The regulatory alternatives discussed here (VIII–25/40 and XII–25/40) both use EMI/RFI shielding Option 1 (baseline). Regulatory Alternatives VIII–25/40 and XII–25/40 use exterior coating Options 6 and 8, respectively.

The economic effects of the regulatory alternatives were estimated separately

for two distinct, competitive submarkets, one represented by Model Plant A, the other by Model Plant B. This was done because the costs of production differ substantially for the two plant types. Both model plants are expected to be built for serveral reasons. Typically, the smaller plants fill a valuable niche in the surface coating market by providing flexibility in production. They can do many small jobs that a larger facility would not routinely handle. These might include coating of prototype parts or a first production run of some parts prior to beginning large-scale production. Consequently, even though the larger model plants have lower unit costs, the smaller facilities will still be built and used, even at a higher cost per square meter of plastic coated. Total effects are based on the sum of the effects for each submarket. A third model plant type, C, was not considered in the economic analysis because only one new plant is expected to be constructed over the analysis period.

Regulatory Alternatives VIII-25/40 and XII-25/40 both would reduce the operating costs of new facilities and, hence, the price of coating services. The price reductions would be 24 and 7 percent, respectively, relative to baseline for Market A (composed of Model Plant A's) and 13 and 7 percent for market B.

Under Regulatory Alternatives VIII-25/40 and XII-25/40, quantities of surface-coating services supplied in 1990 for Markets A and B combined would increase by 4 and 2 percent, respectively, relative to the baseline.

Individual firms tend to select least-cost production techniques when adding new capacity. However, there are tangible costs in converting to a new coating: These costs may involve additional equipment, operator training, and a testing program to satisfy business machine manufacturers that the coating will meet their performance specifications. There is also aversion to change and the risks associated with that change. All of these factors may affect a firm's decision to change coating formulations. This appears to be the case in plastic parts coating. Without a standard, many new facilities would not be state-of-the-art but would incorporate the current baseline mix of coatings. Alternatives VIII-25/40 and XII-25/40 would accelerate the adoption of the lower-VOC-emitting technologies, which would reduce emissions and, at the same time, reduce the costs of coating plastic parts. No changes in the quality of the final coated product are expected.

The adoption of the cost-savings technologies represented by Alternatives VIII-25/40 and XII-25/40 by new plants would put downward pressure on the price of plastic parts coating services because the sales price falls well below the level of the current prices of existing plants. In the face of falling prices, existing plants will tend to adopt the technologies represented by Regulatory Alternatives VIII-25/40 and XII-25/40 to lower production costs and to maintain profit margins. This changeover could result in a total reduction of 6,300 and 8,000 Mg of VOC annually by 1990 for Regulatory Alternatives VIII-25/40 and XII-25/40, respectively.

6. Costs and Cost Effectiveness

The costs and cost effectiveness have been estimated for each of the control options. The costs associated with inferior control options are not discussed here.

a. *EMI/RFI shielding.* Annualized costs and emission reductions of Options 3 and 4 were compared to those of Option 1, the baseline, to determine the average cost effectiveness of the more stringent options (Options 3 and 4). The total annualized cost and emission reduction for Option 4 were compared to those for Option 3 to determine the incremental cost effectiveness of Option 4. The results of these analyses for Model Plant A are presented in Table 3.

Differences in nationwide annualized costs in 1990 and nationwide emission reductions in 1990 for the three options were also determined. Option 4 would increase industry-wide annualized costs by $34 million and would achieve an additional emission reduction of 110 Mg/yr compared to Option 3. This corresponds to an incremental cost-effectiveness of $320,000 per additional Mg of emission reduction compared to Option 3.

Option 3 would increase industry-wide annualized costs by $4 million and would achieve an additional emission reduction of 890 Mg/yr compared to Option 1. This corresponds to an incremental cost effectiveness of $4,500 per additional Mg of emission reduction compared to Option 1.

b. *Exterior coating.* The annualized cost and emission reduction of Option 8 were compared to those of Option 6 for individual model plants to determine the incremental cost effectiveness of the more stringent option (Option 8). The results of this analysis for Model Plant A are presented in Table 5.

Differences in nationwide annualized costs in 1990 and emission reductions in 1990 for the two options were also determined. Option 8 would increase industry-wide annualized costs by $19 million and would achieve an additional emission reduction of 490 Mg compared to Option 6. This corresponds to an incremental cost effectiveness of $39,000 per additional Mg of emission reduction compared to Option 6.

Options 6 and 8 would reduce nationwide annualized costs and reduce VOC emissions relative to the baseline.

7. Rationale for Selecting Control Options

The rationale for selection of control is presented separately for EMI/RFI shielding and exterior coating.

a. *EMI/RFI shielding.* For each EMI/RFI shielding option considered for BDT, the cost effectiveness compared to the baseline was judged to be unreasonable. Consequently, none of the control options were selected as BDT, and, therefore, EMI/RFI shielding will not be regulated in this NSPS at the present time.

Although none of the EMI/RFI shielding options currently provide VOC emission control at a reasonable cost, small changes in the price of these options could lead to cost-effective control techniques in the future. Coating manufacturers, business machine manufacturers, and coaters are working on the development and testing of low-VOC-content EMI/RFI shielding coatings and non-VOC-emitting shielding methods. The EMI/RFI shielding options will be reevaluated during the 4-year review of the NSPS.

b. *Exterior coating.* Exterior coating Option 6, the application of organic-solvent-based coatings containing 60 percent solids at 40 percent TE for prime and color coats and 25 percent TE for texture and touch-up coats, was selected as BDT for prime, color, texture, and touch-up coating. A separate BDT was selected for fog coating.

Option 8, the application of waterborne coatings at 40 percent TE for prime and color coats and 25 percent TE for texture and touch-up coats, is the most stringent exterior coating option that could be selected as BDT. Waterborne coatings are currently in use in all exterior coating steps, and the annualized cost of this option compared to the baseline is judged to be reasonable (net annualized credit). However, the cost effectiveness of Option 8 compared to Option 6 is judged to be unreasonable (greater than $60,000 per additional Mg of emission reduction). Therefore, Option 8 was rejected as BDT.

Options 1 through 5 are all inferior to Option 6, and Option 7 is inferior to

Option 8. Therefore, Options 1 through 5 and Option 7 were rejected as BDT.

Option 6 is the third most stringent exterior coating option. Two-component catalyzed urethanes containing 60 percent solids, represented by Option 6, have been used in production at three facilities and have been tested at others. These coatings can be applied to all of the commonly used plastic substrates, as well as to aluminum and steel. The coatings containing 60 percent solids that have been used in production were recently reformulated to about 53 percent solids because of low sales volume and, therefore, are not available at the time of this proposal. The poor sales apparently resulted from the fact that plural-component metering systems were necessary to apply the coating at the higher solids content. Two other coating manufacturers have recently completed successful research and development programs on 60 percent solids coatings. One of these coatings is a two-component catalyzed acrylic coating and the other is a two-component catalyzed urethane coating. Neither of these coatings requires use of plural-component metering equipment. A third coating manufacturer is planning to increase the solids content of one of their currently available urethane coatings from 53 to 60 percent solids. Other coating manufacturers are working on the development of 60 percent solids coatings. Three of these coatings manufacturers who have experimental coatings that contain 60 percent solids have stated that these coatings will be available when this NSPS is promulgated. Therefore, a BDT based on 60 percent solids coatings is reasonable.

Air-assisted airless and electrostatic air spray equipment have been demonstrated for the application of prime and color coats to plastic business machine parts with conventional organic-solvent-based coatings containing 32 percent solids. Manufacturers of air-assisted airless spray equipment have stated that their equipment is capable of spraying coatings containing 60 percent solids. In addition, organic-solvent-based coatings containing 60 percent solids are being applied with electrostatic air spray guns in the large applicance and metal furniture industries for exterior coating. The use of air-assisted airless and electrostatic spray equipment to apply organic-solvent-based coatings containing 60 percent solids to plastic parts for business machines are, thus, reasonable extrapolations of existing technology. Therefore, BDT for prime and color coats is the application of organic-solvent-based coatings containing 60 percent solids with air-assisted airless or electrostatic spray equipment at 40 percent TE.

Air-assisted airless spray has not been demonstrated for application of the texture coat, and electrostatic spray does not offer any substantial improvement in TE over air atomized spray for this process. A touch-up coating step using air atomized spray is sometimes necessary to coat recessed and louvered areas missed by air-assisted airless and electrostatic spray. Therefore, BDT for texture and touch-up coating is the application of the organic-solvent-based coatings containing 60 percent solids with air atomized spray equipment at 25 percent TE.

Fog coating (also called "mist coating" or "uniforming") is the application of a thin (generally ≦0.5 mil dry film thickness) of coating solids to a part with molded-in color and texture to improve color and gloss uniformity. Fog coating is not a major source of VOC emissions compared to prime, color, texture, and touch-up coating operations, and was not considered in the preceding analyses. This process can only be accomplished by using coatings containing low levels of coating solids. Fog coating is usually performed by diluting conventional organic-solvent-based coatings by 100 percent with organic solvent prior to spraying. Therefore, the baseline for fog coating is organic-solvent-based coatings containing 16 percent solids at 25 percent TE with air atomized spray equipment. The coatings represented by Options 1 through 8 and air-assisted airless spray result in film thicknesses that may obscure molded-in texture; therefore, none of these methods for reducing emissions are technically feasible control options for fog coating operations. However, the waterborne coatings described in Options 7 and 8 can be diluted with water to 15 to 20 percent solids and applied with air atomized spray to control VOC emissions from fog coating. Cost-effectiveness values for fog coating were calculated for two identical spray booths operating at capacity. Capital costs were identical for each booth. Differences in costs of materials for waterborne and organic-solvent-based coatings were taken into account. Application of waterborne coatings was determined to be less expensive and to emit less VOC's than the baseline for fog coating. Therefore, use of waterborne coatings in conjunction with air atomized spray (25 percent TE) was selected as BDT for fog coating. Fog coating operations can be treated as color coating operations and can meet the recommended standard for exterior color coating by using waterborne coatings with air atomized spray.

D. Selection of Affected Facility

For purposes of this standard, the affected facility has been defined as each spray booth. The term "spray booth" includes not only the enclosure and ventilation system for spray coating, but also the spray gun(s) and ancillary equipment such as pumps and hoses associated with the enclosure.

The choice of the affected facility is based on the Agency's interpretation of section 111 of the Clean Air Act and on the judicial construction of its meaning. See *ASARCO, Inc., v. EPA*, 578 F. 2d 319 (D.C. Cir. 1978). Under Section 111, standards of performance must apply to new stationary sources of pollution, i.e., sources that begin construction, reconstruction, or modification after EPA proposes the standards.

A "source" is defined as "any building, structure, facility, or installation which emits or may emit air pollutant" [section 111(a)(3)]. Most industrial plants, however, consist of numerous pieces or groups of equipment that emit air pollutants and that may be viewed as "sources." The EPA therefore uses the term "affected facility" to designate the equipment, within a particular kind of plant, that is chosen as the "source" covered by a given standard.

In designating the affected facility, EPA determines which piece or group of equipment is the appropriate unit (the source) for separate emission standards in the particular industrial context involved. The determination is made in light of the terms and purposes of Section 111. One major consideration in this decision is that a narrow designation usually brings replacement equipment under standards of performance sooner.

If, for example, an entire plant is designated as the affected facility, the standard will cover no part of the plant unless the replacement causes the plant as a whole to be "modified" or "reconstructed." The plant as a whole is *modified* only if its aggregate emissions are increased by the physical change in it, or by the change in its methods of operating. Similarly, the plant is *reconstructed* only if (1) its cost of replacement exceeds 50 percent of the fixed capital costs required to build a comparable new facility and (2) meeting the applicable standards is technologically and economically feasible.

On the other hand, if each piece of equipment is designated as the affected facility, then as each piece is replaced, the new piece will be a new source subject to the standard. Since the purpose of Section 111 is to minimize emissions by achieving emission limitations reflecting BDT at all new sources, a narrow designation of the affected facility is presumed to be the best choice. It ensures that the standard will cover new emission sources within plants as they are installed.

This presumption can be eliminated, however, if a broader designation of the affected facility would (1) result in a greater emission reduction than would a narrow designation or (2) avoid exorbitant costs.

Several combinations of process equipment (spray booths, flashoff areas, and ovens) were evaluated as affected facilities. Three alternative designations of the affected facility were considered: (1) Each exterior coating operation, consisting of all spray booths, flashoff areas, and ovens; (2) each group of spray booths that is served by a common oven or drying area and that sequentially apply exterior coatings to a part; and (3) each spray booth.

The first alternative, each exterior coating operation (all associated spray booths, flashoff areas, and ovens), was the broadest designation considered. This designation virtually precludes existing facilities from becoming affected through the reconstruction provisions. The capital cost of a drying oven ranges from 5 to 27 times the capital cost of a typical spray booth at batch and conveyorized operations, respectively. Theoretically, if the affected facility included the drying oven, each spray booth in a three-booth conveyorized line could be rebuilt up to nine times without triggering the reconstruction provisions.

Another disadvantage of this broader definition is that it is ambiguous. For example, a spray booth might become part of an affected facility when used in conjunction with one group of spray booths to coat a part, but could cease to be part of an affected facility when used in conjunction with a different group of spray booths. This ambiguity would be especially likely to arise with batch coating lines (i.e., nonconveyorized), where the relationship between different spray booths is not constrained by the position of the booths on a conveyorized line. Therefore, this alternative was not selected.

The second alternative (each group of spray booths served by a common drying area that sequentially apply exterior coatings to a part) is a narrower definition than the first and is best suited to a conveyorized line in which multiple spray booths are routinely used to coat the same parts. This narrower definition of affected facility is also ambiguous. Therefore, this alternative was not selected as the affected facility.

The spray booth is the narrowest and simplest equipment grouping that could be considered as the affected facility. The main advantage of this definition is that it would potentially result in more facilities becoming subject to the NSPS due to reconstruction provisions, thereby resulting in a greater emission reduction (at reasonable cost) than could be achieved under the other two definitions considered. Because the total cost of the affected facility is smaller for this definition than for the other two definitions, reconstruction provisions of the NSPS would be triggered by a smaller capital expenditure. This fact would presumably result in a greater number of spray booths being brought into compliance as reconstructed facilities.

Another advantage of this definition is its compatibility with the proposed standards. Because different emission limits are recommended for prime and color coating and texture and touch-up coating, this narrow definition of affected facility would ensure that each type of coating operation within an affected spray booth uses BDT. Therefore, this alternative was selected as the designation of affected facility.

E. Selection of Emission Points

The emission points to be regulated by this NSPS are the individual spray booths. The spray booths are the largest source of VOC emissions (80 percent of total VOC emissions). The flashoff areas and ovens combined account for the remaining amount (20 percent). The cost of directly controlling emissions from ovens and flashoff areas with add-on controls is unreasonable, as described in the section on applicable control technologies. However, BDT may indirectly reduce VOC emissions from the ovens and flashoff areas as less VOC's will be present.

F. Selection of Format for Standard

An emissions standard is proposed for the spray booth. This reflects BDT and offers flexibility to the industry. The formats considered for allowable emissions from the spray booths were: (1) Mass of VOC's per unit area of plastic coated, (2) mass of VOC's per unit volume of coating consumed, and (3) mass of VOC's per unit volume of coating solids applied.

The first format considered was mass of VOC's per unit area of plastic coated (i.e., kg of VOC's per 1,000 m^2 of plastic coated). Its main advantage is that it directly relates emissions to plant productivity (measured in m^2 of plastic coated). One consequence is that it would result in different levels of control at different plants because of variations in coating thickness. Its major disadvantage is that it is difficult to measure the surface area of the complex shapes characteristic of some plastic parts used in business machines. Therefore, mass of VOC's per unit area of plastic coated was not selected as the format.

The second format considered was the mass of VOC's per unit volume of coating consumed (i.e., kg of VOC's per *l* of coating sprayed). Its main advantage is that it relates the amount of VOC's (kg VOC) emitted to the amount of coating (*l* of coating) sprayed. Its major disadvantage is that it does not give credit for improving TE. Therefore, mass of VOC's per unit volume of coating consumed was not selected as the format.

The third format considered, mass of VOC's per unit volume of coating solids applied (i.e., kg of VOC's per *l* of coating solids applied), is the most equitable measurement because this format directly relates the amount of VOC's (kg VOC) emitted to the amount of coating (*l* of coating) applied. This format would allow coaters several options in reducing VOC emissions by using various low-VOC-content coatings and by improving the spray application TE. Therefore, the proposed format for the spray booth is mass of VOC's per unit volume of coating solids applied. Values for mass of VOC per unit volume of coating solids applied (kg VOC/*l* of coating solids applied) can be computed from the mass of VOC's per *l* of coating divided by the volume fraction of solids in the coating and the TE.

G. Selection of Actual Standards

1. EMI/RFI Shielding

No standard is proposed for EMI/RFI shielding because the cost effectiveness of each control option was judged to be unreasonable.

2. Exterior Coating

Different standards are proposed for prime and color coating, and texture and touch-up coating based on the different BDT's. For purposes of the standard, fog coating is considered a type of color coating, although it is based on a different BDT. The proposed standards are summarized in Table 1.

Different standards were developed for prime and color coating, and texture and touch-up coating because air-

assisted airless spray application of prime and color coats has been demonstrated, while application of texture and touch-up coats with this equipment has not. The BDT for all exterior coating processes except fog coating is based on using organic-solvent-based coatings containing 60 percent solids and 0.58 kg VOC/l of coating solids, as applied. The BDT for prime and color coating is the application of these coatings at 40 percent TE with air-assisted airless or electrostatic spray equipment; therefore, the numerical emission limit for prime and color coats is 1.5 kg VOC/l of solids applied. The BDT for texture and touch-up coating is application of these coatings at 25 percent TE with air atomized spray equipment; therefore, the numerical emission limit for texture and touch-up coating is 2.3 kg VOC/l of coating solids applied.

The standards for prime, color, texture, and touch-up coating can also be met by the use of waterborne coatings applied at 25 percent TE. Waterborne coatings have been well demonstrated for use as exterior coatings and are of reasonable cost compared to organic-solvent-based coatings containing 60 percent solids.

Fog coating is considered to be a type of color coating. The primary difference between fog and color coating is the greater film thickness of the color coat compared to that of the fog coat. The BDT for fog coating is the application of waterborne coatings at a TE of 25 percent with air atomized spray equipment. While this BDT can actually achieve an emission limit of about 1.2 kg VOC/l of coating solids applied, the proposed standard is 1.5 kg VOC/l of coating solids applied. The higher value was chosen because there is no accurate, nondestructive method of measuring film thickness on plastic parts, and there may be overlap in the range of film thickness typical of fog coats and color coats. These two factors make it difficult to distinguish between fog coating and color coating.

H. Modification/Reconstruction Considerations

A modification is defined as certain physical or operational changes to an existing facility that result in an increased emission rate of any pollutant to which the standard applies (40 CFR 60.14). Upon modification, an existing facility becomes an affected facility and, therefore, becomes subject to the standard. Affected facilities at 216 plants are expected to be subject to the proposed standards in the first 5 years after promulgation. Alterations characteristic of this surface coating industry that would increase emissions may include the addition of application equipment and switching from the coating of metal parts to the coating of plastic parts. Any such change might cause a facility to be subject to the standard.

A reconstruction is defined in 40 CFR 60.15 as any replacement of components of an existing facility to the extent that: (1) The fixed capital cost of the new component exceeds 50 percent of the fixed capital cost of a comparable new facility, and (2) it is technologically and economically feasible to meet the applicable standards. An existing facility designated by the Administrator as reconstructed is subject to the standard. Reconstructions characteristic of the surface coating industry may include replacement of the coating application equipment.

I. Performance Testing and Monitoring Requirements

Section 114(a) authorizes EPA to require sources to monitor, test, keep records, and make reports.

Monthly performance testing requirements are included in the proposed standards. Performance testing of VOC emissions from prime, color, texture, and touch-up coating in each affected spray booth will be required. Such testing requires that records be kept of each coating, dilution solvent, and type of spray equipment used in each affected spray booth. Monthly performance testing was selected because of the variation in VOC content among different colors of the BDT coatings. For example, BDT for prime and color coats is use of a 60 percent volume solids coating applied at 40 percent transfer efficiency. The emission limit for prime and color coats is 1.5 kg VOC/l of coating solids applied. Not all colors of "60 percent" volume solids coatings can meet this emission limit. Some colors contain more VOC (less solids) than others. On a daily or weekly basis, a long run of a "high" VOC color could result in the emission limit being exceeded even though BDT was used. Monthly veraging accounts for the variation in VOC content among different colors of the BDT coatings. Monthly averaging also allows for short runs of special colors, for example, to color match a single new part to an old product color.

If daily or weekly averaging were chosen, the emission limit would have to be increased to account for the variations described. This could result in allowing greater use of less than BDT materials, such as 50 percent volume solids coatings. Monthly averaging will require greater use of BDT coating and provides more long-term incentive to develop BDT coatings that meet the emission limit regardless of color.

The monthly performance testing procedure for determining compliance with the proposed standards is summarized as follows:

1. Determine the mass of VOC's used for prime, color, texture, and touch-up coating. The owner or operator may determine the VOC content of coatings, as received, using Reference Method 24, or from coating manufacturer data determined using Reference Method 24, or by other methods approved by the Administrator. Reference Method 24, "Determination of Volatile Matter Content, Density, Volume Solids, and Weight Solids of Surface Coating" (45 FR 65956), provides the data necessary to determine the VOC content of coatings in mass of volatile organics per unit volume of coating solids. Reference Method 24 would be used by the owner or operator, or by the coating supplier, to determine the VOC content of each coating, as received. Coaters and coating manufacturers are encouraged to use the data sheets appearing in "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings," EPA-450/3-84-019.

2. Select the appropriate TE for each exterior coating operation from the table provided in the standards. The proposed standards allow coaters the option of demonstrating TE's higher than the assigned values to the satisfaction of the Administrator; however, an owner or operator must submit sufficient data for the Administrator to judge the accuracy of the TE claims.

3. Calculate the mass of VOC emissions per unit volume of coating solids applied from each affected spray booth for prime, color, texture, and touch-up coating. If in a nominal 1-month period, the emission values obtained are all less than or equal to the applicable emission limits, the spray booth would be in compliance for that month.

For coaters choosing to use add-on control devices to meet the standard, the owner or operator would submit a description and rationale for an appropriate test method to the Administrator for approval prior to installation of the control device. Test methods and testing schedules for add-on controls will be approved on a case-by-case basis by the Administrator.

Additional monitoring requirements, such as monitoring of incinerator temperature and measuring the VOC concentration in carbon adsorber exhaust streams, may be necessary for

those who choose to meet the proposed standards using add-on control devices. Add-on control devices are not expected to be used in this industry, so no monitoring requirements have been specified in the proposed rule. These requirements will be decided on by the Administrator on a case-by-case basis.

J. Reporting and Recordkeeping Requirements

Section 114(a) authorizes EPA to require sources to monitor, test, keep records, and make reports.

The monthly compliance test will consist of calculations of the mass of VOC's emitted per unit volume of coating solids applied, as described in the previous section. Records of performance for each 1-month test period would be kept by the owner or operator for a minimum of 2 years. A statement of compliance with numercial limits would be reported to the Administrator semiannually and a report of the values of any exceedances of numerical limits would be sent to the Administrator quarterly.

V. Administrative Requirements

A. Public Hearing

A public hearing will be held, if requested, to discuss the proposed standards in accordance with section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the **ADDRESSES** section of this preamble. Oral presentation will be limited to 15 minutes each. Any member of the public may file a written statement with EPA before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section address given in the **ADDRESSES** section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section in Washington, DC (see **ADDRESSES** section of this preamble).

B. Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of this proposed rulemaking. The principal purposes of the docket are: (1) To allow interested parties to identify and locate documents so that they can effectively participate in the rulemaking process and (2) to serve as the record in case of judicial review (except for interagency review materials [section 307(d)(7)(A)]).

C. Clean Air Act Procedural Requirements

1. Administrator Listing—Section 111.

As prescribed by Section 111 of the Clean Air Act, as amended, establishment of standards of performance for the surface coating of plastic parts for business machines was preceded by the Administrator's determination that these sources contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. The rationale for this determination appears elsewhere in today's **Federal Register**.

2. Periodic Review—Section 111

This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements.

3. External Participation—Section 117

In accordance with Section 117 of the Act, publication of this proposal was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. In addition, numerous discussions were held with industry representatives and trade associations during development of the proposed standards. The Administrator will welcome comments on all aspects of the proposed regulations, including economic and technological issues.

Comments are also specifically invited on the number of facilities nationwide and transfer efficiency. Any comments submitted to the Administrator on these issues should contain specific information and data pertinent to an evaluation of the magnitude and severity of its impact and suggested alternative courses of action that could avoid this impact.

4. Economic Impact Assessment—Section 317

Section 317 of the Clean Air Act requires the Administration to prepare an economic impact assessment for any new source standard of performance promulgated under section 111(b) of the Act. An economic impact assessment was prepared for the proposed regulations and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the proposed standards to ensure that the proposed standards would represent the best system of emission reduction considering costs. The economic impact assessment is included in the BID.

D. Office of Management and Budget Reviews

1. Paperwork Reduction Act

The information collection requirements in this proposed rule have been 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.* Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked "Attention: Desk Officer for EPA," as well as to EPA. This final rule will respond to any OMB or public comments on the information collection requirements.

2. Executive Order 12291 Review

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed regulation is not major because it would result in none of the adverse economic effects set forth in section 1 of the Order as grounds for finding a regulation to be a major. The industry-wide annualized costs in the fifth year after the standards would go into effect would be a net credit, less than the $100 million established as the first criterion for a major regulation in the Order. The estimated overall price decrease of 24 percent for small plants and 13 percent for large plants associated with the proposed standards would not be considered a "major increase in costs or prices" specified as the second criterion in the Order. The economic analysis of the proposed standards' effect on the industry did not indicate any significant adverse effects on competition, investment, productivity, employment, innovation, or the ability of U.S. firms to compete with foreign firms (the third criterion in the Order).

This regulation was submitted to OMB for review as required by Executive Order 12291. Any written comments from OMB to EPA and any EPA response to those comments will be included in Docket No. A-83-50. This docket is available for public inspection at EPA's Central Docket Section, which is listed under the **ADDRESSES** section of this notice.

E. Regulatory Flexibility Act Compliance

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule, if promulgated, will not have a significant economic impact on a substantial

number of small business entities. Under the proposed standards, the nationwide annualized costs would be $30 million less than at the baseline, a net savings. Therefore, the proposed rule is expected to have no significant adverse impacts on small businesses.

List of Subjects in 40 CFR Part 60

Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Surface coating of plastic parts for business machines.

Dated: December 22, 1985.

Lee M. Thomas,

Administrator.

It is proposed that 40 CFR Part 60 be amended as follows:

PART 60—[AMENDED]

1. The authority citation for Part 60 continues to read as follows:

Authority: Secs. 101, 111, 114, 116, 301, Clean Air Act as amended (42 U.S.C. 7401, 7411, 7414, 7416, 7601).

2. Part 60 is amended by adding a new Subpart TTT to read as follows:

Subpart TTT—Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines

Sec.
60.720 Applicability and designation of affected facility.
60.721 Definitions.
60.722 Standards for volatile organic compounds (VOC's).
60.723 Performance tests and compliance provisions.
60.724 Reporting and recordkeeping requirements.
60.725 Test methods and procedures.

Subpart TTT—Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts of Business Machines

§ 60.720 Applicability and designation of affected facility.

(a) The provisions of this subpart apply to each spray booth in which plastic parts for use in the manufacture of business machines receive prime coats, color coats, texture coats, or touch-up coats.

(b) This subpart applies to any affected facility for which construction, modification, or reconstruction begins after (date of publication of this final rule in the Federal Register).

§ 60.721 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act or in Subpart A of this part.

"Business machine" means a device that uses electronic or mechanical methods to process information, perform calculations, print or copy information, or convert sound into electrical impulses for transmission, such as:

(1) Products classified as typewriters under SIC Code 3572;

(2) Products classified as electronic computing devices under SIC Code 3573;

(3) Products classified as calculating and accounting machines under SIC Code 3574;

(4) Products classified as telephone and telegraph equipment under SIC Code 3661;

(5) Products classified as office machines, not elsewhere classified, under SIC Code 3579; and

(6) Photocopy machines, a subcategory of products classified as photographic equipment under SIC Code 3861.

"Coating solids applied" means the coating solids that adhere to the surface of the plastic business machine part being coated.

"Color coat" means the coat applied to a part that affects the color and gloss of the part, not including the prime coat or texture coat. This definition includes fog coating.

"Conductive sensitizer" means a coating applied to a plastic substrate to render it conductive for purposes of electrostatic application of subsequent prime, color, texture, or touch-up coats.

"Fog coating" (also known as mist coating and uniforming) means a thin coating applied to plastic parts that have molded-in color or texture or both to improve color uniformity.

"Nominal 1-month period" means either a calendar month, 30-day month, accounting month, or similar monthly time period that is established prior to the performance test (i.e., in a statement submitted with notification of anticipated actual startup pursuant to 40 CFR 60.7(2)).

"Plastic parts" means panels, housings, bases, covers, and other business machine components formed of synthetic polymers.

"Prime coat" means the initial coat applied to a part when more than one coating is applied, not including conductive sensitizers or EMI/RFI shielding coatings.

"Spray booth" means the structure housing automatic or manual spray application equipment where a coating is applied to plastic parts for business machines.

"Texture coat" means the rough coat that is characterized by discrete, raised spots on the exterior surface of the part.

"Touch-up coat" means the coat applied to correct any imperfections in the finish after color or texture coats have been applied.

"Transfer efficiency" means the ratio of the amount of coating solids deposited onto the surface of a plastic business machine part to the total amount of coating solids used.

"VOC emissions" means the mass of VOC's emitted from the surface coating of plastic parts for business machines expressed as kilograms of VOC's per liter of coating solids applied.

(b) All symbols used in this subpart not defined below are given meaning in the Act or Subpart A of this part.

D_c = density of each coating as received (kilograms per liter)
D_d = density of each diluent VOC (kilograms) per liter)
L_c = the volume of each coating consumed, as received (liters)
L_d = the volume of each diluent VOC added to coatings (liters)
L_s = the volume of coating solids consumed (liters)
M_d = the mass of diluent VOC's consumed (kilograms)
M_o = the mass of VOC's in coatings consumed, as received (kilograms)
N = the volume-weighted average mass of VOC emissions to the atmosphere per unit volume of coating solids applied (kilograms per liter)
T = the transfer efficiency (fraction)
V_s = the proportion of solids in each coating, as received (fraction by volume)
W_o = the proportion of VOC's in each coating, as received (fraction by weight)

§ 60.722 Standards for volatile organic compounds (VOC's).

Each owner or operator of any affected facility which is subject to the requirements of this subpart shall comply with the emission limitations set forth in this section on and after the date on which the initial performance test, required by §§ 60.8 and 60.723 is completed, but not later than 60 days after achieving the maximum production rate at which the affected facility will be operated, or 180 days after the initial startup, whichever date comes first. No affected facility shall cause the discharge into the atmosphere in excess of:

(a) 1.5 kilograms of VOC's per liter of coating solids aplied from prime coating of plastic parts for business machines.

(b) 1.5 kilograms of VOC's per liter of coating solids applied from color coating of plastic parts for business machines.

(c) 2.3 kilograms of VOC's per liter of coating solids applied from texture coating of plastic parts for business machines.

(d) 2.3 kilograms of VOC's per liter of coatings solids applied from touch-up coating of plastic parts for business machines.

§ 60.723 Performance tests and compliance provisions.

(a) Paragraphs 60.8 (d) and (f) do not apply to the performance test procedures required by this section.

(b) The owner or operator of an affected facility shall conduct an initial performance test as required under § 60.8(a) and thereafter a performance test each nominal 1-month period for each affected facility according to the procedures in this section.

(1) The owner or operator shall determine the composition of coatings by analysis of each coating, as received, using Reference Method 24, from data that have been determined by the coating manufacturer using Reference Method 24, or by other methods approved by the Administrator.

(2) The owner or operator shall determine the volume of coating and the mass of VOC used for dilution of coatings from company records during each nominal 1-month period. If a common coating distribution system serves more than one affected facility or serves both affected and nonaffected spray booths, the owner or operator shall estimate the volume of coatings used at each facility by using procedures approved by the Administrator.

(i) The owner or operator shall calculate the volume-weighted average mass of VOC's in coatings emitted per unit volume of coating solids applied (N) at each coating operation during each nominal 1-month period for each affected facility. Each 1-month calculation is considered a performance test. Except as provided in paragraph (b)(2)(iii) of this section, N will be determined by the following procedures:

(A) Calculate the mass of VOC's used (M_o+M_d) for each coating operation during each nominal 1-month period for each affected facility by the following equation:

$$M_o+M_d=\sum_{i=1}^{n} L_{ci}D_{ci}W_{oi}+\sum_{j=1}^{m} L_{dj}D_{dj}$$

where n is the number of different coatings used during each nominal 1-month period and m is the number of different diluent VOC's used during each nominal 1-month period. ($\Sigma L_{dj}D_{dj}$ will be) if no VOC's are added to the coatings, as received.)

(B) Calculate the total volume of coating solids consumed (L_s) in each nominal 1-month period for each coating operation for each affected facility by the following equation:

$$L_s=\sum_{i=1}^{n} L_{ci}V_{si}$$

where n is the number of different coatings used during each nominal 1-month period.

(C) Select the appropriate transfer efficiency from Table 7. If the owner or operator can demonstrate to the satisfaction of the Administrator that transfer efficiencies other than those shown are appropriate, the Administrator will approve their use on a case-by-case basis. Transfer efficiency values for application methods not listed below shall be determined by the Administrator on a case-by-case basis. An owner or operator must submit sufficient data for the Administrator to judge the accuracy of the transfer efficiency claims.

TABLE 7.—TRANSFER EFFICIENCIES

Application methods	Transfer efficiency
Air atomized spray	0.25
Air-assisted airless spray	0.40
Electrostatic air spray	0.40

(D) Where more than one application method is used within a single surface coating operation, the owner or operator shall determine the composition and volume of each coating applied by each method through a means acceptable to the Administrator and compute the weighted average transfer efficiency by the following equation:

$$T=\frac{\sum_{i=1}^{n}\sum_{k=1}^{p} L_{cik}V_{sik}T_k}{L_s}$$

where n is the number of coatings used and p is the number of application methods used.

(E) Calculate the volume-weighted average mass of VOC's emitted per unit volume of coating solids applied (N) during each nominal 1-month period for each coating operation for each affected facility by the following equation:

$$N=\frac{M_o+M_d}{L_sT}$$

(ii) Where the volume-weighted average mass of VOC's emitted to the atmoshpere per unit volume of coating solids applied (N) is less than or equal to 1.5 kilograms per liter for prime coats, is less than or equal to 1.5 kilograms per liter for color coats, is less than or equal to 2.3 kilograms per liter for texture coats, and is less than or equal to 2.3 kilograms per liter for touch-up coats, the affected facility is in compliance.

(iii) If each individual coating *i* used by an affected facility has a VOC content (kg VOC/*l* of solids), as received, which when divided by the lowest transfer efficiency at which the coating is applied results in a value equal to or less than 1.5 kilograms per liter for prime and color coats and equal to or less than 2.3 kilograms per liter for texture and touch-up coats, the affected facility is in compliance provided that no VOC's are added to the coatings during distribution or application.

(iv) If an affected facility uses add-on controls to control VOC emissions and if the owner or operator can demonstrate to the Administrator that the volume-weighted average mass of VOC's emitted to the atmosphere per unit volume of coating solids applied (N) is within limits expressed in paragraph (b)(2)(ii) of this section because of this equipment, the affected facility is in compliance. In such cases, compliance will be determined by the Administrator on a case-by-case basis.

§ 60.724 Reporting and recordkeeping requirements.

(a) The reporting requirements of § 60.8(a) apply only to the initial performance test. Each owner or operator subject to the provisions of this subpart shall include the following data in the report of the initial performance test required under § 60.8(a):

(1) Except as provided for in paragraph (a)(2) of this section, the volume-weighted average mass of VOC's emitted to the atmosphere per volume of applied coating solids (N) for the initial nominal 1-month period from each affected facility.

(2) For each affected facility where compliance is determined under the provisions of § 60.723(b)(2)(iii), a list of the coatings used during the initial nominal 1-month period, the VOC content of each coating calculated from data determined using Reference Method 24 or by another method approved by the Administrator, and the lowest transfer efficiency of any coating application equipment used during the initial nominal 1-month period.

(b) Following the initial report, each owner or operator shall:

(1) Report the volume weighted average mass of VOC's per unit volume of coating solids applied for each

affected facility during each nominal 1-month period in which the facility is not in compliance with the applicable emission limit specified in § 60.722. Reports of noncompliance shall be submitted on a quarterly basis, occurring every 3 months following the initial report; and

(2) Submit statements that each affected facility has been in compliance with the applicable emission limit specified in § 60.722. Statements of compliance shall be submitted on a semiannual basis.

(c) These reports shall be postmarked not later than 10 days after the end of the periods specified in § 60.724(b)(1) and § 60.724(b)(2).

(d) Each owner or operator subject to the provisions of this subpart shall maintain at the source, for a period of at least 2 years, records of all data and calculations used to determine monthly VOC emissions from each affected facility as specified in 40 CFR 60.7(d).

(e) Reporting and recordkeeping requirements for facilities using add-on controls will be determined by the Administrator on a case-by-case basis.

§ 60.725 Test methods and procedures.

(a) The reference methods in Appendix A to this part except as provided under § 60.8(b) shall be used to determine compliance with § 60.722 as follows:

(1) Method 24 for determination of VOC content of each coating as received.

(2) For Method 24, the sample must be at least a 1-liter sample in at least a 1-liter container.

(b) Other methods may be used to determine the VOC content of each coating if approved by the Administrator before testing.

[FR Doc. 86-340 Filed 1-7-86; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

[AD-FRL-2889-6(b)]

Listing of Surface Coating of Plastic Parts for Business Machines as a Source Category for New Source Performance Standard Development

AGENCY: Environmental Protection Agency (EPA).

ACTION: Listing, notice of public hearing and request for comments.

SUMMARY: This notice lists the surface coating of plastic parts for business machines as a new source category for regulation under section 111 of the Clean Air Act. This listing is based on the Administrator's determination that surface coating of plastic parts for business machines contributes significantly to air pollution which may reasonably be anticipated to endanger public health or welfare.

DATES: *Comments.* Comments must be received on or before March 18, 1986.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by January 24, 1986, a public hearing will be held on February 19, 1986, beginning at 10:00 a.m. Persons interested in attending the hearing should call Ms. Shelby Journigan at (919) 541-5578 to verify that a hearing will be held.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (LE-131), Attention: Docket Number OAQPS A-83-50, U.S. EPA, 401 M Street SW, Washington, DC 20460.

Public Hearing

If a public hearing is held, it will be at EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Ms. Shelby Journigan, Standards Development Branch (MD-13), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5578.

Docket

Docket Number OAQPS A-83-50, containing information used in this listing, is available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at EPA's Central Docket Section (LE-131), West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street SW, Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Doug Bell, Standards Development Branch (MD-13), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone (919) 541-5578.

SUPPLEMENTARY INFORMATION: Section 111(b)(1)(A) of the Clean Air Act provides:

> The Administrator shall, within 90 days after December 31, 1970, publish (and from time to time thereafter shall revise) a list of categories of stationary sources. He shall include a category of sources in such list if in his judgment it causes, or contributes significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare.

Section 111(b)(1)(B) requires the Administrator to promulgate "standards of performance for new sources within such category[ies]."

The Administration hereby adds the source category "surface coating of plastic parts for business machines" to the section 111(b)(1)(A) list because, as discussed below, in his judgment it contributes significantly to ozone and other photochemical oxidant air pollution which may reasonably be anticipated to endanger public health and welfare. The source category includes more than 200 plants, which emitted more than 5,000 tons of volatile organic compounds (VOC's) in 1984. The projected annual growth rate for the source category is 17 percent. It is estimated that more than 200 new, modified, and reconstructed plants would be covered by this NSPS in 1990. The VOC's participate in atmospheric photochemical reactions to produce ozone and other photochemical oxidants. Exposure to photochemical oxidants results in adverse impacts on health and welfare that include impaired respiratory function, eye irritation, necrosis of plant tissue, and deterioration of some synthetic materials. Information on these adverse effects can be found in the U.S. EPA document entitled "Air Quality Criteria for Ozone and Other Photochemical Oxidants" (EPA-600/8-78-004).

Standards of performance for this source category are proposed elsewhere in today's **Federal Register.** That proposal provides a public comment period and an opportunity for a public hearing. Comments and requests for a public hearing on the listing of this source category should be submitted as provided in the proposal for this source category.

(Secs. 111 and 301(a) of the Clean Air Act as amended, 42 U.S.C. 7411 and 7601(b))

Dated: December 22, 1985.

Lee M. Thomas,

Administrator.

[FR Doc. 86-341 Filed 1-7-86; 8:45 am]

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federal register

Wednesday
January 8, 1986

Part VI

Department of Transportation

Federal Aviation Administration

14 CFR Part 125

Delay of Part 125 Applicability of Part 129 Operators; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 125

[Docket No. 23381; Amdt. 125-6]

Delay of Part 125 Applicability of Part 129 Operators

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule; request for comments.

SUMMARY: This amendment to the Federal Aviation Regulations extends the date from February 28, 1986, to February 28, 1987, for foreign air carriers holding Part 129 operations specifications to comply with Part 125 of the Federal Aviation Regulations. Since the FAA has an active rulemaking project which includes a study of changes to Part 129, this action is necessary to avoid requiring foreign air carriers to comply with rules which may be revised by the FAA in the near future.

DATES: Effective date of this amendment is February 28, 1986. Comments must be received on or before February 10, 1986.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 23381, 800 Independence Avenue, SW., Washington, DC 20591; or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Tom Stuckey, Project Development Branch (AFS-850), General Aviation and Commercial Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone: (202) 426-8150.

SUPPLEMENTARY INFORMATION:

Background

Part 125 includes, in the applicability under § 125.1(e), a deferred compliance date of February 28, 1986, for foreign air carriers holding operations specifications issued under Part 129. As stated in the preamble to the adoption of Part 125 (45 FR 67214; October 9, 1980), this deferred compliance date was included because the agency was considering a regulatory project to revise Part 129, and it would not have been appropriate to subject foreign air carriers to Part 125 requirements until the agency could determine the proper action on Part 129. Various revisions to Part 129 are now under active consideration. A rulemaking project is underway at this time, but the FAA foresees that this project and any subsequent rule changes will not be completed until after the compliance date of February 28, 1986.

The FAA is also taking into consideration that proposal of revisions to Part 129 will entail a 120-day comment period to afford all affected persons an opportunity to express their views. With this in mind, the agency has decided to extend the compliance date to February 28, 1987.

Since the deferred compliance date of February 28, 1986, in § 125.1(e) applies only to foreign air carriers holding operations specifications issued under Part 129, the extension of that date applies only to those operators. Other foreign citizen operators of U.S.-registered airplanes covered by Part 125 remain subject to that part.

Need for Immediate Adoption

The FAA is currently considering a rulemaking project to revise Parts 129 and 125 with regard to foreign air carriers. The present date for these carriers to comply with Part 125 for operation of U.S.-registered airplanes will be reached before that rulemaking project is completed. The FAA recognizes an urgent need to amend § 125.1(e) to extend the compliance date and defer imposing Part 125 requirements on these carriers until this rulemaking action is completed. Not adopting this amendment immediately would unnecessarily impose a burden, both monetarily and in terms of resource utilization, on the FAA and the concerned foreign air carriers. Therefore, I find that notice and public procedure are impracticable and contrary to the public interest. However, interested persons are invited to submit such comments as they may desire regarding this amendment. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before February 3, 1986 will be considered by the Administrator, and this amendment may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Conclusion

By extending a compliance date, this amendment allows foreign air carriers regulated by Part 129 to continue operating their U.S.-registered airplanes under that part. Thus, for the period of the extension, there is no change in their present regulatory status. Therefore, the FAA has determined that this amendment is not major under Executive Order 12291 or significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). For the reasons discussed above, it also has been determined that the anticipated economic impact is so minimal that no regulatory evaluation is necessary.

List of Subjects in 14 CFR Part 125

Aircraft, Airplanes, Hours of work, Airports, Air traffic control, Airworthiness, Flammable materials, Cargo, Airmen, Pilots, Drugs, Narcotics, Hazardous materials, Handicapped, Children, Infants, Smoking, Air transportation, Airspace, Chemicals.

Adoption of the Amendment

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE

1. The authority citation for Part 125 is revised to read as set forth below and the authority citations following the sections of Part 125 are removed:

Authority: 49 U.S.C. 1354, 1421 through 1430, and 1502; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

§ 125.1 [Amended]

2. Accordingly, § 125.1(e) of the Federal Aviation Regulations (14 CFR 125.1(e)) is amended effective February 28, 1986, by removing the date "February 28, 1986," and substituting the date "February 28, 1987," in place thereof.

Issued in Washington, DC, on December 31, 1985.

Donald D. Engen,

Administrator.

[FR Doc. 86-301 Filed 1-7-86; 8:45 am]

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H.R. 1603/Pub. L. 99-222
Shareholder Communications Act of 1985. (Dec. 28, 1985; 1 page) Price: $1.00

H.R. 1784/Pub. L. 99-223
Panama Canal Commission Authorization Act, Fiscal Year 1986. (Dec. 28, 1985; 3 pages) Price: $1.00

H.R. 1890/Pub. L. 99-224
To provide for an equitable waiver in the compromise and collection of Federal claims. (Dec. 28, 1985; 2 pages) Price: $1.00

H.R. 2962/Pub. L. 99-225
To remove certain restrictions on the availability of office space for former Speakers of the House. (Dec. 28, 1985; 1 page) Price: $1.00

H.R. 3608/Pub. L. 99-226
To amend the Small Business Investment Act of 1958. (Dec. 28, 1985; 1 page) Price: $1.00

H.R. 3974/Pub. L. 99-227
To provide for temporary family housing or temporary housing allowances for dependents of members of the Armed Forces who die on or after December 12, 1985, and for other purposes. (Dec. 28, 1985; 2 pages) Price: $1.00

S. 1621/Pub. L. 99-228
To amend title 25, United States Code, relating to Indian education programs, and for other purposes. (Dec. 28, 1985; 2 pages) Price $1.00

S. 1706/Pub. L. 99-229
To authorize the Architect of the Capitol and the Secretary of Transportation, in consultation with the Chief Justice of the United States, to study alternatives for construction of a building adjacent to Union Station in the District of Columbia, and for other purposes. (Dec. 28, 1985; 2 pages) Price: $1.00

S. 1918/Pub. L. 99-230
To change the date for transmittal of a report. (Dec. 28, 1985; 1 page) Price: $1.00

S.J. Res. 198/Pub. L. 99-231
To designate the year of 1986 as the "Sesquicentennial Year of the National Library of Medicine". (Dec. 28, 1985; 1 page) Price: $1.00

S.J. Res. 235/Pub. L. 99-232
To designate the week of January 26, 1986, to February 1, 1986, as "Truck and Bus Safety Week". (Dec. 28, 1985; 2 pages) Price: $1.00

S.J. Res. 255/Pub. L. 99-233
Relative to the convening of the second session of the Ninety-ninth Congress. (Dec. 28, 1985; 1 page) Price: $1.00

S. 1840/Pub. L. 99-234
Federal Civilian Employee and Contractor Travel Expenses Act of 1985 (Jan. 2, 1986; 5 pages) Price $1.00