DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. 85C-0532]

Confirmation of Effective Date for Iron Oxides, Chromium Oxide Greens, and Titanium Dioxide; Listing of Color Additives for Coloring 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 August 9, 1986, for the final rule that amended the color additive regulations to provide for the safe use of iron oxides, chromium oxide greens, and titanium dioxide as color additives in contact lenses. This action responds to a petition filed by Wesley-Jessen.

DATE: Effective date confirmed: August 9, 1986.

FOR FURTHER INFORMATION CONTACT: Julius Smith, 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 July 9, 1986 (51 FR 24815), FDA amended the color additive regulations to provide for the safe use of iron oxides, chromium oxide greens, and titanium dioxide as color additives in contact lenses.

FDA gave interested persons until August 8, 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 July 9, 1986, should be confirmed.

List of Subjects in 21 CFR Part 73

Color additive, Cosmetics, Drugs, Medical devices.

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706, 52 Stat. 1055–1056 as amended, 74 Stat. 399–407 (21 U.S.C. 371, 276)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that no objections and requests for a hearing were filed in response to the July 9, 1986, final rule. Accordingly, the amendments promulgated thereby became effective August 9, 1986.

Dated: September 12, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-21086 Filed 9-17-86; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 807

[Docket No. 85N-0470]

Medical Device Registration; Recordkeeping Reduction

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule to reduce the number of years that owners or operators of registered medical device establishments are required to keep a historical file of the labeling and advertisements for discontinued devices. The reduction is in response to Office of Management and Budget (OMB) guidelines. FDA is also revising and correcting the authority citation for its device registration regulations.

EFFECTIVE DATE: November 17, 1986.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION: Section 807.31 (21 CFR 807.31) requires owners or operators of medical device establishments to maintain a historical file of certain labeling and advertisements for their medical devices for (1) 5 years after the date the owner or operator made the last shipment of a discontinued device or (2) the anticipated useful life of the device (approved by OMB under control number 0910-0057).

OMB's rule (5 CFR Part 1320) implementing the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) (44 U.S.C. 3501–3520) establishes policies and procedures for controlling paperwork burdens imposed by Federal agencies on the public. Section 1320.6(f) of OMB's rule sets forth general information collection guidelines which provide that an agency should not require persons to retain records, other than health, medical or tax records, for more than 3 years, unless the agency demonstrates that the requirement is necessary to satisfy a statutory requirement or is justified by some other substantial need.

Based on its experience, and in consideration of OMB's guidelines, FDA believes that it is not necessary for the protection of the public health that the records required by § 807.31(c) be retained for 5 years.

Therefore, in the **Federal Register** of February 19, 1986 (51 FR 6008), FDA published a proposed rule to reduce the retention period applicable to labeling and advertising of discontinued devices to 3 years. The notice also proposed to revise the authority citation for 21 CFR Part 807 because reference to section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) was inadvertently omitted at the time Part 807 was originally promulgated.

The agency received two comments in response to the proposal. One comment was from a trade association; the other was from a manufacturer. Both comments supported the proposal.

Therefore, FDA is adopting the proposed rule as published in the **Federal Register** to reduce the retention period of labeling and advertising of discontinued devices to 3 years.

FDA has examined the consequences of this final rule in accordance with Executive Order 12291 and found that the rule is not a major rule as specified in the order. Therefore, a regulatory impact analysis is not required. FDA certifies, under the Regulatory Flexibility Act, that the rule will not have a significant economic impact on a substantial number of small entities because it does not impose any new requirements on any person. Therefore, a regulatory flexibility analysis is not required.

The agency has determined under 21 CFR 25.24(a)(8) 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 807

Confidential business information, Medical devices, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 807 is amended as follows:

PART 807—ESTABLISHMENT REGISTRATION AND DEVICE LISTING FOR MANUFACTURERS OF DEVICES

1. The authority citation for 21 CFR Part 807 is revised to read as follows:

Authority: Secs. 301(p) 501, 502, 510, 513, 701(a), 52 Stat. 1049–1051 as amended, 1055, 76 Stat. 794–795 as amended, 86 Stat. 462 as amended, 90 Stat. 540–546 (21 U.S.C. 331(p), 351, 352, 360, 360c, 371(a)); 21 CFR 5.10.

2. In § 807.31 by revising paragraph (c) to read as follows:

§ 807.31 Additional listing information.

* * * * *

(c) Each owner or operator may discard labeling and advertisements from the historical file 3 years after the date of the last shipment of a discountinued device by an owner or operator.

* * * * *

Dated: August 14, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86–21087 Filed 9–17–86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8098]

Income Taxes; Returns Relating to Cash Payments in Excess of $10,000 Received in a Trade or Business

Correction

In FR Doc. 86–19939 beginning on page 31610 in the issue of Thursday, September 4, 1986, make the following corrections:

§ 1.60501–1 [Corrected]

1. On page 31612, in the second column, in § 1.60501–1(d)(2)(ii), third line, "many" should read "may"; and

2. On the same page, in the third column, in § 1.60501–1(d)(2)(iv), *Example*, twelfth line, "of" should read "at".

BILLING CODE 1505-01-M

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26 CFR Part 1

[T.D. 8092]

Income Taxes; Temporary Regulations on Allocation of Basis to New Target's Assets.

Correction

In FR Doc. 86–14839 beginning on page 23737 in the issue of Tuesday, July 1, 1986, make the following corrections:

§ 1.338–4T [Corrected]

1. On page 23741, in the third column, in § 1.338–4T, in the line below *Answer 3, "Example:* (1)" should read "*Example:* (i)";

§ 1.338(b)–2T [Corrected]

2. On page 23742, in the second column, in § 1.338(b)–2T(a)(3), second line, "election" should read "allocation"; and

§ 1.338(b)–4T [Corrected]

3. On the same page, same column, in § 1.338(b)–4T(a)(3), second line, "§ 1338–4T(b)(1)" should read "§ 1.338–4T(b)(1)".

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Commercial Diving Standard

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

ACTION: Final rule; technical amendments.

SUMMARY: This document amends paragraph (e)(1) of the section on equipment in the commercial diving standard, 29 CFR 1910.430, by correcting a reference to the OSHA standards on compressed gas cylinders and equipment to read "§§ 1910.101 and 1910.169–171," instead of "§§ 1910.166–19171." Sections 1910.166–168 were deleted in 1984 (49 FR 5318) because they repeated provisions also found in § 1910.101.

DATE: This amendment is effective September 18, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3637, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 523–8151.

SUPPLEMENTARY INFORMATION: On February 10, 1984, OSHA published a final rule (49 FR 5318) revoking advisory and repetitive standards contained in OSHA's General Industry Standards (29 CFR Part 1910). Among the standards revoked by this action were those contained in §§ 1910.166 through 1910.168. These sections repeated requirements concerning compressed gas cylinders and compressed gas equipment which are also found in § 1910.101. As noted in the final rule, the removal of §§ 1910.166 through 1910.168 was not intended to lessen employee protection in any way.

However, 29 CFR Part 1910, Subpart T, Commercial Diving Operations, contains a provision, § 1910.430(e)(1), which requires that compressed gas cylinders be designed, constructed and maintained in accordance with the applicable provisions of 29 CFR 1910.166 through 1910.171. Because §§ 1910.166 through 1910.168 have been revoked, with their coverage being continued in § 1910.101, it is necessary to correct § 1910.430(e)(1) to reference § 1910.101 instead of §§ 1910.166 through 1910.168. Pursuant to 29 CFR 1911.5 and 5 U.S.C. 553(b), the Assistant Secretary has determined that notice and public procedure on this amendment are unnecessary. This is a minor amendment which corrects an inaccurate reference in the diving standard, and makes no substantive change in the requirements of that standard. For the same reason, pursuant to 5 U.S.C. 553(d), this amendment is made effective immediately upon publication.

This document was prepared under the direction of John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Accordingly, pursuant to sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653 655, 657), section 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333), section 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941), 5 U.S.C. 553, Secretary of Labor's Order No. 9–83 (48 FR 35736) and 29 CFR Part 1911, 29 CFR Part 1910, is amended as set forth below.

Signed at Washington, DC, this 11th day of September 1986.

John A. Pendergrass,

Assistant Secretary of Labor.

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

1. The Authority Citation for Subpart T of 29 CFR Part 1910 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); Sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); Secretary of Labor's Order No. 8–76 (41 FR 25059) or 9–83 (48 FR 35736), as applicable; 29 CFR Part 1911. Section 1910.430(e)(1) also issued under 5 U.S.C. 553.

2. Paragraph (e)(1) of § 1910.430 is revised to read as follows:

§ 1910.430 Equipment.

* * * * *

(e) * * *

(1) Be designed, constructed and maintained in accordance with the

applicable provisions of 29 CFR 1910.101 and 1910.169 through 1910.171.

* * * * *

[FR Doc. 86-21026 Filed 9-17-86; 8:45 am]
BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Approval of Permanent Program Amendments for the State of Ohio Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval, with certain exceptions, of excess spoil amendments to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Ohio submitted the amendments to OSMRE to bring its program into conformity with the Federal standards. Consistency of State and Federal standards is required by SMCRA.

EFFECTIVE DATE: September 18, 1986.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, Room 202, 2242 Hamilton Road, Columbus, Ohio 43232; Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background

The Ohio program was approved effective August 16, 1982, by the notice published in the August 10, 1982 **Federal Register**. Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11 and 935.15.

II. Discussion of Amendments

By letter dated March 3, 1986, the Ohio Department of Natural Resources, Division of Reclamation, submitted proposed amendments to Ohio's regulatory program at Ohio Administrative Code (OAC) 1501:13-4-05, 1501:13-4-14, and 1501:13-9-07.

The proposed changes to OAC sections 1501:13-4-05 and 1501:13-4-14 set forth the permitting requirements for surface and underground mining operations with regard to rock-toe buttresses and key-way cuts. OAC 1501:13-9-07 is a completely new regulation concerning the disposal of excess spoil. The amendment was proposed to address deficiencies that have been identified in the Ohio program with regard to the disposal of excess spoil.

On April 4, 1986, OSMRE published an announcement of the receipt of the amendments and invited public comment on the adequacy of the proposed amendments (51 FR 11586). The notice stated that a public hearing would be held only if requested. Since there were no requests for a hearing, a hearing was not held. The comment period closed on May 5, 1986.

During OSMRE's review of the proposed amendments several deficiencies were identified in OAC 1501:13-9-07. By letter dated May 21, 1986, OSMRE informed Ohio of these deficiencies. Ohio responded on June 23, 1986, by amending OAC 1501:13-9-07 to address all but one of the identified deficiencies as discussed below. On July 30, 1986, OSMRE reopened and extended the public comment period to allow the public an opportunity to comment on the amended proposal (51 FR 27204). The comment period closed on August 14, 1986. No comments were received during either comment period.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendments submitted by Ohio on March 3, 1986, and amended on June 23, 1986, meet the requirements of SMCRA and 30 CFR Chapter VII, with one exception as discussed below. Accordingly, the Director is approving these program amendments and requiring the ODNR to amend the one rule. The Federal rules at 30 CFR Part 935 which codify decisions on the Ohio program are being amended to implement this decision.

This final rule is being made effective upon publication to expedite the State program amendment process and encourage the State to bring its program into conformity with the Federal standards without delay. Consistency of State and Federal standards is required by SMCRA.

Ohio Administrative Code

1501:13-4-05 *Permit application requirements for reclamation and operations plans*—(L)(3) requires additional permit application information if excess spoil fills on surface mining operations require rock-toe buttresses or key-way cuts. The Director finds that the Ohio regulation contains identical language to and is no less effective than the Federal requirements found at 30 CFR 780.35(c).

1501:13-4-14 *Underground mining permit application requirements for reclamation and operations plans*—(N)(3) requires additional permit application information if excess spoil fills on underground mining operations require rock-toe buttresses or key-way cuts. The Director finds that the Ohio regulation is no less effective than the Federal requirements found at 30 CFR 784.19.

1501:13-9-07 *Disposal of excess spoil*—Ohio has adopted excess spoil regulations that are similar to those found at 30 CFR 701.5, 816/817.71, 816/817.72, 816/817.73, and 816/817.74. The Ohio regulations include the pertinent definitions, general requirements for disposal of excess spoil, valley fills/head-of-hollow fills, durable rock fills, and disposal on preexisting benches. The Director finds the Ohio regulations at OAC 1501:13-9-07 to be no less effective than the Federal regulations with the following exception at OAC 1501:13-9-07(F)(2).

1501:13-9-07(F)(2)—Under Ohio's amendment provision foundation investigations are required as well as laboratory testing of foundation materials consistent with 30 CFR 816/817.71(d)(1). However, unlike the Federal rule, the State's provision does not provide that the analyses of foundation conditions shall take into consideration the effect of underground mine workings, if any, upon the stability of the fill and appurtenant structures. This provision is important as the additional weight of the fill may cause subsidence into the mine workings. Therefore, the Director finds that OAC 1501:13-9-07(F)(2) is less effective than 30 CFR 816/817.71(d)(1), and he is requiring the State to amend it to be no less effective than the Federal requirements at 30 CFR 816/817.71(d)(1).

IV. Public Comments

No public comments were received.

V. Director's Decision

The Director, based on the above findings, is approving the amendments submitted to OSMRE on March 3, 1986, and modified on June 23, 1986, subject to the required amendment set forth herein at 30 CFR 935.16(b). The Director is amending Part 935 of 30 CFR Chapter VII to reflect this decision.

VI. Procedural Matters

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSMRE is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

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

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

List of Subjects in 30 CFR Part 935

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

Dated: September 12, 1986.

James W. Workman,

Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

PART 935—OHIO

30 CFR Part 935 is amended as follows:

1. The authority citation for Part 935 continues to read as follows:

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

2. Section 935.15(x) is added to read as follows:

§ 935.15 Approval of regulatory program amendments.

* * * * *

(x) The following amendments submitted to OSMRE on March 3, 1986, as modified on June 23, 1986, are approved subject to the required amendment set forth at 30 CFR 935.16(b). This approval is effective September 18, 1986: Ohio Administrative Code, sections 1501:13–4–05, 1501:13–4–14 and 1501:13–9–07.

3. Section 935.16(b) is added to read as follows. The introductory text is republished.

§ 935.16 Required program amendments.

Pursuant to 30 CFR 732.17, Ohio is required to submit for OSMRE's approval the following proposed amendment by the date specified.

* * * * *

(b) By January 30, 1987, Ohio shall amend its program at OAC 1501:13–9–07(F)(2) to be no less effective than 30 CFR 816.71(d)(1) and 817.71(d)(1) concerning the consideration of the effect of underground mine workings on the foundation stability of excess spoil fills.

[FR Doc. 86–21145 Filed 9–17–86; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 292

Freedom of Information Act; Availability to the Public of Defense Intelligence Agency Information

AGENCY: Defense Intelligence Agency, DOD.

ACTION: Final rule.

SUMMARY: This final rule revises the Defense Intelligence Agency's earlier version of this part titled AVAILABILITY TO THE PUBLIC OF DEFENSE INTELLIGENCE AGENCY (DIA) INFORMATION which implements the Freedom of Information Act, as amended (5 U.S.C 552) within the DIA. This revision supercedes a final rule (40 FR 7292) published on February 19, 1975 at 32 CFR Part 292. This revision incorporates changes occasioned by the publication of DoD Directive 5400.7–R, the single DoD regulation on the FOIA Program.

EFFECTIVE DATE: September 18, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. Hardzog, Freedom of Information Act Officer, Defense Intelligence Agency, RTS–1, Washington, DC 20340–3299; Telephone, 202–373–3910, 3911 or autovon 243–3910.

SUPPLEMENTARY INFORMATION: Subsection (a) of the Freedom of Information Act, as amended (5 U.S.C. 552), requires that Federal agencies publish rules "stating the time, place, fees (if any), and procedures to be followed" in making records available to the public.

The Defense Intelligence Agency has determined that this revision is not a major rule as defined by Executive Order 12291, is not subject to the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 90–354), and does not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

List of Subjects in 32 CFR Part 292

Freedom of Information.

Accordingly, Part 292 of 32 CFR is revised to read as follows:

PART 292—AVAILABILITY TO THE PUBLIC OF DEFENSE INTELLIGENCE AGENCY (DIA) INFORMATION

Sec.

Authority: 5 U.S.C. 552

§ 292.1 Purpose.

This part implements the "Freedom of Information Act," (FOIA) 5 U.S.C. 552, as amended, within the DIA and outlines policy governing release of records to the public.

§ 292.2 Applicability.

The provisions of this part apply to all elements of DIA and govern the release of records of these elements. This part is effective on September 18, 1986.

§ 292.3 Indices.

The DIA does not originate final orders, opinions, statements of policy, interpretations, staff manuals or instructions that affect members of the public of the type covered by the indexing requirement of 5 U.S.C. 552(a)(2) or required to be published for the guidance of the public under 5 U.S.C. 552(a)(1). The Director, DIA, has therefore determined, pursuant to pertinent statutory and Executive Order requirements, that it is unnecessary and impracticable to publish an index of the type required by 5 U.S.C. 552 as amended.

§ 292.4 Procedures for request of records.

(a) Requests. Requests for access to records of the DIA should be filed by mail addressed to the Defense Intelligence Agency, RTS–1, Freedom of Information Act Office, Washington, DC, 20340–3299. Requests need not be made on any special form, but must be by letter or other written statement identifying the request as a Freedom of Information Act request and setting forth sufficient information reasonably describing the requested record.

(b) Determination and Notification. When the requested record has been located and identified, the Freedom of Information Act Officer shall determine whether the record is one which, consistent with statutory requirements, Executive orders and appropriate directives, may be released or should be exempted under the provision of 5 U.S.C. 552. The Freedom of Information Act Officer, or the designee of the Executive Director, shall notify the requester of his determination within 10 working days of his receipt of the request.

(c) Extension of response time. Where the requested record cannot be provided within the initial response period of 10 days because of unusual circumstances, the Freedom of Information Act Officer shall notify the requester in writing of the delay within the initial response period, and the reasons therefor. In any case, the record should be provided, if releasable under the FOIA, within an additional 10 working-day period.

(d) Fees. Specific fees apply with respect to services rendered to the public.

(1) The schedule of fees chargeable is contained at § 286.60 et seq. As a component of the Department of Defense, the applicable published Departmental rules and schedules with respect to fees will also be the policy of DIA.

(2) Fees may be waived in certain instances. Generally, the Departmental rules with respect to fee waivers found at section 286 et seq. will also be the policy of DIA.

(3) Normally, collection of fees will be made in advance of rendering the service. In some instances, it may be more practical to collect charges and fees at the time of conveying the service or property to the recipient, but only in those instances where the request specifically states that whatever cost is involved will be acceptable or acceptable up to a specified limit that covers anticipated costs. In the absence of an agreement to pay required anticipated costs, the time for responding to a request begins on resolution of willingness to pay.

(4) Fees must be paid in full prior to search and issuance of requested copies. If uncertainty as to the existence of a record, or as to the number of sheets to be copied or certified, precludes remitting the exact fee chargeable with the request, DIA will inform the requester of the exact amount required.

(5) Remittances will be by personal check or bank draft on a bank in the United States or by U.S. postal money order. Remittances can be made payable to "Treasurer of the United States" and forwarded to the address listed above at § 292.4(a).

§ 292.5 Appeals.

(a) Any person denied access to records may, within 45 days after notification of such denial, file an appeal to the DIA at the address listed at § 292.4. Such an appeal shall be in writing and clearly marked as an appeal under the Freedom of Information Act. The appeal shall reference the initial denial and shall contain in sufficient detail the grounds upon which the requester believes release of the information is required.

(b) The appellate denial authority shall rest with the Director or Deputy Director of DIA.

(c) Appeals under the Freedom of Information Act shall be answered within 20 working days after receipt of the appeal.

Dated: September 15, 1986.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 86-21147 Filed 9-17-86; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 12-86-12]

Drawbridge Operation Requirements

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: At the request of California Department of Transportation, the Coast Guard is establishing a temporary drawbridge operation regulation for the Highway 12 drawbridge across the Sacramento River at Rio Vista, California, to require thirty minutes advance notice for the passage of vessels. This temporary regulation is being established to allow a painting contractor to complete cleaning and painting operations begun two years ago. Since this action will accommodate all the needs of marine traffic expected to pass the bridge, its impact is expected to be minimal.

EFFECTIVE DATE: This rule becomes effective on September 15, 1986 and terminates on October 17, 1986.

FOR FURTHER INFORMATION CONTACT: Wayne R. Till, Chief, Bridge Section, Aids to Navigation Branch (telephone: (415) 437-3514).

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for this regulation and it is being made effective in less than 30 days from the date of publication. Following normal rulemaking procedure would have been contrary to the public interest. Immediate action is needed to prevent further deterioration of the steel bridge structure. A comment period has not been provided because all the needs of navigation are provided for. A Local Notice to Mariners has been issued.

This temporary regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034, February 26, 1979). Since there is no economic impact, a full regulatory evaluation is unnecessary. This temporary regulation will have no appreciable consequences as it will not prohibit any vessels from using the waterway. Since the economic impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant impact on a substantial number of small entities.

Drafting Information

The drafters of this rule are Wayne R. Till, project officer, and Lieutenant Commander Wayne C. Raabe, project attorney, Twelfth Coast Guard District Legal Office.

Discussion of Regulation

Cleaning and painting operations started two years ago. Shortly after the operations started the bridge was struck by a ship. The cleaning and painting was terminated so that repairs to the structure could be done. The repairs have been completed and cleaning and painting has been resumed. It is important now to complete the painting prior to the onset of the rainy season. The painting of the lift span is scheduled for the period September 15, 1986 through October 17, 1986. Advance notice is necessary to clear the lift span of painters and equipment prior to bridge openings.

Current regulations require the bridge to open on call. The temporary regulation will require thirty minutes advance notice from 7:30 A.M. to 4:00 P.M. Monday thru Friday, excluding holidays.