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federal register

Thursday
January 31, 1985

Selected Subjects

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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.

Selected Subjects

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

Executive Order 12503 of January 28, 1985

Presidential Commission on Outdoor Recreation Resources Review

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), and in order to create an advisory commission to review outdoor recreation resources, it is hereby ordered as follows:

Section 1. *Establishment.* (a) There is hereby established the Presidential Commission on Outdoor Recreation Resources Review.

(b) The Commission shall be composed of not more than 15 members appointed or designated by the President from among the private sector, the Legislative branch of the Federal government, recreational and other service organizations, and State and local governments. The President shall designate a Chairman and Vice Chairman from among the members of the Commission.

Sec. 2. *Functions.* (a) The Commission shall review existing public outdoor recreation policies, programs, and opportunities provided by the Federal government, State and local governments, and private organizations and entities and shall review privately provided outdoor recreation resources to the extent that they affect the demand for public outdoor recreation resources. The Commission shall, consistent with the need for fiscal economy at all levels of government, make recommendations to the President concerning the outdoor recreation resources, programs, and opportunities that will ensure the future availability of outdoor recreation for the American people. In making its recommendations, the Commission shall assess the budgetary and regulatory cost increases or cost savings of its proposals, and shall, to the extent possible, utilize such studies, data, and reports previously prepared or under preparation by Federal agencies, States, private organizations or other entities.

(b) In conducting its review, the Commission shall examine:

(1) existing outdoor recreation lands and resources and the land and resource base necessary for future outdoor recreation;

(2) the roles of the Federal, State, county, and municipal governments in providing outdoor recreation opportunities, protecting outdoor recreation resources, and meeting anticipated outdoor recreation conditions;

(3) the role of the private sector in meeting present and future outdoor recreation needs, and assess the potential for cooperation between the private sector and government in providing outdoor recreation opportunities and protecting outdoor recreation resources;

(4) the relationship between outdoor recreation and personal and public health, the economy, and the environment;

(5) the future needs of outdoor recreation management systems, including qualified personnel, technical information, and anticipated financial needs;

(6) the relationship of outdoor recreation to the broader range of recreation pursuits and its implications for the supply of and demand for outdoor recreation resources and opportunities;

(7) underlying social, economic, and technological factors that are likely to affect the demand for and supply of outdoor recreation resources, including

trends in disposable income and demographic characteristics of the United States;

(8) the findings and recommendations of the National Urban Recreation Study (1978), the Third Nationwide Outdoor Recreation Plan (1979), the Forest and Rangeland Renewable Resources Planning Act—Assessment Supplement (1984), and other relevant Federal survey and planning activities.

(c) The Commission may conduct public hearings and otherwise secure information and expressions of public opinion on recreation issues, policies and programs, and anticipated national, regional, State, and local recreation needs and concerns.

(d) The Commission shall submit its report and recommendations to the President not later than twelve months after the date of this Order.

Sec. 3. *Administration.* (a) The heads of Executive agencies shall, to the extent permitted by law, provide the Commission with such information as may be necessary for the effective performance of its functions.

(b) Members of the Commission shall serve without compensation for their work on the Commission. Members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701–5707).

(c) The Secretary of the Interior shall, to the extent permitted by law, provide the Commission with such administrative services, facilities, staff, and other support services as may be necessary for the effective performance of its functions.

Sec. 4. *General.* (a) Notwithstanding any other Executive order, the functions of the President under the Federal Advisory Committee Act, as amended, which are applicable to the Commission, except that of reporting annually to the Congress, shall be performed by the Secretary of the Interior, in accordance with guidelines and procedures established by the Administrator of General Services.

(b) The Commission shall terminate 30 days after submission of its report, or March 1, 1986, whichever sooner occurs.

Ronald Reagan

THE WHITE HOUSE,
January 28, 1985.

[FR Doc. 85-2889
Filed 1-29-85; 3:37 pm]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Commodity Credit Corporation

7 CFR Parts 724, 725, 726 and 1464

Tobacco Acreage Allotment and Marketing Quota Regulations and Tobacco Loan Program Regulations

AGENCY: Agricultural Stabilization and Conservation Service (ASCS) and Commodity Credit Corporation (CCC), USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to adopt, as a final rule, an interim rule which was published in the **Federal Register** on July 2, 1984 (49 FR 27133). The interim rule amended the regulations at 7 CFR Part 1464 to provide for additional requirements involving a certification given by producers with respect to the use of pesticides on tobacco pledged as collateral for Commodity Credit Corporation (CCC) price support loans. In addition, since the interim rule incorporated the certification requirements in 7 CFR Part 1464, the rule also deleted references to those requirements from 7 CFR Parts 724, 725, and 726.

EFFECTIVE DATE: January 31, 1985.

FOR FURTHER INFORMATION CONTACT: C. Douglas Richardson, Agricultural Program Specialist, Tobacco and Peanuts Division, P.O. Box 2415, Washington, D.C. 20013 (202) 477-4281.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major." It has been determined that this notice will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loan and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Agricultural Stabilization and Conservation Service (ASCS) and CCC are not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

This program/activity 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).

An interim rule was published in the **Federal Register** on July 2, 1984 (49 FR 27133) which amended 7 CFR 1464.7 and 1464.8 to expand the coverage of the pesticides certification program with respect to the use of pesticides on tobacco pledged as collateral for CCC price support loans. The interim rule provided that, in order for tobacco to be eligible for price support, tobacco producers must certify that: (1) All pesticide products used on the tobacco have been approved by the Environmental Protection Agency (EPA) for such use and (2) the pesticide products have been used in accordance with label directions. The interim rule also provided that producers who have made false certifications with respect to the use of pesticides, failed to file the certifications, or refused to permit sampling of tobacco would be ineligible to receive price support on tobacco produced during the marketing year.

In addition, a certification with respect to the use of DDT, TDE, toxaphene and endrin on tobacco was required in accordance with 7 CFR Parts 724, 725, and 726. The interim rule deleted the certification provisions with respect to the use of pesticides on tobacco from these parts and incorporated them in 7 CFR Part 1464.

One comment was received from a farm organization in response to the interim rule published in the **Federal Register** on July 2, 1984 (49 FR 27133). This comment recommended adoption of the interim rule as a final rule. Based upon a review of the comment received, it has been determined that the provisions of the interim rule should be adopted as a final rule.

List of Subjects in 7 CFR Parts 724, 725, 726, and 1464

Acreage allotment, Marketing quota, Reporting and recordkeeping requirements, Price Support Program, Tobacco.

Final Rule

Accordingly, the interim rule which was published at 49 FR 27133 is adopted as a final rule without change.

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended, 1072, as amended, (15 U.S.C. 714b, 714c); secs. 101, 106, 401, 403, 63 Stat. 1051 as amended, 74 Stat. 6 as amended, 63 Stat. 1054, as amended (7 U.S.C. 1441, 1445, 1421, 1423).

Signed at Washington, D.C. on January 28, 1985.

Everett Rank,
Administrator, Agricultural Stabilization and Conservation Service, and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 85-2543 Filed 1-30-85; 8:45 am]
BILLING CODE 3410-05-M

7 CFR Parts 725 and 1464

Flue-Cured Tobacco Acreage Allotment and Marketing Quota Regulations and Tobacco Loan Program Regulations

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), and

Commodity Credit Corporation (CCC), USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to adopt, as a final rule, a proposed rule which was published in the **Federal Register** on November 2, 1984 (49 FR 44103). The final rule amends the regulations at 7 CFR 725.113 and 1464.3 to designate the flue-cured tobacco variety Reams 266 as a discount variety of flue-cured tobacco. As a result of this designation, the level of price support for Reams 266 will be 50 percent of the price support level established for non-discount varieties of flue-cured tobacco.

EFFECTIVE DATE: January 31, 1985.

FOR FURTHER INFORMATION CONTRACT: C. Douglas Richardson, Agricultural Program Specialist, Tobacco and Peanuts Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013, (202) 447-4281.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State and local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loan and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Agricultural Stabilization and Conservation Service (ASCS) and the Commodity Credit Corporation (CCC) are not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

This program/activity is not subject to the provision 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).

A proposed rule was published in the **Federal Register** on November 2, 1984 (49 FR 44103) proposing to amend 7 CFR 725.113(a) and 1464.3(c) to designate the flue-cured tobacco variety Reams 266 as a discount variety of flue-cured tobacco. The price support loan level for a discount variety of flue-cured tobacco is 50 percent of the price support loan level for non-discount varieties of flue-cured tobacco.

In 1957, the Department recognized that discount varieties of flue-cured tobacco did not have the same commerical value as did the non-discount varieties of flue-cured tobacco. As a result, the price support level for tobacco designated as a discount variety of flue-cured tobacco was reduced to 50 percent of the loan level established for a non-discount variety. The reduced loan level for discount varieties of flue-cured tobacco has continued since 1957. This action has prevented large quantities of discount varieties of flue-cured tobacco from being forfeited under the Commodity Credit Corporation (CC) price support loan program.

The Department received 4 comments with respect to the proposed rule which was published in the **Federal Register** on November 2, 1984 (49 FR 44103). Comments were received from 1 State Department of Agriculture Committee, 1 grower association, 1 loan association, and 1 farm supply organization. All comments favored the adoption of the proposed rule as a final rule.

Accordingly, based on a review of the comments received, it has been determined that the proposed rule which was pubished in the **Federal Register** on November 2, 1984 (49 FR 44103) shall be adopted as a final rule.

List of Subjects in 7 CFR Parts 725 and 1464

Acreage allotment, Marketing quota, Reporting and recordkeeping requirements, Price Support Program, Tobacco.

Final Rule

Accordingly, Chapter VII and XIV, Title 7 of the Code of Federal Regulations, are amended as follows:

PART 725—[Amended]

1. In Part 725, § 725.113(a) is amended by inserting "Reams 266," after "Reams 64," each time it appears.

PART 1464—[Amended]

2. In Part 1464, § 1464.3(c) is amended by inserting "Reams 266," after "Reams 64," each time it appears.

Authority: Sec. 375, 52 Stat. 66, as amended (7 U.S.C. 1375); Sec. 401, 403, 63 Stat. 1054, as amended (7 U.S.C. 1421, 1423).

Signed at Washington, D.C. on January 28, 1985.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service, and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 85-2542 Filed 1-30-85; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

Statement of Organization; Panama

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule changes the location of the immigration office formerly located in Montevideo, Uruguay to Panama City, Republic of Panama. This change is made to bring the operational jurisdiction of the Service in line with the principles of good management.

EFFECTIVE DATE: January 2, 1985.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW, Washington, D.C. 20536, Telephone: (202) 633-3291

For Specific Information: Robert H. Reed, Office of the Executive Associate Commissioner, Immigration and Naturalization Service, 425 I Street, NW, Washington, D.C. 20536, Telephone: (202) 633-2961.

SUPPLEMENTARY INFORMATION: With a view towards more efficient management, the Service is relocating its suboffice of the Mexico City District Office located in Montevideo, Uruguay to its new location in Panama City, Republic of Panama. Therefore, the listing of immigration offices in foreign countries is amended to reflect this change.

Compliance with U.S.C. 553 as to notice of proposed rule making and delayed effective date is unnecessary because the rule relates to agency

organization which will promote better service to the public.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant economic impact on a substantial number of small entities.

This is not a major rule within the meaning of section 1(b) E.O. 12291.

List of Subjects in 8 CFR Part 100

Administrative practice and procedure, Organization and functions (government agencies).

Accordingly, Chapter 1 of Title 8 of the Code of Federal Regulations is amended as follows:

PART 100—STATEMENT OF ORGANIZATION

§ 100.4 [Amended]

In section 100.4, paragraph (c)(4) is amended by removing the listing of the country "Montevideo, Uruguay" and inserting in its place "Panama City, Republic of Panama".

(Sec. 103, Immigration and Nationality Act, as amended (8 U.S.C. 1103))

Dated: January 25, 1985.

Doris M. Meissner,

Executive Associate Commissioner, Immigration and Naturalization Service.

[FR Doc. 85-2484 Filed 1-30-85; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221 and 224

[Regulations G, T, U and X]

Securities Credit Transactions

AGENCY: Board of Governors of the Federal System.

ACTION: Final rule.

SUMMARY: The List of Marginable OTC Stocks is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List is published from time to time by the Board as a guide for lenders subject to the regulations and the general public. This document sets forth additions to or deletions from the previously published List effective November 13, 1984 and will serve to give notice to the public about the changed status of certain stocks.

EFFECTIVE DATE: February 12, 1985.

FOR FURTHER INFORMATION CONTACT: Jamie Lenoci, Financial Analyst, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, DC 20551, 202-452-2781.

SUPPLEMENTARY INFORMATION: Set forth below are stocks representing additions to or deletions from the Board's List of Marginable OTC Stocks. This List supersedes the last complete List which was effective November 1, 1984 (49 FR 43946, November 1, 1984). The List includes those stocks that the Board of Governors has found meet the criteria specified by the Board and thus have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant incorporating such stocks within the requirements of Regulations G, T, U and X (12 CFR 207, 220, 221 and 224, respectively). It also includes, as a result of an amendment to the margin regulations (49 Fed. Reg. 35756, September 12, 1984), any stock designated under an SEC rule as qualified for trading in a national market system (NMS Security). The List of Marginable OTC Stocks, as it is now called, is a composite of the List of OTC Margin Stocks and all NMS securities. Additional OTC securities may be designated as NMS securities in the interim between the Board's quarterly publications. They will become automatically marginable at broker-dealers upon the effective date of their designation. The names of these securities are available at the Board and the Securities and Exchange Commission and will be subsequently incorporated into the Board's next quarterly List. Copies of the current List may be obtained from any Federal Reserve Bank. Such copies are also on file at the Office of the Federal Register.

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the List specified in 12 CFR 207.6 (a) and (b), 220.17 (a) and (b), and 221.7 (a) and (b). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of this List as soon as possible. The Board has responded to a request by the public and allowed a two-week delay before the List is effective.

List of Subjects

12 CFR Part 207

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, National Market System (NMS Security), Reporting requirements, Securities.

12 CFR Part 220

Banks, Banking, Brokers, Credit, Federal Reserve System, Margin, Margin requirements, Investments, National Market System (NMS Security), Reporting requirements, Securities.

12 CFR Part 221

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, Securities, National Market System (NMS Security), Reporting requirements.

12 CFR Part 224

Banks, Banking, Borrowers, Credit, Federal Reserve System, Margin, Margin requirements, Reporting requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with § 207.2(k) and 6(c) of Regulation G, § 220.2(s) and 17(c) of Regulation T, and § 221.2(j) and 7(c) of Regulation U, there is set forth below a listing of additions to and deletions from the Board's List:

Additions to the List

Advanced Telecommunications Corporation
$.02 par common
Aequitron Medical, Inc.
$.01 par common
Alaska National Bank of the North
$2.00 par common
Allen Organ Company
Class B, $1.00 par common
Alternacare Corporation
$.05 par common
American Home Patient Centers, Inc.
$.01 par common
American List Corporation
$.01 par common
American Shared Hospital Services
No par common
Amistar Corporation
$.01 par common
Armel, Inc.
$.001 par common
Arrow Bank Corp.
$8.00 par common
Astrocom Corporation
$.10 par common

Athey Products Corporation
$2.00 par common
Audio/Video Affiliates, Inc.
$.01 par common
Automated Systems, Inc.
$.01 par common
Baltek Corporation
$1.00 par common
Baltimore Bancorp (Maryland)
$5.00 par common
Bank of Granite (North Carolina)
$5.00 par common
Berkshire Gas Company, The
$5.00 par common
Blasius Industries, Inc.
$.25 par common
Brady, W.H., Company
Class A, $.01 par common
Buffton Corporation
$.01 par common
Butler, John O., Company
$.01 par common
Cadmus Communications Corporation
$.50 par common
Capitol Federal Savings and Loan Association of Denver
$.01 par common
Cardio Pet, Inc.
$.01 par common
Carriage Industries, Inc.
$.02 par common
Cascade Corporation
$.50 par common
Ceradyne, Inc.
$.10 par common
Chancellor Corporation
$.01 par common
Coastal Savings Bank (Maine)
Class A, $1.00 par common
Computer Depot, Inc.
$.01 par common
Computrac, Inc.
$.01 par common
Crazy Eddie, Inc.
$.01 par common
Cypress Savings Association (Florida)
Warrants (expire 01-01-91)
D'Lites of America, Inc.
$.005 par common
Designhouse International Inc.
$.10 par common
Dewey Electronics Corporation, The
$.01 par common
Dress Barn, Inc., The
$.05 par common
Edison Sault Electric Company
$5.00 par common
Eldorado Motor Corporation
No par common
Engineered Systems & Development Corporation
$.01 par common
Envirodyne Industries, Inc.
$.10 par common
Essex Corporation
$.10 par common
Financial Institution Services, Inc.
$.10 par common
First Northern Savings & Loan Association (Wisconsin)
$1.00 par common
Flagler Bank Corporation, The
Class A, $.10 par common
Franklin Resources, Inc.
$.10 par common
Gallagher, Arthur J., & Co.
$1.00 par common
Golden Corral Realty Corporation
$.01 par common
Gradco Systems, Inc.
No par common
Griffin Technology Incorporated
$.05 par common
Groman Corporation
$1.00 par common
Growth Fund of Florida, Inc., The
$.001 par common
HCW, Inc.
$.10 par common
HMO America, Inc.
$.01 par common
Halmi, Robert Inc.
$1.00 par common
Home Federal Bank of Florida, F.S.B.
$.01 par common
Home Federal Savings and Loan Association of the Rockies
$1.00 par common
Home Owners Federal Savings & Loan Association (Massachusetts)
$.01 par common
I.I.S. Intelligent Information Systems Limited
$1.00 par ordinary shares
Invacare Corporation
No par common
Investors Savings and Loan Association (Virginia)
$1.25 par common
Jefferson Smurfit Corporation
$1.00 par common
Lam Research Corporation
No par common
Leiner, P. Nutritional Products Corporation
No par common
Liberty Federal Savings and Loan Association (Georgia)
$1.00 par common
London House, Inc.
$.10 par common
MMI Medical, Inc.
$.01 par common
Magna Group, Inc.
$2.00 par common
Mays, J.W., Inc.
$1.00 par common
McFadden Ventures, Inc.
$.10 par common
Medical Sterilization, Inc.
$.01 par common
Medicine Shoppe International, Inc.
$.01 par common
Merchant Bank of California, The
No par common
Meridian Bancorp, Inc.
$2.50 par cumulative convertible preferred
Napco International Inc.
$1.00 par common
National City Corporation
Series A, no par convertible preferred
National Hardgoods Distributors, Inc.
$.10 par common
National Penn Bancshares, Inc.
$5.00 par common
National Properties Corporation
$1.00 par common
Nico, Inc.
$.01 par common
Nodaway Valley Co.
$2.00 par common
Northwest Teleproductions, Inc.
$.01 par common
Norwesco, Inc.
$.10 par common
Novo Corporation
$.10 par common
Nutri-Foods Int'l., Inc.
$.01 par common
Old Kent Financial Corporation
Series A, 14% convertible preferred
Parlex Corporation
$.10 par common
Patient Medical Systems Corporation
$.001 par common
Pawling Savings Bank (New York)
$1.00 par common
Peoples Bancorporation (North Carolina)
No par common
Perpetual American Bank, F.S.B. (Virginia)
$.01 par common
Pharmakinetics Laboratories, Inc.
$.001 par common Warrants (expire 10-28-87)
Princeville Development Corporation
$.20 par common
Resource Exploration, Inc.
$.01 par common
Rockwood Holding Company
$1.00 par common
Rose's Stores, Inc.
No par common
Savers Federal Savings & Loan Association (Arkansas)
$.01 par common
Science Dynamics Corporation
$.01 par common
Scientific Micro Systems, Inc.
No par common
Seal Incorporated
$.10 par common
Selecterm, Inc.
$.05 par common
Shatterproof Glass Corporation
$.50 par common
Sierra Spring Water Company
$.01 par common
Staar Surgical Company
No par common
Stuarts Department Stores, Inc.
$.01 par common
Suburban Airlines, Inc.
$1.00 par common
Sudbury Holdings, Inc.

$.01 par common
Suffield Savings Bank (Connecticut)
$1.00 par common
Summit Bancorporation, The
Series A, $2.20 cumulative convertible preferred
Super Rite Foods, Inc.
$.05 par common
TLS, Co.
No par common
Technical Communications Corporation
$.10 par common
Technical Equities Corporation
$1.00 par capital
This Can't Be Yogurt, Inc.
$.10 par common
Thor Industries, Inc.
$.10 par common
Trans-Industries, Inc.
$.10 par common
Transtector Systems, Inc.
No par common
Triboro Communications, Inc.
$.01 par common
U.S. Medical Enterprises, Inc.
$.10 par common
Valley Forge Corporation
$.50 par common
View-Master International Group, Inc.
$.01 par common
Volvo, A.B.
American Depository Receipts for B shares
Vortec Corporation
No par common
Wedgestone Realty Investors Trust
$1.00 par shares of beneficial interest
Weisfield's, Inc.
$2.00 par capital
Wespac Investors Trust II
No par shares of beneficial interest
Williams, W.W., Company
$1.00 par common
Williams Industries, Inc.
$.10 par common
York Federal Savings and Loan Association (Pennsylvania)
$1.00 par common
Zycad Corporation
$.10 par common

Deletions From List

Stocks Removed for Failing Continued Listing Requirements

Amarco Resources Corporation
$.01 par common
Amber Resources Company
$.003125 par common
Antares Oil Corporation
$.01 par common
Aracca Petroleum Corporation
$.01 par common
Arapaho Petroleum, Inc.
No par common
Barringer Resources, Inc.
$.01 par common
Bogert Oil Company
$.01 par common
CPAC, Inc.
$.01 par common
Calvin Exploration, Inc.
$.01 par common
Cambex Corporation
$.10 par common
Cibola Energy Corporation
$.01 par common
Cimarron Corporation
$.10 par common
Context Industries Inc.
$.10 par common
Crested Butte Silver Mining
$.001 par common
Dash Industries, Inc.
$.00066 par common
David Minerals Ltd.
No par common
Discovery Oil, Ltd.
No par common
Emons Industries, Inc.
$.01 par common
$1.1875 par cumulative convertible preferred
Endo-Lase, Inc.
Class A, warrants (expire 01-17-87)
HLH Petroleum Corporation
$.03 par common
Henderson Petroleum Corporation
$.01 par common
Ike Lovelady, Inc.
$1.00 par common
Intelligent Communications Networks, Inc.
Warrants (expire 10-31-84)
International Totalizator Systems, Inc.
Warrants (expire 11-17-84)
Kenai Corporation
Warrants (expire 07-15-85)
MGF Oil Corporation
$1.00 par common
Marion Corporation
$1.00 par common
Mid-America Petroleum, Inc.
$.02 par common
Midland Southwest Corporation
$1.00 par common
Midnite Mines Inc.
$.10 par common
Mizel Petro Resources, Inc.
$.01 par common
Moxa Energy Corporation
$.10 par common
Moxie Industries, Inc.
$1.00 par common
ND Resources, Inc.
$.10 par common
National Data Communications, Inc.
$.50 par common
North East Insurance Co.
$1.00 par common
Pacer Technology & Resources, Inc.
$.01 par common
Paraho Development Corporation
$.01 par common
Partners Oil Company
$.01 par common
Patton Oil Company
$.10 par common
Penn Pacific Corporation
$.50 par common
Reliable Investors Corporation
$.25 par common
Republic Resources Corporation
$.01 par common
Scott Instruments Corporation
$.01 par common
Seal Fleet, Inc.
Class A, $.10 par common
Seneca Oil Company
$.50 par common
Siboney Corporation
$.10 par common
Sonoma Vineyards
$.25 par common
Summit Oilfield Corporation
$.01 par common
United American Energy, Inc.
No par common
Universal Fuels Company
$.01 par common
Vacation Spa Resorts Inc.
$.10 par common
Western Natural Gas Company
$.10 par common
Westworld, Inc.
$1.00 par common

Stocks Removed for Listing on a National Securities Exchange or Being Involved in an Acquisition

AGS Computers, Inc.
$.10 par common
Aircal, Inc.
No par common
Bancohio Corporation
$6.66-2/3 par common
Bassett-Walker, Inc.
$1.00 par common
Biochem International, Inc.
$.02 par common
Bluewater Oil & Gas Limited
No par capital
Burlington Coat Factory
$1.00 par common
CFS Continental, Inc.
No par common
CGA Computer, Inc.
$.10 par common
Care Enterprises
No par common
Chem-Tronics, Inc.
No par common
Clayton Homes, Inc.
$.10 par common
Digital Datacom, Inc.
$.10 par common
Energy Reserves Group, Inc.
$.03-1/3 par common
First Bankshares Corporation of South Carolina
$5.00 par common
First Federal Savings & Loan Association of Arizona
$.01 par common
First Matagorda Corporation
$1.00 par common

Fries Entertainment, Inc.
$.01 par common
General Microwave Corporation
$.01 par common
Gibson-Homans Company, The
No par common
HGIC Corporation
$1.00 par common
Health Care and Retirement Corporation of America
$.10 par common
Higbee Company, The
$1.00 par common
ISSC Industrial Solid State Controls, Inc.
$1.00 par common
Intermountain Gas Industries, Inc.
$1.00 par common
Johnstown American Companies
$1.00 par shares of beneficial interest
Landmark Bancshares Corporation
No par common
McQuay Inc.
$1.00 par common
Medford Corporation
$1.00 par common
Mid-State Bancorp, Inc.
$2.00 par common
Monchik-Weber Corporation, The
$.10 par common
NFA Corp
$.10 par common
Norlin Corporation
$5.00 par common
Patient Technology, Inc.
$.025 par common
Quality Care, Inc.
$.01 par common
River Oaks Industries
$.01 par common
Security Life Insurance Company of Georgia
$1.00 par common
Synergex Corporation
No par common
Texas Federal Financial Corporation
$.01 par common
Towermarc
$1.00 par shares of beneficial interest

By order of the Board of Governors of the Federal Reserve System acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(18)).

William W. Wiles,
Secretary of the Board.

[FR Doc. 85-2504 Filed 1-28-85; 4:08 pm.]

BILLING CODE 6210-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 304

Reporting Requirements on Deposits Placed by Deposit Brokers and Depository Institutions

Correction:

In FR Doc. 84-32585 beginning on page 48906 in the issue of Monday, December 17, 1984, make the following correction:

§ 304.4 [Corrected]

On page 48909, first column, in § 304.4(a)(2), the eleventh line should read "total deposits, and total capital and reserves".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-NM-123-AD; Amdt. 39-4993]

Airworthiness Directives; British Aerospace Model DH/HS/BH 125 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This document amends an existing airworthiness directive (AD) applicable to British Aerospace Model DH/HS/BH 125 Airplanes which requires replacement of fuses and installation of covers on an electrical panel. This action is necessary to correct one of the references to a service bulletin number contained in the AD.

EFFECTIVE DATE: February 11, 1985.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Inc., Librarian, Box 12414, Dulles International Airport, Washington, D.C. 20041, or may be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch; telephone (206) 431-2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: After notice and public procedure, the FAA issued Amendment 39-4932 (49 FR 39997; October 12, 1984), AD 84-21-01, requiring replacement of fuses and installation of covers on an electrical panel on British Aerospace Model DH/HS/BH 125 airplanes. In both the NPRM and the preamble to the final rule, British Aerospace 125 Aircraft Service Bulletin 24-220-(2749) is correctly referenced; however, in paragraph B.2. of the rule, due to a typographical error, the service bulletin number is incorrectly stated as 24-220-(2729). This amendment corrects that error.

The FAA has determined that this document involves an amendment that only corrects a typographical error and does not impose any additional regulatory or economic burden on any person; notice and public procedure hereon are, therefore, unnecessary, and good cause having been shown therefor, the amendment may become effective in less than 30 days.

For the reasons given earlier, this amendment is not major under Executive Order 12291 (46 FR 13193; February 19, 1981) and not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. For these reasons and because few, if any, British Aerospace DH/HS/BH 125 airplanes are operated by small entities, I certify that it 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 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as amended by AD 84-21-01, Amendment 39-4932 (49 FR 39997; October 12, 1984), is amended as follows:

§ 39.13 [Amended]

In paragraph B.2., change "24-220-(2729)" to read "24-220-(2749)."

This amendment becomes effective February 11, 1985.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89))

Issued in Seattle, Washington, on January 21, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-2439 Filed 1-30-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 95

[Docket No. 24448; Amdt. No. 322]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: February 14, 1985.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFO-230), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next schedule charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 95

Aircraft, Airspace.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 GMT February 14, 1985.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(3)

Note.—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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a subtantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on January 23, 1985.

John S. Kern,

Acting Director of Flight Operations.

BILLING CODE 4910-13-M

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES & CHANGEOVER POINTS

AMENDMENT 322 EFFECTIVE DATE, FEBRUARY 14, 1985

FROM	TO	MEA
§95.1001 DIRECT ROUTES-U.S.		
IS ADDED TO READ		
ELWOOD CITY, PA VORTAC	INT EWC VORTAC 050 AND BFD VORTAC 246	4000
INT EWC VORTAC 050 AND BFD VORTAC 246	BRADFORD, PA VORTAC	4000
§95.1001 DIRECT ROUTES-U.S.		
BAHAMA ROUTES		
SSV	**IS AMENDED BY ADDING**	
NASSAU, BF VOR/DME *1200 - MOCA	COBBL, BF FIX	*8000 MAA-45000
§95.6001 VOR FEDERAL AIRWAY 1		
IS AMENDED TO DELETE		
GRAND STRAND, SC VORTAC VIA E ALTER.	WILMINGTON, NC VORTAC VIA E ALTER.	3000
WILMINGTON, NC VORTAC VIA E ALTER. *3500 - MRA **1600 - MOCA	*GOLLA, NC FIX VIA E ALTER.	**2000
GOLLA, NC FIX VIA E ALTER *1600 - MOCA	KINSTON, NC VORTAC VIA E ALTER.	*2000
§95.6003 VOR FEDERAL AIRWAY 3		
IS AMENDED TO DELETE		
MELBOURNE, FL VOR/DME VIA W ALTER.	KIZER, FL FIX VIA W ALTER.	3000
KIZER, FL FIX VIA W ALTER.	ORMOND BEACH, FL VORTAC VIA W ALTER.	2700
§95.6007 VOR FEDERAL AIRWAY 7		
IS AMENDED TO READ IN PART		
BRAVE, WI FIX *4000 - MRA **2100 - MOCA	*DARIN, WI FIX	**11000
IS AMENDED TO DELETE		
BISCAYNE BAY, FL VORTAC VIA E ALTER.	MIAMI, FL VORTAC VIA E ALTER.	2000
MIAMI, FL VORTAC VIA E ALTER.	GILBI, FL FIX VIA E ALTER.	2000
§95.6007 VOR FEDERAL AIRWAY 7—Continued		
GILBI, FL FIX VIA E ALTER *1500 - MOCA	RUTHY, FL FIX VIA E ALTER.	*3500
RUTHY, FL FIX VIA E ALTER.	FORT MYERS, FL VORTAC VIA E ALTER.	2000
FORT MYERS, FL VORTAC VIA E ALTER.	BRONK, FL FIX VIA E ALTER.	2500
BRONK, FL FIX VIA E ALTER	LAKELAND, FL VORTAC VIA E ALTER.	2000
*CROSS CITY, FL VORTAC VIA W ALTER. *5000 - MCA CROSS CITY VORTAC, W BND **1200 - MOCA	LICKS, FL FIX VIA W ALTER	**5000
LICKS, FL FIX VIA W ALTER. *1300 - MOCA	TERES, FL FIX VIA W ALTER.	*7000
*TERES, FL FIX VIA W ALTER. *7000 - MCA TERES FIX, E BND **1300 - MOCA	CRESS, FL FIX VIA W ALTER.	**3000
CRESS, FL FIX VIA W ALTER.	MARIANNA, FL VORTAC VIA W ALTER.	2000
MARIANNA, FL VORTAC VIA W ALTER. *3000 - MRA	*MALON, FL FIX VIA W ALTER.	2000
MALON, FL FIX VIA W ALTER.	WIREGRASS, AL VORTAC VIA W ALTER.	2000
MONTGOMERY, AL VORTAC VIA E ALTER.	KYLEE, AL FIX VIA E ALTER.	3000
KYLEE, AL FIX VIA E ALTER.	VULCAN, AL VORTAC VIA E ALTER.	3800
VULCAN, AL VORTAC VIA E ALTER. *4000 - MRA **2300 - MOCA	*BOUNT, AL FIX VIA E ALTER.	**3000
BOUNT, AL FIX VIA E ALTER. *7000 - MRA	*FOLSO, AL FIX VIA E ALTER.	3000
FOLSO, AL FIX VIA E ALTER.	MASHA, AL FIX VIA E ALTER.	3000
MASHA, AL FIX VIA E ALTER.	MUSCLE SHOALS, AL VORTAC VIA E ALTER.	2500
VULCAN, AL VORTAC VIA W ALTER. *2100 - MOCA	CHOCK, AL FIX VIA W ALTER.	*2600
CHOCK, AL FIX VIA W ALTER. *2200 - MOCA	MUSCLE SHOALS, AL VORTAC VIA W ALTER.	*2800
§95.6016 VOR FEDERAL AIRWAY 16		
IS AMENDED TO DELETE		
JACKS CREEK, TN VORTAC VIA N ALTER. *2200 - MOCA	VALER, TN FIX VIA N ALTER.	*3000
VALER, TN FIX VIA N ALTER.	NASHVILLE, TN VORTAC VIA N ALTER.	3000
§95.6016 VOR FEDERAL AIRWAY 16—Continued		
NASHVILLE, TN VORTAC VIA N ALTER. *2400 - MOCA	GRILL, TN FIX VIA N ALTER.	*3000
GRILL, TN FIX VIA N ALTER.	HINCH MOUNTAIN, TN VORTAC VIA N ALTER.	5000
HINCH MOUNTAIN, TN VORTAC VIA S ALTER.	SWELL, TN FIX VIA S ALTER.	5000
SWELL, TN FIX VIA S ALTER	KNOXVILLE, TN VORTAC VIA S ALTER.	3000
KNOXVILLE, TN VORTAC VIA S ALTER.	AUBRY, TN FIX VIA S ALTER.	5000
AUBRY, TN FIX VIA S ALTER	*PITTE, TN FIX VIA S ALTER.	6000
PITTE, TN FIX VIA S ALTER	SNOWBIRD, TN VORTAC VIA S ALTER.	7000
SNOWBIRD, TN VORTAC VIA S ALTER.	AFTEN, TN FIX VIA S ALTER.	7000
AFTEN, TN FIX VIA S ALTER.	HOLSTON MOUNTAIN, TN VORTAC VIA S ALTER.	6000
KNOXVILLE, TN VORTAC VIA N ALTER.	TAMPI, TN FIX VIA N ALTER.	3500
TAMPI, TN FIX VIA N ALTER.	YUMMY, VA FIX VIA N ALTER.	4500
YUMMY, VA FIX VIA N ALTER.	GLADE SPRING, VA VORTAC VIA N ALTER.	6000
GLADE SPRING, VA VORTAC VIA N ALTER.	DORFF, VA FIX VIA N ALTER.	6600
DORFF, VA FIX VIA N ALTER.	PULASKI, VA VORTAC VIA N ALTER.	6000
§95.6037 VOR FEDERAL AIRWAY 37		
IS AMENDED TO READ IN PART		
TOLLY, NC FIX	MOPED, NC FIX	2800
§95.6058 VOR FEDERAL AIRWAY 58		
IS AMENDED TO READ IN PART		
ELLAN, NY FIX *3500 - MOCA	KINGSTON, NY VORTAC	*4000
§95.6070 VOR FEDERAL AIRWAY 70		
IS AMENDED BY ADDING		
GRAND STRAND, SC VORTAC	WILMINGTON, NC VORTAC	3000
WILMINGTON, NC VORTAC *3500 - MRA	*GOLLA, NC FIX	3000
GOLLA, NC FIX	KINSTON, NC VORTAC	2000
§95.6091 VOR FEDERAL AIRWAY 91		
IS AMENDED TO READ IN PART		
CALVERTON, NY VORTAC *1800 - MOCA	SEAND, CT FIX	*2300
§95.6128 VOR FEDERAL AIRWAY 128		
IS AMENDED TO READ IN PART		
BOIER, WV FIX *6100 - MOCA	LURAY, VA FIX	*10000
§95.6136 VOR FEDERAL AIRWAY 136		
IS AMENDED BY ADDING		
NASHVILLE, TN VORTAC *2400 - MOCA	GRILL, TN FIX	*3000
GRILL, TN FIX	HINCH MOUNTAIN, TN VORTAC	5000
HINCH MOUNTAIN, TN VORTAC	SWELL, TN FIX	5000
SWELL, TN FIX	KNOXVILLE, TN VORTAC	3000
KNOXVILLE, TN VORTAC	AUBRY, TN FIX	5000
AUBRY, TN FIX *7000 - MCA PITTE FIX, E BND	*PITTE, TN FIX	6000
PITTE, TN FIX	SNOWBIRD, TN VORTAC	7000
SNOWBIRD, TN VORTAC	AFTEN, TN FIX	7000
AFTEN, TN FIX	HOLSTON MOUNTAIN, TN VORTAC	6000
HOLSTON MOUNTAIN, TN VORTAC	DAMAS, VA FIX	6000
DAMAS, VA FIX	SPEEL, VA FIX	7700
SPEEL, VA FIX	MAXME, VA FIX	6000
MAXME, VA FIX	PULASKI, VA VORTAC	5000
§95.6157 VOR FEDERAL AIRWAY 157		
IS AMENDED TO READ IN PART		
TAR RIVER, NC VORTAC	DUFFI, NC FIX	2400
DUFFI, NC FIX	LAWRENCEVILLE, VA VORTAC	3000
§95.6171 VOR FEDERAL AIRWAY 171		
IS AMENDED TO READ IN PART		
ALEXANDRIA, MN VORTAC *3000 - MOCA	STARR, MN FIX	*3500
§95.6209 VOR FEDERAL AIRWAY 209		
IS AMENDED TO READ IN PART		
SEMMES, AL VORTAC	BURIN, AL FIX	2000
§95.6325 VOR FEDERAL AIRWAY 325		
IS AMENDED TO READ IN PART		
ATHENS, GA VORTAC	MOLES, GA FIX	3600

§95.6437 VOR FEDERAL AIRWAY 437

IS AMENDED BY ADDING

FROM	TO	MEA
MELBOURNE, FL VOR/DME	KIZER, FL FIX	3000
KIZER, FL FIX	ORMOND BEACH, FL VORTAC	2700

§95.6466 VOR FEDERAL AIRWAY 466

IS ADDED TO READ

FROM	TO	MEA
KNOXVILLE, TN VORTAC	TAMPI, TN FIX	3500
TAMPI, TN FIX	YUMMY, VA FIX	4500
YUMMY, VA FIX	GLADE SPRING, VA VORTAC	6000
GLADE SPRING, VA VORTAC	DORFF, VA FIX	6600
DORFF, VA FIX	PULASKI, VA VORTAC	6000

§95.6510 VOR FEDERAL AIRWAY 510

IS AMENDED TO READ IN PART

FROM	TO	MEA
FARGO, ND VORTAC *2900 - MOCA	STARR, MN FIX	*3500
STARR, MN FIX *3000 - MOCA	ALEXANDRIA, MN VORTAC	*3500

§95.6515 VOR FEDERAL AIRWAY 515

IS AMENDED TO READ IN PART

FROM	TO	MEA
NASHVILLE, TN VORTAC *2500 - MOCA	BARRY, KY FIX	*4000

§95.6521 VOR FEDERAL AIRWAY 521

IS ADDED TO READ

FROM	TO	MEA
MIAMI, FL VORTAC	GILBI, FL FIX	2000
GILBI, FL FIX *1700 - MOCA	RUTHY, FL FIX	*3500
RUTHY, FL FIX	FORT MYERS, FL VORTAC	2000
FORT MYERS, FL VORTAC	BRONK, FL FIX	2500
BRONK, FL FIX	LAKELAND, FL VORTAC	2000
LAKELAND, FL VORTAC	DADES, FL FIX	1800
DADES, FL FIX *3000 - MRA	*NOMOE, FL FIX	2300
NOMOE, FL FIX *1600 - MOCA	ORATE, FL FIX	*3000
ORATE, FL FIX *1300 - MOCA	CROSS CITY, FL VORTAC	*2000
*CROSS CITY, FL VORTAC *5000 - MCA CROSS CITY VORTAC, W BND **1300 - MOCA	LICKS, FL FIX	**5000
*LICKS, FL FIX *7000 - MCA LICKS FIX, E BND **1300 - MOCA	TERES, FL FIX	**7000
*TERES, FL FIX *7000 - MCA TERES FIX, E BND **1300 - MOCA	CRESS, FL FIX	**3000
CRESS, FL FIX	MARIANNA, FL VORTAC	2000
MARIANNA, FL VORTAC *3000 - MRA	*MALON, FL FIX	2000
MALON, FL FIX	WIREGRASS, AL VORTAC	2000
WIREGRASS, AL VORTAC	SKIPO, AL FIX	2000
SKIPO, AL FIX	MONTGOMERY, AL VORTAC	2400
MONTGOMERY, AL VORTAC	KYLEE, AL FIX	3000
KYLEE, AL FIX	VULCAN, AL VORTAC	3800

§95.7018 JET ROUTE NO. 18

IS AMENDED TO READ IN PART

FROM	TO	MEA	MAA
SAINT JOSEPH, MO VORTAC	BRADFORD, IL VORTAC	18000	45000

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
	V-16		
	IS AMENDED TO DELETE		
KNOXVILLE, TN VORTAC VIA S ALTER.	SNOWBIRD, TN VORTAC VIA S ALTER.	25	KNOXVILLE
	V-136		
	IS AMENDED BY ADDING		
KNOXVILLE, TN VORTAC	SNOWBIRD, TN VORTAC	25	KNOXVILLE
	V-428		
	IS AMENDED BY ADDING		
ITHACA, NY VORTAC	GEORGETOWN, NY VORTAC	25	ITHACA
	V-496		
	IS AMENDED TO DELETE		
LEBANON, NH VOR/DME	KENNEBUNK, ME VORTAC	15	LEBANON

[FR Doc. 85-2441 Filed 1-30-85; 8:45 am]
BILLING CODE 4910-13-C

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 379, 386 and 399

[Docket No. 41159-4159]

Export of Equipment and Software on the Commodity Control List; Revision of Dates in Saving Clause

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule; extension of saving clause.

SUMMARY: This rule extends the saving clause applicable to an earlier rule (49 FR 50608-50632, December 31, 1984) issued by the Office of Export Administration regarding the export of certain computer equipment, software and communication switching equipment. The saving clause permits certain items removed from general license authorization to continue to be shipped under the general license for a specified period of time after the effective date of the rule. The earlier rule removed certain items from export controls and placed others under new controls.

The Office of Export Administration has determined that an extension of the December 31 rule's saving clause is necessary to allow exporters more time to comply administratively with the new export control regulations. Without this extension, exporters have stated they would face extraordinary hardship because they have had insufficient time to adjust their export licensing obligations in an orderly manner. This rule grants an extension of 90 days to give exporters more time to apply for the required individual validated licenses, distribution licenses and distribution license amendments.

This rule does not affect the effective date of the earlier rule, including the removal of controls on those items identified in the rule; the effective date of that rule remains January 1, 1985.

When new controls issued by OEA change paperwork requirements, OEA allows exporters a grace period, i.e., defers the effective date, for conforming certain documentation to the new requirements. This rule also gives notice that the "grace period" provisions of § 375.7(b) of the Regulations are extended to 90 days (until April 29, 1985) for the new documentation requirements resulting from the rule announced on December 31 *only*.

EFFECTIVE DATE: The changes made by this rule are effective January 29, 1985. However, the effective date of the December 31 rule (49 FR 50608-50632) remains January 1, 1985.

FOR FURTHER INFORMATION CONTACT: Vincent Greenwald, Exporter Assistance Division, Office of Export Administration, Telephone: (202) 377-3856. For questions of a technical nature regarding the export of computer equipment, contact Randy Williams, Scientific and Electronic Equipment Division, Office of Export Administration, Telephone: (202) 377-3109; for questions regarding software, contact Raj Dheer, (202) 377-2290.

1. Accordingly, the Saving Clause appearing on page 50609 of the December 31, 1984, **Federal Register** is revised to read as follows:

Saving Clause

Shipments of items removed from general license authorizations as a result of this regulation may be exported under the previous general license provisions up to and including April 29, 1985. Any such items not actually exported before midnight April 29, 1985 require a validated export license.

Dated: January 29, 1985.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 85-2669 Filed 1-29-85; 2:33 pm]

BILLING CODE 3510-DT-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM80-53]

Natural Gas Policy Act; Maximum Lawful Prices

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order of the Director, OPPR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 357.307(1), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of February, March and April, 1985. Section 101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: February 1, 1985.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Director, OPPR, (202) 357-8500.

SUPPLEMENTARY INFORMATION:

Issued: January 25, 1985.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in Title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(1) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of February, March and April, 1985 are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103(b)(1)(2), 105(b)(3), 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to February 1985 are found in the tables in §§ 271.101 and 271.102.

List of Subjects in 18 CFR Part 271

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

§ 271.101 [Amended]

1. Section 271.101(a) is amended by inserting the maximum lawful prices for February, March and April, 1985 in Tables I and II and inserting footnote numbers one and three in the text of Table I.

§ 271.102 [Amended]

2. Section 271.102(c) is amended by inserting the inflation adjustment for the months of February, March and April, 1985 in Table III.

TABLE I.—NATURAL GAS CEILING PRICES (OTHER THAN NGPA SECTIONS 104 AND 106(a))

Subpart of part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in—		
			Feb. 1985	Mar. 1985	Apr. 1985
B	102	New natural gas, certain OCS gas [4]	$3.830	$3.911	$3.932
C	103(b)(1)	New onshore production wells [5]	2.966	2.972	2.978
	103(b)(2)	New onshore production wells [5]	3.428	3.442	3.455
E	105(b)(3)	Existing intrastate contracts	3.887	3.905	3.923
F	106(b)(1)(B)	Alternative maximum lawful price for certain intrastate rollover gas [1]	1.695	1.699	1.703
G	107(c)(5)	Gas produced from tight formations [2]	5.932	5.944	5.956
H	108	Stripper gas	4.166	4.188	4.210
I	109	Not otherwise covered	2.457	2.462	2.467

[1] Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this Table. This alternative Maximum Lawful Price for each month appears in this row of Table I. Commencing January 1, 1985, the price of some intrastate rollover gas is deregulated. (See Part 272 of the Commission's regulations.)

[2] The maximum lawful price for tight formation gas is the lesser of the negotiated contract price or 200% of the price specified in Subpart C of Part 271. The maximum lawful price for tight formation gas applies on or after July 16, 1979. (See § 271.703 and § 271.704.)

[4] Commencing January 1, 1985, the price of natural gas finally determined to be new natural gas under section 102(c) is deregulated. (See Part 272 of the Commission's regulations.)

[5] Commencing January 1, 1985, the price of some natural gas finally determined to be natural gas produced from a new, onshore production well under section 103 is deregulated. (See Part 272 of the Commission's regulations.)

TABLE II.—NATURAL GAS CEILING PRICES: NGPA SECTIONS 104 AND 106(a) (Subpart D, Part 271)

Category of natural gas	Type of sale or contract	Maximum lawful price per MMBtu for deliveries made in—		
		Feb. 1985	Mar. 1985	Apr. 1985
Post-1974 gas	All producers	$2.457	$2.462	$2.467
1973-74 biennium gas	Small producer	2.079	2.083	2.087
	Large producer	1.585	1.588	1.591
Interstate rollover gas	All producers	.912	.914	.916
Replacement contract gas or recompletion gas	Small producer	1.167	1.169	1.172
	Large producer	.893	.895	.897
Flowing gas	Small producer	.591	.592	.593
	Large producer	.500	.501	.502
Certain Permian Basin gas	Small producer	.695	.696	.697
	Large producer	.614	.615	.616
Certain Rocky Mountain gas	Small producer	.695	.696	.697
	Large producer	.591	.592	.593
Certain Appalachian Basin gas	North subarea contracts dated after 10-7-69	.560	.561	.562
	Other contracts	.518	.519	.520
Minimum rate gas [1]	All producers	.305	.306	.307

[1] Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.

TABLE III.—INFLATION ADJUSTMENT

Month of delivery 1985	Factor by which price in preceding month is multiplied
February	1.00214
March	1.00214
April	1.00214

[FR Doc. 85-2350 Filed 1-30-85; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 85-21]

Change in the Customs Service Field Organization; San Diego, CA

AGENCY: Customs Service, Treasury.

ACTION: Interim regulations.

SUMMARY: This document amends the Customs Regulations to change the Customs Service field organization by extending and redefining the geographical limits of the port of entry of San Diego, California. The change, which extends the existing port limits to include the new Customs station at Otay Mesa, California, also allows Customs to maintain control of the San Diego port limits since they are currently identified with the city limits of San Diego, National City, and Chula Vista, California.

DATES: Effective January 24, 1985.

Comments: The amendment is being published as an interim regulation, effective on January 24, 1985. However, written comments received on or before April 1, 1985 will be considered in determining whether any changes concerning the proposed port limits are required before a permanent rule is published.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Denise Crawford, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8157).

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, Customs is amending § 101.3, Customs Regulations (19 CFR 101.3), by extending and redefining the geographical limits of the port of entry of San Diego, California.

T.D. 54741, published in the Federal Register on December 9, 1958 (23 FR 9508), extended the limits of the port of San Ysidro, California. This extension was the result of an ordinance, adopted by the City Council of San Diego, pursuant to the Annexation Act of 1913 of the State of California, to extend the corporate limits of San Diego by annexing certain additional territory, including the territory within the boundaries of the port of San Ysidro.

California. Since the boundaries of a Customs port of entry have been held to coincide with the territory within the corporate limits of the city or town designated as a Customs port, the port of San Ysidro thus fell within the San Diego port limits.

By T.D. 66-229, published in the Federal Register on October 25, 1966 (31 FR 13721), the port limits of San Diego were further expanded to include the cities of Chula Vista and National City, California, in order to provide for the increasing need for Customs services in this area.

The change set forth in this document extends the existing San Diego port limits to include the new Customs station on the U.S.-Mexico border at Otay Mesa, California. In addition, specific boundary lines are proposed demarcating the port limits of San Diego. These limits are no longer associated with the corporate limits of the cities of San Diego, National City, and Chula Vista, California.

Change in the Customs Service Field Organization

Under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101-5 (47 FR 2449), the existing geographical limits of the port of entry of San Diego, California, are extended to include the new Customs station at Otay Mesa, California. Accordingly, the following territory is included within the extension of the port of San Diego:

Beginning at the U.S.-Mexico international boundary at the Pacific Ocean; then north along the Pacific Ocean coastline to Zunia Point (on the southwest corner of the U.S. Naval Air Station at North Island, California); then across the entrance of San Diego Bay to Ballast Point (on the western side of Point Loma); then south on Point Loma to its southern tip; then north along the Pacific Ocean coastline to Township line T13S/T14S; then east along T13S/T14S to where it intersects San Diego County Highway S6; then east and then north along San Diego County Highway S6 to Via Rancho Parkway; then generally in an easterly direction along Via Rancho Parkway to where it meets Bear Valley Parkway; then north on Bear Valley Parkway to San Pasqual Valley Road; then east on San Pasqual Valley Road to Rangeline 1W/2W; then north on Rangeline 1W/2W to where it intersects Township line 13S; then east along Township line 13S to Rangeline 1E/2E; then south along Rangeline 1E/2E to where it intersects with State Highway 67; then south on State Highway 67 to where it intersects the San Bernardino Meridian; then south on the San Bernardino Meridian to the U.S.-Mexico international boundary; then west on the U.S.-Mexico international boundary to where it meets the Pacific Ocean.

Note: All Rangelines and the Meridian are based on the San Bernardino Baseline and Meridian.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, imports, organization.

Amendment to the Regulations

PART 101—GENERAL PROVISIONS

§ 101.3 [Amended]

To reflect this change, the list of Customs regions, districts, and ports of entry in § 101.3, Customs Regulations (19 CFR 101.3), is amended by removing "(T.D. 54741), including the territory described in T.D. 66-229." Under the column headed "Ports of entry" after "San Diego" and inserting in its place "(T.D. 85- 21)", in the San Diego, California, Customs district in the Pacific Region.

Comments

Before adopting the regulation as a permanent rule, consideration will be given to any written comments timely submitted to Customs concerning the proposed port limits. However, public comments will not affect this administrative action to list Otay Mesa as a new Customs station under the Port of San Diego. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552) and § 1.6, Treasury Department Regulations (31 CFR 1.6), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations Control Branch, Customs Headquarters, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Inapplicability of Notice and Delayed Effective Date Requirements

The new Customs station at Otay Mesa, California, scheduled to be opened on January 24, 1985, culminated many years of cooperative effort between the U.S. and Mexican governments. This amendment relates to the Customs field organization and will have no adverse impact on the public. Customs services to the public will expand as a result of the change. For these reasons it has been determined that, pursuant to 5 U.S.C. 553(b)(A), notice is not required. For the same reasons, Customs has determined that good cause exists for dispensing with a delayed effective date pursuant to 5 U.S.C. 553(d)(3).

Executive Order 12291

Because this interim regulation relates to the organization of the Customs Service, pursuant to section 1(a)(3) of E.O. 12291, it is not subject to that Executive Order.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this interim regulation. Customs routinely establishes, expands, and consolidates Customs ports of entry throughout the U.S. to accommodate the volume of Customs-related activity in various parts of the country. Although this change may have a limited effect upon some small entities in the San Diego area, it is not expected to be significant because the extension of the limits of Customs ports of entry in other locations has not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Regulatory Flexibility Act. Accordingly, it is certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the amendment will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Glen E. Vereb, Regulations Control Branch, Office of Regulations and Rulings, Customs Headquarters. However, personnel from other Customs offices participated in its development.

Alfred R. De Angelus,
Acting Commissioner of Customs.

Approved: December 21, 1984.

John M. Walker, Jr.,
Assistant Secretary of the Treasury.

[FR Doc. 85-2505 Filed 1-30-85; 8:45 am]
BILLING CODE 4820-02-M

PEACE CORPS

22 CFR Part 308

Compliance With Privacy Act of 1974

Correction

In FR Doc. 85-1609 beginning on page 1844 in the issue of Monday, January 14,

1985, in the first column on page 1844, the Effective Date now reading "January 29, 1985" should read "February 13, 1985."

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division

Office of the Secretary

29 CFR Part 1

Procedures for Predetermination of Wage Rates

AGENCY: Employment Standards Administration, Wage and Hour Division, Labor.

ACTION: Implementation of final rule.

SUMMARY: This document provides for the implementation of revised final Regulations, 29 CFR Part 1, which set forth the procedures for the predetermination of prevailing wage rates under the Davis-Bacon and Related Acts. These final regulations incorporate certain previously enjoined revisions which were upheld by the U.S. Court of Appeals for the District of Columbia Circuit. They may now be implemented since the injunction on these regulations has been lifted by the U.S. District Court for the District of Columbia.

EFFECTIVE DATE: January 31, 1985. See Supplementary Information below for dates of applicability.

FOR FURTHER INFORMATION CONTACT: William M. Otter, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone: 202-523-8305.

SUPPLEMENTARY INFORMATION: On April 29, 1983, a final rule was published in the **Federal Register** (48 FR 19532) which implemented those provisions of the final rule published in the **Federal Register** on May 28, 1982 (47 FR 23644) to the extent permitted by the terms of a permanent injunction issued by the U.S. District Court for the District of Columbia on December 23, 1982 (*Building and Construction Trades Department, AFL-CIO, et al.*, v. *Raymond J. Donovan, et al.*, 553 F. Supp. 352). The district court's decision, which was modified by its order of January 17, 1983, enjoined § 1.3(d) (exclusion of Davis-Bacon construction in wage determinations, § 1.7(b) (exclusion of metropolitan data in wage determinations for rural areas) and § 1.7(d) (helpers) of these regulations, as well as certain revisions to 29 CFR Part 3 and Part 5. The Department appealed this injunction and by separate notice in the **Federal Register** of April 29, 1983 (48 FR 19368) deferred the enjoined provisions until further notice pending the outcome of the appeal.

On July 5, 1983, the U.S. Court of Appeals for the District of Columbia Circuit issued a decision largely upholding the Secretary's authority to implement the enjoined provisions. *Building and Construction Trades' Department AFL-CIO, et al.* v. *Raymond J. Donovan, Secretary of Labor, et al.*, 712 F. 2d 611. On October 26, 1983, the AFL-CIO filed a petition for a writ of certiorari in the U.S. Supreme Court for review of the appeals court decision. On January 16, 1984, the U.S. Supreme Court denied the petition, —— U.S. ——, 104 S. Ct. 975. On December 21, 1984, the U.S. District Court for the District of Columbia issued an order which, *inter alia*, lifts the injunction on §§ 1.3(d) and 1.7(b) of the regulations. The injunction remains in effect with regard to section 1.7(d) (helpers) and certain provisions in 29 CFR Parts 3 and 5.

The following is a description of the previously enjoined provisions which are now being adopted.

Section 1.3(d) Consideration of Davis-Bacon Rates in Wage Surveys.

This subsection provides that wages paid on projects subject to the Davis-Bacon Act will not be considered in developing wage determinations for "building" and "residential" construction projects unless the Department finds that there is not sufficient data from privately financed projects of a character similar to determine prevailing wages.

Section 1.7(b) Scope of Consideration.

This subsection is revised to prohibit the use of wage data from projects in metropolitan areas in making wage determinations in rural areas, and vice versa.

This document being published today is not a major rule since it is simply a republication and implementation of provisions previously published on which the court has lifted its injunction. A full Final Regulatory Impact and Regulatory Flexibility Analysis was prepared in connection with the May 28, 1982 publication of these regulations and a summary was published therein (47 FR 23648).

As stated above, this document is only a republication and implementation of regulations previously published for notice and comment. Accordingly, additional notice and comment is impracticable, unnecessary and contrary to the public interest. This finding is made pursuant to 5 U.S.C. 553(b)(3)(B). In addition, since these regulations were previously published in the **Federal Register**, a further delay in the effective date is not required by 5 U.S.C. 553(d) for these provisions.

Dates of Applicability

The provisions of these regulations shall be applicable only as to wage surveys completed on or after January 31, 1985.

This document was prepared under the direction and control of William M. Otter, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

List of Subjects in 29 CFR Part 1

Administrative practice and procedures, Government contracts, Labor, Minimum wages, Wages.

Accordingly, amendments to sections 1.3 and 1.7 of 29 CFR Part 1 as issued on May 28, 1982 are herein implemented as set forth below.

Signed at Washington, D.C., on this 29th day of January 1985.

Ford B. Ford,

Under Secretary of Labor.

Susan R. Meisinger,

Deputy Under Secretary for Employment Standards.

William M. Otter,

Administrator, Wage and Hour Division.

PART 1—PROCEDURES FOR PREDETERMINATION OF WAGE RATES

29 CFR Part 1 is amended as follows:

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

Authority: 5 U.S.C. 301; R.S. 161, 64 Stat. 1267; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 29 U.S.C. 259; 40 U.S.C. 276a-276a-7; 40 U.S.C. 276c; and the laws listed in Appendix A of this Part.

2. Section 1.3 is amended by adding a new paragraph (d) to read as follows:

§ 1.3 Obtaining and compiling wage rate information.

* * * * *

(d) In compiling wage rate data for building and residential wage determinations, the Administrator will not use data from Federal or federally assisted projects subject to Davis-Bacon prevailing wage requirements unless it is determined that there is insufficient wage data to determine the prevailing wages in the absence of such data. Data

from Federal or federally assisted projects will be used in compiling wage rate data for heavy and highway wage determinations.

3. In § 1.7 paragraph (b) is revised to read as follows:

§ 1.7 Scope of consideration.

* * * * *

(b) If there has not been sufficient similar construction within the area in the past year to make a wage determination, wages paid on similar construction in surrounding counties may be considered, *provided* that projects in metropolitan counties may not be used as a source of data for a wage determination in a rural county, and projects in rural counties may not be used as a source of data for a wage determination for a metropolitan county.

* * * * *

[FR Doc. 85-2713 Filed 1-30-85; 8:45 am]

BILLING CODE 4510-27-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 931

Approval of Permanent Program Amendment to the New Mexico Program

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

ACTION: Final rule.

SUMMARY: OSM is announcing the approval of an amendment to the New Mexico permanent regulatory program (hereinafter referred to as the New Mexico program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment establishes regulations concerning suspension of rules and regulations, conformance of a permit to amended rules, and backfilling and grading requirements.

After providing opportunity for public comment and conducting a thorough review of the program amendment in accordance with 30 CFR 732.17, the Director has decided that the amendments meet the requirements of SMCRA and the Federal regulations. The Federal rules at 30 CFR Part 931 which codify decisions concerning the New Mexico program are being amended to implement this action.

The final rule is being made effective immediately in order to expedite the State program amendment process and to encourage States to conform their programs to the Federal standards without undue delay; consistency of the State and Federal standards is required by SMCRA.

EFFECTIVE DATE: January 31, 1985.

FOR FURTHER INFORMATION CONTACT: Robert Hagen, Field Office Director, Office of Surface Mining, 219 Central Avenue NW., Albuquerque, New Mexico 81702; Telephone: (505) 766-1486.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary approved the New Mexico program on December 31, 1980, conditioned on the correction of twelve deficiencies. Information pertinent to the general background, revisions, modifications, and amendments to the permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval can be found in the December 31, 1980 **Federal Register** (45 FR 86459-86490).

II. Submission of Program Amendments

By letters dated June 20 and July 18, 1984, New Mexico submitted proposed program amendments to modify its regulations for suspension of rules and regulations, conformance of a permit to amended rules and backfilling and grading requirements.

In the November 9, 1984 **Federal Register** (49 FR 44769), OSM announced receipt of the proposed amendment, opened a public comment period and set a tentative public hearing date of December 4, 1984. Since no requests were made, the scheduled public hearing was not held. The public comment period ended December 10, 1984.

III. Director's Findings

General Findings

In accordance with SMCRA and 30 CFR 732.15 and 732.17, the Director finds that the amendments to Coal Surface Mining Commission (CSMC) Rule 80-1, Sections 1-11, 11-30, and 20-103, as submitted by New Mexico on June 20 and July 18, 1984, meet the requirements of SMCRA and the Federal regulations, as discussed below.

1. New Mexico has amended its rule at 80-1-1-11 to repeal section 1-11 as adopted May 15, 1980, which provided that where any of the Office of Surface Mining rules and regulations were determined invalid, suspended, withdrawn or remanded, the parallel State provisions would be suspended. The commission was authorized pursuant to Section 69-25A-5 of the New Mexico Surface Mining Act (NMSA), to reinstate the suspended rules or regulations or adopt replacement rules.

The new section 1-11 repeals the May 15, 1980 section 1-11, but provides that the repeal will not affect the authority of any person to engage in or carry out any surface coal mining operation if he has been issued a permit pursuant to the NMSA or under Laws 1972, chapter 68, the permit has not expired, and he is in compliance with the provisions of the NMSA and New Mexico regulations.

There is no parallel Federal provision for suspension of rules and regulations, and the Director finds that the New Mexico provision is in accordance with SMCRA and consistent with its implementing regulations.

2. New Mexico's Section 11-30 requires the Director, in approving permit applications, to include a finding that the permittee has expressly undertaken to comply with various performance standards and design criteria of New Mexico's regulations. In the event of any amendments to New Mexico's regulations, the permittee is entitled to apply for and receive a review of any related permit provision for the purpose of conforming the permit to the amended State regulation or to make other appropriate permit amendments. The Director finds that although there is no parallel Federal provision, the proposed addition of section 11-30 to the New Mexico regulations would not conflict with the Federal rules and is therefore no less effective than the Federal rules.

3. New Mexico has amended its rule at 20-103 concerning backfilling and grading. New Mexico is revising its requirements for backfilling and grading to delete the current requirements in Section 20-103(a)(1), (2) and (3) concerning a four-foot cover of non-toxic and non-combustible material, treatment, and provision for protection against upward migration of salts or other conditions. New Mexico has added a new paragraph (a) to require that exposed coal seams, toxic-forming materials and combustible materials be adequately covered or treated to control the impact on surface and ground water and to minimize adverse effects on plant growth and the approved postmining land use. The new paragraph (a) is similar to and no less effective than 30 CFR 816.102(f) and 817.102(f). New Mexico has retained the language of paragraph (a)(4) and redesignated it (a)(2). Paragraph (b), which concerned stabilization of backfilled materials, is deleted. The Director finds that these changes, when considered with the

other New Mexico provisions relating to backfilling and grading, are no less effective than the Federal provisions at 30 CFR 816.102 and 817.102 for backfilling and grading.

IV. Public Comments

Of the Federal agencies invited to comment on the proposed amendments, responses were received from the Environmental Protection Agency, the Fish and Wildlife Service and the Soil Conservation Service. None provided any substantive comments, nor were any other public comments received.

The disclosure of Federal agency comments is made pursuant to Section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i).

V. Director's Decision

Based on the above findings, the Director is approving the New Mexico program amendments concerning suspension of rules and regulations, conformance of a permit to amended rules, and backfilling and grading requirements submitted on June 20 and July 18, 1984.

VI. Procedural Requirements

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 OSM 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, this action is exempt from preparation of a Regulatory Impact Analysis and 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 931

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

Dated: January 25, 1985.

John D. Ward,

Director, Office of Surface Mining.

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

PART 931—NEW MEXICO

Part 931 of Title 30 is amended by adding a new paragraph (e) at 30 CFR 931.15 as follows:

§ 931.15 Approval of amendments to State regulatory program.

* * * * *

(e) The following amendments are approved effective January 31, 1985: New Mexico Coal Surface Mining Commission rules 80-1-1-11, 80-1-11-30 and 80-1-20-103, as submitted on June 20 and July 18, 1984.

[FR Doc. 85-2456 Filed 1-30-85; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Miami, Florida Regulation CCGD7-85-07]

Safety Zone Regulation; Florida

AGENCY: Coast Guard, DOT.

ACTION: Emergency Rule. Safety zone regulations; Atlantic Ocean, one mile south of Lake Worth Inlet, Florida. Approximate position 26-47.1N, 080-02W.

SUMMARY: The Coast Guard has established a safety zone around two anchor buoy's in position, latitude 26-47.1N, longitude 080-02W, Atlantic Ocean, approximately one mile south of Lake Worth Inlet, Florida. The zone is needed to protect divers, swimmers, pleasure boaters, salvage personnel, and salvage vessels working in the vicinity of the grounded M/V MERCEDES I.

EFFECTIVE DATES: This regulation becomes effective at 11:59 p.m. EST 16 January 1985. It terminates on 1 February 1985 at 12:00 p.m. EST, or upon completion of salvage operations aboard the M/V MERCEDES I.

FOR FURTHER INFORMATION CONTACT: Chief Petty Officer J.P. Burk, c/o Commanding Officer, U.S. Coast Guard, Marine Safety Office, Miami, FL 33130, Tel (305) 350-5691.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent potential hazards to pleasure boaters, divers, swimmers, M/V MERCEDES I, salvage vessels and crew.

Drafting Information

The drafter of this regulation is Chief Petty Officer J.P. Burk, project officer for the Captain of the Port, and LCDR K. E. Gray, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Regulation

The circumstances requiring this regulation occurred on 22 November 1984 when the M/V MERCEDES I, a cargo vessel of 196 feet in length, ran aground in position Latitude 26-47.1N, Longitude 080-02W. The M/V MERCEDES I is aground on the beach, approximately one mile south of the Lake Worth Inlet, Florida, an area often frequented by pleasure boaters, divers and swimmers. The wide spread publicity of the vessel grounding and associated salvage efforts, has attracted an influx of curious boaters to the grounding location, creating a safety hazard. In order to effectively and safely conduct salvage operations, a safety zone is established prohibiting entry within a 600 yard radius of the anchor buoy's located in the above position, unless authorized by the Captain of the Port, Miami, Florida.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new § 165.T-07-07 to read as follows:

§ 165.T-07-07 Safety Zone: M/V MERCEDES I in position Latitude 26-47.1N, Longitude 080-02W, approximately one mile south of Lake Worth Inlet, Florida.

(a) *Location.* The following area is a Safety Zone: The waters around position Latitude 26-47.1N, Longitude 080-02W, extending for a clear radius of 600 yards in any direction.

(b) *Regulations.* (1) In accordance with the general regulation in § 165.33 of this part, entry into this zone is

prohibited, unless authorized by the Captain of the Port.

(33 U.S.C. 1221 and 1231; 49 CFR 1.46; 33 CFR 165.30)

Dated: January 16, 1985.

R. N. Roussel,

Commander, U.S. Coast Guard, Captain of the Port, Miami, Florida.

[FR Doc. 85-2509 Filed 1-30-85; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

34 CFR Part 74

Administration of Grants

AGENCY: Department of Education.

ACTION: Final regulation.

SUMMARY: The Secretary of Education adopts costs principles for nonprofit organizations. The new cost principles replace the cost principles which were adopted by the Department of Education when it came into existence. The current cost principles are not fully consistent with the Office of Management and Budget's Circular A-122, which establishes government-wide cost principles for nonprofit organizations.

DATE: This regulation will take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of the regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Monika Edwards Harrison, Special Advisor to the Deputy Under Secretary for Management, United States Department of Education, Room 3021, FOB-6, 400 Maryland Avenue, SW., Washington, D.C. 20202 (202) 472-5123.

SUPPLEMENTARY INFORMATION: When the Department of Education came into existence in May of 1980, it adopted the cost principles that the former Department of Health, Education, and Welfare applied to nonprofit organizations. These cost principles are currently in Appendix F to Part 74 of the Department's regulations (34 CFR Part 74 Appendix F).

Shortly after the Department came into existence the Office of Management and Budget (OMB) issued Circular A-122. This circular established government-wide cost principles for Federal agencies to apply to nonprofit organizations. This Department has not revised its cost principles that apply to nonprofit organizations to reflect the OMB circular. This document revokes the cost principles in appendix F to Part 74 and revises Part 74 to incorporate OMB Circular A-122, including the revisions published in the **Federal Register** of April 27, 1984, 49 FR 18260. The incorporation of the Circular in Part 74 has the effect of applying the cost principles to nonprofit entities that are grantees or subgrantees of the Department or cost-type contractors (or subcontractors) under those grants or subgrants.

Waiver of Proposed Rulemaking

It is the practice of the Department to publish proposed regulations for comment in accordance with the General Education Provisions Act (GEPA) § 431 and 5 U.S.C. 553. However, the Department may waive proposed rulemaking, if appropriate under 5 U.S.C. 553, which permits waiver when an agency for good cause finds that notice and public procedure thereon are impracticable, unnecssary, or contrary to the public interest.

OMB has legal authority to issue management circulars based upon Reorganization Plan No. 2 of 1970 and Executive Order 11541, the Budget and Accounting Act of 1921, as amended, the Budget and Accounting Procedures Act of 1950, as amended, and delegated inherent executive authority. OMB issued Circular A-122 under this authority and, as such the circular is binding on Federal agencies.

The initial issuance of OMB Circular A-122 was published in the **Federal Register** on July 8, 1980, 45 FR 46022. Before issuing the circular in final form, OMB had asked for comments on the proposed circular in the **Federal Register** of April 26, 1977 at 42 FR 21392. OMB recently revised the circular to add provisions prohibiting the allowance of certain costs for lobbying. OMB asked for comment on this revision to the circular on January 24, 1983 at 48 FR 3348 and on November 3, 1983 at 48 FR 50860, and published a final revision in the **Federal Register** on April 27, 1984 at 49 FR 18260. Given the considerable comment that OMB has sought and received on this circular, and because the Department does not have discretion to revise these government-wide standards, the Secretary has decided for good cause to waive proposed rulemaking on this adoption of the circular by the Department of Education as unnecessary and contrary to the public interest.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291.

They are classified as non-major because they do not meet the criteria established in the order for major regulations.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. Circular A-122 was prepared by OMB after comment and is designed to standardize and simplify the cost principles applied to nonprofit organizations by Federal agencies. In general, the circular provides that costs incurred by grantees must be necessary, reasonable, and related to the federally-sponsored activity before those costs may be recovered from the Federal Government. The substitution of the A-122 cost principles for the current principles in Appendix F of Part 74 will not impose additional burdens on grantees and may, in fact, reduce auditing and compliance costs for grantees.

List of Subjects in 34 CFR Part 74

Allowable costs, Direct costs, Indirect costs, Reporting and recordkeeping requirements.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

Dated: January 28, 1985.

Gary L. Jones,

Acting Secretary of Education.

The Secretary amends Part 74 of Title 34 of the Code of Federal Regulations as follows:

PART 74—ADMINISTRATION OF GRANTS

1. Section 74.174 is revised to read as follows:

§ 74.174 Other nonprofit organizations.

A nonprofit organization, other than an institution of higher education or a hospital, shall comply with the cost principles stated in OMB Circular A-122, as published in the **Federal Register** of July 8, 1980 at 45 FR 46022 and revised in the **Federal Register** on April 27, 1984 at 49 FR 18260, with corrections published on May 8, 1984 at 49 FR 19588.

(20 U.S.C. 3474)

(Approved by the Office of Management and Budget under control number 1880-0509)

Appendix F—[Removed]

2. Appendix F is removed.

[FR Doc. 85-2478 Filed 1-30-85; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NE 1418; A-7-FRL-2768-3]

Approval and Promulgation of the Nebraska State Implementation Plan for Lead

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking on Nebraska Lead SIP.

SUMMARY: EPA is today taking final action to approve most portions of the Nebraska State Implementation Plan (SIP) for lead which were not previously approved. Certain portions of the Nebraska lead SIP were approved on November 29, 1983 (48 FR 53697). No action was taken at that time on the plan as it pertained to Omaha. Based upon additional submissions by the State, EPA proposed to approve the lead SIP for Omaha, except for the demonstration of attainment and control measures which were proposed to be disapproved (48 FR 57323, December 29, 1983). After the State developed the demonstration of attainment and control measures for the Omaha lead SIP, they were proposed to be approved on June 12, 1984 (49 FR 24149). The proposal indicated that final approval of the control measures was dependent on the State submitting an enforceable schedule for implementing the measures and more concrete descriptions of those measures. The State has submitted an Administrative Order which contains enforceable schedules for implementing the control measures. However, because the engineering designs for some of the control measures have not been completed, detailed descriptions of the measures have not been submitted. The State of Nebraska has committed to submit more detailed descriptions of the control measures for the Omaha lead SIP by April 1, 1985. By this action, EPA approves the Omaha lead SIP except for control measures to be applied at the ASARCO lead refinery. EPA is withholding action on approval of the control measures pending submission of detailed descriptions of the measures on April 1, 1985.

EFFECTIVE DATE: March 4, 1985.

ADDRESSES: Copies of this revision to the Nebraska SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, D.C. Copies of the Nebraska submission and EPA's technical support document are available for review during normal business hours at the following locations:

Environmental Protection Agency, Region VII, Air Branch, 324 East 11th Street, Room 1410, Kansas City, Missouri

Department of Environmental Control, 301 Centennial Mall, Lincoln, Nebraska

Public Information Reference Unit, Environmental Protection Agency (PM-211A), 401 M Street, SW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dewayne E. Durst at (816) 374-3791, FTS 758-3791.

SUPPLEMENTARY INFORMATION:

Background

Background information describing Nebraska's lead SIP submissions and EPA's prior actions on those submissions are contained in the following **Federal Register** notices and need not be repeated here: (1) 48 FR 39084, dated August 29, 1983, proposal to approve Nebraska lead SIP, except for Omaha; (2) 48 FR 53697, dated November 29, 1983, final action to approve Nebraska lead SIP, except for Omaha; (3) 48 FR 57323 dated December 29, 1983, proposal to approve lead SIP for Omaha, except for the demonstration of attainment and control measures which was proposed to be disapproved; and (4) 49 FR 24149 dated June 12, 1984, proposal to approve the demonstration of attainment and control strategy for Omaha.

Proposals to approve/disapprove Omaha lead SIP

The December 29, 1983, notice proposed to approve all items in the Omaha lead SIP, except for the demonstration of attainment and control measures which were proposed to be disapproved. The reason EPA proposed to disapprove these two items was because Nebraska had not developed an acceptable control strategy for Omaha in time for EPA to meet the deadline for publishing a proposed action on the State's submission. The deadline was established in a July 26, 1983 Federal District Court Order adopting a Settlement Agreement and schedule signed by EPA and the Natural Resources Defense Council, Inc. (NRDC) in litigation under the Clean Air Act concerning the completion of lead implementation plans for a number of States, [*NRDC v. Ruckelshaus*, (D.D.C.) No. 82-2137].

Subsequent to publication of the December 29, 1983, proposed disapproval, Nebraska developed and submitted additional draft material which contained a demonstration of attainment for Omaha and control measures for the ASARCO lead refinery, the major cause of lead standard violations in Omaha. A hearing was held on April 13, 1984, before the Nebraska Environmental Control Council to receive comments on the control strategy. The Council adopted the control strategy as a revision to the Nebraska lead SIP for Omaha. Because some of the control measures in the strategy were not clearly specified and because there did not appear to be an enforcement mechanism for requiring the control measures to be implemented, EPA requested certain additions to and clarifications of the control strategy. These items are identified in the proposed rulemaking dated June 12, 1984 (49 FR 24149).

One comment letter was received on the December 29, 1983, proposal from the State of Iowa. The letter contained lead monitoring data which Iowa contends reflected the influence of lead emitting sources in Nebraska on air quality in Iowa. The State of Iowa operates a lead monitoring station at Dodge Park in Council Bluffs, Iowa. The station is directly across the Missouri River from the ASARCO primary lead refinery.

Iowa's concern was that the control strategy for Omaha be designed to insure attainment of the lead standard in Iowa as well as Nebraska. EPA has determined that the control strategy developed by Nebraska does provide emission reductions which will insure attainment of the lead standard at all receptors in Iowa.

No comments were received on the June 12, 1984, proposal to approve the attainment demonstration and control measures.

Demonstration of Attainment and Control Measures for the Omaha lead SIP

The control measures contained in the Omaha lead SIP require reduction of process fugitive emissions from the smelting and refining operations at the ASARCO lead refinery as well as control of windblown and resuspended dust from on-plant vehicular traffic. Also, the strategy calls for improved baghouse dust handling practices and modification of the baghouse stacks to provide good engineering practice design. Lead emissions from a secondary lead smelter which was operated by Gould, Incorporated, were not included in the Omaha control strategy analysis. The State of Nebraska considers the secondary smelter to be permanently closed. However, because

the plant has not been dismantled, the State issued an Administrative Order to Gould which prohibits the plant from starting up without a permit. The permit will not be issued unless it is demonstrated that lead emissions from the plant will not cause or contribute to violations of the lead standard in Omaha. More detailed information on the control measures is contained in a technical support document [1] which was prepared prior to publication of this rulemaking.

The control strategy as originally developed contained a number of control measures for the ASARCO lead refinery which were only marginally specified, and some relied on future evaluation of effectiveness or feasibility or were to be implemented only if necessary. EPA notified the State that the control strategy had to contain measures which were more concretely specified so that it could be determined that the strategy contained sufficient enforceable control measures to provide for attainment of the air quality standard. The specific legal mechanism for insuring that the control measures would be implemented was also lacking in the State's original submission. Because there are no lead emission regulations in the control strategy, some other enforcement procedure is required.

In response to these comments the Nebraska Department of Environmental Control issued an Administrative Order to ASARCO (Case No. 753, Administrative Order dated June 12, 1984). The Order lists the control measures which are to be implemented and sets final compliance dates for each measure with interim dates specified. The Order specifies dates when selection of alternative control measures will be made so that there is sufficient time to complete the alternative which is selected by the final compliance date. The Order meets the requirements of 40 CFR 51.15, Compliance Schedules.

Because the detailed designs for the control measures were not developed at the time the State submitted their lead SIP for Omaha, these were not included as part of their submission. As stated above, EPA informed the State that this information must be included in the SIP. In most cases, detailed designs for the control equipment and other control measures are not available at the time of SIP approval. These are developed subsequent to EPA approval of the control strategy. The measures are designed to meet specific emission regulations which are approved as an enforceable portion of the SIP. However, in this case, the State has not adopted lead emission regulations to support the control strategy for Omaha. Instead, they have used the Administrative Order as the enforceable instrument in their SIP. Thus, EPA must have sufficient details describing the control measures for Omaha in order to determine that the measures will provide for the lead emissions reductions claimed in the attainment demonstration. Because these details are not yet available, EPA cannot approve the control measures as meeting the requirements of 40 CFR Part 51.87. The State has committed to submit the additional information by April 1, 1985. In the meantime, EPA is temporarily withholding final action on the control measures in the Omaha lead SIP pending submission of the detailed control measures for the ASARCO lead refinery.

The Omaha lead SIP contains a provision which provides for revision of the control strategy if air quality data measured at a new lead monitoring station does not agree with the modeled design value for the control strategy. The exact methods to be used to test whether there is agreement between the modeled and monitored values have not been established. Simply comparing the 1984 air quality data from the one newly established station with the maximum quarterly concentration predicted by modeling will not be acceptable as a basis for revising the control strategy. Consideration must also be given to the representativeness of the 1984 data. Any revision in the control strategy which results from the reevaluation must be submitted as a revision to the Nebraska lead SIP and until the revision is approved by EPA, the previously approved portion of the strategy will remain in effect. ACTION: EPA has evaluated the submittals from the State of Nebraska concerning the lead SIP for Omaha and has determined that they meet all requirements of section 110 of the Clean Air Act as amended and EPA regulations in 40 CFR Part 51, except for 40 CFR Part 51.87, Control Measures. EPA is withholding action on the enforceable control measures contained in the Omaha lead SIP until after April 1, 1985, when the State of Nebraska is committed to submit detailed descriptions of the control measures. This approval action also approves the following two Administrative Orders issued by the Nebraska Department of Environmental Control which support the lead control strategy for Omaha: (1) Case No. 677, Amended Administrative Order, dated November 9, 1983, issued to Gould, Incorporated, and (2) Case No. 753, Administrative Order, dated June 12, 1984, issued to ASARCO, Incorporated.

On July 26, 1983, EPA reached an agreement with the Natural Resources Defense Council on a schedule for completion of certain lead SIPs. The lead SIP for Omaha is covered by that schedule.

The schedule called for final approval or disapproval of the Omaha lead SIP by August 1, 1984, and if EPA's action was to disapprove the SIP, publication of a proposed federal implementation plan by October 1, 1984. Even though this notice was not published by that date, the State of Nebraska is proceeding to implement the plan as though it had been approved on that date.

In the meantime, EPA and NRDC have been discussing a modification of the current court ordered schedule for completion of the lead SIP for Omaha as well as several other states. Any changes agreed to by the parties to the lead SIP litigation, however, must be submitted to the Federal District Court for review and approval. Thus, while EPA and Nebraska have agreed to a schedule for the State to complete the Omaha lead SIP and submit it to EPA, the schedule may be subject to change depending on the conclusion of the discussions with NRDC and a further Order revising the schedule by the Federal District Court.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

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

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

List of Subjects in 40 CFR Part 52

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

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

[1] Technical Support Document for Proposal to Approve the Demonstration of Attainment and Control Measures for the Nebraska Lead SIP for Omaha dated December 10, 1984.

This rulemaking is issued under the authority of section 110 of the Clean Air Act (42 U.S.C. 7410).

Dated: January 24, 1985.

Lee M. Thomas,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

1. Section 52.1420 is amended by adding a new paragraph (c)(30) to read as follows:

§ 52.1420 Identification of Plan.

* * * * *

(c) * * *

(30) On July 24, 1984, Nebraska submitted a lead SIP for Omaha. Additional portions of the Omaha lead SIP were submitted by the State on November 17, 1983, and August 1, 1984. EPA withheld action on the enforceable control measures contained in the Omaha lead SIP, but approved all other portions.

2. Section 52.1425(a) is amended by adding at the end of the table the following:

§ 52.1425 Compliance schedules.

(a) * * *

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
ASARCO, Inc.	Omaha	Nebraska DSC administrative order, case No. 753.	6/12/84	Not applicable.	August 1987.

[FR Doc. 85-2486 Filed 1-30-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 65

[A-4-FRL-2763-4]

Delayed Compliance Orders; Approval of a Delayed Compliance Order Issued by the Memphis-Shelby County Health Department (MSCHD) to Bryce Corporation

AGENCY: Environmental Protection Agency, EPA.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by the MSCHD to Bryce Corporation. The Order requires Bryce Corporation to bring air emissions from its papercoating lines and flexographic printing presses at its Memphis, Tennessee, plant into compliance with Section 3-22 of the Memphis City Code (MCC) air pollution control regulations contained in the federally approved Tennessee State Implementation Plan (SIP). Because of the Administrator's approval, Bryce Corporation's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

EFFECTIVE DATE: This rule takes effect on January 31, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Floyd Ledbetter, Chief, Northern Compliance Unit, Air Compliance Section, Air Management Branch, Air, Pesticides, and Toxics Management Division, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street NE, Atlanta, Georgia 30365, Telephone: (404) 881-3433.

ADDRESSES: A copy of the State Delayed Compliance Order, any supporting material, and any comments received in response to a prior **Federal Register** notice proposing approval of the Order are available for public inspection and copying during normal business hours at: U.S. Environmental Protection Agency, Region IV, Air, Pesticides, and Toxics Management Division, Air Management Branch, 345 Courtland Street NE, Atlanta, Georgia 30365.

SUPPLEMENTARY INFORMATION: On September 20, 1984, the Regional Administrator of EPA's Region IV Office published in the **Federal Register**, Volume 49, Number 184 at Page 36879, a notice proposing approval of a Delayed Compliance Order issued by the MSCHD to Bryce Corporation. The notice asked for public comments by October 22, 1984, on EPA's proposed approval of the Order. No public comments were received in response to the proposal notice. Therefore, the Delayed Compliance Order issued to Bryce Corporation is approved by the Administrator of EPA pursuant to the authority of section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Bryce Corporation on a schedule to bring its papercoating lines and flexographic printing presses into compliance as expeditiously as practicable with part of the federally approved Tennessee State Implementation Plan. The Order also imposes interim emission requirements as follows:

> . . . VOC's from the rotogravure and flexographic printing presses shall not exceed 2.01 pounds of VOC per ream on a daily basis between January 1985, and December 30, 1985. The laminators were emitting no more than 1.73 pounds of VOC per ream as of August 1, 1984. There are no interim opacity limits.

If the conditions of the Order are met, it will permit Bryce Corporation to delay compliance with the SIP regulations covered by the Order until December 31, 1985. The facility is unable to comply with these regulations.

EPA has determine that its approval of the Order shall be effective upon publication of this notice because of the immediate need to place Bryce Corporation on a schedule which is effective under the Clean Air Act for compliance with the applicable requirement(s) in the Tennessee State Implementation Plan.

List of Subjects in 40 CFR Part 65

Air pollution control.

(42 U.S.C. 7413(d), 7601)

Dated: January 23, 1985.

Lee M. Thomas,

Acting Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

Section 65.471 is amended by inserting the following in the Table:

§ 65.471 EPA approval of state Delayed Compliance Orders issued to major stationary sources.

* * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FR proposal	Final compliance date
Bryce Corp.	Memphis	84-0321-0420-1	MCC—§ 3-22, Ref. TAQA, 1200-3-18.06, 1200-3-18.29.	Sept. 20, 1984	Dec. 31, 1985.

[FR Doc. 85-2566 Filed 1-30-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 86, 122, 171, 264, 265, 434, 439, 465, 467, and 469

[FRL-2766-6]

Information Requirements; OMB Approval; Technical Amendments

AGENCY: Environmental Protection Agency.

ACTION: Final rule; technical amendments.

SUMMARY: In the preambles to the following regulations, EPA noted that the information collection requirements were under review at the Office of Management and Budget (OMB). In accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, those provisions are not effective until OMB approval has been obtained. The Agency is announcing today the approval of these information requirements by OMB. In conformance with this approval, the Agency will include the OMB control number in the body of the rule.

EFFECTIVE DATE: January 31, 1985.

FOR FURTHER INFORMATION CONTACT: Eric Strassler, Regulation and Information Management Division (PM-223), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, or by calling (202) 382-2706.

SUPPLEMENTARY INFORMATION: 1. The following table summarizes the regulations affected by today's amendment.

Title	40 CFR citation	Date of promulgation	Federal Register citation
Control of pollution from new motor vehicles and new motor vehicle engines smoke emissions from 1984 and later model year diesel heavy-duty engines	86.084-23(f)	Jan. 24, 1984	49 FR 2689.
Control of air pollution from new motor vehicles and new motor vehicle engines; high altitude emission standards for 1984 and later model year light-duty vehicles and light-duty trucks.	86 sections .084-30, -35, -14; .085-8, -9, -24, -35	Oct. 19, 1983	48 FR 48598.
Control of air pollution from new motor vehicles and new motor vehicle engines; high altitude emission standards for 1982 and later model year motor vehicles.	86 sections .082-30, .083-30, .084-30, .085-30	Sept. 14, 1983	48 FR 41303.
Control of air pollution from new motor vehicles and new motor vehicle engines; averaging of particulate emissions from 1985 and later model year diesel-fueled light-duty vehicles and light-duty trucks.	86 sections .085-21, -23, -28, -29, -30, -35	July 21, 1983	48 FR 33461.
National Pollutant Discharge Elimination System (NPDES):			
Application for permit to discharge wastewater—form 1 (general information)	122.21(f) [formerly 122.4(d)]	May 19, 1980	45 FR 33424.
Application for permit to discharge wastewater—form 2c	122.21(g)	Sept. 26, 1984	49 FR 38046.
Application for permit to discharge wastewater—form 2b	122.21(h) [formerly 122.53(e)]	May 19, 1980	45 FR 33444.
Notice of construction prior to wastewater permit issuance	122.29(c)(5)	Sept. 26, 1984	49 FR 38048.
Report of planned changes to permitted facility	122.41(1)(1)	do	49 FR 38049.
Report of discharge exceeding specified levels	122.42(a)	do	49 FR 38049.
Notice of actual production level—automotive manufacturing industries	122.45(b)	do	49 FR 38049.
Request for modification, revocation and reissuance, or termination of permit	122.62(a)	do	49 FR 38051.
Certification of pesticide applicators recordkeeping and reporting requirements	171.11	Nov. 29, 1983	48 FR 53974.
General hazardous waste facility standards	264 sections .11, .12, .13, .14, .15, .16	May 19, 1980	45 FR 33221.
General hazardous waste facility requirements for ignitable, reactive or incompatible wastes	264.17	Jan. 12, 1981	46 FR 2848.
General hazardous waste facility location standards	264.18	do	46 FR 2848.
Contingency plan for hazardous waste management facilities	264 Sections .51, .52, .53, .54	May 19, 1980	45 FR 33221.
Emergency procedures for hazardous waste management facilities	264.56	do	45 FR 33221.
Manifest discrepancies for hazardous waste management facilities	264.72	do	45 FR 33221.
Operating record for hazardous waste management facilities	264.73	do	45 FR 33221.
Biennial report for hazardous waste management facilities	264.75	do	45 FR 33221.
Unmanifested waste report for hazardous waste management facilities	264.76	do	45 FR 33221.
Ground water protection standards	264 sections .97, .98, .99, .100	July 26, 1982	47 FR 32357.
Closure and post-closure for hazardous waste management facilities	264 sections .112, .115, .118, .119, .120	Jan. 12, 1981	46 FR 2849.
Revisions of closure cost estimates	264.142	Apr. 7, 1982	47 FR 15047.
Revisions of post-closure cost estimates	264.144	do	47 FR 15047.
Surface impoundment requirements	264 sections .220, .221, .226	July 26, 1982	47 FR 32357.
Waste piles requirements	264 sections .251, .254	do	47 FR 32357.
Land treatment requirements	264 sections .271, .273, .279	do	47 FR 32357.
Landfill requirements	264 sections .301, .309	do	47 FR 32357.
Unsaturated zone monitoring requirements	264.278	do	47 FR 32357.
Incinerator requirements	264 sections .341, .344, .345, .345	Jan. 23, 1981	46 FR 7678.
General hazardous waste facility general waste analysis during interim status	265.13	May 19, 1980	45 FR 33232.
General hazardous waste facility security requirements during interim status	265 sections .12, .15, .16	do	45 FR 33232.
Contingency plan for hazardous waste managament facilities during interim status	265 sections .51, .52, .53, .54	do	45 FR 33232.
Emergency procedures for hazardous waste management facilities during interim status	265.56	do	45 FR 33232.
Operating record for hazardous waste management facilities during interim status	265.73	Jan. 23, 1981	46 FR 7680.
Availability, retention and disposition of records for hazardous waste management facilities during interim status.	265.74	May 19, 1980	45 FR 33232.
Manifest system for hazardous waste management facilities during interim status	265 sections .71, .72	do	45 FR 33232.
Biennial report for hazardous waste management facilities during interim status	265.75	Jan. 28, 1983	48 FR 3982.
Unmanifested waste report for hazardous waste management facilities during interim status	265.76	May 19, 1980	45 FR 33232.
Ground water monitoring during interim status	265 sections .91, .92, .93, .94	do	45 FR 33232.
Closure and post-closure requirements for hazardous waste management facilities during interim status.	265 sections .112, .115, .118, .119, .120	Jan. 12, 1981	46 FR 2875.
Revisions of closure cost estimates during interim status	265.142	Apr. 7, 1982	47 FR 15064.
Revisions of post-closure requirements during interim status	265.144	do	47 FR 15064.
Coal mining effluent guidelines	434.25	Oct. 13, 1982	47 FR 45393.
Pharmaceutical manufacturing effluent guidelines	439.12(a)	Oct. 27, 1983	48 FR 49822.
Do	439.14(a)	do	48 FR 49823.
Do	439 sections .16(a), .17(a), .22(a)	do	48 FR 49824.
Do	439.24(a)	do	48 FR 49825.
Do	439 sections .25(a), .26(a), .27(a), .32(a)	do	48 FR 49826.
Do	439.34(a)	do	48 FR 49827.
Do	439 sections .35(a), .36(a), .37(a)	do	48 FR 49828.
Do	439 sections .42(a), .44(a)	do	48 FR 49829.
Do	439 sections .45(a), .46(a), .47(a)	do	48 FR 49830.
Coil coating effluent guidelines (canmaking subcategory)	465.03	Nov. 17, 1983	48 FR 52399.
Aluminum forming effluent guidelines	467.03(a)	Oct. 24, 1983	48 FR 49151.
Electrical and electronic components effluent guidelines	469.13	April 8, 1983	48 FR 15394
Do	469.23	do	48 FR 15396.

The Agency is announcing today the approval of these information requirements by OMB. In conformance with this approval, the Agency will include the OMB control number in the body of the rule. The regulations are amended as follows:

PART 86—[AMENDED]

1. At the end of 40 CFR 86.084-23, the following language is inserted:

"(Information collection requirements in paragraph (f) were approved by the Office of Management and Budget under control number 2000-0390)".

2. At the end of 40 CFR 86.084-14, 86.084-30, 86.084-35; 86.085-8, 86.085-9, 86.085-24, 86.085-35, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2000-0390)".

3. At the end of 40 CFR 86.082-30, 86.083-30, 86.084-30, 86.085-30, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2060-0049)".

4. At the end of 40 CFR 86.085-21, 86.085-23, 86.085-28, 86.085-29, 86.085-30, 86.085-35, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2000-0390)".

PART 122—[AMENDED]

5. At the end of 40 CFR 122.21, the following language is inserted: "(Information collection requirements in paragraph (f) were approved by the Office of Management and Budget under control number 2000-0474)".

6. At the end of 40 CFR 122.21, the following language is inserted: "(Information collection requirements in paragraph (g) were approved by the Office of Management and Budget under control number 2000-0059)".

7. At the end of 40 CFR 122.21, the following language is inserted: "(Information collection requirements in paragraph (h) were approved by the Office of Management and Budget under control number 2040-0086)".

8. At the end of 40 CFR 122.29, the following language is inserted: "(Information collection requirements in paragraph (c)(5) were approved by the Office of Management and Budget under control number 2040-0078)".

9. At the end of 40 CFR 122.41, the following language is inserted: "(Information collection requirements in paragraph (e)(i) were approved by the Office of Management and Budget under control number 2040-0047)".

10. At the end of 40 CFR 122.42, the following language is inserted: "(Information collection requirements in paragraph (a) were approved by the Office of Management and Budget under control number 2040-0045)".

11. At the end of 40 CFR 122.45, the following language is inserted: "(Information collection requirements in paragraph (b) were approved by the Office of Management and Budget under control number 2040-0077)".

12. At the end of 40 CFR 122.62, the following language is inserted: "(Information collection requirements in paragraph (a) were approved by the Office of Management and Budget under control number 2040-0068)".

PART 171—[AMENDED]

13. At the end of 40 CFR 171.11, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2070-0025)".

PART 264—[AMENDED]

14. At the end of 40 CFR 264.11, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0028)".

15. At the end of 40 CFR 264.12, 264.13, 264.14, 264.15, 264.16, 264.17, 264.56, 264.72, and 264.76, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0012)."

16. At the end of 40 CFR 264.18, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0010 and 2050-0012)".

17. At the end of 40 CFR 264.51, 264.52, 264.53, and 264.54, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0011)".

18. At the end of 40 CFR 264.73, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0013)".

19. At the end of 40 CFR 264.75, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0024)".

20. At the end of 40 CFR 264.97, 264.98, 264.99, and 264.100, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0033)".

21. At the end of 40 CFR 264.112, 264.115, 264.118, 264.119, and 264.120, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0008)".

22. At the end of 40 CFR 264.221, 264.226, 264.251, 264.254, 264.271, 264.273, 264.279, 264.301, and 264.309, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0007)".

23. At the end of 40 CFR 264.142, and 264.144, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0036)".

24. At the end of 40 CFR 264.278, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0038)".

25. At the end of 40 CFR 264.341, 264.344, 264.345, and 264.347, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0002)".

PART 265—[AMENDED]

26. At the end of 40 CFR 265.13, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0012)".

27. At the end of 40 CFR 265.12, 265.15, 265.16, 265.73, 265.74, and 265.76, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0013)".

28. At the end of 40 CFR 265.51, 265.52, 265.53, 265.54, and 265.56, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0002)".

29. At the end of 40 CFR 265.71, and 265.72, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0039)".

30. At the end of 40 CFR 265.75, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0024)".

31. At the end of 40 CFR 265.90, 265.91, 265.92, 265.93, and 265.94, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0033)".

32. At the end of 40 CFR 265.112, 265.115, 265.118, 265.119, and 265.120, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0008)".

33. At the end of 40 CFR 265.142, and 265.144, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2050-0036)".

PART 434—[AMENDED]

34. At the end of 40 CFR 434.25, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040-0026)".

PART 439—[AMENDED]

35. At the end of 40 CFR 439.12, 439.14, 439.16, 439.17, 439.22, 439.24, 439.25, 439.26, 439.27, 439.32, 439.34, 439.35,

439.36, 439.37, 439.42, 439.44, 439.45, 439.46, and 439.47, the following language is inserted: "(Information collection requirements in paragraph (a) were approved by the Office of Management and Budget under control number 2040-0033)".

PART 465—[AMENDED]

36. At the end of 40 CFR 465.03, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040-0033)".

PART 467—[AMENDED]

37. At the end of 40 CFR 467.03, the following language is inserted: "(Information collection requirements in paragraph (a) were approved by the Office of Management and Budget under control number 2040-0033)".

PART 469—[AMENDED]

38. At the end of 40 CFR 469.13, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040-0074)".

39. At the end of 40 CFR 469.23, the following language is inserted: "(Approved by the Office of Management and Budget under control number 2040-0074)".

Dated: January 23, 1985.

Milton Russell,

Assistant Administrator for Policy, Planning and Evaluation.

[FR Doc. 85-2323 Filed 1-30-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6585

[OR-19614(WASH), OR-19650 (WASH), OR-19651(WASH), OR-19654(WASH)]

Washington; Public Land Order No. 6545; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order corrects an error in the summary and paragraph 3 of Public Land Order No. 6545 of June 18, 1984.

EFFECTIVE DATE: January 31, 1985.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

In FR Doc. 84-16895 published at page 26052, in the issue of Tuesday, June 26, 1984, make the following corrections: Beginning with line 6 of the summary is corrected to read: "purposes. This action restores 191.90 acres to surface entry, and the land remains open to mining and mineral leasing. Of the balance, 38.81 acres are included in the Skagit National Wild and Scenic Rivers System and 48.75 acres have been conveyed out of Federal ownership, and will remain closed to surface entry, mining and mineral leasing."

Column 2, paragraph 3 is corrected to read: "Lot 2, sec. 31, T. 33 N., R. 11 E., is included in the Skagit National Wild and Scenic Rivers System, and lots 4 and 5, sec. 15, T. 28 N., R. 14 W., have been conveyed out of Federal ownership, and will not be restored to operation of the public land laws, including mining and mineral leasing."

Robert N. Broadbent,

Assistant Secretary of the Interior.

January 25, 1985.

[FR Doc. 85-2536 Filed 1-30-85; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6641]

Suspension of Community Eligibility Under the National Flood Insurance Program; Maine, et al.

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measure prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-5712, 500 C Street, Southwest, FEMA-Room 509, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et. seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the Federal Register.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of

Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subject in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Region I					
Maine:					
York	Limerick, town of	230194B	Aug. 11, 1975, emerg.; Feb. 1, 1985, reg.; Feb. 1, 1985, susp.	Jan. 10, 1975 and June 15, 1979.	Feb. 1, 1985.
Do	North Berwick, town of	230197C	Aug. 5, 1975, emerg.; Feb. 1, 1985, reg.; Feb. 1, 1985, susp.	Feb. 21, 1975, Oct 15, 1976 and July 6, 1979.	Do.
Do	Waterboro town of	230199C	July 30, 1975, emerg.; Feb. 1, 1985, reg.; Feb. 1, 1985, susp.	Feb. 21, 1975, Oct. 15, 1976 and Aug. 17, 1979.	Do.
Massachusetts: Essex	Lynn, city of	250088B	Aug. 9, 1974, emerg.; Feb. 1, 1985, reg.; Feb. 1, 1985, susp.	June 28, 1974 and Sept. 17, 1976.	Do.
Region II					
New York: Dutchess	Rhinebeck, village of	361999B	Feb. 9, 1984, emerg.; Feb. 1, 1985, reg.; Feb. 1, 1985, susp.	Jan. 5, 1984	Do.
Region III					
West Virginia:					
McDowell	Gary, city of	540117B	May 20, 1975, emerg.; Feb. 1, 1985, reg.; Feb. 1, 1985, susp.	July 19, 1974 and June 18, 1976.	Do.
Do	Anawalt, town of	540115B	July 16, 1975, emerg.; Feb. 1, 1985, reg.; Feb. 1, 1985, susp.	May 31, 1974 and Apr. 9, 1976	Do.
Do	Keystone, town of	540119B	May 21, 1975, emerg.; Feb. 1, 1985, reg.; Feb. 1, 1985, susp.	May 17, 1974 and June 4, 1976	Do.
Mercer	Unincorporated areas	540124B	Dec. 23, 1975, emerg.; Feb. 1, 1985, reg.; Feb. 1, 1985, susp.	Dec. 13, 1974 and Aug. 26, 1977.	Do.
Region V					
Illinois: LaSalle and Grundy	Seneca, Village of Grundy	170407B	May 9, 1975, emerg.; Feb. 1, 1985, reg.; Feb. 1, 1985, susp.	Mar. 15, 1974 and June 4, 1976 and Apr. 22, 1983.	Do.
Region VII					
Iowa: Blackhawk	Cedar Falls, city of	190017B	July 23, 1971, emerg.; Feb. 1, 1985, reg.; Feb. 1, 1985, susp.	Apr. 12, 1974 and Sept. 12, 1975.	Do.
Missouri: Carroll	Wakenda, town of	290473A	Sept. 10, 1975, emerg.; Feb. 1, 1985, reg.; Feb. 1, 1985, susp.	Oct. 18, 1974	Do.

[1] Certain Federal assistance no longer available in special flood hazard areas.
Code for reading 4th column: Emerg.—Emergency; Reg.—Regular; and Susp.—Suspension.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator, Federal Insurance Administration)

Issued: January 28, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85-2454 Filed 1-30-85; 8:45 am]

BILLING CODE 6718-03-M

GENERAL SERVICES ADMINISTRATION

48 CFR Ch. 5

[GSAR AC-85-1]

Payment Due Date; Construction Contracts

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary regulation.

SUMMARY: This Acquisition Circular (AC) temporarily amends the General Services Administration Acquisition Regulation (GSAR) to revise the Payment Due Date clause at 552.232-70(f). The present GSAR clause for construction contracts provides for calculation of payment due dates for progress payments based on the date of approval of the payment request by the contracting officer. However, no time period is established for approval of the payment request. This Circular revises the clause to provide for calculation of the payment due date for progress payments based on the date of receipt of a proper request for payment/invoice by

the office designated to receive invoices. The clause is also revised to establish an acceptance period for partial and final payment and to define a "proper" payment request. The intended effect is to provide uniform procedures for contracting under the regulatory system.

DATES: *Effective date:* January 23, 1985.

Expiration Date: This Acquisition Circular expires July 23, 1985, unless canceled earlier or extended.

ADDRESS: Comments may be submitted within 30 days of publication in the Federal Register to Carol A. Farrell, Office of GSA Acquisition Policy and Regulations, 18th & F Streets, NW., Washington, D.C. 20405, (202) 523-3822.

FOR FURTHER INFORMATION CONTACT: Ida Ustad, Office of GSA Acquisition Policy and Regulations, GSA (202) 523-4754.

SUPPLEMENTARY INFORMATION: Pursuant to 41 U.S.C. 450(h)(1), a determination has been made to waive the requirement for publication of procurement regulations for public comment before the regulation takes effect. Problems resulting from the use of the present clause create an urgent and compelling circumstance which makes advance publication impracticable.

The Director, Office of Mangement and Budget (OMB), by memorandum dated December 14, 1984, exempt certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration (GSA) certifies that this document 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.) Therefore, no regulatory flexibility analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

Authority: 40 U.S.C. 486(c).

In 48 CFR Chapter 5, the following Acquisition Circular is added to Appendix C at the end of the chapter to read as follows:

January 23, 1985.

General Services Administration Acquisition Regulation—Acquisition Circular AC-85-1

To: All GSA contracting activities
Subject: Payment Due Date—Construction Contracts

1. *Purpose.* This Acquisition Circular (AC) temporarily amends the General Services Administration Acquisition Regulation (GSAR) to clarify the payment due date requirements associated with invoices or payment requests on construction contracts.

2. *Background.*

a. The present GSAR clause for construction contracts provides for calculation of payment due dates for progress payments based on the date of approval of the payment request by the contracting officer. However, no time period is established for approval of the request. This Circular revises the clause to provide for calculation of the payment due date for progress payments based on the date of receipt of a proper request for payment/invoice by the office designated to receive invoices. The clause is also revised to establish an acceptance period for partial and final payments and to define a "proper" payment request.

b. The revised clause references the Invoice Requirements clause at 552.232-72. Therefore, contracting officers must include the Invoice Requirements clause in construction contracts and list any special information or documentation required to effect payments under the contract in paragraph (a)(7) of the clause.

3. *Effective date.* January 23, 1985.

4. *Expiration date.* This Circular expires 6 months after issuance (July 23, 1985) unless canceled earlier.

5. *Applicability.* This Circular applies to all GSA procurements for construction of which the contract amount is expected to exceed the small purchase limitation.

6. *Reference to regulation.* Section 552.232-70 of the GSAR.

7. *Explanation of changes to the GSAR.* Section 552.232-70 is amended to revise paragraph (f) to read as follows:

552.232-70 Payment Due Date.

* * * * *

(f) As prescribed in 532.111(b), insert the following clause in solicitations and construction contracts when the contract amount is expected to exceed the small purchase limitation. Construction contracts which do not involve progress or other financing payments shall utilize the clause in paragraph (d) above.

Payment Due Date (Jan. 1985)

(a) Payment due dates under this contract will be as follows:

(1) For progress payments, ——* calendar days after the date of actual receipt of a proper written progress payment request/invoice in the office designated to receive invoices. If the Government agrees with the amount of the Contractor's payment request, payment will be based on that amount. If the Government does not agree with the amount of the Contractor's request, the Contracting Officer will attempt to reach agreement with the Contractor on an alternative amount. If timely agreement is not possible, the Contracting Officer will make payment based upon the Government estimate. The term "progress payments," as used herein, means payments made as work progresses under the contract based upon costs incurred, percentage of completion accomplished, or particular stage of completion achieved. As used herein this term does not include payments for partial deliveries accepted by the Government under this contract, or partial payments on contract termination claims.

(2) For partial payments for complete delivered items of property or service, ——** calendar days after the later of: (i) the date of actual receipt of a proper payment request/invoice in the office designated to receive invoices, or (ii) the date the property or services are accepted by the Government. The term "partial payments," as used herein, means payments made under the contract for such completed property or services delivered to and accepted by the Government, where such property or services are only a part of the total contract requirements.

(3) For final payment, ——** calendar days after the later of: (i) The date of actual receipt of a proper payment request/invoice in the office designated to receive invoices, (ii) the date of actual receipt by the contracting officer of a release of all claims against the Government, relating to this contract, other than claims in stated amounts as may be specifically excepted by the Contractor from the release, or (iii) the date all property or work is accepted by the Government.

(b) For the purpose of determining the due dates for partial payments and final payment and for no other purpose, acceptance will be deemed to occur on the ——*** calendar day after the date of actual receipt of property or completion of work.

(c) If the property or services are rejected for failure to conform to the technical requirements of the contract, the provisions of paragraph (b) of this clause will be based upon the date of the Contractor's correction of the defect(s).

(d) To be considered "proper," a payment request/invoice must satisfy the requirements of the "Invoice Requirements" clause and the "Payments under Fixed Price Construction Contracts" clause of this contract.

(e) The date of the check issued in payment or the date of payment by wire transfer through the Treasury Financial Communications System shall be considered to be the date payment is made.

(End of Clause)

*The contracting officer should insert an appropriate number of days. The number should represent the average time required to inspect the work, verify the payment request, and process the payment. In establishing the number of days the contracting officer should consider whether there will be GSA inspectors assigned to the project site. The number of days shall not exceed 30 unless a longer period is justified. Such justification shall be included in the contract file.

**The contracting officer should insert an appropriate number (normally 30 days, unless some other number of days is necessary and is justified in the contract file).

***The contracting officer should insert the number of days which constitutes the number of days necessary for inspection, acceptance, and other necessary actions. The number should range from 15 to 30 days depending upon the size, complexity, and location of the project.

* * * * *

Allan W. Beres,

Assistant Administrator for Acquisition Policy.

[FR Doc. 85-2519 Filed 1-30-85; 8:45 am]

BILLING CODE 6820-61-M

INTERSTATE COMMERCE COMMISSION

49 CFR part 1135

[Ex Parte No. 290 (Sub-2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time.

SUMMARY: The Association of American Railroads has requested a 25-day extension of time to file a petition for reconsideration of the Commission's January 2, 1985 decision, published in the **Federal Register** on January 2, 1985, at 50 FR 87. The present due date for petitions is January 22, 1985. The requested extension of time will not prejudice any party and will be granted.

DATES: Petitions for reconsideration are due February 18, 1985.

FOR FURTHER INFORMATION CONTACT:

Robert C. Hasek, (202) 275-0938

or

Douglas Galloway, (202) 275-7278

Dated: January 22, 1985.

By the Commission, Reese H. Taylor, Jr., Chairman

James H. Bayne,

Secretary.

[FR Doc. 85-2567 Filed 1-30-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

[Docket No. 41161-4161]

Atlantic Surf Clam and Ocean Quahog Fisheries; 1985 Quotas

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

ACTION: Notice of 1985 quotas.

SUMMARY: NOAA issues this notice of final annual quotas for the surf clam and ocean quahog fisheries for 1985. The quotas have been selected from a range defined as the optimum yield for each fishery. The intended effect of this action is to establish allowable harvests of surf clams and ocean quahogs from the fishery conservation zone in 1985.

EFFECTIVE DATE: January 31, 1985.

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde, Surf Clam Management Coordinator, 617-281-3600 (ext. 273).

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) directs the Secretary of Commerce (Secretary), in consultation with the Mid-Atlantic Fishery Management Council (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.

To implement this regulatory provision for establishing quotas, the Director, Northeast (Regional Director), has considered the following information: Stock assessments, catch records, and other relevant information concerning exploitable biomass and spawning biomass, fishing mortality rates, incoming recruitment, projected effort and catches, and areas likely to be reopened to fishing.

The Secretary published a notice of proposed quotas based on the Regional Director's recommendation on December 4, 1984 (49 FR 47422). Public comment was requested for a 30-day period and no comments were received. The Secretary, based on the Regional Director's recommendations after consultation with the Council, issues the following quotas for 1985:

Fishery	1985 quota in bushels
Mid-Atlantic Surf Clam	2,650,000
New England Surf Clam	100,000
Ocean Quahog	4,400,000

Other Matters

This action is taken under the authority of 50 CFR 652.21 and is taken in compliance with Executive Order 12291. The action is covered by the certification for Amendment 3 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries, 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

Administrative practice and procedure, Fish, Fisheries, Recordkeeping and reporting requirements.

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

Dated: January 25, 1985.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 85-2421 Filed 1-30-85; 8:45 am]

BILLING CODE 3150-22-M

Proposed Rules

Federal Register
Vol. 50, No. 21
Thursday, January 31, 1985

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.

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Docket No. R-0537]

Bank Holding Companies and Change in Bank Control; Regulation Y; Permissibility of Real Estate Investment for Bank Holding Companies and Their Direct and Indirect Nonbank Subsidiaries

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Solicitation of public comments.

SUMMARY: The Federal Reserve Board is soliciting comment on whether to commence a rulemaking proceeding under the Bank Holding Company Act to permit bank holding companies to participate in real estate investment activities and, if so, the conditions that should be established in order to ensure that the conduct of the activity does not result in unsound banking practices, unfair competition, conflicts of interests, or other adverse effects. The Board is seeking comment on a number of specific conditions, including a requirement that the activity be conducted only through a direct nonbank subsidiary of the bank holding company (the "real estate subsidiary"); a requirement that the real estate subsidiary be maintained independent in name and operation from any bank affiliate; compliance with certain capital requirements by a bank holding company desiring to engage in real estate activities; maintenance of adequate capital by the real estate subsidiary; a requirement that the real estate subsidiary's investment be limited to a passive, nonvoting equity investment; limitation on the amount of the holding company's investment in the real estate subsidiary and on the real estate subsidiary's leverage; limitations on the geographic scope of the activity; and limitations on lending by the holding company and its affiliates to the real estate subsidiary, any project in which the real estate subsidiary has an interest, a co-venturer or other co-participant with the real estate subsidiary in a real estate project, or purchasers of property in which the real estate subsidiary has an interest.

The Board is also seeking comment on whether, as an alternative or in addition to authorizing the activity for bank holding companies subject to certain prudential limitations, the Board should initiate rulemaking to prohibit the conduct of real estate activities through nonbank subsidiaries of banks that are owned by bank holding companies and to establish special capital requirements for bank holding companies that control banks directly engaged in real estate activities to reflect the increased risk to the bank holding company system from such activities.

DATE: Comments must be received by March 29, 1985.

ADDRESS: All comments, which should refer to Docket No. R-0537, should be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B-2223, 20th & Constitution Avenue, NW., Washington, D.C., between 8:45 a.m. and 5:15 p.m. weekdays. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: J. Virgil Mattingly, Associate General Counsel (202/452-3430), Scott G. Alvarez, Attorney (202/452-3583), Legal Division; William Taylor, Deputy Director (202/452-2773), Division of Banking Supervision and Regulation; or Edward Ettin, Deputy Director (202/452-3368), Division of Research and Statistics.

SUPPLEMENTARY INFORMATION:

I. Introduction

The participation by banking organizations in the business of real estate investment and development has long been limited by regulatory and supervisory restrictions enacted over the years to deal with the risks, conflicts of interests, and other potential adverse effects presented by direct and indirect involvement in the activity. For example, national banks are prohibited by Federal statute from investing in real estate, other than for bank premises, and State member banks are not authorized under the Board's Regulation H (12 CFR Part 208) to engage in real estate investment activities. Moreover, most current State laws either prohibit or do not permit State banks to hold, invest in, or develop real estate (except for bank premises and certain other limited circumstances). Similarly, the Board in 1972 determined that real estate investment and development activities were not closely related to banking and thus were not permissible activities for bank holding companies. Federal thrift institutions are permitted to conduct real estate investment activities, but only on a limited basis and subject to restrictions imposed by the Federal Home Loan Bank Board ("FHLBB").

The basis of this concern with the real estate activities of banks may be traced to a number of factors, including conflicts of interests and the financial risks involved in this activity. The ability of banks to make objective credit judgments and to serve as impartial providers of credit would appear to be subject to various conflicts of interests when a depository institution acts in the role of both lender and real estate investor or developer. With respect to the financial risks, real estate investments typically are not liquid and the economic returns can be very uncertain.

Recently, several states have enacted legislation authorizing banks chartered in those states to engage in broad real estate investment and development activities. In addition, some states permit real estate investment on a limited basis, while others permit this activity only for state savings banks. The real estate activities authorized include the direct acquisition and development of real estate, participation in partnerships or joint ventures with construction companies or developers, or acquisition of an interest in already developed real estate.

Similar statutes are likely to proliferate driven in many cases by competitive pressures from states that have authorized real estate activities or from other providers of financial services.

II. Proposals by FDIC and FHLBB to Limit Real Estate Activities

In recognition of the risks in real estate development activities and the increasing activity at the state level authorizing state-chartered banks to engage in real estate investment and

development, the FDIC on December 13, 1984, published for comment a proposal to prohibit insured banks from engaging directly in real estate development and underwriting activities (and certain other activities, including insurance underwriting) where authorized by state law and to require that such activities be conducted only through a "bona fide subsidiary" of the bank. 49 FR 48552 (December 13, 1984). The proposal is based upon the permise that the conduct of these types of activities by insured banks is unsafe and unsound, but that risks to the bank may be avoided if the activities are conducted in a separate but affiliated corporation whose obligations are not the legal obligations of the bank.[1] Similarly, the Federal Home Loan Bank Board on December 10, 1984, proposed a rule requiring prior supervisory review for direct investment in real estate, service corporations, and equity securities above certain threshold amounts by thrift institutions whose accounts are insured by the Federal Savings & Loan Insurance Corporation. 49 FR 48743 (December 14, 1984). The FHLBB's proposal was prompted by the significantly expanded powers granted by state legislation to state-chartered thrift institutions and concern that the exercise of these powers could expose the institutions and FSLIC to an excessive degree of risk. Both the FDIC and the FHLBB proposals have the effect of limiting the ability of state-chartered institutions to engage in real estate development activities authorized by state statute.

III. Possible Prudential Limitations on Real Estate Investment

The Board shares the concern of the FDIC and the FHLBB with respect to the potential risks of these expanded activities to banking and thrift institutions. Accordingly, the Board has decided to seek public comment on whether it should act to set a framework for the conduct of these real estate activities by bank holding companies and their direct and indirect nonbank subsidiaries under rules that will help assure that these activities are carried out in a manner so as to avoid unsound banking practices, unfair competition, conflicts of interests, any adverse effect on the financial resources of the holding company or its subsidiaries, and other adverse effects. The Board also seeks comment on whether the activity of real estate investment as described in more detail below can be authorized by the Board pursuant to its authority under section 4(c)(8) of the Bank Holding Company Act to permit activities that are closely related to banking and a proper incident thereto. 12 U.S.C. 1843(c)(8).

More specifically, the Board is seeking comment on the following requirements and conditions for the conduct of the activity:

1. *Separate Subsidiary.* Whether the conduct of the activity should be limited to a separately incorporated direct nonbank subsidiary of the bank holding company (the "real estate subsidiary") and, as discussed in Part IV below, prohibited for subsidiaries of holding company banks through an amendment to § 225.22(d)(2) of Regulation Y (12 CFR 225.22(d)(2)).

In this regard, the Board requests comment on whether it should also impose conditions similar to those proposed by the FDIC in its nonbanking activities proposal, to ensure that the real estate subsidiary is maintained as an independent organization separate from any of its bank affiliates. Such conditions might include a requirement that the real estate company not use corporate names or logos in common with bank affiliates; maintain separate offices from any affiliated bank; have no officers or employees in common with any affiliated bank; establish a board of directors, a majority of whom are neither officers nor directors of any affiliated bank; and conduct business pursuant to independent policies designed to inform customers that the real estate subsidiary is separate from its banks affiliates, and that investments recommended, offered, or sold by the real estate subsidiary are not bank deposits, are not insured by the FDIC, and are not guaranteed by any bank affiliate or otherwise an undertaking or obligation of any bank affiliate.

2. *Adequate Capitalization by the Parent.* Whether the activity should be limited to only bank holding companies whose primary and total capital, on a consolidated basis, and that of each of its subsidiary banks, equals or exceeds the minimum levels specified in the Board's Capital Adequacy Guidelines (Appendix A to 12 CFR Part 225). In determining compliance with the Guidelines, the amount of investment in and advances to the real estate subsidiary by the bank holding company and its nonbank subsidiaries would not be included. In the event the bank holding company's consolidated primary or total capital falls below these levels, a bank holding company could not make any further investment in the real estate subsidiary and the real estate subsidiary could not commence any additional real estate investment activities or projects without the Board's prior approval.

3. *Limitation on Investment in Real Estate Subsidiary.* Whether the aggregate investment in and extensions of credit to all of a holding company's real estate subsidiaries by the bank holding company and its nonbank subsidiaries should be limited to a stated percentage of the holding company's primary capital (*e.g.*, 5–10 percent). In addition, the Board seeks comment on whether this limitation on investment should include not only extensions of credit to the real estate subsidiary by the bank holding company and its nonbank subsidiaries but also extensions of credit to the real estate subsidiary by subsidiary banks of the holding company.

The investment limitation described above might be unduly restrictive for smaller banking organizations. Accordingly, the Board seeks comment on alternative methods of establishing investment limits for these institutions consistent with safe and sound banking practices.

4. *Leverage Limitation.* Whether the total amount of borrowing by a real estate subsidiary from all sources should be limited to a stated percentage of the real estate subsidiary's capital (*e.g.*, five times its capital).

5. *Geographic Limits.* Whether the activities of the real estate subsidiary should be authorized on a nationwide basis. Alternatively, the Board seeks comment on whether the activity should be limited to only bank holding companies whose home state[2] authorizes real estate activities for state banks chartered in that state. For example, under this approach, a bank holding company in Ohio, which has authorized real estate activities for Ohio banks, would be able to conduct real estate activities anywhere in the country, while a bank holding company located in a state that has not authorized the activity would not be allowed to conduct the activity at all.

[1] The FDIC proposal is designed to isolate the real estate subsidiary from its parent bank by imposing a number of restrictions on the operation of real estate subsidiaries and affiliates of insured banks (e.g. adequate capitalization, physical separation, no use of parent's name or logo, separate records, independent board of directors, no common officers, and policies designed to inform customers their investments are not insured by the FDIC. The proposal also establishes certain lending limitations, including limitations on loans by an insured bank to its real estate subsidiary and to persons purchasing property in which the real estate subsidiary has an interest.

[2] For this purpose, the "home state" of a bank holding company is the state in which the bank holding company's banking subsidiaries principally conducted their banking operations on July 1, 1966, or the date the company became a bank holding company, whichever date is later.

As an additional alternative, the Board seeks comment on whether real estate activities of bank holding companies should be limited to only those states that specifically authorize such activities for banks or bank holding companies operating in those states (or alternatively that do not prohibit banks and bank holding companies operating in that state from conducting these activities). For example, a New York bank holding company could engage in real estate activities in New York, which has authorized the activity for New York banks nationwide, but under this alternative could not perform the activity outside of New York unless the state in which the activity is to be performed authorizes the activity, or alternatively, does not act to prohibit the activity.

6. *State Limitations.* Whether the real estate subsidiary should conform to any limitations applicable to state banks conducting the activity in bank holding company's home state. For example, states may establish community investment requirements or prohibit certain types of real estate activities (*e.g.*, the acquisition of an equity interest in a one-to-four family home which is the principal residence of the owner).

7. *Limitation to Essentially Passive Investments.* Whether the real estate subsidiary's investment in any real estate should be limited to an essentially passive, joint venture investment, thereby giving effect to the interest of the banking organization in achieving a share of any appreciation in the value of the investment, while continuing to maintain a separation of the banking enterprise from participation in the commercial activities involved in design, engineering, construction, marketing and similar activities with respect to real estate projects. Accordingly, the Board seeks comment on whether voting equity investments by the real estate subsidiary in real estate projects should be subject to limits (*e.g.*, no more than 25 percent of total voting equity of the real estate project) and whether any additional investment should take the form of nonvoting equity investments or limited partnership interests. The Board also seeks comment on whether the real estate subsidiary's total voting and nonvoting investment in a real estate project should be limited to a stated percentage (*e.g.*, 75 percent) of the project's total equity, thus requiring that joint venturers with the real estate subsidiary have a financial stake in any real estate project.

8. *Appropriate Scope of Real Estate Activities.* Whether the scope of real estate activities authorized for a real estate subsidiary should include activities beyond the acquisition of an ownership interest in improved or unimproved real estate to be held for investment or development purposes. In particular, the Board requests comment on whether the real estate subsidiary should be prohibited from engaging directly in construction, research, architectural, engineering, development, marketing or similar activities with respect to real estate and from engaging in property management, real estate brokerage, real estate syndication services, and title insurance. The Board seeks comment on whether the real estate subsidiary should, however, be permitted to enter into agreements for construction, development, maintenance, or similar activities with respect to property in which it has an ownership interest. In this regard, the Board seeks comment on whether such activities are closely related to banking and a proper incident thereto.

9. *Lending Limitations.* Under section 23A of the Federal Reserve Act, any extension of credit by an insured bank to an affiliated holding company real estate subsidiary and any entity the subsidiary controls would be subject to an aggregate lending limit of 10 percent of the bank's capital and surplus and all such extensions of credit must be adequately collateralized within the meaning of that statute. 12 U.S.C. 371c.

The Board seeks comment on whether additional, separate lending limitations (*e.g.*, based upon a percentage of the holding company's primary capital) should be applied to loans by the bank holding company and any of its subsidiaries, including its subsidiary banks, to (1) any person for the purpose of acquiring an interest in any real estate in which the real estate subsidiary has a direct or indirect interest; (2) any real estate project in which the real estate subsidiary has an interest; or (3) any entity with which the real estate subsidiary is associated by joint venture or similar arrangement in connection with the conduct of real estate activities. The Board also requests comment on whether an aggregate limit on all such extensions of credit (*e.g.*, based upon a percentage of the consolidated primary capital of the bank holding company) should be established. The Board requests comment on whether these lending limitations should include a requirement that the extension of credit be consistent with safe and sound banking practices, made on market terms, including interest rates and collateral, and not involve more than the normal risk of repayment or present other unfavorable features.

In addition, in order to reduce a bank holding company's exposure to loss on any individual project, the Board requests comment on whether a limitation should be established on the holding company system's aggregate exposure, including both equity investment and loans, in connection with any individual project.

10. *Limitation on Purchases as Fiduciary.* Whether the Board should limit a bank holding company and any of its subsidiaries from purchasing or leasing as fiduciary, co-fiduciary, or managing agent on behalf of an account for which the holding company or subsidiary has investment discretion, any property in which a real estate subsidiary of the holding company has an interest or which it sells or markets unless the purchase or lease is consistent with the standards of care and conduct applicable to fiduciaries.

IV. Limitation on Real Estate Activities Within a Bank Holding Company System

As an alternative to establishing a framework that would authorize bank holding companies to engage in real estate investment activities subject to certain prudential limitations, the Board seeks comment on whether, in light of the financial risks and potential conflicts of interests as well as other adverse factors outlined earlier in this notice, it is more appropriate for the Board *not* to authorize bank holding companies to conduct real estate activities. In this event, the nonbanking prohibitions of section 4 of the Act would continue to prohibit bank holding companies and their nonbank subsidiaries from conducting real estate investment and development activities. It may also be necessary, in order to prohibit real estate development activities, for the Board to engage in rulemaking to amend the provisions of § 225.22(d)(2) of Regulation Y (12 CFR 225.22(d)(2)) to eliminate the regulatory exemption from the nonbanking prohibitions of the Act currently enjoyed by subsidiaries of holding company banks under that section of Regulation Y. This step would apply the Act's limitations on nonbanking activities to the real estate subsidiaries of holding company banks.[3]

[3] The Bank Holding Company Act prohibits, with certain exceptions, a bank holding company from acquiring or retaining direct or indirect ownership or control of more than 5 percent of the voting shares of any company (which term includes a partnership, business trust or similar association)

Continued

Section 225.22(d)(2) (formerly § 225.4(e)) of Regulation Y was adopted in 1971 and allows holding company state-chartered banks to acquire or retain *all* of the voting shares of a nonbank company so long as the nonbank company engates solely in activities in which the parent bank may engage directly, at locations at which the bank may engage in the activities. 12 CFR 225.22(d)(2). The Regulation thus permits a holding company state bank to establish a wholly-owned subsidiary to engage in nonbanking activities that the state bank may conduct directly even though the activities are not otherwise permitted for bank holding companies. This regulation reflects the Board's decision in 1968—consistent with a 1966 ruling by the Comptroller for national banks—to permit state member banks to form wholly-owned operations subsidiaries to engage in activities authorized for the bank itself.[4]

In this connection, the Board's evaluation of an appropriate course of action with regard to this provision could be affected by the FDIC's action on its pending proposal to limit real estate development activities of insured banks.

If the FDIC adopts its proposed rule on real estate development activities of insured banks, the combined effect of this rule and the present provisions of § 225.22(d)(2) of Regulation Y would prohibit real estate development by an insured bank directly and in a subsidiary of a holding company bank because such activities would not be permissible in the bank. Thus, holding companies and their subsidiaries, including their bank subsidiaries, would be prohibited from engaging in real estate development activities, and only nonmember banks that are not in holding company systems would be permitted to engage in these activities through subsidiaries of those banks.

In this situation where the FDIC adopts its proposal, the Board requests comment on whether it should maintain the existing provisions of Regulation Y which would have the effect of prohibiting real estate development activities through the subsidiaries of all holding company banks, whether member or nonmembers. The Board also requests comment on the impact of the lack of coverage under these rules of nonmember banks that are not in holding company systems.

In the situation in which the FDIC does not adopte its proposed rule, or in any event, the Board, as noted above, is considering whether to amend § 225.22(d)(2) of Regulation Y to apply the nonbanking activity restrictions of the Act to nonbank subsidiaries of holding company banks. The possibility that such an amendment might be necessary was recognized by the Board at the time § 225.22(d)(2) was adopted in 1971. At that time the Board stated that it would not apply the nonbanking prohibitions of the BHC Act to nonbank subsidiaries of holding company banks unless changed circumstances indicated a need to apply the provisions in order to carry out the Act's purpose or to prevent evasions of the Act. Accordingly, the Board stated that it would review the merits of that decision from time to time:

> The Board should not at this time apply the [nonbanking] restrictions [of the BHC Act] to subsidiaries of banks. This decision is believed warranted by considerations of equity between banks that are and are not members of bank holding companies and by the absence of evidence that acquisitions by holding company banks are resulting in evasions of the purposes of the Act. The merits of this decision will be reviewed by the Board from time to time in light of its experience in administering the Act. (Board Press Release dated January 25, 1971.)

The developments discussed above regarding broad state authorizations for real estate development activities suggest that reconsideration of the Board's 1971 regulations allowing holding company state banks to retain subsidiaries engaged in activities the parent bank holding company may not conduct directly is now appropriate. Accordingly, the Board requests comment on whether it should amend § 225.22(d)(2) to apply a prohibition on real estate activities to the subsidiaries of banks in holding company systems.

In particular, comment is requested on whether this rule should be adopted in the situation in which the FDIC does not act to adopt its proposed rule on this matter. In such a situation, it would be permissible for state-chartered banks to engage in real estate development activities directly if authorized under state law. In order to deal with the potential risks to the safety and soundness of the banking and financial system that could arise in this situation, the Board requests comment on whether it should also exercise its authority under the Bank Holding Company Act and the International Lending Supervision Act to impose special capital requirements on bank holding companies that own a bank that engages in real estate investment activities. 12 U.S.C. 1844(b), 3907, and 3909. The types of requirements under consideration are the same as those outlined in Part III(2) above.

List of Subjects in 12 CFR Part 225

Banks, Banking, Holding companies, Securities.

Board of Governors of the Federal Reserve System, January 28, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-2525 Filed 1-30-85; 8:45 am]

BILLING CODE 6210-01-M

other than a bank. By encompassing indirect as well as direct ownership interests, this provision of the Act prohibits a holding company subsidiary *bank* as well as the holding company itself from owning more than 5 percent of the voting shares of any company engaged in impermissible nonbank activities such as real estate investment and development. The Board has since enactment of the Act held this view. 12 CFR 225.102. This conclusion is further supported by section 2(g)(1) of the Act, which provides that any voting shares held by any holding company subsidiary [bank or nonbank] are presumed held by the holding company itself. 12 U.S.C. 1841(g)(1).

[4] 12 CFR 250.141. The premise for the adoption by the Board of § 225.22(d) was that a subsidiary of a bank was equivalent to a department or division of the bank. If, on the other hand, a nonbank subsidiary of the bank is to be separate and wholly independent of the bank, as required under the FDIC proposal, such a "bona fide subsidiary" would clearly not be the type of subsidiary that was intended to be authorized under § 225.22(d)(2) of Regulation Y.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 333

Extension of Corporate Powers

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") is proposing to amend an interpretive ruling (12 CFR 333.101(b)) that prevents an insured nonmember bank not exercising trust powers from offering self-directed individual Retirement and Keogh Plan accounts without the prior written consent of the FDIC. As amended, the interpretive ruling would permit the offering of such accounts with certain limitations. The FDIC is also soliciting comment on two related questions.

DATE: Comments must be received by March 4, 1985.

ADDRESS: Send comments to: Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC. 20429. Comments may also be hand delivered to Room 6108 on weekdays between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: William G. Hrindac, Examination Specialist, Planning and Program

Development Branch, Division of Bank Supervision (202-389-4761), Room NY-770B, 550 17th Street NW., Washington, DC 20429, or Joseph A. DiNuzzo, Senior Attorney, Legal Division (202-389-4171), Room 4126B, 550 17th Street NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: Section 333.2 of the FDIC's regulations (12 CFR 333.2) prohibits an insured nonmember bank from changing the general character of its business without the prior written consent of the FDIC. Exercising trust powers constitutes a change in the general character of the business of an insured nonmember bank that requires the prior written consent of the FDIC. However, FDIC interpretive ruling § 333.101(b) provides that an insured nonmember bank not exercising trust powers may act as trustee or custodian of Individual Retirement Accounts established pursuant to the Employee Retirement Income Security Act of 1974 and Self-Employed Retirement Plans established pursuant to the Self-Employed Individuals Retirement Act of 1962 (IRA and Keogh Plan accounts) without the prior written consent of the FDIC provided, among other things, that the bank is required to invest the funds held in such accounts only in its own time or savings deposits. This proviso effectively precludes an insured nonmember bank from offering self-directed IRA and Keogh Plan accounts in which the holder directs investments to be made in other than the time or savings deposit of the bank.

The FDIC has received a petition and other requests to amend interpretive ruling § 333.101(b) to permit an insured nonmember bank not exercising trust powers to offer self-directed IRA and Keogh Plan accounts without the prior written consent of the FDIC provided the bank does not exercise any investment discretion with respect to account assets. National banks are permitted to offer such accounts in similar circumstances without authorization to exercise fiduciary powers by the Office of the Comptroller of the Currency. Moreover, insured nonmember banks may presently engage, without the prior written consent of the Corporation, in the types of transactions on behalf of individual customers (such as the purchase of Treasury or other securities) that would be involved in the administration of self-directed IRA and Keogh Plan accounts. While under the proposal insured nonmember banks would not be permitted to exercise any investment discretion with respect to account assets, the FDIC believes an additional limitation may be appropriate as well, namely, that the banks not be permitted to provide investment advice in connection with their administration of such accounts. Consequently, the FDIC is amending the proposal to this effect.

The FDIC is considering possible further limitations and consequently, solicits comment as well on the following two questions:

1. Should an explicit requirement be imposed to segregate the assets held in self-directed IRA and Keogh Plan accounts from those of the bank and other account holds and, if so, how should this be accomplished?

2. Should an explicit requirement be imposed to maintain the system of accounts and records for self-directed IRA and Keogh Plan accounts separate from the other systems of accounts and records of the bank and, if so, how should this be accomplished?

Paperwork Reduction Act

The proposal to amend interpretive ruling § 333.101 would not entail any reporting or recordkeeping requirements and, hence, the Paperwork Reduction Act of 1980 is not applicable.

Initial Regulatory Flexibility Analysis

Pursuant to section 5 of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164 (Sept. 19, 1980), the Board of Directors hereby certifies that the proposed amendment to interpretive rule § 333.101(b) will not have a significant economic impact on a substantial number of small entities because the changes would require no specific action by any bank and instead represent a liberalization of current constraints likely to be more important to larger institutions in a position to commit the resources necessary to offer self-directed IRA and Keogh Plan accounts.

The FDIC is promulgating this proposed regulatory change under its authority granted in sections 6 and 9 of the Federal Deposit Insurance Act (12 U.S.C. 1816, 1819).

List of Subjects in 12 CFR Part 333

Banks—Banking; State nonmember banks; Trusts and trustees.

Accordingly, the FDIC hereby proposes to amend 12 CFR Part 333 as set forth below.

PART 333—EXTENSION OF CORPORATE POWERS

1. The authority citation for Part 333 reads as follows:

Authority: 12 U.S.C. 1816, 1819.

§ 333.101 [Amended]

2. Section 333.101(b) is revised to read as follows:

(b) An insured State nonmember bank not exercising trust powers may act as trustee or custodian of Individual Retirement Accounts established pursuant to the Employee Retirement Income Security Act of 1974 and Self-Employed Retirement Plans established pursuant to the Self-Employed Individuals Retirement Act of 1962 without the prior written consent of the Corporation provided: (1) The bank's duties as trustee or custodian are essentially custodial or ministerial in nature, (2) the bank is required to invest the funds from such plans only (i) in its own time or savings deposits, or (ii) in any other assets at the direction of the customer provided the bank does not exercise any investment discretion or provide any investment advice with respect to account assets, and (3) the bank's acceptance of such accounts without trust powers is not contrary to State law.

By Order of the Board of Directors this 25th day of January 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-2526 Filed 1-30-85; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85-ANM-4]

Amend Transition Area; Cheyenne, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the 700 foot transition area in Cheyenne Wyoming. This action is necessary to ensure segregation of aircraft operating in instrument weather conditions and other aircraft operating in visual weather conditions. The area will be shown on aeronautical charts enabling pilots to circumnavigate the area or otherwise comply with instrument flight rules.

DATE: Comments must be received on or before February 20, 1985.

ADDRESS: Send comments on the proposal to: FAA, Northwest Mountain Region, ANM-533, 17900 Pacific Highway South—Docket No. 85-ANM-4, C-68966, Seattle, WA 98168.

The official docket may be examined in the Office of Regional Counsel at the same address.

An informal docket may also be examined during normal business hours at the Office of Airspace & Procedures Branch, at the same address.

FOR FURTHER INFORMATION CONTACT: Ted Melland, ANM-533, 17900 Pacific Highway South, C-68966, Seattle, WA 98168. The telephone number is (206) 431-2533.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted to the address listed above. Commenters wishing FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85-ANM-4." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of Airspace & Procedures, at the address previously listed both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Airspace & Procedures, at the address previously listed. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advsory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to completely encompass established instrument procedures within controlled airspace. A recent evaluation of Cheyenne Airport instrument approach procedures disclosed that an existing DME arc is not entirely contained within controlled airspace. This action would eliminate that deficiency.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 3, 1984.

The FAA has determined that this proposed 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, when promulgated, 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

Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Cheyenne, Wyoming

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Cheyenne Municipal Airport (lat. 41°09'20" N., long. 104°48'30" W), and within 6 miles southeast and 8 miles northwest of the Cheyenne VORTAC 029° radial, extending from the 14-mile radius area to 14 miles northeast of the VORTAC, and within a 19-mile radius of the Cheyenne VORTAC (lat. 41°06'48" N., long. 104°4042" W) from the 268° radial clockwise to the 343° radial; that airspace extending upward from 1,200 feet above the surface bounded on the NE by V-6, on the SE by V-207, on the SW by V-4N and on the NW by V-524, and that airspace NW of Cheyenne within 7 miles NE and 10 miles SW of the Cheyenne VORTAC 305° radial, extending from the VORTAC to 47 miles NW of the VORTAC, excluding the portions within the Laramie, Wyoming, transition area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.65)

Issued in Seattle, Washington, on January 17, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-2440 Filed 1-30-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 134

Country of Origin Marking of Pipe and Pipe Fittings of Iron or Steel

AGENCY: Customs Service, Treasury.

ACTION: Solicitation of comments, correction.

SUMMARY: In a document published in the **Federal Register** on January 9, 1985 (50 FR 1064), Customs stated that certain pipe and pipe fittings of iron or steel, cannot be marked with the proper country of origin by any of the methods prescribed by § 207 of the recently enacted Trade and Tariff Act of 1984, without rendering such articles unfit for the purpose for which they are intended or violating industry standards for such articles. The document solicited public comments as to precisely which pipe and pipe fittings of iron or steel cannot be marked by any of the prescribed methods.

The document stated that the new marking requirements will apply to pipe and tube fittings of iron or steel (bends, branches, drains, reducers, etc.) of the kind classifiable under items 610.62-620.93, 688.32, TSUS. It has been brought to Customs attention that the correct reference should be to items 610.62-610.93, 688.32, TSUS. In addition, those pipe and tube fittings of iron or steel of the kind classifiable under items 606.71 and 606.73, TSUS, also will be subject to the new marking requirements.

DATE: Comments must be received on or before February 25, 1985.

ADDRESS: Comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Tom Lindmeier, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, (202-566-5765).

Dated: January 23, 1985.

B. James Fritz,

Director, Regulations Control and Disclosure Law Division.

[FR Doc. 85-2506 Filed 1-30-85; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

20 CFR Part 10

Claims for Medical Benefits Under the Federal Employees' Compensation Act

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: This notice reopens the period for comment on the proposed rule regarding claims for medical benefits under the Federal Employees' Compensation Act published in the Federal Register on June 7, 1984 (49 FR 23658). The proposed rule would clarify the procedures for submitting bills for medical services provided to injured Federal employees and would establish a schedule designed to contain the fees charged for such services. The comment period was originally extended from August 6, 1984, to October 5, 1984, in response to a request from the American Medical Association (49 FR 33695) for additional information about the schedule and time to comment thereon. The additional information consists of more recent data concerning geographic boundaries (SMSA's and MSA's) to which the schedule will apply; Health Care Financing Administration (HCFA) data on Medicare costs; revisions to the relative values for medical procedures; and revisions to the *Current Procedural Terminology* (CPT-4) of medical procedures. Reopening the period for comment is necessary to permit interested persons sufficient time to evaluate the additional information developed by the Department of Labor and to comment on the proposed rule.

DATE: Comments must be submitted on or before March 4, 1985.

ADDRESS: The additional information may be obtained from, and written comments should be sent to: Thomas M. Markey, Deputy Associate Director for Federal Employees' Compensation, Employment Standards Administration, U.S. Department of Labor, Room S-3229, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, D.C. 20210; telephone (202) 523-7552.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas M. Markey, telephone (202) 523-7552.

Signed at Washington, D.C., this 25th day of January 1985.

Ford B. Ford,

Under Secretary of Labor.

[FR Doc. 85-2527 Filed 1-30-85; 8:45 am]

BILLING CODE 4510-27-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 166

[Docket No. 82P-0186]

Margarine; Proposal To Amend the Standard of Identity; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on its proposal to amend the standard of identity for margarine. The proposed amendments would remove the list of permitted emulsifiers and the maximum use level restrictions for each from the current standard and retain the provision for the use of safe and suitable emulsifiers without specified limitation. FDA received a request for extension of the comment period and is granting an additional 30 days.

DATE: Comments by January 30, 1985.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Johnnie G. Nichols, Center for Food Safety and Applied Nutrition (HFF-215), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-485-0101.

SUPPLEMENTARY INFORMATION: In the Federal Register of October 30, 1984 (49 FR 43560), FDA published a proposal to amend the standard of identity for margarine (21 CFR 166.110). The proposal, based on a petition from the National Association of Margarine Manufacturers (NAMM), would amend the standard to remove the list of permitted emulsifiers and the maximum use level restriction for each from the current standard and retain the provision for the use of safe and suitable emulsifiers without specified limitations. FDA also proposed to delete reference in the standard to mono- and diglycerides of fatty acids esterified with either citric acid or tartaric acid because they are not permitted by prior sanction, generally recognized as safe listing, or food additive regulation for use as emulsifiers and because they were inappropriately added to the list of emulsifiers in § 166.110(b)(4) by virtue of their being listed in the Codex recommended international standard considered for adoption in 1973 (38 FR 25671; September 14, 1973). FDA requested comment on this proposal by December 31, 1984.

The petitioner, NAMM, submitted a request for a 30-day extension of the comment period. The request stated that, because the proposal went beyond the petitioned change, additional time is needed to gather further information about the effect of the amendments on margarine manufacturers.

FDA has evaluated the request and has concluded that an extension of 30 days is appropriate to provide adequate time for the petitioner to gather information about the effect of the proposed amendments on margarine manufacturers. Therefore, the comment period is being extended until January 30, 1985.

Interested persons may, on or before January 30, 1985, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 28, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-2596 Filed 1-29-85; 11:42 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 771 and 790

[FHWA Docket No. 85-12]

Environmental Impact and Related Procedures, Public Hearings and Location/Design Approval

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking; amendment and rescission.

SUMMARY: The FHWA proposes to eliminate duplication in its public involvement regulations by rescinding 23 CFR Part 790 and amending 23 CFR 771.111(h) to make it the agency's single public involvement regulation. The FHWA is specifically requesting comments on proposed amendments to 23 CFR 771.111(h).

DATE: Written comments are due on or before March 4, 1985.

ADDRESS: Submit written comments to FHWA Docket No. 85-12, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m., ET, Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mrs. Florence W. Mills, Environmental Programs Division, (202) 426-0303, or Mr. S. Reid Alsop, Office of the Chief Counsel, (202) 426-0800, in the Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except on legal holidays.

SUPPLEMENTARY INFORMATION: At present, the Federal Highway Administration (FHWA) has two concurrent public involvement/public hearing requirements implementing 23 U.S.C. 128 and 49 CFR Parts 1500-1508 (Council on Environmental Quality Regulations). The two FHWA regulations are codified as 23 CFR 771.111(h) and as 23 CFR Part 790. The latter of these two regulations also appears in Volume 7, Chapter 7, Section 5 of the Federal-Aid Highway Program Manual (FHPM 7-7-5).

Issued first in 1969, 23 CFR Part 790 sets forth detailed FHWA requirements for public hearings and location and design approval. Before 1974, all States, plus the District of Columbia, Puerto Rico, and the Direct Federal Program, conducted their public involvement and project approvals under this regulation.

Beginning in 1974, the FHWA provided an alternative process for public involvement/public hearings and project location approvals. In contrast to the earlier regulation, this process, now codified in 23 CFR 771.111(h), gives the States more flexibility in developing public involvement programs which are better integrated into the States' project development and environmental processes under 23 CFR Part 771 and 40 CFR 1500-1508. Under § 771.111(h) States, which develop public involvement/public hearing procedures providing opportunities for early and on-going public involvement and whose hearing procedures are determined by FHWA to be equivalent to those under 23 CFR Part 790, are permitted to substitute their own public involvement/public hearing procedures for the detailed hearing requirements of 23 CFR Part 790. In addition, since 1974, it has been provided that completion of the environmental process be considered acceptance of the general location of the proposed project unless otherwise specified by FHWA (23 CFR 771.113(b)). At present, the vast majority of States and the Direct Federal Program conduct their public involvement activities and public hearings under 23 CFR 771.111(h). Fewer than 10 State highway agencies remain under the provisions of 23 CFR Part 790.

As part of an overall FHWA initiative to avoid confusing and unnecessary regulatory duplication and to increase the efficiency and effectiveness of project development, the FHWA proposes the rescission of 23 CFR Part 790 and consolidation in 23 CFR 771.111(h) of all regulatory requirements for effective public involvement in Federal-aid highway projects. This action is part of the FHWA's overall efforts to institute a streamlined, one-step environmental process in which public involvement is fully integrated with the other project development and environmental procedures (e.g., environmental studies, and preliminary relocation data collection). The FHWA believes that this action will encourage better public involvement through the early identification of issues, early consultation and continuing coordination with concerned members of the public or other agencies, and early resolution of issues.

This rescission and regulatory consolidation, furthermore, is consistent with the intent of Section 129 of the Surface Transportation Assistance Act of 1982 which requires FHWA to establish by rule or regulation, ". . . alternative methods for processing projects . . . so as to reduce the time required from the request for project approval through the completion of construction."

The FHWA does not propose any major changes in existing programs, policies, or procedures. The amendments to 23 CFR 771.111(h) retain essential material from 23 CFR Part 790 which FHWA has long used in approving State public involvement/public hearing procedures. For those States which have public involvement/public hearing procedures approved by FHWA and in effect prior to the publication of the final rule, the principles of § 771.109(a)(2) apply. That is, approvals based on those procedures will remain in effect. However, these proposed regulations would apply to any changes to a State's public involvement/public hearing procedures made subsequent to the final issuance of these regulations. Those few States that currently conduct public hearings under 23 CFR Part 790 (which would be rescinded) would have one year from the date of the publication of the final rule in the **Federal Register** to develop public involvement/public hearing procedures in accordance with the revisions to 771.111(h). Oversight for both the development of public involvement/public hearing procedures and project-level public involvement activities would continue to rest in the FHWA field offices.

The proposed rescission of 23 CFR Part 790 does not in any manner eliminate the requirements for design approvals required by 23 U.S.C. 106, 109 and 112. Design submissions and approvals to meet these requirements are carried out according to procedures developed by the FHWA and the State highway agencies. These procedures have been tailored to meet the specific project development processes of each State highway agency.

The FHWA is interested in receiving comments on whether the proposed regulation fully and effectively integrates FHWA's requirements for public involvement with the other procedures of the environmental process. Are there inconsistencies between § 771.111(h) and other paragraphs of Part 771 or 40 CFR Parts 1500-1508?

The most important proposed changes to 23 CFR 771.111(h) are discussed below:

1. *§ 771.111(h)(2) (i)-(ii).* State public involvement/public hearing procedures would include public involvement activities other than hearings as appropriate to support the public hearings required by 23 U.S.C. 128. The FHWA's experience is that for some projects, hearings alone may not be sufficient to enable the public to understand how the project affects them and to identify and resolve issues with the State highway agency.

2. *§ 771.111(h)(2)(iii).* The proposed conditions triggering a hearing are based on the three-way classification of projects according to their environmental documentation (23 CFR 771.115). The FHWA proposes that a

public hearing be held or a public hearing opportunity be offered for all Class I (Environmental Impact Statements) projects. Class I projects are the projects with significant environmental effects for which existing § 771.111(h) requires one or more public hearings or the opportunity for a hearing. The conditions from existing § 771.111(h) which specify whether one or more public hearings or the opportunity for a hearing are required have been retained for Class II and Class III projects. Classes II and III contain a wide range of projects which may or may not require public involvement/public hearings. It is the intention of the FHWA that the proposed paragraph (h)(2) of § 771.111 will result in the same opportunities for public hearings that exist at this time under either paragraph (h) of § 771.111 or under 23 CFR Part 790.

3. *§ 771.111(h)(2)(v).* The requirement to present the project alternatives and the relocation assistance program at the public hearing would be transferred to this paragraph from 23 CFR 790.7(b) (3) and (7). Major types of impacts and mitigation measures would be added to assure that the project is adequately described to the public. This paragraph would also provide that the State highway agency receive either written or oral statements from the public at a public hearing.

4. *§ 771.111(h)(3).* The conditions under which a new public hearing or hearing opportunity must be offered would be integrated into the on-going reevaluations of projects under § 771.129.

5. *§ 771.111(h)(4).* Publication of the availability of new State public involvement/public hearing procedures in the **Federal Register** would be a uniform minimum for all States. It does not preclude any other method of notification such as a mailing list of interested groups and individuals or use of a State's own process for public notice of official documents.

The proposed rescission of 23 CFR Part 790 and amendments to 23 CFR 771.111(h) will not impose any significant new recordkeeping requirement on the States or on the public. Those few States not currently under § 771.111(h) must write procedures for approval under the proposed regulation; however, these States will at the same time gain flexibility to conduct public hearings in a way which is compatible with the State's own project development process. The remaining States will not be required by the proposed regulation to write new public involvement/public hearing procedures.

The FHWA has determined that this document contains neither a major proposal under Executive Order 12291 nor a significant proposal under DOT regulatory procedures. Since there is no substantive change in the approach FHWA has traditionally employed in dealing with public involvement, it is anticipated that this action will not have a significant economic effect. The economic impacts, if any, would result in administrative savings caused by the elimination of procedural duplication. Therefore, a full regulatory evaluation is not required. Accordingly, under the criteria of the Regulatory Flexibility Act, the FHWA certifies that this action, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Since these proposed amendments would not change FHWA policy on public involvement, the FHWA has determined that a 30-day comment period is sufficient.

In consideration of the foregoing and under the authority of 23 U.S.C. 109(h), 128, and 315, and 49 CFR 1.48(b), it is proposed to amend Chapter I of Title 23, Code of Federal Regulations, as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12373 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

List of Subjects in 23 CFR Parts 771 and 790

Environmental impact statements, Grant programs—transportation, Highways and roads, Highway location and design, Public hearings, Reporting and recordkeeping requirements.

Issued on: January 25, 1985.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

PART 790—PUBLIC HEARINGS AND LOCATION/DESIGN APPROVAL—[REMOVED]

1. Part 790 is removed from Chapter I of 23 CFR.

PART 771—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

2. Section 771.111 is amended by revising paragraph (h) to read as follows:

§ 771.111 Early coordination, public involvement, and project development.

* * * * *

(h)(1) Each State must have procedures approved by the FHWA to carry out the public involvement/public hearing requirements of 23 U.S.C. 128 and 40 CFR 1500–1508.

(2) State public involvement/public hearing procedures must provide:

(i) That public involvement activities and required public hearings be coordinated with the entire NEPA process including required early and continuing consultation with other agencies and the public.

(ii) Adequate opportunities during project development for governmental jurisdictions, public agencies, and the public to be involved in the identification and mitigation of social, economic, and environmental impacts, as well as impacts associated with the relocation of individuals, groups, or institutions.

(iii) One or more public hearings or the opportunity for hearing(s) to be held at a convenient time and place for the following Federal-aid projects classified according to § 771.115:

(A) All Class I projects, and

(B) Class II and Class III projects, if substantial amounts of right-of-way are required, if there is a substantial change in the layout or functions of connecting roadways or of the facility being improved, if there is a substantial adverse effect on abutting property, if the project otherwise has a significant social, economic, environmental, or other effect, or if the FHWA determines that a hearing is in the public interest.

(iv) Reasonable notice to other agencies and the public of either a public hearing or the opportunity for a public hearing. Such notice will indicate the availability of explanatory information.

(v) That, at the public hearing, representatives of the State highway agency will explain, as appropriate, to the public:

(A) The project's purpose, need, and consistency with any local urban planning,

(B) The project's alternatives, and major design features,

(C) The social, economic, environmental, and other impacts of the project,

(D) Mitigation measures,

(E) The relocation assistance program and the right-of-way acquisition process, if appropriate,

(F) That the State highway agency will accept oral and written statements from the public.

(vi) For the submission to the FHWA of a verbatim transcript of each public hearing and a certification that a required hearing or hearing opportunity was offered. The transcript will be

accompanied by copies of any written statements from the public.

(3) When project environmental documents are reevaluated, the project's public involvement/public hearing activities will also be reevaluated. A public hearing or an opportunity for a hearing must be afforded if the FHWA determines based on the reevaluation that a public hearing is in the public interest.

(4)(i) Approvals or acceptances made by the FHWA, prior to the publication date of this regulation, of public involvement/public hearing procedures for use in lieu of 23 CFR Part 790 remain valid. For States conducting public hearings under the provisions of 23 CFR 790, these provisions will remain valid for one year after the effective date of this section. During this year, these States must submit and have accepted by the FHWA public involvement/public hearing procedures that satisfy the requirements of this section.

(ii) Upon FHWA approval of a State's public involvement/public hearing procedures or substantial amendments to such procedures, the FHWA will publish in the Federal Register a public notice of the effective date of the procedures or amendments and where at least one copy is available for public inspection.

[FR Doc. 85-2552 Filed 1-30-85; 8:45 am]

BILLING CODE 4910-22-M

Coast Guard

33 CFR Part 117

[CCD7 85-02]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Florida Department of Transportation, the Coast Guard is considering changing regulations governing the PGA Boulevard bridge, mile 1012.6, and the Parker bridge, mile 1013.7, in Palm Beach County. This proposal is being made because periods of vehicular and marine traffic have increased. This action should accommodate the needs of vehicular traffic yet still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before March 18, 1985.

ADDRESSES: Comments should be mailed to Commander (oan), Seventh Coast Guard District, 51 SW. 1st Avenue, Miami, Florida 33130. The comments and other materials referenced in this notice will be available for inspection and copying at 51 SW. 1st Avenue, Room 816, Miami, Florida. Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky, Bridge Administration Specialist, telephone (305) 350-4103.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelop.

The Commander, Seventh Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Mr. Walt Paskowsky, Bridge Administration Specialist, project officer, and Lieutenant Commander Ken Gray, project attorney.

Discussion of Proposed Regulations

Both bridges exhibit similar usage patterns with slightly more traffic on weekdays than weekends and a greater number of openings on weekends than on weekdays. The proposed regulations were developed after discussion with Congressman Tom Lewis who represents the Congressional District in which the bridges are located.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because the proposal will exempt tugs with tows. Since the economic impact is expected to be minimal the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by amending § 117.261, by adding a new paragraph (i)(3) and revising paragraph (j) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Miami.

* * * * *

(i)(3) The draw of the PGA Boulevard bridge, mile 1012.6, shall open on signal; except that from 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m. Monday through Friday except holidays, the draw need open only on the quarter and three-quarter hour. On Saturdays, Sundays and holidays from 8 a.m. to 5 p.m. the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour. Public vessels of the United States, tugs with tows, cruise vessels operated on a regular schedule, and vessels in distress shall be passed at anytime.

(j) The draw of the Parker (USI) bridge mile, 1013.7, shall open on signal; except that from 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m. Monday through Friday except holidays, the draw need open only on the hour and half-hour. On Saturdays, Sundays and holidays from 8 a.m. to 6 p.m. the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour. Public vessels of the United States, tugs with tows, cruise vessels operated on a regular schedule, and vessels in distress shall be passed at anytime.

* * * * *

(33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: January 17, 1985.

R.P. Cueroni,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 85-2511 Filed 1-30-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD7 85-01]

Drawbridge Operation Regulations; Okeechobee Waterway, FL

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Florida Department of Transportation, the Coast Guard is considering changing

regulations governing the Roosevelt Bridge, mile 7.5, and the Evans Crary Bridge, mile 3.3, in Martin County. This proposal is being made because periods of vehicular and marine traffic have increased. This action should accomodate the needs of vehicular traffic yet still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before March 18, 1985.

ADDRESSES: Comments should be mailed to Commander (oan), Seventh Coast Guard District, 51 SW 1st Avenue, Miami, Florida 33130. The comments and other materials referenced in this notice will be available for inspection and copying at 51 SW 1st Avenue, Room 816, Miami, Florida. Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky, Bridge Administration Specialist, telephone (305)-350-4103.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments.

Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Seventh Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information:

The drafters of this notice are Mr. Walt Paskowsky, Bridge Administration Specialist, project officer, and Lieutenant Commander Ken Gray, project attorney.

Discussion of Proposed Regulations

The Roosevelt Bridge has more traffic, both vehicular and marine, than the Evans Crary Bridge. Both spans however exhibit a similar pattern with more boat traffic on weekends and more vehicular traffic during the week. The proposed regulations for the Roosevelt bridge were developed after discussion with Congressman Tom Lewis, the Florida Department of Transportation and Martin County.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because the proposal will exempt tugs with tows. Since the economic impact is expected to be minimal the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by amending § 117.317, by redesignating existing paragraphs (a) through (g) as paragraphs (b) through (h), respectively, by adding a new paragraph (a) and by revising paragraph (b) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.317 Okeechobee Waterway.

(a) The draw of the Evans Crary (SR A-1-A) bridge, mile 3.3, shall open on signal except that from November 1 to May 1 from 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m., Monday through Friday except holidays, the draw need open only on the quarter-hour and three-quarter hour. On Saturdays, Sundays and holidays November 1 to May 1 from 8 a.m. to 6 p.m. the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour. Public vessels of the United States, state or local vessels used for public safety, tugs with tows, and vessels in distress shall be passed at any time.

(b) The draw of the Roosevelt (US-1) bridge, mile 7.5, shall open on signal except from 7 a.m. to 9 a.m., 11 a.m. to 1 p.m., and 4 p.m. to 7 p.m., Monday through Friday except holidays, the draw need open only on the hour and half-hour. On Saturdays, Sundays and holidays from 8 a.m. to 6 p.m. the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour. When the adjacent Florida East Coast Railway bridge is in the closed position at the time of a scheduled opening the draw need not open for eastbound vessels but must open on signal immediately upon the opening of the railroad bridge to pass all accumulated vessels. Public vessels of the United States, state or local vessels used for public safety, tugs with tows, and vessels in distress shall be passed at any time.

* * * * *

(33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: January 18, 1985.

R.P. Cueroni,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 85-2510 Filed 1-30-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Parts 117 and 118

[CGD 84-022]

Bridge Lighting and Other Signals

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes to revise the bridge signal regulations by adding standards for retroreflectors, daymarks, fog signals, vertical clearance gauges, and other signals. Due to a history of accidents involving vessels hitting bridges, the existing regulations, which refer only to bridge lighting, need to be expanded to include means of signalling in daylight or fog and of informing vessel operators of the vertical clearance of bridges. These proposals are intended to promote safe navigation through bridges across the navigable waters of the United States.

DATE: Comments must be received on or before March 18, 1985.

ADDRESS: Comments should be submitted to and are available for examination at the Marine Safety Council (G-CMC), Room 2201 Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593. Between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday, comments may be delivered to, and are available for inspection and copying at the Marine Safety Council (G-CMC).

FOR FURTHER INFORMATION CONTACT: Alfred T. Meschter, 202-462-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify the proposed section, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a

self-addressed, stamped envelope or postcard.

The Chief, Office of Navigation, U.S. Coast Guard Headquarters, Washington, D.C., will evaluate all communications received before taking final action on this proposal. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. The proposed regulations may be changed in light of comments received. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process. Copies of this printed document will be available for reading purposes in Room 1410, Coast Guard Headquarters, and at the office of the Coast Guard District Commanders.

Drafting Information

The principal persons involved in drafting this proposal are: Mr. Alfred T. Meschter, Project Manager, and Mr. Stephen H. Barber, Project Attorney.

Background

The numerous and often catastrophic vessel/bridge accidents occuring over the last decade resulted in heavy loss of life and damage to property. The Coast Guard, with the aid of various bridge owners and navigation interests, has found that the existing regulations in 33 CFR Part 118 concerning the lighting of bridges need to be expanded to include other means of signalling oncoming vessels and facilitating their safe passage. On the advice of the National Transportation Safety Board (Recommendation M-83-094) and the boating industry, the Coast Guard is proposing regulations for signals on bridges, other than bridge lighting, which would provide additional information to vessel operators to enhance safe navigation through the bridges.

Discussion of Proposed Regulations

This proposal contains standards for retroreflective panels on bridge piers, daymarks, lateral lighting, radar reflectors and racons, fog signals, painting of bridge piers, lighting under deck traveller platforms, vertical clearance gauges, and radiotelephone installation signs.

Existing § 117.15(d) on radiotelephone communications would be amended to add a note to refer the reader to the new appendix which is proposed for addition at the end of Part 117. This appendix would list the call signals and radio channels for all drawbridges known or required to have a radiotelephone. This list would be periodically updated as needed.

Proposed § 117.24 would provide for the installation of signs on drawbridges equipped with a radiotelephone to give notice of the radiotelephone and of its calling and working channels.

Existing § 117.47 on clearance gauges for drawbridges would be amended to cross reference the clearance gauge design, installation, and maintenance provisions in proposed § 118.160. Existing provisions for specific drawbridges listed in 33 CFR Part 117 which differ from those proposed in § 118.160 would be retained.

Existing §§ 118.1, 118.50, 118.60, and 118.95 would be amended for clarification, simplification, and alignment with the new proposed provisions. Proposed § 118.95 also contains a corrected citation to the cross referenced material.

Proposed § 118.3 on incorporation by reference is discussed later in this preamble.

Existing § 118.40, Lighting during bridge construction, and § 118.100, Modification of requirements, would be combined in proposed § 118.40 to consolidate similiar subject matter.

The remaining proposals permit the District Commander of the Coast Guard District where the bridge is located to prescribe, when needed, the use of retroreflective panels, daymarks, lateral lighting, radar reflectors, racons, fog signals, bridge pier painting, lighting under deck travellers and clearance gauges. If not required to do so by the District Commander, bridge owners would be permitted to voluntarily install these devices if authorized to do so by the District Commander.

Incorporation by Reference

Proposed § 118.3 lists material incorporated by reference in proposed § 118.160(d)(2). Copies of this material are available for inspection at U.S. Coast Guard Headquarters, Room 2201, Transpoint Building, 2100 Second Street, SW, Washington, D.C. 20593 (202) 426-1477, and at the various Coast Guard District Headquarters. A copy of the material may be obtained from the Federal Highway Administration, Office of Traffic Operation, 400 7th Street, SW, Washington, D.C. 20590.

Before the final rule is published, the Coast Guard will submit this material to the Director of the Federal Register for approval of the material for purposes of incorporation by reference.

Regulatory Evaluation

These proposals are considered to be non-major under Executive Order 12291 and nonsignificant under the Department of Transportation Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). The economic impact of this proposal has been found to be so minimal that a full regulatory evaluation is unnecessary.

These proposals would not automatically require all bridges to have all of the various devices considered. Only when the District Commander determines on a case by case basis that a particular bridge needs one or more of the devices for reasons of safe navigation would the device or devices be required. In the event the bridge owner voluntarily chooses to comply with one or more of the proposed provisions, the owner would still have to receive the District Commander's approval in order to determine whether the measures taken will improve safety of navigation and conform to the regulations.

Because any requirement for installation is on a case by case basis and because many bridge owners would prefer to comply with one or more proposals even though not required to, it is not known how many bridges would be required to install any of this equipment.

Retroreflective material costs less than $10 a square foot, the maximum size required. The cost for painting, day boards, lateral lighting, radar reflectors, traveller lighting, and fog signals range in cost from $100 to $4,000 depending on which are required. The most costly device, racons at $15,000 a unit, would likely be needed only by large bridges crossing busy waterways. These large bridges, the type owned by railroads and governmental bodies, could, therefore, require up to a $19,000 outlay, though this cost would be exceptional.

We do not have data to estimate accurately the total number of bridges affected, however, it is unlikely to exceed five or six major bridges and 40 to 50 minor bridge annually for a total cost of less $224,000 per year. If one accident can be avoided, such as one of the two recent collisions with the Popular Street Bridge across the Mississippi River at St. Louis, Missouri, which resulted in damages totalling $9,000,000 and $3,000,000 respectively these proposed improvements would be cost effective.

Therefore, based upon these estimates, the cost of these proposals would be minimal. Comments on these estimates and supportive data would be appreciated.

Regulatory Flexibility Act

These proposals would apply mostly to major bridges across busy waterways, the type of bridge usually owned by a railroad or governmental agency. Smaller bridges affected, ones that might be owned by small entities, would number about 40 to 50 a year. At the most, costs for required equipment for the smaller bridges would not exceed $4,000 per bridge and would probably be considerably less. Therefore, for the above reasons, it is certified, in accordance with section 605(d) of the Regulatory Flexibility Act (94 Stat. 1164; 5 U.S.C. 601), that these rules will not, if promulgated, have a significant economic impact on a substantial number of small entities.

Environmental Assessment

These proposals are limited to actions by the Coast Guard to protect public safety by authorizing or requiring the installation of approved warning devices to reduce the likelihood of vessels striking bridges. Therefore, the proposals are of the category that would not significantly affect the environment and do not require an Environmental Assessmment, Finding of No Significant Impact, or Environmental Impact Statement (Section 2-B-3-g, COMDTINST, M16475.1A).

List of Subjects in 33 CFR Parts 117 and 118

Bridges.

In consideration of the foregoing, Parts 117 and 118 of Title 33, Code of Federal Regulations, are amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 reads as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46(c)(5).

2. By adding a note at the end of paragraph (d)(1) of § 117.15 to read as follows:

§ 117.15 Signals.

* * * * *

(d) * * *

(1) * * *

Note.—Call signals and radio channels for drawbridges with radiotelephones are listed in Appendix A to this part.

* * * * *

3. By adding a new § 117.24 to read as follows:

§ 117.24 Radiotelephone installation identification.

(a) The District Commander may prescribe or authorize the installation of a sign on drawbridges indicating that the bridge is equipped with and operates a VHF radiotelephone in accordance with § 117.23.

(b) The sign shall give notice of the radiotelephone and its calling and working channels—

(1) In plain language; or

(2) By a sign consisting of the outline of a telephone handset with the long axis placed horizontally and a vertical three-legged lightning slash superimposed over the handset. The slash shall be as long vertically as the handset is wide horizontally and not less than 24 inches and no more than 36 inches long. The calling and working channels must be proportionately sized and placed in the symbol's quandrants.

Note.—It is recommended that the radiotelephone sign be similar in design to the Service Signs established by the Federal Highway Administration (FHWA) in U.S. Road Symbol Signs using Standard Highway Blue (PR #3) and Reflective White colors. Color and design samples are available from the District Commander of the Coast Guard District in which the bridge is located.

4. By revising paragraph (b) in § 117.47 to read as follows:

§ 117.47 Clearance gages.

* * * * *

(b) Except for provisions in this part which specify otherwise for particular drawbridges, clearance gages shall be designed, installed, and maintained according to the provisions of § 118.150 of this chapter.

* * * * *

5. By adding a new appendix at the end of Part 117 to read as follows:

Appendix A to Part 117—Drawbridges Equipped with Radiotelephones

Waterway	Mile	Location	Bridge name and owner	Call signal	Calling channel	Working channel
Alabama						
Alabama River	105.3	Coy	Burlington Northern Railroad	WXY 960	16	13 and 14.
Black Warrior River	267.8	Eutaw	Southern Railway System	KQ 7158		13.
Chickasaw Creek	0.0	Pritchard	Seaboard System RR	KQ 7197	16	13.
Mobile River	2.9	Mobile	Cochrane Bridge, AL	KZA 922	16	13.
Do	15.3	Mobile	Seaboard System RR	KQ 7197	16	13.
Three Mile Creek	0.3	do	do	KQ 7197	16	13.
Tombigbee River	44.9	Jackson	Southern Railway	KQ 9072		13.
Tennessee River	259.4	East Florence	Wilson Lock, U.S. Army Engineer District, Nashville	WUE 612	16	
Do	304.4	Decatur	Southern Railway System	KQ 6999		16.
Do	305.0	do	Keller Highway Bridge, AL	KYH 502	16	13.
Do	414.4	Bridgeport	Seaboard System RR	KC 9430	16	13.
Arkansas						
Arkansas River	67.4	Rob Roy	St. Louis Southwestern Railroad	KTA 435	16	
Do	118.2	Little Rock	Chicago, Rock Island, and Pacific Railroad	KQU 630	16	
Do	118.7	do	Junction Bridge—Missouri Pacific RR	KSK 392	16	
Do	119.6	do	Baring Cross—Missouri Pacific RR	KSK 392	16	
White River	96.9	Clarendon	St. Louis Southwestern Railroad	KUF 653	16	14.
Do	196.3	do	Missouri Pacific RR	KVY 684	16	13.
Do	254.5	do	do	KIZ 553	16	13.
California						
Carquinez Strait	7.0	Martinez	Southern Pacific RR	KQ 7193	16	13.
Cerritos Channel	4.4	Long Beach	Henry Ford (Badger) Avenue, Port of Los Angeles	KVY 723	13	13.
Do	4.5	do	Schuyler Heim CA DOT	KXJ 749	13	9, 10, 16, and 16A.
Channel Street	0.0	San Francisco	3d Street, San Francisco	KR 4664	9	13, 15, 17, and 65A.
Connection Slough	2.5	Mandeville Island	South Real Estate Co.	License not yet received	9	7, 13, and 16.
Little Potato Slough	1.0	Terminous	CA DOT	KMJ 648	9	10, 13, 16, and 18.
Mokelumne River	3.0	Isleton	CA DOT	KMJ 382	9	10, 13, 16, and 18.

Waterway	Mile	Location	Bridge name and owner	Call signal	Calling channel	Working channel
Napa River	2.8	Vallejo	Mare Island Causeway, Navy	Military license only, no FCC.	13	6, 9, 10, 12, 16, and 18A.
Sacramento River	12.8	Rio Vista	CA DOT	KMJ 384	9	10,13, 16, and 18.
Do	15.7	Isleton	CA DOT	KMJ 383	9	10, 13, 16, and 18.
Do	26.7	Walnut Grove	Sacto Co	KMJ 491	9	10,13, 16, and 18.
Do	33.4	Painterasville	CA DOT	KMJ 381	9	10, 13, 16, and 18.
Do	46.0	Freeport	Sacto Co	KMJ 490	9	10, 13, 16, and 18.
Do	59.0	Sacramento	Tower Bridge, CA DOT	KDO 739	9	10, 13, 16, and 18.
South San Francisco Bay	32.0	Palo Alto	Dumbarton Highway Bridge, CA DOT	KDO 749	13	9 and 16.
Do	32.5	do	Dumbarton RR Bridge, Southern Pacific RR	KQ 7191	9	16.
Connecticut						
Connecticut	3.4	Old Saybrook	AMTRAK	KT 5414	13	13.
Do	16.8	Haddam	Connecticut	KXR 913	13	13.
Housatonic River	3.5	Stratfort	Stratfort Avenue, CT	KXJ 695	13	13.
Do	3.9	Devon	Devon RR	KU 6035	13	13.
Mystic River	2.4	Mystic	AMTRAK	KJA 842	13	13.
Do	2.8	do	Connecticut	KXR 912	13	13.
Niantic River	0.0	Niantic	AMTRAK	KGA 511	13	13.
Do	0.1	do	Connecticut	KXR 911	13	13.
Norwalk River	0.0	South Norwalk	Connecticut	KXJ 707	13	13.
Do	0.1	do	CONRAIL	KU 6035	13	13.
Pequonnock River	0.3	Bidgeport	Peck RR	KU 6033	13	13.
Quinnipiac River	0.0	New Haven	Connecticut	KXJ 688	13	13.
Thames River	3.0	Groton	AMTRAK	KT 5473	13	13.
Florida						
Atlantic Intra-coastal WW	1,050	Boca Raton	Hillsboro Blvd., FL DOT		16	13.
Do	1,055	Pompano Beach	NE 14th St. FL DOT		16	13.
Do	1,056	do	Atlantic Blvd., FL DOT		16	13.
Do	1,059	Ft Lauderdale	Commercial Blvd., FL DOT		16	13.
Do	1,060.5	do	Oakland Park Blvd., FL DOT		16	13.
Do	1,062.6	do	Sunrise Blvd.,		16	13.
Do	1064	do	Las Olas Blvd., FL DOT			13.
Do	1066	do	17th St., FL DOT			13.
Do	1069.4	Dania	Dania Bch. Blvd., FL DOT			13.
Do	1070.5	Hollywood	Sheridan St., FL DOT			13.
Do	1072.2	do	Hollywood Blvd., FL DOT			13.
Do	1074	Hallandale	Hallandale Blvd., FL DOT		16	13.
Bayou Chico	0.3	Pensacola	FL DOT	WHF 855	16	9.
Gulf County Canal	0.1	Port St. Joe	FL DOT	KBA 338	16	12 and 13.
Gulf Intracoastal WW	119.0	Treasure Island	Treasure Island	WQZ 367 or KZU 970	16	
Hillsboro Inlet	0.3	Hillsboro	FL DOT		16	13.
Johns Pass	0.1	St. Petersburg	FL DOT	WQZ 213	16	13.
New River	1.4	Ft. Lauderdale	Southeast 3d Ave., Broward County			13.
Do	2.3	do	Andrews Ave., Broward County			13.
Do	2.7	do	Marshall Bridge, Broward County			13.
New River, South Fork	0.9	do	Davie Blvd., FL DOT		13	
St. Johns River	24.9	Jacksonville	FEC RR	KXR 936	16	13.
Do	126.0	Astor	FL DOT	WXY 904	16	13.
Georgia						
Savannah River	60.9	Clyo	Seaboard System RR	WKB 697	16	13.
Idaho						
Clearwater River	0.8	Lewiston	Camas Prairie RR	KU 9788	13 and 16	13.
Illinois						
Illinois River	21.6	Hardin	Illinois DOT	WZQ 8761	16	14.
Do	43.2	Grand Pass	Illinois Central Gulf RR	KLU 797	16	14.
Do	56.0	Florence	Illinois DOT	WZQ 8761	16	14.
Do	61.4	Valley City	Norfolk and Western RR	KTR 857	16	14.
Do	68.8	Beardstown	Burlington Northern RR	KLU 601	16	14.
Do	151.2	Pekin	Chicago and Northwestern RR	KVF 831	16	14.
Do	152.9	Pekin	Illinois DOT	WZQ 8761	16	6, 14, 19, and 26.
Do	160.7	Peoria	Peoria and Pekin Union Railway Co	WQX 651	16	14.
Do	162.3	Peoria	Franklin St., Illinois DOT	WZQ 8761	16	6, 12, and 13.
Do	224.7	Lasalle	Illinois DOT	WZQ 8761	16	6, 10, 12, 13, and 14.
Do	239.4	Ottawa	Burlington Northern RR	WRD 810	16	7 and 14.
Do	285.8	do	Brandon Rd., Illinois DOT	WZQ 8761	16	13.
Do	287.3	do	McDonough Highway, Illinois DOT	WZQ 8761	16	13.
Do	287.6	do	Chicago, Rock Island, and Pacific RR	KUF 907	16	14.
Do	288.7	do	Ruby St., Illinois DOT	WZQ 8761	16	13.
Upper Mississippi River	202.7	Alton	Burlington Northern RR	KXS 240	16	13.
Do	482.9	Rock Island	Department of the Army	AAF 274	16	6 and 14.
Iowa						
Mississippi River	364.0	Keokuk	City of Keokuk	KLG 365	16	14.
Do	383.9	Fort Madison	Atchison, Topeka, and Santa Fe RR	KRS 859	13	13.
Do	403.1	Burlington	Burlington Northern RR	KJC 779	16	7, 13, and 14.
Do	518.0	Clinton	Chicago and Northwestern RR	KUF 735	16	13.

Waterway	Mile	Location	Bridge name and owner	Call signal	Calling channel	Working channel
Do	535.0	Sabula	Chicago, Milwaukee, St. Paul, and Pacific RR	KEA 997	16	13.
Do	579.9	Dubuque	Illinois Central Gulf RR	KQ 9042	16	14.
Do	618.3	Council Bluffs	Illinois Central Gulf RR	KD 2870	16	13.
Kansas						
Missouri River	398.7	Leavenworth	Chicago and Northwestern RR	KTA 436	16	14.
Do	422.5	Atchison	Missouri Pacific RR	KTD 426	16	14.
Kentucky						
Green River	8.3	Spottsville	Seaboard System RR	KT 4181	16	13.
Ohio River	604.4	Louisville	CONRAIL	KUZ 381	13	13.
Do	606.8	do	27th St., McAlpine Lock, Louisville Gas and Electric Co.	WUE 241	16	14.
Do	606.8	do	27th St., McAlpine Lock (Bascule), U.S. Army Engineer District, Louisville.	WUE 241	16	14.
Louisiana						
Note.—Effective 15 April 1983, all State-owned highway drawbridges in Louisiana need not monitor Channel 16 (Emergency Channel).						
Algiers Canal (GIWW Alternate Route).	1.8	New Orleans	State Highway 407, Louisiana	WDT 574		13.
Do	3.8	Belle Chasse	Judge Perez Bridge, LA	WDT 572		13.
Atchafalaya River	17.5	Morgan City	Southern Pacific RR	KW 4440		13.
Do	95.7	Krotz Springs	Missouri Pacific RR	KUF 702		13.
Do	107.4	Melville	do	KUF 701		13.
Bayou Grosse Tete (GIWW-Port Allen Alternate Route).	0.8	Indian Village	State Highway 77, Louisiana	KTD 559		13.
GIWW (Larose-Bourg Cutoff).	35.6	Larose	Louisiana	KTD 550		13.
GIWW (Bayou Blue Pontoon).	49.8	Bourg	do	KJA 544		13.
GIWW	57.6	Houma	East Park, LA	KTD 557		13.
GIWW	59.9	do	Bayou du Large Bridge, LA	KTD 548		13.
GIWW	134.0	Louisa	Louisiana	KDT 551		13.
GIWW	231.4	Grand Lake	do	KJA 560		13.
GIWW	237.5	Moss Lake	Black Bayou Pontoon, LA	WXY 918		13.
GIWW	243.6	Hackberry	Ellender Ferry, LA	KTD 558		13.
Harvey Canal	2.8	Harvey	Lapalco Blvd, Jefferson Parish Council	DTR 859	16	13.
Houma Navigation Canal	35.0	Houma	Louisiana	WDT 573		13.
Inner Harbor Navigation Canal.	0.5	New Orleans	St. Claude Bridge, Port of New Orleans	WG 401	16	13.
Do	1.7	do	Florida Ave. Bridge Port of New Orleans	WUG 409	16	12 and 13.
Do	2.9	do	Old Gentilly Rd., Port of New Orleans	KZV 719	16	13.
Do	3.1	do	Danziger Bridge, LA	KRS 884		13.
Do	4.6	do	Seabrook, New Orleans Levee Board	KZV 819	16	13.
Lake Pontchartrain	0.6	Slidell	Highway 11—North Draw	KMC 229	16	13.
Ouachita—Black Waterway	40.9	Jonesville	Louisiana	KJA 538	16	13.
Do	57.5	Harrisonburg	do	KJA 575	10	13.
Do	110.2	Columbia	do	KJA 566	16	13.
Do	114.4	Riverton	Missouri Pacific RR	KCE 334	16	6.
Do	191.6	Highway 165	Louisiana	WXZ 3279	16	13.
Pass Manchac	6.7	Pass Manchac	Illinois Central Gulf RR	KC 9501	16	13.
Port Allen Canal	56.0	Morley	Missouri Pacific RR	KVY 856		13.
Do	64.0	Port Allen	do	KVY 857		13.
Rigolets Pass	0.0	Dunbar	Family Lines Rail System	KQ 7197	16	13.
Do	6.2	Fort Pike	Louisiana	KYZ 723		13.
West Pearl River	7.9	Indian Village	do	KTD 552	16	13.
Maryland						
Cambridge Creek	0.5	Cambridge	Maryland	KZA 895	16	13 and 68.
Choptank River	18.5	Cambridge	do	KYQ 894	16	13 and 68.
Fishing Creek	0.0	Hooper Island	do	KYU 695	16	13 and 68.
Kent Narrows	0.5	Grasonville	do	KXE 254	16	13 and 68.
Knapps Narrows	0.0	Tilghman Island	do	KZA 868	16	13 and 68.
Nanticoke River	22.0	Vienna	do	KYQ 895	16	13 and 68.
Do	28.0	Sharptown	do	KYQ 896	16	13 and 68.
Sassafras River	9.0	Georgetown	do	KYU 699	16	13 and 68.
Severn River	1.5	Annapolis	do	KZA 872	16	13 and 68.
Sinepuxent Bay	1.0	Ocean City	do	KYU 698	16	13 and 68.
Spa Creek	0.5	Annapolis	do	KZA 871	16	13 and 68.
Stoney Creek	1.0	Riviera Beach	do	KAJ 667	16	13 and 68.
Wicomico River	0.5	Salisbury	do	KZA 869	16	13 and 68.
Do	16.5	do	do	KYU 697	16	13 and 68.
Maine						
Portland Harbor (Fore River).	1.5	Portland	Maine DOT	KQU 653	16	13.
Massachusetts						
Acushnet River	0.0	New Bedford	MA DPW	WHH 238	13, 16	13.
Annisquam River	2.5	Blynman Canal	MA DPW	WQA 634	13, 16, and 18	13 and 16.
Do	3.8	Gloucster	Boston & Maine RR		16	16.
Chelsea River	0.3	Boston	McArdle Bridge, Boston		16	13.
Do	1.2	do	Chelsea St., Boston		16	13.
Danvers River	0.0	Salem-Beverly	MDPW		16	6.
Do	0.0	do	MBTA	WRD 626	16	6.

Waterway	Mile	Location	Bridge name and owner	Call signal	Calling channel	Working channel
Do	1.0	do	Kernwood Bridge, MDPW	WRD 625	16	6.
Merrimack River	3.4	Newburyport	MA DPW	WQA 806	13 and 16	13.
Taunton River	1.8	Fall River	Brightman Street Bridge, MA DPW	WQA 833	16	13.
Weymouth-Fore River	3.5	Quincy	MA DPW	WRD 634	16	13.
Michigan						
Rouge River	0.40	Detroit	National Steel Corp.	KUZ 371	16	12.
Do	1.46	do	CONRAIL		16	12.
Minnesota						
Mississippi River	813.7	Hastings	Chicago, Milwaukee, St. Paul, and Pacific RR	KTD 538	16	14.
Do	835.7	Newport	Chicago and Northwestern RR	KUZ 544	16	14.
Do	839.2	St. Paul	do	KUZ 546	16	14.
Do	841.4	Omaha	do	KUZ 545	16	14.
Duluth-Superior Harbor, MN-WI	0.25	Duluth	Duluth	KAN 388	16, 10, 12, 13, and 68.	
Mississippi						
Back Bay of Biloxi (Popps Ferry Bridge)	8.0	Biloxi	Harrison County	WXZ 590	16	13.
Biloxi Bay	0.0	do	Seaboard System RR	KQ 7197	16	13.
Do	0.4	U.S. 90 at Biloxi	Mississippi	KUF 720	16	13.
Escatawpa River	1.0	S 63, Moss Point	do	KUF 719	16	13.
Pascagoula River	1.5	Pascagoula	Seaboard System RR	KQ 7197	16	13.
Do	1.8	U.S. 90, near Pascagoula	Mississippi	KUF 722	16	13.
St. Louis Bay	1.0	U.S. 90 Bay, St. Louis	Harrison and Hancock Counties	KUF 721	16	13.
Missouri						
Mississippi River	282.1	Louisiana	Illinois Central Gulf RR	KLU 796	16	14.
Do	309.9	Hannibal	Norfolk and Western RR	KUZ 446	16	14.
Missouri River	359.4	Kansas City	Harry S. Truman, Chicago, Milwaukee, St. Paul, and Pacific RR.	KVY 575	16	13.
Do	365.6	Kansas City	A-S-B, Burlington Northern RR	KQU 500	16	14.
Do	366.1	Hannibal	Burlington Northern RR	KQU 500	16	14.
Do	448.2	St. Joseph	Union Pacific RR	KTD 403	16	14.
New Hampshire						
Piscataqua River	4.0	Portsmouth	New Hampshire DPW and Highways	KBK 472	16	13.
New Jersey						
Cheesequake	0.2	Morgan	NJTRO-Morgan Draw	KT 3659	13	13.
Delaware River	107.2	1 Palmyra	Tacona Palmyra, Burlington County	KBA 328	13	13.
Do	117.8	Bristol	do	KBA 339	13	13.
Great Egg Inlet	0.3	Ocean City	Cape May County	WQZ 343	13	13.
Hackensack River	3.0	Jersey City	PATH-Hack Freight	KQ 7198	13	13.
Do	3.4	do	NJTRO-Laurel Hill (Lower Hack)	KR 6939	13	13.
Do	5.0	Snake Hill	AMTRAK-Portal	KMC 297	13	13.
Do	5.4	do	NJTRO-DB (Erie Swing)	KR 6972	13	13.
Do	6.9	Secaucus	NJTRO-Erie Lift (Upper Hack)	KR 7035	13	13.
Do	7.7	do	NJTRO-Jacknife (HX)	KR 7034	13	13.
Manasquan River	0.9	Bricktownship	NJTRO-Bridle	KT 4203	13	13.
Middle Thorofare	0.2	Strathmere	Cape May County	WQZ 342	13	13.
Newark Bay	4.3	Lehigh Valley	AMTRAK	KS 9968	13	13.
Passaic River	2.6	Newark	Point-No-Point, AMTRAK	KR 6938	13	13.
Do	5.0	do	AMTRAK Dock	WRY 593	13	13.
Do	5.8	do	Morristown Line	Pending	13	13.
Do	8.0	West Arlington	Erie Lackawanna RR	do	13	13.
Do	11.7	Lynhurst	do	do	13	13.
Raritan River	0.5	Perthamboy	NJTRO	KT 4204	13	13.
Shark River	0.1	Belmar	Monmouth County	KMD 281	13	13.
Do	0.9	Avon	NJTRO	KT 4202	13	13.
Do	0.9	do	SH35, New Jersey	KXR 952	13	13.
New York						
Arthur Kill	11.6	Staten Island	S.I. Rapid Transit	KXS 237	13	13.
Bronx River	1.1	Bronx	Bruckner Blvd.	KX 8190	13	13.
Eastchester Creek	2.2	New York City	New England Thruway	KXS 298	13	13.
East River	6.4	Roosevelt Island	New York City	KX 8184	13	13.
Flushing Creek	0.4	Flushing	Northern Blvd.	KX 8192	13	13.
Gowanus Canal	1.2	Brooklyn	Hamilton Avenue, New York City	KX 8163	13	13.
Do	1.4	do	Ninth Street, New York City	KX 8166	13	13.
Harlem River	0.0	New York City	103d St., New York City	KIL 620	13	13.
Do	1.3	do	Triboro Bridge and Tunnel	KGW 326	13	13.
Do	2.1	do	Park Ave., AMTRAK Authority	KA 5059	13	13.
Do	7.9	do	Spuyten Duvvil, CONRAIL	KU 9797	13	13.
Hutchinson River	0.4	do	Pelham Parkway, New York City	KU 9758	13	13.
Do	0.5	do	AMTRAK-Pelham Bay, New York City	KU 6095	13	13.
Jamaica Bay	3.0	Rockway Inlet	Marine Parkway, New York City	KIL 819	13	13.
Mill Basin	0.8	New York City	Mill Basin, New York City	KX 8185	13	13.
Newton Creek	1.3	do	Greenpoint Ave., New York City	KX 8182	13	13.
Do	3.4	do	Metropolitan Ave.	KX 8179	13	13.
Do	3.1	do	Pulaski	KX 8178	13	13.
Reynolds Channel	0.4	Atlantic Beach	Nassau County	KFL 348	13	13.
Westchester Creek	1.7	Unionport	Bruckner	KX 8289	13	13.

Waterway	Mile	Location	Bridge name and owner	Call signal	Calling channel	Working channel
North Carolina						
Albemarle Sound	47.7	Edenton	NCDOT	KU 6047	16	13.
Atlantic Intracoastal WW	84.2	Columbia	NCDOT	KU 9448	16	13.
Do	206.7	Atlantic Beach	NCDOT	KU 6064	16	13.
Do	252.3	Surf City	NCDOT	KLU 6044	16	13.
Do	283.1	Wrightsville Beach	NCDOT	KU 6043	16	13.
Do	323.7	Holden Beach	NCDOT	KU 6042	16	13.
Do	333.7	Ocean Isles	NCDOT	KJ 6050	16	13.
Do	337.9	Sunset Beach	NCDOT	KU 6040	16	13.
Cape Fear River	26.8	U.S. 17, Wilmington	NCDOT	KQU 609	16	13.
Do	30.0	U.S. 21, Wilmington	NCDOT	KU 6089	16	13.
Northeast Cape Fear River	0.1	U.S. 117, Wilmington	NCDOT	KU 6041	16	13.
Ohio						
Cuyahoga River	0.8	Cleveland	CONRAIL	KUF 618	16	13.
Oregon						
Coos Bay	9.0	North Bend	Southern Pacific RR	KT 2006	18A	18A and 13.
Willamette River	6.9	St. Johns	Burlington Northern RR	KQ 9050	16	13.
Do	11.7	Portland	Broadway, Multnomah County	KLU 724	13 and 16	13.
Do	12.1	....do	Steel, Union Pacific RR	KQU 534	16	13.
Do	12.4	....do	Burnside, Multnomah County	KTD 520	16	13.
Do	13.1	....do	Hawthorne, Multnomah County	KTD 521	16	13.
Youngs Bay	0.7	Astoria	OR DOT	WHG 914	16	13.
Pennsylvania						
Delaware River	104.8	Philadelphia	Delair, AMTRAK	KS 9970	13	13.
Do	107.2	Tacony	Tacony Palmyra, Burlington County	KBA 328	13	13.
Do	117.8	Bristol	Burlington County	KBA 339	13	13.
Schuylkill River	5.1	Philadelphia	Tasker St., B&O Railroad	KXS 238	13	13.
South Carolina						
Atlantic Intracoastal WW	347.3	Little River	U.S. 17, SC	KT 5433	16	9, 12, 13, and 68.
Do	371.0	Socastee	U.S. 501, SC	KT 5438	16	9, 12, 13, and 68.
Do	462.2	Sullivans Island	Ben Sawyer, SH703, SC	KT 5433	16	9, 12, and 13.
Do	470.8	Charleston	Wappoo Creek, SH171, SC	KT 5438	16	9, 12, and 13.
Do	536.0	Beaufort	Lady's Island, U.S. 21, SC	KT 5439	16	9, 12, and 13.
Tennessee						
Cumberland River	126.5	Clarksville	Seaboard System RR	KF 2204	16	13.
Do	185.2	Bordeau	Illinois Central Gulf RR (Nashville and Ashland City Railroad (Lessee)).	KX 6366	16	13.
Do	190.4	Nashville	Seaboard System RR	KQ 7197	16	13.
Tennessee River	100.5	New Johnsonville	Seaboard System RR	KC 9465	16	13.
Texas						
Clear Creek	1.0	Kemah	Texas	KXS 361	16	13.
Gulf Intracoastal WW (Pelican Island Causeway).	356.1	Galveston	Galveston County Navigation District	KYH 532	16	13.
Galveston Causeway RR	357.2	....do	Southern Pacific RR	KUF 652	16	13.
Do	397.8	SH1495, Freeport	Texas	KQU 648	16	13.
Caney Creek Bridge	418.0	near Sargent	....do	KQU 644	16	13.
Do	440.7	Matagorda	....do	KQU 645	16	13.
San Bernard River	20.7	Brazo Ria	MOPAC RR	KI 2524		12.
Virginia						
James River	5.0	Isle of Wight County	Virginia	KQ 7169	13	13.
Do	65.0	Prince George County	....do	KQ 7167	13	13.
York River	6.0	York County	....do	KQ 7166	13	13.
Pamunkey River	1.0	King William County	....do	KQ 7168	13	13.
Washington						
Blair Waterway	0.3	Tacoma	WA DOT	KZN 573	16	13.
Chehalis River	0.1	Aberdeen	WA DOT	KJA 289	16	13.
Columbia River	105.6	Vancouver/Portland	Burlington Northern RR	KQ 9049	16	13.
Do	106.5	....do	OR DOT	KBM Interstate	16	13.
Do	169.8	Hood River, OR	Port of Hood River	KTD 562	16	13.
Do	201.2	Celilo, OR	Burlington Northern RR	KQ 9048	16	13.
Do	323.4	Pasco/Kennewick	Union Pacific RR	KTD 561	16	13.
Do	328.0	....do	Burlington Northern RR	KQ 9046	16	13.
Duwamish Waterway	0.4	Seattle	Spokane, St., City of Seattle	KSK 265	13	13.
Do	2.5	....do	1st Ave. So., City of Seattle	WHU 200	13	13.
Ebey Slough	1.6	Marysville	WA DOT	KZ 2475	16	13.
Hood Canal		Port Gamble	WA DOT	KZJ 376	16	13.
Hylebos Waterway	1.1	Tacoma	WA DOT	KZN 574	16	13.
Lake Washington Ship Canal	0.1	Seattle	Burlington Northern	KCE 201	16	13.
Do	1.1	....do	Ballard, City of Seattle	KJA 445	13	13.
Do	2.6	....do	Fremont, City of Seattle	KJA 442	13	13.
Do	4.3	....do	University, City of Seattle	KJA 441	13	13.
Do	5.2	....do	Montlake, City of Seattle	KJA 438	13	13.
Snake River	1.5	Pasco/Burbank	Burlington Northern RR	KQ 9047	16	13.

Waterway	Mile	Location	Bridge name and owner	Call signal	Calling channel	Working channel
			Wisconsin			
Mississippi River	699.8	LaCrosse	Chicago, Milwaukee, St. Paul, and Pacific RR	KVY 631	16	13.
St. Croix	0.2	Prescott	Burlington Northern, Inc	KJC 782	16	14.
Do	0.3	do	Wisconsin and Minnesota	KD 2829	7	14.
Do	17.3	Hudson	Chicago and Northwestern RR	KUZ 549	16	14.

[1] Not operable.

6. By revising the title of Part 118 to read as follows:

PART 118—BRIDGE LIGHTING AND OTHER SIGNALS

7. The authority citation for Part 118 reads as follows:

Authority: Sec. 4, 34 Stat. 85, as amended, secs. 84, 85, 92, 633, 63 Stat. 500, 501, 503, 545; 33 U.S.C. 494, 14 U.S.C. 84, 85, 92, 633, unless otherwise noted.

8. By revising § 118.1 to read as follows:

§ 118.1 General requirements.

All persons owning or operating bridges over the navigable waters of the United States or any international bridge constructed after March 23, 1906, shall maintain at their own expense the lights and other signals required by this part.

9. By adding a new § 118.3 to read as follows:

§ 118.3 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register. The Office of the Federal Register publishes a table, "Material Approved for Incorporation by Reference," which appears in the Finding Aids section of this volume. In that table is found the date of the edition approved, citations to the particular sections of this part where the material is incorporated, addresses where the material is available, and the date of the approval by the Director of the Federal Register. To enforce any edition other than the one listed in the table, notice of the change must be published in the Federal Register and the material made available. All approved material is on file at the Office of the Federal Register, Washington, D.C. 20408 and is available for inspection at U.S. Coast Guard Headquarters, Room 2201, Transpoint Building, 2100 Second Street, SW, Washington, D.C. 20593, (202) 426-1477.

(b) The material approved for incorporation by reference in this part is:

Federal Highway Administration (FHWA), Standard Alphabets for Highway Signs.

10. By revising § 118.40 to read as follows:

§ 118.40 Modification of requirements.

(a) The District Commander may modify the requirements for the display of lights and other signals on any bridge when a change in local conditions warrants the modification.

(b) The District Commander may exempt bridges over waterways with no significant nightime navigation from the lighting or other signal requirements in this part.

(c) The District Commander may prescribe special lighting or other signals in specific cases when the lighting or other signals in this part may not provide adequately for the safe passage of vessels.

(d) While a bridge is under construction, the District Commander prescribes the temporary lights and other signals to be displayed for the protection of navigation.

11. by revising § 118.50 to read as follows:

§ 118.50 Inspection.

Lights and other signals required or authorized under this part are subject to inspection at any time by Coast Guard personnel or authorized agents.

12. By revising § 118.60 to read as follows:

§ 118.60 Visibility of lights.

All lights required or authorized under this part must be securely attached to the structure and of sufficient candlepower as to be visible against the background lighting at a distance of at least 2,000 yards 90 percent of the nights of the year. Lights must meet the requirements of this part.

13. By revising § 118.95 to read as follows:

§ 118.95 Lights on structures not part of a bridge or approach structure.

Lights on sheer booms, isolated piers, obstructions, and other structures not part of a bridge or approach structure must meet the requirements for aids to navigation in Subpart 66.01 of Part 66 of this chapter.

14. By revising § 118.100 to read as follows:

§ 118.100 Retroreflective panels on bridge piers.

(a) The District Commander may require or authorize the display of high intensity retroreflective panels on bridge channel piers when the District Commander finds it necessary—

(1) To better identify a hazardous pier;

(2) To provide a backup for red pier lights which are subject to vandalism or otherwise difficult to properly maintain; or

(3) To mark a bridge pier on a bridge not required to have bridge lighting.

(b) Retroreflective panels must be red in color. If the District Commander determines that the nominal nighttime visibility required is less than one-half mile, the panels must be at least six inches square. If the visibility required is more than one-half mile, the panels must be as least 12 inches square.

§ 118.105 [Removed].

15. By removing § 118.105, Bridges infrequently used and unusual cases.

16. By adding new §§ 118.110, 118.120, 118.130, 118.140, 118.150 and 118.160 to read as follows:

§ 118.110 Daymarks and lateral lighting on bridges.

(a) The District Commander may require or authorize the marking of the margins of navigation channels through bridges with standard lateral system port and starboard side daymarks installed on the superstucture or on the channel piers.

(b) The District Commander may require or authorize the use of standard lateral system flashing red and green lights to mark the main or auxiliary channels instead of the fixed red lights prescribed in this part for marking channel piers or channel margins.

(c) The District Commander may require or authorize the marking of the centerline of the navigation channel through fixed bridges with the starboard lateral system midchannel daymark.

(d) The District Commander may require or authorize the marking of the centerline of the navigation channel of floating drawbridges with the standard lateral system midchannel daymark provided that the daymark is not visible when the drawspan is in the open

position. The District Commander may require the daymark to be lighted at night by a flashing code "A" white light.

§ 118.120 Radar reflectors and racons.

The District Commander may require or authorize the installation of radar reflectors and racons on bridge structures, stakes, or buoys. Radar reflectors are used to mark the location of the edge of the navigation channel or bridge channel piers. Racons are used to mark the centerline of the channel.

§ 118.130 Fog signals.

On waterways where visibility is frequently reduced due to fog or other causes, the District Commander may require or authorize the installation of one or more fog signals to warn the navigator of the presence of the bridge. The fog signals must conform to the installation, range, and sound frequencies provisions in Subpart 67.10 of Part 67 of this chapter. If more than one fog signal is installed on a bridge or in the vicinity, their characteristics must be different to distinguish each signal. The fog signals must be directional to the fullest extent possible to minimize adverse impact on local residents.

§ 118.140 Painting bridge piers.

The District Commander may require painting bridge channel piers below the superstructure white or yellow when they are significantly darkened by weathering or other causes so as to be poorly visible against a dark background.

§ 118.150 Traveller platforms.

The District Commander may require under deck traveller platforms which may significantly reduce the vertical clearance when operated over navigation channels at night to be lighted with quick flashing red lights on each of the four lower corners.

§ 118.160 Vertical clearance gauges.

(a) When necessary for reasons of safety of navigation, the District Commander may require or authorize the installation of clearance gauges. Except as specified in § 117.47(b) of this chapter for certain drawbridges, clearance gauges must meet the requirements of this section.

(b) Clearance gauges must indicate the vertical distance between "low steel" of the bridge channel span and the level of the water, measured to the bottom of the foot marks, read from top to bottom. Each gauge must be installed on the end of the right channel pier or pier protection structure facing approaching vessels and extend to a reasonable height above high water so as to be meaningful to the viewer. Other or additional locations may be prescribed by the District Commander if particular conditions or circumstances warrant.

(c) *Construction.* Each gauge must be permanently fixed to the bridge pier or pier protection structure and made of a durable material of sufficient strength to provide resistance to weather, tide, and current. Gauges may be painted directly on the bridge channel pier or pier protection structure if the surface is suitable and has sufficient width to accommodate the foot marks (graduations) and numerals.

(d) *Numerals.* (1) Each gauge must be marked by black numerals and foot marks on a white background. Paint, if used, must be of good exterior quality, resistant to excessive chalking or bleeding. Manufactured numerals and background material may be used.

(2) The size, type, and spacing of numerals must conform to the Standard Alphabets for Highway Signs and the following table. The nominal day visibility distance is the distance at which the clearance information needs to be ascertained by approaching vessel operators. The District Commander determines this distance for each bridge.

Nominal day visibility distance (feet)	Height of numeral (inches)	Type of numeral	Vertical spacing of numerals (feet)
Less than 500.	12	Series C	2
500 to 750	18	Series C	2
750 to 1,000	24	Series D	5
1,000 to 2,000.	30	Series E	5
More than 2,000.	36	Series E	10

(3) The length of the foot marks must be no less than the width of a single numeral used (except numerals 1 and 4), be the same thickness as the width of stroke of the numeral, and extend to the nearest margin of the white background. Foot marks must be spaced every foot for nominal day visibility of less than 500 feet, every two feet for a nominal day visibility of more than 500 feet but less than 1,000 feet, and every five feet for nominal day visibility of more than 1,000 feet.

(4) Intermediate foot marks may be used when more precise determination of actual clearance is necessary. Such intermediate foot marks must have a width of stroke one-half the width of the stroke required for the numeral and shall be three-quarters as long as the primary foot marks.

(5) The horizontal distance between the numeral and nearest edge of the white background shall be no less than one-half the width of a single numeral (excepting numerals *1* and *4*).

(6) The minimum width of the white background shall be no less than three times the width of a single numeral (excepting numerals *1* and *4*) plus the widths of each additional numeral (when multiple numerals are used plus numeral spacing).

(e) *Maintenance.* The owner or operator of the bridge shall maintain each gauge in good repair and legible condition. The bridge owner or operator is responsible for the accuracy of the gauge and shall remeasure the vertical distance of the numerals and foot marks below "low steel" of the bridge whenever the gauge is repainted or the structure is repaired.

Dated: January 28, 1985.

T. J. Wojnar,
Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation

[FR Doc. 85-2508 Filed 1-30-85; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 2768-4]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA is proposing for disapproval, as a revision to the Indiana State Implementation Plan (SIP), a revised strategy for attaining the primary standards for total suspended particulates (TSP) in Lake County. This revision was submitted by the State to satisfy the requirements of Part D of the Clean Air Act (Act). USEPA is proposing to disapprove the revised strategy because it does not assure the attainment and maintenance of the primary TSP National Ambient Air Quality Standards (NAAQS).

DATE: Comments on this revision and on the proposed USEPA action must be received by April 1, 1985.

ADDRESSES: Copies of the proposed SIP revision and USEPA's analysis of this revision are available at the following addresses for review: (It is recommended that you telephone Robert B. Miller, at (312) 886-6031, before visiting the Region V office.)

Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206.

Comments on these proposed rules, USEPA's analysis of the rules, and USEPA's proposed disapproval action should be addressed to: (Please submit an original and three copies, if possible.) Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Air and Radiation Branch (5AR-26), Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: Under section 107 of the Act, USEPA has designated the northern portion of Lake County as not attaining the primary NAAQS for TSP.[1] See 40 CFR 81.315, 43 FR 8962 (March 3, 1978), and 43 FR 45993 (October 5, 1978). For areas so designated, Part D of the Act requires that the State revise its SIP to provide for attaining the primary NAAQS by December 31, 1982. Until such a plan is approved, the area is subject to a ban on construction of new sources pursuant to section 110(a)(2)(I). These SIP revisions must also provide for attaining the secondary NAAQS as expeditiously as practicable. The requirements for an approvable SIP are described in a "General Preamble" for Part D rulemakings published at 44 FR 20372 (April 4, 1979), 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979), and 44 FR 67182 (November 23, 1979). Because the December 31, 1982 deadline has passed, EPA is now requiring that SIPs for nonattainment areas provide for attainment of the primary standard as expeditiously as practicable, and otherwise satisfy the requirements of Part D, or else be subject to a construction moratorium and other possible sanctions. 48 FR 50686, 50694 (col. 2) (November 2, 1983).

One method for developing an approvable Part D TSP SIP is to employ a computer dispersion modeling analysis to determine those emission limits (industrial and non-industrial) which will assure timely attainment of the NAAQS. The State must then submit enforceable requirements to meet these limits. This type of SIP is referred to as an "attainment demonstration SIP".

Indiana has elected to use this method for the Lake County TSP plan. Of course, all other applicable Section 110 requirements must be met, *e.g.*, explicit and approvable test methods, inspection procedures, and compliance schedules.

Today's notice discusses first the history of the Lake County TSP plan. It then sets forth EPA's evaluation of the modeling used to provide an attainment demonstration, recent monitoring data for the area, and the regulations themselves. Although EPA's proposal to disapprove is based on a large number of factors, the major reasons for EPA's proposed disapproval of the Lake County plan include: (1) Multiple deficiencies in the plan's modeling, undermining the model's prediction that the plan will assure attainment; (2) defects in the fugitive dust regulation, 325 IAC 6-1-11.1, rendering it unenforceable; (3) monitored violations of the TSP primary standard occurring after the effective date of the state regulations, thereby casting further doubt on the adequacy of the plan; (4) numerous problems with the organization, completeness, and wording of the regulations.

I. History of Lake County TSP Strategies

Indiana submitted its first strategy for attaining the TSP NAAQS in Lake County in 1972. On May 31, 1972, USEPA approved this plan as sufficient to protect the primary, but not the secondary TSP NAAQS. (37 FR 10641). Since then, Indiana has submitted numerous revisions to its TSP SIP. However, as stated above, in response to the Clear Air Act Amendments of 1977, Indiana recommended and USEPA designated the northern portion of Lake County as a primary TSP nonattainment area in 1978.

In response to this designation and Part D of the Act, the staff of the Indiana Air Pollution Control Board drafted a Lake County TSP Plan, and the Board proposed it for public hearing. This plan was based on requiring RACT on existing industrial sources of TSP in Lake County, and committing to studying and adopting as necessary additional controls on non-industrial sources. Indiana intended to submit this plan to USEPA in early 1980.

Several industries in Lake County contended that the plan was not the most cost-effective way to attain the NAAQS and organized to develop an alternative plan for the State. To this end, the Lake County Industrial Task Force (later changed to the Lake County Attainment Task Force, LCATF) was formed.

USEPA has commented extensively to the State and the LCATF on various drafts, analyses, and other submittals pertaining to Lake County TSP. These comments are available in the docket file. In addition, USEPA met frequently with the LCATF during 1981 and 1982 to discuss technical issues. Summaries of these meetings are also available in the docket.

The stated objective of the LCATF was to develop a control strategy that provides for attainment and maintenance of the primary TSP standards in the most cost-effective way possible. Because most large "stack" sources were already controlled to RACT-levels, attention focused on fugitive emission sources. These are divided between process and non-process sources, the former including sources such as coke oven batteries, and the latter sources such as outdoor material transfer points, storage piles, roads, and lots. Proceeding on the assumption that non-process, rather than process, fugitive control is more cost-effective, the LCATF developed a control plan which emphasized non-process fugitive control at the larger plants. The LCATF hoped that by controlling non-process fugitive sources at up to 85 percent efficiency, industry would be able to forgo the installation of fugitive emission controls on certain process sources.

A. Submittal Dates

Indiana submitted drafts of plans, portions of plans, and/or complete plans (developed by the LCATF) on October 6, 1980; February 26, 1981; May 28, 1981; December 17, 1981; September 27, 1982; October 11, 1983; October 24, 1983; and April 16, 1984. The submittals of October 11, 1983; October 24, 1983; and April 16, 1984, were submitted in place of and superseded for State purposes the earlier submittals. Therefore, today's proposal concerns only these last three submittals (and the materials submitted by the State and others in support of these three submittals).[2]

B. The Currently Submitted Lake County TSP Strategy

The October 11, 1983, submittal consisted of two new regulations: 325 IAC 6-1-10.2, Lake County TSP Point Source Strategy, and 325 IAC 6-1-11.1, Lake County Fugitive Dust Limits.

1. 325 IAC 6-1-10.2

Rule 325 IAC 6-1-10.2 includes: (a) provisions of general applicability; (b)

[1] The primary TSP NAAQS is violated when, in a year, either (1) the annual geometric mean value of TSP concentrations exceeds 75 micrograms per cubic meter of air (75 $\mu g/m^3$) (the annual primary standard), or (2) the maximum 24-hour concentration of TSP exceeds 260 $\mu g/m^3$ more than once (the 24-hour standard). The secondary TSP is violated when, in a year, the maximum 24-hour concentration exceeds 150 $\mu g/m^3$ more than once.

[2] Because the State submitted the last three packages in place of the earlier obsolete packages, EPA regards the earlier ones as having been withdrawn, and therefore plans to take no further action on them.

clarifications of how emission limits shall be met and how compliance with emission limits shall be measured; (c) Table 1, providing equations to be used if combustion source compliance is to be based on fuel usage monitoring; and (d) Table 2, providing specific emission limits for each emission point or group of emission points for most sources in Lake County. One exception to the individual limits set forth in Table 2 is Amoco Oil Company which, apart from two of its emission points (FCU 500 and FCU 600), is provided with a *plantwide* particulate emission limit of 435.8 pounds per hour (lb/hr).

2. 325 IAC 6-1-11.1

Rule 325 IAC 6-1-11.1 provides general and company-specific fugitive dust reduction measures and requirements for roads, lots, and storage piles. It requires 85 percent control of non-process fugitive emissions at seven plants (including a cement plant, a steel fabricator, three integrated steel companies, and two powerplants), and 50 percent control of non-process emissions at 18 other plants.

3. Technical Support Document

On October 24, 1983, Indiana submitted a Technical Support Document (Interface Document) for 325 IAC 6-1-10.2 and 6-1-11.1, which was intended to be included as a part of the SIP. However, it contains, in some cases, emission limits different from those listed in Table 2 of 325 IAC 6-1-10.2. Because of these inconsistencies and because this Technical Support Document is not directly enforceable by the State, USEPA is not extending its rulemaking to this document in its entirety (40 CFR 51.22). Instead it is including the Technical Support Document in this rulemaking only to the extent that Indiana's enforceable regulations, 325 IAC 6-1-10.2 and 6-1-11.1, effectively incorporate it by reference.

An example of such incorporation by reference is subsection (n) of the General Notes in 325 IAC 6-1-10.2, which specifies that for each source, stack testing must be conducted at the operating rate and fuel mixture given in the Technical Support Document. Some cross-references, however, are incomplete. For example, 325 IAC 6-1-11.1(f) requires certain roads to be cleaned as specified in the Technical Support Document, although, in fact, the Technical Support Document contains no such specification.

4. Reduced Load Analysis

Finally, the April 18, 1984, submittal contained results from a computer dispersion modeling analysis, where certain sources were modeled at reduced operating loads.

C. Additional Lake County TSP Requirements

Apart from the regulations currently under consideration, other particulate limitations apply to the sources covered by 325 IAC 6-1-10.2 and 11.1 and to other, smaller sources in Lake County. These are contained in SIP regulations such as 325 IAC 3-1, Continuous Monitoring; 325 IAC 4-1, Open Burning; 325 IAC 4-2, Incinerators; APC 3 (1972) and APC 3 (1975), Visible Emission Limitations; 325 IAC 6-1-1 through 6, Particulate Emission Limitations for Nonattainment Areas; 325 IAC 6-2, Particulate Emission Limitations for Indirect Heating Sources; 325 IAC 6-3, Particulate Emission Limitations for Process Operations; 325 IAC 6-4, Maximum Allowable Fugitive Dust; 325 IAC 11-1, Existing Foundries; and 325 IAC 11-3, Coke Oven Batteries. Additional TSP requirements for sources in Lake County have been set by new source construction permits issued by the State and/or local air agencies.

II. The Modeling Used in the Attainment Demonstration

To demonstrate attainment of primary TSP standards in Lake County, the LCATF used the Climatological Dispersion Model (CDM). Because CDM predicts only annual concentrations directly, so-called Larsen's Transforms were used to predict 24-hour concentrations. Sources were modeled at maximum allowable emissions, except for certain combustion sources. CDM was calibrated using a base year of 1975. Summary tables, as well as computer print-outs, were provided for both the calibration and control strategy runs. In addition to the Task Force's main analysis, three other supplementary analyses were performed.

A. Results of the Modeling Analyses

The modeling predicts that the primary TSP NAAQS will be just barely attained at receptors located in Indiana, with maximum annual geometric mean values of 74 $\mu g/m^3$ at several locations and a second high 24-hour level of 260 $\mu g/m^3$ at one location. Highest TSP concentrations are predicted to occur in various locations: East Chicago and Whiting—two areas near J & L Steel (now LTV Steel), Inland Steel, and AMOCO, and another area near Union Carbide, Blaw Knox, and U.S. Reduction; Gary—near U.S. Steel; and Hammond—one area near Hammond Lead (Halox/Lead), Hammond Valve, Glidden, and Keyes Fibre, one area near Harbison Walker and Hammond Lead (Halstab), and one area near American Maize. Although the submitted modeling on its face predicts attainment of the NAAQS in Indiana, USEPA believes that the predicted concentration values are incorrect and cannot be relied upon due to numerous problems in the emission inventory and in the modeling assumptions. These problems, discussed later in this notice, and at length in USEPA's Technical Support Document are likely to have resulted in the underprediction of expected ambient TSP concentrations. Thus, especially given modeling results bordering so closely on the standard, USEPA cannot accept these results as a demonstration of attainment.

At receptors located in Illinois, the modeling also predicted some violations of the primary annual standard. As discussed later in this notice, USEPA is soliciting comment on this issue in relationship to the interstate pollution provisions of section 110(a)(2)(E) of the Clean Air Act.

B. Discussion of the Main Modeling Analysis

A principal ground for USEPA's proposed disapproval of the Lake County TSP plan is the multiplicity of deficiencies which undermine the plan's attainment demonstration. A brief summary of these deficiencies is provided below. A more detailed discussion is contained in USEPA's Technical Support Document, incorporated herein by reference, which can be seen at the locations listed in the "Addresses" section of this notice. USEPA is soliciting comments on the deficiencies described in this Technical Support Document as well as on today's notice. Some of these deficiencies are more serious than others—for instance, USEPA is particularly concerned about the inadequacy, discussed below, of the reduced load analysis and the treatment of the Amoco "bubble." But more than any single defect, it is their cumulative effect which erodes the Lake County attainment demonstration.

1. Annual Modeling

In 1979, when the LCATF initiated its efforts to develop a Part D TSP SIP, CDM was an acceptable model as such for predicting *annual* concentrations in urban areas such as Lake County, and it remains so at this time. (Note: On December 7, 1984, USEPA proposed revisions to its Modeling Guidelines. One of the proposed changes would be to establish ISC (with urban dispersion coefficients) as the preferred model for

complex sources in urban areas. If adopted, then this version of ISC will be the appropriate reference model for future Lake County TSP modeling).

a. *1975 Base Year Modeling (Calibration).* The USEPA does not agree with certain procedures and inputs used by the LCATF in its calibration of the CDM model for Lake County and finds that the CDM predicted annual concentrations are questionable. For a discussion of these deficiencies, see the Technical Support Document.

Underlying USEPA's concerns on the calibration is the uncertainty over the completeness and accuracy of the 1975 emission inventory. To date, individual companies have submitted only limited information in support of this inventory. The absence of a comprehensive document for the 1975 inventory (similar to the control strategy Interface Document submitted on October 24, 1983) makes it impossible to verify the 1975 input data.

b. *1985 Control Year Strategy Modeling.* Several of the input parameters (emission limitations and requirements) to the modeling have not been adequately supported and in some cases are not consistent with the State's regulations. Specific portions of the inventory with which USEPA disagrees or which it questions are discussed in USEPA's Technical Support Document. This document also comments on the adequacy of the "receptor network" and several key modeling assumptions in the Lake County modeling analyses. USEPA is specifically requesting comments on the treatment of coke batteries and roof monitors in the modeling.

2. Short-Term Modeling

When the LCATF began its modeling effort in 1979, the applicable USEPA modeling guidelines were contained in the April 1978 "Guideline on Air Quality Modeling." This document advised that Larsen's Transforms were valid in urban, multi-source areas (such as Lake County). Consequently, in 1979, Region V approved the use of Larsen's Transforms to estimate 24-hour TSP concentrations for the Lake County TSP plan. Subsequently, however, USEPA revised its view of the validity of Larsen's Transforms of the type of analysis used by LCATF. In USEPA's most recent modeling guidance, "Regional Workshops on Air Quality Modeling: A Summary Report" (April 1981, as amended), the use of Larsen's Transforms is no longer identified as an acceptable alternative to actual, short-term TSP modeling.

Today, USEPA is proposing to disapprove Indiana's Lake County TSP plan for reasons other than the use of CDM/Larsen's Transforms. USEPA is soliciting comment on whether it should continue to accept the short-term TSP analysis based on CDM/Larsen's Transforms in the present Lake County plan, if the State corrects all the remaining deficiencies in this plan.

USEPA will also factor into its decisionmaking on this issue its evaluation of a new attainment demonstration being done for the Gary area by U.S. Steel. This demonstration uses the RAM (urban) model to predict short-term concentrations. USEPA's preliminary analysis indicates that this RAM urban model predicts substantially higher short-term concentrations than the Larsen's Transforms method. EPA will make the U.S. Steel study and USEPA's evaluation available to the public. Notwithstanding today's proposal, for any newly initiated modeling analysis in any area, including Lake County, Larsen's Transforms are no longer an acceptable method of determining attainment of the short-term NAAQS.

A separate but related issue which affects the annual as well as the short-term analysis is the LCATF plan's use of one year of meteorological (MET) data rather than five years of MET data. Like the use of Larsen's Transforms, this limited data base is no longer in keeping with USEPA's present modeling standards. Although USEPA's proposal to disapprove the Lake County plan is based on reasons other than this, USEPA is soliciting comment on whether it should continue to accept modeling based on one year of MET data if Indiana should correct all the remaining deficiencies in the plan. Notwithstanding today's proposal, for any newly initiated modeling analysis, use of one year of MET data for modeling emissions of major sources is no longer an acceptable method of demonstrating attainment.

3. USEPA's Analysis of the Supplementary Modeling Submittals

In addition to the LCATF's chief modeling analysis, three supplementary analyses were submitted to and considered by USEPA.

A. *Reduced Load Analysis.* The State submitted a reduced load analysis to support the "mass per unit time" (*e.g.*, lb/hour) form of emission limit contained in the plan for many sources. This analysis, however, suffers from an unsupported and inaccurate emission inventory and lack of support for certain critical assumptions made in the modeling. (These are discussed in detail in USEPA's Technical Support Document at pp. 29–30.)

The need for a reduced load analysis is crucial. The LCATF's main analysis was based on most sources operating at full load. At reduced loads, however, effective stack heights (plume rises) decrease, and, thus, at the same mass per unit time emission level, ground-level pollutant concentrations increase. An adequate reduced load analysis is necessary to ensure that this expected attainment. Therefore USEPA is proposing to disapprove the Lake County TSP plan in part because the submitted regulations contain many mass per unit time limits, without adequate analyses showing that the TSP NAAQS are protected under all operating loads.

B. *AMOCO "Bubble."* The proposed regulations limit all emission points at Standard Oil of Indiana's AMOCO Whiting refinery, except for FCU 500 and FCU 600, to a total of 435.8 lb/hr as a group. To support this plant-wide emission limit, Standard Oil submitted two analyses addressing the ambient impacts caused by emissions from the pertinent AMOCO sources under nine different operating cases (based on historical operations).

USEPA did at one time notify Standard Oil that these analyses supported the concept of a plant-wide emission limit. However, USEPA also stated that the approvability of the plant-wide emission limit depended on the approvability of the Lake County TSP plan as a whole, because the ambient impacts of the plant-wide limit were compared to those contained in this plan.

Today, USEPA is proposing to disapprove the AMOCO plant-wide emission limit because of the numerous deficiencies with the overall LCATF TSP plan. Moreover, the emission inventory for AMOCO in the latest Task Force modeling, as well as for the overall Lake County plan, has changed considerably from the earlier analysis and plan on which Standard Oil based its proposal. There are now substantially different modeling inputs—emission rates, stack parameters, source location, and "individual" source emission limits for the AMOCO facility.[3] Therefore, the earlier Standard Oil analyses no longer dovetail with the LCATF's modeling and the overall Lake County plan.

C. *Commonwealth Edison Backup Boilers.* Commonwealth Edison

[3] The State-enforceable, plant-wide emission limit for AMOCO contained in Indiana's regulation 325 IAC 6-1-11.2, however, is that which Standard Oil determined based on its analyses, independent of those individual emission limits used in the modeling submitted in support of Indiana's overall plan.

submitted a screening analysis to support the proposed regulations for two emergency backup boilers at its State Line facility. The main problem with this analysis is its use of a rural screening model (PTMAX), rather than an urban model. Use of an urban screening model is necessary because of the urban classification of northern Lake County. USEPA is, therefore, proposing to disapprove the Commonwealth Edison backup boiler portion of the plan.

D. *Other Modeling Deficiencies*—1. *Stack Heights.* The State did not provide any information as to whether its plan for Lake County is affected by or is consistent with the stack height requirements of section 123 of the Act.

2. *Possible Contribution to Illinois Violations.* USEPA used data submitted by the State to predict TSP levels in Illinois near the State line. These data, although suffering from the same limitations as the rest of the modeled results, suggest that the NAAQS may be violated in Illinois, with a maximum annual prediction of 83 $\mu g/m^3$. Based on related culpability tables, identifiable Indiana sources may contribute 9 to 14% of these concentrations. (Identifiable Illinois sources appear to directly contribute 23 to 35% of these concentrations, and background sources, which include some non-identifiable Indiana sources, contribute 56 to 63% to these concentrations.) USEPA requests comments on how to evaluate Indiana's apparent contribution to high TSP levels in Illinois, and whether this contribution should be a further reason to disapprove the Lake County TSP plan under the interstate pollution provisions of section 110(a)(2)(E) of the Act.

III. Recent TSP Monitoring Data

Currently in Indiana, ambient TSP concentrations are measured on a once-in-six-days schedule at 16 State and local sites: six sites in Hammond, five in Gary, four in East Chicago, and one in Whiting. Recent monitoring data from these sites have shown violations in 1983 of the primary annual standard of 75 $\mu g/m^3$ in East Chicago at both Marktown (79 $\mu g/m^3$) and Field School (85 $\mu g/m^3$). Data through the end of November 1984 also indicate that the primary annual standard will be exceeded at Marktown and possibly Field School for the 1984 calendar year.

Indiana Rule 325 IAC 6-1-10.2 requires compliance with each limit in the rule by not later than December 31, 1982. Similarly, Indiana Rule 325 IAC 6-1-11.1 subsection (e) requires compliance with the fugitive dust control plans by not later than December 31, 1982. Thus, the existence of violations after the date when all sources were supposed to be in compliance with the regulations suggests that the regulations are either not adequate to protect the primary TSP NAAQS or that certain sources are not in compliance with Indiana's rules. Because no information concerning individual source compliance and actual culpability has been provided, USEPA assumes that the Lake County strategy is not adequate to protect the primary NAAQS in Lake County. Thus, actual, measured violations are another reason for proposing to disapprove the strategy. USEPA further notes that these violations occurred at a time when a substantial number of major emitting sources near these monitors were not operating. Under the plan, these sources are allowed to operate and would emit additional amounts of particulates in areas where violations have already been monitored.

IV. USEPA's Analysis of the Regulations

A. Deficiencies with 325 IAC 6-1-10.2

1. Coke Quench Water

In USEPA's analysis of 325 IAC 6-1-10.2, it found that Subsection (i) of the portion of the rule dealing with provisions of general applicability provides procedures which USEPA could approve for determining total dissolved solids in quench water for Inland Steel and J & L Steel. However, this subsection does not apply to the other coke quench towers in Lake County, *i.e.*, U.S. Steel.[4] For this reason, this portion of the Lake County plan is deficient.

2. Coke Oven Door Leaks and Pushing Emissions

On December 6, 1983, USEPA disapproved sections 2(f) and 2(g) of Indiana's coke oven battery regulation, 325 IAC 11-3, known as 1981 APC-9. These provisions related to emissions from coke oven door leaks and coke pushing operations respectively. EPA in both its proposed and final disapprovals indicated the corrections to each provision which would be necessary to conform to the requirements of RACT. *See* 45 *FR* 45314 (July 3, 1980) and 48 *FR* 54601 (December 6, 1983). Because of this deficiency in 1981 APC-9, and because the Lake County plan takes credit for a RACT level of control on these sources, the current Lake County plan must include visible emission limits to control coke oven door leaks and pushing emissions. To make the plan approvable, therefore, it must be revised to include visible emission limits such that they are consistent with a RACT level of control.

3. Collective Emission Limits

Table 2 of 325 IAC 6-1-10.2 lists specific particulate emission limits for individual emission points at named sources in Lake County. Under the heading "short-term limits", Table 2 lists mass emission limits for each facility in one of three formats: lb/hr (pounds per hour), lb/MMBtu (pounds per million British Thermal Units), and lb/ton of product. For some facilities additional limits have been set on opacity, daily hours of operation, or water quality (miligrams of total dissolved solids per liter of coke quench water). The format of the opacity limits varies among facilities.

For certain facilities listed in Table 2, although several units are included under one facility designation, the mass per unit time emission limit is designated as applicable to each emission unit separately. In other cases, a "mini-bubble" has been created, with several units listed under one facility designation collectively subject to a single mass per unit time emission limit.

USEPA has reviewed the acceptability of these latter collective emission limits. In USEPA's Technical Support Document, pp. 6-8, these sources are grouped into three categories: (1) Those needing no further support to justify the collective emission limitations, (2) those needing further support, and (3) those needing more information to determine the need for further support. USEPA's Technical Support Document discusses the specific deficiencies for sources in the last two categories. Without additional support and information, collective emission limits cannot be approved for the sources in these categories, and, therefore, these portions of the plan cannot be approved. Apart from these questions there are several difficulties in identifying which emission limit in Table 2 of 325 IAC 6-1-10.2 applies to which source(s).

For example, Inland Steel's "Sinter Plant" is listed as having a specific limit of 0.06 lb/ton. Because the "sinter plant

[4] For State purposes, quench water requirements for U.S. Steel are contained in 325 IAC 11-3. Most of this regulation was approved by USEPA on December 6, 1983 (48 FR 54599), but the quenching requirements of Section 2(h) of that rule were disapproved because an approvable sampling methodology was not included. 325 IAC 6-1-10.2(i) contains an approvable sampling methodology. Therefore, if the U.S. Steel coke batteries were included in the list of sources in 325 IAC 6-1-10.2(i) and if USEPA ultimately approves this regulation, then Section 2(h) of 325 IAC 11-3 could be approved for Lake County. Even with such an approval, however, the more stringent requirements listed in Table 2 of 325 IAC 6-1-10.2 for Inland Steel and J & L Steel would continue to apply to these two sources.

windbox" and "sinter plant discharge" have separate limits, however, it is not clear which emission source is addressed by the 0.06 lb/ton limit. Problems of this sort are addressed further in the USEPA Technical Support Document, and USEPA is soliciting comments on them.

B. Deficiencies with 325 IAC 6-1-11.1

Indiana rule 325 IAC 6-1-11.1, Lake County Fugitive Emission Control Strategy, outlines requirements for control of particulate emissions from roadways, lots, and storage piles in Lake County. Under the current strategy, seven major plants (three iron and steel plants, two power plants, a steel fabricating plant, and a cement plant) are required to control their nonprocess fugitive sources to a level of 85 percent effectiveness. Eighteen other plants are required to control their sources to the 50 percent level. 325 IAC 6-1-11.1 is structured so as to: (1) Establish levels of control effectiveness to be achieved by designated sources and facilities, (2) identify those sources and facilities, (3) set forth some specific requirements of the source's owner/operators; and (4) require submission of detailed control programs for each source, to be evaluated according to enforceability and expected effectiveness in achieving the required level of control. Subsection (a) of the regulation sets forth the Section's purpose, and (b) provides definitions of terms used in the Section. Subsections (c) and (d) of the regulation identify the affected plants and contain some specific requirements for implementing control measures. They include references to attached maps showing the roads, lots, and storage piles to be controlled. Subsection (e) requires the development of a detailed control program for each of these sources.[5] The Indiana Air Pollution Control Board (IAPCB) is then required to expeditiously review and approve (or disapprove) these control plans.

Rule 6-1-11.1 does not require that these control plans be submitted to USEPA as SIP revisions. Although compliance with the control program "does not replace the source's duty to achieve compliance with the controlled fugitive emission level [of 85 or 50%] at all times" [Subsection (a)], as a practical matter, the control programs constitute the only effective means of implementing these levels.

1. Deficiencies in Clarity

Many portions of 325 IAC 6-1-11.1 (for example, Subsections (c)(2) (Inland Steel) and (c)(3) (U.S. Steel)) are at best confusing and redundant; at worst they may be unenforceable due to vagueness or unintelligibility. In addition, certain words appear to have been omitted from the regulations. USEPA's Technical Support Document contains specific recommended clarifications for these problems.

2. Enforceability Deficiencies

A critical problem of lack of enforceability exists in Subsection (a). Subsection (a) generally requires that sources "subject to this section" operate according to the individual control plan submitted pursuant to Subsection (e)(3). It further states that regardless of the State's approvel of a control program and the source's adherence thereto, each source must achieve compliance at all times with the "controlled fugitive emission level" (of either 85 percent or 50 percent) applicable to it. USEPA believes that while the requirement to meet a control percentage appears to be independent of the control program requirements, it is impossible to independently enforce because the regulations and Technical Support Document do not contain adequate information to qualify the percentage emission reductions achievable by different control measures. As a practical matter, enforcement would be impossible for lack of a specified method to determine compliance with the required 50 or 85 percent controlled fugitive emission level.

Thus the enforceability of the regulation hinges on the submission of adequate control plans. Subsection (e) contributes to the dilemma of unenforceability by providing in part: "Each affected source shall submit a copy of the fugitive dust control plan designed to implement the requirements of this section after October 9, 1982." But the section specifies no deadline for submittal of the plan, and thus the regulation is unenforceable. Similarly, the Board is given no deadline by which to take action to approve or disapprove a program once it has been submitted.

In fact, as of October 1984, the IAPCB had not approved a single fugitive dust control program required under Subsection (e)(3), even though most subject sources have submitted programs. The State has informed USEPA that it found that many of the programs submitted were not sufficiently specific to make them readily enforceable and the State is requiring more complete and detailed programs, even though this will mean additional delay in approval. The State also indicated that the IAPCB will probably delegate its authority to approve or disapprove individual source's control programs to its staff (the Indiana Air Pollution Control Division) and/or the local air agencies. Under these circumstances, USEPA questions whether the Lake County fugitive dust plan is currently enforceable by the State of Indiana and, therefore, meets the State enforceability requirements of 40 CFR 51.22. Given these uncertainties, USEPA is proposing to disapprove this portion of the plan. The deficiency can be remedied if all 25 control programs are approved by the IAPCB and then submitted in enforceable form to USEPA for approval as part of the Lake County TSP plan. This submittal and approval process appears the only means of ensuring the adequacy of the actual control program and Federal enforceability.

If USEPA is ultimately to approve the Lake County TSP plan, then the fugitive dust control programs for the seven plants needing 85 percent control effectiveness and the 18 plants needing 50 percent control should be submitted to USEPA for approval. If USEPA approves a control program as consistent with the requirement of 325 IAC 6-1-11.1 for 85 percent and 50 percent control, then SIP compliance with that requirement should be determined based solely on compliance with the control program. As this issue relates to overall approval for Part D purposes, all 25 programs would have to be approved by USEPA.

3. Deficiences in Street Cleaning Requirements

As noted, Rule 325 IAC 6-1-11.1 in part requires 85 percent control effectiveness for paved roads at seven plants in Lake County. Specific subsections require that some paved roads at these seven plants be vacuum-swept or water-flushed at least twice per week. USEPA has recently received data which indicates that sweeping or flushing twice a week is not sufficient to achieve 85 percent control. Given the available data, Region V believes that to assure achievement of 85 percent control, the rule's Subsection (b)(1) requirement for twice a week cleaning of paved roads should be changed to once per day.

Subsection (f) of the 325 IAC 6-1-11.1 requires that street cleaning to conducted "as per the commitment contained in the Street Cleaning Section

[5] The designation "(e)" of this Section was apparently inadvertently crossed out in the draft that was finally adopted by the IAPCB on July 6, 1983, and subsequently promulgated by the State. It is USEPA's understanding that the State is in the process of correcting this error. For the purposes of today's notice, we will assume that the former designation of Subsection (e) is restored.

of the Technical Support Document." The Technical Support Document, as submitted by Indiana on October 24, 1984, does not contain a Street Cleaning Section. On June 14, 1984, the LCATF contractor submitted a document entitled "Technical Support Document For A Street Cleaning Program in East Chicago, Indiana" (prepared for the LCATF). This document was not submitted by the State as a SIP revision, has not been the subject of a public hearing, and does not contain or refer to any State-enforceable agreement under which the street cleaning as indicated on Tables 3-1 and 3-2 of the document would be performed. Therefore, while the document serves to explain the plan for street cleaning and the emission reduction credit taken for it in the modeling, it is not enforceable and does not meet the other requirements for SIP approval [Section 110(a)(2)]. No formal SIP submittal has been received from the State that would constitute the "commitments" referred to in Subsection (f) of the rule.

4. USEPA's Determination on 6-1-11.1's Fugitive Dust Plan

In summary, as a result of revisions made in the Spring of 1983, 325 IAC 6-1-11.1 suffers from problems of organization and clarity. In terms of substantive requirements the following deficiencies are apparent: (1) The provision which requires 50 or 85 percent control effectiveness at all times is unenforceable; (2) the control programs required by the rule must be submitted as individual SIP revisions, because these plans constitute a critical element of the overall control strategy; (3) Subsection (e) contains no deadlines for the submittal of fugitive dust control programs or Board action on them; (4) portions of the regulations are worded so that they may be unenforceable because of vagueness or lack of intelligibility; (5) the requirements for cleaning paved roads [Subsection (b)(1)] should be increased from twice per week to once per day; and (6) the street-cleaning commitments referred to under Subsection (f) have not been submitted.

V. Conclusion

USEPA has reviewed the Lake County TSP plan and has found numerous deficiences in it. The most serious are:

(1) Problems with the modeling attainment demonstration, including:

(a) Unacceptable model calibration, *e.g.*, calibration equation, emission factors, documentation for base year inventory, stack exit parameters;

(b) Problems with control strategy inventory, *e.g.*, emission factors, fuel mixtures, source treatment, documentation for area sources, operating levels;

(c) Incomplete receptor resolution, *e.g.*, coverage around American Brick, ambient vs. nonambient air;

(d) Failure to provide an adequate reduced load analysis to support the "lb/hr" form of emission limits for many sources;

(e) Failure to support AMOCO bubble and collective emission limitations (mini-bubbles) for many sources;

(2) Failure to include enforceable regulations in 6-1-11.1, including:

(a) Failure to submit the 25 individual plant industrial fugitive dust control programs to USEPA as site-specific SIP revisions;

(b) Failure to provide sufficient clarity in the wording and structure of certain provisions in 325 IAC 6-1-11.2 so as to make these provisions enforceable; and

(c) Failure to specify a compliance method to determine whether a source meets the required 50 ro 85 percent reduction in fugitive emissions.

(d) Failure to include enforceable commitments for off-plant road cleaning.

(3) Monitored violations of the TSP standard occurring after the effective date of the State regulations.

(4) Problems with the organization, completeness, and wording of the regulations.

For these reasons, and those detailed in the Technical Support Document, USEPA is proposing to disapprove Indiana's Lake County TSP plan. USEPA is soliciting comments on the Lake County plan, USEPA's proposed action on the plan, and USEPA's analysis of the plan.

Additionally, certain modeling requirements which USEPA accepted in 1979 for Lake County (when the State/LCAFT analysis was initiated) no longer meet current standards. Examples of these are the plan's use of 1 year of meteorological (MET) data rather than 5 years of MET data, and the use of statistical transform equations to approximate short-term TSP concentrations, rather than hourly sequential modeling to predict short-term TSP concentrations. USEPA is soliciting comments on whether current modeling requirements should be required for the Lake County plan, if the State corrects the deficiencies in the present plan such as to make it otherwise approvable. Notwithstanding today's proposal for any newly initiated modeling analysis in any area, including Lake County, Larsen's Transforms are no longer an acceptable method of determining attainment of the short-term NAAQS, and the use of one year of meteorological data for modeling emissions of major sources is no longer an acceptable method of demonstrating attainment.

Finally, the TSP growth restrictions of section 110(a)(2)(I) are currently in effect in the TSP nonattainment area in Lake County. If USEPA ultimately disapproves the Lake County plan as it is proposing to do, then these restrictions will remain in effect. Additionally, USEPA may at that time take further actions required by the Act. For a discussion of the appropriate actions, please see the sections dealing with areas where a State submits a Part D plan but the USEPA determines that it is inadequate in USEPA's Post-82 SIP Policy (November 2, 1983, 48 FR 50685) and January 27, 1984, Guidance Document for the Correction of Part D SIPs for Nonattainment Areas.

Under 5 U.S.C. Section 605(b), I certify that this approval will not have a significant economic impact on a substantial number of small entities because it imposes no new requirements on source.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to USEPA, and any USEPA response, are available for public inspection at the USEPA Region V office listed above.

(Secs. 110, 172 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601(a))

Dated: December 21, 1984.

Alan Levin,

Acting Regional Administrator.

[FR Doc. 85-2565 Filed 1-30-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 55, 56 and 57

Riot Reinsurance Program

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This rule remove regulations implementing the riot reinsurance program. In November 1983, Congress amended the Urban Property Protection and Reinsurance Act of 1968 to terminate the Federal Insurance Administration's authority to offer further policies of Federal riot reinsurance and to periodically review each State's FAIR Plan in its entirety for comformity to statutory criteria. Consequently, no offer to extend or

write new policies of riot reinsurance was made after September 30, 1984.

DATE: Comments due April 1, 1985.

ADDRESS: Send comments to: Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Robert J. DeHenzel, Federal Emergency Management agency, Federal Insurance Administration, Donohoe Building, 500 C Street, SW, Room 433, Washington, DC 20472. Telephone number (202) 646-3440.

List of Subjects in 44 CFR Parts 55, 56 and 57

Civil orders, Insurance.

Accordingly, Subchapter B of Chapter 1, Title 44, Code of Federal Regulations is hereby proposed to be amended by removing and reserving Parts 55, 56, and 57 as follows:

PART 55—[RESERVED]

By removing and reserving Part 55 in its entirety.

PART 56—[RESERVED]

By removing and reserving Part 56 in its entirety.

PART 57—[RESERVED]

By removing and reserving Part 57 in its entirety.

Authority: 12 U.S.C. 1749bbb-17.

Issued: January 14, 1985.

Jeffrey S. Bragg,

Federal Insurance Administrator.

[FR Doc. 85-2453 Filed 1-30-85; 8:45 am]

BILLING CODE 6718-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 159 and 160

[CGD 83-030]

Lifesaving Equipment

AGENCY: Coast Guard, DOT.

ACTION: Notice of public hearing and extension of comment period.

SUMMARY: This notice lists the date, time, and location for a hearing in conjunction with the Coast Guard regulatory project to substitute independent laboratory inspection for Coast Guard factory inspection of approved inflatable liferafts, lifeboats including disengaging apparatus and hand propelling gear, lifeboat davits and winches. The hearing is scheduled in response to comments from an association of lifesaving equipment manufacturers and some of its individual members, concerning the Coast Guard's notice of proposed rulemaking published on September 27, 1984 (49 FR 38151). The hearing is intended to provide a forum for public comment on the proposed rules. Those wishing to speak are requested to contact the Marine Safety Council in advance. The address and phone number are included in the ADDRESSES section of this notice.

This notice also extends the comment period on the notice of proposed rulemaking in order to provide an opportunity for interested persons to provide comments in writing on issues raised at the public hearing.

DATES: 1. The Coast Guard will hold the hearing in Washington, DC on February 19, 1985. It will begin at 1:00 p.m. and end at 4:00 p.m. or sooner if all speakers have been heard.

2. The comment period on the notice of proposed rulemaking is extended to March 21, 1985.

ADDRESSES: 1. The hearing will be held at: U.S. Coast Guard Headquarters, 2100 Second St., SW, Washington, D.C., in room 2415. Persons wishing to speak at the hearing should contact the Marine Safety Council (G-CMC), U.S. Coast Guard Headquarters, 2100 Second St., SW, Washington, DC 20593, (202) 426-1477.

2. Comments should be mailed to the Commandant (G-CMC/21) (CGD 83-030), U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593. Between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday, except holidays, comments may be delivered to, and are available for inspection and copying at, the Marine Safety Council (G-CMC/21) Room 2110, U.S. Coast Guard Headquarters, 2100 Second St., SW, Washington, DC (202) 426-1477.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Markle, U.S. Coast Guard Headquarters (G-MVI-3), 2100 Second St., SW, Washington, DC 20593, (202) 426-1444.

Dated: January 28, 1985.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 85-2507 Filed 1-30-85; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-268; RM-4337; RM-4446]

FM Broadcast Station in Meadville and Roxie, MS

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: Action taken herein dismisses proposals to assign FM Channel 257A to Meadville or Roxie, Mississippi, based on the petitioner's failure to express continuing interest and the counterproponent's notification withdrawing interest.

ADDRESS: Federal Communication Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner or Jeffrey D. Sutherland, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Meadville and Roxie,[1] Mississippi) (MM Docket No. 83-268, RM-4337, RM-4446).

Adopted: January 2, 1985.

Released: January 17, 1985.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 48 FR 14680, published April 5, 1983, issued in response to a petition filed by Franklin Broadcasting Company of Mississippi ("petitioner"), proposing the assignment of FM Channel 257A to Meadville, Mississippi, as that community's first local broadcast service. A counterproposal[2] was filed by Fredericka Cain Todd ("Todd"), seeking the assignment of Channel 257A to Roxie, Mississippi, as that community's first local service. Petitioner failed to file supporting comments in response to the *Notice*. Comments and a supplement thereto advocating support of the Roxie assignment were subsequently withdrawn by Todd. No other comments of interest for either proposal were received.

2. Absent an expression of interest in the use of a proposed channel, it is the

[1] This community has been added to the caption.

[2] Public Notice of the counterproposal was given on May 19, 1983, Report No. 1405.

Commission's general policy to refrain from making a new assignment to a community. See, *e.g.*, *Williams, Arizona*, 47 FR 20827, published May 14, 1982, and paragraph 2 of the Appendix to the *Notice*. Therefore, since there has been no such interests here, we will dismiss both proposals.

3. In veiw of the foregoing, it is ordered, that the petition of Franklin Broadcasting Company of Mississippi, proposing the assignment of Channel 257A to Meadville, Mississippi (RM-4337) and the counterproposal of Fredericka Cain Todd to assign Channel 275A to Roxie, Mississippi (RM-4446) are hereby dismissed.

4. It is further ordered, that this proceeding is terminated.

5. For further information concerning the above, contact Nancy V. Joyner or Jeffrey D. Sutherland, Mass Media Bureau, (202) 634-6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communication Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-2388 Filed 1-30-85; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

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

ACTION: Notice of public hearings.

SUMMARY: The South Atlantic Fishery Management Council will hold public hearings to allow for input on proposed changes to the fishery management plan for coastal migratory pelagics (mackerels).

DATES: The hearings will be held on February 11 and 12, 1985, and are scheduled to convene at 7:00 p.m., and adjourn at 10:00 p.m. Written comments will be accepted until February 15, 1985.

ADDRESSES: Send comments to: David H.G. Gould, Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, South Carolina 29407; or Jack T. Brawner, Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

The hearings will take place at the following locations:

February 11, 1985—County Civic Center, 25th and Virginia Avenue, Ft. Pierce, Florida.

February 12, 1985—Key West High School, 2100 Flagler Avenue, Key West, Florida.

FOR FURTHER INFORMATION CONTACT: David H. G. Gould, Executive Director, South Atlantic Fishery Management Council, phone 803-571-4366; or Jack T. Brawner, Regional Director, Southeast Region, phone 813-893-3141.

Dated: January 25, 1985.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 85-2422 Filed 1-28-85; 9:22 am]

BILLING CODE 3510-22-M

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50 CFR Part 652

Mid-Atlantic Fishery Management Council; Public Hearings

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

ACTION: Notice of public hearings.

SUMMARY: The Mid-Atlantic Fishery Management Council will hold public hearings to allow for input on Amendment 6 to the Fishery Management Plan for the Surf Clam and Ocean Quahog Fisheries (FMP).

DATES: Written comments will be accepted until March 1, 1985. The hearings will be held February 18 and 19, 1985, and are scheduled to begin at 7:00 p.m. All hearings will be tape recorded with the tapes filed as the official transcript of the hearing.

ADDRESSES: Send comments to John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, Delaware 19901.

The hearings will be held at the following locations:

February 18, 1985—Sheraton Salisbury Inn, 300 S. Salisbury Boulevard, Salisbury, Maryland.

February 19, 1985—Dutch Inn, Great Island Road, Galilee, Rhode Island, and Cape May County Extension Office, Dennisville Road, Cape May Court House, New Jersey.

FOR FURTHER INFORMATION CONTACT: John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, Delaware 19901, phone 302-674-2331.

SUPPLEMENTARY INFORMATION: The amendment will (1) divide the New England Area into the Nantucket Area (west of 69 degrees longitude) and the Georges Bank Area (east of 69 degrees longitude) and establish a management regime for the Georges Bank Area; (2) revise the surf clam effort limitations in the Mid-Atlantic Area by adding provisions that vessels may land surf clams only one time during an authorized fishing period and that the Regional Director may not authorize fishing periods less than the allowed hours when the allowed hours are set at twelve hours or less; and (3) establish procedures whereby vessel owners or operators must notify NMFS in advance of the area in which they intend to fish for surf clams.

Dated: January 25, 1985.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 85-2419 Filed 1-30-85; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 663

Pacific Coast Groundfish Fishery

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

ACTION: Notice of receipt of an application for an experimental fishing permit and request for comments.

SUMMARY: This notice acknowledges receipt of an experimental fishing permit application and announces a public comment period. The applicant proposes to harvest groundfish with set nets in the Pacific Ocean north of 38° N. latitude during 1985. If granted, the permit would allow fishing which otherwise would be prohibited by Federal regulations. Additional applications for similar permits will be accepted.

DATE: Applications for 1985 must be received not later than February 15, 1985. Comments on the application already received will be accepted until February 15, 1985. Comments on all applications must be received by March 15, 1985.

ADDRESS: Send comments and applications to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten, 206-526-6150.

SUPPLEMENTARY INFORMATION: The Pacific Coast Groundfish Fishery Management Plan (FMP), approved in 1982, and its implementing Federal regulations (50 CFR Part 663) prohibit the use of set nets for taking groundfish

in the fishery conservation zone (FCZ) north of 38° N. latitude. The FMP and the regulations specify that experimental fishing permit (EFPs) may be issued to allow the use of otherwise prohibited fishing gear to take groundfish. The procedures to apply for an EFP appear at § 663.10 and are available at the the above address. One permit to fish for sablefish and other incidentally-taken species from May through October was issued in 1982, two were issued in 1983, and three were issued in 1984. Only three permits were issued in 1984 because limited funds were available to pay for observers to collect experimental data and to monitor permit compliance. A similar limitation may be imposed for the same reason in 1985. The purpose of issuing EFPs allowing fishing with set nets for sablefish in the ocean is to collect data on the number and size of sablefish taken and the species composition of incidental catches taken by this gear at various locations and time. Conditions of the permits will be structured to sample biologically and geographically diverse areas, to measure the impact on incidentally-caught species, and to reduce the potential for gear conflicts with existing fisheries. Information obtained from the experimental fishing activities will be used to determine whether such fishing methods and gear can be used in the FCZ in the future without undue negative impact on the resource or on other fishermen.

One application for an EFP to fish for sablefish using set nets in 1985 has been received. This application is different than previous applications in that it proposes a 12-month fishery, rather than May through October, and implies that species other than sablefish will be the target species instead of merely incidentally-taken species. The application proposes to operate only off northern Washington, with a vessel 54 feet in length using four set nets 400 to 500 fathoms in length.

Additional applications for EFPs to fish for sablefish with set nets may be submitted. Selection among applicants to whom permits may be issued will be based on determinations of which proposals may best achieve the purpose of experimental fishing. The evaluation will consider the applicants' experience and ability to comply with the conditions which will be specified in the permits. If objective evaluation does not sufficiently limit the number to be considered, a random drawing may be used to select successful applicants. To ensure a broad base for the experiment, EFPs may be issued for specific areas of the FCZ: one area may be off northern Washington where past experimental fishing has been concentrated; others may be off central and southern Washington, Oregon, and northern California. Fishermen should indicate in their applications the areas in which they desire to fish. If there are more applicants than can be issued EFP's willingness to fish in another area may improve an applicant's chance of being selected. If applicants do not voluntarily achieve an acceptable area distribution, area assignments may be imposed as conditions of the permits. The pending applications received by February 15, 1985, will be considered at the Pacific Fishery Management Council meeting on March 13–14, 1985. Applications received later cannot be considered.

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

Dated: January 25, 1985.

William G. Gordon,

Assistant Administrator for Fisheries.

[FR Doc. 85–2420 Filed 1–30–85; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 50, No. 21
Thursday, January 31, 1985

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

ACTION

Young Volunteers in ACTION Program; Availability of Funds

AGENCY: ACTION.

ACTION: Notice of availability of funds; Young Volunteers in ACTION Program.

SUMMARY: The Division of VISTA/Service-Learning Programs, ACTION, announces the availability of funds for fiscal year 1985 for grants under the Young Volunteers in ACTION Program authorized by the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93-113, Title I, Part B, 42 U.S.C. 4971 and 42 U.S.C. 4974).

Subject to the availability of fiscal year 1985 funding, approximately $420,000 will be available for new YVA grants averaging $20,000 in size. New grants will be awarded according to the criteria, guidelines, and procedures, as supplemented by this Notice, set forth in the Final Notice of Young Volunteers in ACTION (YVA) Guidelines as published in the **Federal Register**, August 12, 1982 (47 FR 35021), and amendments to Title I, Part B, Sections 111 and 114 enacted on May 21, 1984.

Areas of particular interest to ACTION/YVA include projects dealing with: Latchkey children, disabled persons, Native Americans, migrant farmworkers, delinquency/crime prevention, substance abuse, Head Start/day care activities, and literacy/tutoring, as well as those of general focus as outlined in the YVA Guidelines.

Publication of this announcement does not abligate ACTION to award any specific number of grants, or to obligate the entire amount of funds available, or any part thereof, for grants under the Young Volunteers in ACTION Program.

Application kits are available from ACTION State Offices. One completed application form, with original signature, must be actually *received* in the appropriate ACTION State Office no later than 5:00 p.m., local standard time on March 29, 1985. Additionally, two identical copies must be sent to the ACTION Regional Office, *postmarked* no later than 5:00 p.m. local standard time on March 29, 1985. Applications must be transmitted according to the above procedures in order to be considered for fiscal year 1985 funding.

Grant award announcements are scheduled to begin in June 1985 and be completed by September 30, 1985; however, no decisions will be made on applications in States which have selected YVA for coverage under the States' intergovernmental review process (Executive Order 12372) until 70 days after the application has been mailed to the State clearance official(s) by the applicant, or the State has provided comments to ACTION prior to that time.

Following is an address list of ACTION Regional Offices, along with the addresses of ACTION State Offices under their jurisdiction:

Region I

ACTION Region Office, 441 Stuart Street, 9th Floor, Boston, MA 02116
ACTION State Office, Abraham Ribicoff Fed. Bldg., 450 Main St., Rm 524, Hartford, CT 06103
ACTION State Office, Federal Bldg., Rm 210, 66 Pearl Street, Portland, ME 04101
ACTION State Office, 441 Stuart Street, 9th Floor, Boston, MA 02116

(New Hampshire/Vermont)

ACTION State Office, Federal Post Office and Courthouse, 55 Pleasant Street, Rm 316, Concord, NH 03301
ACTION State Office, John E. Fogarty Bldg., Rm 200, 24 Weybosset Street, Providence, RI 02903

Region II

ACTION Region Office, Jacob K. Javits Fed. Bldg., 26 Federal Plaza, Suite 1611, New York, NY 10278
ACTION State Office, 143 East State St., Rm 506, Broad Street Bank Bldg., Trenton, NJ 08608

(Metropolitan New York)

ACTION State Office, Jacob K. Javits Fed. Bldg., 26 Federal Plaza, Suite 1609, New York, NY 12207

(Upstate New York)

ACTION State Office, U.S. Courthouse and Federal Bldg., 445 Broadway, Room 103, Albany, NY 12207

(Puerto Rico/Virgin Islands)

ACTION State Office, Federico Gatau Federal Ofc. Bldg., Carlos Chardon Avenue, Suite 662, Hato Rey, PR 00918

Region III

ACTION Region Office, U.S. Customs House, 2d and Chestnut St., Rm 108, Philadelphia, PA
ACTION State Office, Federal Building, Room 372-D, 600 Federal Place, Louisville, KY 40202
ACTION State Office, Federal Building, 31 Hopkins Plaza, Room 918H, Baltimore, MD 21201
ACTION State Office, Federal Building, Room 500, 85 Marconi Blvd., Columbus, OH 43215
ACTION State Office, U.S. Customs House, Room 108, 2d and Chestnut Streets, Philadelphia, PA 19106

(Virginia/Dist. of Columbia)

ACTION State Office, 400 North 8th Street, P.O. Box 10066, Richmond, VA 23240

Region IV

ACTION Region Office, 101 Marietta St., N.W., Suite 1003, Atlanta, GA 30323
ACTION State Office, 603 Morris Street, 2d Floor, Charleston, WV 25305
ACTION State Office, 2121 8th Avenue North, Rm 722, Birmingham, AL 35203
ACTION State Office, 930 Woodcock Road, Suite 221, Orlando, FL 32803
ACTION State Office, 75 Piedmont Ave., NE, Suite 412, Atlanta, GA 30303
ACTION State Office, Federal Building, Rm 1005-A, 100 West Capital Street, Jackson, MS 39269
ACTION State Office, Federal Bldg., P.O. Century Station, 300 Fayetteville Street Mall, Rm 131, Raleigh, NC 27601
ACTION State Office, Federal Building, Room 872, 1835 Assembly Street, Columbia, SC 29201
ACTION State Office, Federal Bldg./U.S. Courthouse, 801 Broadway, Room 246, Nashville, TN 37203

Region V

ACTION Region Office, 10 West Jackson Blvd., 3rd Floor, Chicago, IL 60604
ACTION State Office, 10 West Jackson Blvd., 3rd Floor, Chicago, IL 60604

ACTION State Office, 46 East Ohio Street, Room 457, Indianapolis, IN 46204
ACTION State Office, 950 Office Park Road, Suite 220, West Des Moines, IA
ACTION State Office, Federal Bldg., Room 652, 231 West Lafayette Blvd., Detroit, MI 48226
ACTION State Office, Old Federal Bldg., Room 126, 212 Third Avenue South, Minneapolis, MN 55401
ACTION State Office, 517 East Wisconsin Ave., Rm 601, Milwaukee, WI 53202

Region VI

ACTION Region Office, 1100 Commerce, Rm 6B11, Dallas, TX 75242
ACTION State Office, Federal Building, Room 2506, 700 West Capitol Street, Little Rock, AR 72201
ACTION State Office, Federal Building, Room 171, 444 S.E. Quincy, Topeka, KS 66603
ACTION State Office, 626 Main Street, Suite 102, Baton Rouge, LA 70801
ACTION State Office, Federal Office Building, 911 Walnut, Room 1701, Kansas City, MO 64106
ACTION State Office, Federal Building, Cathedral Place, Room 129, Santa Fe, NM 87501
ACTION State Office, 722 North Broadway, Room 101, Oklahoma City, OK 73102
ACTION State Office, 611 East Sixth Street, Suite 107, Austin, TX 78701

Region VIII (No Region VII)

ACTION Region Office, Columbine Bldg., Rm 201, Denver, CO 80203
ACTION State Office, Columbine Bldg., Room 301, 1845 Sherman Street, Denver, Co 80203
ACTION State Office, Federal Building, Room 8036, 2120 Capitol Avenue, Cheyenne, WY 82001
ACTION State Office, Federal Office Bldg., Room 1982, Helena, MT 59626
ACTION State Office, Federal Bldg., Room 293, 100 Centennial Mall North, Lincoln, NE 68508

(North and South Dakota)

ACTION State Office, Federal Building, Room 213, 225 S. Pierre Street, Pierre, SD 57501
ACTION State Office, U.S. Post Office and Courthouse, 350 South Main St., Room 107, Salt Lake City, UT 84101

Region IX

ACTION Region Office, 211 Main Street, Rm 530, San Francisco, CA 94105
ACTION State Office, 522 North Central, Room 205-A, Phoenix, AZ 85004
ACTION State Office, 211 Main Street, Room 534, San Francisco, CA 94105
ACTION State Office, Federal Bldg., Room 14218, 11000 Wilshire Blvd., Los Angeles, CA 90024

(Hawaii/Guam/American Samoa)

ACTION State Office, Federal Building, P.O. Box 50024, Honolulu, HI 96850
ACTION State Office, 1050 E. William, Suite 407, Carson City, NV 89701

Region X

ACTION Region Office, 1111 Third Avenue, Suite 330, Seattle, WA 98101
ACTION State Office, Owyhee Plaza, Suite 260, 1109 Main Street, Boise, ID 8702

(Alaska)

ACTION State Office, 1111 Third Avenue, Suite 330, Seattle, WA 98101
ACTION State Office, Federal Bldg., Room 647, 511 N.W. Broadway, Portland, OR 97209
ACTION State Office, 1111 Third Avenue, Suite 330, Seattle, WA 98101

(42 U.S.C. 4971; 42 U.S.C. 4974; 42 U.S.C. 5042 (14))

Dated in Washington, D.C. on January 25, 1985.

Thomas W. Pauken,
Director, ACTION.

[FR Doc. 85-2438 Filed 1-30-85 8:45 am]
BILLING CODE 6050-01-M

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Administration; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Administration of the Administrative Conference of the United States, to be held at 2:00 p.m., Friday, February 22, 1985, at 400 Maryland Avenue, SW., Room 7002, Washington, D.C.

The Committee will meet primarily to discuss (1) Philip J. Harter's study of mediation, arbitration, and other alternatives to agency trial-type hearings, and (2) Professor Burnele V. Powell's draft report encouraging agency use of declaratory orders.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information contact Charles Pou, Jr., Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. (Telephone: 202-254-7020). Minutes of the meeting will be available on request.

January 28, 1985.

Richard K. Berg,
General Counsel.

[FR Doc. 85-2571 Filed 1-30-85; 8:45 am]
BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Flue-Cured Tobacco; 1985-86 National Marketing Quota for Flue-Cured Tobacco

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of Determination of 1985-86 Marketing Quota.

SUMMARY: The purpose of this notice is to affirm determinations made by the Secretary of Agriculture with respect to the 1985 crop of flue-cured tobacco in accordance with the Agricultural Adjustment Act of 1938, as amended. In addition to other determinations, the Secretary of Agriculture determined the 1985 marketing quota for flue-cured tobacco to be 775 million pounds, approximately 3.7 percent below last year's quota. The Secretary is required by statute to announce the 1985 marketing quota by December 15, 1984. The Secretary has also determined that the national acreage allotment for flue-cured tobacco shall be 389,643.04 acres.

EFFECTIVE DATE: December 12, 1984.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultural Economist, Commodity Analysis Division, ASCS, Room 3736—South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447-5187. The Final Regulatory Impact Analysis describing the options considered in developing this notice and the impact of implementing each option is available on request from Robert L. Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512-1 and has been classified "not major." This action has been classified "not major" since implementation of these determinations will not result in: (1) An annual effect on the economy of $100 million or more, (2) a major increase in

costs or prices for consumers, individual industries, Federal, State or local governments, or geographical region, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this notice applies are: Title—Commodity Loan and Purchases; Number 10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

This notice of determination is issued in accordance with the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "1938 Act") in order to announce for the 1985 marketing year for flue-cured tobacco the following:

1. The amount of the reserve supply level;
2. The amount of the total supply;
3. The amount of the national marketing quota;
4. The national acreage yield goal;
5. The national acreage allotment;
6. The national acreage reserve:
   A. For establishing acreage allotments for new farms, and
   B. For making corrections and adjusting inequities in old farms;
7. The national acreage factor; and
8. The national yield factor.

Marketing quotas on an acreage-poundage basis were proclaimed for flue-cured tobacco for the 1983–84, 1984–85, and 1985–86 marketing years (48 FR 1781). Flue-cured tobacco producers approved marketing quotas on an acreage-poundage basis for the 1983–84, 1984–85, and 1985–86 marketing years (48 FR 21608).

The determinations set forth in this notice have been made on the basis of the latest available statistics of the Federal Government and after due consideration of data, views, and recommendations received from flue-cured tobacco producers and others pursuant to a proposed Notice of Determination (49 FR 35817) which was published on September 12, 1984.

Discussion

During the comment period, 32 written responses were received from farmers, members of the trade (including associations), and farm groups. Of the 31 respondents who commented on the level of the 1984 quota, 24 recommended that the quota remain unchanged from the 1984 level. Three recommended a reduction in quotas (one by the maximum amount permitted under the law) and four others recommended increases of various sizes. Many of those who wanted the quota to remain unchanged expressed a willingness to reduce the 1985 price support level below the 1984 level.

In addition, two meetings were held to allow interested persons to give their views orally. Many of these individuals and organizations favored reducing the 1985 level of price support while maintaining the 1985 marketing quota at the 1984 level.

While the Secretary is not authorized to reduce the 1985 level of price support for flue-cured tobacco below the level which was applicable to the 1984 crop, the flue-cured tobacco marketing quota is being reduced by 3.7 percent for the 1985 marketing year because the total supply is significantly above the reserve supply level.

Section 317(a)(1) of the 1938 Act (7 U.S.C. 1314c(a)(1)) provides, in part, that the national marketing quota for a marketing year for flue-cured tobacco is the amount of flue-cured tobacco produced in the United States which the Secretary estimates will be utilized during the marketing year in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. The 1983 Act further provides that any such downward adjustment shall not exceed 15 percent of such estimated utilization and exports.

The "reserve supply level" is defined in section 301(b)(14)(B) of the 1938 Act as the normal supply plus 5 percent thereof, to assure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

The "normal supply" is defined in section 301(b)(10)(B) of the 1938 Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports as an allowance for normal carryover.

A "normal year's domestic consumption" is defined in section 301(b)(11)(B) of the 1938 Act as the yearly average quantity of tobacco produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

A "normal year's exports" is defined in section 301(b)(12) of the 1938 Act as the yearly average quantity of tobacco produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The yearly average domestic consumption of flue-cured tobacco during the 10 marketing years preceding the 1984–85 marketing year was 565 million pounds, and the yearly average exports during such period amounted to 518 million pounds. Both domestic consumption and exports have shown downward trends. Accordingly, a normal year's exports equals 500 million pounds while a normal year's domestic consumption has been established at 480 million pounds. These normal year's consumption and exports result in a reserve supply level for flue-cured tobacco of 2,252 million pounds.

"Total supply" is defined in section 301(b)(16)(B) of the 1938 Act as the carryover at the beginning of the marketing year (July 1) plus the estimated production in the United States during the calendar year in which the marketing year begins. The carryover of flue-cured tobacco in the inventories of manufacturers and dealers, including Commodity Credit Corporation (CCC) loan stocks, amounted to 2,165 million pounds, farm sales weight on July 1, 1984.

The 1984 crop marketings of flue-cured tobacco are currently estimated at 848 million pounds. The sum of the carryover of flue-cured tobacco plus the 1984 crop marketings totals 3,014 million pounds and represents the total supply of flue-cured tobacco for the 1984–85 marketing year. This amount exceeds the reserve supply level by 762 million pounds.

It is estimated that 428 million pounds of flue-cured tobacco will be utilized in the United States during the 1985–86 marketing year and 442 million pounds will be exported. Because the total supply is subtantially in excess of the reserve supply level, it is deemed desirable to make a downward adjustment of 95 million pounds from the estimated utilization in order to determine the 1985 flue-cured tobacco

marketing quota. Accordingly, the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1985, is 775 million pounds.

Section 317(a) of the 1938 Act (7 U.S.C. 1314c(a)), provides that, beginning in 1983 and at 5 year intervals thereafter, the farm acreage allotment and preliminary farm yield for each farm shall be adjusted to reflect increases or decreases in the past 5 years' moving county average yield per acre and the national average yield goal shall be adjusted to the past 5 years' moving national average yield. Accordingly, it has been determined that the national average yield goal of 1989 pounds per acre for the 1984–85 marketing years will be the national average yield goal for the 1985–86 marketing year.

In accordance with section 317(a)(3) of the 1938 Act (7 U.S.C. 1314c(a)(3)), the national acreage allotment for the 1985 crop of flue-cured tobacco is determined to be 389,643.04 acres, which is the result of dividing the national marketing quota by the national average yield goal.

In accordance with section 317(e) of the 1938 Act (7 U.S.C. 1314c(e)), the Secretary is authorized to establish a national reserve from the national acreage allotment in an amount equivalent to not more than 3 percent of the national acreage allotment for the purpose of making corrections in farm acreage allotments, adjusting for inequities, and for establishing allotments for new farms. The Secretary has determined that a national reserve for the 1985 crop of flue-cured tobacco of 450 acres is adequate for these purposes.

The purpose of this notice is to affirm the determination of the national marketing quota for the 1985 crop of flue-cured tobacco which was announced by the Secretary on December 12, 1984 and to set forth certain other determinations with respect to flue-cured.

Determinations 1985–86 Marketing Year

Accordingly, the following determinations have been made for flue-cured tobacco for the marketing year beginning July 1, 1985:

(a) *Reserve supply level.* The reserve supply level is determined to be 2,252 million pounds based upon a normal year's domestic consumption of 480 million pounds and a normal year's exports of 500 million pounds.

(b) *National marketing quota.* The national marketing quota on an acreage-poundage basis for the marketing year beginning July 1, 1985 is determined to be 775 million pounds. This quota is based on an estimated consumption in the United States in such marketing year of 428 million pounds and estimated exports in such marketing year of 442 million pounds, with a 95 million pound downward adjustment in order to effect an orderly reduction of supplies toward the reserve supply level.

(c) *National average yield goal.* The national average yield goal is determined to be 1,989 pounds. This goal is based on the 5-year national average yield for the 1977–81 marketing years.

(d) *National acreage allotment.* The national acreage allotment on an acreage-poundage basis is determined to be 389,643.04 acres. This allotment is determined by dividing the national marketing quota of 775 million pounds by the national average yield goal of 1,989 pounds.

(e) *National reserve.* The national reserve for making corrections and adjusting inequities in old farm acreage allotments and for establishing allotments for new farms has been determined to be 450 acres.

(f) *National acreage factor.* The national acreage factor is determined to be .9675.

(g) *National yield factor.* The national yield factor is determined and announced to be .8975.

(h) *Types of tobacco.* It has been determined that types 11, 12, 13, and 14 shall constitute one kind of tobacco for the 1983–84, 1984–85, and 1985–86 marketing years. It has been determined also that no substantial difference exists in the usage or market outlets for any one or more of the types of flue-cured tobacco.

(Secs. 301, 313, 317, 375, 52 Stat. 38, 47, 66, as amended, 79 Stat. 66 (7 U.S.C. 1301, 1313, 1314c, 1375))

Signed at Washington, D.C. on January 28, 1985.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 85–2473 Filed 1–30–85; 8:45 am]

BILLING CODE 3410-05-M

Commodity Credit Corporation

1985-Crop Peanut Program; Support Differentials

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of Proposed Determination—1985-Crop Peanut Price Support Differentials for Warehouse and Farm-Stored Loan and Purchase Program.

SUMMARY: This notice sets forth proposed adjustments to the price support loan and purchase rates for the 1985-crop of quota and additional peanuts for differences in peanut type, quality, location and other factors. Such adjustments apply to the warehouse-stored loan price support operations and farm-stored price support operations and are authorized by Section 403 of the Agricultural Act of 1949 (the "1949 Act").

EFFECTIVE DATE: Comments must be received on or before March 4, 1985.

FOR FURTHER INFORMATION CONTACT: Solomon J. Whitfield, Tobacco and Peanuts Divison, ASCS, USDA, Room 5727 South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–5754. A Preliminary Impact Analysis describing options considered in developing this proposed determination and the impact of implementing such options is available upon request from Mr. Whitfield.

SUPPLEMENTARY INFORMATION: This notice of proposed determination has been reviewed under USDA procedures in accordance with Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified "not major". It has been determined that this proposed determination will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this proposed determination applies are: Commodity Loans and Purchases, 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of proposed determination since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

In order to allow for adequate review of the comments and a final determination to be published prior to the April 15 deadline for contracts for additional peanuts, it has been determined that the comment period will be limited to 30 days.

On the basis of an environmental evaluation, it has been determined that this action will have no significant

impact on the quality of the human environment. In addition, it has been determined that this action will not adversely affect environmental factors such as wildlife habitats, water quality, air quality, and land use and appearance. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

This program/activity is not subject to the provisions of Executive Order No. 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).

Under Section 108A of the 1949 Act, average price support levels are announced by the Secretary of Agriculture for each crop year for quota and additional peanuts. Quota peanuts are peanuts (except green peanuts) which are marketed or considered marketed from a farm for domestic edible use. This includes all peanuts which are dug on a farm except for the following: (1) Green peanuts; (2) peanuts which are pledged as loan collateral at the level of price support for additional peanuts and not redeemed by the producer; and (3) peanuts which are marketed under a contract between a handler and a producer for exportation and/or crushing. Additional peanuts are any peanuts which are marketed from a farm other than peanuts which are marketed or considered to be marketed as quota peanuts. Section 403 of the 1949 Act provides that adjustments may be made in these support levels for differences in type, quality, location and other factors. Section 403 further provides that such adjustments shall, so far as practicable, be made in such manner that the average level of support will, on the expected incidences of such factors, be equal to the level of support announced by the Secretary of Agriculture for the crop year involved. The regulations governing price support for peanuts are set forth at 7 CFR Part 1446.

A ton of farmers stock peanuts will normally include a large, but variable, proportion of high quality edible peanuts referred to as sound mature kernels (SMK) and sound splits (SS), as well as smaller quantities of lower quality loose shelled kernels (LSK), other kernels (OK) and damaged (DK). Under the differentials applicable to the 1984 and preceding crop years, the value of any ton of farmers stock peanuts has been determined on the basis of the quantity and mix of these kernel values, plus a premium for extra large kernels (ELK) in the case of Virginia-type peanuts, and discounts for such factors as excess foreign material, split kernels and damaged kernels.

The current differentials (i.e., those which applied to the 1984-crop) were delivered by: (1) Setting the SMK value of Virginia-type peanuts at 2 percent above the SMK value of Runner-type peanuts, and (2) setting the SMK value of Spanish-type peanuts at one-half percent above the SMK value of Runner-type peanuts. The Valencia SMK value is not established as a percentage of any other SMK value. It is proposed that these relationships not be changed for the purpose of determining differentials for the 1985-crop and that the other premiums and discounts which are applicable to the 1984-crop shall also remain unchanged for the 1985-crop. Further, in calculating the expected incidence of quality factors for the purpose of determining differentials for a crop, CCC customarily uses an average of the five crop years immediately preceding the crop year for which differentials are determined. However, due to the size of the 1984-crop and delayed marketings in the Southwest, preliminary quality factors for the 1984-crop are not available at this time. In view of this, and the urgent need to publish the 1985-crop differentials, the same 5-year (3-year for ELK) quality averages have been used in determing the 1985-crop proposed differentials as were used in determining the final 1984-crop differentials. The final rule for 1985-crop differentials will be based on a 5-year average which includes 1984-crop quality factor data. In determining the 1984-crop differentials for Virginia-type ELKs, a three-year average was used to estimate the expected incidence of quality factors because of recent increases in ELK production. However, when the 1984-crop differentials were announced, it was indicated that CCC intended to increase the averaging base for Virginia-type ELKs by one year in succeeding crop years until the base has once again reached a five-year average. Accordingly, CCC proposes to use a four-year average to project the final expected incidence of ELKs in the 1985-crop. For all five-year averages used in calculating the differentials proposed in this notice, data from the 1980 crop has been excluded because of drought conditions.

Unless otherwise indicated in the attached proposed schedule of adjustments, the basic rates and discounts applicable to warehouse-stored price support loans also apply to farm-stored price support loans and purchases. The entire 1985-crop proposed schedule of adjustments is set forth below. The proposed schedule presumes a minimum national average quota price support level of $560.60 per ton and will be adjusted if a different level of support is announced. Also, preliminary data has been used to project the incidence of quality factors and other factors. The final schedule will reflect changes in the data.

Finally, as with last year's crop, it is proposed that the value of additional peanuts for price support purposes be calculated by using a two-step is to calculate the level at which the peanuts would be supported if the particular peanuts involved were quota peanuts. In the second step, the figure is then reduced by a factor equal to the ratio of the announced national average support level for additional peanuts for the 1985-crop by the announced national average support level for quota peanuts for the 1985-crop.

Proposed Determination

Accordingly, CCC hereby proposed that the price support differentials for the 1985-Crop Peanut Warehouse and Farm-Stored Loan and Purchase Program shall be as follows:

(a) *Average 1985 Support Values by Type Per Average Grade Ton of Peanuts.*

(1) *Support Value for Warehouse-Stored Loans:*

Type	Per average grade ton
Virginia	$547.46
Runner	565.86
Spanish	542.86
Valencia:	
Southwest area—suitable for cleaning and roasting	547.46
Southwest area—not suitable for cleaning and roasting	542.86
Areas other than Southwest	542.86

(2) *Support Value for Farm-Stored Loans:*

Type	Per average grade ton
Virginia	$547
Runner	566
Spanish	543
Valencia:	
Southwest area	547
Areas other than Southwest	543

(b) *Calculation of Support Prices for Quota Peanuts.*

The support price per ton for 1985-crop quota peanuts of a particular type and quality shall be calculated on the basis of the following rates, premiums, and discounts (with no value assigned to damaged kernels (DKs)), except that the

minimum support value for any quota lot of eligible peanuts of any type shall be 8 cents per pound of kernels in the lot:

(1) *Kernel Value Per Ton Excluding Loose Shelled Kernels (LSKs).*

(i) The price per ton for each percent of sound mature (SM) and sound split (SS) kernels shall be:

Type	Per percent
Virginia	$8.138
Runner	7.977
Spanish	8.017
Valencia:	
Southwest area—suitable for cleaning and roasting	8.221
Southwest area—not suitable for cleaning and roasting	8.017
Areas other than Southwest	8.017

(ii) The price per ton for each percent of other kernels shall be: All types, per percent, $1.40.

(iii) The premium per ton for each percent of Extra Large Kernels (ELKs) for Virginia-type peanuts shall be: $0.35. However, no premium for ELKs shall be applicable to any ton of such peanuts containing more than four-percent DKs.

(2) *Price of LSKs Per Pound.* The price for each pound of LSKs shall be: All types, per pound, $0.07.

(3) *Foreign Material Discount.* For all types of peanuts, the discount per ton for foreign material shall be as follows:

Percent	Discount
0 through 4	$0
5	1.00
6	2.00
7	3.00
8	4.00
9	5.00
10	6.00
11	7.00
12	8.50
13	10.00
14	11.50
15	13.00
16 and over	(1)

[1] For each full percent in excess of 15 percent deduct an additional $2.

(4) *SS Kernel Discount.* For all types of peanuts, the discount per ton for SS kernels shall be as follows:

Percent	Discount
1 through 4	$0
5	1.00
6	1.60
7 and over	(1)

[1] For each full percent in excess of 6 percent deduct an additional $0.80.

(5) *DK Discount.*

(i) For all types of peanuts, the discount per ton for DKs shall be as follows:

Percent	Discount
1	$0
2	3.40
3	7.00
4	11.00
5	25.00
6	40.00
7	60.00
8 to 9	80.00
10 and over	100.00

(ii) Notwithstanding the above discount schedule, the DK discount for Segregation 2 peanuts transferred from additional to quota loan pools shall not exceed $25 per ton.

(6) *Price Support Adjustment for Peanuts Sampled with Other Than Pneumatic Sampler.* The support price per ton for Virginia-type peanuts sampled with other than a pneumatic sampler shall be reduced by $0.10 per every percentage point of SM and SS kernels.

(7) *Mixed Type Discount.* Individual lots of farmer stock peanuts containing mixtures of two or more types in which there is less than 90 percent of any one type will be supported at a price which is $10 per ton less than the support price available to the type in the mixture having the lowest support price.

(8) *Location Adjustments.*

(i) Farmers stock peanuts delivered to the association for a warehouse-stored loan in order to receive price support advances in the States specified below, where peanuts are not customarily shelled or crushed, shall be discounted as follows:

State	Per ton
Arizona	$25.00
Arkansas	10.00
California	33.00
Louisiana	7.00
Mississippi	10.00
Missouri	10.00
Tennessee	25.00

(ii) Farmers stock peanuts pledged as collateral for a farm-stored loan in order to receive price support advances in the States where peanuts are not customarily shelled or crushed shall be discounted as follows:

(A) In States specified in Paragraph (8)(i), the peanuts shall be discounted as specified therein.

(B) In Puerto Rico and all other States, territories and possessions of the United States (excluding the States specified in Paragraph (8)(i) and Alabama, Florida, Georgia, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, and Virginia), the peanuts shall be discounted at $40.00 per ton.

(9) *Virginia-Type Peanuts.* Virginia-type peanuts, in order to be eligible for price support as Virginia-type, must contain 40 percent or more "fancy" size peanuts, as determined by a presizer with the rollers set at 34/64 inch space. Virginia-type peanuts so determined to contain less than 40 percent "fancy" size peanuts will be supported (but not classed) as though they were Runner-type.

(10) *Discount for Aspergillus Flavus Mold (Segregation 3 Peanuts).* There will be no discount applied to Segregation 3 peanuts for Aspergillus flavus mold when such peanuts are pledged as loan collateral at the additional loan rate. Should such peanuts later be transferred to a quota loan pool under 7 CFR 1446.66, they will be discounted at the rate of $25 per net ton from the level of price support applicable to the type of quota peanuts.

(c) *Calculation of Support Values for Additional Peanuts.* The support price per ton for 1985-crop additional peanuts of a particular type and quality shall be calculated by: (1) Calculating the value that the peanuts would have if the peanuts were quota peanuts and, (2) reducing that value by multiplying it by the factor obtained by dividing the national average level of price support per ton for 1985-crop additional peanuts by the national average level of price support per ton for 1985-crop quota peanuts.

Before making a final determination with respect to these matters, consideration will be given to any relevant data, views, recommendations or other comments which are submitted in writing within the comment period to the Director, Tobacco and Peanuts Division, ASCS–USDA, Room 5750—South Building, P.O. Box 2415, Washington, D.C. 20013. All written submissions made pursuant to this Notice will be made available for inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 5750—South Building.

Signed at Washington, D.C., on January 28, 1985.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 85–2544 Filed 1–30–85; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Targhee Forest Grazing Advisory Board; Meeting

The Targhee National Forest Grazing Advisory Board meeting will be held February 26, 1985, at 10:00 p.m. at the Supervisor's Office, Targhee National Forest, 420 North Bridge St., St. Anthony, ID 83445.

The purpose of the meeting will be for the Board to make recommendations to the Forest Supervisor on range allotment planning and the use of range betterment funds scheduled for fiscal year 1985.

In accordance with the Federal Advisory Committee Act, (Pub. L. 92-463) this meeting is open to the public. Forest Supervisor John Burns requests that comments from non-board participants be withheld until the conclusion of the business meeting.

For additional information, contact Bryant Christensen or Val Gibbs at the Targhee National Forest Supervisor's Office or telephone 208-624-3151.

John Burns,

Forest Supervisor.

[FR Doc. 85-2458 Filed 1-30-85; 8:45 am]

BILLING CODE 3410-11-M

COMMISSION ON CIVIL RIGHTS

Indiana Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 9:00 p.m., on February 21, 1985, at the Allen County Public Library (main), 901 Webster Street, 2nd Floor Auditorium, Fort Wayne, Indiana. The purpose of the meeting is to discuss the status of the project on block grants and the Fort Wayne elementary school desegregation plan.

Person desiring additional information, or planning a presentation to the Committee, should contact the Midwestern Regional Office at (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 25, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-2432 Filed 1-30-85; 8:45 am]

BILLING CODE 6335-01-M

Iowa Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Iowa Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 2:00 p.m., on February 19, 1985, at the Best Western Starlite Village, 923 3rd Street, Des Moines, Iowa. The purpose of the meeting is to discuss program plans for 1985.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Central States Regional Office at (816) 374-5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC., January 25, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-2431 Filed 1-30-85; 8:45 am]

BILLING CODE 6335-01-M

Kansas Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Kansas Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 4:00 p.m., on February 13, 1985, at the City of Lawrence, City Hall, 6 East 6th Street, 3rd Floor, Lawrence Kansas. The purpose of the meeting is to plan future program activities and to hear from residents of Lawrence about the status of civil rights in the city.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Central States Regional Office at (816) 374-5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 25, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-2430 Filed 1-30-85; 8:45 am]

BILLING CODE 6335-01-M

Massachusetts Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 6:30 p.m., on February 28, 1985, at the U.S. Commission on Civil Rights (NERO), 55 Summer Street, 8th Floor, Boston, Massachusetts. The purpose of the meeting is to discuss future program ideas and to review the information obtained during a community forum in Lawrence.

Persons desiring additional information, or planning a presentation to the Committee, should contact the New England Regional Office at (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 25, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-2433 Filed 1-30-85; 8:45 am]

BILLING CODE 6335-01-M

Michigan Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 9:00 p.m., on February 13, 1985, at the Westin Hotel, Rennaissance Center, Room TBA, Detroit, Michigan. The purpose of the meeting is to discuss the project on tuition tax credits and educational quality, and to develop program plans for calendar year 1985.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Midwestern Regional Office at (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 25, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-2435 Filed 1-30-85; 8:45 am]

BILLING CODE 6335-01-M

Montana Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Montana Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 12:00 p.m., on February 16, 1985, at the Stand Union Building, Montana State University, Room 275, Bozeman, Montana. The purpose of the meeting is to review the status of the Advisory Committee's research project on county jails and determine what steps the

Advisory Committee wishes to take regarding the project and to discuss ideas for possible future projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Rocky Mountain Regional Office at (303) 844-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 25, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-2434 Filed 1-30-85; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Trade Adjustment Assistance; Petitions by Producing Firms for Determinations of Eligibility; Aiken Industries, Inc., et al.

Petitions have been accepted for filing from the following firms: (1) Aiken Industries, Inc., 2100 Richland Avenue, Aiken, South Carolina 29801, producer of women's blazers, pants and skirts (accepted December 21, 1984); (2) Monitek, Inc., 1495 Zephyr Avenue, Hayward, California 94544, producer of electronic process-analysis instruments (accepted December 24, 1984); (3) Art Craft Wallets, Inc., 380 Lafayette Street, New York, New York 10003, producer of wallets, purses and other flat goods (accepted December 26, 1984); (4) Newville Tool and Die Company, 625 West Summer, Hartford, Wisconsin 53027, producer of steel dies and metal stampings (accepted December 27, 1984); (5) R. Neumann & Company, P.O. Box MD, Hoboken, New Jersey 07030, producer of sports racket grips, bookmarks and processed leather (accepted December 31, 1984); (6) Maple Tree, Inc., P.O. Box 73, Maplesville, Alabama 36750, producer of women's blouses (accepted January 3, 1985); (7) Hawaiian Western Steel, Ltd., 91-150 Hanua Street, Ewa, Hawaii 96706, producer of steel reinforcing bars (accepted January 3, 1985); (8) Aro Industries, Inc., 550 Crocker Street, Los Angeles, California 90013, producer of handbags, cosmetic cases, sample cases and bellows (accepted January 3, 1985); (9) Silver Cloud, Ltd., 5909 Central Avenue, NW, Albuquerque, New Mexico 87105, producer of jewelry (accepted January 3, 1985); (10) Stranahan Foil Company, Inc., 100 Wesley Street, South Hackensack, New Jersey 07606, producer of wall coverings and packaging materials (accepted January 3, 1985); (11) Wiederkehr Wine Cellars, Inc., Rural Route 1, Box 4, Altus, Arkansas 72821, producer of wine (accepted January 3, 1985); (12) C.F. Martin & Company, Inc., 510 Sycamore Street, Nazareth, Pennsylvania 18064, producer of musical instruments and strings (accepted January 3, 1985); (13) Eurasian Carburetor Company, McArthur Industrial Complex, Suite 6, 493 Johnson Avenue, Bohemia, New York 11780, producer of automotive carburetors (accepted January 7, 1985); (14) Soft Images, Inc., 165 Cornell Street, Kingston, New York 12401, producer of mirrors, mobiles and dolls (accepted January 8, 1985); (15) Sobel, Bernstein & Greene Company, 3610 South San Pedro Street, Los Angles, California 90011, producer of women's footwear (accepted January 8, 1985); (16) Loma Linda Foods, Inc., 11503 Pierce Street, Riverside, California 92515, producer of health foods (accepted January 8, 1985); (17) Oasis Foods, Inc., 3381 Stevens Creek Boulevard, San Jose, California 95117, producer of figs (accepted January 8, 1985); (18) F.M. Byrnes Company, Inc., 6-14 Fish Pier, Boston, Massachusetts 02210, processor of fish (accepted January 9, 1985); (19) Scanwood Ltd., Inc., P.O. Box 327, Berlin, New Hampshire 03570, producer of wood footwear bottoms (accepted January 9, 1985); (20) Howard H. Sweet & Son, Inc., 60 Walton Street, Attleboro, Massachusetts 02760, producer of jewelry and findings (accepted January 10, 1985); (21) Jonbil, Inc., P.O. Box 37, Chase City, Virginia 23924, producer of pants for men, women and children (accepted January 9, 1985); (22) Procedyne Corporation, 221 Somerset Street, New Burnswick, New Jersey 08903, producer of industrial furnaces and dryers (accepted January 9, 1985); (23) Creative Tools, Inc., P.O. Box 4000, Bennington, Vermont 05201, producer of hand tools (accepted January 9, 1985); (24) Harloc Products Corporation, P.O. Box 425, West Haven, Connecticut 06516, producer of locks, deadbolts and other hardware (accepted January 9, 1985); (25) Tech Furniture, Inc., 299 Wordin Avenue, Bridgeport, Connecticut 06605, producer of furniture (accepted January 9, 1985); (26) Bogue Electric Manufacturing Company, 100 Pennsylvania Avenue, Paterson, New Jersey 07503, producer of generators, battery chargers and parts (accepted January 18, 1985); (27) SPM Manufacturing Corporation, 28 Appleton Street, Holyoke, Massachusetts 01040, producer of photo albums, address and appointment books, scrapbooks and pad holders (accepted January 22, 1985); (28) Camp Paddles, 9 Averill Street, Otego, New York 13825, producer of canoe and kayak paddles (accepted January 23, 1985); (29) Carville Leather Company, Inc., Knox Avenue, Johnstown, New York 12095, processor of leather (accepted January 23, 1985); (30) Brook Manufacturing Company, Inc., First and Miles Streets, Old Forge, Pennsylvania 18517, producer of men's, women's and children's pants, shorts, blazers and skirts (accepted January 23, 1985); and (31) Dickson Weatherproof Nail Company, 1900 Greenwood Avenue, Evanston, Illinois 60204, producer of nails (accepted January 24, 1985).

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and Section 320.21 of the Adjustment Assistance Regulations for Firms and Industries (15 CFR Part 320). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice. The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 85-2446 Filed 1-30-85; 8:45 am]

BILLING CODE 3510-DR-M

[C-201-407]

Preliminary Affirmative Countervailing Duty Determinations, Welded Carbon Steel Pipe and Tube Products From Mexico

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Mexico of welded carbon steel pipe and tube products. The estimated net bounty or grant is 0.67 percent *ad valorem* for Hylsa, S.A. and 23.65 percent *ad valorem* for all other welded carbon steel pipe and tube producers. We are directing the U.S. Customs Service to suspend liquidation of all entries of welded carbon steel pipe and tube products from Mexico that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, and to require a cash deposit or bond on entries of these products in an amount equal to the estimated net bounty or grant.

If this investigation proceeds normally, we will make our final determination by April 3, 1984.

EFFECTIVE DATE: January 31, 1985.

FOR FURTHER INFORMATION CONTACT: Steve Morrison, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-3003.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigations, we preliminarily determine that there is reason to believe or suspect that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended, are being provided to manufacturers, producers, or exporters in Mexico of welded carbon steel pipe and tube products. For purposes of these investigations, the following programs are preliminarily found to confer a bounty or grant:

- FOMEX Loans
- CFPROFI
- Preferential Pricing of Carbon Steel Sheet Inputs Used for Export
- Import Duty Reductions

We estimate the net bounty or grant to be 0.67 percent *ad valorem* for Hysla, S.A. and 23.65 percent *ad valorem* for all other welded carbon steel pipe and tube producers.

Case History

On October 25, 1984, we received a petition filed by the Committee on Pipe and Tube Imports (CPTI) on behalf of the U.S. welded carbon steel pipe and tube products industry. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleged that producers, manufacturers, or exporters in Mexico receive, directly or indirectly, bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the "Act"). On November 7, 1984, CPTI submitted a letter amending the petition to establish separate subcommittees of CPTI to be the petitioners for the three distinct groups of pipes and tubes subject to these investigations.

We found that the petition contained sufficient grounds upon which to initiate countervailing duty investigations and, on November 14, 1984, we initiated these investigations (49 FR 32894).

Since Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act and the merchandise being investigated is dutiable, sections 303 (a)(1) and (b) of the Act apply to this investigation. Accordingly, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of these products cause or threaten material injury to a U.S. industry.

We sent questionnaires to the government of Mexico and the producers of the subject merchandise on November 21, 1984. The responses to our questionnaires were received on January 2, 1985.

Scope of the Investigation

The products covered by these investigations fall into three major groups:

(1) Certain small diameter, circular, welded carbon-steel line pipe. Small diameter circular welded carbon-steel pipe and tube with an outside diameter of 0.375 inch or more but not over 16 inches in outside diameter and with a wall thickness of not less than .065 inch are currently classified in the Tariff Schedules of the United States Annotated (TSUSA) under items 610.3208 and 610.3209. These products are produced to various API specifications for line pipe, most notably API-5L or API-5X.

(2) Certain light-walled, rectangular, welded carbon-steel pipes and tubes. Rectangular (including square) welded carbon-steel pipes and tubes having a wall thickness of less than 0.156 inch are currently classified under TSUSA item 610.4928. This product, commonly referred to in the industry as mechanical or structural tubing, is generally produced to ASTM specifications A-500 or A-513.

(3) Certain small diameter, circular, welded carbon-steel pipes and tubes. Small diameter circular welded carbon-steel pipes and tubes, with an outside diameter of .375 inch or more but not over 16 inches, of any wall thickness are currently classified *Tariff Schedules of the United States, Annotated* (TSUSA), under items 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258 and 610.4925. These products, commonly referred to in the industry as standard pipe or structural tubing, are produced to various ASTM specifications, most notably A-120 and A-135. Products used in the drilling of oil or gas and classified in these TSUSA numbers are not included in the scope of this investigation.

Except as noted in discussing the Fund for the Promotion of Exportation of Mexican Manufactured Products (FOMEX) program, the period for which we are measuring bounties or grants ("the review period") is calendar year 1983. The Mexican government responded that five companies produced and/or exported to the United States, 94 percent of all the welded steel pipe and tube under investigation. Of these five, only Hylsa, S.A. is privately owned and controlled. The other four companies, Productes Tubulares de Monclova, S.A., Altos Hornos de Mexico, S.A., Tubacero, S.A., and Fundidora Monterrey, are owned by Sidermex, a government-controlled holding and managing company.

Analysis of Programs

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

Consistent with our practice in preliminary determinations, where a response to an allegation denies the existence of a program, receipt of benefits under a program, or eligibility of a company or industry under a program, and the Department has no persuasive evidence showing that the response is incorrect, we accept the response for purposes of the preliminary

determination. All such responses, of course, are subject to verification. If the response cannot be supported at verification; and the program is otherwise countervailable, the program will be considered a subsidy in the final determination.

Following the Subsidies Appendix, we have used company-specific commerical loan rates as benchmarks for long-term peso-denominated borrowing whenever this information was available. In its absence we used a national average commerical rate, the nominal rate published monthly by the Banco de Mexico in the *Indicatores Economicos* ("IE rate"). We chose a nominal rate since we have no information as to whether the loans received by the companies under investigation were provided at nominal or effective rates of interest.

For short term dollar-denominated loans, the benchmark used was the quarterly U.S. national weighted-average rate for commercial and industrial short-term loans with maturities of less than one year, as published in the *Federal Reserve Bulletin* ("Federal Reserve rate").

Based upon our analysis of the petition and the response to our questionnaires, we preliminarily determine the following:

I. Programs Determined To Confer Bounties or Grants

We preliminarily determine that bounties or grants are being provided to manufacturers, producers, or exporters in Mexico of welded carbon steel pipe and tube products under the following programs.

A. Fund for the Promotion of Exportation of Mexican Manufactured Products (FOMEX)

FOMEX is a trust of the Secretaria de Hacienda y Credito Publico to promote the manufacture and sale of exported products with the Bank of Mexico acting as the trustee. On July 27, 1983, FOMEX was formally incorporated into the National Bank for Foreign Trade. The National Bank for Foreign Trade administers the financing of FOMEX pre-export and export loans through financial institutions that establish contracts for lines of credit with manufacturers and exporters.

During the period for which we are measuring bounties or grants, exporters could obtain FOMEX pre-export loans denominated in pesos with a maximum nominal annual interest rate of 10 percent, or export loans denominated in dollars with a maximum annual interest rate of 6 percent. According to the government of Mexico's response, the companies under investigation received no pre-export, peso-denominated FOMEX loans, but the Sidermex companies did receive export, dollar-denominated FOMEX loans to finance exports to the United States during the period under investigation.

Since FOMEX export loans allow exporters to obtain loans for export-related purposes at interest rates less than those for comparable commercially available loans, we preliminarily determine that this program confers a bounty or grant upon the exportation of welded carbon steel pipe and tube products. For FOMEX export loans denominated in dollars we used as our benchmark the prime rate charged by banks on short-term business loans in the United States, as published in the *Federal Reserve Bulletin*, described *supra*. This rate is the weighted-average of the rates charged by commercial banks in the United States. We determined the benefits from these loans based on the interest rate differential between FOMEX financing and the benchmark.

Prior to our initiation, in April, 1984, FOMEX interest rates were increased to 7.1 percent and subsequently to 8.5. percent for export financing. We have taken this program-wide change into account. We used for our review period of FOMEX loans the period April 1, 1984, to September 30, 1984, which was the period subsequent to the program-wide change for which data are available. Because these loans are U.S. export-related, we allocated the benefit received over Sidermex companies' total exports to the United States during the second and third quarters of 1984. On this basis, we calculated a weighted-average bounty or grant in the amount of 1.61 percent *ad valorem* for the Sidermex companies.

B. Preferential Federal Tax Credits (CEPROFI)

CEPROFIs are tax credits used to promote National Development Plan (NDP) goals, which include increased employment, encouragement of regional decentralization, and industrial development, particularly of small- and medium-sized firms. CEPROFI tax credits are also granted for investments in plant and equipment and for certain payments relating to increased employment and wages. The value of the tax credits is established as a percentage of the investment made. Certain types of investments receive tax credits at higher percentages than do others.

CEPROFI certificates are tax certificates of fixed value which may be used for a five-year period to pay Mexican federal taxes. Certain CEPROFI certificates are granted for carrying out investments in "priority" industrial activities; others are available to all industries on equal terms.

Article 25 of the decree authorizing the issuance of CEPROFIs, published in the *Diario Oficial de la Federacion* ("Diario Oficial") on March 6, 1979, requires each recipient to pay a 4 percent supervision fee. The 4 percent supervision fee is "paid in order to qualify for, or to receive" the CEPROFIs, and is therefore an allowable offset from the gross bounty or grant as defined by section 771(6)(A) of the Act.

CEPROFIs for the purchase of Mexican-made capital goods in the amount of 5 percent of the value of the goods, have been determined not to be countervailable (*See* Final Affirmative Countervailing Duty Determination of Lime from Mexico, 49 FR 35672). Therefore, with respect to the countervailable CEPROFIs for the purchase of Mexican-made capital goods, which are granted for carrying out investments in "priority" industrial activities (in the amount of 15 percent of the value of the investment), the benefit to the recipient is the difference between the 15 percent countervailable CEPROFI, less the amount of the supervision fee.

According to the government of Mexico's response, welded carbon steel pipe and tube producers and exporters were authorized to receive CEPROFIs for increased employment and for investment in equipment and buildings. Because these types of CEPROFIs are limited to a specific group of industries or to companies located in specific regions, we determine that they confer a bounty or grant.

We allocated the amount of CEPROFI benefits received (based on CEPROFIs which were received during the review period) over the companies' total FOB sales of all products. On this basis we calculated a weighted-average bounty or grant of 0.67 percent *ad valorem* for Hulsa, S.A. and 14.33 percent *ad valorem* for the Sidermex companies.

C. Import Duty Reductions and Exemptions

Petitioner alleged that the companies under investigation receive import duty reductions or exemptions on equipment used in the production of the subject merchandise. Altos Hornos received reductions on import duties for carbon steel sheet and plate which could have been used in manufacturing pipe and tube products although they claim it was used domestically only for food processing equipment. Because we have

no evidence that this duty reduction was not limited to a specific industry, group of industries or region and the merchandise is fungible, we determine that it conferred a bounty or grant on Altos Hornos. We calculated the benefit by dividing the amount of the reduction in 1983 by total Sidermex company sales and found a bounty or grant of 0.21 percent *ad valorem*.

D. Preferential Pricing of Sheet Inputs Used for Export

Petitioner alleged that Sidermex manufacturers benefit from a lower transfer price, provided by related suppliers under the direction of the Mexican government, for carbon steel sheet used as an input to welded carbon steel pipe and tube products sold for export. Because no response was received to our questionnaire concerning this program, we are using the best information otherwise available for purposes of our preliminary determination to conclude that this program confers a bounty or grant on Sidermex producers of the subject merchandise. For quantification of the benefit, we are using the rate suggested in the petition of 7.5 percent *ad valorem*.

II. Programs Preliminarily Determined Not To Confer Bounties or Grants

We preliminarily determine that bounties or grants are not being provided to manufacturers, producers, or exporters in Mexico of welded carbon steel pipe and tube products under the following programs.

A. CEPROFIs for Salary Increases and Investment in Mexican-Made Equipment

Producers of the subject merchandise received certain CEPROFIs for salary increases and for investment in Mexican-made equipment. We determined that these types of CEPROFIs do not confer a bounty or grant because they are not limited to a specific industry, group of industries, or to companies located in specific regions of the country. We announced in our Notice of Initiation that these CEPROFI's were not subject to these investigations.

B. NAFINSA Loans

Producers of the subject merchandise received long-term loans from NAFINSA, an official bank of the government of Mexico. We compared the interest rates on these loans to our benchmark, in this instance the nominal IE rate described *supra*, and found that the loans were not given on terms inconsistent with commercial considerations. Therefore, we determine that these loans did not confer a bounty or grant on these companies.

III. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that the following programs have not been used by the companies that manufacture, produce, or export welded carbon steel pipe and tube products in Mexico. Unless otherwise indicated, the basis for these determinations is the Mexican government's statement that the responding manufacturers, producers, and exporters of welded carbon steel pipe and tube products did not receive benefits under these programs.

A. FONEI

FONEI is a specialized financial development fund, administered by the Bank of Mexico, which grants long-term credit at below-market rates for the creation, expansion, or modernization of enterprises in order to foster industrial decentralization and promote the efficient production of goods capable of competition in the international market. FONEI loans are available under various programs having different eligibility requirements.

B. Guarantee and Development Fund for Medium and Small Industries (FOGAIN)

FOGAIN is a program that provides financing at interest rates below prevailing commercial rates to all small- and medium-sized firms in Mexico. Interest rates vary depending upon whether a small- or medium-sized business has been granted priority status, and whether a business is located in a zone targeted for industrial growth.

C. FIDEIN

Companies in priority areas may receive benefits from the Trust for Industrial Parks, Cities, and Commercial Centers (FIDEIN).

D. Energy Subsidies

The Mexican government provides subsidies for electrical, fuel and petrochemical costs of firms locating or expanding in certain zones of the country.

E. Foreign Currency Financing of Imports

PROFIDE, under the auspices of FOMEX, provides exporters with access to foreign exchange at preferential officially-controlled rates to purchase imports.

F. BANCOMEXT

Bancomext provides financing for capital investment, production costs and importations of raw materials for the manufacture of exports.

G. Preferential State Investment Incentives

Certain Mexican states offer Mexican industries partial or total exemption from state taxes, free or low cost land, or certain local infrastructure improvements as incentives for establishing or expanding industrial facilities or as incentives for exporting.

H. Article 94 Loans

Under section II of article 94 of the General Law of Credit Institutions and Auxiliary Organizations, the Bank of Mexico provides preferential loans to exporters for the financing of manufactured products and the production and/or inventory of goods produced in Mexico for export.

I. Government Financed Technology Development

Under the Industrial Development Plan 1979–1982–1990, certain Mexican companies may receive grants to purchase technological services for new plants.

J. The Mexican Institute of Foreign Trade (IMCE)

Certain Mexican companies may receive benefits from IMCE, which was created in 1970 to promote Mexican foreign trade by organizing foreign trade fairs, promoting visits of foreign trade missions to Mexico, and providing exporters with technical assistance.

K. Port Facilities

The Mexican welded carbon steel pipe and tube producers were alleged to have benefitted from the preferential rates at Mexican port facilities. U.S. trade statistics (IM–145Y) confirm the Mexican response that pipe and tube products from Mexico are not shipped by boat or airplane.

L. Preferential Vessel, Freight, Terminal, and Insurance Benefits

Certain Mexican companies may benefit from rebates or other discounts on transportation, storage, and insurance expenses involved in exporting products to the U.S.

M. Fondo Nacional de Fomento Industrial (FOMIN)

FOMIN operates as a trust fund, providing funding to certain small and medium sized companies by either buying stock or providing loans at below market rates.

IV. Programs for Which More Information is Needed

A. Accelerated Depreciation Allowances

Petitioner alleged that producers of the subject merchandise benefited from federal income tax reductions through accelerated depreciation. For purposes of economic development, the Income Tax Department may grant acelerated depreciation allowances to industries in certain geographical regions or for designated industrial activities. Hylsa and the Sidermex companies may have used accelerated depreciation in 1983. More information is needed to determine whether the program confered a bounty or grant on these companies.

B. New Exchange Risks Trust Fund Program (FICORCA)

The Department previously found that a program under the acronym FICORCA did not confer a bounty or grant to Mexican producers or exporters. On February 15, 1984, the government of Mexico instituted a new FICORCA program which potentially benefits the producers or exporters of welded carbon steel pipe and tube products. The program is applicable to foreign credits incurred on or after December 20, 1982. We do not know the extent to which respondents have used this changed program or whether it confers bounties or grants.

Verification

In accordance with section 776(a) of the Act, we will verify the data used in making our final determination. As previously stated, we will not accept any statement in the response that cannot be verified for our final determination.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of welded carbon steel pipe and tube products from Mexico which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, except those excluded, and to require an *ad valorem* cash deposit or bond for each such entry of this merchandise as follows:

Manufacturers, producers and exporters	*Ad valorem rate (percent)*
Hylsa, S.A.	0.67
All others	23.65

Public Comment

In accordance with § 355.35 of our regulations, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on these preliminary determinations at 2:00 p.m. on February 27, 1985, at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, room B-099, at the above address within 10 days of the publication of this notice.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, pre-hearing briefs in a least 10 copies must be submitted to the Deputy Assistant Secretary by February 15, 1985. Oral presentations will be limited to issues raised in the briefs. All written views by those not participating in the hearing should be filed in accordance with 19 CFR 355.34, within 30 days of the publication of this notice, at the above address and in at least 10 copies.

This notice is published pursuant to section 703(f) of the Act (19 U.S.C. 1671(f)).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

January 18, 1985.

[FR Doc. 85-2449 Filed 1-30-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-351-407]

Termination of Antidumping Investigations; Hot-Rolled Carbon Steel Sheet and Cold-Rolled Carbon Steel Sheet From Finland

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On January 18, 1985, Bethlehem Steel Corporation withdrew its antidumping petition, filed on December 20, 1984, on Hot-rolled Carbon Steel Sheet and Cold-rolled Carbon Steel Sheet from Finland. Based on the withdrawal, we are terminating the investigations.

EFFECTIVE DATE: January 31, 1985.

FOR FURTHER INFORMATION CONTACT: Kenneth Stanhagen, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-1777.

SUPPLEMENTARY INFORMATION:

On December 20, 1984, we received a petition from Bethlehem Steel Corporation filed on behalf of the U.S. industry producing hot-rolled carbon steel sheet and cold-rolled carbon steel sheet.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate antidumping investigations. We notified the International Trade Commission (ITC) of our action and initiated the investigation on January 14, 1985 (50 FR 1918).

Scope of Investigation

The merchandise covered by these investigations are hot-rolled carbon steel sheet and cold-rolled steel sheet.

The term *"cold-rolled carbon steel sheet"* covers cold-rolled carbon steel sheet products, whether or not corrugated or crimped; not painted or varnished; whether or not pickled; not cut, pressed, and not stamped to non-rectangular shapes; not coated, or plated with metal; over 12 inches in width and under 0.1875 inch in thickness; other than annealed and having a minimum yield point of 40,000 psi; whether or not in coils; as currently provided for in item 607.8360 of the *Tariff Schedules of the United States, Annotated* (TSUSA).

The term *"hot-rolled carbon steel sheet"* covers hot-rolled carbon steel products, whether or not corrugated or crimped; not pickled and not cold rolled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal and not clad; 0.1875 inch in thickness and over 8 inches in width; in coils; 0.1875 inch in thickness and over 8 inches in width; in coils; as currently provided for in item 606.6710 of the *TSUSA*, or under 0.1875 in thickness and over 12 inches in width, whether or not in coils, as currently provided for in items 607.6710, 607.6720, 607.6730, and 607.6740 of the *TSUSA*.

Withdrawal of Petition

On January 18, 1985, petitioner notified us that it was withdrawing its petition, and requested that the investigation be terminated. Under section 734(a) of the Act, upon withdrawal of a petition, the administering authority may terminate an investigation after giving notice to all parties to the investigation. This withdrawal is based on arrangements with Government of Finland to limit the volume of imports of these products. We have assessed the public interest factors

set out in section 734(a)(2) of the Act and consulted with potentially affected producers, workers, and consuming interests. On the basis of our assessment of the public interest factors and our consultations with affected interests, we have determined that termination would be in the public interest.

We have notified all parties to the investigations and the ITC of petitioner's withdrawal and our intention to terminate.

For these reasons, we are terminating our investigations.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

January 25, 1985.

[FR Doc. 85-2515 Filed 1-30-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-429-402]

Potassium Chloride From the German Democratic Republic; Final Determination of Sales at Not Less Than Fair Value

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We have determined that potassium chloride (potash) from the German Democratic Republic (GDR) is not being sold in the United States at less than fair value. Consequently we are terminating this investigation. We have notified the U.S. International Trade Commission (ITC) of our determination. We have directed the U.S. Customs Service to discontinue the suspension of liquidation of all entries of the subject merchandise that are entered, or withdrawn from warehouse, for consumption, as originally ordered effective on or after September 12, 1984.

EFFECTIVE DATE: January 31, 1985.

FOR FURTHER INFORMATION CONTACT: Frank Crowe, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; Telephone: (202) 377-4087.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that potash from the GDR is not being sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (the Act).

We made fair value comparisons on all sales during the period of investigation made by Kali Bergbau, the only known exporter of the subject merchandise. We found no sales at less than fair value.

Case History

On March 30, 1984, we received a petition from counsel for AMAX Chemical, Incorporated and Kerr-McGee Chemical Corporation filed on behalf of the domestic producers of potash. In compliance with the filing requirements of § 353.36 of our regulations (19 CFR 353.36), the petitions alleged that imports of potash from the GDR are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Act, and that these imports materially injure or threaten material injury to a United States industry. After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We notified the ITC of our action and initiated such an investigation on April 18, 1984 (49 FR 18004). On May 14, 1984, the ITC determined that there is a reasonable indication that imports of potash are materially injuring a U.S. industry.

On April 27, 1984, a questionnaire was presented to the government of the GDR. On June 5, 1984, we received a response from Kali Bergbau, the state-controlled exporter of potash in the GDR. As discussed under the "Foreign Market Value" section of this notice, we have determined that the GDR is a state-controlled-economy country for the purpose of this investigation.

On September 6, 1984, we preliminarily determined that potash from the GDR is being sold in the United States at less than fair value (49 FR 35845). On October 4, 1984, we held a hearing to address the issues arising in this investigation. On October 25, 1984, we verified Kali Bergbau's response in regard to U.S. sales information at Kali Bergbau's offices in East Berlin. On November 8, 1984, we determined to postpone the final determination until not later than January 25, 1985, at the request of the respondent (49 FR 45202).

Scope of Investigation

The merchandise covered by this investigation is potassium chloride, otherwise, known as muriate of potash, as currently provided for in item 480.50 of the *Tariff Schedules of the United States.*

Because Kali Bergbau accounted for all exports of this merchandise to the United States, we limited our investigation to that firm. We investigated all sales of potash for the period October 1, 1983, through March 31, 1984.

Fair Value Comparisons

To determine whether sales in the United States of the subject merchandise were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used the purchase price of the subject merchandise to represent the United States price for sales by Kali Bergbau because the merchandise was sold to unrelated purchasers prior to its importation into the United States.

We calculated the purchase price based on the f.o.b. price to unrelated purchasers. We made deductions for foreign inland freight, port handling charges and rebates.

In accordance with the policy set forth in our recent final determination in the investigation of carbon steel wire rod from Poland (49 FR 29434, July 20, 1984) we based the port handling and freight deductions on charges in a non-state-controlled-economy country. The country we used in this investigation was Canada for the reasons stated below in the "Foreign Market Value" section

Foreign Market Value

In accordance with section 773(c) of the Act, we used prices of potash sold for export to third countries from Canada to determine foreign market value. This is because petitioners alleged that the GDR is a state-controlled-economy country and that sales of the subject merchandise from that country do not permit a determination of foreign market value under section 773(a). After an analysis of the GDR's economy, and consideration of the briefs submitted by the parties, we have concluded that the GDR is a state-controlled-economy country for purposes of this investigation. Basic to our decision on this issue is the fact that the central government of the GDR strictly controls the prices and levels of production of the fertilizer industry, as well as the internal pricing of the factors of its production.

As a result, section 773(c) of the Act requires us to use prices or the constructed value of such or similar merchandise in a "non-state-controlled-economy" country. Our regulations establish a preference for foreign market value based upon sales prices. They further stipulate that, to the extent possible, we should determine sales prices on the basis of prices in a "non-state-controlled-economy" country at a stage of economic development

comparable to the "state-controlled-economy exporter.

After an analysis of countries producing potash, we preliminarily determined that home market prices in the Federal Republic of Germany (FRG) would be the most appropriate basis for calculating foreign market value. However, we were unable to develop actual prices for potash in the FRG. Of the three remaining countries producing potash which we considered to be at a stage of economic development comparable to the GDR, i.e., France, the United Kingdom and Canada, we were able to obtain verified prices only for Canadian third country sales.

Therefore, pursuant to § 353.8(a)(1) of our regulations, we based foreign market value on weighted-average third country export prices for the period July 1983–June 1984, which included the period under investigation, for one producer of potash in Canada. It should be noted that while two Canadian producers supplied data, we were only able to satisfactorily verify complete sales and cost data from one of those producers. We made an adjustment for physical differences in the merchandise relating to the particle size of granular potash sold in Canada and that exported from the GDR. Potash from the GDR, although nominally called granular, contains a higher percentage of non-standard particles than the Canadian potash. In making this adjustment, we used the cost of screening the potash incurred by the importer in order to produce a marketable granular product. Such an adjustment is authorized by § 353.16 of our regulations.

We made a circumstance of sale adjustment for differences in credit terms in the two markets. In accordance with the above-referenced Polish wire rod determination, we based the interest rate for credit on sales to the U.S. upon the corporate interest rate of the Canadian producer.

Verification

In accordance section 776(c) of the Act, we vertified the information used in making this determination by using standard verification procedures, including on-site examination of records and selection of original source documentation containing relevant information.

Petitioners' Comments

Comment 1. The Federal Republic of Germany (FRG) is the most appropriate surrogate country for establishing foreign market value. The Department should consider the overall economic comparability and sectoral comparability in the selection of the surrogate in preference to the availability of verifiable data. On the basis of the two former criteria, the FRG should be chosen. The petitioners waive verification of FRG internal prices if the Department will use those prices as reflected in published price lists in its determination. Alternately, the Department should use a French price list to determine foreign market value.

DOC Position. While the Department would have preferred the use of the FRG as a surrogate, no producer in that country was willing to supply the necessary data and permit us to verify that data. The same was true for France and the U.K. In only one acceptable surrogate country, Canada, were we able to obtain the requisite data and satisfactorily verify it. The use of price lists or, possibly purchase prices from certain customers in other countries would have required reliance upon incomplete and largely unverifiable data. We do not believe such data to be a proper basis for a fair value determination unless, as is not true here, no other acceptable, verifiable data are available. Further, since verification of the data relied upon is required by section 776 of the Act, and cannot be waived by petitioners at the stage of the investigation, we do not believe we have any choice but to base our determination upon data from a different acceptable surrogate country which have been verified.

Comment 2. Canadian export prices to third countries are an inappropriate basis for determining foreign market value. Such prices are depressed by dumped or subsidized merchandise from the GDR and other countries and may be below the cost of production.

DOC Position. The Department verified that the Canadian producer's third country sales of potash were being made at prices which permit recovery of all costs within a reasonable period, for the period examined, as required by § 353.7 of its regulations. Therefore, although the Canadian producer may be competing with subsidized or dumped merchandise in those markets, this producer is not pricing unfairly to do so. Moreover, we cannot accept petitioners' argument that we should not use Canadian prices because Canadian exporters face competition in world markets. If this were true, the Department would rarely, if ever, be able to rely on a surrogate's third country prices in non-market economy investigations and frequently would be unable to rely upon a surrogate's home market prices.

Comment 3. If the Department fails to use internal prices as reflected in FRG or French price lists, it should make a cost of production analysis using United States data adjusted for known differences in cost of production to account for technical differences in production in the GDR potash industry.

DOC Position. The surrogate methodology stated in section 353.8 of our regulations establishes a preference for determination of foreign market value based on sales prices over cost of production. Since verified prices have been obtained from the Canadian producer, it would be inappropriate to use U.S. cost of production data adjusted for differences in the GDR's production process.

Respondent's Comment. In calculating the U.S. sales price, the Department used theoretical costs for port charges which overstate the actual charges.

DOC Position. We obtained actual terminal charges from a surrogate producer in Canada. We have used these charges in this determination.

ITC Notification In accordance with section 735(d)(A) of the Act, we will notify the ITC of our determination. Since a final determination of sales at not less than fair value terminates the investigation, the ITC will not make a final determination of injury.

This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

Dated: January 25, 1985.

Walter J. Olson,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 85-2510 Filed 1-30-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-508-402]

Final Determination of Sales At Not Less Than Fair Value; Potassium Chloride From Israel

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of Final Determination of Sales at Not Less Than Fair Value: Potassium Chloride from Israel.

SUMMARY: We have determined that potassium chloride from Israel is not being, nor is likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination.

EFFECTIVE DATE: January 31, 1985.

FOR FURTHER INFORMATION CONTACT: John R. Brinkmann, Office of Investigations, Import Administration, International Trade Administration,

Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-4929.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that potassium chloride from Israel is not being, and is not likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (19 U.S.C. 1673d) (the Act). We found that the United States price of potassium chloride from Israel exceeded the foreign market value on approximately 99 percent of all sales of this product. The weighted-average margin for the Dead Sea works, Ltd. (DSW) was 0.0008 percent, which is *de minimis*.

Case History

On March 29, 1984, we received a petition filed by AMAX Chemicals Inc., Lakeland, Florida, and Kerr-McGee Chemical Corporation, Oklahoma City, Oklahoma, on behalf of U.S. producers of potassium chloride who represent a major portion of that industry. In compliance with the filing requirements of § 353.36 of our regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Israel are being, or likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act.

After reviewing the petition, we determined that it contained sufficient ground upon which to initiate an antidumping investigation. We notified the ITC of our action and initiated such an investigation on April 18, 1984 (49 FR 18005). On May 14, 1984, the ITC determined that there is a reasonable indication that imports of potassium chloride from Israel are materially injuring a U.S. industry (49 FR 21813).

We presented a questionnaire concerning the allegations to DSW, the only known Israeli producer of potassium chloride, in Washington, D.C., on April 24, 1984, and requested a response by May 23, 1984. In a letter dated May 3, 1984, DSW requested an extension until June 6 to submit its response. We granted an extension and on June 6 we received a response from DSW.

On September 6, 1984, the Department made a preliminary determination of sales at not less than fair value 49 FR 35847). On October 11, 1984, the petitioners alleged sales in the home market at prices below the cost of production. We initiated a cost of production investigation and received responses to our cost of production questionnaire on November 26, 1984.

On September 26, 1984, the petitioners requested an extension of our final determination date of November 20, 1984. We granted an extension until January 25, 1985 (49 FR 40431).

On January 22, 1985, counsel for the petitioners notified the Department that petitioners were withdrawing their petition. Under § 353.41 of Commerce Regulations upon withdrawal of the petition by petitioners, the Department of Commerce may terminate an investigation after giving notice to all parties to the proceeding and consulting with the ITC, and determining that such termination is in the public interest. The withdrawal of the petition occured only three days before the final determination due date after completion of an extensive investigation which has revealed no sales at less than fair value, thus warranting termination of this investigation, in any event, by publication of a negative final determination. In these circumstances, we are unable to conclude that it is in the public interest to terminate this investigation under § 353.41 and are making a final determination.

Scope of Investigation

The product covered by this investigation is potassium chloride, currently provided for under item 480.5000 of the *Tariff Schedules of the United States Annotated*. We investigated DSW the sole Israeli manufacturer of this merchandise. We investigated 100 percent of sales of this merchandise by DSW to the United States during the period October 1, 1983, through March 31, 1984.

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

Since we found that the Israeli home market prices were constantly adjusted upward to reflect the high rate of inflation in Israel during the period of investigation, we calculated a foreign market value for each month of the period of investigation. We then made our fair value comparisons using the appropriate monthly foreign market value.

United States Price

As provided in section 772(c) of the Act, we used the exporter's sales price of the subject merchandise to represent the United States price for sales by DSW because the merchandise was first sold to unrelated purchasers after importation into the United States. We calculated the exporter's sales price for U.S. sales by DSW by deducting from the bulk unpacked gross price to unrelated purchasers amounts for the following items, where appropriate: Israeli inland freight, U.S. and Israeli brokerage fees, commissions to an unrelated seller, ocean freight, marine insurance, credit expenses and all other U.S. selling expenses.

Foreign Market Value

In accordance with section 773(a)(1)(A) of the Act, we calculated foreign market value based on DSW's home market prices.

The petitioner alleged that sales in the home market were at prices below the cost of producing the merchandise. We examined production costs which included all appropriate costs for materials, fabrication and general expenses. We found that all sales in the home market were above the cost of production and therefore used home market prices in accordance with section 773(a)(1)(A) of the Act to determine foreign market value.

Since the vast majority of DSW's home market sales were made in U.S. dollars all home market sales not so made were converted to U.S. dollars prior to calculating foreign market value. Accordingly, all deductions and adjustments to home market sales which had been calculated in Israeli shekels were converted to United States dollars. All currency conversions of Israeli shekels to U.S. dollars for home market sales were made in accordance with § 353.56(a) of the Commerce regulations using the certified daily exchange rates.

We calculated foreign market value by deducting from the gross, F.O.B. ex-works or Dimona prices to unrelated purchasers amounts for the following items, where appropriate: packing, inland freight, credit expenses and commissions. We also made a deduction from DSW's foreign market value for indirect selling expenses up to the amount of such selling expenses incurred in the United States.

Verification

In accordance with section 776(a) of the Act, we verified all data used in making the determination in this investigation by using standard verification procedures.

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our determination.

Petitioners Comments

The petitioners did not file written comments.

Respondent's Comments

Comment 1. Pursuant to Section 615 of the Trade and Tariff Act of 1984 (Pub. L. 98-573, October 30, 1984), amending Section 773 of the Tariff Act of 1930, comparisons in either an exporter's sales price or purchase price situation are to be compared, not at the "time of exportation of such merchandise," but rather at the "time such merchandise is first sold in the Unites States . . ." Accordingly, price comparisons should be made on the basis of date of sale in the U.S., not on the basis of date of exportation.

DOC Position. We made comparisons on the basis of date of sale in the United States.

Comment 2. Pre-sale warehousing expenses should not be deducted from the United States price since it is an overhead cost, not directly related to specific sales.

DOC Position. Under § 353.10(e) of Commerce Regulations "the exporter's sales price shall be adjusted by being reduced by the amount, if any, of expenses generally incurred by or for the account of the exporter in selling * * * (the) merchandise * * * under consideration." Such expenses are not limited to direct selling expenses but include all expenses which the seller actually incurs in selling the merchandise, regardless of whether they are direct or indirect expenses. Pre-sale U.S. warehousing expenses fall into this category.

Comment 3. In the preliminary determination the Department did not allow a claimed adjustment under § 353.15(c) for home market indirect selling expenses. DSW is entitled to an adjustment on home market sales, limited only by the total cost of maintaining an employee in the U.S. and the amount of commission paid to its U.S. agent.

DOC Position. Based on information verified by the Department, we adjusted DSW's home market sales under § 353.15(c) for the indirect selling expenses claimed.

Comment 4. Even though 95 percent of all U.S. sales compared in the preliminary determination were found not to be made at less than fair value, the methodology used by the Department to calculate the weighted-averge margin unfairly creates a weighted-average margin where none exists. To correct this inequity both negative and positive margins should be used in the calculation of the weighted-average margin. Section 777A of the Act, as amended by the Trade and Tariff Act of 1984, at Section 620, permits the Department to use averaging on U.S. price.

DOC Position. Section 777A allows the use of averaging or other generally recognized sampling techniques when certain conditions are met, including whenever a significant volume of sales is involved. We found no reason to average in this case.

Comment 5. The management fee paid by DSW to its parent company (ICL) is not a fee for services but is rather a transfer of profits and should not be considered a production cost.

DOC Position. The audited financial statements of DSW include as an expense, management fees paid to ICL in the normal course of business. Therefore, these expenses have been included as general, selling and administrative costs of production.

Comment 6. The Department should not increase DSW's selling, general and administrative expenses in the cost of production calculation by the full expenses of the Inland Transportation Department and the Marketing Division Management since these departments serve all sales of all products by DSW to all markets.

DOC Position. We determined that the costs of inland transportation and the marketing division management were related solely to home market sales and therefore we included all such costs in the cost of production of the home market products.

Comment 7. DSW contends that it is not a net borrower, therefore financing expense should not be included in the cost of production.

DOC Position. The audited financial statements of the respondent reflect the "interest earning assets" of the company as being dedicated to future capital expansion. These assets are not associated with the manufacture of the product under investigation and, therefore, revenues earned on such assets were not included in the cost of production.

Comment 8. DSW suggests that the appropriate basis for allocation of overhead expenses is the company's production capacity, not actual production.

DOC Position. The Department uses actual production for the allocation of overhead. Allocation based on capacity would result in a portion of overhead not being absorbed by any of products manufactured by the company.

Walter J. Olson,

Acting Assistant Secretary for Trade Administration.

January 25, 1985.

[FR Doc. 85-2518 Filed 1-30-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-461-402]

Potassium Chloride From the Union of Soviet Socialist Republics; Determination of Sales at Less Than Fair Value

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We have determination that potassium chloride (potash) from the Union of Soviet Socialist Republics (USSR) is being, or is likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination. We have directed the U.S. Customs Service to continue to suspend the liquidation of all entries of the subject merchandise that are entered, or withdrawn from warehouse, for consumption, on or after September 12, 1984, and to require a cash deposit or bond for each such entry in an amount equal to 1.77 percent of the ex-factory value of the merchandise.

EFFECTIVE DATE: January 31, 1985.

FOR FURTHER INFORMATION CONTACT: Frank Crowe, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; Telephone: (202) 377-4087.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that potash from the USSR is being sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (the Act). We have determined the weighted-average margin of sales at less than fair value to be 1.77 percent.

Case History

On March 30, 1984, we received a petition from counsel for AMAX Chemical, Incorporated and Kerr-McGee Chemical Corporation filed on behalf of the domestic producers of potash. In compliance with the filing requirements of § 353.36 of our regulations (19 CFR 353.36), the petitioners alleged that

imports of potash from the USSR are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports materially injure or threaten material injury to a United States industry. After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We notified the ITC of our action and initiated such an investigation on April 18, 1984 (49 FR 18004). On May 14, 1984, the ITC determined that there is a reasonable indication that imports of potash are materially injuring a U.S. industry.

On April 27, 1984, a questionnaire was presented to the government of the USSR. On July 13, 1984, we received a response from V/O Sojuzpromexport, the state-owned exporter of potash in the USSR. As discussed under the "Foreign Market Value" section of this notice, we have determined that the USSR is a state-controlled-economy country for the purpose of this investigation.

On September 6, 1984, we preliminarily determined that potash from the USSR is being sold in the United States at less than fair value (49 FR 35849). On October 11, 1984, we held a hearing to address the issues arising in this investigation. On October 23, 1984, we verified Sojuzpromexport's response in regard to U.S. sales information at Sojuzpromexport's offices in Moscow, USSR. On November 8, 1984, we determined to postpone the final determination until not later than January 25, 1985, at the request of the respondent (49 FR 45202).

Scope of Investigation

The merchandise covered by this investigation is potassium chloride, otherwise known as muriate of potash, as currently provided for in item 480.50 of the *Tariff Schedules of the United States*.

Because V/O Sojuzpromexport accounted for all exports of this merchandise to the United States, we limited our investigation to that firm. We investigated all sales of potash for the period October 1, 1983, through March 31, 1984.

Fair Value Comparisons

To determine whether sales in the United States of the subject merchandise were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used the purchase price of the subject merchandise to represent the United States price for sales by V/O Sojuzpromexport because the merchandise was sold to unrelated purchasers prior to its importation into the United States.

We calculated the purchase price based on the f.o.b. price to unrelated purchasers. We made deductions for foreign inland freight, port handling storage charges, discounts and rebates.

In accordance with the policy set forth in our recent final determination in the investigation of carbon steel wire rod from Poland (49 FR 29434, July 20, 1984) we based the freight and port deductions on charges in a non-state-controlled-economy country. We based those deductions upon costs in Canada for the reasons stated below in the "Foreign Market Value" section.

Foreign Market Value

In accordance with section 773(c) of the Act, we used prices of potash sold by Canadian potash producers to third countries to determine foreign market value. This is because petitioners alleged that the USSR is a state-controlled-economy country and that sales of the subject merchandise from that country do not permit a determination of foreign market value under section 773(a). After an analysis of the USSR's economy, and consideration of the briefs submitted by the parties, we have concluded that the USSR is a state-controlled-economy country for purposes of this investigation. Basic to our decision on this issue is the fact that the central government of the USSR strictly controls the prices and levels of production of the fertilizer industry, as well as the internal pricing of the factors of production.

As a result, section 773(c) of the Act requires us to use prices or the constructed value of such or similar merchandise in a "non-state-controlled-economy" country. Our regulations establish a preference for foreign market value based upon sales prices. They further stipulate that, to the extent possible, we should determine sales prices on the basis of prices in a "non-state-controlled-economy" country at a stage of economic development comparable to the country with the state-controlled-economy.

After an analysis of coutries producing potash, we preliminarily determined that the Federal Republic of Germany (FRG) was the most appropriate surrogate. However, we were unable to develop actual prices for potash in the FRG. Of the three remaining countries producing potash which we considered to be at a stage of economic development comparable to the USSR, i.e., France, the United Kingdom (UK) and Canada, we were able to obtain verifiable data only for Canadian third country sales.

Therefore, pursuant to §§ 353.8(a)(1) of our regulations, we based foreign market value on weighted-average third country export prices for the period July 1983–June 1984, which included the period under investigation, for a producer of potash in Canada. It should be noted that while two Canadian producers supplied data, we were only able to satisfactorily verify complete sales and cost data from one of those producers. We made an adjustment for physical differences in the merchandise relating to the particle size of granular potash sold in Canada and that exported from the USSR. The potash from the USSR, although nominally called granular, contains a higher percentage of non-standard particles than is commercially acceptable for a granular product. In making this adjustment as authorized by §§ 353.16 of our regulations, we used the cost of screening incurred by the importers to produce a product marketable as granular. We made a circumstance of sale adjustment to allow for differences in credit terms in the two markets. In accordance with the above-referenced Polish wire rod decision, we based the interest rate for credit on USSR sales to the U.S. upon a surrogate value, the corporate interest rate of the Canadian producer.

Verification

In accordance with section 776(a) of the Act, we verified the information used in making this determination by using standard verification procedures, including on-site examination of records and selection of original source documentation containing relevant information.

Petitioner's Comments

Comment 1. The Federal Republic of Germany (FRG) is the most appropriate surrogate country for establishing foreign market value. The Department should consider the overall economic comparability and sectoral comparability in the selection of the surrogate in preference to the availability of verifiable data. On the basis of the two former criteria, the FRG should be chosen. The petitioners waive verification of FRG internal prices if the Department will use prices as reflected in published price lists in its determination. Alternately, the Department should use a French price list to determine foreign market value.

DOC Position. While the Department would have preferred the use of the FRG as a surrogate, no producer in that country was willing to supply the necessary data and permit us to verify that data. The same was true for France and the U.K. In only one acceptable surrogate country, Canada, were we able to obtain the requisite data and satisfactorily verify it. The use of price lists or, possibly purchase prices from certain customers in other countries would have required reliance upon incomplete and largely unverifiable data. We do not believe such data to be a proper basis for a fair value determination unless, as is not true here, no other acceptable, verifiable data is available. Further, since verification of the data relied upon is required by section 776 of the Act, and cannot be waived by petitioners at this stage of the investigation, we do not believe we have any choice but to base our determination upon data from a different acceptable surrogate country which has been verified.

Comment 2. Canadian export prices to third countries are an inappropriate basis for determining foreign market value. Such prices are depressed by dumped or subsidized merchandise from the USSR and other countries and may be below the cost of production.

DOC Position. The Department verified that the Canadian producer's third country sales of potash were being made at prices which permit recovery of all costs within a reasonable period, for the period examined, as required by § 353.7 of its regulations. Therefore, although the Canadian producer may be competing with subsidized or dumped merchandise in those markets, this producer is not pricing unfairly to do so. Moreover, we cannot accept petitioner's argument that we should not use Canadian prices because Canadian exporters face competition in world markets. If this were true, the Department would rarely, if ever, be able to rely on a surrogate's third country prices in non-market economy investigations and frequently would be unable to rely upon a surrogate's home market prices.

Comment 3. If the Department fails to use internal prices from FRG and French price lists, it should make a cost of production analysis using United States cost data adjusted for known differences in cost of production to account for technical differences in production and inefficiencies in the Soviet potash industry.

DOC Position. The surrogate methodology stated in section 353.8 of our regulations establishes a preference for determination of foreign market value based on sales prices over cost of production. Since verified prices have been obtained from the Canadian producer, it would be inappropriate to use U.S. cost of production data adjusted for differences in the USSR's production process or for alleged inefficiencies.

Respondent's Comments

Comment 1. Foreign market value should be computed on a monthly basis rather than a six-month weighted average.

DOC Position. As noted in the foreign value section, we actually computed the foreign market value on the basis of sales data for a one year period which included the six-month period of investigation. The period for which data was obtained was the "fertilizer year" 1983/1984 which ran from July 1983 through June 1984. We understand that the Canadian exporter (an agent of the Canadian potash producers) determines interim prices based upon long-term commitments for each half year portion of the fertilizer year, and may base some pricing decisions upon yearly commitments. At the end of a six-month period, the exporter reports adjustments for differences in the interim prices and the prices actually received. Because the net return reported to the individual potash companies for the month of adjustment combines both the adjustment amount and any sales returns for that month, the companies must allocate the total return for the six month period (including the adjustment amount) over tonnage for the period in order to determine an average price for the period. No single month's returns thus reflect the actual net return to the company. Our six month period of investigation straddles two such six month adjustment periods. Therefore, we have used the weighted-average returns for the entire fertilizer year.

Comment 2. The Department should deduct actual Soviet charges for loading and inland freight since the Soviet charges reflect market factors and are expressable in U.S. dollars. The exporter is required to cover all of its costs at fixed rates of exchange determined by the Soviet State Bank. Further, the substitution of surrogate values for actual Soviet charges is contrary to law, disregards prior Treasury and Congressional pronouncements, reverses Commerce's prior practice, constitutes retroactive rulemaking and imposes a countervailing duty against imputed subsidies.

DOC Position. In the previously cited determination with respect to carbon steel wire rod from Poland, we stated that the prices in a state-controlled economy do not reflect economic reality. In a state-controlled economy such as the USSR, supply and demand forces do not operate to establish prices for such charges that we can relay on for comparison purposes. In addition, the ruble is non-convertible. That the respondents actually incurred the reported ruble expenses and that the respondents were required to cover these expenses with foreign currency receipts beg the question concerning economic reality and the propriety of relying on such expenses.

The Polish wire rod decision, rather than overturning years of consistent administrative interpretation, re-establishes the Department's practice of using surrogate prices for such charges after a departure from that practice in one determination, Shop Towels from the People's Republic of China, 48 FR 37055.

Comment 3. The Department should make an additional allowance for physical differences in the merchandise related to a price differential of the products remaining after screening.

DOC Position. We believe that the allowance made for the cost to importers of the differences adequately reflects the effect of differences in the merchandise and that an additional adjustment based upon resale prices likely would overstate that effect.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to continue to suspend liquidation of all entries of potash from the USSR that are entered on withdrawn from warehouse, for consumption, on or after September 12, 1984. The Customs Service shall continue to require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeded the United States price, which was 1.77 percent of the ex-factory value. This suspension of liquidation will remain in effect until further notice.

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective

order, without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports are causing material injury, or threaten material injury to a U.S. industry within 45 days of the publication of this notice.

If the ITC determines that material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, we will issue an antidumping duty order, directing Customs Officers to assess an antidumping duty on potash from the USSR entered, or withdrawn, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value of the merchandise exceeds the U.S. prices.

This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

Dated: January 25, 1985.

Walter J. Olson,

Acting Assistant Secretary for Trade Administration.

[FR Doc 85-2517 Filed 1-30-85; 8:45 am]

BILLING CODE 3510-DS-M

Computer Systems Technical Advisory Committee; Partially Closed Meeting

A meeting of the Computer Systems Technical Advisory Committee will be held February 21, 1985, 1:30 p.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C. The Committees advise the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to computer systems or technology.

General Session:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Chairman's report on 1565 definitions.
4. Report on current work program of the subcommittees:
   a. Foreign Availability,
   b. Licensing Procedures,
   c. Software, and
   d. Hardware.
5. New Business.
6. Action items underway.
7. Action items due at next meeting.

Executive Session:

8. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 6, 1984, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202-377-4217. For further information or copies of the minutes contact Margaret A. Cornejo 202-377-2583.

Dated: January 28, 1985.

Milton M. Baltas,

Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85-2548, Filed 1-30-85; 8:45 am]

BILLING CODE 3510-DT-M

Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

A meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee will be held February 20, 1985, 9:30 a.m., Herbert C. Hoover Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are availabile in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

Agenda:

1. Introduction of members and guests.
2. Opening remarks by the Chairman.
3. Presentation of papers or comments by the public.
4. Update from DOC on the establishment of the Foreign Availability Division.
5. Discussion of the proposed foreign availability regulations.
6. Discussion of the 1985 annual plan.
7. New Business.
8. Action items underway.
9. Action items due at next meeting.

The meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

For further information or copies of the minutes contact Margaret A. Cornejo 202-377-2583.

Dated: January 28, 1985.

Milton M. Baltas,

Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85-2545 Filed 1-30-85; 8:45 am]

BILLING CODE 3510-DT-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meeting

A meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held February 20, 1985, 1:00 p.m., Herbert C. Hoover Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigations of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

General Session:

1. Opening remarks by the Subcommittee Chairman.
2. Presentation of papers or comments by the public.
3. Plans to develope a new measure of computer horsepower.
4. Discussion of possible decontrol of lower-end technology items.
5. Discussion of compressed critical technical data list for 1565.
6. Action items underway.
7. Action items due at next meeting.

Executive Session:

7. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM

control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 6, 1984, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meeting and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202–377–4217. For further information or copies of the minutes contact Margaret A. Cornejo 202–377–2583.

Dated: January 28, 1985.

Milton M. Baltas,

Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85–2546 Filed 1–30–85; 8:45 am]

BILLING CODE 3510-DT

Software Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meeting

A meeting of the Software Subcommittee of the Computer Systems Technical Advisory Committee will be held February 20, 1985, 3:00 p.m., Herbert C. Hoover Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Software Subcommittee was established to study computer software with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

Agenda:

1. Introduction of members and guests.
2. Opening remarks by the Chairman.
3. Presentation of papers or comments by the public.
4. Discussion of new Commodity Control List item 1566, software.
5. Establishment of tasks and issues to be addressed.
6. Action items underway.
7. Action items due at next meeting.

Executive Session:

8. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 6, 1984, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meeting and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202–377–4217. For further information or copies of the minutes contact Margaret A. Cornejo 202–377–2583.

Dated: January 28, 1985.

Milton M. Baltas,

Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85–2547 Filed 1–30–85; 8:45 am]

BILLING CODE 3510-01-M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meeting

A meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held February 21, 1985, 10:00 a.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

General Session:

1. Opening remarks by the Subcommittee Chairman.
2. Presentation of papers or comments by the public.
3. Spare and replacement parts policy.
4. Procedure for review by DOD of license applications.
5. Raising the GLV limit.
6. Comparison of licensing procedures and time frames of other COCOM countries.
7. Levels of technology that require licenses by other COCOM countries.
8. Automation of DOC licensing procedures.
9. Treatment of emergency license applications by other agencies.
10. Action items underway.
11. Action items due at next meeting.

Executive Session:

12. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 6, 1984, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202–377–4217. For further information or copies of the minutes contact Margaret A. Cornejo (202) 377–2583.

Dated: January 28, 1985.

Milton M. Baltas,

Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85-2549 Filed 1-30-85; 8:45 am]

BILLING CODE 3510-DT-M

Telecommunications Equipment Technical Advisory Committee; Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held February 19, 1985, at 9:30 a.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C. The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to telecommunications equipment or technology.

The Committee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control programs and strategic criteria related thereto.

A Notice of Determination to close meetings or portions of meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on February 6, 1984, in accordance with the Federal Advisory Committee Act.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: (202) 377-4217. For further information contact Mrs. Margaret A. Cornejo (202) 377-5542.

Dated: January 28, 1985.

Milton M. Baltas,

Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85-2550 Filed 1-28-85; 8:45 am]

BILLING CODE 3510-DT-M

Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973, and rechartered on January 5, 1984, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

Time and place: February 21, 1985 at 9:30 a.m., the Federal Building, Room 2007, 450 Golden Gate Avenue, San Francisco, CA. The meeting will continue to its conclusion on February 22, 1985, in Room 2007, the Federal Building.

Agenda: The Committee will begin with an open meeting to invite public comments with regards to existing commodity or technology controls. The commodities and technologies that falls under the responsibilities of the Committee are those relating to the following Commodity Control List (CCL) entries:

1510	1533	1568
1516	1534	1572
1522	1541	1584
1529	1560	1585
4529	1561	1587
1531	1521	6598

Invited comments will be restricted to these or substantially related items.

In particular the Committee would like to invite public comments in two areas:

1. The effect of the new regulations for CCL 1565, 1566, and 1567 as published in the **Federal Register** December 31, 1984 and effective January 1, 1985, on export of electronic instrumentation and other products that are controlled by the CCL items listed above.

2. Evidence relating to CCL 1522 lasers and laser systems that:

a. establishes technology levels in non-COCOM countries,

b. establishes equipment levels available from one or more non-COCOM countries,

c. indicates impact upon competiveness of U.S. products abroad (include any impact within the COCOM countries).

In presenting evidence please submit as much detail as possible indicating a foreign produced product's capabilities, features, price, production, quantity and quality. The Committee wishes to justify decontrol of those products where proof can be provided that U.S. control or COCOM control levels are no longer necessary.

If you wish to attend this open meeting of the Electronic Instrumentation Technical advisory Committee, please call or write Margaret Cornejo at (202) 377-2583, U.S. Department of Commerce, 14th & Constitution Ave., NW., Washington, D.C. at least five working days in advance in order to reserve a seat as there is limited space available. With this advance notice, arrangement can be made for more space, should that be necessary.

SUPPLEMENTARY INFORMATION: A Notice of Determination to close meeting or portions of meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on February 6, 1984, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202-377-4217. For further information contract Mrs. Margaret A. Cornejo 202-377-2583.

Dated: January 28, 1985.

Milton M. Baltas,

Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85-2551 Filed 1-30-85; 8:45 am]

BILLING CODE 3510-DT-M

Minority Business Development Agency

Financial Assistance Application Announcement; South Carolina

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate a MBDC for a 3 year period, subject to available funds. The cost of performance for the first 13 months is estimated at $202,584 for the project performance of June 1, 1985 to June 30, 1986. The MBDC will operate in the Charleston, SC Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $172,196 in Federal funds and a minimum of $30,388 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services). The Project Number is 04-10-85201-01 for the Charleston, SC (MSA).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer then a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that appliants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3 year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continue funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing date: The closing date for applications is February 28, 1985. Applications must be postmarked on or before February 28, 1985.

ADDRESS: Atlanta, Regional Office, 1371 Peachtree Street, NE., Suite 505, Atlanta Georgia 30309, Area Code/Telephone Number: (404) 881-4091.

FOR FURTHER INFORMATION CONTACT: Carlton L. Eccles, Regional Director, Atlanta Regional Office.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

A pre-application conference to assist all interested applicants will be held at the U.S. Department of Commerce, Minority Business Development Agency, 1371 Peachtree Street, N.E., Suite 505, Atlanta, Georgia, Thursday, February 14, 1985 at 9:00 a.m.

(11.800 Minority Business Development; Catalog of Federal Domestic Assistance)

Dated: January 24, 1985.

Carlton L. Eccles,

Regional Director, Atlanta Regional Office.

[FR Doc. 85-2535 Filed 1-30-85; 8:45 am]

BILLING CODE 3510-21-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Limits for Certain Wool and Man-Made Fiber Textile Products From the Socialist Republic of Romania Effective Jan. 1, 1985 Under a New Bilateral Agreement; Correction

On December 27, 1984 a notice was published in the **Federal Register** (49 FR 50239) which established import restraint limits for certain specified categories of wool and man-made fiber textile products, produced or manufactured in Romania and exported during 1985. Footnote 1 in the letter to the Commissioner of Customs which followed that notice should be corrected to read as follows:

[1] In Category 643/644 all TSUSA numbers except 379.2332, 379.2334, 379.2336, 379.2338, 379.6678, 379.8630, 379.8920, 379.8922, 379.8924, 379.8926, 379.8928, 383.1915, 383.2520, 383.7755, 383.8125, and 383.8126.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-2448 Filed 1-30-85; 8:45 am]

BILLING CODE 3510-DR-M

Requesting Public Comment on Bilateral Textile Consultations With Guatemala on Category 310/318 (Cotton Gingham and Other Yarn-dyed Fabrics)

January 28, 1985.

On January 11, 1985, the United States Government, under Article 3 of the Arrangement Regarding International Trade in Textiles, requested the Government of Guatemala to enter into consultations concerning exports to the United States of cotton gingham and other yarn-dyed fabrics in Category 310/318, produced or manufactured in Guatemala.

Background

The purpose of this notice is to advise that, if no solution is agreed upon with the Government of Guatemala in consultations during the sixty-day period which began on January 11, 1985, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of cotton textile products in Category 310/318, produced or manufactured in Guatemala and exported to the United States during the twelve-month period which began on January 11, 1985 and extends through January 10, 1986 at a level of 4,938,429 square yards.

A summary market statement follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of cotton gingham and other yarn-dyed fabrics in Categories 310 and 318, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textile and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. (a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Guatemala—Market Statement

Category 310/318—Cotton and Other Yarn-Dyed Fabrics

January 1985.

U.S. imports of Categories 310 and 318 from Guatemala were 5,124,000 square yards during the year ending November 1984. This compares with 1,083,000 square yards imported a year earlier. Imports for the first 11 months of 1984 were 4,899,000 square yards, 4½ times the 1,064,000 square yards imported during the same period in 1983. During the January-November 1984 period, Guatemala accounted for 10.7 percent of the total imports of Categories 310 and 318. It was the third largest supplier of Category 318, accounting for 16.5 percent of the total category imports. Approximately 99 percent of the Category 310 and 318 imports are in Category 318.

These and other factors lead the United States Government to conclude that imports of these fabrics from Guatemala are disrupting the U.S. market for such fabrics.

[FR Doc. 85-2540 Filed 1-30-85; 8:45 am]

BILLING CODE 3510-DR-M

Amending the Restraint Limit for Certain Man-Made Fiber Textiles Produced or Manufactured in Indonesia; Correction

January 28, 1985.

On December 21, 1984 a notice was published in the **Federal Register** (49 FR 49692), which established a restraint limit for man-made fiber yarns in Category 604pt. (only TSUSA number 310.5049), produced or manufactured in Indonesia and exported during the twelve-month period which began on July 1, 1984 and extends through June 30, 1985. The level for the part category in

the letter to the Commissioner of Customs which followed that notice should have been 592,248 pounds, instead of 529,248 pounds.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-2539 Filed 1-30-85; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Intent To Prepare a Draft Environmental Impact Statement (EIS); Moody Air Force Base, GA

The United States Air Force proposes to develop an air to surface weapons range in the immediate geographical area of Moody Air Force Base, Georgia. The close proximity of the proposed range to Moody AFB would increase both flight safety and training effectiveness while decreasing the overall cost of training. Land for the range would be transferred to the Air Force from the U.S. Forest Service. Approximately 350–400 acres of regrown trees would be cleared to allow for construction of a range complex consisting of two towers, a small administrative building, and bomb and strafe targets.

The environmental analysis will include such topics as impact to the flora and fauna, noise levels and additional topics raised during the scoping meeting.

Our environmental analysis will be completed following the scoping meeting. Exact time and place of the scoping meeting will be announced in the local news media and by direct contact to organizations that have expressed an interest in attending. Participation in the environmental analysis process by interested private organizations and individuals is invited.

It is estimated that the draft EIS will be available for public review in June 1985.

Questions concerning the proposal, scoping meeting or the draft EIS may be directed to Mr. Alton Chavis, HQ TAC/DEEV, Langley AFB, VA 23665-5001, telephone (804) 764-4430.

Norita C. Koritko,

Air Force Federal Register Liaison Officer.

[FR Doc. 85-2470 Filed 1-30-85; 8:45 am]

BILLING CODE 3910-01-M

Corps of Engineers; Department of the Army

Intent To Prepare Draft Environmental Statement; Zimmer Generating Plant, Ohio

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) for a proposed conversion of the Zimmer Generating Plant from nuclear to coal fired operation. The plant is located along the Ohio River (River Mile 443) near Moscow in Clermont County, Ohio.

SUMMARY: The Cincinnati Gas & Electric Company (operator), Columbus & Southern Ohio Electric Company and Dayton Power & Light Company, as the owners are proposing to convert the W.H. Zimmer Generating Plant from a 800 megawatt nuclear to a 1300 megawatt coal fired operation. A portion of the existing structures will be used and new construction will require the addition of coal, oil, and scrubber reagent unloading dock facilities as well as storage facilities for full and empty barges. A discharge structure to the Ohio River may also be required.

The Cincinnati Gas & Electric Company (operator) has applied for a Department of the Army Permit under section 10 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act. The American Electric Power Service Corporation has been named by the owners as project manager for managing the plant conversion and licensing efforts.

Notice is hereby given of the assumption of "lead agency" responsibility for Federal action for the proposed facility by the Louisville District, Corps of Engineers. The DEIS will cover a variety of issues including air quality, economics, land use and transportation, in addition to the actual construction and operation of the facility. Any individual or group having comments regarding the contents of the DEIS may submit them to the Corps of Engineers at the address at the end of this notice.

A scoping meeting for the DEIS will be held in early 1985, the date and place to be announced later. The purpose of the meeting will be to identify the significant issues to be analyzed in depth in the DEIS. Participation by the public and all interested Government agencies is invited.

DATE: The Louisville District estimates that the DEIS will be released for public review on or before 1 May 1986.

ADDRESS: Questions regarding the proposed action, the Environmental Impact Statement or the scoping meeting should be directed to Dwayne G. Lee, Colonel, Corps of Engineers, 600 Federal Place, P.O. Box 59, Louisville, Kentucky 40201. Phone: (502) 582-5601.

By Authority of the Secretary of the Army.

Dwayne G. Lee,

Colonel, CE, District Engineer.

[FR Doc. 85-2512 Filed 1-30-85; 8:45 am]

BILLING CODE 3710-JB-M

Intent To Prepare Draft Environmental Statement; South Kohala, HA

AGENCY: U.S. Army Corps of Engineers, Honolulu District, Pacific Ocean Division, Fort Shafter, Hawaii.

ACTION: Notice of Intent to prepare a DEIS. Draft Environmental Impact Statement for a Department of the Army (DA) permit for a proposed resort hotel affecting the waters of the United States in Waikoloa, South Kohala, Island of Hawaii, State of Hawaii.

SUMMARY:

1. This Notice of Intent supersedes Notice of Intent published in the **Federal Register**, dated 20 September 1984 (49 FR 36901). In recognition of the cumulative loss of anchialine pond resources within the applicants' Waikoloa Beach Properties, and to avoid piecemeal assessment and commitment of anchialine pond resources on the applicants' property, the DA permit application was revised to include all anchialine ponds on the Waikoloa Beach Resort Properties, and to create an 8-acre pond preservation area.

2. *Description of the Proposed Action.* The applicants, Transcontinental Development Co. and Atpac Land Co. requested authorization to excavate and fill anchialine ponds on their Waikoloa Beach Resort properties in conjunction with their resort/hotel/urban development plans. An 8-acre anchialine pond area will be preserved, managed and maintained by the applicants. Their 1,250-room resort hotel involves the excavation of a 4-acre saltwater lagoon. These activities require a DA permit under Section 10 of the River and Harbor Act of 1899, as amended, and section 404 of the Clean Water Act, as amended.

3. *Description of Reasonable Alternatives.* The reasonable alternatives to be addressed in the DEIS will be developed to minimize and reduce the loss of anchialine ponds on the Waikoloa Beach Resort properties and will include:

a. The no action alternative (denial of the DA permit).

b. Authorizing the proposed action as requested by the applicants.

c. Authorizing the proposed action with modifications to reduce or minimize loss of anchialine ponds and other significant environmental resources.

4. *Description of the Scoping Process for the DEIS.* The public, individuals and special interest groups, Federal, State and local agencies and other interested parties who responded to the earlier public notice will be included in the DEIS process. Any other interested parties are invited to provide comments identifying specific concerns that they wish to see addressed in the DEIS.

5. *Significant Issues to be Addressed in the DEIS.* The significant issues to be addressed in the DEIS will include those impacts directly related to the Corps area of jurisdiction and areas of indirect and cumulative impacts. These issues will include, but not be limited to:

a. Impacts on the anchialine ponds and coastal water quality.

b. Impacts on historical, archaeological and cultural resources.

c. Impacts on threatened and endangered species, and other flora and fauna.

d. Impacts on the tsunami hazard zone.

e. Impacts on groundwater hydraulics and quality.

f. Impacts on the coastal zone and oceanography.

g. Impacts on lands use and recreational resources.

h. Impacts on air quality and noise levels.

i. Impacts on aesthetics.

j. Impacts on socioeconomic factors in the region.

It is estimated that the DEIS will be made available to the public in February 1985.

ADDRESS: Questions regarding the proposed action and DEIS can be answered by: Mr. Michael T. Lee, Biologist, U.S. Army Corps of Engineers, Construction-Operations Division, Operations Branch, Room 205, Building 230, Fort Shafter, Hawaii 96858-5440.

Dated: January 21, 1985.

Michael M. Jenk,

Colonel, Corps. of Engineers, District Engineer.

[FR Doc. 85-2460 Filed 1-30-85; 8:45 am]

BILLING CODE 3710-NN-M

DEPARTMENT OF EDUCATION

State Vocational Education Programs; Intent To Compromise Claim

AGENCY: Department of Education.

ACTION: Notice of Intent to Compromise Claim.

SUMMARY: Notice is given that under section 452(f) of the General Education Provisions Act, 20 U.S.C. 1234a(f), the Secretary intends to compromise a claim against the Minnesota State Advisory Council for Vocational Education now pending before the Education Appeal Board, Docket No. 21-(86)-81.

DATE: Interested persons may submit written comments or objections on or before March 18, 1985.

FOR FURTHER INFORMATION CONTACT: Ms. Lynette Charboneau, Office of the General Counsel, Department of Education, 400 Maryland Avenue, SW. (Room 4091, FOB-6), Washington, D.C. 20202.

SUPPLEMENTARY INFORMATION: The Vocational Education Act of 1963 (the Act) (20 U.S.C. 2301 *et seq.*), in effect at the time of the events at issue, authorized grants to States for vocational education programs. Section 105 of the Act (20 U.S.C. 2305) required any State which desired to participate in programs under the Act to establish a State advisory council. The regulations governing State advisory councils were found in 45 CFR Part 104 (presently found in 34 CFR Part 400).

The regulations containing the rules for the conduct of proceedings before the Education Appeal Board, established by the Secretary pursuant to section 451 of the General Education Provisions Act (20 U.S.C. 1234), were published in the Federal Register on May 18, 1981 (46 FR 27305). The Education Appeal Board regulation currently in effect are found in 34 CFR Part 78.

The claim in dispute arose out of an audit of the Minnesota State Advisory Council for Vocational Education (SACVE) conducted by the former Department of Health, Education and Welfare Audit Agency. The audit disclosed that charges for clerical services were in excess of comparable charges in the area. In addition, the auditors found a lack of compliance with Federal regulations and State travel policies, resulting in unallowable entertainment costs and undocumented travel costs. Accordingly, the auditors requested refunds from the SAVCE in three areas: (1) Improper bidding procedures pursuant to Federal regulations in the negotiations of staff service agreements ($21,178); (2) undocumented travel costs ($5,498); and (3) unallowable entertainment costs ($1,131). In a final letter of determination dated September 8, 1981, the Assistant Secretary for Vocational and Audit Education notified the SACVE that it must refund $27,807 as a result of the auditors' findings. The SACVE filed a timely appeal to this final determination and the case was docketed before the Education Appeal Board.

Prior to a Prehearing Conference, it was shown that almost a third of the requested refund was barred by the applicable statute of limitations, section 452(g) of the General Education Provisions Act (20 U.S.C. 1234a(g)). In summary, section 452(g) limits a State's liability to obligations made within five years of the date the State receives notice of the Department of Education's request for a refund. Application of section 452(g) reduced the claim to $19,150.52.

The Secretary proposes to compromise the remaining claim of $19,150.52 for $4,400 in satisfaction of all monetary findings in the audit. Based on the cost of further litigation, the Secretary has determined that it would not be practical or in the public interest to continue this proceeding. Moreover, the Assistant Secretary for Vocational and Audit Education has been adequately assured that the practices which resulted in the claim have been corrected and will not recur. This proposed compromise will not adversely affect any other audit proceeding pending before the Education Appeal Board.

The public is invited to comment on the Secretary's intent to compromise this claim. Additional information may be obtained by writing to Ms. Lynette Charboneau at the address given at the beginning of this notice.

(20 U.S.C. 1234, 1234a(f))

Dated: January 28, 1985.

Gary L. Jones,

Acting Secretary of Education.

[FR Doc. 85-2479 Filed 1-30-85; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Oil Supply/Demand Task Group; Meeting

Notice is hereby given that the Oil Supply/Demand Task Group will meet in February 1985. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Oil Supply/Demand

Task Group will address previous Council refining studies and evaluate further refinery operations and their impact on petroleum markets. Its analysis and findings will be based on information and data to be gathered by the various task groups.

The Oil Supply/Demand Task Group will hold its second meeting on Thursday, February 14, 1985, starting at 9:00 a.m., in the Livingston, Room of the Four Seasons Hotel, Houston Center, 1300 Lamar Street, Houston, Texas.

The tentative agenda for the Oil Supply/Demand Task Group meeting follows:

1. Opening remarks by the Chairman and Government Co-Chairman.
2. Review the work of the Task Group.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of The Oil Supply/Demand Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with The Oil Supply/Demand Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Carolyn B. Klym, Office of Oil, Gas, Shale and Coal Liquids, Fossil Energy, 301/353-2709, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on January 22, 1985.

William A. Vaughan,

Assistant Secretary, Fossil Energy.

[FR Doc. 85-2491 Filed 1-30-85; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Refinery Capability Task Group; Meeting

Notice is hereby given that the Refinery Capability Task Group will meet in February 1985. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Refinery Capability Task Group will address previous Council refining studies and evaluate future refinery operations and their impact on petroleum markets. Its analysis and findings will be based on information and data to be gathered by the various task groups.

The Refinery Capability Task Group will hold its third meeting on Tuesday, February 5, 1985, starting at 9:00 a.m., in the Lubbock Room of the Houston Airport Marriott Hotel, 18700 Kennedy Boulevard, Houston, Texas.

The tentative agenda for the Refinery Capability Task Group meeting follows:

1. Opening remarks by Chairman and Government Cochairman.
2. Review the work of the Task Group.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Refinery Capability Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Refinery Capability Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Mrs. Carolyn Klym, Office of Oil, Gas, Shale and Coal Liquids, Fossil Energy, 301/353-2709, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on January 22, 1985.

William A. Vaughan,

Assistant Secretary, Fossil Energy.

[FR Doc. 85-2490 Filed 1-30-85; 8:45 am]

BILLING CODE 6450-01-M

Office of Civilian Radioactive Waste Management

Nuclear Waste Policy Act of 1982; Public Hearings on the Draft Environmental Assessment for Proposed Site Nominations

AGENCY: Department of Energy (DOE).

ACTION: Change hearing location.

SUMMARY: The location published January 23, 1985, 50 FR 3304, for the public hearing scheduled for Gulfport, Mississippi on the Cypress Creek Dome and Richton Dome draft Environmental Assessments has been changed. The new location is the J. L. Scott Marine Education Center, 1650 East Beach Blvd. Biloxi, MS 39530. The hearing date and time remain the same, February 23, 1985, 1:00 p.m.-6:00 p.m.

Issued in Washington, D.C. January 28, 1985.

Ben C. Rusche,

Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 85-2572 Filed 1-30-85; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Nonresidential Buildings Energy Consumption Survey (NBECS); Solicitation of Comments for the Design of the 1986 NBECS.

AGENCY: Office of Energy Markets and End Use, Energy Information Administration, DOE.

ACTION: Notice of request for comments.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE) is examining data requirements and user needs for the 1986 Nonresidential Buildings Energy Consumption Survey (NBECS). The NBECS is a general purpose statistical survey conducted for non-regulatory purposes. It is being designed to meet the needs many users in addition to meeting the legislative requirements of EIA as specified in Section 52 of the Federal Energy Administration Act of 1974, Public Law 93-275. Section 52 requires the EIA to establish a National Energy Information System which "* * * shall contain such information as is required to provide a description of and facilitate analysis of energy supply and consumption within and affecting the United States on the basis of such geographic areas and economic sectors as may be appropriate * * *."

The NBECS, which has been previously conducted in 1979 [NBECS I] and 1983 [NBECS II], was an interim survey designed to provide limited basic information on energy consumption for benchmarking, forecasting, policy evaluation and planning.

For both NBECS I and II, a representative sample of nonresidential buildings in the 48 coterminous States and the District of Columbia was selected. Data were collected in 79 Primary Sampling Units (PSU's) at the individual building level on characteristics of a building's structure, activities inside the building, energy conservation measures, heating and air-conditioning equipment, and both the types and the end uses of energy

consumed. For NBECS I, personal interviews with building representatives were conducted to obtain this information. For NBECS II, this information was obtained by telephone. Additionally, data on actual energy consumption were collected from fuel records maintained by each building's fuel suppliers.

In response to a directive from the Congress, the EIA is currently examining survey design alternatives to collect information of non-utility emissions of sulfur and hydrogen oxides. In an effort to minimize respondent burden, EIA is considering the possibility of adding questions to existing surveys as an alternative to a complete new survey design. As a result, the 1986 NBECS may be expanded to collect information on the average sulfur content of individual fuels consumed in nonresidential buildings and the number of boilers within certain size categories. Obtaining information from the NBECS user community and from the potential respondents to the NBECS on the strengths and weaknesses of the survey is an important part of the 1986 NBECS questionnaire design effort.

Any written comments received in response to this notice will be available for public inspection at the DOE's Freedom of Information Office. Pursuant to the provisions of 10 CFR 1004.11 (1983), any person submitting information which is believed to be confidential and exempt by law from public disclosure, should submit one complete copy of the document, and if possible, 10 copies from which the information believed to be confidential has been deleted. The DOE will make its own determination with regard to the confidential status of the information or data and treat it according to its determination.

DATE: Response to this notice should be made on or before March 4, 1985.

ADDRESS: To obtain additional information or copies of previous data collection forms, contact: Ms. Julia Oliver, Office of Energy Markets and End Use, Energy Information Administration, Department of Energy, Room 1F-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

Written responses should also be submitted to Julia Oliver at the above address.

SUPPLEMENTARY INFORMATION: The EIA serves as the Government's primary source of energy statistics and provides information to the Executive Branch, Congress, State and local governments, industry, and the general public. EIA's mission is to ensure that accurate, timely, and objective statistics on the Nation's energy position are available for use in private and public decisionmaking. In support of these responsibilities, the legislation which created the EIA provides for the collection of data on energy supply and demand. Therefore, the EIA has conducted the NBECS in 1979 and in 1983, and is planning to conduct a NBECS in the first quarter of 1987 to obtain calendar year 1986 energy consumption information. Present plans call for data to be collected that will be valid at the four Census regions.

In designing this survey, a major goal of the EIA is to collect building characteristics and energy consumption data in sufficient detail to provide a valid and reliable statistical data base of nonresidential building characteristics and energy consumption, and to do so in a manner which minimizes respondent burden. The use of a national probability sample which, overall, includes less than one nonresidential building out of 500, is a major step in this direction.

Significant reductions in burden can also be accomplished by utilizing a carefully designed questionnaire which addresses relevant energy-related concepts and does so in a manner which is consistent with the terminology used to describe the characteristics of the building envelope and the building systems in place, and the recordkeeping systems of the fuel suppliers providing energy to the sample nonresidential buildings.

Request for Comments:

To ensure that a reasonable and not unduly burdensome survey is designed, EIA is soliciting comments from data users on the minimum level of data they require for public policy and research purposes. EIA is also soliciting comments from data providers on the types of information which the fuel supplier industry currently has available or can provide about individual buildings in the sample.

In addition to the publication of this notice, the EIA will directly contact and solicit comments from public policymakers (at the local, State and federal levels), the building energy research community, potential survey respondents (particularly fuel suppliers) and industry trade associations.

The following general guidelines are provided to assist in the preparation of responses:

As a current user:

1. Are the analysis, presentation and format of the building characteristics and energy consumption data as presented in the current NBECS publications meaningful and useful? Why or why not?

2. For what purposes do you use this data? Be specific.

3. How could the data collection forms be improved to meet your specific data needs better?

4. Are there alternate sources of these data and do you use them? If so, what are their strengths and weaknesses?

As a potential respondent:

1. Are the questions, instructions, and definitions clear and sufficient?

2. Can the data be provided using the definitions included in the instructions?

3. Are the required data readily available from your company's existing records? If not, please indicate what data are not readily available and the level of effort [in person hours] required to make these data available.

4. How can the survey form be improved?

5. Do you know of other federal, State or local agencies that collect the requested data? If so, specify the agency and the means of collections.

FOR FURTHER INFORMATION CONTACT: Julia Oliver, (202) 252-5744.

Issued in Washington, D.C., January 25, 1985.

Dr. H. A. Merklein,

Administrator, Energy Information Administration.

[FR Doc. 85-2583 Filed 1-30-85; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

High Energy Physics Advisory Panel; Renewal

In accordance with Title 41 of the Code of Federal Regulations, § 101-6.105, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the High Energy Physics Advisory Panel has been renewed for a 2-year period ending on January 27, 1987. The Panel will continue to provide advice to the Secretary of Energy, through the Director, Office of Energy Research, on long range planning and priorities in the national high energy physics program.

The renewal of the HEPAP has been determined essential to the conduct of the Department's business and in the public interest in connection with the performance of duties imposed upon the Department of Energy by law. The Panel will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, the Department of Energy Organization Act, Pub. L. 95-91, and the rules and

regulations issued in implementation of those Acts.

Further information regarding this Panel may be obtained from Gloria Decker (202) 252-8990.

Issued in Washington, DC on January 28, 1985.

K. Dean Helms,

Advisory Committee, Management Officer.

[FR Doc. 85-2492 Filed 1-30-85 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of November 12 Through November 16, 1984

During the week of November 12 through November 16, 1984, the decisions and orders summarized below were issued with respect to appeals and applications for expection or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Griffin, Branigan & Butler, November 16, 1984, HFA-0255

Griffin, Branigan & Butler filed an Appeal from a denial by the DOE Chicago Operations Office of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the total amount of a cost proposal and total travel costs, as set forth in a detailed proposal submitted pursuant to a bid solicitation, was releasable, but that the remainder of the information contained in the proposal was withholdable under Exemption 4. Accordingly, the Appeal was granted in part.

Requests for Exception

Harry Jacobs & Associates, Inc., November 14, 1984, HEE-0100

Harry Jacobs & Associates, Inc. filed an Application for Exception, in which the firm sought relief from its obligation to submit Form EIA-782B, the Reseller/Retailer's Monthly Petroleum Sales Report. In considering the request, the DOE found that exception relief was necessary to relieve the firm of the disproportionate burden placed on it by the reporting requirement. However, the DOE also found that the firm's reports are crucial to the DOE's comprehensive picture of petroleum markets. It was determined that the firm's reporting obligation should be simplified to allow for the filing of estimated reports. Accordingly, exception relief was granted in part.

Ricks Exploration Company, November 15, 1984, HEE-0095

Ricks Exploration Company filed an Application for Exception from EIA reporting requirements. The firm sought to be relieved of the obligation to submit Form EIA-23, "Annual Survey of Domestic Oil and Gas Reserves." In considering the request, the DOE found that the length of time that Ricks spends preparing the form was not significantly greater than that expended by similarly situated firms required to file the report. Accordingly, the DOE found that the firm was not unduly burdened by the reporting requirement. Exception relief was therefore denied.

Interlocutory Order

Economic Regulatory Administration/Crown Central Petroleum Corporation, November 16, 1984, HRZ-0224

The Economic Regulatory Administration filed a Motion for Partial Summary Judgment in connection with a Proposed Remedial Order issued to Crown Central Petroleum Corporation. If the Motion were granted, Crown would be required to refile certain of its resubmitted monthly cost allocation reports (RMCARs). OHA determined that since Crown had failed to obtain ERA's prior approval to retroactively reallocate costs when it resubmitted its RMCARS, the resubmissions were invalid. OHA therefore found that the information ERA had obtained from the resubmissions could not be used to sustain the allegations of substantive pricing violations contained in the PRO. Accordingly, OHA rescinded those portions of the PRO which were based on the relevant resubmissions. Since those parts of the PRO which formed the basis for ERA's Motion were no longer a part of the proceeding, the Motion to require Crown to refile the RMCARs was denied.

Implementation of Special Refund Procedures

The Hertz Corporation, November 14, 1984, HEF-0090

The Office of Hearings and Appeals issued a final Decision and Order setting forth procedures to be used in filing applications for refund from the settlement funds obtained by the DOE as a result of a consent order entered into with The Hertz Corporation. The funds will be available to customers who incurred refueling charges from Hertz if they returned a rented motor vehicle with less motor gasoline than when rented. The Decision discusses specific information to be included in refund applications.

Thornton Oil Corporation, November 14, 1984, HEF-0497

The Office of Hearings and Appeals issued a final Decision and Order setting forth procedures to be used in filing applications for refund from the settlement funds obtained by the DOE as a result of a consent order entered into with Thornton Oil Corporation. The funds will be available to claimants that experienced injury as a result of their purchases of motor gasoline from Thornton retail outlets. The Decision discusses specific information to be included in refund applications.

Warren Oil Company, November 13, 1984, HEF-0193

The Office of Hearings and Appeals issued a final Decision and Order setting forth procedures to be used in filing applications for refund from the settlement funds obtained by the DOE as a result of a consent order entered into with Warren Oil Company. The funds will be available to applicants that were injured as a result of their purchases of No. 2 heating oil, kerosene, No. 4 fuel oil, and No. 6 fuel oil from Warren during the period November 1, 1973 through April 30, 1974. The Decision sets forth specific information to be included in refund applications.

Refund Applications

Standard Oil Co. (Indiana)/Cities Service Co.; Enterprise Products Co., November 14, 1984, RF21-10040, RF21-4107

The DOE issued a Decision and Order concerning Applications for Refund filed by Cities Service Company and Enterprise Products Company, in connection with the Standard Oil Company (Indiana) (Amoco) refund proceeding. The applicants are resellers of natural gas liquids (NGLs) and made spot purchases of NGLs from Amoco. The DOE determined that both firms failed to rebut the presumption that spot purchases of product are generally made because it is in the purchaser's advantage to do so. Accordingly, the DOE found that the firms suffered no injury as a result of their NGL purchases from Amoco and denied their refund applications.

Standard Oil Company (Indiana)/Pargas, Inc., November 13, 1984, RF21-7890

The DOE issued a Decision and Order concerning an Application for Refund filed by a reseller of propane, Pargas, Inc., in connection with the Standard Oil Company (Indiana) (Amoco) refund proceeding. The DOE found that Pargas experienced a competitive disadvantage as a result of its purchases of propane from Amoco. The DOE therefore concluded that the firm should receive 100 percent of its allocable share of the consent order funds based on the volumetric approach. The refund granted in this proceeding totals $132,421.

Dismissals

The following submissions were dismissed:

Name	Case
John H. Hnatio	HFA-0257
State of Indiana	RQ21-102

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 7, 1985.

[FR Doc. 85-2500 Filed 1-30-85; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of November 19 Through November 23, 1984

During the week of November 19 through November 23, 1984, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

American Federation of Government Employees, November 20, 1984, HFA-0260

The American Federation of Government Employees (AFGE) filed an Appeal from a partial denial by the Pittsburgh Energy Technology Center of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the original search for documents was adequate. The most important issue considered in the Decision and Order was whether documents in the possession of a contractor are "agency records" and, therefore, subject to the FOIA. The DOE found that the documents sought on Appeal by AFGE were not agency records within the meaning of the FOIA. Accordingly, with respect to such documents, the Appeal was denied.

Donald Wheeler, November 21, 1984, HFA-0253

Donald Wheeler filed an Appeal from a partial denial by a Freedom of Information Officer (Officer) at the Bonneville Power Administration of a Request for Information that Mr. Wheeler submitted under the Freedom of Information Act (the FOIA). The Officer had withheld 32 responsive documents pursuant to Exemptions 5 or 6 of the FOIA. In considering the Appeal, the DOE found that 15 of the withheld documents should have been released in their entirety and that 15 of the withheld documents contained segregable factual material which should have been released. In addition, the DOE found that some material which was improperly withheld under Exemption 5 should have been withheld under Exemption 6, since the disclosure of such material would constitute a clearly unwarranted invasion of personal privacy. Accordingly, the Appeal was granted in part.

Petition for Special Redress

Crown Central Petroleum Corporation, November 20, 1984, HEG-0036

Crown Central Petroleum Corporation filed a Petition for Special Redress objecting to the 1984 Consent Order executed between DOE and the Superior Oil Company. In addition to asking OHA to "reject" the 1984 Consent Order, Crown sought the reinstatement of an earlier remedial order issued to Austral Oil Company, Superior's predecessor in iterest. In considering the petition, the DOE held that a third party to a consent order lacked standing to challenge the proceeding. Additionally, the DOE held that the 1984 Consent Order would not infringe on any private right of action Crown may choose to pursue. Accordingly, Crown's petition was denied.

Request for Modification and /or Rescission

Thomas P. Reidy, Inc., November 21, 1984, HRR-0090, HRZ-0222

Thomas P. Reidy, Inc. filed a Motion for Reconsideration of a Decision and Order issued by the Office of Hearings and Appeals on February 3, 1984. *Thomas P. Reidy, Inc.*, 11 DOE ¶ 84,046 (1984). That Decision denied a Motion for Discovery filed by Reidy in connection with its Statement of Objections to a Proposed Remedial Order issued to the firm on May 3, 1982 by the Economic Regulatory Administration. In considering the Motion for Reconsideration, the DOE found that Reidy had not shown any errors of fact or law in the Decision. Accordingly, Reidy's Motion for Reconsideration was denied.

In addition, Reidy filed a Motion to Compel Discovery from the Economic Regulatory Administration. In considering the Motion, the DOE found that there was no outstanding Order in effect that would require the ERA to make any response. Accordingly, the Motion to Compel Discovery was denied.

Motion for Discovery

Holly Energy, Inc. and Holly Corporation, November 21, 1984, HRD-0216, HRH-0216

Holly Energy, Inc. and Holly Corporation filed a Motion for Discovery and a Motion for Evidentiary Hearing in connection with a Statement of Objections to a Proposed Remedial Order issued to the firm on March 19, 1984. In the Motion for Discovery, Holly sought access to internal agency memoranda concerning the promulgation and interpretation of several DOE regulations. In considering Holly's Motion, the DOE determined that the firm had failed to show the relevance of its discovery requests. In its Motion for Evidentiary Hearing, the firm stated that such a hearing was necessary to present testimony concerning Holly's intent in making payments to firms that Holly is alleged to have overcharged. In considering this Motion, the DOE determined that Holly's intent was irrelevant to any issue in this proceeding. Accordingly, the Motion for Evidentiary Hearing was denied.

Interlocutory Orders

Economic Regulatory Administration/Gulf Oil Corporation, November 19, 1984, HRZ-0226

The Economic Regulatory Administration filed a motion requesting that it be permitted to withdraw from a Proposed Remedial Order issued to Gulf Oil Corporation allegations that the firm had misallocated to gasoline $3,794,000 in increased non-product costs. The DOE found that Gulf would not be prejudiced by the granting of ERA's motion and that good cause existed for granting the motion. Accordingly, the motion was granted and allegations concerning non-product costs were ordered dismissed without prejudice to refiling.

Getty Oil Company, November 20, 1984, HRZ-0215

Getty Oil Company filed a Motion to Compel Discovery of additional material in the possession of the Economic Regulatory Administration. In its Motion, Getty claimed that ERA had not complied fully with the discovery requests that had been approved in *Getty Oil Co.*, 11 DOE ¶ 84,048 (1984) and *Getty Oil Co.*, 12 DOE ¶ 84,008 (1984). In considering the Motion, the DOE conducted an *in camera* inspection of the material concerned and, in its Decision and Order, identified certain material to be released to Getty. Accordingly, Getty's Motion was granted in part.

Implementation of Special Refund Procedures

Aztex Energy Company, November 20, 1984, HEF-0032

In response to a petition filed by the Economic Regulatory Administration on October 13, 1983, the DOE established a special refund proceeding pursuant to 10 CFR Part 205, Subpart V, in order to distribute $14,372.72 remitted by Aztex Energy Company pursuant to a consent order entered into by Aztex and the DOE. The Decision sets forth the information that should be submitted by first-stage claimants in order to receive refunds with respect to Aztex's alleged pricing and/or allocation violations.

Refund Applications

Conco, Inc./Banco Properties, Inc., et al., November 21, 1984, RF34-00003, et al.

Banco Properties, Inc., and 17 other resellers and retailers, sought portions of the Conoco, Inc. consent order fund based on their purchases of motor gasoline and No. 2 heating oil from Foremost Petroleum Company and M&A Petroleum Company during the consent order period. After analyzing detailed information concerning the business operations of the applicants, the DOE concluded that each of the 18 applicants should receive refunds based on the volume of its Conoco purchases through Foremost and M&A, as adjusted by the DOE. Accordingly, the applications for refund were granted in part.

Standard Oil Company (Indiana)/Nebraska, et al., November 19, 1984, RQ21-65 et al.

The States of Nebraska, Colorado, Arkansas and Rhode Island, the Commonwealths of Pennsylvania and Massachusetts, the District of Columbia, the Ute Mountain Ute Tribe, the Coeur d'Alene Tribe of Idaho, the Assiniboine and Sioux Tribes, Three Affiliated Tribes and Devil's Lake Sioux Tribe filed proposed second-stage refund plans with respect to funds remitted to DOE escrow accounts pursuant to consent orders with Standard Oil Company (Indiana), Belridge Oil Company, Palo Pinto Oil and Gas, and Northeast Petroleum Industries, Inc. Nebraska proposed to refund community energy planning projects and to expand its solar and Conservation Bank Program. Colorado planned to use its refunds to supplement the funding of the State Energy Conservation Program and several ridesharing projects. Arkansas planned to place its refund into a Weatherization

Assistance Program and a van pool project. Rhode Island would use its refund to supplement funding of the Solar Energy and Conservation Bank Program and to upgrade the State's computerized motor vehicle fueling system. Pennsylvania proposed allocating its refund among ridesharing, van pooling, car care clinic and small business retrofit projects. Massachusetts planned to fund vansharing, drunk driving and highway surface sensor programs. The District of Columbia proposed to conduct audits and retrofits in apartment and commercial buildings. The several native American tribal organizations proposed to fund weatherization projects the DOE determined that each plan would benefit the injured consumers of motor gasoline and middle distillates. Accordingly, the DOE approved these proposed refund plans and directed payment to each of the applicants. The refunds granted in these proceedings totaled approximately $2.47 million.

Dismissals

The following submissions were dismissed:

Name	Case No.
Big John's Amoco	RF21-12311
Bowen's Standard	RF21-12094
Burlington Northern Railroad Co	RF45-2
Carlson's Standard	RF21-12144
Charlie's Amoco	RF21-12142
Dave's Amoco	RF21-12104
Ed's American Service	RF21-12137
Frank's American	RF21-12103
Gray Trucking Co	HEF-0269
Joe Webster d/b/a/ J. W. Oil Co	HEF-0383
Kimco Petroleum Inc	HEF-0293
Lake Clark Amoco	RF21-12128
Olson's Standard	RF21-12115
Ralph's Auto Center	RF21-12141
Robert Stephen Langham	HEF-0296
Rowen's Standard	RF21-12312
Stoke's Amoco Service	RF21-12117

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals

January 17, 1985.

[FR Doc. 85-2499 Filed 1-30-85; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of December 3 Through December 7, 1984

During the week of December 3 through December 7, 1984, the decisions and orders summarized below were issued with respect to applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Remedial Order

Eldon Spencer, Inc., 12/6/84 BRO-1273

Eldon Spencer, Inc. (Spencer) objected to a Proposed Remedial Order (PRO) which the Economic Regulatory Administration (ERA) issued to the firm on June 12, 1980. In the PRO, the ERA alleged that, from November 1, 1973 through March 31, 1975, Spencer sold No. 1 fuel oil, No. 2 fuel oil, No. 2 diesel fuel, high speed diesel fuel, and regular gasoline at prices in excess of those permitted pursuant to 6 CFR § 150.359 and 10 CFR §212.93. Upon consideration of the firm's objections to the PRO, the DOE determined that the overcharge amount set forth in the PRO should be reduced from $162,805.88 to $131,446.33. As so modified, the PRO was issued as a final Remedial Order of the Department of Energy. The important issues discussed in the Decision and Order include (i) the valuation of Spencer's May 15, 1973 inventory, (ii) the validity of the equal application rule, and (iii) the calculation and use of banked product costs.

Request for Exception

Christmann & Welborn, 12/5/84, HEE-0065

Christmann & Welborn filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D in which the firm sought exception relief from its restitution obligation resulting from its violations of the DOE price regulations. In considering the request, the DOE found that the firm did not satisfy the standards for retroactive exception relief. Accordingly, exception relief was denied.

Motion for Discovery

Atlantic Richfield Company, 12/3/84, HRD-0225

Atlantic Richfield Company (ARCO) filed a Motion for Discovery in connection with a pending enforcement proceeding. *See Atlantic Richfiled Co.*, Case No. HRO-0222 (Statement of Objections filed July 18, 1984). In its discovery motion, Arco requested (i) contemporaneous construction discovery and administrative record discovery with respect to the marine transportation rule set forth at 10 CFR 212.85 and (ii) other discovery concerning ERA's issuance of the Proposed Remedial Order (PRO) to Arco on September 30, 1983. In considering Arco's request for contemporaneous construction discovery, the DOE determined that there was no regulatory ambiguity with respect to whether the cost of vessel financing was an allowable transportation cost. Specifically, the DOE found that under the rule, an equity lease payment, including the imputed interest portion thereof, was a payment incurred in connection with the *purchase* of the vessel and, therefore, was not a payment incurred in connection with the "use and operation" of the vessel within the meaning of the rule. *See* 10 CFR 212.85(c)(2)(ii)(B)(aa). Accordingly, Arco's request for contemporaneous construction discovery was denied. In considering Arco's request for administrative record discovery, the DOE rejected Arco's contention that documents beyond the official administrative record were relevant to determining the meaning of a regulation. Accordingly, Arco's request for administrative record discovery was denied. Finally, in considering Arco's request for information concerning ERA's issuance of the PRO to Arco, the DOE determined that, since the allegations and other matters in the PRO and supporting workpapers "must stand or fall by themselves," other information in ERA's files concerning the PRO were not relevant. Accordingly, Arco's request for such material was denied.

Implementation of Special Refund Procedures

Vangas, Inc., 12/4/84, HEF-0189

The Office of Hearings and Appeals issued a final Decision and Order setting forth procedures to be used in filing applications for refunds from the settlements funds obtained as the result of a consent order that the DOE entered into with Vangas, Inc. The funds will be available to customers of the California retail division of Vangas who rented propane gas storage tanks from the firm during the period September 1, 1973 through October 31, 1977. Applications for refund must be postmarked within 90 days of the publication of the decision in the **Federal Register.** Specific information to be included in refund applications is discussed in the decision.

Refund Applications

Standard Oil Company (Indiana)/C.M. Dining, Inc., 12/6/84, RF21-6586

C.M. Dining filed an Application for Refund from the fund obtained by the DOE through a consent order entered into by the agency and the Standard Oil Company (Indiana). In considering the request the DOE found that C.M. Dining purchased a relatively small amount of Amoco natural gas liquids. Using the volumetric allocation methodology, the DOE determined that the firm's allocable share was well below the presumption of injury level of $5,000. The DOE therefore determined that C.M. was not required to make a detailed demonstration of injury and should receive a refund equal to its allocable share of $3,981. In addition, the firm received accrued interest which brought the total refund amount to $6,712.

Standard Oil Company (Indiana)/Illini Standard #8597, 12/4/84, RF21-12368

A Decision and Order was issued to Illini Standard #8597 on November 29, 1984, in which the volumetric refund amount and ordering Paragraph (2) contained typographical errors. The DOE therefore corrected the misstated figures and granted Illini the appropriate refund of $62,84.

Standard Oil Company (Indiana)/Nate's American Service, et al., 12/7/84, RF21-8486 et al.

The DOE issued a Decision and Order concerning three Applications for Refund filed by retailers of Amoco motor gasoline. All of these firms elected to apply for a refund based on the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). In considering these applications, the DOE

concluded that each of the three applicants should receive a refund based on the total volume of its Amoco motor gasoline purchases. The refunds granted in this proceding total $4,297.

Dismissals

The following submissions were dismised:

Name and Case No.

Hazelwood Car Wash, RF21-8185
J&J Amoco, RF21-8445
Ledoretti's Auto Service, RF21-10910
Mobil Oil Corporation, HRO-0200

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,
Director, Office of Hearings and Appeals.
January 17, 1985.
[FR Doc. 85-2498 Filed 1-30-85; 8:45 am]
BILLING CODE 6450-01-M

Cases Filed; Office of Hearings and Appeals, Week of December 7 Through December 14, 1984

During the Week of December 7 through December 14, 1984, the appeals and applications for exception or other relief listed in the appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC. 20585.

George B. Breznay,
Director, Office of Hearings and Appeals.
January 17, 1985.

List of Cases Received by the Office of Hearings and Appeals

[Week of December 7 Through 14, 1984]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 7, 1984	Economic Regulatory Administration, Washington, D.C.	HRD-0258	Motion for discovery. If granted: Discovery would be granted to the Economic Regulatory Administration in connection with the Statement of Objections submitted by Atlantic Richfield Company in response to a September 30, 1983 Proposed Remedial Order (Case No. HRO-0219) issued to the firm.
Dec. 10, 1984	Economic Regulatory Administration, Washington, D.C.	HRD-0259	Motion for discovery. If granted: Discovery would be granted to the Economic Regulatory Administration in connection with the Statement of Objections submitted by Atlantic Richfield Company in response to a September 30, 1983 Proposed Remedial Order (Case No. HRO-0220) issued to the firm.
Do	Marion Corporation, Washington, D.C.	HQF-558	Implementation of Second Stage Refund Procedures. If granted: The Office of Hearings and Appeals would implement second-stage procedures in the special refund proceeding instituted to distribute funds remitted to the Department of Energy by Marion Corporation (Case No. HEF-0216).
Do	State of Texas, Austin, TX		HRR-0097 request for modification/rescission. If granted: The remedy provisions of an October 9, 1984 Remedial Order issued to Petro-Thermo Corporation (Case No. HRO-0133) would be clarified.
Do	Economic Regulatory Administration, Washington, D.C.	HRD-0260	Motion for discovery. If granted: Discovery would be granted to the Economic Regulatory Administration in connection with the Statement of Objections submitted by Texas Armada Refining Company in response to a Proposed Remedial Order (Case No. HRO-0207) issued to the firm.
Dec. 12, 1984	Economic Regulatory Administration, Washington, D.C.	HRZ-0228	Interlocutory order. If granted: The alleged violation period specified in the November 13, 1979 Proposed Remedial Order issued to Gulf Oil Corporation (Case No. BRO-0211) would be amended.
Do	Empire Gas Corporation, Kansas City, MO	HRD-0261 and HRH-0261.	Motion for discovery and request for evidentiary hearing. If granted: Discovery would be granted and an evidentiary hearing convened in connection with the Statement of Objections submitted by Empire Gas Corporation in response to a Proposed Remedial Order (Case No. HRO-0250) issued to the firm.
Dec. 14, 1984	Revere Petroleum Corporation, *et al.*, Houston, Texas	HRZ-0229	Interlocutory order. If granted: The Proposed Remedial Order (Case No. HRO-0125) issued to Revere Petroleum Corporation, *et al.* would be reviewed by a federal district court in lieu of the Office of Hearings and Appeals.

Refund Applications Received

[Week of December 7 to December 14, 1984]

Date	Name of refund proceeding/name of refund applicant	Case No.
Dec. 7, 1984	Windham/Norman Lumber	RF43-8, RF43-9
Dec. 11, 1984	Palo Pinto/Georgia	RM5-2
Dec. 14, 1984	Conoco/ECO Petroleum, Inc.	RR34-1
Do	Conoco/Banco Properties, Inc.	RR34-2
Dec. 7, 1984	Lenny's Gulf Service	RF40-324
Dec. 10, 1984	Holiday Gulf	RF40-325
Do	Capitol Service Station	RF40-326
Do	Capitol Service Station	RF40-327
Do	Churchill Truck Lines, Inc.	RF40-328
Do	Churchill Truck Lines, Inc.	RF40-329
Dec. 11, 1984	Richards Tire & Auto Supply	RF40-330
Do	Port Authority of Allegheny	RF40-331
Do	Red's Gulf Service	RF40-332
Do	Florida Aviation Fueling Co.	RF40-333
Do	Graham's Gulf	RF40-334
Do	Ralston Gulf Service	RF40-335
Do	Gazaway's Gulf	RF40-336
Do	Cousin's Service Station	RF40-337
Do	Cliff's Auto Service & Burton Gulf	RF40-338
Do	Golden Flake Snack Foods, Inc.	RF40-339
Do	M.C. Newsome & Son	RF40-340

REFUND APPLICATIONS RECEIVED—Continued

[Week of December 7 to December 14, 1984]

Date	Name of refund proceeding/name of refund applicant	Case No.
Do	Kenny's Gulf Service	RF40-341
Do	Shimmy's & Steve Auto Service	RF40-342
Do	Parkway Auto Wash	RF40-343
Do	Bob's Gulf Service Center	RF40-344
Do	Herman's Gulf Service	RF40-345
Dec. 12, 1984	Sayers Gulf Service	RF40-346
Do	Bill's Twin Lakes Gulf	RF40-347
Do	Tomkins Cove Garage	RF40-348
Do	Han's Service Center	RF40-349
Do	Robert K. Crane	RF40-350
Dec. 13, 1984	Goforth Gulf Station	RF40-351
Do	Robert E. Sitarz	RF40-352
Do	Barbers Gulf	RF40-353
Do	John Todd Gulf	RF40-354
Do	Porter's Gulf Service	RF40-355
Do	Ruan Leasing Co.	RF40-356
Do	Circle Service Station	RF40-357
Do	Fanning Oil Co.	RF40-358
Dec. 14, 1984	Dick's Gulf	RF40-359
Do	Cooper's Gulf Service Station	RF40-360
Do	Walker's Gulf	RF40-361
Do	Iowa	RF40-362
Do	Simmons Oil Corp.	RF40-363
Do	Coastal Tank Lines, Inc.	RF40-364
Do	F.J. Egner & Son, Inc.	RF40-365
Do	Springville Service Station	RF40-366
Do	B & W Airport Gulf Service	RF40-367
Do	Sullivan's Gulf Station	RF40-368
Do	Sullivan's Gulf Station	RF40-369
Do	Bunt's Auto Service	RF40-370
Do	Ken's Gulf	RF40-371

[FR Doc. 85-2489 Filed 1-30-85; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of December 10 Through December 14, 1984

During the week of December 10 through December 14, 1984, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Donald Lee Espenshade, 12/12/84, HFA-0263

Donald Lee Espenshade filed an Appeal from a denial by the Albuquerque Operations Office (AOO) of a Request for Information which he had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that documents responsive to his initial request did not exist in the AOO, and that portions of his request should be referred to the FOIA and Privacy Act Activities Branch.

Remedial Order

Paul L. Heatley Co., 12/10/84, HRO-0238

The Office of Hearings and Appeals issued a final Remedial Order to the Paul L. Heatley Company (PLH), affirming with modifications a Proposed Remedial Order (PRO) issued to PLH on May 22, 1984. THe OHA accepted for filing a Notice of Objection that PLH mistakenly submitted to the Office of Special Counsel of the Economic Regulatory Administration. PLH did not file a Statement of Objections. The OHA found that the PRO established a prima facie case relating to alleged violations of the mandatory petroleum price regulations, and that the Notice of Objections did not rebut the allegations in the PRO. Accordingly, the Remedial Order found that PLH violated 10 CFR 212.131 by improperly certifying and reselling crude oil, and required PLH to refund $4,076,443.95 plus interest accrued on that amount to the DOE. The overcharges and interest are to be deposited into a suitable account for ultimate disbursement pursuant to Special Refund Procedures.

Implementation of Special Refund Procedures

Midwest Industrial Fuels, Inc., 12/12/84, HEF-0130

The DOE issued a Decision and Order implementing a plan for the distribution of $1,866.23 received as a result of a consent order entered into by Midwest Industrial Fuels, Inc. (Midwest) and the DOE on August 31, 1981. The DOE determined that the settlement fund should be distributed to wholesale customers who purchased No. 2 fuel oil from Midwest during the November 1, 1973, through April 30, 1974 consent order period. The entire fund will be distributed to the two wholesale customers which the DOE audit alleged had been overcharged (in proportion to the alleged overcharges incurred by each customer) upon the filing of applications for refund. If additional meritorious claims are filed, the amount of refunds will be adjusted accordingly.

Peoples Energy Corp., et al., 12/11/84, HEF-0266, ET AL.

The DOE issued a Decision and Order establishing special refund procedures for distributing $38,713,647 obtained through consent orders entered into by the DOE and 15 natural gas processing firms. The DOE found that refunds should be granted to applicants that demonstrate that they purchased natural gas liquids or natural gas liquid products from any of the 15 firms during the period covered by the relevant consent order and were injured as a result of those purchases. However, the DOE determined that applicants requesting refunds of $5,000 or less would not be required to provide a separate, detailed showing of injury. Finally, the DOE stated that at a later date it would determine the disposition of any funds remaining after all claims of successful applicants had been paid.

Richards Oil Company, Inc., 12/10/84, HEF-0165

The DOE issued a Decision and Order implementing a plan for the distribution of $400,000 received as a result of a consent order entered into by Richards Oil Company, Inc. (Richards) and the DOE on June 15, 1979. The DOE determined that the settlement fund should be distributed to end-user customers who purchased petroleum products from Richards during the November 1, 1973, through January 31, 1976 consent order period. Funds will be distributed to the thirty-two end-user customers which the DOE audit alleged had been overcharged (in proportion to the alleged overcharges incurred by each customer) if they file applications for refund. If additional meritorious claims are filed, the refunds allotted to the end-user customers will be adjusted accordingly. Actual refunds will be determined only after analyzing all appropriate claims.

Refund Applications

Liquid Products Recovery, Inc./Sun Company, Inc., 12/13/84, RF19-1

Sun Company, Inc. filed an Application for Refund based on the principles and procedures set forth in *Liquid Products Recovery, Inc.*, 9 DOE ¶ 82,567 (1982). In considering this application, the DOE concluded that Sun should receive a total refund of $899 based upon the total volume of natural gasoline purchased directly from Liquid Products Recovery, Inc.

Standard Oil Company (Indiana)/Farmland Industries, Inc., 12/12/84, RF21-8765

Farmland Industries, Inc. (Farmland) filed an Application for Refund pursuant to the Decision of the Office of Hearings and Appeals establishing special refund procedures for the distribution of money obtained by the DOE under a consent order with the Standard Oil Company. Since Farmland is an agricultural cooperative, it is not required to demonstrate injury. *See Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). The OHA therefore granted Farmland a refund based on 100 percent of the volumetric refund amount allocated to it, with respect to its purchase of natural gas liquid products. The OHA granted this refund on the condition that the refund be distributed to Farmland's member-customers. Accordingly, the firm will receive a refund in the amount of $108,711 ($64,364 principal plus $44,347 accrued interest).

Standard Oil Company (Indiana)/Farmland Industries, Inc., 12/14/83, RF21-12367

Farmland Industries, Inc. (Farmland), a cooperative which purchased motor gasoline directly from Standard Oil Company for resale to its local cooperative member-owners, filed an Application for Refund pursuant to the Decision of the Office of Hearings and Appeals establishing special refund procedures for the distribution of money obtained by the DOE under a consent order with Amoco. Farmland elected to apply for a refund based upon the presumptions of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982) (*Amoco*). Under those presumptions, consumers who purchased motor gasoline directly from Amoco are entitled to receive a refund based on 100 percent of the volumetric refund amount (including accrued interest). In considering Farmland's application, the DOE concluded that Farmland should receive a refund calculated on the same basis as if it were a consumer, since cooperatives have been treated in the Amoco special refund proceeding as if they were making applications for refund on behalf of their end-user customers. As in other refund decisions involving cooperatives, however, the DOE imposed a condition that Farmland take steps to insure that any refund be redistributed to such ultimate consumers. The refund granted in this proceeding totals $864.

Standard Oil Company (Indiana)/Idaho, Belridge Oil Company/Idaho, Standard Oil Company (Indiana)/Utah, 12/10/84, RQ21-129, RQ8-143, RQ21-114

The States of Idaho and Utah filed proposed second-stage refund plans with the OHA, pursuant to consent orders entered into with the DOE and Standard Oil Company (Indiana) and Belridge Oil Company (Belridge). Idaho proposed to use its share of the Amoco refund ($148,433) and the Belridge fund ($445 plus interest) for the purchase of minimum tillage equipment, the expansion of a bicycle and pedestrian pathway, and the sponsoring of a statewide diesel fuel clinic. Utah proposed to use $65,000 of the $278,600 allotted to it in Amoco to fund ridesharing and energy emergency planning programs, and will submit a later plan for the remainder of the second-stage refund monies. The OHA found that the beneficiaries of these plans would be those consumers that were injured as a result of their purchases of motor gasoline and middle distillates sold by the consent order firms. Accordingly, the refund applications were granted.

Standard Oil Company (Indiana) Kerr-McGee Corporation, 12/13/84, RF21-12352

The DOE issued a Decision and Order concerning an Application for Refund filed by Kerr-McGee Corporation, a major integrated refiner that also purchased motor gasoline for resale. Kerr-McGee elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). In considering this Application, the DOE concluded that Kerr-McGee should receive a refund based upon the total volume of its eligible Amoco motor gasoline purchases. The refund granted in this proceeding totals $8,397.

Standard Oil Company (Indiana) Slaton Gas & Equipment, Inc., 12/10/84, RF21-6678

Slaton filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into by DOE and the Standard Oil Company (Indiana). In considering the request the DOE found that Slaton purchased a relatively small amount of Amoco propane. Using the volumetric allocation methodology, the DOE found that the firm's allocable share was well below the presumption of injury level of $5,000. Rather than requiring the firm to make a showing of injury, therefore, the DOE determined that Slaton would receive a refund equal to its allocable share of $2,528. In addition, the firm received accrued interest which brought the total refund amount to $4,214.

Windham Gas & Oil Co./Norman Lumber, Inc., 12/12/84, RF43-0007

Norman Lumber, Inc., an end-user of motor gasoline, filed an Application for Refund based upon the procedures set forth in *Windham Gas & Oil Co.*, 12 DOE ¶ 85,074 (1984). In considering the application, DOE concluded that Norman Lumber should receive a refund of $15 based upon the total volume of its Windham motor gasoline purchases.

Protective Order

The following firm filed an Application for Protective Order. The application, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following application and issued the requested Protective Order as an Order of the Department of Energy:

Company Name and Case No.

ERA/Kaiser Aluminum International Corporation, HRJ-0051

Dismissals

The following submissions were dismissed:

Company Name and Case No.

Standard Oil Company (Indiana)/Bill's Standard, RF21-11021

Windham Gas & Oil/Norman Lumber, Inc., RF43-0008, RF43-0009

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

January 17, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 85-2497 Filed 1-30-85; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of December 24 Through December 28, 1984

During the week of December 24 through December 28, 1984, the decisions and orders summarized below were issued with respect to applications for relief filed with the Office of Hearings and Appeals of the Department of Energy.

Motions for Discovery

Economic Regulatory Administration, Marathon Oil Company, 12/28/84; HRD-0251, HRD-0204

Marathon Oil Company and the Economic Regulatory Administration filed motions for discovery in connection with the firm's Statement of Objections to a Proposed Remedial Order. In the PRO the ERA alleged that Marathon improperly included intra-company interest costs in its marine transportation costs in violation of DOE regulations. Marathon submitted memoranda of two DOE auditors which adopted an interpretation of the relevant regulation which was contrary to that expressed in the PRO and which supported Marathon's position. The firm requested contemporaneous construction discovery of the relevant regulation on the grounds that the agency has no consistent position regarding the meaning of the regulation. The DOE denied the request, pointing out that

only official agency interpretations should be considered when construing the meaning of a regulation, and that opinions of lower level employees are irrelevant. The DOE also denied the firm's request for all ERA workpapers, since no calculational issues had been raised by Marathon that would necessitate giving the firm workpapers beyond those already provided by ERA. The DOE denied ERA's request for legal discovery of Marathon's position, stating that the firm had already had set forth its legal position regarding this issue, and that directing it to provide additional support for its position would not advance the proceeding. Both the ERA and Marathon requested discovery from each other regarding the factual issue of whether Marathon's intra-company interest procedures had the overall effect of achieving a cost saving for the firm. The DOE found that to achieve efficient consideration of this issue, Marathon's position tha such a saving was achieved should be accepted.

The DOE also considered Marathon's and ERA's request for discovery regarding whether Marathon properly offset a 1978 cost overstatement with a 1977 cost understatement. The DOE determined that the true dispute between the parties related to the question of the manner in which a refiner was required to indicate final adjustments to its cost estimates. The DOE found that no factual controversy existed with respect to this issue. Consequently, discovery was denied.

Strasburger Enterprises, Inc., 12/28/84; HRD-0146

Strasburger Enterprises, Inc. (Strasburger) filed a Motion for Discovery in connection with a Statement of Objections to a Proposed Remedial Order issued to the firm on September 21, 1982 by the Economic Regulatory Administration. In the PRO, the ERA alleges that Strasburger sold regular, premium and unleaded gasoline at prices in excess of those permitted pursuant to 10 CFR 212.93. In its Motion for Discovery, the firm sought discovery relating to 10 CFR 212.112 and 212.93(e), the identity of agency personnel, the DOE's position with regard to the use of banked product costs, the order of recoupment of current product and non-product costs, and "netting." The DOE determined that Strasburger had failed to show that the requested discovery would produce relevant and material information concerning issues in the underlying enforcement proceeding. The Motion for Discovery was therefore denied.

Implementation of Special Refund Procedures

Hendel's, Inc., 12/28/84; HEF-0089

The Office of Hearings and Appeals issued a Decision and Order establishing procedures for the distribution of funds obtained as the result of a Consent Order with Hendel's, Inc. The OHA order that refunds be made to injured persons who purchased motor gasoline from Hendel's during the consent order period. The Decision sets forth the specific information to be included in refund applications.

Application for Modification or Rescission Motion for Discovery

Laketon Asphalt Refining, Inc., 12/28/84; HER-0095, HRD-0243

Laketon Asphalt Refining, Inc. filed a submission styled as an Application for Exception, Motion for Reconsideration and a Motion for Discovery. In its submission, Laketon requested that the DOE rescind its Decision and Order granting exception relief to the Department of Interior in connection with its sales of crude oil to Laketon. *See Department of Interior*, 12 DOE ¶ 81,012 (1984). Laketon further requested that OHA grant it exception relief from the DOE procedural regulations which vest in the OHA the power to grant exception relief, in order to transfer jurisdiction over the merits of the Department of Interior exception application to the Federal Energy Regulatory Commission. The OHA evaluated Laketon's submission and determined that it was in effect an Application for Modification or Rescission. The OHA denied the application because Laketon failed to demonstrate that it satisfied the criteria for "significantly changed circumstances" set forth in 10 CFR 205.135(b). In connection with the submission Laketon had sought discovery of certain information relating to the OHA's decision-making process in the DOI proceeding. In view of the disposition reached on the underlying request for modification, the Motion for Discovery was dismissed.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 18, 1985.

[FR Doc. 85-2495 Filed 1-30-85; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of December 31, 1984 Through January 4, 1985

During the week of December 31, 1984 through January 4, 1985, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Albuquerque Operations Office, 1/2/85; HFA-0259

On October 25, 1984, the Authorizing Official of the Albuquerque Operations Office of the DOE filed a motion for reconsideration of a Decision and Order issued to John R. Selby Inc., on September 20, 1984. *John R. Selby Inc.*, 12 DOE ¶ 80,104 (1984). In considering the motion, the DOE found that one of the documents ordered released in the Selby decision was exempt from mandatory disclosure pursuant to Exemption 5 of the Freedom of Information Act (FOIA) and should have been withheld. Accordingly, the DOE amended the September 20 Decision in *John R. Selby Inc.*, to reflect this determination.

Dresser Industries, Inc., 1/2/85; HFA-0265

Dresser Industries, Inc. filed an Appeal from a partial denial by the Manager of the Nevada Operations Office of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE held that the material which was initially withheld under Exemption 4 of the FOIA should be released to the public. In so holding, the DOE found that the release of the total amount of the pricing proposal submitted in this negotiated procurement process would neither cause the submitter any substantial competitive harm nor impair the government's ability to obtain similar pricing proposals in the future. In reaching this determination, the DOE noted that the submitter had not placed any restriction on the disclosure of this pricing information and that a final contract had been awarded.

Remedial Order

Exxon Company, U.S.A., 1/4/85; BRO-1453

Exxon Company, U.S.A. objected to a Proposed Remedial Order (PRO) which the Office of Special Counsel (OSC) issued to the firm on May 29, 1981. In the PRO, the OSC found that during the period from 1974 through 1980 Exxon reduced the octane levels of the regular and premium gasolines produced at its refineries without making corresponding reductions in its May 15, 1973 prices. The PRO concluded that these octane reductions constituted "price increase[s]" under 10 CFR 212.31 of the Mandatory Petroleum Price Regulations and also violated the provisions of the Normal Business Practices Rule at 10 CFR 210.62(c). After considering Exxon's objections, the DOE concluded that the PRO should be issued as a final remedial order requiring Exxon to make a cash payment. The important issues discussed in the Decision include (i) whether within grade octane reductions constituted quality decreases for purposes of the price increase definition and the Normal Business Practices Rule; (ii) whether minimum octane postings should be used to compute Exxon's refund; (iii) whether Exxon's regulatory adjustments for cost savings fully accounted for the octane decreases; (iv) whether Exxon was required to reduce its May 15, 1973 prices to account for the octane decreases; (v) whether a regulatory violation could exist in the absence of any showing that Exxon exceeded its maximum lawful selling prices; (vi) whether Exxon's octane reductions violated the Normal Business Practices Rule; (vii) whether the PRO's refund requirement is

statutorily authorized and is an appropriate exercise of administrative discretion; and (viii) whether the Mandatory Petroleum Price Regulations are invalid because their authorizing statutes have non-severable legislative veto provisions.

Supplemental Order

Illinois Gasoline Dealers Association, 1/4/85; HFX-01111

On January 4, 1985, the Office and Appeals of the Department of Energy issued a Supplemental Order designating an independent adjudicator to preside over the disciplinary proceedings described in an October 11, 1984 Decision issued to the Illinois Gasoline Dealers Association.

Refund Applications

Standard Oil Co. (Indiana)/Kurth's Garage, Kurth's Standard, 12/31/84, RF21-10760, RF21-10761

The DOE issued a Decision and Order concerning two Applications for Refund filed by retailers of Amoco motor gasoline. Both of these firms elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). In considering these applications, the DOE concluded that each of the applicants should receive a refund based upon the total volume of their Amoco motor gasoline purchases. The refunds granted in this proceeding total $2,341.

Standard Oil Co. (Indiana)/Suburban Gas, Incorporated, 1/4/85 RF21-7018

The DOE issued a Decision and Order concerning an Application for Refund filed by a reseller of propane, Suburban Gas, Incorporated in connection with the Standard Oil Company (Indiana) (Amoco) refund proceeding. The DOE found that Suburban Gas experienced a competitive disadvantage as a result of its purchases of propane from Amoco. The DOE concluded therefore that the firm should receive its maximum allocable share of the consent order funds based on the volumetric approach. The refund granted in this proceeding totals $40,858.

Tenneco Oil Company/Kellermyer, Inc., 12/31/84; RR7-0005

Kellermyer, Inc. filed a Motion for Reconsideration requesting the DOE to reevaluate its Decision and Order in *Tenneco Oil Co./Kellermyer, Inc.*, 10 DOE ¶ 85,092 (1983). That Decision granted Kellermyer a refund of $5,668 plus interest based on the DOE's estimate to the net profit Kellermyer would have received if it had obtained its propane allocation from Tenneco from the day Tenneco stopped supplying propane until three days after Tenneco made Kellermyer a new offer. In considering Kellermyer's motion, the DOE found that kellermyer did not qualify for an additional allocation refund under the precedent established in *OKC Corporation/Town & Country Markets, Inc.*, 12 DOE ¶ 85,094 (1984) because Tenneco had made a *bona fide* offer to continue supplying propane. The DOE also denied Kellermyer's requests for an additional refund based on Tenneco's alleged pricing violations and interest on its refund calculated at a flat 10 percent per annum.

Webster Oil Company, Inc./Wade's 66 Service, 1/4/85; RF48-0001

The DOE issued a Decision and Order concerning an Application for Refund filed by Wade's 66 Service, a reseller of Webster motor gasoline. The claimants applied for refunds based on the presumption of injury and procedures for small claims outlined in *Webster Oil Company, Inc.*, 12 DOE ¶ 85,070 (1984). After examining evidence and supporting information submitted by the applicant, the DOE concluded that Wade's 66 Service should receive a refund of $391 based upon the total volume of its Webster motor gasoline purchases.

Windham Gas and Oil/Cormax, Metal Treating Company, 12/31/84; RF43-00006

The DOE issued a Decision and Order concerning an application for refund filed by an end-user of Windham motor gasoline. The firm elected to apply for a refund based on the presumption of injury method outlined in *Windham Gas and Oil*, 12 DOE ¶ 85,074. In considering the application the DOE concluded that the applicant should receive a refund based on the total amount of its gasoline purchases from Windham. The refund granted in this proceeding totaled $23.

Dismissals

The following submissions were dismissed:

Name and Case No.	
Charter Oil Co.	BES-0168
Lunday-Thagard Oil Co.	BES-0164

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 22, 1985.

[FR Doc. 85-2496 Filed 1-30-85; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order; Period of November 5 Through December 7, 1984

During the period of November 5 through December 7, 1984, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of the proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 7, 1985.

Utex Oil Co., Salt Lake City, Utah; HEE-0089, Crude Oil.

Utex Oil Company filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The exception request, if granted, would permit Utex to be relieved of its restitution obligation resulting from its violation of the crude oil price regulations during the period July 1975 through April 1980. On December 6, 1984, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 85-2488 Filed 1-30-85; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed; Period of November 19 Through November 30, 1984

During the period of November 19 through November 30, 1984, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to particiapte in the proceeding the Department of Energy will conduct concering the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may particiapte on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 17, 1985.

Brazoria Energy, Inc., Longview, Texas; HRO-0259, Crude Oil

On November 29, 1984, Brazoria Energy, Inc. and Gerald W. Collum, P.O. Box 2361, Longview, Texas 75606, filed a Notice of Objection to a Proposed Remedial Order which the Houston Field Office of the DOE's Economic Regulatory Administration issued to the firm on September 25, 1984. In the PRO the ERA found that during September 1978 to December 1980 Brazoria charged prices for crude oil in excess of its actual purchase prices without providing any service or other function traditionally and historically associated with the resale of crude oil, in violation of 10 CFR 212.186, 210.62(c), and 205.202. According to the PRO the violation resulted in $6,104,903.93 of overcharges.

As an alternative theory of liability, the ERA alleges that during September 1978 to February 1980, Brazoria's average markup was in excess of its permissible average markup, in violation of 10 CFR 212.183. Under this theory of liability, the violation is alleged to have resulted in $551,133.32 of overcharges.

Cougar Oil Marketers and Ira W. Sanborn, Houston, Texas; HRO-0262, Crude Oil

On November 30, 1984, the State of Texas, P.O. Box 12548, Capitol Station, Austin, Texas, filed a Notice of Objection to a Proposed Remedial Order which the Houston Field Office of the Economic Regulatory Administration (ERA) issued to Cougar Oil Marketers and Ira W. Sanborn (Cougar) on October 17, 1984. On December 3, 1984, Cougar, 1702 Cherry Bend, Houston, Texas 77077, also filed a Notice of Objection to the Proposed Remedial Order. In the PRO, the ERA found that from November 1979 through January 1981, Cougar realized a markup in crude oil sales without performing any service or other function traditionally and historically associated with the resale of crude oil, in violation of 10 CFR 205.202, 210.62 and 212.186. Under this theory of liability, the alleged violations total $5,011,533.66. As an alternative theory of liability, Cougar is alleged to have realized an average markup in excess of $0.20 per barrel in its crude oil sales, in violation of 10 CFR 212.183. Under this theory of liability, the overcharge amount is $412,145.53.

Independent Trading Corporation, Houston, Texas, HRO-0261, Crude oil

On November 29, 1984, Independent Refining Corporation and Independent Trading Corporation, 11777 Katy Freeway, Suite 300, South Bldg., Houston, Texas 77079, filed a Notice of Objection to a Proposed Remedial Order which the Houston Field Office of the Economic Regulatory Administration issued to the firm on October 17, 1984. In the PRO and ERA found that during July 1979 to May 1980, Independent's average markup was in excess of its permissible average markup in violation of 10 CFR 212.183, 210.62(c) and 205.202. According to the PRO, the violation resulted in $13,332,453 of overcharges.

Red Diamond Oil Co., Tinley Park, Illinois; HRO-0263, Crude Oil

On November 21, 1984, Red Diamond Oil Co. (Red Diamond), of Tinley Park, Illinois, filed a Notice of Objection to a Proposed Remedial Order which the Kansas City Field Office of the Economic Regulatory Administration issued to the firm on May 30, 1984. In the PRO the ERA found that during the period March 1, 1979, to August 30, 1979, Red Diamond violated the provisions of 10 CFR 212.93 by charging prices in excess of its maximumn lawful selling prices for motor gasoline. According to the PRO the violation resulted in $207,966.80 of overcharges.

Southwestern States Marketing Corp./ Kenneth Walker, HRO-0258 Crude Oil

On November 27, 1984, Kenneth Walker filed a Notice of Objection to a Proposed Remedial Order which the Dallas Field Office of the Economic Regulatory Administration issued to Mr. Walker and Southwestern States Marketing Corp. on October 16, 1984. In the PRO the ERA found that during the period September 1977 to December 1980, Southwestern States Marketing Corp. violated 10 CFR Part 212 by reselling crude oil at prices in excess of those permitted by the DOE regulations. According to the PRO the violation resulted in $32,872,175.00 of overcharges.

Tomlinson Petroleum Inc., Houston, Texas; HRO-0260 Crude Oil

On November 29, 1984, Tomlinson Petroleum, Inc. and Tomlinson Interests, Inc., 1212 Main Street, Suite 200, Houston, TX 77003, filed a Notice of Objection to a Proposed Remedial Order which the Houston Field Office of the Economic Regulatory Administration issued to the firms on September 21, 1984. In the PRO the ERA found that during October 1979 to November 1980, Tomlinson violated the anti-layering and mark-up provisions at 10 CFR 212.186, 210.62(c) and 205.202 by charging prices for crude oil in excess of its actual purchase prices. According to the PRO the violation resulted in $74,204,159 of overcharges.

[FR Doc. 85-2494 Filed 1-30-85; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Period of December 10 Through December 21, 1984

During the period of December 10 through December 24, 1984, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedual regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

January 17, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order

Andi-Co Appliances, Inc., Fort Lee, New Jersey, Hee-0103, Testing Procedures

Andi-Co Appliances, Inc. (Andi-Co) filed an Application for Exception from the provisions of 10 CFR Part 430, Subpart B, Appendix C. The exception request, if granted, would permit Andi-Co to adapt the test procedures of Appendix C to the

operation of the AEG model 283i/265i dishwasher. On December 18, 1984, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

[FR Doc. 85-2501 Filed 1-30-85; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Order Filed; Week of December 24 Through December 28, 1984

During the week of December 24 through December 28, 1984, the notices of objection to the proposed remedial order listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 18, 1985.

State of Texas; Thomas P. Reidy, Inc., Austin and Houston, Texas; HRO-0265, Motor Gasoline

On December 24 and December 26, 1984, the State of Texas, P.O. Box 12548 Capitol Station, Austin, TX 78711, and Thomas P. Reidy, Inc., 1100 Milam, Suite 2170, Houston, TX 77002, filed a Notice of Objection to a Proposed Remedial Order which the DOE Kansas City District Office of Enforcement issued to the Reidy firm on November 2, 1984.

In the PRO the Kansas City District found that during November 1, 1973 to May 31, 1975, Reidy allegedly violated the motor gasoline reseller rules set forth in 10 CFR 212.92 and 212.93.

According to the PRO the Reidy violation resulted in $1,620,210.35 of overcharges.

[FR Doc. 85-2493 Filed 1-30-85; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Energy.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding four consent order funds totalling $78,008.58 to members of the public. This money is being held in escrow following the settlement of enforcement proceedings involving the following parties: Collins Oil Company (HEF-0051), C. C. Dillon Company (HEF-0063), Enterprise Oil and Gas Company (HEF-0070), and Foster Oil Company (HEF-0075).

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. All comments should conspicuously display a reference to the appropriate case number.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision relates to consent orders entered into by Collins Oil Company, C. C. Dillon Company, Enterprise Oil and Gas Company, and Foster Oil Company (hereinafter collectively referred to as the consent order firms). Each consent order involves a particular audit period and a distinct consent order fund as set forth in the Proposed Decision. The consent orders settled possible pricing violations in the consent order firms's sales of refined petroleum products to customers during the relevant audit periods.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of the escrow accounts funded by the consent order firms pursuant to the consent orders. The DOE has tentatively decided that the consent order funds should be distributed to those customers of the consent order firms who establish that they were injured by one of the consent order firm's alleged overcharges. Such customers will receive refunds proportionate to the volume of petroleum products they purchased from one of the consent order firms. However, Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: January 11, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Names of Firms: Collins Oil Company; C.C. Dillon Company; Enterprise Oil and Gas Company; and Foster Oil Company.

Date of Filing: October 13, 1983.

Case Numbers: HEF-0051; HEF-0063; HEF-0070; and HEF-0075.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) of the DOE may request the Office of Hearings and Appeals (OHA) to formulate and implement special procedures to make refunds in order to remedy the affects of alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. The ERA filed such a petition on October 13, 1983, requesting that the OHA implement special refund proceedings to distribute funds received pursuant to Consent Orders entered into by the DOE and the following parties: Collins Oil Company (Collins) of Aurora, Illinois, C.C. Dillon Company (Dillon), of Arnold, Missouri, Enterprise Oil and Gas Company (Enterprise) of Detroit, Michigan and Foster Oil Company (Foster) of Richmond, Michigan (hereinafter collectively referred to as the consent order firms). The aggregate amount of refund money involved in these proceedings is

$78,008.58 plus approximately $26,337 in interest.

I. Background

Each of the consent order firms is a "reseller-retailer" of "refined petroleum products" as these terms were defined in 10 CFR 212.31. ERA audits of the consent order firms revealed possible violations of the Mandatory Petroleum Price Regulations. Subsequently, each of these firms entered into a separate Consent Order with the DOE in order to settle its disputes concerning certain sales of refined petroleum products. Each Consent Order refers to the ERA's allegations of overcharges, but notes that no findings of violation were made. Additionally, each Consent Order states that the consent order firm does not admit that it committed any such violations.

Pursuant to these Consent Orders, the firms agreed to pay to the DOE specified amounts in settlement of their potential liability regarding sales to their respective customers during the consent order periods. The firms' payments are currently being held in separate interest-bearing escrow accounts pending distribution by the DOE. The names and locations of the firms, the settlement amounts, the products covered by the Consent Orders, and the dates of the consent order periods are set forth in Appendices A–D to this Proposed Decision and Order.

The procedural regulations of the DOE set forth general guidelines by which the OHA may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to readily identify persons who may have been injured by alleged or adjudicated violations, or unable to ascertain the amounts of such persons' injuries. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds obtained as part of settlement agreements, *see Office of Enforcement*, 9 DOE ¶ 82,553(1982); *Office of Enforcement, 9 DOE ¶82,508 (1981); Office of Enforcement*, 8 DOE § 82,597 (1981) (hereinafter cited as *Vickers*).

II. Proposed Refund Procedures

We have considered the ERA petition to implement Subpart V proceedings with respect to the four consent order funds and have determined that it is appropriate to establish such proceedings. Insofar as possible, these consent order funds should be distributed to those customers of the consent order firms who were injured by the alleged price violations. In each case, the ERA audit file of the consent order firm lists the names of customers who purchased refined petroleum products from the consent order firm, along with the amounts the customers were allegedly overcharged. This information is listed in the Appendices to this Proposed Decision and Order.(*1*) In our view, these identified customers are most likely the parties who were adversely affected, at least initially, by any overcharges by the consent order firms.(*2*) However, we recognize that there may be other purchasers of refined petroleum products from these firms who were not listed in the ERA audit files and who may have been injured by the pricing practices of the consent order firms during the relevant consent order period. We therefore propose to accept applications from any party that can show injury resulting from the consent order firms' alleged overcharges.

Many of the indentified customers of the consent order firms are resellers, i.e., retailers and wholesalers. We proposed that these firms, and any other claimants who resold petroleum products purchased from one of the consent order firms, be required to demonstrate that they did not pass on to their customers price increases implemented by the consent order firm. *See, e.g., Vickers*. In order to qualify for a refund, resellers of petroleum products purchased from one of the consent order firms must show that during the consent order period they would have maintained their prices for the petroleum products at the same level had the alleged overcharges not occurred. While there are a variety of ways to make this showing, a reseller should generally demonstrate that at the time it purchased petroleum products from the consent order firm, market conditions would not permit it to increase its prices to pass through the additional costs associated with the alleged overcharges to its customers. In addition, the reseller must show that it maintained a "bank" of unrecovered costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices.(*3*) The maintenance of a bank will not, however, automatically establish injury. *See Tenneco Oil Co./Chevron U.S.A., Inc.*, 10 DOE ¶ 85,014 (1982); *Vickers Energy Corp./Standard Oil Co.*, 10 DOE ¶ 85,036 (1982); *Vickers Energy Corp./Koch Industries, Inc.*, 10 DOE ¶ 85,038 (1982).

As in many prior special refund cases, we will adopt a presumption of injury with respect to small claims. The use of presumptions in refund cases is specifically authorized by applicable DOE procedural regulations. Section 205.282(*e*) of those regulations states that:

> In establishing standards and procedures for implemeting refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). In the present case, we are adopting a presumption that reseller claimants seeking small refunds were injured by the pricing practices settled in each Consent Order. This presumption is based on a number of considerations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). As we have noted in many previous refund decisions, there may be considerable expenses involved in gathering the types of data needed to support a detailed claim of injury. In order to prove such a claim, an applicant must compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive, and in the case of small claims, the cost to the firm of gathering this factual information, and the cost to the OHA of analyzing it, may be many times the expected refund amount. Failure to allow simplified application procedures for small claims could therefore operate to deprive injured parties of the opportunity to obtain a refund. The use of presumptions is also desirable from an administrative standpoint, because it allows the OHA to process a large number of refund claims quickly, and use its limited resources more efficiently. Finally, we know that these smaller claimants did purchase covered products from one of the consent order firms and were in the chain of distribution where the alleged overcharges occurred. Therefore, they bore some impact of the alleged overcharges, at least initially. The small claim presumption eliminates the need for a claimant to submit and the OHA to analyze detailed proof of what happened downstream of that initial impact.

Under the presumption we are adopting, a reseller or retailer claimant will not be required to submit any additional evidence of injury beyond purchase volumes if its refund claim is based on purchases below a threshold level.(*4*) Prevous OHA refund decisions have expressed the threshold either in terms of a ceiling on purchases from the

consenting firm, or as a dollar refund amount. However, in *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984), we noted that describing the threshold in terms of a dollar amount rather than a purchase volume figure would better effectuate our goal of facilitating disbursements to applicants seeking relatively small refunds. *Id.* at 88,210. We propose to follow the same approach in this case. The adoption of a threshold level below which a claimant is not required to submit any further evidence of injury beyond volumes purchased is based on several factors. As noted above, we are especially concerned that the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amount of the refund to be gained. In the present case, where the proposed maximum refund amounts are fairly low and the time periods of the Consent Orders are quite distant, we believe that the establishment of a presumption of injury for all claims of $5,000 or less is reasonable. *See id.; Marion Corp.* 11 DOE ¶ 85,014 (1984).

In addition to the presumption we are adopting regarding small reseller or retailer claimants, we are making a finding that end-users or ultimate consumers, including businesses that are unrelated to the petroleum industry, were unjured by the alleged overcharges settled in the Consent Orders. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period, and they were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, and analysis of the impact of the alleged overcharges on the final prices of non-petroleum goods and services would be beyond the scope of a special refund proceeding. *See Office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.*, 10 DOE ¶ 85,072 (1983); *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209, and cases cited therein. We have therefore concluded that end-users of petroleum products purchased from one of the consent order firms need only document their purchase volumes from the consent order firm to make a sufficient showing that they were injured by the alleged overcharges.(5)

III. Calculation of Refund Amounts

We must further determine the proper method for dividing the consent order funds among successful applicants. We propose that the maximum refund for the customers listed in the Appendices be based on the amount they were allegedly overcharged, as indicated by the ERA audit files. Although we recognize that these files do not provide conclusive evidence as to the identity of all injured parties or the amount of money they should receive in a Subpart V proceeding, we believe it is appropriate to use this information in the present case. Specifically we note that the ERA audits were very narrow in scope, that the consent orders were limited to the same products and time periods as the audits, and that the consent order firms had relatively few customers. Because of these factors, the information contained in the ERA audit files can be used for guidance in fashioning a refund plan which is likely to correspond closely to the unjuries experienced. *See, e.g., Marion.* To calculate the maximum refund amount for each identified customer listed in the Appendices, we propose to multiply the alleged overcharge amounts for each consent order firm by a pro rata factor, determined by dividing the total consent order amount by the total alleged overcharges.(6) The pro rata factor for each Consent Order is listed in the Appendices.

We further propose to establish a minimum amount of $15 for refund claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982). *See also* 10 CFR 205.286(b).

Refund applications in these proceedings should not be filed until issuance of a final Decision and Order. Detailed procedures for filing applications will be provided in the final Decision and Order. Before disposing of any of the funds received, we intend to publicize the distribution process and to provide an opportunity for any affected party to file a claim. In addition to publishing copies of the proposed and final decisions in the **Federal Register**, copies will be provided to the consent order firms' customers whose names and addresses we have obtained from the ERA audit files. If appropriate, we also intend to publicize this proceeding in local newspapers in the areas where the consent order firms conducted business.

In the event that money remains after all first stage claims have been disposed of, these funds could be distributed in various ways. We will not be in a position to decide what should be done with any remaining funds until the first stage refund procedure is completed.

It Is Therefore Ordered That:

The refund amounts remitted to the Department of Energy by the consent order firms listed in Appendices A–D of this Decision will be distributed in accordance with the foregoing Decision.

Footnotes

(1) We currently do not have the addresses of several of the customers of Collins, Dillon, and Enterprise. (*See* Appendices A, B, and C). We request that anyone knowing the locations of these firms and individuals inform this office of their addresses.

(2) Several of the firms listed in the Appendices have apparently changed ownership since the consent order period. In order for the current owners to be eligible for a refund on the basis of alleged overcharges to the firm during the consent order period, they will be required to provide the name and current address of the former owner or a sales contract or other document which supports their claim. *See Aztex Energy Co.*, 12 DOE ¶ 85,116 (1984).

(3) Some of the motor gasoline sales covered by the Dillon Consent Order occurred subsequent to the amendment of the retailer price rule that eliminated the bank requirement for retailers. *See* 10 CFR 212.93(a)(2), 44 FR 42542 (July 19, 1979) (effective July 15, 1979). Accordingly, retailers who purchased from Dillon will not be required to submit bank information for purchases made after July 15, 1979.

(4) We propose that resellers who made only spot purchases from the consent order firms be presumed to have suffered no injury. They would therefore be ineligible for any refund, even a refund at or below the threshold level. As we have previously stated with respect to spot purchasers:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

Vickers, 8 DOE at 85,396–97; *see also Office of Special Counsel*, 10 DOE ¶ 85,048 at 88,200 (1982). The same rationale holds true in the present case. Accordingly, in order to overcome the rebuttable presumption that they were not injured, in addition to the proof of injury required of those resellers claiming more than the threshold amount, any reseller claimants who were spot purchasers must submit additional evidence to establish that they were unable to exercise considerable discretion as to where and when they made the purchase(s) on which their refund claim is based.

(5) The Consent Orders for Dillon, Enterprise, and Foster require each consent order firm to refund a certain amount directly to its end-user customers. The funds in the escrow accounts are thus primarily intended for distribution to the firms' reseller and retailer customers. Accordingly, an end-user of refined petroleum products purchased from Dillon, Enterprise, or Foster will not be eligible for a refund in this proceeding unless

it certifies that it did not receive a direct refund from the consent order firm.

In the case of Enterprise, there are several end-users who were eligible for direct refunds under the terms of the Enterprise Consent Order but who could not be located by Enterprise. The $5,414.04 designated for these customers is currently being held in the DOE escrow account established for the Enterprise consent order funds (*see* Appendix C). We propose that any end-users listed in the Enterprise Consent Order who certify that they did not receive a direct refund from Enterprise be eligible for a refund in the present proceeding. We will base their refunds on the amount they would have received under the terms of the Consent Order if Enterprise had initially been able to locate them.

(*6*) In the case of Collins, the ERA audit files do not list alleged overcharges for individual, residential end-users of No. 2 heating oil (*see* Appendix A). Similarly, in the case of Dillon, the ERA audit files do not identify those non-retail customers who purchased unleaded gasoline transported via common carrier (Class II purchasers) (*see* Appendix B). We propose to establish a claims procedure whereby these unidentified customers of Collins and Dillon can apply for a refund based on the volume of petroleum products which they purchased from the consent order firm. *See Vickers*. The volumetric factor is determined by dividing a prorated portion of the amount that their entire class was allegedly overcharged (as shown in Appendices A and B) by the estimated total volume of petroleum products purchased by their class of purchaser during the relevant consent order period. In each case, this results in a refund amount for each gallon which an applicant purchased from the consent order firm. The volumetric factors are $1.0807 per gallon for the Collins residential end-user customers ($8,789.30 x .6504) divided by 5,289.63 gallons) and $0.0101 per gallon for the Dillon Class II customers ($271.42 x .5597) divided by 15,096.00 gallons). Because the ERA audit files for Dillon do not specifically list the volumes of petroleum products sold to Class II customers by Dillon during the consent order period, we have extrapolated sales figures from the available audit data.

Appendix A

Collins Oil Company, 45 Pierce St., Aurora, IL 60605

Consent Order Period: 11/1/73–1/31/75
Products Covered: No. 2 Heating Oil
Consent Order Amount: $12,000.00
Pro Rata Factor ($12,000.00 divided by $18,450.84): .6504

Identified customers	Alleged overcharges	Potential refunds*
Chi Pre Cast, N. Auror Road, Naperville, IL 60540	$18.17	**$12.00
Bristol Grade School, Bristol, IL 60512	315.76	205.00
Georgia Pacific, Franklin Park, IL 60131	2,345.63	1,526.00
Mercy Manor, North Lake, Aurora, IL 60505	.35	**0
Aurora Laundry, 562 S. River, Aurora, IL 60506	1,009.15	656.00
K&K Well Drilling, 11630 Cheyote Street, Los Angeles, CA 90049	164.94	107.00
Dart Container, 310 Evergreen Drive, N. Aurora, IL 60442	970.05	631.00
Geneva Construction, RR 25 W. Indian Trail Road, Aurora, IL 60506	19.68	**13.00
Bowman, Waterman, IL 60556	518.70	337.00
Condux International, Box 69, Naperville, IL 60566	320.63	209.00
Comer's Welding, West Lake & Grey Avenue, Aurora, IL 60506	30.60	20.00
Ackley Brothers, RR #2 Box 139, Aurora, IL 60504	979.30	637.00
Curran, 237 Aurora Avenue, Naperville, IL 60540	160.80	105.00
Bale Service, Big Rock, IL 60511	4.32	**3.00
Mosher Exteriors, address not available	444.22	289.00
RCA Association, address not available	118.34	77.00
North Oil, address not available	1,818.60	1,183.00
Wago, address not available	8.35	**5.00
Model Ind., address not available	9.96	**6.00
Glennwood Petro, address not available	323.40	210.00
Ward Library, address not available	80.59	52.00
Residential End Users (unidentified	8,789.30	5,717.00

*Rounded to the nearest dollar.
**In the absence of other evidence, these customers would not be eligible for refunds under the procedures proposed in the attached Decision, because their potential refund claims are below the minimum refund amount of $15.

Appendix B

C.C. Dillon Company, 1342 Lonedell Rd., Arnold, MO 63010

Consent Order Period: 3/1/79–8/30/79
Products Covered: motor gasoline (including gasohol)
Consent Order Amount: $31,999.53*
Pro Rata Factor ($31,999.53 divided by $57,172.27): .5597

Identified customers	Alleged overcharges	Potential refunds**
Bennet Hills Automotive Co., 10115 Manchester St., Kirkwood, MO	$949.75	$532.00
Big M Gas, 9626 Lackland Rd., Overland, MO	1,537.43	860.00
Bonafide Oil Gompany, 5735 Fee Fee Rd., Bridgeton, MO	748.27	419.00
Butler Hill Texaco, 4205 Butler Hill Rd., Mehlville, MO	304.47	170.00
Crystal Clean Carwash, 3955 Bayless St., St. Louis, MO	3,265.06	1,827.00
Key & Sons Oil Company, Highway AT, Gray Summit, MO	350.61	196.00
Lieber Service Stations, 4036 Bayless Rd., St. Louis, MO	4,177.51	2,338.00
M&S Truck Stop, 485 N. Highway Dr., Fenton, MO	1,778.08	995.00
Mr. Gas, 2525 Telegraph Rd., Mehlville, MO	10,780.60	6,034.00
Premium Oil Company, 5200 Pernod St., St. Louis, MO	1,214.50	680.00
Ray Oil Company, 12981 Gravois Rd., Sappington, MO	32.00	18.00
7-Eleven Division of Southland Corp., St. Louis Zone Office, 14288 Ladue Rd., Creve Coeur, MO	1,056.55	591.00
Site Oil Company, 7755 Carondelet Ave., St. Louis, MO	515.14	288.00
Swanter Motors "66", 501 W. Essex St., Kirkwood, MO	2,499.22	1,399.00
U-Gas, 105 Delores Dr., Fenton, MO	10,164.67	5,689.00
Watkin's Service Station, 2285 S. Highway 141, Fenton, MO	2,002.08	1,121.00
Bob's Green Park Texaco	332.35	186.00
Brook's Service Station	541.04	303.00
Cooper Oil Company	1,759.48	985.00
Corral Truck Stop	3,522.36	1,971.00
Dickman's Mobil	13.62	***7.00
F.A. Stein Oil	2,861.01	1,601.00
Hatcher Oil Company	92.06	52.00
Highway Oil Company	1,816.64	1,017.00
Husky Oil Company	231.26	129.00
Ideal Service Station	222.69	125.00
Jed Oil Company	489.02	274.00
Key & Son Oil Company	350.61	196.00
Lamplighter Texaco	150.14	84.00
M.F.A. Station	128.31	72.00
Mack's "66"	307.01	172.00
National Stockyards	87.85	49.00
Oscar's "66"	217.95	122.00
Rayburn Sonic	944.11	528.00
Spencer's "66"	289.97	162.00
Target	631.26	353.00
Value Oil Company	144.16	81.00
Ward's Sonic	742.62	416.00
Class II "non-retail" unleaded gasoline customers (unidentified)	271.42	152.00

*As of November 30, 1984, Dillon had remitted $23,332.90 to the DOE in timely installments. Final payment is due on January 12, 1985.
**Rounded to the nearest dollar.
***In the absence of other evidence, Dickman's Mobil would not be eligible for a refund under the procedures proposed in the attached Decision, because the firm's potential refund claim is below the minimum refund amount of $15.

Appendix C

Enterprise Oil & Gas Company, 1445 Linwood Ave., Detroit, MI 48238

Consent Order Period: 11/1/73—6/30/76
Products Covered: middle distillates, residual fuels*
Consent Order Amount: $19,098.01 to reseller customers, $5,414.04 to end-user customers (see footnote 5).
Pro Rata Factor for reseller customers ($19,098.91 divided by $38,609.91): .4947

Identified reseller customers	Alleged overcharges	Potential refunds**
Detroit Oil Barge, Address Not available	$11,263.14	$5,572.00
Jeneral Oil, Address not available	2,240.49	1,108.00
Kenneth H. White Company, 555 South Woodward, Birmingham, MI 48202	2,459.20	1,217.00
Osceola Refining, 2790 Refinery Road, West Branch, MI 48661	10,151.21	5,022.00
Triple Clean Oil, 601 Garfield Avenue, Bay City, MI 48706	12,495.87	6,182.00

*The Enterprise Consent Order, at 12, indicates that Enterprise also sold motor gasoline to resellers, but we have determined that the reference to motor gasoline was an error.
**Rounded to the nearest dollar.

Appendix D

Foster Oil Company, 36065 Water St., Richmond, MI 48062

Consent Order Period: 11/1/73–4/30/74
Products Covered: motor gasoline*
Consent Order Amount: $9,497.00
Pro Rata Factor ($9,497.00 divided by $20,456.14): .4643

Identified customers	Alleged over-charges	Potential refunds**
Yezbick Corporation, Richard Yezbick, 260 Elizabeth Street, Mt. Clemens, MI 48043	$15,608.03	$7,247.00
Jim Pistro Arrow Service, 1215 E. Caro Road, Caro, MI 48723	1,802.19	837.00
Norm Adamic Arrow Service, 4055 Huron Avenue, North Branch, MI 48461	1,356.24	630.00
Carlos Service Center, 1505 Main Street, Snover, MI 48472	662.78	308.00
McLeod Truck Stop, 5800 W. Michigan Avenue, Ypsilanti, MI 48197	617.78	287.00
Wheel Truck Stop, 31414 Ecorse Road, Romulus, MI 48174	409.12	190.00

*Since the Foster Consent Order required Foster to make direct refunds to customers who purchased No. 1 and No. 2 heating oil from the firm, these customers should be ineligible for refunds in this proceeding.
**rounded to the nearest dollar.

[FR Doc. 85–2573 Filed 1–30–85; 8:45 am]
BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding two consent order funds totalling $14,998.39 to members of the public. This money is being held in escrow following the settlement of enforcement proceedings involving Columbia Oil Company (Case Number HEF–0052) and Empire Oil Company (Case Number HEF–0068).

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. All comments should conspicuously display a reference to the appropriate case number.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision relates to consent orders entered into by Columbia Oil Company and Empire Oil Company (hereinafter collectively referred to as the consent order firms). Each consent order involves a particular audit period and a distinct consent order fund as set forth in the Proposed Decision. The consent orders settled possible pricing violations in the consent order firms' sales of refined petroleum products to customers during the relevant audit periods.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of the escrow accounts funded by the consent order firms pursuant to the consent orders. The DOE has tentatively decided that the consent orders. The DOE has tentatively decided that the consent order funds should be distributed to those customers of the consent order firms who establish that they were injured by one of the consent order firms' alleged overcharges. Such customers will receive refunds proportionate to the volume of petroleum products they purchased from one of the consent order firms. However, Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in the proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E–234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: January 9, 1985

George B. Breznay,

Director, Office of hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Names of Firms: Columbia Oil Company and Empire Oil Company.

Date of Filing: October 13, 1983.

Case Numbers: HEF–0052 and HEF–0068.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) of the DOE may request the Office of Hearings and Appeals (OHA) to formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. The ERA filed such a petition on October 13, 1983, requesting that the OHA implement proceedings to distribute the funds received pursuant to Consent Orders entered into by the DOE and the following parties: Columbia Oil Company (Columbia) of Hamilton, Ohio and Empire Oil Company (Empire) of Bloomington, California (hereinafter collectively referred to as the consent order firms).

I. Background

Each of the consent order firms is a "reseller-retailer" of motor gasoline, as this term was defined in 10 CFR 212.31. ERA audits of the consent order firms revealed possible violations of the Mandatory Petroleum Price Regulations. Subsequently, each of these firms entered into a separate Consent Order with the DOE in order to settle its disputes with the DOE concerning certain sales of motor gasoline. Each Consent Order refers to the ERA allegations of overcharges, but notes that no findings of violation were made. In addition, each Consent Order states that the consent order firm does not admit that it committed any such violations.

Pursuant to these Consent Orders, the firms agreed to pay to the DOE specified amounts in settlement of their potential liability for alleged overcharges in sales to their respective customers during the consent order periods. The firms' payments are currently being held in separate interest-bearing escrow accounts pending distribution by the DOE. The names and locations of the firms, the settlement amounts, and the dates of the consent order periods are set forth in Appendix A of this Proposed Decision.(*1*)

The procedural regulations of the DOE set forth general guidelines by which the Office of Hearings and Appeals may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to readily identify persons who may have been injured by alleged or adjudicated violations, or unable to ascertain the amounts of such persons' injuries. For a more detailed discussion of Subpart V and the

authority of the Office of Hearings and Appeals to fashion procedures to distribute refunds obtained as part of settlement agreements, *see Office of Enforcement*, 9 DOE ¶82,553 (1982); *Office of Enforcement*, 9 DOE ¶82,508 (1981); *Office of Enforcement*, 8 DOE ¶82,597 (1981) (hereinafter cited as *Vickers*).

II. Proposed Refund Procedures

We have considered the ERA petition to implement Subpart V proceedings with respect to the two consent order funds and have determined that it is appropriate to establish such proceedings. Insofar as possible, these consent order funds should be distributed to those customers of the consent order firms who were injured by the consent order firms' price increases which allegedly were in violation of DOE regulations. In the case of Empire, the ERA audit files identify a number of customers who purchased motor gasoline directly from Empire during the audit period. Their names are set forth in Appendix B.(2) While no specific alleged overcharge amounts are indicated for these customers, in our view they may well have been adversely affected by the alleged overcharges by Empire and should be given notice of this proceeding and an opportunity to request a refund.(3) In the case of Columbia, the ERA audit files do not identify any customers who purchased motor gasoline from Columbia during the audit period. We recognize, however, that the unidentified purchasers of Columbia motor gasoline, as well as any customers of Empire gasoline not mentioned in the ERA audit files, may have been injured by the pricing practices of one of the consent order firms during the relevant consent order period. We therefore propose to establish a claims procedure in which we will accept applications for refund from customers, including those not listed in Appendix B, who can demonstrate that they were injured as a result of any alleged overcharges made by one of the consent order firms during the appropriate consent order period.

Several of the consent order firms' customers are petroleum product resellers, i.e., retailers and wholesalers. We propose that these firms be required to demonstrate that they did not pass on to their customers the price increases implemented by the consent order firm. *See, e.g., Vickers*. In order to qualify for a refund, resellers of a consent order firm's motor gasoline must show that during the consent order period they would have maintained their prices for the gasoline at the same level had the alleged overcharges not occurred. While there are a variety of ways to make this showing, a reseller should generally demonstrate that at the time it purchased motor gasoline from a consent order firm, market conditions would not permit it to increase its prices to pass through the additional costs associated with the alleged overcharges. In addition, the reseller must show that it maintained a "bank" of unrecovered costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices.(4) The maintenance of a bank will not, however, automatically establish injury. *See Tenneco Oil Co./Chevron U.S.A., Inc.*, 10 DOE ¶85,014 (1982); *Vickers Energy Corp./Standard Oil Co. (Indiana)*, 10 DOE ¶85,036 (1982); *Vickers Energy Corp./Koch Industries, Inc.*, 10 DOE ¶85,038 (1982).

As in many prior special refund cases, we will adopt certain presumptions. First, we will adopt a presumption that the alleged overcharges were dispersed equally in all sales of products made by the consent order firms during the relevant consent order period. The OHA has referred to this presumption in the past as a volumetric refund amount. Second, we will adopt a presumption of injury with respect to small claims.

Presumptions in refund cases are specificaly authorized by applicable DOE precedural regulations. Section 205.282(e) of those regulations states that:

> In establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficent, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumptions we will adopt in this case are used to permit claimants to participate in the refund process without incurring disproportionate expenses, and to enable the OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.

The volumetric refund presumption assumes that alleged overcharges were spread equally over all gallons of product marketed by a particular firm. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. However, we also recognize that the impact of a firm's pricing practices on an individual purchaser could have been greater, and any purchaser will therefore be allowed to file a refund application based on a claim that it suffered a disproportionate share of the alleged overcharges. *See, e.g., Amtel, Inc.*, 12 DOE ¶ 85,073 at 88,233–34 (1984); *Sid Richardson Carbon and Gasoline Co./Siouxland Propane Co.*, 12 DOE ¶ 85,054 at 88,164 (1984).

In each of the two cases being considered here, the information available in the ERA audit files is insufficient to base refunds on the amount each individual applicant was allegedly overcharged. As indicated above, the Columbia audit files do not identify any of Columbia's customers during the consent order period. Although the Empire audit files do identify some of Empire's customers, they do not provide any individual alleged overcharge amounts. We therefore propose to use the volumetric method to allocate the consent order funds. To determine the volumetric factor, each consent order fund will be divided by the estimated total volume of motor gasoline sold by the consent order firm during the relevant consent order period.(5) The per gallon volumetric refund amounts are set forth in Appendix A. In each case, this results in a refund amount for each gallon of gasoline which an applicant purchased from the consent order firm. The interest which has accrued on the money in each escrow account will be added to the refund of each successful claimant in proportion to the size of its refund.

The presumption that reseller claimants seeking smaller refunds were injured by the pricing practices settled in each Consent Order is based on a number of considerations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). As we have noted in many previous refund decisions, there may be considerable expenses involved in gathering the types of data needed to support a detailed claim of injury. In order to prove such a claim, an applicant must compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive, and in the case of small claims, the cost to the firm of gathering this factual information, and the cost to the OHA of analyzing it may be many times the expected refund amount. Failure to allow simplified application procedures for small claims could therefore operate to deprive injured parties of the opportunity to obtain a refund. The use of presumptions for small claims is also desirable from an administrative standpoint because it allows the OHA to process a large number of refund

claims quickly and use its limited resources more efficiently. Finally, we know that these smaller claimants purchased covered petroleum products from one of the consent order firms and were in the chain of distribution where the alleged overcharges occurred. Therefore, they bore some impact of the alleged overcharges, at least initially. The small claims presumption eliminates the need for a claimant to submit and the OHA to analyze detailed proof of what happened downstream of that initial impact.

Under the presumptions we are adopting, a reseller or retailer claimant will not be required to submit any additional evidence of injury beyond purchase volumes if its refund claim is based on purchases below a threshsold level.(6) Previous OHA refund decisions have expressed the threshold either in terms of a ceiling on purchases from the consent order firm, or as a dollar refund amount. However, in *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984), we noted that describing the threshold in terms of a dollar amount rather than a purchase volume figure would better effectuate our goal of facilitating disbursements to applicants seeking relatively small refunds. *Id.* at 88,210. We propose to follow the same approach in this case. The adoption of a threshold level below which a claimant is not required to submit any further evidence of injury beyond volumes purchased is based on several factors. As noted above, we are especially concerned that the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amount of the refund to be gained. In the present case, where the volumetric refund amounts are fairly low, we believe that the establishment of a presumption of injury for all claims of $5,000 or less is reasonable.(7) *See id.*, *Marion Corp.*, 12 DOE ¶ 85,014 (1984).

In addition to the presumptions we are adopting, we are making a finding that end-users or ultimate consumers, including businesses that are unrelated to the petroleum industry, were injured by the alleged overcharges settled in the Consent Orders. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period, and they were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the alleged overcharges on the final prices of non-petroleum goods and services would be beyond the scope of a special refund proceeding. *See Office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.*, 10 DOE ¶ 85,072 (1983); *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209, and cases cited therein. We have therefore concluded that end-users of petroleum products purchased from one of the consent order firms need only document their purchase volumes from the firm to make a sufficient showing that they were injured by the alleged overcharges. (8)

We further propose to establish a minimum amount of $15 for refund claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Amoco; Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982). *See also* 10 CFR 205.286(b).

Refund applications in these proceedings should not be filed until issuance of a final Decision and Order. Detailed procedures for filing applications will be provided in the final Decision and Order. Before disposing of any of the funds received, we intend to publicize the distribution process and to provide an opportunity for any affected party to file a claim. In addition to publishing copies of the proposed and final Decisions in the **Federal Register**, copies will be provided to those customers of the consent order firms whose names and addresses we have obtained from the ERA audit files. If appropriate, we also intend to publicize this proceeding in local newspapers in the areas where the consent order firms conducted business.

In the event that money remains after all first stage claims have been disposed of, these funds could be distributed in various ways. We will not be in a position to decide what should be done with any remaining funds until the first stage refund procedure is completed.

It is Therefore Ordered That:

The refund amounts remitted to the Department of Energy by the consent order firms listed in Appendix A to this Decision and Order will be distributed in accordance with the foregoing Decision.

Footnotes

(1) The Columbia Consent Order required the firm to pay $13,532.15 to the DOE, but provided that this payment could be reduced by amounts owed to Columbia by customers whose debts to Columbia were discharged in bankruptcy proceedings. In accordance with this provision, the amount that Columbia was required to deposit was reduced by $8,660.56. Columbia therefore paid only $4,871.59 to the DOE.

(2) We currently do not have the addresses of some the customers identified in the ERA audit files (see Appendix B). We request that anyone knowing the locations of these firms and individuals inform this office of their addresses.

(3) The ERA audit of Empire took place in two stages: the first examined sales by retail stations owned and operated by Empire; the second examined Empire's sales of motor gasoline to independently operated retail stations, other resellers, and direct purchase end-users. Although the consent order amount appears to have been based only upon the first stage of the audit, the language of the consent order indicates that it settles the DOE enforcement proceeding with respect to both stages of Empire audit. Therefore, all purchasers of Empire motor gasoline during the consent order period are eligible to apply for a refund.

(4) Some of the motor gasoline sales covered by the Consent Order occurred subsequent to the amendment of the retailer price rule that eliminated the bank requirement for retailers. *See* 10 CFR 212.93(a)(2), 44 FR 42542 (July 19, 1979) (effective July 15, 1979). Accordingly, retailers will not be required to submit bank information concerning any purschases of gasoline they may have made after July 15, 1979.

(5) Because the available ERA audit files do not specifically list the volumes of motor gasoline sold by Columbia and Empire during the relevant consent order periods, we have extrapolated sales figures for these firms from the available audit data.

(6) We proposed that resellers who made only spot purchases from the consent order firms be presumed to have suffered no injury. They would therefore be ineligible for any refund, even a refund at or below the threshold level. As we have previously stated with respect to spot purchasers:

[T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firms's] quoted selling price at the time of purchases to their own customers.

Vickers, 8 DOE at 85,396–97; *see Office of Special Counsel* 10 DOE ¶ 85,048 at 88,200 (1982). The same rational holds true in the present case. Accordingly, in order to overcome the rebuttable presumption that they were not injured, in additional to the proof of injury required of those reseller claiming more than the threshold amount, any reseller claimants who were spot purchasers must submit additional evidence to establish that they were unable to exercise considerable discretion as to where and when they made the purchase(s) on which their refund claims are based.

(7) As in prior refund cases, resellers whose potential refund exceeds the threshold amount may elect to apply for a refund based on the threshold amount.

(8) The Columbia Consent Order required the firm to refund $6,467.85 directly to its end-user customers. The $4,871.59 which the firm paid to the DOE is therefore primarily intended for distribution to the firm's reseller and retailer customers. Accordingly, an end-

user of Columbia's motor gasoline will be eligible to apply for a refund in this proceeding only if it did not receive a direct refund from Columbia.

Appendix A

Name of firm	Consent order period	Consent order amount	Volumetric amount
Columbia Oil Co. 4311 Hamilton-Middleton Rd., Hamilton, OH 45011	Apr 1, 1979 to Sept 30, 1979	*$4,871.59	$0.003822
Empire Oil Co., 2307 South Riverside Avenue, Bloomington, CA 92316	Mar 1, 1979 to July 31, 1979.	12,307.82	0.003756

*See footnote 1.

Appendix B

List of Customers

Columbia Oil Company

No identified customers

Empire Oil Company

Arlington Heights Citrus Co., 8000 Lincoln Avenue, Riverside, CA 92506
Bill's U-Drive Rentals, 3505 Market Street, Riverside, CA 92501
Roy Barnett Landscape Contractor, 1253 W. Church Street, Riverside, CA 92507
Car Showers, Inc., 6061 Magnolia Avenue, Riverside, CA 92506
Commercial Honing Company, 8606 Sultana Avenue, Fontana, CA 92335
D&D Installation Plumbing Co., 5116 Steve Avenue, Riverside, CA 92504
Easy On Manufacturing Company, 6612 Columbia Avenue, Riverside, CA 92504
Gate City Beverage Distributors, 345 West H Street, Colton, CA 92324
Gramco, Ltd., 1080 4th Street, P.O. Box 108, Fennimore, Wisconsin 53809
Grand Terrace Service, 12111 La Cadena Drive, Colton, CA 92324
Inland Lumber Company, 21900 Main Street, Colton, CA 92324
Inland Plumbing, Inc., 18805 Van Buren Blvd., Riverside, CA 92504
Lamar Brothers, 1924 Monroe Street, Riverside, CA 92504
Las Plumas Lumber, 6464 33rd Street, Riverside, CA 94804
Loma Linda University, Loma Linda, CA 92354
Monier Company, 1745 Sampson Avenue, Riverside, CA 92504
Polymer Building Systems, 6942 Gage River, Riverside, CA 92504
Reyman Enterprises, 4298 Campbell Street, Riverside, CA 92509
Riverside Medical Lab, 6950 Brockton Avenue, Riverside, CA 92506
Riverside Plumbing Company, P.O. Box 7756, Riverside, CA 92502
Riverside Scrap Iron & Metal Corp., 2993 6th Street, Riverside, CA 94801
Southwest Painting Corp., 6251 Baldwin Avenue, Riverside, CA 92509
Travel Queen, 1850 Massachusetts Avenue, Riverside, CA 92507
Tri-Co Disposal Company, 9470 Mission Boulevard, Riverside, CA 92509
Tyler Mall Arco, 3505 Tyler Street, Riverside, CA 92503
Victoria Auto, 3183 Prospect Avenue, Riverside, CA 92507
West Coast Wire & Steel, 3120 5th Street, Riverside, CA 94801
Air Conditioning Engineering
Ameron
American Metals
Arlington Heights Packing
Arrowhead Country Club
Auto Engineering
B&D Installers
Bonanno
George Casey
Chase Automotive
Corona Gulf
Capital Insulation
Crestlawn
Euclid Orange
Global Van Lines
Gaslin Tire
General Am. Transport Co.
Goddard Pumping
Hood Pontiac
Hubbs Equipment
Higbee
Inland Distributors
J&M Sales
Jensen Frame
Robert Kelly
Keith
Dorcie Mitchell
Marie Andretti Grand Prix
Nadig Masonry
Norco
Nadig Nursery
Oveweat
Pages Shell
Rubidoux Motor Co.
Rialto Rubbish
Schneiders/Gratz
Southern Services
Spencer & Jones
R.V. Scott
Sorenson Engineering
Servomation
Socco
James Wickard
Western Wholesale
WK (Riverside)
WK (San Bernardino)
Young Market
Zieman Manufacturing

[FR Doc. 85-2574 Filed 1-30-85; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OA-FRL-2768-2]

Privacy Act of 1974; Proposed New System of Records

AGENCY: Environmental Protection Agency.

ACTION: Privacy Act of 1974, Proposed new system of records.

SUMMARY: As required by law (5 U.S.C. 552a) the U.S. Environmental Protection Agency is publishing for comment a new system of records that it is proposing to maintain. The proposed system is "Enforcement Case Support Expert Resources Inventory System." Agency enforcement personnel will use the records to aid in the identification and selection of individuals with appropriate expertise and qualifications to serve either as expert consultants or as expert witnesses in connection with hazardous waste enforcement cases and in maintaining a record of use of expert on enforcement cases.

EFFECTIVE DATE: This system shall become effective as proposed, without further notice thirty days after publication unless comments are received which would result in contrary determination.

FOR FURTHER INFORMATION CONTACT: Mike Kosakowski, Chief, Technical Support Branch, Office of Waste Programs Enforcement (WH-527), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Telephone: 202-382-5611.

Howard M. Messner,

Assistant Administrator for Administration and Resources Management.

EPA-15

SYSTEM NAME:

Enforcement Case Support Expert Resources Inventory System—EPA-14.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Waste Programs Enforcement (WH-527), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

CATEGORIES OF INDIVIDUALS IN SYSTEM:

Individuals included in the system are experts in scientific and technical fields

who have appropriate expertise and qualifications to serve either as consultants or expert witnesses in connection with hazardous waste enforcement cases and who have agreed to be included in the system.

CATEGORIES OF RECORDS IN SYSTEM:

Basic input to the system is selected information from a professional resume and supporting documents supplied by the individual which contain such data as name, contact points and telephone numbers, educational background, disciplines, specialty areas, specific subject knowledge, research interests, specific chemical knowledge, membership in technical societies and working groups, awards and honors, consulting experience, background in litigation, professional history (with periods of employment, titles, names of employers, positions held, descriptions of work), and similar information. Certain of the information is entered in summary form. Other input into the system consists of records pertaining to U.S. EPA's proposed and actual use of the individual as an expert consultant or an expert witness for enforcement cases.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

42 U.S.C. 9604, 9606, 9607 (Enforcement authority under Comprehensive Environmental Response, Compensation and Liability Act)

42 U.S.C. 9628, 9673 (Enforcement authority under Resource Conservation and Recovery Act)

PURPOSE(S):

EPA enforcement personnel will use the records to aid in the identification and selection of potential expert consultants and expert witnesses for hazardous waste enforcement cases and in maintaining a record of use experts on cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USE:

1. Records of individuals will be disclosed on a case-by-case basis to the U.S. Department of Justice (U.S. DOJ) attorneys who are members of the negotiation/litigation team for the purpose of enabling their participation in the case and permitting their assistance in the selection of expert consultants and expert witnesses.

2. Records of individuals in the system will be disclosed on a case-by-case basis to other scientific and technical experts used by the U.S. EPA to familiarize them with experts for use on the case or to obtain their assistance in identifying possible expert consultants and expert witnesses.

3. Records in the system may be disclosed to OWPE enforcement contractors for the purpose of subcontracting experts identified in the system and for the purpose of updating or otherwise refining records in the system. By the terms of their contract, enforcement contractors are required to maintain the information in confidence and in accordance with the requirements of the Privacy Act.

4. Records in the system may be disclosed to the U.S. DOJ when related to litigation or anticipated litigation involving the records or the subject matter of the records.

5. Also see Prefatory Statement of General Routine Uses, 41 FR 39689 (September 15, 1976).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Various portions of the system are maintained on computer disks, word-processor disks, and in hard-copy files.

RETRIEVABILITY:

Information is retrieved from the computer database and word-processor format by addressing selected data items in the system which cross-reference to an individual's name. The name is used to manually access materials in alphabetized hard-copy files.

SAFEGUARDS:

Only authorized individuals have access to the system and it is maintained under a classification of "Enforcement Confidential." Records on the computer disks are protected from access by a unique identification code. Hard-copy files and word-processor disks, when not in use or in the possession of an authorized individual, are maintained in a locked cabinet. Both the computer and cabinet are in rooms protected by door locks in a building with restricted access.

RETENTION AND DISPOSAL:

Records are maintained and periodically updated until individuals identified in the system request that their own record be deleted. Other reasons for deletion will be at the discretion of the Expert Resources coordinator and the System Manager.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Technical Support Branch, Office of Waste Programs Enforcement (WH-527), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

NOTIFICATION PROCEDURES:

Inquiries should be addressed to the System Manager. Additional information and requirements will be provided.

RECORD ACCESS PROCEDURES:

Inquiries should be addressed to the System Manager. Additional information and requirements will be provided.

CONTESTING RECORDS PROCEDURES:

Inquiries should be addressed to the System Manager. The record and the specific information being contested should be identified. The corrective action sought and supporting justification for the correction should be provided by the individual. Additional information and requirements will be provided as necessary.

RECORD SOURCE CATEGORIES:

1. Records furnished by individuals identified in the system. Information may be entered into the system in interpretive and summary form.

2. Records developed by U.S. EPA personnel concering the proposed and actual use of expert consultants and expert witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Routine Uses as Originally Proposed:

1. Records for specific individuals identified in the system are made available on an individual case basis to U.S. EPA personnel involved in the case and the case negotiation/litigation team so they may make a selection of the expert to be used on the particular case and have a record of the expert's qualifications. The negotiation/litigation team may consist of U.S. EPA Headquarters' enforcement attorneys and technical personnel, U.S. EPA Regional attorneys and technical personnel, a Department of Justice (DOJ) attorney, and possibly experts already assigned to the case.

2. Names and/or certain items within records of specific individuals identified in the system may occasionally be released to U.S. EPA advisors or other experts, bound by confidentiality, for the purpose of recommending candidates for experts on specific cases.

3. Records in the system may be disclosed to DOJ attorneys to answer subpoenas issued to the U.S. EPA and in the course of litigating on behalf of the U.S. EPA.

4. Records in the system will be accessible to OWPE enforcement contractors and their subcontractors, all bound by confidentiality agreements, for the purpose of updating, correcting, and expanding records in the system.

[FR Doc. 85-2487 Filed 1-30-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-140058; FRL-2769-2]

General Software Corp.; Transfer of Data to Contractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA will transfer to its contractor, General Software Corporation (GSC), of Landover, Maryland, information which has been submitted to EPA under sections 5 and 8 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed as confidential. GSC will review this information and will use it to assess potential human and environmental exposures for chemical substances being reviewed under TSCA.

DATE: The transfer of the confidential data submitted to EPA will occur no sooner than February 11, 1985.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M Street, SW., Washington, DC 20460, Toll-Free: (800-424-9065) in Washington, DC: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: Under TSCA, EPA must determine whether certain chemical substances or mixtures may present an unreasonable risk of injury to health or to the environment from their manufacturer, processing, distribution in commerce, use, or disposal. As a component of the unreasonable risk determination, the Agency must determine whether there is potential for human or environmental exposure to the substances or mixtures in question. To accomplish this, EPA uses computerized procedures and models to estimate physiochemical properties of chemicals, to assess the fate of chemicals in receiving environments, and to estimate the number of people exposed to chemicals. Under Contract No. 68-02-3970, EPA has selected GSC, 8401 Corporate Drive, Landover, Maryland, to assist the Design and Development Branch of the Office of Toxic Substances by providing technical support services to identify and evaluate computer models and data bases, to implement selected models and data bases into the existing Graphical Exposure Modeling System (GEMS), and to provide support in using GEMS for conducting exposure assessments.

In accordance with 40 CFR 2.306(j), EPA has determined that GSC employees may require access to confidential business information (CBI) submitted to EPA under sections 5 and 8 of TSCA to perform work satisfactorily under the above-noted contract. EPA is issuing this notice to inform all submitters of information under sections 5 and 8 of TSCA that EPA may transfer to this firm, on a need-to-know basis, CBI on specific chemicals that are under review or that are subjects of possible regulatory actions. Upon completing their review of materials submitted for a specific chemical, the firm receiving CBI will return all such materials to EPA.

GSC has been authorized to have access to TSCA CBI under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. No TSCA CBI data will be transferred to GSC's facilities; their review will be limited to EPA facilities. Personnel will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before they are permitted to receive CBI, in accordance with the "TSCA Confidential Business Information Security Manual" and the Contractor Requirements manual.

Dated: January 23, 1985.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 85-2558 Filed 1-30-85; 8:45 am]

BILLING CODE 6560-50-M

[A-1-FRL-2769-5]

Air Quality; PSD/NSPS Applicability Determination; Pfizer Chemical Division

Notice is hereby given that the Environmental Protection Agency has determined that the Pfizer Chemical Division's proposed coal conversion at their Groton, Connecticut plant is not subject to a PSD or NSPS review. The August 7, 1980 PSD regulations require that the construction or modification of a major stationary source is subject to a PSD review if the resulting increase in emissions is greater than the significant levels. However, the August 1980 definition of a major modification exempts certain increases from a PSD review if such emission increases are due to the use of an alternative fuel, and the source was capable of accommodating the alternative fuel prior to January 6, 1975. The NSPS have similar defined exemptions; however the exemptions would apply to the specific boilers, rather than the entire plant. Using these exemptions, EPA has reviewed the applicant's original proposal, contract and design for Pfizer's power plant and has concluded that Pfizer qualifies for the "alternative fuel" exemption. The applicant was notified of this determination on November 16, 1984.

Under section 307(b)(1) of the Clean Air Act, judicial review of this PSD/NSPS determination is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Act, this determination shall not be subject to later judicial review in civil or criminal proceedings for enforcement.

Copies of this determination are available for public inspection upon request at the following location: State Air Programs Branch, Rm 2310, US EPA—Region I (APC), J.F. Kennedy Federal Bldg., Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: John Courcier, (617) 223-5134.

Dated: January 22, 1985.

Paul G. Keough,

Acting Regional Administrator, Region I.

[FR Doc. 85-2564 Filed 1-30-85; 8:45 am]

BILLING CODE 6560-50-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, D.C. 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, D.C. 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.: 221-003880-005.

Title: Palm Beach Marine Terminal Agreement.

Parties:
Port of Palm Beach
Birdsall, Inc.
Synopsis: This amendment modifies the basic agreement by adding the Port's new warehouse and office area along with an open area to the subject lease. The rentals covering the added facilities are included in the amended agreement.
Agreement No.: 202-006190-044.
Title: United States Atlantic and Gulf/Venezuela Freight Association.
Parties:
Compania Anonima Venezolana De Navigacion
Delta Steamship Lines, Inc.
Coordinated Caribbean Transport, Inc.
Synopsis: The proposed amendment would modify the voting provisions of the agreement by treating a party's failure to cast a vote by telephone or telex poll to be a vote in favor of the proposal rather than a vote with the majority. It would modify the independent action provisions by authorizing a party to take independent action without prior notice to the other parties to maintain or increase a rate or charge where the conference takes action to decrease a rate or charge. It would also authorize a party who has taken independent action in response to the independent action taken by another party to have that independent action published on its behalf even if the original party elects to cancel its independent action.
Agreement No.: 202-010636-005.
Title: U.S. Atlantic-North Europe Conference.
Parties:
Atlantic Container Line (G.I.E.)
Dart-ML Limited
Hapag-Lloyd AG
Double Eagle Lines, Inc.
Sea-Land Service, Inc.
Trans Freight Lines, Inc.
United States Lines, Inc.
Compagnie Generale Maritime (CGM)
Synopsis: The proposed amendment would permit the parties of the agreement to establish a numerical majority of the members entitled to vote as a quorum for the purpose of taking final conference action. The parties have requested a shortened review period.
Agreement No.: 203-010678-001.
Title: Mediterranean-U.S.A. Westbound Stabilization Agreement.
Parties:
A. P. Moller-Maersk Line
Med-Gulf Conference
Mediterranean-U.S.A. Freight Conference
Synopsis: The proposed amendment would modify the basic agreement by substituting the Mediterranean/U.S.A. Freight Conference (Agreement No. 202-010676) for the Med-Gulf Conference (Agreement No. 202-009522). It would also modify and incorporate the scope of Agreement No. 202-010676 in lieu of the scope of Agreement No. 202-009522. The parties have requested a shortened review period.
Agreement No.: 224-010720.
Title: Port of Palm Beach Terminal Agreement.
Parties:
Port of Palm Beach District (Port)
CHO Properties, Inc. (CHO)
Synopsis: The Port will lease to CHO certain parcels of property for the construction of improvements and operations of businesses related to the importation, exportation and processing of certain bulk commodities. The parcels will be leased on the guarantee of CHO to engage in maritime activity at the Port's marine terminal. The term of the agreement is for 10 years with an option to renew for an additional 10 years. Terminal charges will be assessed in accordance with the Port's Terminal Tariff.
Agreement No.: 224-010721.
Title: San Juan Terminal Agreement.
Parties:
Puerto Rico Port Authority (Authority)
Transcaribbean Maritime Corporation (TMC)
Synopsis: The Authority will grant to TMC preferential and exclusive use of premises at Pier No. 14, San Juan, for the berthing of seagoing vessels and the loading and discharging of such vessels, handling of outbound and inbound cargo, and the handling of passengers. The term of the agreement shall be for three years beginning on the effective date as determined by the Federal Maritime Commission.

By order of the Federal Maritime Commission.

Dated: January 28, 1985.

Bruce A. Dombrowski,

Assistant Secretary.

[FR Doc. 85-2541 Filed 1-30-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review BY OMB

January 23, 1985.

Background

Notice is hereby given of final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public).

FOR FURTHER INFORMATION CONTACT:
Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829)
OMB Desk Officer—Judith McIntosh—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202-395-6880)

Proposal to approve under OMB delegated authority the extension with minor revisions to definitions of the following report:

1. Report title: Monthly Survey of Selected Deposits and Other Accounts—
Agency form number: FR 2042
OMB Docket number: 7100-0066
• Frequency: Monthly
Reporters: Commercial banks, mutual savings banks and FDIC insured federal savings banks
Small businesses are affected

General description of report:
This information collection is voluntary [12 U.S.C. 248(a)(2)] and is given confidential treatment [5 U.S.C. 552(b)(4)].

These data, which are collected from a sample of commercial banks, mutual savings banks, and FDIC-insured federal savings banks, are used by the Federal Reserve (1) to analyze and interpret movements in the monetary aggregates, (2) to observe competitive developments between banks and thrift institutions, and (3) to help monitor the earnings position of banks and thrifts.

Board of Governors of the Federal Reserve System, January 23, 1985

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-2445 Filed 1-30-85; 8:45 am]

BILLING CODE 6210-01-M

First Community Financial Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for

processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 22, 1985.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *First Community Financial Corporation*, Mifflintown, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Mifflintown, Mifflintown, Pennsylvania.

2. *Pennsylvania National Financial Corp.*, Harrisburg, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Pennsylvania National Bank and Trust Company, Pottsville, Pennsylvania.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First National Bancshares, Inc.*, Jacksonville, Florida; to become a bank holding company by acquiring 80 percent of the voting shares of First National Bank of Jacksonville, Jacksonville, Florida.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Palmer Bancorp, Inc.*, Danville, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Palmer-American National Bank of Danville, Danville, Illinois.

2. *Suburban Bancorp, Inc.*, Palatine, Illinois; to acquire 34 percent of the voting shares of Bartlett Bank & Trust Company, Bartlett, Illinois.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Andover Banc Shares, Inc.*, Andover, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of National Bank of Andover, Andover, Kansas.

2. *Arcadia Bancshares, Inc.*, Overland Park, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of Home State Bank, Arcadia, Kansas.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *FNB Bancshares, Inc.*, Lake Providence, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Lake Providence, Lake Providence, Louisiana.

Board of Governors of the Federal Reserve System, January 25, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-2443 Filed 1-30-85; 8:45 am]

BILLING CODE 6210-01-M

Washington County Bancshares, Inc.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulations Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 21, 1985.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Washington County Bancshares, Inc.*, Brenham, Texas; to engage *de novo* in mortgage loan origination and servicing activities.

Board of Governors of the Federal Reserve System, January 25, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-2444 Filed 1-30-85; 8:45 am]

BILLING CODE 6210-01-M

Agency Forms under Review by OMB

January 28, 1985

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATE: Comments must be received on or before February 11, 1985.

ADDRESS: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, D.C. 20551, or

delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Judith McIntosh, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letter, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829)

Proposal to approve under OMB delegated authority the extension with revision of the following group of reports:

1. Report title: Regulation K reporting requirements

Agency form number: FR K-1
OMB Docket number: 7100-0107
Frequency: On occasion
Reporters: Member banks, bank holding companies, Edge corporations Small businesses are not affected.

General description of report: This information collection is mandatory [12 U.S.C. 601-604(a); 611-631; 1843(c)(13); 1843(c)(14); and 1844(c)] and is given confidential treatment if the applying organization believes the information will qualify for a FOIA exemption.

The FR K-1 is a compilation of all the applications and prior notification requirements in Regulation K that pertain to the formation of Edge and Agreement Corporations and the international and foreign activities of U.S. banking organizations, including those of national banks, Agreement Corporations, Edge Corporations and bank holding companies.

Board of Governors of the Federal Reserve System, January 28, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-2503 Filed 1-30-85; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Commercial Item Descriptions (CIDs) for Low Volume Copiers

AGENCY: Office of Federal Supply and Services, GSA.

ACTION: Notice of CIDs Development and Use of CIDs In the Procurement of Low Volume Copiers.

SUMMARY: Notice is hereby given that the General Products Commodity Center, Office of Federal Supply and Services, has developed Commercial Item Descriptions (CIDs) A-A-2302, A-A-2305, and A-A-2306 for use in the procurement of low-volume copiers. The configurations of copiers covered by these CID's will be available to Federal Government agencies from a single-award Federal Supply Schedule.

The Request for Proposal (RFP) for this procurement is scheduled to be issued on or about February 28, 1985. The resultant schedule will be effective for the period from July 1, 1985 through June 30, 1986.

DATES: Interested parties are encouraged to submit comments on the intended procurement action and/or the CID's involved. To be considered, comments must be received in writing not later than February 15, 1985. These CID's were previously circulated to both Government agencies and industry for comment during July and August, 1984. All comments received from these circulations were considered in the development of the finalized documents.

ADDRESS: Requests for copies of these CIDs and comments on either the CID's or this intended procurement action should be addressed to Mr. Carl L. Carter, General Products Commodity Center (FGC), Office of Federal Supply and Services, General Services Administration, Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: Carl L. Carter, General Products Commodity Center (703) 557-9434.

Dated: January 22, 1985.

Donald C. J. Gray,

Assistant Administrator.

[FR Doc. 85-2483 Filed 1-30-85; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of February 1985.

Cognition, emotion, and Personality Research Review Committee

February 7-9; 9:00 a.m., Holiday Inn, Georgetown, 2101 Wisconsin Avenue, NW., Washington, D.C. 20007.

Open—February 7; 9:00-10:00 a.m.

Closed—Otherwise.

Contact: Shirley Maltz, Parklawn Building, Room 9C26, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-3944.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities relating to personality, emotion, cognition, and related higher mental processes, with recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-10:00 a.m., February 7, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Alcohol Psychosocial Research Review Committee

February 11-13; 9:00 a.m., The Hampshire Hotel, 1310 New Hampshire Avenue, NW., Washington, D.C. 20036.

Open—February 11; 9:00-9:30 a.m.

Closed—Otherwise.

Contact: Laura Weinstein, Ph.D, Parklawn Building, Room 16C26, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-6106.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute on Alcohol Abuse and Alcoholism for support of research and training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda: From 9:00-9:30 a.m., February 11, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial

review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Alcohol Biomedical Research Review Committee

February 13-15; 9:00 a.m., Ramada Renaissance Hotel, 1143 New Hampshire Avenue, NW, Washington, D.C. 20037.

Open—February 13; 9:00-11:00 a.m.

Closed—Otherwise.

Contact: Harvey P. Stein, Ph.D., Parklawn Building, Room 16C26, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-6106.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute on Alcohol Abuse and Alcoholism for support of research and research training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda: From 9:00-11:00 a.m., February 13, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C Appendix I).

Basic Behavioral Process Research Review Committee

February 14-15; 9:00 a.m., The Holiday Inn, Georgetown, 2101 Wisconsin Avenue, NW, Washington, D.C. 20007.

Open—February 14; 9:00-10:00 a.m.

Closed—Otherwise.

Contact: Doris East, Parklawn Building, Room 9C26, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-3936.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities relating to experimental and physiological psychology and comparative behavior, with recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-10:00 a.m., February 14, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Psychosocial and Biobehavioral Treatments Subcommittee of the Treatment Development and Assessment Research Review Committee

February 14-15; 9:00 a.m., The Shoreham Hotel, Calvert Street and Connecticut Avenue, NW., Washington, D.C. 20008.

Open—February 14; 9:00-10:00 a.m.

Closed—Otherwise.

Contact: Maureen Eister, Parklawn Building, Room 9C14, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4868.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities in the fields of treatment development and assessment and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-10:00 a.m., February 14, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Services Research Subcommittee of the Drug Abuse Epidemiology, Prevention, and Services Research Review Committee

February 19-20; 8:30 a.m., Annapolis Room, Sheraton Inn Washington Northwest, 8727 Colesville Road, Silver Spring, Maryland 20910.

Open—February 19; 8:30-9:30 a.m.

Closed—Otherwise.

Contact: H. Noble Jones, Parklawn Building, Room 10-42, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-2620.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute on Drug Abuse for support of research and research training activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda: From 8:30-9:30 a.m., February 19, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing intital review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Biochemistry Research Subcommittee of the Drug Abuse Biomedical Research Review Committee

February 19-21; 9:00 a.m., Crowne Plaza Holiday Inn, Halpine Conference Room, 1750 Rockville Pike, Rockville, Maryland 20852.

Open—February 21; 9:00-9:30 a.m.

Closed—Otherwise.

Contact: Heinz Sorer, Ph.D., Parklawn Building, Room 10-42, 5600 Fishers Lane, Rockville, Maryland 20857.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute on Drug Abuse for support of research and research training activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda: From 9:00-9:30 a.m., February 19, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Drug Abuse Clinical and Behavioral Research Review Committee

February 19-21; 9:00 a.m., Crowne Plaza Holiday Inn, 1750 Rockville Pike, Rockville, Maryland 20852.

Open—February 19; 9:00-9:30 a.m.

Closed—Otherwise.

Contact: Daniel L. Mintz, Parklawn Building, Room 10–42, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–2620.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute on Drug Abuse for support of research and research training activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda: From 9:00–9:30 a.m., February 19, the meeting will open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Epidemiology and Prevention Subcommittee of the Drug Abuse Epidemiology, Prevention, and Services Research Review Committee

February 19–21; 8:30 a.m. Sheraton Inn Washington Northwest, Counsel Room, 8727 Colesville Road, Silver Spring, Maryland 20910.

Open—February 19; 8:30–10:00 a.m.

Closed—Otherwise.

Contact: Ron Gold, Parklawn Building, Room 10–42, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–2620.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute on Drug Abuse and for support of research and research training activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda: From 8:30–10:00 a.m., February 19, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Heath Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Pharmacology Research Subcommittee of the Drug Abuse Biomedical Research Review Committee

February 19–21; 9:00 a.m., Crowne Plaza Holiday Inn, Woodmont Conference Room, 1750 Rockville Pike, Rockville, Maryland 20852.

Open—February 19; 9:00–9:30 a.m.

Closed—Otherwise.

Contact: Heinz Sorer, Ph.D., Parklawn Building, Room 10–42, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–2620.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute on Drug Abuse for support of research and research training activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda: From 9:00–9:30 a.m., February 19, the meeting will be open for discussion of administrate announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Heath Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Criminal and Violent Behavior Research Review Committee

February 20–21; 9:00 a.m., Gramercy Hotel, 1616 Rhode Island Avenue, NW., Washington, D.C. 20036.

Open—February 29; 9:00–10:30 a.m.

Closed—Otherwise.

Contact: Jean Byrne, Parklawn Building, Room 9C14, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4868.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research grants, individual postdoctoral research fellowships, and institutional research training grants, cooperative agreements, and research and development contracts, as they relate to mental health aspects of criminal, delinquent, and antisocial behavior; individual violent behavior; sexual assault; and law-mental health interactions related to these areas, with recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:30 a.m., February 20, the meeting will be open for discussion of administrative announcements and program developments Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Services Research Subcommittee of the Epidemiologic and Services Research Review Committee

February 20–22; 9:00 a.m., Georgetown Hotel, 2121 P Street, NW., Washington, D.C. 20037.

Open—February 20; 9:00–10:00 a.m.

Closed—Otherwise.

Contact: Peg Lyons, Parklawn Building, Room 9C–02, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4728.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities as they relate to mental health epidemiology, mental health service systems research, and evaluation of clinical mental health services, with recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., February 20, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Research Scientist Development Review Committee

February 20–22; 7:00 p.m., Wellington Hotel, 2502 Wisconsin Avenue, NW., Washington D.C. 20007.

Open—February 21; 9:00–9:30 a.m.

Closed—Otherwise.

Contact: Linda Rainey, Parklawn Building, Room 9C–05, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–6470.

Purpose: The Committee is charged with the initial review of applications

for assistance from the National Institute of Mental Health for support of activities to develop and execute a program of Research Scientist and Research Scientist Development Awards to appropriate institutions for the support of individuals who are engaged full time in research and related activities relevant to mental health, with recommendations to the National Mental Health Council for final review.

Agenda: From 9:00–9:30 a.m., February 21, the meeting will be open for discussion of administrative announcement and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to public in accordance with the determination by the Administrator, Alcohol, Drug Abuse and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Aging Subcommittee of the Life Course and Prevention Research Review Committee

February 21–22; 9 a.m., Shoreham Hotel, Executive Conference Room, 2500 Calvert Street, NW., Room 763, Washington, D.C. 20008.

Open—February 21; 9:00–10:00 a.m.

Closed—Otherwise.

Contract: Victoria Souder, Parklawn Building, Room 9C–02, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–4728.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research activities in the fields of child, family, and aging, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., February 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Psychopharmacological, Biological, and Physical Treatments Subcommittee of the Treatment Development and Assessment Research Review Committee

Febraury 21–22; 9:00 a.m., Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland 20814.

Open—February 21; 9:00–10:00 a.m.

Closed—Otherwise.

Contact: Pamela J. Mitchell, Parklawn Building, Room 9C18, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–1367.

Purpose: The Committee is charged with the initial review of applications for Federal assistance from the National Institute of Mental Health for support of research and research tranining activities in the fields of treatment development and assessment, with recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00., February 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Child and Family and Prevention Subcommittee of the Life Course and Prevention Research Review Committee

February 21–23; 9:00 a.m., Wellington Hotel, 2505 Wisconsin Avenue, NW., Washington, D.C. 20007.

Open—February 21; 9:00–10:00 a.m.

Closed—Otherwise.

Contact: Nell Brock, Parklawn Building, Room 9C–08, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–1177.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities as they relate to the mental health of the child and family and prevention, with recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., February 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Mental Health Behavioral Sciences Research Review Committee

February 21–23; 9:00 a.m., The Wellington Hotel, 2505 Wisconsin Avenue, NW., Washington, D.C. 20007.

Open—February 21; 9:00–10:00 a.m.

Closed—Otherwise.

Contact: Naomi Lichtenberg, Parklawn Building, Room 9C26, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3936.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities relating to behavioral science areas relevant to mental health and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., February 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Basic Psychopharmacology Subcommittee of the Neurosciences Research Review Committee

February 21–23; 9:00 a.m., Ramada Inn, Bethesda, 8400 Wisconsin Avenue, Bethesda, Maryland 20014.

Open—February 21; 9:00–10:00 a.m.

Closed—Otherwise.

Contact: Lynn Warwick, Parklawn Building, Room 9C26, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3944.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities relating to basic psychopharmacology and neuropsychology, with recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., February 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Neurobehavioral Research Subcommittee of the Neurosciences Research Review Committee

February 21–23; 9:00 a.m., Marriott Hotel, Washington, 1221 22nd Street, NW., Washington, D.C. 20037.

Open—February 21; 9:00–10:00 a.m.

Closed—Otherwise.

Contact: Dorothy Tengood, Parklawn Building, Room 9C26, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3936.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities relating to basic psychopharmacology and neuropslychology, with recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., February 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

National Advisory Mental Health Council

February 25—National Institutes of Health, 9000 Rockville Pike, Building 31C, Conference Room 6, Bethesda, Maryland 20205, February 26, 27, Parklawn Building, Conference Rooms G & H, 5600 Fishers Lane, Rockville, Maryland 20857.

Open—February 25; 9:00 a.m.–5:00 p.m.

Closed—Otherwise.

Contact: Helen W. Garrett, Parklawn Building, Room 17C26, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4333.

Purpose: The Council advises the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health regarding policies and programs of the Department in the field of mental health. The Council review applications for grants-in-aid relating to research and training in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and amount of, the grants.

Agenda: On February 25, the meeting will be open for discussion and NIMH policy issues and will include current administrative, legislative, and program developments. Attendance by the public for the open session will be limited to space available. Otherwise, the Council will conduct a final review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Applied Behavioral Sciences Subcommittee of the Mental Health Research Education Review Committee

February 28—March 1; 9:00 a.m., Holiday Inn, Georgetown, 2101 Wisconsin Avenue, NW., Washington, D.C. 20007.

Open—February 28; 9:00 a.m.–10:00 a.m.,

Closed—Otherwise.

Contact: Emilie Embrey, Parklawn Building, Room 9–101, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3857.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research training activities in the areas of biological sciences, the psychological sciences, and the applied behavioral sciences related to mental health, with recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., February 28, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal Assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Biological/Neurosciences Subcommittee of the Mental Health Research Education Review Committee

February 28–March 1; 9:00 a.m., Linden Hill Hotel, Pinehurst Room, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

Open—February 28; 9:00–10:00 a.m.

Closed—Otherwise.

Contact: Betty Russel, Parklawn Building, Room 9–101, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3857.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research training activities in the area of biological sciences related to mental health, with recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-10:00 a.m., February 28, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Psychological Sciences Subcommittee of the Mental Health Research Education Review Committee

February 28–March 1; 9:00 a.m., Holiday Inn, Georgetown, Dunbarton Room, 2101 Wisconsin Avenue, NW., Washington, D.C. 20007.

Open—February 28; 9:00-10:00 a.m.

Closed—Otherwise.

Contact: Sandra Buckhalter, Parklawn Building, Room 9–101, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–3857.

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research training activities in the areas of psychological sciences related to mental health, with recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-10:00 a.m., February 28, the meeting will be open

for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of Committee members may be obtained as follows: NIAAA: Mrs. Diana Widner, Committee Management Officer, Room 16C20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4375. NIDA: Ms. Claudette Wright, Committee Management Officer, Room 10-22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-1644. NIMH: Ms. Helen W. Garrett, Committee Management Officer, Room 17C26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4333.

Dated: January 25, 1985.

Sue Simons,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 85-2450 Filed 1-30-85; 8:45 am]

BILLING CODE 4160-20-M

Centers for Disease Control

National Dental Disease Prevention Conference; Open Meeting

On April 23-25, 1985, the Centers for Disease Control (CDC), with the cooperation of the Association of State and Territorial Dental Directors (ASTTD), will sponsor a National Dental Disease Prevention Conference. The meeting is scheduled to begin at 1:00 p.m. on April 23 at the Hotel Utah, Salt Lake City, Utah, and is open to the public, limited only by the space available.

Scientific papers and technical demonstrations of fluoridation equipment will be presented. The purpose of the technical demonstrations is to convey knowledge and understanding of a variety of complex equipment, and does not constitute endorsement by either the CDC or ASTDD.

For further information, please contact: Darrell H. Sanders, Jr., Fluoridation Engineer, Dental Disease Prevention Activity (FWY-PK 1600 TC), Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, telephones: FTS: 236-1833, Commercial: 404/329-1833.

Dated: January 24, 1985.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 85-2455 Filed 1-30-85; 8:45 am]

BILLING CODE 4160-18-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 2182]

California; Partial Termination of Classification for Multiple Use Management

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action terminates one classification of public land for multiple use management as it affects 520 acres in the Redding Resource Area Office of the Ukiah District Office, Bureau of Land Management.

ADDRESS: Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, California State Office, 2800 Cottage Way (Room E-2841), Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Sonia Santillan, California State Office, (916) 484-4431.

SUPPLEMENTARY INFORMATION: Pursuant to the authority delegated by Appendix 1 of Bureau of Land Management Manual 1203 dated January 3, 1983, the following Bureau of Land Management classification for multiple use management is hereby terminated insofar as it affects the following described land:

Mount Diablo Meridian

S 2182 dated December 16, 1968
33 FR 19201 ((December 24, 1968) FR Doc. 68-15279)
All public land in:
T. 47 N., 1 W.,
Secs. 14 and 22.

The areas described aggregate 520 acres in Siskiyou County.

The above-referenced classification order segregated the public land from appropriation under the agricultural land laws (43 U.S.C., Chs. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The order did not segregate the land from mining or mineral leasing.

At 10:00 a.m. on March 11, 1985, the segregative effect imposed by the classification will terminate insofar as it affects the above-described public land.

Ed Hastey,

State Director.

[FR Doc. 85-2532 Filed 1-30-85; 8:45 am]

BILLING CODE 4310-40-M

[S 581, S 582, S 598 S 599, S 699 S 1212, S 1263 S 1353 S 1477, S 2183, S 2635A, and S 2701A]

California; Termination of Classifications for Multiple Use Management

January 28, 1985.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action terminates, in their entirety, 12 classifications of public land for multiple use management, affecting a total of approximately 264,377 acres located in areas of the Ukiah District Office.

ADDRESS: Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, California State Office, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Sonia Santillan, California State Office, (916) 484-4431.

SUPPLEMENTARY INFORMATION: Pursuant to the authority delegated by Appendix 1 of Bureau of Land Management Manual 1203 dated January 3, 1983, the Bureau of Land Management's classifications for multiple use management, the descriptions of which are contained in the following previously published **Federal Register** notices, are hereby terminated in their entirety:

Mount Diablo Meridian

S 581 dated December 27, 1967
33 FR 156 ((January 5, 1968) FR Doc. 68-143), as amended October 2, 1970 (35 FR 15058 (October 13, 1970, FR Doc. 70-13708)) and September 19, 1984 (49 FR 38202 (September 27, 1984, FR Doc. 84-25604))

The lands described in the above-referenced document, as amended, aggregate approximately 49,088 acres in Shasta and Tehama Counties.

S 582 dated December 27, 1967
33 FR 156 ((January 5, 1968) FR Doc. 68-143), as amended September 19, 1984 (49 FR 38302 (September 27, 1984, FR Doc. 84-25604))

The lands described in the above-referenced document, as amended, aggregate approximately 3,222 acres in Shasta County.

S 598 dated December 14, 1967

32 FR 20661 ((December 21, 1967) FR Doc. 67-14814), as corrected (33 FR 2571 (February 3, 1968, FR Doc. 68-1351)) and modified February 27, 1981 (46 FR 16137 (March 11, 1981, FR Doc. 81-7583))

The lands described in the above-referenced document aggregate approximately 75,995 acres in Mendocino, Trinity, and Lake Counties.

S 599 dated December 8, 1967

32 FR 20663 ((December 21, 1967) FR Doc. 67-14815), as corrected (33 FR 2571 (February 3, 1968, FR Doc. 68-1351))

The lands described in the above-referenced document aggregate approximately 9,106 acres in Mendocino and Lake Counties.

S 669 dated December 8, 1967

32 FR 20663 ((December 21, 1967) FR Doc. 67-14816), as corrected (33 FR 418 (January 11, 1968, FR Doc. 68-387))

The lands described in the above-referenced document aggregate approximately 33,600 acres in Mendocino, Humboldt, Trinity Counties.

S 1262 dated April 23, 1968

33 FR 6670 ((May 1, 1968) FR Doc. 68-5193), as corrected May 8, 1968 (33 FR 7161 (May 15, 1968, FR Doc. 68-5759))

The lands described in the above-referenced document aggregate approximately 24,400 acres in Tehama County.

S 1263 dated April 23, 1968

33 FR 6670 ((May 1, 1968) FR Doc. 68-5193), as corrected May 8, 1968 (33 FR 7161 (May 15, 1968, FR Doc. 68-5759)) and amended September 19, 1984 (49 FR 38202 (September 27, 1984, FR 84-25604))

The lands described in the above-referenced document, as amended, aggregate approximately 14,755 acres in Tehama and Butte Counties.

S 1353 dated June 12, 1968

33 FR 9119 ((June 20, 1968) FR Doc. 68-7259), as amended September 19, 1984 (49 FR 38202 (September 27, 1984, FR Doc. 84-25604))

The lands described in the above-referenced document, as amended, aggregate approximately 6,584 acres in Colusa and Glenn County.

S 1477 dated November 27, 1968

33 FR 18243 ((December 7, 1968) FR Doc. 68-14640), as modified February 27, 1981 (46 FR 16137 (March 11, 1981, FR Doc. 81-7583))

The lands described in the above-referenced document aggregate approximately 10,551 acres in Humboldt County.

S 2183 dated December 16, 1968

33 FR 19201 ((December 24, 1968) FR Doc. 68-15279)

The lands described in the above-referenced document aggregate approximately 23,638 acres in Siskiyou County.

S 2635A dated July 30, 1970

35 FR 12561 ((August 6, 1970) FR Doc. 70-10238

The lands described in the above-referenced document aggregate approximately 5,037 acres in Sonoma and Mendocino Counties.

S 2701A dated November 20, 1970

35 FR 18128 ((November 26, 1970) FR Doc. 70-15888), as modified Feburary 27, 1981 (46 FR 16137 (March 11, 1981, FR Doc. 81-7583))

The lands described in the above-referenced document aggregate approximately 8,401 acres in Humboldt and Trinity Counties.

1. Land description of each classification is available for inspection at the California State Office in Sacramento and Ukiah District Office of the Bureau of Land Management.

2. The classification orders segregated the public lands from appropriation under the agricultural land laws (43 U.S.C., Chs. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), including approximately 8,499 acres from location under the mining laws. The orders, otherwise, did not segregate from mining and mineral leasing.

3. At 10:00 a.m. on March 11, 1985, the segregative effect imposed by the classifications will terminate.

Ed Hastey,

State Director.

[FR Doc. 85-2533 Filed 1-30-85; 8:45 am]

BILLING CODE 4310-40-M

[S 2184 and S 2185]

California; Partial Termination of Classifications for Multiple Use Management

January 28, 1985.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action terminates two classifications of public land for multiple use management as they affect approximately 48,088 acreas in the Redding Resource Area of the Ukiah District.

ADDRESS: Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, California State Office, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Sonia Santillan, California State Office, (916) 484-4431.

SUPPLEMENTARY INFORMATION: Pursuant to the authority delegated by Appendix 1 of Bureau of Land Management Manual 1203 dated January 3, 1983, the Bureau of Land Management's classifications for multiple use management, the descriptions of which are contained in the following previously published **Federal Register** notices, are hereby terminated in their entirety *except* as otherwise indicated below:

S 2184 dated December 16, 1968

33 FR 19201 ((December 24, 1968) FR Doc. 68-15279), as modified October 17, 1980 (45 FR 69052, FR Doc. 80-32434)

The lands described in the above-referenced document aggregate approximately 10,030 acreas in Siskiyou County.

The classification will remain in effect as to the following described land, affecting approximately 55 acreas.

Mount Diablo Meridian

T. 46, N., R. 6 W.,
Sec. 5, NE¼SW¼NE¼, and E½SW¼SW¼NE¼.
T. 47 N., R. 6 W.,
Sec. 32, SE¼SE¼.

S 2185 dated December 16, 1968

33 FR 19201 ((December 24, 1968) FR Doc. 68-15279), as amended September 19, 1984 (49 FR 38202, (September 27, 1984, FR Doc. 84-25604))

The lands described in the above-referenced document, as amended, aggregate approximately 39,022 acreas in Trinity County.

The classification will remain in effect as to the following described land, affecting approximately 909 acreas.

Mount Diablo Meridian

T. 33 N., R. 9 W.,
Sec. 27, NE¼NE¼;
Sec. 28, N½NE¼, W½SW¼NE¼, E½SE¼NE¼, and W½;
Sec. 32, N½, SE¼NE¼SW¼NE¼SW¼, E½SE¼SW¼NE¼SW¼, W½W½SW¼SW¼NE¼SW¼, E½W½SE¼SW¼NE¼SW¼, W½SE¼SW¼NW¼SW¼, SE¼SE¼SW¼NW¼SW¼, S½NE¼SE¼NW¼SW¼, S½SE¼NW¼SW¼, NE¼NW¼NW¼SW¼, NW¼SE¼NW¼NW¼SW¼, NE¼SE¼, NE¼NW¼SE¼, NW¼SW¼SE¼, E½SW¼SW¼SE¼, E½SE¼SW¼SE¼, E½NE¼SE¼SE¼, and S½SE¼SE¼.

1. Land description of the terminated portions of the classifications is available for inspection at the California State Office in Sacramento and the respective District and Resource Area Offices.

2. The above-reference classification orders segregated the public lands from appropriation under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), including approximately 2,378 acres from mining. The orders, otherwise, did not segregate from mining and mineral leasing.

3. Except for the lands that remain classified, as described above, at 10:00 a.m. on March 11, 1985, the segregative

effect imposed by the above-referenced classification orders will terminate.

Ed Hastey,

State Director.

[FR Doc. 85-2534 Filed 1-30-85; 8:45 am]

BILLING CODE 4310-40-M

Intent To Amend the Red Mountain Planning Unit Management Framework Plan; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: Pursuant to 43 CFR 1610.2(c) notice is hereby given that the Arcata Resource Area, Ukiah District, California will prepare an amendment to the Red Mountain Management Framework Plan.

DATES: Scheduled for completion by September 30, 1985 are appropriate resource inventories, a draft plan, and an environmental assessment for the amendment.

FOR FURTHER INFORMATION CONTACT: Johm T. Lloyd, Resource Area Manager, 1125 16th Street, P.O. Box II, Arcata, California 95521, Telephone (707) 882-7648.

SUPPLEMENTARY INFORMATION: This planning amendment is being prepared prmarily to make land use allocations for recently acquired lands in northern Mendocino County, and to address implications of the Wild and Scenic River designations on public lands along the Eel River. the public is encouraged to participate in the planning process by contacting the Arcata Resource Area Manager with issues and recommendations to be addressed in the plan.

Dated: January 25, 1985.

Van W. Manning,

District Manager.

[FR Doc. 85-2531 Filed 1-30-85; 8:45 am]

BILLING CODE 4310-40-M

[I-21498]

Idaho Falls District; Public Land Sale

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action, direct sale of public lands in Madison County.

SUMMARY: The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of this tract is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The lands will be offered for sale at the appraised fair market value of $2,000. This parcel will be offered using direct sale procedures to Larry Orr based on historic use. Failure of Larry Orr to accept the offer and submit the required amount by April 15, 1984 shall constitute a waiver of this preference consideration.

T. 7 N., R. 38 E., Boise Meridian,
Sec. 24: SE¼SE¼SW¼SW¼SE¼.

Upon publication of this Notice in the **Federal Register**, the land described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of 270 days or until the patent is issued.

This parcel will be sold and is described, under the Government Land Office Cadastral Survey of 1879.

The lands will be subject to the following reservations and conditions when patented:

1. Ditches and canals (43 U.S.C. 945).
2. All minerals.
3. All valid existing rights and reservations of record.

Additional information concerning this parcel, terms and conditions of the sale, and bidding instructions may be obtained from Scott Powers, Realty Specialist, Medicine Lodge Resource Area Office, 940 Lincoln Road, Idaho Falls, Idaho 83401, or by calling 529-1020 during office hours.

Supplementary Information: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager at the above address.

Dated: January 23, 1985.

O'dell A. Frandsen,

District Manager.

[FR Doc. 85-2538 Filed 1-30-85; 8:45 am]

BILLING CODE 4310-84-M

Request For Public Comment on Fair Market Value and Maximum Economic Recovery; Emergency Coal Lease Application M 62073(ND)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management requests public comment on the fair market value of certain coal resources it proposes to offer for competitive lease sale.

The lands included in Coal Lease Application M 62073(ND) are located in Oliver County, North Dakota, approximately three miles south of the town of Center near the Center Mine and are described as follows:

T. 141 N., R. 84 W., 5th p.m.
Sec. 2: Lots 3,4, SW¼NW¼;
Sec. 10: N½NE¼, NE¼NW¼.
239.93 acres.

Two economically minable beds, the Upper Hagel and Lower Hagel are found in this tract. The Upper Hagel seam averages 4.5 feet in thickness and the Lower Hagel seam averages 10.7 feet in thickness. This tract contains an estimated 1.49 million tons of recoverable lignite. The Upper Hagel and Lower Hagel seams are lignite and average (as received) 6,623 BTU/lb. with 36.7 percent moisture, 0.7 percent sulfur, and 8.0 percent ash, 26.6 percent fixed carbon, and 28.0 percent volatile matter.

The public is invited to submit written comments on the fair market value and the maximum economic recovery of the tract.

In addition, notice is also given that a public hearing will be held on March 4, 1985, on the environmental assessment, the proposed sale and the fair market value and maximum economic recovery on the proposed lease tract.

DATES: Comments must be received on or before March 4, 1985.

ADDRESS: For more complete data on this tract, please contact Jeanette Bejot (telephone 406-657-6875), Bureau of Land Management, Montana State Office, 222 North 32nd Street, P. O. Box 36800, Billings, Montana 59107.

The public hearing will be held at 7:30 p.m. at the BLM Dickinson District Office, 201 Sims Street, (Second Floor), Dickinson, North Dakota.

SUPPLEMENTARY INFORMATION: In accordance with the Federal Coal Management regulations 43 CFR 3422 and 3425, not less than 30 days prior to the publication of a notice of sale, the Secretary shall solicit public comments on fair market value appraisal and maximum economic recovery and on factors that may affect these two determinations. Proprietary data marked as confidential may be submitted to the Bureau of Land Management in response to this solicitation of public comments. Data so marked shall be treated in accordance with the laws and regulations governing the confidentiality of such information. A copy of the comment submitted by the public on fair market value and maximum economic recovery, expect those portions identified as proprietary by the author and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the above address during regular business hours (9:00 a.m. to 4:00 p.m.) Monday through Friday.

Comments should be sent to Bureau of Land Management at the above address and should address, but not necessarily be limited to the following information:

1. The quality and quantity of the coal resource;

2. The mining method or methods which would achieve maximum economic recovery of the coal, including specification of seams to be mined and the most desirable timing and rate of production;

3. The quantity of coal;

4. If this tract should be evaluated as part of a larger mining unit (i.e., a tract which does not in itself form a logical mining unit);

5. The configuration of any larger mining unit of which the tract may be a part;

6. Restrictions to mining which may affect coal recovery;

7. The price that the mined coal would bring in the market place;

8. Costs, including mining and reclamation, of producing the coal;

9. The percentage rate at which anticipated income streams should be discounted, either in the absence of inflation or with inflation, in which case the anticipated rate of inflation should be given;

10. Depreciation and other accounting factors;

11. The value of any surface estate where held privately;

12. Documented information on the terms and conditions of recent and similar coal land transactions in the lease sale area; and

13. Any comparable sales data of similar coal lands.

The values given above may or may not change as a result of comments received from the public and changes in market conditions between now and when final economic evaluations are completed.

Dated: January 23, 1985.

John Kwiatkowski,

Acting State Director.

[FR Doc. 85-2513 Filed 1-30-85; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Canon City District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 that a meeting of the Canon City District Advisory Council will be held on Wednesday and Thursday, February 27 and 28, 1985.

The Council will meet from 1 p.m. to 5 p.m. on February 27, and again on February 28 from 8 a.m. to noon, at the Director's Conference Room, Building 50, Denver Federal Center, Denver, Colorado. The meeting agenda will include:

1. Proposed decisions in the soon to be released Northeast Resource Area Resource Management Plan/Environmental Impact Statement.

2. Disposition of federal lands near irrigation reservoirs.

3. Land disposal, sales, exchanges and acquisitions.

4. Occupancy on millsite claims.

5. Kansas Planning Analysis.

6. Reports by Area Managers on current programs.

7. Public presentations to the Council (open invitation). The meeting is open to the public. Persons interested may make oral presentations to the Council between 1:30 p.m. and 2:30 p.m. Wednesday, February 27, 1985 or they may file written statements for the Council's consideration. The District Manager may limit the length of oral presentations depending on the number of people wishing to speak.

ADDRESS: Anyone wishing to make a presentation to the Council orally or in writing should notify the District Manager, Bureau of Land Management, P.O. Box 311, 3080 East Main, Canon City, Colorado 81212 by February 26, 1985.

SUPPLEMENTARY INFORMATION: Summary minutes of the meeting will be available for public inspection and reproduction during regular working hours at the District Office approximately 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Glenn Wallace, (303) 275-0631.

Adrian W. Neisius,

Acting District Manager.

[FR Doc. 85-2469 Filed 1-30-85; 8:45 am]

BILLING CODE 4310-JB-M

Wyoming; Rawlins District Grazing Advisory Board; Meeting

January 22, 1985.

AGENCY: Bureau of Land Management, Rawlins District Office, Rawlins, Wyoming.

ACTION: Meeting of the Rawlins District Grazing Advisory Board.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-463 that a meeting of the Rawlins District Grazing Advisory Board will be held.

DATE: March 7, 1985.

ADDRESS: Central Wyoming College (CWC) Field Station, 50 Field Station Road, Lander, Wyoming.

FOR FURTHER INFORMATION CONTACT: Richard Bastin, District Manager, Rawlins District, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301, (307) 324-7171.

SUPPLEMENTARY INFORMATION: The meeting will begin at 10 a.m. at the CWC Field Station. The agenda for this meeting will include:

1. Status of Cooperative Management Agreements.

2. Range Improvement Policy on the Rock Springs/Rawlins boundary fence.

3. Status of the Sand Dunes Road closure.

4. Changes in the 8100 Program.

5. Update on the Stewardship Program.

6. Status of wild horse roundups.

7. Status of the Medicine Bow land-use plan.

8. Status of the Lander Resource Management Plan.

The meeting is open to the public. Interested persons may make oral statements during the public comment period, or file written statements for consideration. Anyone wishing to make an oral statement must notify the District Manager on or before February 28, 1985. Depending on the number of persons who want to make a statement, a time limit may be established.

Summary minutes will be available for review at the Rawlins District Office. Copies of the minutes may be obtained for the cost of duplication.

Michael J. Karbs,

Associate District Manager.

[FR Doc. 85-2464 Filed 1-30-85; 8:45 am]

BILLING CODE 4310-22-M

[Designation Order CA-059-8501]

Horseshoe Ranch Off-Road Vehicle Designations

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Off-Road Vehicle Designation Decision.

SUMMARY: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of executive orders 11644 and 11989, the Sikes Act (16 U.S.C. 670(g-n)), and regulations contained in 43 CFR Part 8340. The following described lands under administration of the Bureau of Land Management are designated as closed to off-road motorized vehicle use.

The 2242.88 acres affected by this designation are within the area known as the Horseshoe Ranch HMP (a portion of the Horseshoe Ranch management prescription area) in Siskiyou County, California. This designation is a result of Land Use Plan decisions made in 1982 in the Redding Resource Area. This designation is published as final today. Under 43 CFR 4.21, an appeal may be filed within 30 days with the Interior Board of Land Appeals.

The 2242.88 acres of Public Land which will be closed to off-road vehicles are all public land within T. 48 N., R. 5 W., Sections 18, 20, 28, and 30 and T. 48 N., R. 6 W., Sections 14, 24, and 26. This action is taken to protect and enhance crucial wildlife habitat used by the Jenny Creek interstate deer herd.

Maps showing the designated closed area are available at the Redding Resource Area Office of the Bureau of Land Management, 355 Hemsted Drive, Redding, California 96002. Any person who violates or fails to comply with this designation is subject to prosecution as prescribed in 43 CFR 8340.0-7. Penalties for violations may be a fine of not more than $1,000.00 or imprisonment for not longer than 12 months, or both. This designation becomes effective upon publication in the **Federal Register** and will remain in effect until rescinded or modified by the authorized officer. This action was categorically excluded from the environmental assessment process as authorized under 516 DM 5.4E.(24).

ADDRESS: For further information about this designation, contact the Bureau of Land Management, Ukiah District Office, 555 Leslie Street, Ukiah, California 95482 (707) 462-3873.

Edwin G. Katlas,

Associate District Manager.

[FR Doc. 85-2466 Filed 1-30-85; 8:45 am]

BILLING CODE 4310-40-M

New Mexico; Filing of Plat of Survey

January 14, 1985.

The plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10 a.m. on January 18, 1985.

New Mexico Principal Meridian

The dependent resurvey of a portion of the east boundary of the Town of Atrisco Grant, a portion of the south boundary of the Town of Albuquerque Grant, a portion of the south and west boundaries, portions of the subdivisional lines, portions of certain small holding claims in section 32 and the subdivision of section 31 and the survey of lots in sections 31 and 32 in Township 10 North, Range 3 East, New Mexico Principal Meridian, New Mexico, under Group 780 NM, and was accepted December 28, 1984.

This survey was requested by the Albuquerque District Office, Bureau of Land Management.

The plat will be in the open files of the New Mexico State Office, Bureau of Land Management, P. O. Box 1449, Santa Fe, New Mexico 87501. Copies of the plat may be obtained from that office upon payment of $2.50 per sheet.

Gary S. Speight,

Chief, Branch of Cadastral Survey.

[FR Doc. 85-2462 Filed 1-30-85; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Development Operations Coordination Document; Shell Offshore, Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Shell Offshore Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 6779, Block 302, South Timbalier Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on January 24, 1985. Comments must be received on or before February 15, 1985 or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: January 24, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-2461 Filed 1-30-85; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6; Sub-237]

Rail Carriers; Burlington Northern Railroad Co.; Abandonment in Bottineau County, ND; Findings

The Commission has issued a certificate authorizing Burlington Northern Railroad Company to abandon its 12.98-mile rail line between Westhope (milepost 67.50) and Antler (milepost 80.48) in Bottineau County, ND. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on

the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

James H. Bayne,

Secretary.

[FR Doc. 85–2569 Filed 1–30–85; 8:45 am]

BILLING CODE 7035–01–M

Docket No. AB–3; Sub-51X]

Rail Carriers; Missouri Pacific Railroad Co.; Abandonment Exemption in Fort Bend County, TX

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.* the abandonment by the Missouri Pacific Railroad Company of 0.95 miles of rail line in Fort Bend County, TX, subject to employee protective conditions.

DATES: This exemption is effective March 4, 1985. Petitions for reconsideration must be filed by February 20, 1985. Petitions for stay must be filed by February 11, 1985.

ADDRESSES: Send pleadings referring to Docket No. AB–3 (Sub-No. 51X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Joseph D. Anthofer, 1416 Dodge Street, Omaha, NB 68179.

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 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Decided: January 24, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 85–2568 Filed 1–30–85; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30564]

Rail Carriers, Horry County Railway Co. and Willard Formyduval; Exemption; Continuance in Control

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505, the Commission exempts from the prior approval requirements of 49 U.S.C. 11343 the continuance in control of Horry County Railway Company (HCRC) by the Aberdeen and Briar Patch Railway Company, and by Willard Formyduval, subject to protective conditions for rail employees.

DATE: This exemption is effective on March 4, 1985. Petitions for reconsideration must be filed by February 20, 1985. Petitions for stay must be filed by February 11, 1985.

ADDRESSES: Send pleadings referring to Finance Docket No. 30564 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission; Washington, DC 20423

(2) Petitioner's representative: Charles A. Hostetler, 109 Campus Avenue, Raeford, NC 28376.

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 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

Decided: January 22, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 85–2570 Filed 1–30–85; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Lodging of a Partial Consent Decree Between the United States and McDonnell Douglas Corp. Pursuant to the Federal Water Pollution Control Act and the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on December 21, 1984, a proposed partial consent decree in *United States* v. *A&F Materials Company*, Civil Action Number 83–3123, was lodged with the United States District Court for the Southern District of Illinois.

The proposed partial consent decree serves to recover from McDonnell Douglas $150,000 to be paid to the United States and $25,000 to the State of Illinois, for costs which were incurred in connection with the investigative, cleanup, administrative and enforcement activities under the Comprehensive Environmental Response, Compensation and Liability Act related to the Greenup site.

In a prior consent decree entered on September 12, 1984, four other defendants, Aluminum Company of America, Northern Petrochemical Co., Petrolite Corporation, and CAM–OR, Inc., agreed to conduct a full site investigation and a complete surface cleanup at the A&F site in Greenup, Illinois, as well as to reimburse the federal government $340,000 and the State of Illinois $40,000 for costs already incurred at the site.

The Department of Justice will receive for a period of thirty (30) days from the date of publication of this notice comments relating to the proposed partial consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *A&F Materials Company and McDonnell Douglas Corporation, et al.*, D.J. Ref. No. 90–7–1–140.

The proposed consent decree may be examined at the Office of the United States Attorney, Room 330, 750 Missouri Ave., East St. Louis 62202, and at the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please refer to *United States* v. *A&F Materials Company and McDonnell Douglas Corporation, et al.*, D.J. Ref. No. 90–7–1–140, and include a check in the amount of $1.60 ($0.10 per

page reproduction charge) payable to the United States Treasury.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-2467 Filed 1-30-85; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Clean Water Act Enforcement Action; Barr & Barr, et al.

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Barr & Barr, et al.*, Civil Action No. 84-2749-S (D. Mass.) has been lodged with the United States District Court for the District of Massachusetts. The consent decree requires the defendants to comply with the National Emissions Standard for Hazardous Air Pollutants for asbestos promulgated under the Clean Air Act, 42 U.S.C. 7412, 7414, and to pay penalties of $20,000 to the United States for past violations.

The consent decree may be examined at (1) the office of the United States Attorney, District of Massachusetts, J.W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109; (2) the Office of Regional Counsel, U.S. Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203; and (3) the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1515 Main Justice Building, 10th Street and Pennsylvania Avenue, NW., Washington, D.C. 20530.

A copy of the proposed consent decree may be obtained in person or by mail from the Department of Justice. In requesting a copy, please refer to *United States* v. *Barr & Barr, et al.*, D.J. #90-5-2-1-712.

The Department of Justice will receive comments concerning the decree for thirty (30) days from publication of this Notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should reference *United States* v. *Barr & Barr, et al.*, D.J. #90-5-2-1-712.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-2488 Filed 1-30-85; 8:45 am]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-329 OM & OL-50-330 OM & OL]

Consumers Power Co. (Midland Plant, Units 1 and 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for these construction permit modification and operating license proceedings. As reconstituted, the Appeal Board for these proceedings will consist of the following members: Alan S. Rosenthal, Chairman, Thomas S. Moore.

Dated: January 28, 1985.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 85-2529 Filed 1-30-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos.: 50-424 and 50-425]

Georgia Power Co., et al.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an Exemption from a portion of the requirements of General Design Criterion 4 (10 CFR Part 50, Appendix A) to the Georgia Power Company, the Municipal Electric Authority of Georgia, the Oglethorpe Power Corporation and the City of Dalton, Georgia, (the applicants) for the Vogtle Electric Generating Plant, Units 1 and 2, located at the applicant's site in Burke County, Georgia.

Environmental Assessment

Identification of Proposed Action: The Exemption would permit eliminating the need to install the pipe whip restraints and jet impingement shields and their dynamic effects associated with postulated pipe breaks in eight locations per loop in the Vogtle, Units 1 and 2 primary coolant system, on the basis of advanced calculational methods for assuring that piping stresses would not result in rapid piping failure; i.e., pipe breaks.

Need for Proposed Action: The proposed Exemption is required because General Design Criterion (GDC) 4 requires that structures, systems and components important to safety shall be appropriately protected against dynamic effects including the effects of discharging fluids that may result from equipment failures, up to and including a double-ended rupture of the largest pipe in the reactor coolant system (Definition of LOCA). In recent submittals the applicants have provided information to show by advanced fracture mechanics techniques that the detection of small flaws by either inservice inspection or leakage monitoring systems is assured long before flaws in the piping materials can grow to critical or unstable sizes which could lead to large break areas such as the double-ended guillotine break or its equivalent. The NRC staff has reviewed and accepted the applicants' conclusion. Therefore, the NRC staff agrees that the double-ended guillotine break in the primary pressure coolant loop piping need not be required as a design basis accident for pipe whip restraints and jet shields, and their associated dynamic effects i.e., the restraints and jet shields are not needed. Accordingly, the NRC staff agrees that an exemption from GDC 4 is appropriate.

Environmental Impact of the Proposed Action: The proposed Exemption would not affect the environmental impact of the facility. No credit is given for the barriers to be eliminated in calculating accident doses to the environment. While the jet impingement barriers would minimize the damage from jet forces from a broken pipe, the calculated limitation on stresses required to support this Exemption assures that the probability of pipe breaks which could give rise to such forces are extremely small; thus, the pipe whip restraints and jet shields would have no significant effect on overall plant accident risk.

The Exemption does not otherwise affect radiological plant effluents. Likewise, the relief granted does not affect non-radiological plant effluents, and has no other environmental impact. The elimination of the pipe whip restraints and jet impingement shields would tend to lessen the occupational doses to workers inside containment. Therefore, the Commission concludes that there are no significant radiological or non-radiological impacts associated with this Exemption.

The proposed Exemption involves design features located entirely within the restricted area as defined in 10 CFR 20. It does not affect plant non-radioactive effluents and has no other environmental impact. Therefore, the Commission concludes that there are no non-radiological impacts associated with this proposed Exemption.

Since we have concluded that there are no measurable negative environmental impacts associated with this Exemption, any alternatives would not provide any significant additional protection of the environment. The alternative to the compliance would be to require literal compliance with GDC 4.

Alternative Use of Resources: This action does not involve the use of resources not previously considered in the Final Environmental Statement (construction permit) for Vogtle, Units 1 and 2.

Agencies and Persons Contacted: The NRC staff reviewed the applicants' request and applicable documents referenced therein that support this Exemption for Vogtle, Units 1 and 2. The NRC did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for this action. Based upon the environmental assessment, we conclude that this action will not have a significant effect on the quality of the human environment.

For details with respect to this action, see the request for exemption dated April 2, 1984, and additional information provided by the applicants in letters dated October 25, 1983, May 17, 1984, and December 21, 1984. These documents, utilized in the NRC staff's technical evaluation of the exemption request, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Burke County Public Library, 4th Street, Waynesboro, Georgia 30830. The staff's technical evaluation of the exemption request will be published with the exemption (if the exemption is granted) and will also be available for inspection at both locations listed above.

Dated at Bethesda, Maryland, this 25th day of January 1985.

For the Nuclear Regulatory Commission.

Thomas M. Novak,

Assistant Director for Licensing, Division of Licensing.

[FR Doc. 85-2530 Filed 1-30-85; 8:45 am]

BILLING CODE 7590-01-M

Appointments to Performance Review Board for Senior Executive Service

AGENCY: Nuclear Regulatory Commission.

ACTION: Appointments to Performance Review Board for Senior Executive Service.

SUMMARY: The Nuclear Regulatory Commission (NRC) has announced the following new appointment to the NRC Performance Review Board (PRB): Harold R. Denton, Director, Office of Nuclear Reactor Regulation.

In addition to the above appointment, the following members are continuing on the PRB:

Guy H. Cunningham, Executive Legal Director
John G. Davis, Director, Office of Nuclear Material Safety and Safeguards
James G. Keppler, Regional Administrator, Region III
Martin G. Malsch, Deputy General Counsel for Domestic Licensing and Regulation, Office of the General Counsel
Patricia G. Norry, Director, Office of Administration
Thomas Rehm, Assistant for Operations, Office of the Executive Director for Operations
Denwood F. Ross, Deputy Director, Office of Nuclear Regulatory Research
James M. Taylor, Director, Office of Inspection and Enforcement.

All appointments are made pursuant to § 4314 of Chapter 43 of Title 5 of the United States Code.

EFFECTIVE DATE: January 31, 1985.

FOR FURTHER INFORMATION CONTACT: Patricia G. Norry, Chair, Performance Review Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-492-7335.

Dated at Bethesda, Maryland, this 24 day of January.

For the Nuclear Regulatory Commission.

Jack W. Roe,

Chairman, Executive Resources Board.

[FR Doc. 85-2528 Filed 1-30-85; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Implementation of Modifications in Specialty Steel Import Relief

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: This notice permits the withdrawal from warehouse for consumption of a quantity of certain stainless steel bar, presently subject to quota.

EFFECTIVE DATE: January 21, 1985.

FOR FURTHER INFORMATION CONTACT: Maria T. Springer, Office of the United States Trade Representative (202) 395-4946.

SUPPLEMENTARY INFORMATION: Presidential Proclamation 5074 of July 19, 1983 (48 FR 33233), provides for the temporary imposition of increased tariffs and quantitative restrictions on certain stainless steel and alloy tool steel imported into the United States. Headnote 10(d), part 2A of the Appendix to the Tariff Schedules of the United States (TSUS) authorizes the U.S. Trade Representative to adjust the restraint level for any such steel to be exceeded during any restraint period.

Accordingly, I have determined that an amount not to exceed two and three-quarters short tons of the following stainless steel bar, provided for in Tariff Schedules of the United States (TSUS) item 926.11, may be entered for consumption or withdrawn from Customs bonded warehouse, in excess of the restraint level provided for the period January 20, 1985-April 19, 1985, for the "Other" foreign country category:

Round stainless steel bar, centerless ground, not less than 2.342 millimeters and not more than 2.350 millimeters in diameter, 3 meters in length, containing, in addition to iron, each of the following elements by weight in the amount specified:

Carbon:

Not less than 0.40 percent;
Not more than 0.47 percent;

Manganese: 0.50 percent;
Sulfur: 0.005 percent;
Phosphorus: 0.019 percent;
Silicon: 0.35 percent;
Chromium:

Not less than 12.0 percent;
Not more than 13.0 percent;

Nickel: 0.30 percent;
Copper: 0.05 percent;
Molybdenum: 0.04 percent;
Aluminum: 0.01 percent;

and certified by the importer of record or the ultimate consignee at the time of entry for use in the manufacture of dental burs.

In addition, an identical amount shall be deducted from the quota quantity allocated to the "Other" foreign country category for TSUS item 926.11 for the restraint period April 20, 1985-July 19, 1985. This determination supersedes the provisions of the notice of October 20, 1983 (48 FR 48888), to the extent inconsistent herewith.

William E. Brock,

U.S. Trade Representative.

[FR Doc. 85-2447 Filed 1-30-85; 8:45 am]

BILLING CODE 3190-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Establishment; Conservation Programs Task Force and Residential Model Conservation Standards Technical Task Force

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of establishment of Conservation Programs Task Force and Residential Model Conservation Standards Technical Task Force.

SUMMARY: On January 9, 1985, in Portland, Oregon, the Northwest Power Planning Council established a Conservation Programs Task Force and a Residential Model Conservation Standards Technical Task Force as advisory committees to the Council. This notice describes the Task Forces, provides information on how to obtain notices of Task Force meetings, and explains how to request copies of the Task Forces' charters.

FOR FURTHER INFORMATION CONTACT: Mark Cherniack, Conservation Analyst (regarding Conservation Programs Task Force) or Tom Eckman, Conservation Analyst (regarding Residential Model Conservation Standards Technical Task Force), at (toll-free) 8-800-222-3355 from Montana, Idaho, Washington and California; (toll-free) 1-800-452-2324 in Oregon; or (503) 222-5161 from other states.

Individuals and entities wishing to receive notice of Task Force meetings or copies of the Task Forces' advisory committee charters should contact Dulcy Mahar, Director of Public Information and Involvement, by writing her at the Council's central office, Suite 1100, 850 S.W. Broadway, Portland, Oregon 97205, or by calling her at (toll-free) 1-800-222-3355, from Montana, Idaho, Washington and California; (toll-free) 1-800-452-2324 in Oregon; or (503) 222-5161. The charters also are available for inspection and copying in the public reading room of the Council's central office on weekdays between 8:30 a.m. and 4:30 p.m.

SUPPLEMENTARY INFORMATION: On April 27, 1983, the Council adopted the first Northwest Conservation and Electric Power Plan (the Plan), as required by the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501, 16 U.S.C. 839 (the Act). The Plan included a number of measures dealing with energy conservation in the residential, commercial, industrial and agricultural sectors. The Council is now preparing to revise its Plan in 1985. As part of that revision process, the Council has already formed an Industrial Conservation Advisory Committee to provide the Council with advice and recommendations. The Conservation Programs Task Force has now been formed to perform a similar advisory function regarding the Council's residential, commercial and agricultural conservation programs.

The Plan also included model conservation standards for new residential buildings. Accordingly, the Residential Model Conservation Standards Technical Task Force was formed to provide the Council with advice and recommendations regarding technical issues concerning the model conservation standards.

The Council established the Task Forces, selected Task Force chairmen, and adopted charters for the Task Forces during a public meeting held on January 9, 1985, in Portland, Oregon. The charters describe the objectives and activities of the Task Forces, their authority, and related matters. They also contain rules for Task Force procedures on meeting notices, public participation, minutes, records, conflicts of interest, and reimbursement of certain committee member expenses. Under section 4(a)(4) of the Act, the terms of the Federal Advisory Committee Act, 5 U.S.C. App. I, sections 1-14, apply "to the extent appropriate" to the Council's advisory committees.

Edward Sheets,
Executive Director.

[FR Doc. 85-2463 Filed 1-30-85; 8:45 am]

BILLING CODE 0000-00-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petitions for Exemption or Waiver of Compliance; Metro-North Commuter Railroad Co., et al.

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received requests for an exemption from or waiver of compliance with certain requirements of its safety standards. The individual petitions are described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being requested.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number RST-84-21) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before March 16, 1985, will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.- 5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

The individual petitions seeking an exemption or waiver of compliance are as follows:

Metro-North Commuter Railroad Company

[Waiver Petition Docket No. RSGM-84-2]

The Metro-North Commuter Railroad (MNCR) seeks both a temporary and permanent waiver of compliance with certain provision of the Safety Glazing Standards (49 CFR Part 223) for portions of their fleet of passenger cars. MNCR seeks a temporary waiver of compliance to complete the retrofitting of a total of 436 cars. This includes 426 M1 or M2 series self-propelled passenger cars and 10 RDC cars to be completed by June 30, 1985. MNCR also seeks a permanent waiver of compliance for safety glazing and for the installation of emergency opening windows for 131 standard passenger coaches since these coaches will soon be phased out and replaced by new M3A series cars. MNCR seeks a permanent waiver of compliance with the requirements to install emergency opening window for their entire fleet of 426 M1 and M2 cars due to shortage of funds and equipment.

MNCR claims the requested waivers would assist Metro-North and its parent agencies, Metropolitan Transportation Authority and Connecticut Department of Transportation, in meeting their financial burdens and that granting the waivers would impose no significant risk to the commuting public or employees of the railroad.

Union Pacific Railroad Company

[Waiver Petition Docket No. RSGM-84-4]

The Union Pacific Railroad Company (UP) seeks a temporary waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223). UP seeks a temporary waiver of compliance to allow additional time to complete their glazing retrofit program for a total of 1,371 locomotives and 799 cabooses.

UP notes that as of August 31, 1984, it had only 273 locomotives and 402 cabooses remaining to be equipped with FRA approved glazing and that the retrofit program should be completed by December 31, 1984.

Louisville, New Albany and Corydon Railroad Company

[Waiver Petition Docket No. RSGM-84-5

The Louisville, New Albany and Corydon Railroad Company (LNAC) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for their single locomotive. The LNAC operates on approximately 8 miles of track, primarily in switching service, between Corydon and Corydon Junction, Indiana. The LNAC indicates there have been no injuries to train crew members for the past 20 years and vandalism has not been a problem.

Ferdinand Railroad Company

[Waiver Petition Docket No. RSGM-84-6]

The Ferdinand Railroad Company (FRDN) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for one 45-ton General Electric Diesel Locomotive built in 1951. The FRDN notes that the average utilization of their locomotive is two daylight trips per week over approximately seven miles of track in southern Indiana at a maximum speed of 20 miles per hour. Each trip takes approximately two hours including switching time. In FRDN indicates that vandalism has not been a problem and they have never had to replace any glass. The FRDN feels that, due to their limited operation, the replacement of exiting glazing with costly certified materials is economically unfeasible.

Tennessee Valley Authority

[Waiver Petition Docket No. RSGM-84-7]

The Tennessee Valley Authority (TVA) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for three locomotives. The TVA indicates the three locomotives operate on a 6 mile line between the TVA's Kingston Steam Plant and the Emory Gap interchange yard located near Harriman, Tennessee. The TVA indicates the area is rural in nature and they have experienced no incidences of violence or damage to cab windows.

Long Island Railroad

[Waiver Petition Docket No. RSGM-84-8]

The Long Island Railroad (LI) seeks a permament waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for 174 M3 passenger cars. The LI requests permission to utilize the eight quarter point doors on these cars as emergency exits in place of four emergency opening windows.

The LI indicates use of the eight quarter point doors as emergency exits in place of four emergency opening windows would effectively increase the escape area by 89.6 square feet per car.

Port Bienville Railroad

[Waiver Petition Docket No. RSGM-84-9]

The Port Bienville Railroad seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for one locomotive. The locomotive is operated within a fenced and guarded industrial park in addition to about 4½ miles of main track located in a wooded unpopulated area along the Louisiana border near Waveland, Mississippi. The carrier's records for 1983 indicate there were no reported incidents of vandalism or injury due to broken glass.

Caney Fork and Western Railroad Inc.

[Waiver Petition Docket No. RSGM-84-10]

The Caney Fork and Western Railroad (CFWR) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for two locomotives. The CFWR begin operations on December 26, 1983, in a rural area between Tullahoma and Sparta, Tennessee. The carrier has not experienced any incidents of vandalism or accidents involving broken windows since they began operations.

Iowa Northern Railroad Company

[Waiver Petition Docket No. RSGM-84-11]

The Iowa Northern Railroad Company (IANR) seek a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for one locomotive. The IANR operates from Cedar Rapids through Vinton of Manly, Iowa, and from Vinton to Dysart, Iowa, a total distance of about 142 miles. IANR records indicate the carrier has not had a reportable injury since it began operation in August 1981; however, the carrier has experienced incidents of vandalism.

Pittsburgh and Lake Erie Railroad Company

[Waiver Petition Docket No. RSGM-84-12]

The Pittsburgh and Lake Erie Railroad Company (P&LE) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for four passenger coaches used in commuter service between Pittsburgh and Beaver Falls, Pennsylvania, a distance of 31 miles. The P&LE states that the four cars make five round trips per week; were built in 1948; and are expected to be replaced within the next 2 years. The P&LE railroad states they have had no injuries to passengers resulting from glazing problems for the past 21 years.

Colorado and Eastern Railroad Company

[Waiver Petition Docket No. RSGM-84-13]

The Colorado and Eastern Railroad Company (COE) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for eight locomotives. Four of the units operate over approximately nine miles of main line and yard switching tracks located in the metropolitan area between Denver and Aurora, Colorado. The remaining four units operate approximately 78 miles of abandoned N&W line between Council Bluffs and Elmo, Missouri. The COE indicates that it has not experienced any acts of vandalism involving equipment operated in train service in these areas.

Duluth, Missabe and Iron Range Railway Company

[Waiver Petition Docket No. RSGM-84-14]

The Duluth Missabe and Iron Range Railway Company (DMIR) seeks a temporary waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) until December 31, 1984, for 20 cabooses. The DMIR is requisting this additional time to allow for the retrofiting of additional cabooses as well as for the outcome of negotiations covering caboose-off issues.

Southern Indiana Railway, Inc.

[Waiver Petition Docket No. RSGM-84-15]

The Southern Indiana Railway (SIND) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) and Safety Appliance Standards (49 CFR Part 231) for two locomotives. The locomotives operate over five miles of

rural countryside and the SIND indicates they have not experienced any incidents of rock throwing or other acts of vandalism. The SIND further indicates they have not had any accidents attributable to the exterior mounted locomotive stairways and that the cost to convert these locomotives to built-in stairways and install certified glazing would be prohibitive.

Cedar Rapids and Iowa City Railway Company

[Waiver Petition Docket No. RSGM-84-16]

The Cedar Rapids and Iowa City Railway Company (CIC) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for three cabooses and one passenger coach. This equipment is operated at speed not to exceed 25 mph in on-line service only between Cedar Rapids, Iowa, and Hills, Iowa; a distance of 31 miles. The CIC indicates that they have not experienced any problems with glass breakage from vandalism or other causes in the past.

Oregon, Pacific and Eastern Railway Company

[Waiver Petition Docket No. RSGM-84-17]

The Oregon, Pacific and Eastern Railway Company (OPE) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for two diesel locomotives, eleven passenger cars and one caboose. The OPE operates in mostly rural terrain between Cabbage Grove and Culp Creek, Oregon, a distance of about 17.5 miles. The OPE indicates there have been no incidents of rock throwing or gun fire directed at any of their locomotives or passenger cars since their operation began.

Majestic Mining Corporation

[Waiver Petition Docket No. RSGM-84-18]

The Majestic Mining Corporation seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for one locomotive. This locomotive is used as a switch engine at a coal tipple located in a remote section of Clay County, West Virginia. The company indicates they have never had any acts of vandalism concerning this locomotive or other equipment.

Tour Alaska, Inc.

[Waiver Petition Docket No. RSGM-84-19]

Tour Alaska, Inc. seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for four full-dome passenger cars. Tour Alaska, Inc. indicates that these cars will be used for excursion, educational and recreational purposes, in addition to private transportation purposes on portions of the Alaska Railroad for approximately 31 days of the summer season. Tour Alaska, Inc. knows of no vandalism problems on the Alaska Railroad and indicates that the dome glazing for these cars is substantially all curved and would therefore be extraordinarily expensive and difficult to replace with certified glazing.

Utah Railway Company

[Waiver Petition Docket No. RSGM-84-20]

The Utah Railway Company seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for two cabooses. The cabooses are operated in local on-line service over a limited distance in a sparsely populated rural and mountainous area between Martin and Hiawatha, Utah. The carrier indicates they have not encountered any incidents of vandalism or attempted damage to these cabooses.

New York Cross Harbor Railroad

[Waiver Petition Docket No. RSGM-84-21]

The New York Cross Harbor Railroad (NYCH) seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR 223) for one locomotive. The locomotive is operated in a confined area primarily within fenced terminal yards with speeds of less than 5 mph. The NYCH indicates that they have had no incidents of vandalism concerning this locomotive.

Ontario Midland Railroad

[Waiver Petition Docket No. RSGM-84-22]

The Ontario Midland Railroad seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for one caboose. The carrier operates near Sodus, New York, and indicates that the caboose is used very infrequently.

George Hedge Contractor Inc.

[Waiver Petition Docket No. RSGM-84-23]

The George Hedge Contractor, Inc. seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for one locomotive. The locomotive is used primarily in switching operations between two plants connected by approximately 1,000 feet of track. The track is within yard limits with maximum speeds of 20 mph. The track borders on rural pasture land in Deer Park, Texas. The carrier indicates that the chances for vandalism is very remote.

National Railroad Passenger Corporation

[Waiver Petition Docket No. RSGM-84-24]

The National Railroad Passenger Corporation (Amtrak) seeks a temporary waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) for 56 passenger cars in their Heritage fleet. Amtrak indicates that 96% of their passenger car fleet is equipped with certified glazing and that this request for additional time is needed to complete the remaining 4% of their fleet under an on-going glazing retrofitting program. Amtrak seeks the temporary waiver of compliance until July 1, 1986, to complete retrofit of these cars.

Southern Railway Company

[Waiver Petition Docket No. RSGM-84-25]

The Southern Railroad Company (SOU) seeks a temporary waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR Part 223) until June 30, 1986, for 310 cabooses. SOU seeks this additional time to complete the retrofitting of their active fleet of 432 cabooses. SOU indicates the prolonged recession and uncertainty as to the number of cabooses required in active service resulted in disruption of their glazing retrofitting program. SOU indicates no incidents occurred during the last five years which could be related to safety glazing on locomotives or cabooses resulting in a fatality or lost injury time.

Issued in Washington, D.C. on January 25, 1985.

J.W. Walsh,

Associate Administrator for Safety.

[FR Doc. 85-2481 Filed 1-30-85; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Treasury Current Value of Funds Rate

AGENCY: Fiscal Service (Financial Management Service), Treasury.

ACTION: Notice of rate for use in Federal debt collection and discount evaluation.

SUMMARY: Pursuant to section 11 of the Debt Collection Act of 1982 (31 U.S.C. 3717), the Secretary of the Treasury is responsible for computing and publishing the percentage rate to be used in assessing interest charges for outstanding debts on claims owed the Government. Treasury's Cash Management Regulations (I TFM 6-8000) also prescribe use of this rate by

agencies as a comparison point in evaluating the cost-effectiveness of a cash discount. Notice is hereby given that the applicable rate is 9% for the third quarter of FY 1985.

DATES: The rate will be in effect for the period beginning on April 1, 1985 and ending on June 30, 1985.

FOR FURTHER INFORMATION CONTACT: Inquiries should be directed to the Cash Management Division, Financial Management Service, Department of the Treasury, Treasury Annex No. 1, PB-711, Washington, D.C. 20226 (Telephone: 202/634-5131).

SUPPLEMENTARY INFORMATION: The rate reflects the current value of fund to the Treasury for use in connection with Federal cash management systems and is based on investment rates set for purposes of Pub. L. 95-147, 91 Stat. 1227. Computed each year by averaging investment rates for the twelve-month period ending every September 30 for applicability effective January 1, the rate is subject to quarterly revisions if the annual average, on a moving basis, changes by 2 per centum. The rate in effect for the third quarter of FY 1985 reflects the average investment rates for the twelve-month period ended December 31, 1984. The applicable rate will be published on or around the end of the first month of a given quarter for use during the succeeding calendar quarter.

Dated: January 25, 1985.

Richard A. Greenstein,

Director, Working Capital Group.

[FR Doc. 85-2442 Filed 1-30-85; 8:45 am]

BILLING CODE 4810-35-M

UNITED STATES INFORMATION AGENCY

Establishment of USIA Television Telecommunications Advisory Committee

In accordance with section 9(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I) and Federal Advisory Committee Management Interim Regulations (41 CFR 101-6.10), I hereby certify that establishment of the USIA Television Telecommunications Advisory Committee is necessary and in the public interest in connection with the performance of duties imposed on the United States Information Agency by law.

The committee is expected to assist USIA with technical and legal advice on the expansion and effective use of our television satellite communications system as it pertains to U.S. public diplomacy efforts.

Committee members are expected to provide USIA a service which is otherwise unavailable at minimum cost.

Dated: January 23, 1985.

Charles Z. Wick,

Director.

[FR Doc. 85-2459 Filed 1-30-85; 8:45 am]

BILLING CODE 8230-01-M

Invitation for Project Proposals

Reference: OMB Clearance Number 3116-0181 Exp. Date 6-30-87

The United States Information Agency would like to secure the services of an institution of higher education to coordinate and implement orientation/training programs on the West Coast for the Teacher Exchange Program. Universities and colleges with schools or colleges of education in San Francisco or Los Angeles which are located in reasonable proximity of those cities' international gateway airports are invited to submit project proposals.

For application information, please contact Mr. David N. Levin no later than February 19, 1985, at the following address: Teacher Exchange Branch (E/ASX), Office of Academic Programs, United States Information Agency, 301 Fourth Street SW, Washington, D.C. 20547, Telephone (202) 485-2555.

Dated: January 28, 1985.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 85-2482 Filed 1-30-85; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 21
Thursday, January 31, 1985

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).

CONTENTS

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, January 29, 1985.

CHANGE IN THE MEETING: The following matter was added to the agenda for the open portion of the meeting:

"Accrual of Pension Benefits Beyond Normal Retirement Age." A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of change:

Clarence Thomas, Chairman
Tony E. Gallegos, Commissioner
William A. Webb, Commissioner
Fred Alvarez, Commissioner
Ricky Silberman, Commissioner

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat, at (202) 634-6748.

Dated: January 29, 1985.

Cynthia C. Matthews,

Executive Officer, Executive Secretariat.

[FR Doc. 85-2634 Filed 1-29-85; 1:12 pm]

BILLING CODE 6750-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, January 29, 1985.

CHANGES IN THE MEETING: The following items were postponed at the January 29, 1985, meeting and rescheduled for the February 5, 1985 Commission Meeting:

1. Policy Statement on Remedies and Relief for Individual Cases of Unlawful Discrimination.
2. Final Regulation Implementing Section 4(g) of the ADEA 29 U.S.C. 623(g).
3. Accural of Pension Benefits Beyond Normal Retirement Age.

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat, at (202) 634-6748.

Dated: January 29, 1985.

Cynthia C. Matthews,

Executive Officer; Executive Secretariat.

[FR Doc. 85-2035 filed 1-29-85; 1:12 pm]

BILLING CODE 6750-05-M

3

FEDERAL ELECTION COMMISSION

[Federal Register No. 85-1950]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, January 31, 1985 at 10:00 a.m.

THE FOLLOWING ITEM HAS BEEN CONTINUED FROM THE MEETING OF JANUARY 24, 1985: Notice of Proposed Rulemaking—Sunshine Regulations (11 CFR Parts 2 and 3).

DATE AND TIME: Tuesday, February 5, 1985 at 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance. Litigation. Audits. Personnel.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 85-2668 Filed 1-29-85; 2:35 pm]

BILLING CODE 6715-01-M

4

NATIONAL CREDIT UNION ADMINISTRATION

Change in Subject of Meeting

The National Credit Union Administration Board determined that its business required that the previously announced closed meeting on January 24, 1985 include an additional item, which was closed to public observation:

Special Assistance to Prevent Liquidation Under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

The Board voted unanimously to add this item to the closed agenda.

The previously announced items were:

1. Approval of Minutes of Previous Closed Meeting.
2. Personnel Actions. Closed pursuant to exemptions (2) and (6).

The meeting was held at 12:30 p.m., in the Denver Marriott Hotel, Denver, Colorado.

For more information contact:

Rosemary Brady, Secretary of the Board, Telephone (202) 357-1100.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 85-2616 Filed 1-29-85; 11:56 am]

BILLING CODE 7535-01-M

federal register

Thursday
January 31, 1985

Part II

Small Business Administration

13 CFR Part 123

Disaster Loan Program; Interim Final Rule

SMALL BUSINESS ADMINISTRATION

13 CFR Part 123

[Rev. 11, Amt. 4]

Disaster Loan Program

AGENCY: Small Business Administration (SBA).

ACTION: Interim final rule.

SUMMARY: These amendments implement section 111 A of Pub. L. 98-473 (approved October 12, 1984), which added a new Section 23 to the Small Business Act, 15 U.S.C. 631 *et. seq.* (Act). Accordingly, § 123.23(c) of the Regulations is amended to delete the requirement that a Governor's request for a disaster designation certify that at least five businesses in any given county to be designated have suffered substantial economic injury [New section 23(2) of the Act]. Section 123.41(b)(3) of the Regulations is amended to remove the requirement that all members of the board of directors or other governing body of a small agricultural cooperative qualify as small under SBA size standards [Amended section 3(j) of the Act]. In addition, § 123.41(g)(2) is corrected to remove the erroneous implication that disaster loans may not be used for the payment of certain tax delinquencies.

These amendments are published as an interim final rule because they amend an interim final rule which has already been published.

EFFECTIVE DATE: January 31, 1985.

ADDRESS: Comments should be sent to the Deputy Associate Administrator for Disaster Assistance, Room 820, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Bernard Kulik, Deputy Associate Administrator for Disaster Assistance, Telephone (202) 653-6879.

SUPPLEMENTARY INFORMATION: On August 13, 1984, 49 FR 32310, the Small Business Administration published an interim final rule for the Physical and the Economic Injury Disaster Loan Programs authorized respectively by Subsections 7(b)(1) and (2) of the Small Business Act, (15 U.S.C. 636(b)(1) and (2)). This rule was part of SBA's implementation of Title III of the Omnibus Budget Reconciliation Act of 1984, Pub. L. 98-270, approved April 18, 1984 (98 Stat. 157).

The interim final rule continued the requirement of prior regulations for Governors requesting designation of areas of economic injury under Subsection 7(b)(2)(D) of the Act. The rule required Governors to certify that a minimum of five (5) small business concerns, which have suffered substantial economic injury as a result of a disaster, are located in each county or other political subdivision of a State for which a disaster declaration was requested.

Pub. L. 98-473, approved October 12, 1984 (98 Stat. 1837) provides, in part, that eligibility of applicants may not be dependent upon the number of affected small business concerns in a county or other political subdivision. The present amendment is necessary to revise the process for designating areas of economic injury pursuant to Subsection 7(b)(2)(D), in accordance with section 111 A of the cited statute.

Section 123.23(c) of the interim final rule was designed to measure the extent of physical damage. When a physical disaster is declared by SBA, both physical disaster loans [authorized by Subsection 7(b)(1)] and economic injury disaster loans [authorized by Subsection 7(b)(2)] are available in the declared disaster area. When a disaster causes insufficient physical damage to qualify for a declaration, neither physical nor economic injury disaster loans are available. The purpose of Subsection 7(b)(2)(D) is to establish an alternate way for designation of economic injury areas only, when the physical damage does not qualify for a disaster declaration.

The purpose of the threshold contained in the interim final rule requiring that at least 5 small business concerns in each county have suffered substantial economic injury as a result of a physical disaster was to determine when the extent of the injury was sufficient to warrant Federal involvement in the form of subsidized loans. The threshold for cases of economic injury only was less than the minimum of 25 used for physical disasters, declarations. In most disasters, the number of small business concerns which have suffered substantial economic injury is typically only a fraction of the number which have suffered physical losses. Thus, for Subsection 7(b)(2)(D) of the Act to be a meaningful alternative to the physical criteria, the threshold was significantly lower.

To conform to the provisions of the new statute, SBA is amending § 123.23(c) to remove the numerical threshold requirement for each county or other political subdivision. Instead, the amended rule requires the Governor to certify that small business concerns in the State have suffered substantial economic injury to such a degree as to warrant Federal involvement in the form of subsidized loans. Generally, this requirement will be satisfied if at least five (5) small business concerns in the State have suffered substantial economic injury. Under the amended rule, the Governor's certification must specify the counties or other smaller political subdivisions in which the physical disaster has occurred. The amended rule retains the requirement that the Governor certify that such small business concerns are in need of financial assistance which is not otherwise available on reasonable terms in the disaster area.

Pub. L. 98-473 requires a second modification of the interim final rule, with respect to the size standard for small agricultural cooperatives. It provides that the income or number of employees of any member or shareholder of a small agricultural cooperative shall not be considered in size determinations if the cooperative itself is small. The amended rule conforms to this provision by modifying § 123.41(b)(3) for disasters commencing on or after the effective date of Pub. L. 98-473, i.e., October 12, 1984.

The amended rule also modifies § 123.41(g)(2) to make a technical correction concerning the use of loan proceeds. While loan proceeds generally may be used for the alleviation of the economic injury and for working capital, certain uses are prohibited. Among these is the payment of certain tax and non-tax penalties. Certain tax delinquencies, however, might result from the economic injury itself and not from negligence or fraud. The amendment removes the unintended prohibition against the use of loan proceeds for the payment of taxes delinquent because of the economic injury, but retains the prohibition against the use of proceeds for payment of tax penalties resulting from negligence or fraud, and of all non-tax penalties.

The first two amendments here published are made to conform to the statutory change and, require early implementation to make the prompt dispensation of emergency assistance pursuant to the statute possible. Therefore, SBA is adopting these amendments in final form without prior public participation. However, SBA has solicited public comment on the entire interim rule, and on this amendment as well, and will incorporate any compelling comment into its formulation of a final rule on this matter. The third amendment relieves an erroneous and unintended, implied restriction and therefore is also published without prior public participation. Such correction of an erroneous and unintended restriction also requires immediate action, and any

delay would be contrary to the public interest.

Regulatory Impact

SBA certifies that this final rule is not a major rule for purposes of E.O. 12291 since it is not likely to result in an annual economic effect of $100 million or more, nor, to result in a cost increase for anyone anywhere, nor to have an adverse effect on competition or employment. For purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, this final rule may have a significant economic impact on a substantial number of small entities. Consequently, the following information is offered:

1. The reason why these amendments are being adopted, their objectives and legal basis have been indicated above.

2. Description of small entities to which the rule will apply: The first two amended regulations will affect the eligibility of all small businesses applying for economic injury assistance pursuant to section 7(b)(2)(D) of the Small Business Act, 15 U.S.C. 636; and of all small agricultural cooperatives applying for such assistance under section 7(b)(2) generally.

The third amendment will remove an implied restriction on the use of proceeds of any economic injury loans, and permit the use of such proceeds for the payment of tax delinquencies other than tax penalties caused by negligence or fraud. It will affect economic injury loan recipients owing tax penalties not due to negligence or fraud.

It is not possible to estimate the number of small entities that will be affected by these regulations, since SBA has no experience with respect to these changes. However, during FY 1984, SBA accepted twelve Governor's requests and 82 loan applications thereunder pursuant to Section 7(b)(2)(D) and former Regulation § 123.23(c).

3. There are no reporting or record keeping requirements specifically inherent in these amendments. However, applicants will be required to substantiate their requests for assistance.

4. There are no Federal rules which duplicate, conflict with, or overlap these amendments.

5. There are no significant alternatives to these amendments, two of which closely track the underlying statute, while the third corrects a mistake.

These amendments are intended to implement section 111 A of Pub. L. 98-473, adding a new section 23(2) to and amending Section 3(j) of the Small Business Act. They will permit the dispensing of disaster assistance to small concerns and small agricultural cooperatives adversely affected by physical conditions insufficient to trigger a disaster declaration, and to small agricultural cooperatives if their board of directors or other governing body has members which do not meet SBA size standards. In addition, economic injury loan proceeds will be permitted to be used for certain tax delinquencies.

There are no monetary costs or adverse effects inherent in this rule. Since these amendments carry no reporting or record keeping requirements, they are not subject to the Paperwork Reduction Act of 1980, Pub. L. 98-551.

List of Subjects in 13 CFR Part 123

Disaster assistance, Loan programs—business, Small business.

PART 123—[AMENDED]

Accordingly, pursuant to section 111 A(a)(2) and (b) of Pub. L. 98-473 (98 Stat. 1837), Part 123, Chapter I of Title 13 of the Code of Federal Regulations is amended as follows:

1. Paragraph (c) of § 123.23 is revised, and an OMB control number is added at the end of the section to read as follows:

§ 123.23 Declaration procedures.

* * * * *

(c) *Certification by Governor.* When Disaster damage is insufficient for a Major Disaster declaration, an SBA Disaster declaration or a designation by the Secretary of Agriculture, the Governor of the State wherein a Disaster (see § 123.3) occurred may certify to SBA that small business concerns in the State have suffered substantial economic injury (see § 123.41(a)) as a result of the Disaster to such a degree as to warrant Federal involvement in the form of subsidized loans; generally, this requirement will be satisfied if at least five (5) small business concerns in the State have suffered such substantial economic injury. Such certification shall state that such small business concerns are in need of financial assistance which is not otherwise available on reasonable terms in the Disaster Area. The Governor's certification shall further specify the counties or other smaller political subdivisions in which the Disaster occurred. Such certification with supporting documentation shall be sent to the Regional Office serving the region wherein the Disaster occurred within 120 days of the incident period of the Disaster. The Regional Office will forward the request to the appropriate Disaster Area Office where the request will be evaluated and forwarded with a recommendation to SBA's Central Office. The Administrator will take final action and, if the request is approved, publish a notice of Disaster designation in the **Federal Register**. The Administrator may in the case of undue hardship accept such request after 120 days have expired.

* * * * *

[Information collection requirements in paragraph (c) were approved by the Office of Management and Budget under control number 3245-0121.]

2. Paragraphs (b)(3) and (g)(2) of § 123.41 are revised to read as follows:

§123.41 General provisions.

* * * * *

(b) *Eligible applicants.* * * *

(3) Consumer and marketing cooperatives are ineligible. Other cooperatives are eligible only if small and each of the owners would itself qualify as small under Part 121 of this chapter. However, small agricultural cooperatives acting pursuant to the provisions of the Agricultural Marketing Act (12 U.S.C. 114), and meeting the size standards of Part 121 of this Chapter as of the time of the Disaster with respect to which a declaration or designation under section 7(b)(2) of the Act has been issued after September 1, 1982 are eligible: *Provided, however,* That for Disasters commencing before October 12, 1984, all the members of the board of directors or other governing body shall also qualify as small under Part 121 of this chapter.

* * * * *

(g) *Use of Proceeds.* * * *

(2) Proceeds of loans under this subpart shall not be used for the payment of dividends or other disbursements to owners, partners, officers or stockholders unless they constitute reasonable remuneration and are directly related to their performance of services; nor for refunding of existing indebtedness incurred prior to or not as a result of the event which gave rise to the issuance of the declaration or designation or to reduce loans provided, guaranteed or insured by another Federal agency or a small business investment company licensed under the Small Business Investment Act. No part of the proceeds of any loan under this Subpart shall be used, directly or indirectly, to pay any obligations resulting from a Federal, state or local tax penalty as a result of negligence or

fraud, or non-tax criminal fine or any civil fine or penalty for non-compliance with a law, regulation or order of a Federal, state, regional, or local agency or similar matter.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 59.002 Economic Injury Disaster Loans.)

Dated: December 7, 1984.

James C. Sanders,

Administrator.

[FR Doc. 85-2363 Filed 1-30-85; 8:45 am]

BILLING CODE 8025-01-M

federal register

Thursday
January 31, 1985

Part III

Federal Communications Commission

47 CFR Part 73

Inquiry Into the General Fairness Doctrine Obligations of Broadcast Licensees; Hearing

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Gen. Docket No. 84-282]

Inquiry Into the General Fairness Doctrine Obligations of Broadcast Licensees; Hearing

AGENCY: Federal Communications Commission.

ACTION: Announcement of Fairness Doctrine Hearings.

SUMMARY: The Commission is announcing the participants and timetable for its hearings on the fairness doctrine.

The Notice of Inquiry in this proceeding was published in the **Federal Register** on May 14, 1984 (49 FR 20317).

DATES: The hearings will take place on February 7 and February 8, 1985.

ADDRESS: Federal Communications Commission, Commission Mtg. Room, Rm. 856, 1919 M St., N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Marcia Alterman, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Participants, Schedule Set for Fairness Doctrine Hearings

January 28, 1985.

The Federal Communications Commission announced today the participants and timetable for its hearings February 7 and 8 on the fairness doctrine (Gen. Docket 84-282). In announcing the participants, Commission Chairman Mark S. Fowler noted, "This will be a wide-open discussion. The participants crisscross ideological and political boundaries and include some of the leading constitutional scholars in America. Because the First Amendment is the cornerstone of our Bill of Rights, this debate is of national importance."

Last April the Commission initiated a comprehensive inquiry to reassess the general fairness doctrine obligations imposed on broadcast licensees. The fairness doctrine, which has been in effect for over 30 years, requires broadcasters to cover controversial issues of public importance and to provide reasonable opportunities for the presentation of contrasting viewpoints on such issues.

In beginning this inquiry, the Commission noted that developments in First Amendment jurisprudence and communications law in general suggested that continued adherence to the doctrine might be contrary to the public interest and constitutional principles. Changes in the electronic and print media, resulting in a dynamic, robust and diverse marketplace of ideas, called into question the necessity of the doctrine as a means of attaining the objectives it was designed to foster.

This inquiry is the most searching and comprehensive reexamination of the fairness doctrine ever undertaken by the agency. The Commission stated that only after it had completed an exhaustive and thorough study of the doctrine would it recommend any proposed course of action.

Because many individuals and groups expressed an interest in participating in the oral hearings, it was necessary to limit the participants to those with a recognized expertise in the field and those who had filed comments in this proceeding.

For more information contact Marcia Alterman at (202) 632-7792. The contact for media coverage is Maureen Peratino at (202) 254-7674.

The hearings will proceed as follows:

Thursday, February 7, 1985

9:00–9:10—Opening Remarks
9:15–10:45
Panel I
Charles Ferris
Eric Sevareid
Floyd Abrams
Sis Kaplan
Bob Johnson
Joe Waz
10:55–12:25
Panel II
Charles Firestone
Bruce Fein
Andrew Schwartzman
Lou Adler
Bev E. Brown
Ralph Goldberg
J. Clay Smith, Jr.
2:00–3:30
Panel III
William Van Alstyne
Jerome Barron
Sam Simon
Timothy Dyk
Jay Parker
Phyllis Schlafly
Terry Dolan

Friday, February 8, 1985

9:00–10:10
Panel IV
Scott Powe
Richard Wald
Bill Monroe
John Martin
David Rubin
Steve Simmons
10:15–11:25
Panel V
Tom Krattenmaker
Lee Bollinger
Peter Prichard
Craig Smith
Reed Irvine
Andrew Buchsbaum
11:30–12:40
Panel VI
Doug Ginsburg
Mike Schooler
Chip Shooshan
Michael Botein
Wallace Dunlap
Jeff Baumann
David Raim

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 85-2670 Filed 1-29-85; 2:35 pm]

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Thursday, January 31, 1985

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List January 14, 1985

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