

Dated: July 22, 1986.
 Marcia Williams,
 Director, Office of Solid Waste.

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

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

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

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

2. In Appendix IX, add the following wastestreams in alphabetical order:

Appendix IX—Wastes Excluded Under §§ 260.2. and 260.22.

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
Capitol Products Corp..	Harrisburg, PA.....	Dewatered wastewater treatment sludge (EPA Hazardous Waste No. F019) generated from the chemical conversion coating of aluminum after [insert date of final rule publication].
Continental Can Co..	Olympia, WA.....	Dewatered wastewater treatment sludge (EPA Hazardous Waste No. F019) generated from the chemical conversion coating of aluminum after [insert date of final rule publication].
Whirlpool Corp.....	Findlay, OH.....	Dewatered filter cake (EPA Hazardous Waste No. F006) generated from electroplating operations after [insert date of final rule publication].

[FR Doc. 86-17072 Filed 7-29-86; 8:45 am]
 BILLING CODE 6560-50-M

DEPARTMENT OF DEFENSE

48 CFR Part 213

Federal Acquisition Regulation Supplement on Small Purchase Procedures

AGENCY: Department of Defense (DoD).
ACTION: Proposed rule and request for comments.

SUMMARY: The Defense Acquisition Regulatory Council is considering a

change to the DoD FAR Supplement at 213.101(c) to exclude labor-surplus area set-asides from small purchase procedures.

DATE: Comments on the proposed revision should be submitted in writing to the Executive Secretary, DAR Council, at the address shown below, on or before September 29, 1986, to be considered in the formulation of the final rule. Please cite DAR Case 85-201 in all correspondence related to this issue.

ADDRESS: Interested parties should submit written comments to: Defense Acquisition Regulatory Council, ATTN: Mr. Charles W. Lloyd, Executive Secretary, ODASD(P)/DARS, c/o OASD(A&L), Room 3C841, The Pentagon, Washington, DC 20301-3062.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, telephone (202) 697-7268.

SUPPLEMENTARY INFORMATION:

A. Background

The Civilian Agency Acquisition Council proposed a change to FAR Part 13 (51 FR 23396, 26 June 1986), that, if implemented, would delete, for the Department of Defense, the exclusion of total small business and labor-surplus area set-asides from the requirements of FAR Part 13. Since DoD cannot make total labor-surplus area set-aside contracts regardless of dollar amount, this proposed change to the DoD FAR Supplement Section 213.101 would reinstate the exclusion of total small business and labor-surplus area set-asides under Part 213 for DoD activities. This proposed change is considered to be internal to DoD and is not required to be published for public comment under Pub. L. 98-577. However, any comments submitted on or before the expiration date listed above will be considered in the formulation of a final rule.

B. Regulatory Flexibility Act Information

Since the proposed change is not required to be published for public comment under Pub. L. 98-577, the Regulatory Flexibility Act does not apply.

C. Paperwork Reduction Act Information

The proposed rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Part 213

Government procurement.
 Charles W. Lloyd,
 Executive Secretary, Defense Acquisition Regulatory Council.

Therefore, it is proposed that 48 CFR Part 213 be amended as follows:

PART 213—SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES

1. The authority citation for 48 CFR Part 213 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

2. Section 213.101(c) is added to read as follows:

213.101 Definitions.

(c) For DoD activities the term "small purchase procedures" excludes labor-surplus area set-asides (see Part 220).

[FR Doc. 86-17063 Filed 7-29-86; 8:45 am]
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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 174, 176, 177, 178, and 179

[Docket No. HM-166U; Notice No. 86-3]

Transportation of Hazardous Materials; Proposed Miscellaneous Amendments

AGENCY: Research and Special Programs Administration (RSPA), DOI.

ACTION: Extension of time to file comments.

SUMMARY: On June 3, 1986, RSPA published a notice of proposed rulemaking (Docket No. HM-166U, Notice No. 86-3; 51 FR 19866) concerning numerous changes to 49 CFR. Petitions have been received requesting additional time in which to evaluate and comment on the proposals in the notice. RSPA believes that an extension is consistent with the public interest and, by this notice, is extending the comment period from July 31, 1986, to September 4, 1986.

DATE: Comments must be received on or before September 4, 1986.

ADDRESS: Address comments to the Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Transportation, Washington, DC 20590. Telephone (202) 366-4482.

Issued in Washington, DC on July 18, 1986, under authority delegated in 49 CFR Part 106, Appendix A.

Alan I. Roberts,

Director, Office of Hazardous Materials Transportation.

[FR Doc. 86-17130 Filed 7-29-86; 8:45 am]

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National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. FE-85-01; Notice 5]

Passenger Automobile Average Fuel Economy Standards; Model Years 1987-88

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: NHTSA is nearing completion of its rulemaking proceeding in which it proposed to amend the passenger car fuel economy standards for model years (MY) 1987 and 1988. NHTSA has tentatively decided to reject the argument put forth by General Motors (GM) that the agency may (or indeed, must) consider a company's need for carryback credits in determining the maximum feasible average fuel economy level, and wishes to obtain public comment on this tentative conclusion. NHTSA also wishes commenters to address whether their position on this issue would differ if adoption of the GM argument would necessitate establishing the standard below 26.0 mpg for either or both model years.

DATE: Comments on this notice must be received on or before August 14, 1986. Because of the need to complete this proceeding by the beginning of MY 1987, NHTSA will not consider any extension of this date, nor will it be able to consider late-filed comments.

ADDRESS: Comments should refer to the docket and notice numbers set forth above and be submitted to: Docket Section, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are 8:00 a.m. to 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ms. Erika Z. Jones, Chief Counsel,

National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202-366-9511).

SUPPLEMENTARY INFORMATION: On January 22, 1986, NHTSA published in the *Federal Register* (51 FR 2912) a notice of proposed rulemaking (NPRM) to amend the MY 1987-88 passenger automobile average fuel economy standards, within a range of 26.0 mpg to 27.5 mpg for each model year.

Section 502(a)(4) of the Motor Vehicle Information and Cost Savings Act (the "Cost Savings Act") provides that, for MY 1985 or thereafter, the Secretary of transportation may amend the 27.5 mpg average fuel economy standard specified for passenger automobiles, if he or she determines that some other standard represents the maximum feasible average fuel economy level for that model year. In determining maximum feasible average fuel economy, the Secretary is required under section 502(e) of the Act to consider four factors: technological feasibility, economic practicability, the effect of other Federal motor vehicle standards on fuel economy, and the need of the nation to conserve energy.

While a separate fuel economy standard is set for each model year, the Cost Savings Act does not require absolute achievement of the standard within each year. Instead, it allows a shortfall for one year to be offset if a manufacturer exceeds the standard for another year or years. Under the act, as amended by the Automobile Fuel Efficiency Act of 1980, manufacturers earn credits for exceeding average fuel economy standards and may carry them back for three model years or forward for three model years.

In concluding its analysis of the issues and data associated with its proposal to amend the passenger car fuel economy standards for MY 1987 and 1988, NHTSA wishes to obtain public comment on an issue that bears directly on the level of the standards to be set for those two years.

GM has presented an argument that NHTSA may (or indeed, must) take into account the industry's need to earn "carryback credits" to offset prior year shortfalls when the agency determines the maximum feasible fuel economy level in a particular model year. GM first presented this argument in the MY 1986 passenger car standard rulemaking. See Docket FE-85-01-N01-051. GM later refined its arguments in subsequent filings. See Attachment 1 to Docket FE-85-01-N02-074; Docket FE-85-01-N04-2591 (Appendix I, pp. 66-81).

In its Preliminary Regulatory Impact Analysis for the MY 1986 standard (MY

1986 PRIA), NHTSA tentatively rejected the GM argument. See Docket FE-85-01-N02-006 (pp. I-21 to I-33). In establishing the standard for that year, however, the agency determined that it was not necessary at that time to reach a final conclusion on the issue of the need to earn carryback credits. See 50 FR 40548, October 4, 1985; MY 1986 Final Regulatory Impact Analysis, pp. I-32 to I-33 (Docket FE-85-01-N03-003).

Now, in concluding the proceeding for the MY 1987-1988 standards, the agency would like to have the benefit of public comments focused specifically on the issue of whether it may consider the need to earn carryback credits in establishing the maximum feasible fuel economy level in these two model years.

While the agency has reconsidered the argument that the carryforward/carryback credit provisions make the determination of maximum feasible fuel economy level a multi-year concept, it has tentatively concluded once again that GM's argument appears to be inconsistent with both the language and purposes of the Act.

The primary argument made by GM is that a standard is economically impracticable if it does not permit manufacturers to earn sufficient carryback credits to avoid noncompliance with past standards, at least to the extent such manufacturer has taken reasonable steps to attain the Act's technological goals. According to that company, "a standard that puts manufacturers at risk of large-scale noncompliance with the Act, and thus imposes the impossible predicament of choosing between heavy penalties and plant closures, cannot be considered 'feasible' or 'economically practicable' in any sense of those words, even though the finding of noncompliance, as an artifact of the credit system, technically relates to a previous model year." Docket FE-85-01-N01-051 (p. 12). In its comments on the MY 1987-88 NPRM, GM argued that "(i)t would not meet the test of 'economic practicability' to set standards for 1987 and 1988 that would require layoffs and plant closings to enable compliance with 1985 requirements." Docket FE-85-01-N04-2591 (p. 13).

The agency tentatively concludes that GM's argument is inconsistent with the plain meaning of the section 502(a)(4) and the overall statutory scheme.

Section 502(a)(4) of the Cost Savings Act states that, for model year 1985 and any subsequent model year, NHTSA may amend the 27.5 mpg standard to any higher or lower level that it determines is the "maximum feasible average fuel economy level for such