(g) The identification strip or seal shall be removed from employee identification cards by the district director when, for security reasons, it is necessary to change the nature of the identification.

(h) The loss or theft of an identification card, with strip or seal affixed, shall be promptly reported, in writing, by the employee to the district director, and may be replaced as provided in paragraph (f) of this section.

(i) If an approved identification card is presented by a person other than the one to whom it was issued, the identification strip or seal shall be removed from the identification card by the district director and destroyed.

(j)(1) An approved identification card, strip or seal may be removed from an employee by any Customs officer designated by the district director. In addition, the district director may revoke or suspend access to the Customs security area for any of the following reasons:

(i) The approved identification card, strip, or seal was obtained through fraud or the misstatement of a material fact;

(ii) The employee is convicted of a felony, or convicted of a misdemeanor involving theft, smuggling, or any theft-connected crime;

(iii) The employee permits the approved identification card to be used by any other person, or refuses to openly display or produce it upon the proper demand of a Customs officer;

(iv) The continuation of privileges would, in the judgment of the district director, endanger the revenue or security of the area;

(v) The employee refuses or neglects to obey any proper order of a Customs officer, or any Customs order, rule, or regulation; or

(vi) The employee no longer requires access to the Customs security area for an extended period of time at the airport of issuance. In this instance the employer shall notify the district director in writing, return the strip or seal, and give information regarding the disposition of the approved identification card which was issued to the employee who no longer requires access. If the employee returns to duties in the Customs security area at the airport within 1 year, a Customs Form 3078, as required by paragraph (d) of this section, need not be submitted.

(2) The district director shall suspend or revoke access to the Customs security area by giving notice of the proposed action in writing to the employee with a copy of the notice to the employer. The notice shall be in the form of a statement specifically setting forth the grounds for revocation or suspension of the privilege and shall be final and conclusive upon the employee unless he files with the district director a written notice of appeal as provided in paragraph (j)(3) of this section.

(3) The employee may file a written notice of appeal from the revocation or suspension within 10 calendar days following receipt of the notice of revocation or suspension. The notice of appeal shall be filed in duplicate, and shall set forth the response of the employee to the statement of the district director. The employee, in his notice of appeal, may request a hearing.

(4) If a hearing is requested, it shall be held before a hearing officer designated by the Commissioner or his designee within 30 calendar days following the request. The employee shall be notified of the time and place of the hearing at least 5 calendar days before the hearing.

(5) The employee may be represented by counsel at the revocation or suspension hearing. All evidence and testimony of witnesses in such proceeding, including substantiation of charges and the answer thereto, shall be presented with both parties having the right of cross-examination. A stenographic record of the proceedings shall be made and a copy furnished to the employee. At the conclusion of the proceedings or review of a written appeal, the hearing officer or the district director, as the case may be, shall promptly transmit all papers and the stenographic record of the hearing, if held, to the Commissioner of Customs or his designee, together with his recommendation for final action.

(6) Following a hearing and within 10 calendar days after delivery of a copy of the stenographic record, the employee may submit to the Commissioner of Customs or his designee, in writing, additional views and arguments on the basis of the record.

(7) If neither the employee nor his attorney appear for a scheduled hearing, the hearing officer shall conclude the hearing and promptly transmit all papers with his recommendation to the Commissioner or his designee.

(8) The Commissioner or his designee shall render his decision, in writing, stating his reasons therefor, with respect to the action proposed by the hearing officer or the district director. The decision shall be transmitted to the district director and served by him on the employee.

(k) When an approved identification card, strip, or seal is required under paragraph (b) of this section, and the district director determines that the application for the identification card, strip, or seal cannot be administratively processed in a reasonable period of time, an employer may, upon written request, be issued a temporary identification for his employee. The employer must satisfy the district director that a hardship to his business would result pending issuance of an approved identification card, strip, or seal.

(1) The temporary identification shall be valid for a period of 60 days. The district director may renew the temporary identification for additional 30-day periods if he determines that the circumstances under which the temporary identification was originally issued continue to exist. The temporary identification shall be destroyed by the district director when the permanent approved identification card, strip, or seal is issued, or the privileges granted thereby are withdrawn.

(2) The provisions of this paragraph shall also apply to temporary employees and official visitors requiring access to the Customs security area. In the case of temporary employees, the identification shall be valid for a period of 30 days. In the case of official visitors, the temporary identification shall be valid for the day of issuance only. Temporary employee and official visitor identification are renewable for periods equal to their original period of validity.

(3) The temporary identification may be revoked and access to the Customs security area denied at any time if, in the judgment of the district director, continuation of the privileges granted thereby would endanger the revenue or if the holder of the temporary identification refuses or neglects to obey any proper order of a Customs officer, or any Customs order, rule, or regulation.

William von Raab,

Commissioner of Customs.

Approved: August 27, 1986.

Francis A. Keating II,

Assistant Secretary of the Treasury.

[FR Doc. 86-20580 Filed 9-11-86; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Name Change

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority

to reflect a title change. The title of the Chief, St. Louis Station Office is being changed to the Director, St. Louis Branch.

EFFECTIVE DATE: September 12, 1986.

FOR FURTHER INFORMATION CONTACT: Marjorie J. Shandruk, Office of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: This document changes references to the Chief, St. Louis Station Office to the Director, St. Louis Branch (April 16, 1986). FDA is revising the following sections under Part 5 in accordance with the name change. Under the following sections, the Chief, St. Louis Station Office is changed to the Director, St. Louis Branch: § 5.22 *Certification of true copies and use of the Department seal* (21 CFR 5.22), § 5.30 *Hearings* (21 CFR 5.30), § 5.36 *Certification following inspections* (21 CFR 5.36), § 5.37 *Issuance of reports of minor violations* (21 CFR 5.37), § 5.45 *Imports and exports* (21 CFR 5.45), § 5.47 *Detention of adulterated or misbranded medical devices* (21 CFR 5.47), § 5.63 *Detention of meat, poultry, eggs, and related products* (21 CFR 5.63), and § 5.89 *Notification of defects in, and repair or replacement of electronic products* (21 CFR 5.89).

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR Part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552; 7 U.S.C. 2217; 15 U.S.C. 638, 1451 et seq.; 21 U.S.C. 41 et seq., 61–63, 141 et seq., 301–392, 467f(b), 679(b), 801 et seq., 823(f), 1031 et seq.; 35 U.S.C. 156; 42 U.S.C. 219, 241, 242(a), 242a, 2421, 242o, 243, 262, 263, 263b through 263m, 264, 265, 300u et seq., 1395y and 1395y note, 3246b(b)(3), 4831(a), 10007, and 10008; Federal Caustic Poison Act (44 Stat. 1046); Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1241); Federal Advisory Committee Act (Pub. L. 92–463); E.O. 11490, 11921.

2. In § 5.22 by revising paragraph (a)(12)(iii) to read as follows:

§ 5.22 Certification of true copies and use of Department seal.

(a) * * *

(12) * * *

(iii) The Director, St. Louis Branch.

* * * * *

3. In § 5.30 by revising paragraphs (a)(7) and (c)(8) to read as follows:

§ 5.30 Hearings.

(a) * * *

(7) The Director, St. Louis Branch.

* * * * *

(c) * * *

(8) The Director, St. Louis Branch.

* * * * *

4. By revising § 5.36 to read as follows:

§ 5.36 Certification following inspections.

Regional Food and Drug Directors, District Directors, and the Director, St. Louis Branch, are authorized to issue certificates of sanitation under § 1240.20 of this chapter.

5. In § 5.37 by revising paragraph (a)(5)(iv) and the introductory text of paragraph (b)(4) to read as follows:

§ 5.37 Issuance of reports of minor violations.

(a) * * *

(5) * * *

(iv) The Director, St. Louis Branch.

(b) * * *

(4) Regional Food and Drug Directors, District Directors, and the Director, St. Louis Branch, when such functions relate to:

* * * * *

6. In § 5.45 by revising the introductory texts of paragraphs (a) and (b) and by revising paragraphs (c)(5), (d), and (e)(4) to read as follows:

§ 5.45 Imports and exports.

(a) The Regional Food and Drug Directors, District Directors, and the Director, St. Louis Branch, are authorized, under section 801 of the Federal Food, Drug, and Cosmetic Act (FFDCA), to perform the following functions or to designate officials to:

* * * * *

(b) The Director and Deputy Director, Center for Devices and Radiological Health (CDRH); the Director and Deputy Director, Office of Compliance, CDRH; Regional Food and Drug Directors; District Directors; and the Director, St. Louis Branch, are authorized, under section 360 of the Public Health Service Act (PHSA), to perform the following functions or to designate officials to:

* * * * *

(c) * * *

(5) The Director, St. Louis Branch.

(d) The Regional Food and Drug Directors, District Directors, and the Director, St. Louis Branch, are authorized to exercise all of the functions of the Commissioner of Food and Drugs under section 362 of the PHSA that refers to the prohibition of the introduction of foods, drugs, devices, cosmetics, and electronic products and other items or products regulated by the Food and Drug Administration into the United States when it is determined that it is required in the interest of public health, and such functions relate to the law enforcement functions of the Food and Drug Administration.

(e) * * *

(4) The Director, St. Louis Branch.

7. In § 5.47 by revising paragraph (d) to read as follows:

§ 5.47 Detention of adulterated or misbranded medical devices.

* * * * *

(d) The Director, St. Louis Branch.

8. By revising the introductory text of § 5.63 to read as follows:

§ 5.63 Detention of meat, poultry, eggs, and related products.

The Regional Food and Drug Directors, District Directors, and the Director, St. Louis Branch, are authorized to perform and to designate other officials to perform all of the functions of the Commissioner of Food and Drugs under:

* * * * *

9. In § 5.89 by revising the introductory text of paragraph (a) to read as follows:

§ 5.89 Notification of defects in, and repair or replacement of, electronic products.

(a) The Director and Deputy Director, Center for Devices and Radiological Health (CDRH), are authorized to perform all functions of the Commissioner of Food and Drugs relating to notification of defects in, noncompliance of, and repair or replacement of or refund for, electronic products under section 359 of the Public Health Service Act (the act) and under §§ 1003.11, 1003.22, 1003.31, 1004.2, 1004.3, 1004.4, and 1004.6 of this chapter; and Regional Food and Drug Directors, District Directors, and the Director, St. Louis Branch, are authorized to perform all such functions relating to:

* * * * *

Dated: September 5, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-20535 Filed 9-11-86; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 74

[Docket No. 85C-0327]

Confirmation of Effective Date for [Phthalocyaninato(2-)] Copper; Change in Organic Chloride Content Specification for the Color Additive for Coloring Sutures and Contact Lenses

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of July 25, 1986, for the final rule that amended the color additive regulations by increasing the organic chloride content specification for the color additive [phthalocyaninato(2-)] copper used to color sutures and contact lenses. This action responded to a petition filed by Ethicon, Inc.

EFFECTIVE DATE: Effective date confirmed: July 25, 1986.

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

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 24, 1986 (51 FR 22928), FDA amended the color additive regulations by increasing the organic chloride content specification for the color additive [phthalocyaninato(2-)] copper used to color sutures and contact lenses.

FDA gave interested persons until July 24, 1986, to file objections or requests for a hearing. The agency received no objections or requests for a hearing on the final rule. Therefore, FDA has concluded that the final rule published in the **Federal Register** of June 24, 1986, should be confirmed.

List of Subjects in 21 CFR Part 74

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706, 52 Stat. 1055-1056 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371, 376)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that no objections or requests for a hearing were filed in response to the June 24, 1986, final rule. Accordingly, the amendments promulgated thereby became effective July 25, 1986.

Dated: September 5, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-20534 Filed 9-11-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 11

Accounting; Rescission of Regulation

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Rescission of regulation.

SUMMARY: This document rescinds FHWA's regulation regarding the collection of accrued unbilled cost information. This action is being taken because FHWA is now able to develop accrued unbilled cost information internally and no longer needs to collect the information from the States. This action eliminates a quarterly reporting requirement and a related semi-annual review requirement.

EFFECTIVE DATE: September 12, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Max I. Inman, Office of Fiscal Services, (202) 366-0562, or Mr. Michael J. Laska, Office of the Chief Counsel, (202) 366-1383, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: Title 31, United States Code, requires Federal agencies to maintain accounting records on an accrual basis. To satisfy this requirement, the FHWA issued a regulation (23 CFR Part 11) on July 19, 1974 (39 FR 26406) that required States to report accrued unbilled costs for all FHWA Federal-aid programs. The reports have been used to collect these costs for FHWA's accounting records.

The FHWA is now able to develop accrued cost information internally, and as a result, the reporting process is no longer necessary. For this reason, Part 11 is no longer operative and is, therefore, rescinded.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation. Since this document merely rescinds an obsolete FHWA regulation, public comment is unnecessary. For this reason, the FHWA finds good cause to make the rescission final without prior notice and opportunity for comment and without a 30-day delay in effective date under the Administrative Procedure Act. For the same reason, notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action would result in the receipt of useful information. Again, for the reasons stated above, the preparation of an economic evaluation is unnecessary, since the economic impact is minimal. Also, under the criteria of the Regulatory Flexibility Act, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, the FHWA hereby amends Chapter I of Title 23, Code of Federal Regulations, by removing Part 11.

PART 11—ACCOUNTING [REMOVED]

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations regarding intergovernmental consultation on Federal programs and activities apply to this program)

List of Subjects in 23 CFR Part 11

Accounting, Grant programs—transportation, Highways and roads.

Authority: (23 U.S.C. 315; 49 CFR 1.48(b).

Issued on: September 8, 1986.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 86-20627 Filed 9-11-86; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1956

Certification of Completion of Developmental Steps for Connecticut Public Employee Only State Plan; Correction

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

ACTION: Final rule; correction.

SUMMMARY: In **Federal Register**, 51 FR 29917, published August 21, 1986, OSHA amended Subpart E of 29 CFR Part 1956 to reflect the Assistant Secretary's

certification of completion of developmental steps for Connecticut's Public Employee Only State Plan. Paragraph (g) was inadvertently omitted from the codification section. This notice will correct that error by adding paragraph (g). For the purpose of clarity, the codification section of the August 21, 1986, Federal Register notice is contained in this notice.

EFFECTIVE DATE: August 19, 1986.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3637, 200 Constitution Avenue NW., Washington, DC 20210, telephone (202) 523-8148.

List of Subjects in 29 CFR Part 1956

Intergovernmental relations, Law enforcement, Occupational safety and health.

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

John A. Pendergrass,

Assistant Secretary of Labor.

PART 1956—[AMENDED]

In accordance with this certification, 29 CFR Part 1956 is hereby amended as follows:

1. The authority citation for Part 1956 continues to read as follows:

Authority: Secs. 8, 18, Occupational Safety and Health Act of 1970 (20 U.S.C. 657, 667); Secretary of Labor's Order No. 12-71, (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable.

2. 29 CFR 1956.44 is amended to reflect successful completion of the developmental steps by adding new paragraph (g) as follows. The heading and paragraph (h) are republished.

§ 1956.44 Completion of developmental steps and certification.

* * * * *

(g) In accordance with 29 CFR 1956.10(g), a State is required to have a sufficient number of adequately trained and competent personnel to discharge its responsibilities under the plan. The Connecticut Public Employee Only State plan provides for three (3) safety compliance officers and one (1) health compliance officer as set forth in the Connecticut Fiscal Year 1986 grant. This staffing level meets the "fully effective" benchmarks established for Connecticut for both safety and health.

(h) In accordance with § 1956.23 of this chapter, the Connecticut occupational safety and health public employee only plan was certified effective August 19, 1986 as having completed all developmental steps specified in the plan as approved October 2, 1978, on or before October 2, 1979. This certification attests to the structured completeness of the plan, but does not render judgment on adequacy of performance.

[FR Doc. 86-20514 Filed 9-11-86; 8:45 am]

BILLING CODE 4510-26-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL 3059-8]

Standards of Performance for New Stationary Sources; Additions of Quality Assurance and Quality Control Procedures to Methods 5A, 5D, 6A, 6B, and 20

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Revisions and additions to Methods 5A, 5D, 6A, 6B, and 20 to add quality control (QC) and quality assurance (QA) procedures were proposed in the Federal Register on October 2, 1985 (50 FR 40280). This action promulgates these revisions and additions. The QC and QA procedural revisions and additions include field calibration checks of sample volume meters for Methods 5A and 5D, relocation of a temperature monitor for Method 5A, analytical audits for Methods 6A and 6B, and addition of the option to measure carbon dioxide (CO_2) and other procedural clarifications in Method 20.

The QC and QA revisions and additions incorporate changes made to other methods in 40 CFR Part 60 in earlier Federal Register notices (49 FR 26522 and 48 FR 55670). The intended effect is to provide procedures for verifying and improving the reliability of data produced by these test methods.

The additions to Method 20 to allow CO_2 measurements, in lieu of oxygen (O_2) measurements, include specifications for instrumental measurements and calculations for correcting pollutant measurements to specific O_2 conditions using CO_2 data. The intended effect of this procedural change is to increase the flexibility of the method.

EFFECTIVE DATE: September 12, 1986.

Under section 307(b)(1) of the Clean Air Act, judicial review of the actions taken by this notice is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: *Docket.* A docket, number A-84-50, containing information considered by EPA in development of the promulgated standards, 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, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Peter R. Westlin or Mr. Roger T. Shigehara, Emission Measurement Branch, Emission Standards and Engineering Division (MD-19), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2237.

SUPPLEMENTARY INFORMATION:

I. The Rulemaking

The amendments to Methods 5A and 5D incorporate QC procedures that allow the tester to check the calibration of the dry gas volume meter on the test site. An additional change to Method 5A specifies that the filter temperature sensor be located in the sample gas stream immediately downstream of the filter.

Amendments to Methods 6A and 6B specify the completion of QC analytical audits when the methods are used for compliance determinations. The audits are applied for each use of Method 6A and periodically for successive uses of Method 6B.

Amendments to Method 20 describe a procedure for substituting measurement of CO_2 for measurement of O_2. Some clarifications and minor corrections to Method 20 are also included.

This rulemaking does not impose emission measurement requirements beyond those specified in the current regulations, nor does it change any emission standard. Rather, this rulemaking provides usable alternative procedures and valid QA and QC measures for several methods.

II. Public Participation

A public hearing was scheduled for October 23, 1985, at 10:00 a.m., but was not held because no one requested to speak. The public comment period was from October 2 to December 13, 1985. The comments have been carefully considered and, where determined to be