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federal register

Wednesday
February 20, 1985

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

Proclamation 5302 of February 16, 1985

Lithuanian Independence Day, 1985

By the President of the United States of America

A Proclamation

Sixty-seven years ago, a small nation achieved freedom in the aftermath of World War I. Proclaiming the Lithuanian Republic, its founders stepped forward on February 16, 1918, to assert their country's independence and commitment to a government based on justice, democracy, and the rights of individuals. Twenty-two years later, Soviet tyranny imposed itself on Lithuania and denied the Lithuanian people their just right of national self-determination as well as basic human freedoms.

Among the freedoms most consistently attacked by Soviet authorities is the freedom of religion. The victims of these attacks have often been Catholic Church figures, such as Father Alfonsas Svarinskas, Father Sigitas Tamkevicius, and, most recently, Father Jonas-Kastytis Matulionis. Their crimes: administering to the spiritual needs of the faithful.

Yet the people of Lithuania refuse to submit quietly. Hundreds of thousands of people have signed petitions demanding the release of priests and other human and civil rights leaders. Underground publications such as the sixty-fourth issue of the "Chronicle of the Catholic Church in Lithuania" and forty-first issue of "The Dawn," which have recently come to the West, continue to inform the world of ongoing persecutions.

Americans are united in an enduring belief in the right of peoples to live in freedom. The United States has refused to recognize the forcible incorporation of Lithuania into the Soviet Union. We must be vigilant in the protection of this ideal because we know that as long as freedom is denied to others, it is not truly secure here.

We mark this anniversary of Lithuanian Independence with a renewed hope that the blessings of liberty will be restored to Lithuania.

The Congress of the United States, by House Joint Resolution 655, has designated February 16, 1985, as Lithuanian Independence Day and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim February 16, 1985, as Lithuanian Independence Day. I invite the people of the United States to observe this day with appropriate ceremonies and to reaffirm their dedication to the ideals which unite us and inspire others.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of February, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 85-4317
Filed 2-19-85; 11:06 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 50, No. 34
Wednesday, February 20, 1985

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

United States Standards for Grades of Bermuda-Granex-Grano Type Onions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the voluntary United States Standards for Grades of Bermuda-Granex-Grano Type Onions. Industry requested that the size requirements of the standards be revised to bring them in line with current marketing practices.

EFFECTIVE DATE: February 20, 1985.

FOR FURTHER INFORMATION CONTACT: Philip C. Eastman, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-5024.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA Procedures and Executive Order 12291 and has been designated as "nonmajor". It will not result in an annual effect of $100 million or more. There will be no major increase in cost or prices for consumers, individual industries, Federal, State and local government agencies or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601) because it reflects current marketing practices.

The voluntary United States Standards for Grades of Bermuda-Granex-Grano (BGG) Type Onions became effective in 1960 and were amended in 1962. The South Texas Onion Committee, with the support of the National Onion Association and the Texas Citrus and Vegetable Association, requested that Section 51.3199 paragraph (a) be revised to bring size requirements in line with current commercial marketing practices. A proposal to amend these standards was published in the **Federal Register** on December 11, 1984 (49 FR 48194). Copies were widely distributed to growers, shippers, repackers, receivers, and other industry organizations for review and comment.

The period for comment ended January 10, 1985. Twenty comments were received. Nineteen fully supported the proposed changes. One industry firm is of the opinion that the proposed size changes do not reflect current marketing practices and would enable the dumping of small size onions into retail markets. They urged that the changes proposed be withdrawn as they would have a significant economic impact on a substantial number of repackers and retailers of BGG type onions. While their objections were considered, they were not accepted, in that (1) ninety-five percent of the commenters indicated that the changes in the size requirements and classifications, if adopted, would bring them in line with current marketing practices (2) any size requirement, other than those contained in the standards, may be specified in connection with the grade, and (3) use of the standards or its requirements is voluntary.

The term "Prepacker" was added to the size classification "Repacker" and the term "Jumbo" was added to the size classification "Large" at industry request. This should help prevent any misunderstandings since these terms are used interchangably throughout the industry.

This amendment reflects sizing practices currently utilized by onion shippers and repackers throughout the country and revises the size requirements as follows:

(a) Unless otherwise specified, BGG onions are required to have a minimum diameter of 1½ inches, with 60 percent or more 2 inches or larger in diameter. This size will become the basic requirement of all BGG grades and will generally apply to straight-run packs in which the larger sizes have not been removed. It will establish generally the same minimum diameter required for onions commonly known as "Northern grown" types.

(b) A "Repacker" or "Prepacker" size classification is added to the standards. It will require a diameter size range of 1¾ to 3 inches with 60 percent or more 2 inches or larger.

(c) The maximum size for "Medium" classification is increased from 3¼ to 3½ inches.

(d) The term "Jumbo" is being added as an alternate to the size designation "Large" and the current requirement of "not less than 10 percent over 3½ inches" is deleted. The minimum diameter required for "Jumbo" or "Large" will be 3 inches. These changes will bring the terminology and requirements for BGG onions generally in line with those applied to Northern grown types.

These classifications are widely used in trading and for a number of years have been recognized under the Marketing Order for South Texas Onions.

It is hereby found that good cause exists for not postponing the effective date of this amendment beyond the date of publication hereof in the **Federal Register**, in that:

(1) The 1985 Bermuda-Granex-Grano type onion harvest season is underway and it is in the interest of the public and the industry that this revision be placed in effect at the earliest possible date; and (2) no special preparation is required for compliance with this amendment on the part of members of the Bermuda-Granex-Grano onion industry or of others.

List of Subjects in 7 CFR Part 51

Agricultural commodities.

PART 51—[AMENDED]

Accordingly, Subpart—United States Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR 51.3195-51.3209) is amended as follows:

§ 51.3199 [Amended]

In § 51.3199, paragraph (a) is revised to read:

(a) Size shall be specified in connection with the grade in terms of minimum diameter, range in diameter, minimum diameter with a percentage of a certain size or larger, or in accordance with one of the size classifications listed below: Provided, That, unless otherwise specified, onions shall not be less than 1½ inches in diameter, with 60 percent or more 2 inches or larger in diameter.

(1) "Small" shall be from 1 to 2¼ inches in diameter;

(2) "Repacker" or "Prepacker" shall be from 1¾ to 3 inches in diameter, with 60 percent or more 2 inches or larger in diameter;

(3) "Medium" shall be from 2 to 3½ inches in diameter; and,

(4) "Large" or "Jumbo" shall be 3 inches or larger in diameter.

* * * * *

(Agricultural Marketing Act of 1946, secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624))

Done at Washington, D.C. on: February 13, 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85-4104 Filed 2-19-85; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

[Docket No. 85-301]

7 CFR Part 301

European Larch Canker; Expansion of Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends "Subpart—European Larch Canker" of the domestic quarantine notices by expanding previously designated regulated areas in Lincoln County in Maine. This action is necessary as an emergency measure in order to prevent the artificial spread of European larch canker, a dangerous plant disease, into noninfested areas of the United States. The effect of this amendment is to impose certain restrictions on regulated articles moving interstate from the regulated areas.

DATES: Effective date of amendment February 20, 1985. Written comments concerning this final rule must be received on or before April 22, 1985.

ADDRESS: Written comments concerning this rulemaking should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 728 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected in Room 728 of the Federal Building between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: E. Elliott Crooks, Senior Staff Officer, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 642, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8249.

SUPPLEMENTARY INFORMATION:

Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. This action is necessary to prevent the artificial spread interstate of European larch canker, *Lachnellula willkommii (Dasycypha).*

Further, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective less that 30 days after publication of this document in the **Federal Register.** Comments will be solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Background

European larch canker, *Lachnellula willkommii* (Dasycypha), is a serious plant disease caused by a fungus that can kill mature and immature species of the genus *Larix* (Larch) and *Pseudolarix* (Golden larch). In parts of Europe, it has eliminated European larch as a plantation species. European larch canker was first discovered in the United States in Massachusetts in 1927. It was declared eradicated in 1965 after cutting and burning larch in the infested area over a period of several years. The disease is spread naturally for short distances by wind dispersed spores. There is a potential threat to several million acres of Western larch in the United States due to the artificial spread associated with the interstate movement of regulated articles.

Infestations of European larch canker were discovered in 1984 in Hancook, Knox, Lincoln, Waldo, and Washington Counties in Maine. Based on these findings emergency rulemaking documents were published in the **Federal Register** on May 4, 1984 [49 FR 18989-18995] and on September 20, 1984 [49 FR 36815-36817] amending the domestic quarantine notices [7 CFR Part 301] by adding a new subpart, captioned "European Larch Canker" (7 CFR 301.91 *et seq.;* referred to below as regulations) and by designating portions of Hancock, Knox, Lincoln, Waldo, and Washington Counties as regulated areas in § 301.91-3(c).

The portions of Hancock, Knox, Lincoln, Waldo, and Washington Counties, designated as regulated areas by the May 4, 1984 and September 20, 1984 rulemaking documents remain infested at this time. In addition, surveys and field observations conducted by the U.S. Department of Agriculture (USDA) and the Maine Forest Service indicate that the European larch canker has spread beyond the outer perimeter of the regulated areas in Lincoln County. Therefore, in order to prevent further spread of the European larch canker it is necessary as an emergency measure to amend § 301.91-3 of the regulations by expanding the portion of Lincoln County in Maine previously designated as regulated areas.

Designation of Area as Regulated Areas

As an emergency, the European larch canker regulated areas in Lincoln County, Maine, are expanded as set forth below:

The European larch canker regulated area in Lincoln County, Maine, previously described as "The entire townships of Bremen, Bristol, Damariscotta, Jefferson, Nobleboro, South Bristol, Somerville, and Waldoboro," is expanded and redescribed as "The entire townships of Alna, Boothbay Habor, Bremen, Bristol, Damariscotta, Edgecomb, Jefferson, Newcastle, Nobleboro, South Bristol, Somerville, Southport, Waldoboro, Westport, and Wiscassett."

An area is designated as a regulated area if it is determined that it is an area in which European larch canker has been found, or an area in which the Deputy Administrator has reason to believe European larch canker is present, or an area deemed necessary to regulate because of its proximity to infestations of European larch canker, or its inseparability for quarantine

enforcement purposes from localities where European larch canker has been found.

Executive Order 12291 and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have no significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities. This amendment only affects the interstate movement of regulated articles from portions of Lincoln County in Maine by imposing restrictions on the movement of such articles. Further, information from the Maine Forest Service and the USDA Forest Service, indicates that the items designated as regulated articles (namely, logs, pulpwood, branches, twigs, plants, scion and other propagative material from larch trees) have little commercial value, and there is very little interstate movement of these regulated articles for commercial purposes or otherwise.

Paperwork Reduction Act

The regulations in this subpart contain no information collection or recordkeeping requirement under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural Commodities, Plant Diseases, Plants (agriculture), Quarantine, Transportation, European Larch Canker.

Accordingly, § 301.91 of the European larch canker quarantine and regulations (7 CFR 301.91–3(c)) revises the list of regulated areas in Lincoln County in Maine to read as follows:

§ 301.91–3 Regulated areas.

* * * * *

(c) The areas described below are designated as regulated areas:

Maine

* * * * *

Lincoln County. The entire townships of Alna, Boothbay Harbor, Bremen, Bristol, Damariscotta, Edgecomb, Jefferson, Newcastle, Nobleboro, Somerville, Southport, Waldoboro, Westport, and Wiscassett.

* * * * *

Authority: Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); secs. 105 and 106, 71 Stat. 32, and 33 (7 U.S.C. 150dd, 150ee); 7 CFR 2.17, 2.51, 371.2(c).

Done at Washington, D.C., this 14th day of February 1985.

H. L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 85–4105 Filed 2–19–85; 8:45 am]

BILLING CODE 3410–34–M

Farmers Home Administration

7 CFR Parts 1944, 1951, 1955 and 1962

Notification of Account Servicing Action

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) has developed a new form to provide a uniform means by which the Finance Office may be requested to place and remove various "Flags" from borrowers' accounts such as FAP [Foreclosure Action Pending], CAP [Court Action Pending], BAP [Bankruptcy Action Pending], and M [Moratorium]. This document revises several regulations to prescribe internal usage of the new form and provide for the servicing official to cancel interest credit which is in effect when FmHA acquires a borrower's property. This is necessary because no consistent means is now prescribed for these notifications, and they are accomplished through various types of memoranda or form letters developed by field offices for that purpose. The intended effect is to minimize the workload of both the field offices and the Finance Office and to increase processing accuracy.

EFFECTIVE DATE: February 20, 1985.

FOR FURTHER INFORMATION CONTACT: Frances B. Calhoun, Chief, Property Management Branch, Single Family Housing Servicing and Property Management Division, Farmers Home Administration, USDA, Room 5309, South Agriculture Building, Washington, D.C. 20250, telephone (202) 382–1452.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Departmental Regulation 1512–1 which implements Executive Order 12291 and has been determined to be exempt from those requirements because it involves only internal Agency management in that it does not affect either FmHA borrowers or the public. The flagging procedure is for use in the Agency's accounting system and is to be reflected on management reports distributed to field offices. The distribution of Form FmHA 465–6, "Advice of Mortgaged Real Estate Acquired," (available in any FmHA office) is changed so that the servicing official will prepare the form (which reports property acquistion to the Finance Office), route it through by the State Office for assignment of property identification number (advice number) before it is sent to the Finance Office. Previously, the servicing official submitted Form FmHA 465–6 to the Finance Office where the identification number was assigned and the field office subsequently was notified.

It is the policy of this department to publish for comment rules relating to public property, loans, grants, benefits, or contracts notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since it involves only internal Agency management, and publication for comments is unnecessary.

This action does not directly affect any FmHA programs or projects which are subject to review under Executive Order 12372, Intergovernmental Review of Federal Programs.

This document has been reviewed in accordance with FmHA Instruction 1940–G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major federal action significantly affecting the quality of the human environment, and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Catalog of Federal Domestic Assistance Titles and Numbers

10.404 Emergency Loans
10.405 Farm Labor Housing Loans and Grants
10.406 Farm Operating Loans
10.407 Farm Ownership Loans
10.410 Low-Income Housing Loans
10.411 Rural Housing Site Loans
10.414 Resource Conservation and Development Loans
10.415 Rural Rental Housing Loans
10.416 Soil and Water Loans

10.417 Very Low-Income Housing Repair Loans and Grants
10.418 Water and Waste Disposal Systems for Rural Communities
10.419 Watershed Protection and Flood Prevention Loans
10.421 Indian Tribes and Tribal Corporation Loans
10.422 Business and Industrial Loans
10.423 Community Facilities Loans

List of Subjects

7 CFR Part 1944

Home improvement, Loan programs—Housing and community development, Low and moderate income housing—Rental, Mortgages, Rural housing, Subsidies.

7 CFR Part 1951

Account servicing, Credit, Loan programs—Agriculture, Loan programs—Housing and community development, Low and moderate income housing loans—Servicing, Mortgages.

7 CFR Part 1955

Foreclosure, Government acquired property.

7 CFR Part 1962

Crops, Government property, Livestock, Loan programs—Agriculture, Rural areas.

Therefore, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1944—HOUSING

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

1. Section 1944.34 is amended by adding paragraph (k)(1)(vii) and by revising paragraph (k)(2) to read as follows:

§ 1944.34 Interest credit.

* * * * *

(k) * * *

(1) * * *

(vii) the security property is acquired by FmHA.

(2) *Effective date of cancellation.* The effective date of cancellation for paragraph (k)(1)(i) of this section will be date of loan closing. The effective date of cancellation for paragraphs (k)(1) (ii), (iii) and (iv) of this section will be the date on which the earliest action occurs which causes the cancellation. If the date cannot be determined, the date on which the County Supervisor became aware of the situation will be used. The effective date of cancellation for paragraph (k)(1) (v) and (vi) of this section will be the date on which the County Supervisor became aware of the situation. The effective date of cancellation for paragraph (k)(1)(vii) of this section will be the date the property is acquired by FmHA (the same date reported on Form FmHA 465–6, "Advice of Mortgaged Real Estate Acquired.") When an account has been accelerated and none of the conditions outlined in paragraph (k)(1) of this section exist, the Interest Credit Agreement will remain in effect until the final foreclosure action is completed. However, if the existing agreement expires before the foreclosure action is completed, an interest credit renewal agreement will not be prepared. If foreclosure action is dismissed, withdrawn or terminates without sale of the property or payment of the loan in full, a renewal agreement will be prepared with an effective date as of the expiration of the previous agreement.

* * * * *

PART 1951—SERVICING AND COLLECTIONS

Subpart A—Account Servicing Policies

§ 1951.41 [Amended]

2. Section 1951.41 is amended by changing the reference in paragraph (e)(3) from "Exhibit E (available in any FmHA Office)" to "Form FmHA 1951–6, 'Borrower Account Description Flag'."

3. Section 1951.41 is amended by changing the references in paragraphs (e)(4) and (g)(3) from "Exhibit E (available in any FmHA office)" to "Form FmHA 1951–6 prepared according to the FMI."

4. Section 1951.41 is amended by changing the reference in paragraph (f)(1) from "Exhibit E" to "Form FmHA 1951–6."

Subpart G—Borrower Supervision, Servicing and Collection of Single Family Housing Loan Accounts

5. Section 1951.313 is amended by revising paragraphs (b)(3) and (b)(5) to read as follows:

§ 1951.313 Moratoriums.

* * * * *

(b) * * *

(3) The County Supervisor is authorized to approve or disapprove a request for a moratorium and extension thereof. The borrower will be notified of the action taken within 15 days after request has been received in the County Office. The decision relative to a moratorium is recorded on Form FmHA 451–23, "Moratorium on Payment: (Section 502–504 RH Loans)." The reasons and justification for approval or disapproval will be noted or attached as additional information. Each time a moratorium is approved, whether it is an initial or renewal moratorium, Form FmHA 1951–6, "Borrower Account Description Flag," will be prepared and distributed according to the FMI to advise the Finance Office to flag the account to show it is in moratorium status. If the moratorium is denied, the borrower will be notified in accordance with the provisions of Subpart B of Part 1900 of this Chapter. The letter will include a statement of the action taken, a recitation of the facts upon which the decision is based, and the specific reason(s) for the decision denying the moratorium or extension.

* * * * *

(5) Immediately before the end of each 6-month period, or sooner if the County Supervisor becomes aware of facts that substantially change the borrower's repayment ability, the justification for a moratorium will be reviewed by the County Supervisor and the moratorium terminated or extended for another 6-month period if the facts so warrant. The extension will be processed in accordance with paragraph (b)(3) of this section prior to the expiration date of the current moratorium. No moratorium plus extensions may exceed 3 years. Five years from the end of the moratorium plus extensions must elapse before another moratorium may be granted unless prior approval is received from the State Director. If the situation creating a hardship continues after 3 consecutive years of moratorium and the borrower is still unable to make scheduled payments even if the account were reamortized, and all authorized interest credits were granted and interest accrued during the moratorium were canceled, the account must be liquidated in accordance with Subpart A of Part 1955 of this Chapter. If, at the end of the moratorium period and any extension(s) thereof, it is determined that the account will be continued (as modified by any interest credit or interest cancellation assistance), it will then be handled in accordance with paragraph (e) of this section. When a moratorium, whether it is an initial or renewal moratorium, is canceled or not renewed, Form FmHA 1951–6 will be prepared and distributed according to the FMI to advise the Finance Office to remove the flag indicating the account is in moratorium status.

* * * * *

PART 1955—REAL ESTATE AND CHATTEL PROPERTIES

Subpart A—Liquidation of Loans and Acquisition of Property

6. Section 1955.10 is amended by revising paragraphs (h)(1)(ii) and (j)(2) to read as follows:

§ 1955.10 Voluntary conveyance of real estate and related security.

* * * * *

(h) * * *

(1) * * *

(ii) After the designated attorney, title insurance company or OGC determines that the transaction has been properly closed, all documents will be returned to the County Supervisor with the notation of date when title to the property was vested in the Government. The County Supervisor will report the acquisition according to paragraph (j)(2) of this section. The County Supervisor will notify the District Director of completion of any conveyance which the District Director approved.

* * * * *

(j) * * *

(2) *Completion of Form FmHA 465–6, "Advice of Mortgaged Real Estate Acquired."* When a voluntary conveyance is closed, the County Supervisor (for Single Family Housing and Farmer Programs cases) or the District Director (for Multiple Family Housing or Community and Business Programs cases) will prepare and distribute Form FmHA 465–6 according to the FMI. The date of acquisition for record-keeping purposes will be the date the deed to the Government is recorded.

* * * * *

7. Section 1955.15 is amended by revising paragraphs (d)(6)(ii), (d)(12), and (d)(17) to read as follows:

§ 1955.15 Foreclosure of loans secured by real estate.

* * * * *

(d) * * *

(6) * * *

(ii) Forward the borrower's case folder, including a photocopy of each FmHA note, any assumption or cosigner agreements, and such additional information and copies as appropriate, to OGC for instructions to complete foreclosure or, with prior approval of the Administrator, handle the matter as provided in a State Supplement approved by OGC. Also, any title evidence required by OGC will be submitted at that time so that they can give an opinion as to whether FmHA will obtain a title merchantable in fact, if it is the successful bidder. On receiving advice from OGC, the County Supervisor or District Director will prepare Standard Form 1034 and Form FmHA 2024–1 in accordance with FmHA Instruction 2024–P (available in any FmHA Office) requesting payment of all real estate taxes and assessments, including water assessments, which are due and payable. At the time indicated by OGC in the foreclosure instructions, Form FmHA 1951–6, "Borrower Account Description Flag," will be prepared and distributed according to the FMI advising the Finance Office to flag the borrower's account indicating foreclosure action is pending (FAP). When required by OGC, request a current statement of account or transaction record which reflects the amount of vouchers processed in connection with the foreclosure. A copy of the statement of account or transaction record will be sent to the State Director.

* * * * *

(12) *Completion of Form FmHA 465–6.* If FmHA is the successful bidder at the foreclosure sale, the County Supervisor (for Single Family Housing or Farmer Programs cases) or the District Director (for Multiple Family Housing or Community and Business Programs cases) will prepare and distribute Form FmHA 465–6 according to the FMI. For record-keeping purposes, the date of acquisition will be the date the deed to the Government is recorded; and when this date is known, the form should be submitted promptly without waiting for the final report on the sale from OGC.

* * * * *

(17) *Cancellation of Foreclosure Action.* If the State Director determines that circumstances have changed and foreclosure is no longer necessary, the State Director may stop foreclosure and reinstate the loan account if the case has not been sent to OGC. If the case has been sent to OGC, the State Director may request OGC to stop foreclosure. The State Director will reinstate the loan account after foreclosure has been stopped. In either case, the borrower, the official who services the account, and OGC, if previously consulted, will be informed of any action taken. If the account has been flagged "FAP," Form 1951–6 will be prepared and distributed according to the FMI advising the Finance Office to remove the flag from the account.

PART 1962—PERSONAL PROPERTY

Subpart A—Servicing and Liquidation of Chattel Security

8. Section 1962.47 is amended by adding a sentence to the end of the introductory paragraph and revising the introductory paragraph of paragraph (b)(3)(ii) to read as follows:

§ 1962.47 Bankruptcy and insolvency.

* * * If OGC so advises, Form FmHA 1951–6, "Borrower Account Description Flag," will be prepared an distributed according to the FMI advising the Finance Office to flag the borrower's account indicating bankruptcy action is pending (BAP).

* * * * *

(b) * * *

(3) * * *

(ii) *Continuation with borrower.* If the borrower is keeping the security, and FmHA will continue with the borrower after the bankruptcy action is completed, Form FmHA 1951–6 will be prepared and distributed according to the FMI advising the Finance Office to remove the BAP flag, if the account is so flagged. The borrower must execute:

* * * * *

9. Section 1962.49 is amended by revising paragraph (d) to read as follows:

§ 1962.49 Civil and criminal cases.

* * * * *

(d) *Actions on cases referred to OGC.* When a case is referred to OGC, the State Director will notify the County Supervisor of the referral and will return the County Office case file when it is no longer needed. The State Director will also prepare and distribute Form FmHA 1951–6 according to the FMI advising the Finance Office to flag the borrower's account indicating court action is pending (CAP). After notice of the referral is received by the County Supervisor, no collection or servicing action will be taken except upon specific instructions from the State Director or OGC. However, when a borrower voluntarily proposed to make a payment on an account, the County Supervisor will accept the collection unless notice has been received that the case has been referred to the U.S. Attorney. The County Supervisor will immediately notify OGC directly by memorandum, with a copy sent to the State Director, of any collections received. The County Supervisor also will notify the State Director and OGC of any developments which may affect a case which has been referred to OGC.

* * * * *

Authorities: [7 U.S.C. 1989; 41 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301, Sec. 10 Pub. L. 93–357, 88 Stat. 392; 7 CFR 2.23; 7 CFR 2.70; 29 FR 14764, 33 FR 9850]

Dated: January 4, 1985.

Dwight O. Calhoun,

Acting Associate Administrator, Farmers Home Administration.

[FR Doc. 85-4107 Filed 2-19-85; 8:45 am]

BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 85-006]

Bird Quarantine Facilities

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations concerning privately operated bird quarantine facilities to provide that approval of such a facility may be denied or withdrawn if a person who has an ownership, mortgage, or lease interest in the facility's physical plant is or has been convicted of certain specified crimes. This action is warranted to help ensure that persons could not exercise control over operations of the facility if they have been found to lack the integrity necessary for exercising such control.

EFFECTIVE DATE: March 22, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. Samuel S. Richeson, Import/Export Animals and Products Staff, VS, APHIS, USDA, Room 843, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8172.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 92 (referred to below as the regulations) contain, among other things, provisions concerning the importation of birds into the United States. The regulations are designed to protect the poultry industry of the United States from exotic Newcastle disease and other communicable diseases of poultry. Section 92.11(e) provides, with certain exceptions, that each lot of pet birds, commercial birds, zoological birds, or research birds imported from any part of the world shall be entered at certain ports and quarantined at a United States Department of Agriculture quarantine facility or at a privately operated quarantine facility approved by the Deputy Administrator for Veterinary Services (VS).

The regulations in § 92.11(f) specify the conditions under which the approval of a privately operated bird quarantine facility may be denied or withdrawn. In this connection, § 92.11(f)(6) provides, among other things, that approval of a privately operated bird quarantine facility may be denied or withdrawn if the operator or a person responsibly connected with the business of the quarantine facility is or has been convicted of any crime under any law regarding the importation or quarantine of any animal or bird, or of any crime involving fraud, bribery, extortion, or any other crime involving a lack of integrity needed for the conduct of operations affecting the importation of commercial birds, research birds, or zoological birds.

Prior to the effective date of this document, § 92.11(f)(6)(iii) provided that a person shall be deemed to be responsibly connected with the business of the quarantine facility if a partner, officer, director, holder or owner of 10 per centum or more of its voting stock, or an employee in a managerial or executive capacity.

In a document published in the **Federal Register** on November 7, 1984 (48 FR 44501), the Department proposed to amend the regulations to expand the list of persons deemed to be responsibly connected with the business of the quarantine facility to include any person who has an ownership, mortgage, or lease interest in the facility's physical plant. Based on the rationale set forth in the proposal and this document the regulations are amended as proposed.

The document of November 7, 1984, invited the submission of written comments on or before January 7, 1985. Two comments were received. One commenter was in favor of the proposal. The other commenter objected to the adoption of the proposal, based on his assertion that a person who has been punished as a result of a criminal proceeding (prison sentence, fine, or other settlement) should not be further penalized by not being allowed to own an interest in a bird quarantine facility. No changes are made based on this comment.

The provisions of the proposal are not for the purpose of further punishing such persons having an ownership, mortgage, or lease interest in a bird quarantine facility's physical plant. However, they are necessary to strengthen the regulations that are designed to help ensure that operations at bird quarantine facilities are not controlled by persons who have demonstrated that they cannot be trusted to comply with the requirements of the regulations.

Executive Order 12291 and Regulatory Flexibility Act

This rule has been reviewed in accordance with Executive Order 12291 and has been determined to be not a major rule. The Department has determined that this rule will not have a significant effect on the economy and will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

No change in either the number of birds imported into the United States or in the number of persons importing birds is anticipated as a result of this rule.

Based on the circumstances explained above, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and Poultry Products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Therefore, 9 CFR § 92.11(f)(6)(iii) is revised to read as follows:

§ 92.11 Quarantine requirements.

* * * * *

(f) * * *

(6) * * *

(iii) For the purposes of this section, a person shall be deemed to be responsibly connected with the business of the quarantine facility if such person has an ownership, mortgage, or lease interest in the facility's physical plant, or if such person is a partner, officer, director, holder or owner of 10 per centum or more of its voting stock, or an employee in a managerial or executive capacity.

* * * * *

Authority: Sec. 2, 32 Stat. 792, as amended; secs. 2, 4, 11; 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134c, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 8th day of February 1985.

K.R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 85-4068 Filed 2-19-85; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 6156]

Luria Brothers and Company, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Set Aside Order.

SUMMARY: After considering the company's petition to reopen the matter and set aside the Commission's order of February 13, 1963 (62 F.T.C. 243), together with public comments and other relevant information, the Commission found that the 1963 Order, which among other things, barred the firm from entering into exclusive supplier arrangements with steel mills and receiving preferential treatment as a scrap metal supplier, no longer is in the public interest. The Commission held that "In view of the present characteristics of the ferrous scrap industry, and Luria's present inability to exclude competitors through the exercise of market power, the order serves no procompetitive purpose and may impede Luria's ability to compete effectively for the business of scrap consumers that desire exclusive supply arrangements." Accordingly, the Order reopens the matter and sets aside the Commission's order of February 13, 1963 as it applies to respondent Luria.

DATES: Order issued February 13, 1963; Set Aside Order issued February 1, 1985.

FOR FURTHER INFORMATION CONTACT: L/301-1, Elliot Feinberg, Washington, D.C. 20580, (202) 634-4604.

SUPPLEMENTARY INFORMATION: In the Matter of Luria Brothers and Company, Inc., et al.

List of Subjects in 16 CFR Part 13

Scrap metal, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 16)

Before Federal Trade Commission

[Docket No. 6156]

Order Reopening and Setting Aside the Order Issued February 13, 1963

In the Matter of Luria Brothers and Company, Inc., et al.

By petition filed on September 19, 1984, Luria Brothers & Company, Inc. (hereafter "Luria") requests that the Commission reopen the proceeding in Docket No. 6156 and set aside the order therein. Upon consideration of Luria's petition, the public comments, and other relevant information, the Commission now finds that the public interest warrants reopening the proceeding and setting aside the order as to Luria.

The record describes an industry in which Luria's use of exclusive arrangements to supply purchased iron and steel scrap to any foreign or domestic scrap consumer, including respondent mills, would have no significant anticompetitive effects. Luria's shares in the national and regional ferrous scrap markets have declined steadily since the Commission issued its complaint in this matter. In contrast to its previous dominance in the export of iron and steel scrap, Luria is now only minimally involved in that aspect of the scrap business. Moreover, concentration in the industry has decreased significantly as new firms have entered the market, thus demonstrating the absence of natural or artificial barriers to entry.

In view of the present characteristics of the ferrous scrap industry, and Luria's inability to exclude competitors through the exercise of market power, the order now serves no procompetitive purpose and may impede Luria's ability to compete effectively for the business of scrap consumers that desire exclusive supply arrangements. As a result, we conclude that the order no longer is in the public interest. However, the Commission will not be precluded from taking enforcement action concerning the practices that are the subject of this order when the Commission has reason to believe they violate the law.

Accordingly,

It is ordered that this matter be and it hereby is reopened, and that the Commission's February 13, 1963 order be and it hereby is set aside as it applies to respondent Luria.

By direction of the Commission. Commissioner Bailey concurring in the result.

Issued: February 1, 1985.

Emily H. Rock,

Secretary.

[FR Doc. 85-4125 Filed 2-19-85; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. 6835]

International Shoe Company, et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Set Aside Order.

SUMMARY: In its *Order Reopening and Setting Aside Order Issued March 6, 1958*, the Commission notes that the public interest warrants granting the "Request" filed by Interco Incorporated (formerly International Shoe Company) to set aside the 1958 consent order which barred the company from engaging in exclusive-dealing arrangements with shoe dealers, and providing loans and special services to those dealers who agreed to handle the firm's products exclusively. The Commission found that the same considerations that prompted its July 16, 1984 determination to set aside the 1966 Order issued against the Brown Shoe Company, Inc., Docket No. 7606 (49 FR 31845), which also involved a perpetual exclusive dealing order, are applicable in present action. Accordingly, this Order reopens the matter and sets aside the consent order issued against International Shoe Company on March 6, 1958 (54 F.T.C. 1120).

DATES: Order issued on March 6, 1958; Set Aside Order issued January 30, 1985.

FOR FURTHER INFORMATION CONTACT: FTC/L 301-22, Gerald T. Gregory, Washington, D.C. 20580, (202) 634-4606.

SUPPLEMENTARY INFORMATION: In the Matter of International Shoe Company, a corporation and Shoenterprise Corporation, a corporation.

List of Subjects in 16 CFR Part 13

Shoes, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Before Federal Trade Commission

[Docket No. 6835]

Order Reopening and Setting Aside Order Issued March 6, 1958

In the Matter of International Shoe Co., a corporation, and Shoenterprise Corp., a corporation.

On October 9, 1984, respondent Interco Incorporated (formerly International Shoe Company and hereafter "Interco") filed a "Request To Reopen And Set Aside Order" ("Request"), pursuant to section 5(b) of the Federal Trade Commission Act, 15 U.S.C. 45(b) and § 2.51 of the

Commission's Rules of Practice. The Request asked the Commission to reopen the consent order issued on March 6, 1958 ("the order") and set it aside. Interco's request was on the public record for thirty days and no comments were received.

After reviewing respondent's Request, the Commission has concluded that the public interest warrants reopening and setting aside the order as requested by respondent. The action we take today is consistent with our recent determination in *Brown Shoe Company, Inc.*, Docket No. 7606, July 16, 1984, which also involved a perpetual exclusive dealing order in the shoe industry. The same considerations which prompted our action in *Brown Shoe* are applicable to the present request.

Accordingly, it is ordered that this matter be, and it hereby is, reopened, and that the Commission's order issued on March 6, 1958, shall be of no further force and effect as of the effective date of this order.

By the Commission.

Issued: January 30, 1985.

Emily H. Rock,

Secretary.

[FR Doc. 85-4124 Filed 2-19-85; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 31

[T.D. 8009]

Income Taxes; Substantiation With Respect to Certain Means of Transportation for Taxable Years Beginning After 1984; Taxation of Fringe Benefits

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary income tax regulations relating to the requirement of section 274(d)(4) (as amended by the Tax Reform Act of 1984) that any deduction or credit with respect to "listed property" be substantiated with "adequate contemporaneous records." This document also amends other temporary income tax regulations relating to the limitations placed on cost recovery deductions and the investment tax credit for "listed property" and temporary income and employment tax regulations relating to the taxation of fringe benefits. In addition, the text of the temporary regulations set forth in this document and the text of previously published temporary regulations that are amended by this document serve as the text of proposed regulations for two notices of rulemaking published in the Proposed Rules section of this issue of the **Federal Register**. This action is necessary to provide the public with guidance needed to comply with the law.

EFFECTIVE DATES: The temporary regulations relating to the limitations on the investment tax credit and cost recovery deductions (§ 1.280F-6T) are effective in general for "listed property" placed in service or leased after June 18, 1984. The temporary regulations relating to substantiation requirements (§§ 1.274-5T, 1.264-6T) are effective for taxable years beginning after December 31, 1984. The temporary regulations relating to the taxation of fringe benefits (§§ 1.61-2T, except Q/A-20(e), 1.132-1T, 31.3501(a)-1T), are effective as of January 1, 1985. One amendment to the previously issued temporary regulations relating to the taxation of fringe benefits (§ 1.61-2T Q/A-20(e)) is effective as of March 22, 1985.

FOR FURTHER INFORMATION CONTACT: Michel A. Dazé, with respect to substantiation requirements (202-566-3829), or Annettee J. Guarisco, with respect to the taxation of fringe benefits (202-566-3918), of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington D.C. 20224, Attention: CC:LR:T.

SUPPLEMENTARY INFORMATION:

Background

This document adds new temporary regulations to the Income Tax Regulations (26 CFR Part 1) under section 274 of the Internal Revenue Code of 1954 (Code), relating to the substantiation requirements with respect to certain "listed property." Section 179 of the Tax Reform Act of 1984 (Pub. L. 98-369, 98 Stat. 713) (the "1984 Act") amended Code section 274(d) to provide that no deduction or credit shall be allowed with respect to any "listed property" (as defined in section 280F(d)(4)), unless the taxpayer substantiates any deduction or credit with "adequate contemporaneous records." Temporary regulations under section 274(d) were published in the **Federal Register** on October 24, 1984 (49 FR 42701), providing preliminary guidance for taxpayers affected by the requirement to maintain adequate contemporaneous records for taxable years beginning after December 31, 1984. This document amends those temporary regulations to clarify the types of records that are generally necessary to substantiate any deduction or credit. In addition, this document adds a new § 1.274-6T to provide specific methods which a taxpayer may be eligible to use in order to satisfy the "adequate contemporaneous record" requirement.

Section 179 of the 1984 Act also added a new Code section 280F to provide limitations on the investment tax credit and depreciation with respect to "listed property" when such property is used for both business and personal purposes. "Listed property" includes a passenger automobile or any other property used as a means of transportation. This document amends temporary regulations under section 280F, which were also published in the **Federal Register** on October 24, 1984 (49 FR 42701), to clarify that certain property used as a means of transportation is not treated as "listed property" because it is of a type not ordinarily susceptible to personal use.

The text of the temporary regulations under sections 274 and 280F, issued on October 24, 1984, served as the comment document for a notice of proposed rulemaking published in the same issue of the **Federal Register** on October 24, 1984 (49 FR 42743). That notice or rulemaking is withdrawn by a notice of withdrawal and replaced by a new notice of rulemaking published in the Proposed Rules section of this issue of the **Federal Register**. The temporary regulations under sections 274 and 280F that were published on October 24, 1984, and amended by this Treasury decision, and the new temporary regulation under section 274 added by this Treasury decision serve as the text of proposed regulations for that new notice of rulemaking.

Section 531 of the 1984 Act (98 Stat. 877) made various amendments to Code sections 61, 3121, 3231, 3306, 3401, and 3501 and added new Code sections 132 and 4977, relating to the taxation of fringe benefits. Temporary regulations in question and answer format were published in the **Federal Register** on January 7, 1985 (50 FR 747) to provide guidance on the treatment of taxable and nontaxable fringe benefits, including the valuation of taxable fringe benefits for purposes of income and employment tax withholding. Where necessary, because of the interaction between the taxation of fringe benefits and the "adequate contemporaneous record" requirement, this document also amends those temporary regulations.

The temporary regulations relating to the taxation of fringe benefits also served as the text of proposed regulations for a notice of proposed

rulemaking published in the same issue of the **Federal Register** (50 FR 836). That notice of rulemaking is also withdrawn by a notice of withdrawal and replaced by a new notice of rulemaking published in the Proposed Rules section of this issue of the **Federal Register**. The temporary regulations published on January 7, 1985, as amended by this Treasury decision, serve as the text of proposed regulations for that new notice of rulemaking.

Explanation of Provisions

Adequate Contemporaneous Records

Section 274(d), as amended by the 1984 Act, disallows any deduction or credit with respect to "listed property" unless substantiated by "adequate contemporaneous records." Section 1.274–5T(b)(1) of the temporary regulations provides that the "adequate contemporaneous record" requirement shall be satisfied only by keeping a log, journal, diary, or other similar record that contains certain information. That section is amended to clarify that the "adequate contemporaneous record" requirement may also be satisfied by contemporaneous records that contain the required information and that are kept in an orderly fashion (for example, trip sheets or cards, or time and expense reports).

Section 1.274–5T(b)(2)(i) specifies that a separate entry is to be made in a log, etc., for each use of "listed property", containing the date of the use, the name of the user, a measure of the use (*i.e.*, mileage or time), and the purpose of the use. That paragraph is amended to require the name of the user except the name of the user who regularly uses the property. In addition, when the mileage is the measure of the use of "listed property", an entry may contain either the number of miles or the odometer readings at the beginning and end of each use. Also, a new paragraph (b)(2)(ii) is added to explain that only one entry is needed to record a use consisting of a round trip or a period of uninterrupted business use. For example, use of a a passenger automobile by a salesman for a business trip away from home over a period of several days may be accounted for by a single entry. De minimis personal use (such as a stop for lunch on the way between two business stops) is not an interruption in business use.

Consistent with the legislative history of the 1984 Act (H.R. Rep. No. 861, 98th Cong., 2d Sess. 1031 (1984)), a new paragraph (b)(4) provides that if a taxpayer establishes that the failure to produce adequate contemporaneous records is due to the loss of such records through circumstances beyond the taxpayer's control, the taxpayer may substantiate a deduction or credit by reasonable reconstruction of the records.

In certain cases, a deduction or credit claimed by an employer with respect to a vehicle provided by the employer to an employee may be determined by the employee's use of the vehicle. New paragraph (c) is added to § 1.274–5T to provide that the employer may satisfy its "adequate contemporaneous record" requirement by referring to the adequate contemporaneous record maintained by the employee or by relying on a statement submitted by the employee that indicates with respect to the reporting period the required information unless the employer knows or has reason to know that the statement is not based on adequate contemporaneous records.

Records for Automobiles and Certain Other Vehicles

A taxpayer whose use of "listed property" meets certain requirements during a period may use for that period one of the methods prescribed in new §1.274–6T to satisfy the "adequate contemporaneous record" requirement. If a taxpayer's gross income from the business of farming exceeds 70 percent of the taxpayer's gross income from all sources (excluding passive investment income sources), one of two methods of recordkeeping is available with respect to vehicles (other than special-purpose farm vehicles that are not listed property, as discussed below) regularly used directly in connection with the business of farming. The taxpayer may keep records of the number of miles driven during the period and the number of miles a vehicle is driven for personal purposes. Alternatively, the taxpayer may determine any deduction or credit with respect to a vehicle designed primarily for commercial use as if the business use were 80 percent, and with respect to any other vehicle (*e.g.*, an automobile) as if the business use were 70 percent.

An employer may consider certain vehicles as not used for personal purposes and need not keep logs during a period for these vehicles if for that period the vehicles are owned or leased by the employer and made available for use by one or more employees for business purposes. When not used in the employer's business the vehicles must generally be kept on the employer's business premises. The employer must also have a policy, heeded by employees, against use of the vehicles for personal purposes.

Vehicles which an employer requires employees to use for commuting may be treated similarly if the only personal use of the vehicles is for commuting, such use is not by an officer or one-percent owner of the employer, and an amount is included in employees' income to reflect the use of vehicles for commuting.

A special rule is also provided if an employee spends most of a normal business day using a vehicle to make several stops in connection with the employer's business (for example, to call on customers or clients, to make deliveries, or to visit job sites). A taxpayer may satisfy the "adequate contemporaneous record" requirement for a period in one of two ways. Records may be kept of the number of miles driven during the period and the number of miles a vehicle is driven for personal purposes. Alternatively, a deduction or credit may be determined with respect to a vehicle designed primarily for commercial use as if total business use were 80 percent and with respect to any other vehicle as if total business use were 70 percent.

If a taxpayer chooses to keep records of the personal use of a vehicle and claims that there is no personal use, the Internal Revenue Service anticipates establishing a requirement that the taxpayer must submit a statement certifying that no personal use of the vehicle has occurred. Of course, the Internal Revenue Service would retain the right to challenge the claim of no personal use.

Vehicles Available to Employees for Personal Use

A taxpayer may properly claim a deduction or credit only with respect to the portion of use of property that represents business use. The methods prescribed for satisfying the "adequate contemporaneous record" requirement in the case of automobiles or other vehicles used in connection with the business of farming or used by an employee during most of a normal business day in connection with the employer's trade or business assume a pattern of use that justifies treating a certain percentage of the total use of the vehicle as business use. If an employer provides that remaining portion of the use of a vehicle to an employee for personal use, the value of the availability of the vehicle for personal use constitutes a taxable fringe benefit to the employee. If so, with respect to the relevant period, to the extent that the employer includes the proper amount in the employee's income and withholds taxes if required, the

employer may also treat the remaining portion of the use of a vehicle as business use.

In some cases, an employer may determine the amount includible in an employee's income as if no amount is excludable as a working condition fringe (*i.e.*, all use of a vehicle by an employee is for personal purposes). New § 1.274–6T(f) provides that an employer may treat all use by an employee as personal use if the employee's cash compensation for a calendar year is reasonably expected to equal or exceed the contribution and benefit base as determined under section 230 of the Social Security Act or if the employee fails to provide the required records of business use to the employer, those records are inaccurate, or the records indicate no business use.

Certain Means of Transportation Not "Listed Property"

"Listed property", as defined in section 280F(d)(4) and § 1.280F–6T(b) of the temporary regulations, includes property used as a means of transportation. Paragraph (b)(2)(ii) of § 1.280F–6T provides that the term "means of transportation" does not include any vehicle or property that is of a type ordinarily not susceptible to personal use. On December 27, 1984, the Internal Revenue Service issued a news release explaining that special-purpose farm vehicles (for example, tractors and combines) are examples of vehicles ordinarily not susceptible to personal use. Section 1.280F–6T(b)(2)(ii) is amended to include these examples.

Fringe Benefits

Section 61(a)(1), as amended by the 1984 Act, provides that unless specifically excluded by some other section of the Code, gross income includes compensation for services, including fringe benefits. The temporary regulations published on January 7, 1965, provide examples of includible and excludable fringe benefits, rules for determining in whose gross income the value of a fringe benefit is to be included, general rules for determining the fair market value of a fringe benefit, and optional special rules for valuing certain fringe benefits. The temporary regulations under section 61 are amended to clarify that the availability of certain vehicles other than automobiles is also a fringe benefit that is includible in an employee's gross income if provided by an employer for use by the employee.

The temporary regulations under section 61 contain a special rule for valuation of the availability of an employer-provided automobile. If an employer provides an employee with an automobile which is available to the employee for an entire calendar year, the "Annual Lease Value" is the value of the benefit provided. The temporary regulations are amended to clarify that this special rule applies to valuing the availability of employer-provided automobiles and not the availability of other vehicles provided by an employer.

The temporary regulations under section 61 contain a second special rule valuing the use of an employer-provided automobile to an employee for commuting at $4.00 per day for each day the automobile is used for commuting. The temporary regulations are amended to clarify that the special rule for valuing commuting use is applicable to vehicles other than automobiles. The value of that commuting use is changed to $3.00 per day and the regulations are clarified to specify that that amount includes the value of any goods or services provided by the employer in connection with the use of the road vehicle.

The special rule for valuing commuting use is amended by removing the requirement that a substantial amount of the use of the vehicle be by employees other than the employee required to use the vehicle for commuting. The requirement that the employee not be an officer or five-percent owner of the employer is amended effective March 22, 1985, to require that, for purposes of the special valuation rule, the employee who uses an employer-provided vehicle for commuting cannot be an officer or one-percent owner of the employer. The temporary regulations are further amended to clarify that de minimis personal use by an employee (for example, a stop for lunch on the way between two business stops or a stop for a personal errand on the way between a business stop and the employee's home) is permissible.

Section 132, as added to the Code by the 1984 Act, provides that certain fringe benefits are excludable from gross income if they qualify as no-additional cost services, qualified employee discounts, working condition fringes, or de minimis fringes. The temporary regulations under section 132 provide examples describing the application of the working condition fringe exclusion to the availability of employer-provided automobiles. The applicability of those regulations is extended to other types of vehicles made available by an employer for use by an employee. A new question and answer is also added to the temporary regulations under section 132 to explain the application of the "adequate contemporaneous record" requirement to a determination of the amount, if any, of an employee's working condition fringe with respect to an employer-provided vehicle.

The 1984 Act also amended sections 3121, 3231, 3306, 3401, and 3501 to provide generally that fringe benefits that are not otherwise specifically excluded from gross income are includible in wages and compensation for purposes of income and employment tax withholding. The temporary regulations require an employer to take into account any use of an employer-provided automobile in the employer's business before determining the value of the availability of that automobile that is includible in the employee's gross income. The temporary regulations are amended to apply to other employer-provided vehicles, in addition to automobiles. In addition, for an employer's taxable years beginning after December 31, 1984, the employer must determine the amount to be included in the employee's gross income based on records that satisfy the employer's "adequate contemporaneous record" requirement. However, the temporary regulations are also amended to conform to new § 1.274–6T(f) and provide that in certain circumstances an employer may include in an employee's income an amount relating to an employer-provided vehicle calculated without regard to any working condition fringe exclusion.

Special Analyses

The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis is not required.

A notice of proposed rulemaking is not required by 5 U.S.C. 553 (d) for temporary regulations. Accordingly, the temporary regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

The collection of information requirements contained in these regulations have been submitted to the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act of 1980. These requirements have been approved by OMB under control numbers 1545–0074 and 1545–0907.

Drafting Information

The principal authors of these temporary regulations are Michel A. Dazé and Annette J. Guarisco of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from the other offices of the Internal

Revenue Service and Treasury Department participated in developing the regulations on matters of both substance and style.

List of Subjects

26 CFR 1.61–1—1.281–4

Income taxes, Taxable income, Deductions, Exemptions.

26 CFR Part 31

Employment taxes, Income taxes, Lotteries, Railroad Retirement, Social Security, Unemployment taxes, Withholding.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Parts 1 and 31 are amended as follows:

PART 1—INCOME TAX REGULATIONS

Paragraph 1. Section 1.61–2T is amended as follows:

1. A–1 is amended by adding the words "or other road vehicle" after the words "employer-provided automobile".

2. A–9 is amended by removing the words "use of employer-provided automobiles for commuting" and by adding the words "use of employer-provided road vehicles for commuting" in their place.

3. Q/A–11 is revised to read as set forth below.

4. A–12 is revised to read as set forth below.

5. Q/A–20 is revised to read as set forth below.

6. Q/A–21 is amended by removing the word "automobile" and by adding the words "road vehicle" in its place wherever it appears. Q/A–21 is further amended by removing the words "$4.00 per day" and by adding the words "$3.00 per day (which includes the value of any goods or services provided by the employer in connection with the use of the road vehicle)" in their place.

7. Revised Q/A–11, A–12, the heading that appears above Q–20 and Q/A–20 read as follows:

§ 1.61–2T Questions and answers relating to the taxation of fringe benefits (Temporary).

* * * * *

Q–11: For purposes of this section, what do the terms "automobile" and "road vehicle" means?

A–11: the term "automobile" means any motorized four-wheeled vehicle manufactured primarily for use on public streets, roads, and highways. The term "road vehicle" means any motorized wheeled vehicle manufactured primarily for use on public streets, roads, and highways. Q/A–12 through Q/A–19 of this section apply only to an "automobile" as defined in this Q/A–11.

Q–12: * * *

A–12: If an employer provides an employee with an automobile which is available to the employee for an entire calendar year, the Annual Lease Value (as defined in Q/A–13 of this section) is the value of the benefit provided. An automobile available to or used by an individual, but taxable to an employee (*see* Q/A–3 of this section), is referred to in Q/A–11 through Q/A–19 of this section as available to the employee and use by the individual is considered use by the employee. For a discussion of the working condition fringe exclusion relating to the business use of an employer-provided automobile or other road vehicle, *see* section 132(a)(3) and § 1.132–1T.

When the special rule is not or cannot be used, the value of the availability of an employer-provided automobile or other road vehicle is determined under the general valuation principles set forth in this section. In general, such valuation must be determined by reference to the cost to the employee of renting or leasing a comparable automobile or other road vehicle on comparable terms for a comparable period. The value of the availability of an employer-provided automobile or other road vehicle cannot be determined by reference to a cents-per-mile rate applied to the number of miles the automobile or other road vehicle is driven.

* * * * *

Use of Employer-Provided Road Vehicle for Commuting

Q–20: Is there a special rule that taxpayers may use to value employer-provided road vehicles which are not available for personal use other than commuting use?

A–20: Yes. A special rule may be used to compute commuting value if the following criteria are met with respect to an employer-provided road vehicle:

(a) For bona fide noncompensatory business reasons, the employer requires the employee to commute in the road vehicle,

(b) The employer's policy is that the employee, or any individual whose use would be taxable to the employee, is not allowed to use the road vehicle for personal purposes other than commuting and de minimis personal use (such as a stop for lunch on the way between two business stops or a stop for a personal errand on the way between a business stop and the employee's home),

(c) Except for de minimis use, the employee, or any individual whose use would be taxable to the employee, does not use the road vehicle for any personal purpose other than commuting,

(d) The road vehicle is used in the employer's business, and

(e) For the period beginning January 1, 1985, and ending March 22, 1985, the employee required to use the road vehicle for commuting is not an officer or a five-percent owner of the employer. For any subsequent period, the employee required to use the road vehicle for commuting is not an officer or a one-percent owner of the employer.

For purposes of determining who is a one-percent (or five-percent) owner, any individual who owns (or is considered as owning) more than one percent (or five-percent) of the fair market value of an entity (the "owned entity") is considered a one-percent (or five-percent) owner of all entities which would be aggregated with the owned entity under the rules of section 414 (b), (c), or (m).

If an employee is not permitted to use the special rule for valuing the use of an employer-provided road vehicle for commuting (e.g., because of the requirement in paragraph (e) of this Q/A–20), the special rule for valuing the availability of an employer-provided automobile may be used, if applicable, with respect to the employee (*see* Q/A–12 through Q/A–19 of this section). If that special rule is not or cannot be used, the general valuation rules must be used (*see* Q/A–5 through Q/A–7 of this section).

* * * * *

§ 1.132–1T [Amended]

Par. 2. Section 1.132–1T is amended as follows:

1. Q/A–4 is amended by removing the words "employer-provided automobile", "the automobile", and "an automobile" each place that they appear and by adding the words "employer-provided road vehicle", "the road vehicle", and "a road vehicle", respectively, in their place. Q/A–4 is further amended by adding a new sentence after the first sentence of A–4 that reads as follows: "(For purposes of this section, the term 'road vehicle' has the meaning given the term in Q/A–11 of § 1.61–2T.".

2. A new Q/A–4a is added immediately after Q/A–4 and reads as set forth below.

3. Q/A–6 is amended by removing the words "employer-provided automobiles" and by adding the words "employer-provided road vehicles" in their place. Q/A–6 is further amended by removing the words "an automobile by automobile basis" and by adding the

words "a road vehicle by road vehicle basis" in their place.

4. Q/A-7 is amended by removing the words "specially designed automobiles", "specially designed automobile", "an automobile", and "the automobile" each place that they appear and by adding the words "specially designed road vehicles", "specially designed road vehicle", "a road vehicle", and "the road vehicle", respectively, in their place.

5. Q/A-8 is amended by removing the word "automobile" each place that it appears and by adding the words "road vehicle" in its place.

6. New Q/A-4a reads as follows:

§ 1.132-1T Questions and answers relating to the exclusion from gross income of certain fringe benefits (Temporary).

* * * * *

Working Condition Fringe

* * * * *

Q-4a: Do section 274(d)(4) and the regulations thereunder apply in determining the amount, if any, of an employee's working condition fringe with respect to an employer-provided road vehicle?

A-4a: Yes, as provided below:

(a) *Substantiation required.* In the case of an employer-provided road vehicle that is listed property within the meaning of section 280F(d)(4) and § 1.280F-6T(b), no amount of the value of the availability of the road vehicle to the employee may be excluded from the employee's gross income as a working condition fringe, by either the employer or the employee, unless the applicable substantiation requirements of section 274(d)(4) and the regulations thereunder are satisfied. However, the substantiation requirement of section 274(d)(4) and the regulations thereunder do not apply to the determination of an employee's working condition fringe exclusion prior to the date that that requirement applies to the employer under the effective date provision of section 274(d)(4).

(b) *"Adequate contemporaneous record" requirement.* Section 1.274-5T provides that the substantiation requirements of section 274(d)(4) are satisfied by "adequate contemporaneous records" detailing the employee's use of the employer-provided road vehicle. Therefore, such records maintained by the employee and relied on by the employer to the extent permitted by § 1.274-5T(c), will be sufficient to substantiate a working condition fringe exclusion. The amount of any working condition fringe is determined in the manner described in Q/A-4 of this section.

(c) *Methods of satisfying the "adequate contemporaneous record" requirement.* Section 1.274-6T provides that the "adequate contemporaneous record" requirement of § 1.274-5T may be satisfied, in certain circumstances, by using one of the methods prescribed in § 1.274-6T (b) through (e). If the employer uses one of the methods prescribed in § 1.274-6T during a period with respect to an employer-provided road vehicle, that method must be used by the employer to substantiate a working condition fringe exclusion with respect to that vehicle during the period pursuant to the rules prescribed in paragraphs (d) through (g) of this Q/A-4a, whichever is applicable. An employer who is exempt from Federal income tax may still use one of the methods prescribed in § 1.274-6T (if the requirements of that section are otherwise met during a period) to substantiate a working condition fringe exclusion with respect to the vehicle during the period. If the employer uses one of the methods prescribed in § 1.274-6T (b) through (e) during a period with respect to an employer-provided road vehicle, that method may be used by an employee to substantiate a working condition fringe exclusion with respect to the same vehicle during the period, as long as the employee includes in gross income the amount allocated to the employee by the employer pursuant to this Q/A-4a. If, however, the employer uses the method prescribed in § 1.274-6T (c) or (d) and the employee without the employer's knowledge uses the road vehicle for purposes other than de minimis personal use (in the case of the method prescribed in § 1.274-6T(c)), or for purposes other than de minimis personal use and commuting (in the case of the method prescribed in § 1.274-6T(d)), then the employee has additional gross income.

The rules prescribed in paragraphs (d) through (g) of this Q/A-4a assume that the method prescribed in § 1.274-6T is used for a one-year period. Accordingly, references to the value of the availability of a road vehicle, amounts excluded as a working condition fringe, miles driven, etc., are based on a one-year period. If the method prescribed in § 1.274-6T is used for a period of less than a year, the amounts referenced in the previous sentence must be adjusted accordingly.

(d) *Road vehicles used in connection with the business of farming that are available to employees for personal use.* For a road vehicle described in § 1.274-6T(b) (relating to certain vehicles used in connection with the business of farming), the working condition fringe exclusion is calculated as follows:

(1) *Formula allocation.* If the method prescribed in § 1.274-6T(b)(3) is used by the employer, the working condition fringe exclusion is calculated by multiplying the value of the availability of the road vehicle by the appropriate formula percentage (either 80 percent or 70 percent, depending upon the type of road vehicle).

If the road vehicle is available to more than one individual, the employer must allocate the gross income attributable to the road vehicle (either 20 percent or 30 percent (depending upon the type of road vehicle) of the value of the availability of the vehicle) among the employees (and other individuals whose use would not be attributed to an employee) to whom the vehicle was available. This allocation must be done in a reasonable manner to reflect the personal use of the road vehicle by the individuals. *See* § 1.274-6T(b)(1)(i)(D). Amounts that would be allocated to individuals who are not employees (such as a sole proprietor) reduce the amount that may be allocated to employees but are otherwise to be disregarded for purposes of this Q/A-4a. *See* § 1.274-6T(b)(3) for the effect of the personal use of a road vehicle by a sole proprietor on the deductions or credits available with respect to the vehicle.

For purposes of this paragraph (d)(1), the value of the availability of a road vehicle may be calculated as if the vehicle had been available to only one employee continuously and without regard to any working condition fringe exclusion.

The following examples illustrate a reasonable allocation of gross income with respect to an employer-provided road vehicle between two employees:

Example (1). Assume that two farm employees share the use of a road vehicle which for a calendar year is regularly used directly in connection with the business of farming and qualifies for use of the rule in § 1.274-6T(b)(3). Employee A uses the vehicle in the morning directly in connection with the business of farming and employee B uses the vehicle in the afternoon directly in connection with the business of farming. Assume further that employee B takes the vehicle home in the evenings and on weekends. The employer should allocate all the income attributable to the availability of the vehicle for personal use (20 percent or 30 percent of the value of the availability of the vehicle, depending upon the type of vehicle) to employee B.

Example (2). Assume that for a calendar year, farm employees C and D share the use of a road vehicle that is regularly used directly in connection with the business of farming and qualifies for use of the rule in

§ 1.274–6T(b)(3). Assume further that the employees alternate taking the vehicle home in the evening and alternate the availability to use the vehicle for personal purposes on weekends. The employer should allocate the income attributable to the availability of the vehicle for personal use (20 percent or 30 percent of the value of the availability of the vehicle, depending upon the type of vehicle) equally between the two employees.

Example (3). Assume the same facts as in example (2) except that C is the sole proprietor of the farm. Based on these facts, C should allocate the same amount of income to D as was allocated to D in example (2). No other income attributable to the availability of the vehicle for personal use should be allocated.

(2) *Actual use allocation.* If the method prescribed in § 1.274–6T(b)(4) is used by the employer, the working condition fringe exclusion is calculated by multiplying the value of the availability of the road vehicle by a fraction, the numerator of which is the difference between the total miles driven by the employee and the personal miles driven by the employee, and the denominator of which is the total miles driven by the employee.

If the road vehicle is available to more than one individual, the employer must allocate the gross income attributable to the availability of the road vehicle to each employee by multiplying the value of the availability of the road vehicle by a fraction, the numerator of which is the personal miles driven by the employee, and the denominator of which is the total miles driven by all individuals.

For purposes of this paragraph (d)(2), the value of the availability of a road vehicle may be determined as if the vehicle had been available to only one employee continuously and without regard to any working condition fringe exclusion. For purposes of this Q/A–4a, personal miles include miles driven by the employee in a business that is unrelated to the business of the employer.

(e) *Road vehicles not available to employees for personal use.* For a road vehicle described in § 1.274–6T(c) (relating to certain vehicles not used for personal purposes), the working condition fringe exclusion is equal to the value of the availability of the road vehicle if the employer uses the method prescribed in § 1.274–6T(c).

(f) *Road vehicles not available to employees for personal use other than commuting.* For a road vehicle described in § 1.274–6T(d) (relating to certain vehicles not used for personal purposes other than commuting), the working condition fringe exclusion is equal to the value of the availability of the road vehicle for purposes other than commuting if the employer uses the method prescribed in § 1.274–6T(d). This rule applies only if the special rule for valuing commuting use, as prescribed in Q/A–20 and Q/A–21 of § 1.61–2T, is used and the amount determined under the special rule is included in the employee's income.

(g) *Road vehicles used to visit multiple business locations that are available to employees for personal purposes.* For a road vehicle described in § 1.274–6T(e) (relating to certain vehicles used by employees to visit multiple business locations), the working condition fringe exclusion is calculated as follows:

(1) *Formula allocation.* If the method prescribed in § 1.274–6T(e)(3) is used by the employer, the working condition fringe exclusion is calculated by multiplying the value of the availability of the road vehicle by the appropriate formula percentage (either 80 percent or 70 percent, depending upon the type of road vehicle).

If the road vehicle is available to more than one individual, the employer must allocate the gross income attributable to the road vehicle (either 20 percent or 30 percent (depending upon the type of road vehicle) of the value of the availability of the vehicle) among the employees (and other individuals whose use would not be attributed to an employee) to whom the vehicle was available. This allocation must be done in a reasonable manner to reflect the personal use of the road vehicle by the individuals. *See* § 1.274–6T(e)(2)(iv). Amounts that would be allocated to individuals who are not employees (such as a sole proprietor) reduce the amount that may be allocated to employees but are otherwise to be disregarded for purposes of this Q/A–4a. *See* § 1.274–6T(e)(3) for the effect of the personal use of a road vehicle by a sole proprietor on the deductions or credits available with respect to the vehicle.

For purposes of this paragraph (g)(1), the value of the availability of a road vehicle may be calculated as if the vehicle had been available to only one employee continuously and without regard to any working condition fringe exclusion.

The following example illustrates a reasonable allocation of the gross income with respect to a vehicle among several employees:

Example. Assume that for a calendar year four employees share the use of a vehicle that during most of a normal business day is used by the employees in connection with the employer's business and qualifies for use of the rule in § 1.274–6T(e)(3). Assume further that the employees alternate the use of the vehicle in the employer's business each month and that during each month the vehicle is available for personal use only by the employee using the vehicle for business that month. The employer should allocate the income attributable to the availability of the vehicle for personal use (20 percent or 30 percent of the value of the availability of the vehicle, depending upon the type of vehicle) equally among the employees.

(2) *Actual use allocation.* If the method prescribed in § 1.274–6T(e)(4) is used by the employer, the working condition fringe exclusion is calculated by multplying the value of the availability of the road vehicle by a fraction, the numerator of which is the difference between the total miles driven by the employee and the personal miles driven by the employee, and the denominator of which is the total miles driven by the employee.

If the road vehicle is available to more than one individual, the employer must allocate the gross income attributable to the availability of the road vehicle to each employee by multiplyng the value of the availability of the road vehicle by a fraction, the numerator of which is the personal miles driven by the employee, and the denominator of which is the total miles driven by all individuals.

For purposes of this paragraph (g)(2), the value of the availability of a road vehicle may be determined as if the vehicle had been available to only one employee continuously and without regard to any working condition fringe exclusion. For purposes of this Q/A–4a, personal miles include miles driven by the employee is a business that is unrelated to the business of the employer

* * * * *

Par. 3. Section 1.274–5T is amended as follows:

1. Paragraph (a) is amended by adding the sentence "*See* § 1.274–6T for the rules regarding the substantiation requirement with respect to certain types of 'listed property'." after the last sentence of that paragraph.

2. Paragraph (b)(1) is amended by adding two new sentences after the first sentence to read as follows: "The 'adequate contemporaneous record' requirement may also be satisfied by contemporaneous records that contain the information required by paragraph (b)(2) of this section and that are kept in an orderly fashion (for example, trip sheets or cards, or time and expense reports). *See* paragraph (b)(4) of ths section in the case of records lost due to circumstances beyond the control of the taxpayer.".

3. Paragraph (b)(2)(i) is amended by removing the words "paragraph (b)(2)(ii)" from the first sentence and

adding in their place the words "paragraph (b)(2)(iii) or (c)". Paragraph (b)(2)(i) is further amended by removing the second sentence.

4. Paragraph (b)(2)(i)(B) is amended by adding after the word "property" and before the coma the words "except for the name of the one person who regularly uses the property".

5. Paragraph (b)(2)(i)(C) is amended by removing the words "The number of miles," and by adding in their place the words "Either the number of miles or the odometer readings at the beginning and ending of each use.".

6. Paragraph (b)(2)(ii) is redesignated as paragraph (b)(2)(iii) and a new paragraph (b)(2)(ii) is added in its place and reads as set forth below.

7. Paragraph (b)(2)(iii) as so redesignated is amended by removing the words "paragraph (b)(2)(i)" and by adding "paragraph (b)(2) (i) and (ii)" in their place.

8. New paragraphs (b)(4), (c), and (d) are added after paragraph (b)(3) and read as set forth below.

9. New paragraphs (b)(2)(ii), (b)(4), (c), and (d) read as follows:

§ 1.274–5T Substantiation with respect to listed property for taxable years beginning after 1984 (Temporary).

* * * * *

(b) * * *

(2) * * *

(ii) *Entries with respect to round trips.* Uses which may be considered part of a single use, for example, a round trip or uninterrupted business use, may be accounted for by a single entry. For example, use of a truck to make deliveries at several different locations which begins and ends at the business premises and which may include a stop at the business premises in between two deliveries may be accounted for by a single entry. In addition, use of a passenger automobile by a salesman for a business trip away from home over a period of time (for example, several days) may be accounted for by a single entry. De minimis personal use (such as a stop for lunch on the way between two business stops) is not an interruption in business use.

(iii) * * *

(3) * * *

(4) *Loss of records due to circumstances beyond control of taxpayer.* If the taxpayer establishes that the failure to produce adequate contemporaneous records is due to the loss of such records through circumstances beyond the taxpayer's control, such as destruction by fire, flood, earthquake, or other casualty, the taxpayer shall have a right to substantiate a deduction or credit by reasonable reconstruction of the taxpayer's records.

(c) *Employer-provided vehicles.* In the case of vehicles that an employer provides to an employee, the employer may satisfy the requirement of section 274(d)(4), this section, and § 1.274–6T by relying on "adequate contemporaneous records" maintained by the employee unless the employer knows or has reason to know they are not accurate. The employer must retain a copy of the "adequate contemporaneous records" maintained by the employee. Alternatively, to satisfy its obligation under section 274(d)(4), the employer may rely on a statement submitted by the employee indicating over the reporting period the number of miles driven by the employee in the employer's business and the number of total miles driven by the employee (or, in the case of the methods prescribed in § 1.274–6T (b)(4) and (e)(4), the number of personal miles driven by the employee and the number of total miles driven by all individuals), unless the employer knows or has reason to know the statement is not based on "adequate contemporaneous records". If the employer relies on an employee's statements, the employer is required to retain only copies of those statements. In any case, a copy of the "adequate contemporaneous records" must be retained by the employee.

(d) *Attribution.* For purposes of this section and § 1.274–6T, a person's use of any vehicle for which the use would be taxed to a second person, assuming the vehicle were provided by a third person employing the second person, is considered use by the second person. For example, use of an employer-provided road vehicle by the employee's spouse is considered use by the employee.

Par. 4. A new § 1.274–6T is added immediately after § 1.274–5T and before § 1.274–6. New § 1.274–6T reads as follows:

§ 1.274–6T Substantiation with respect to certain means of transportation for taxable years beginning after 1984 (Temporary).

(a) *In general.* For taxable years beginning after December 31, 1984, section 274(d)(4) and § 1.274–5T(a) deny a taxpayer a deduction or credit with respect to certain listed property (as defined in section 280F(d)(4) and § 1.280F–6T(b)) unless the use of such property is substantiated by "adequate contemporaneous records". For taxable years beginning after December 31, 1984, a taxpayer may satisfy the recordkeeping requirements of section 274(d)(4) and § 1.274–5T(a) in certain circumstances by using one of the methods prescribed in paragraph (b), (c), (d), (e), or (f) of this section.

(b) *Vehicles used in connection with the business of farming—(1) In general.* (i) A taxpayer may satisfy the "adequate contemporaneous record" requirement of section 274(d)(4) and § 1.274–5T(a) for a period of time in the manner prescribed in paragraph (b) (3) or (4) of this section with respect to the use of a "road vehicle" (as defined in paragraph (g)(1) of this section) if for that period—

(A) The vehicle is regularly "used directly in connection with the business of farming" (as defined in paragraph (b)(2) of this section),

(B) The requirements of paragraph (b)(1)(ii) and (iii) of this section are satisfied,

(C) In the case of a "road vehicle" described in paragraph (g)(1)(ii) of this section (*e.g.*, an automobile), the vehicle is used during most of a normal business day to make several stops directly in connection with the business of farming, and

(D) In the case of a road vehicle made available to more than one employee, the requirement of Q/A–4a of § 1.132–1T (relating to the method of allocating the working condition fringe exclusion among the employees) is satisfied.

(ii) This paragraph (b) applies only to a taxpayer whose gross income from the business of farming exceeds 70 percent of the taxpayer's gross income from all sources (excluding passive investment income sources) during the taxable year. For purposes of this paragraph (b)(1)(ii), the term "passive investment income" means gross receipts derived from royalties, rents, dividends, interest, annuities, and sales or exchanges of capital assets.

(iii) A taxpayer must be able to demonstrate that the taxpayer has met the requirements of this paragraph (b) by evidence that enables the Commissioner to make that determination. For example, the taxpayer would be required to show that the taxpayer's gross income from farming exceeds 70 percent of the taxpayer's gross income from all sources (excluding passive investment income sources).

(2) *"Used directly in connection with the business of farming."* The phrase "used directly in connection with the business of farming" means that the vehicle must be used directly in connection with the business of operating a farm (*i.e.*, cultivating land or raising or harvesting any agricultural or horticultural commodity, or the raising, shearing, feeding, caring for, training, and management of animals) or

incidental thereto (for example, trips to a feed and supply store).

(3) *Special rule.* A taxpayer may determine any deduction or credit as if both the taxpayer's "business/investment use" (as defined in § 1.280F-6T(d)(3)(i)) and "qualified business use" (as defined in § 1.280F-6T(d)(2)) of the vehicle for the period are—

(i) 80 percent with respect to a "road vehicle" described in paragraph (g)(1)(i) of this section, and

(ii) 70 percent with respect to a "road vehicle" described in paragraph (g)(1)(ii) of this section,

plus that percentage, if any, attributable to an amount included in an employee's gross income.

(4) *Flexibility.* In lieu of meeting the requirements of paragraph (b)(3) of this section, the "adequate contemporaneous record" requirement may be satisfied for the period by keeping at the time prescribed in § 1.274-5T(b)(3) a log, journal, diary, or other similar record (as described in § 1.274-5T(b)(1)) that contains the following:

(i) Except for a vehicle described in paragraph (b)(4)(ii) of this section, entries of the odometer readings at the beginning and ending of each period (not to exceed a taxable year), and if a period includes the last day of a calendar quarter and the first day of the next calendar quarter, an entry of the odometer reading at the ending of a calendar quarter, or,

(ii) In the case of a vehicle used exclusively by a sole proprietor or independent contractor, entries of the odometer readings at the beginning and ending of the taxable year, and

(iii) With respect to a personal use (including use by an employee in a business unrelated to the employer's business) of the vehicle—

(A) Either the number of miles or entries of the odometer readings at the beginning and ending of the personal use of the vehicle,

(B) The name of the user of the vehicle (except for the name of the one person, if any, who regularly uses the vehicle), and

(C) The date of the personal use of the vehicle.

(c) *Vehicles not used for personal purposes*—(1) *In general.* A taxpayer may satisfy the "adequate contemporaneous record" requirement of section 274(d)(4) and § 1.274-5T(a) in the manner prescribed in paragraph (c)(3) of this section with respect to the use of a "road vehicle" (as defined in paragraph (g)(1) of this section) during a period of time if for that period the requirements of paragraph (c)(2) of this section are satisfied.

(2) *Requirements.* The requirements of this paragraph (c)(2) are:

(i) The vehicle is owned or leased by an employer and made available for use by one or more employees in connection with the employer's trade or business,

(ii) When the vehicle is not used in the employer's trade or business, it is kept on the employer's business premises, unless it is temporarily located elsewhere, for example, for maintenance or because of a mechanical failure,

(iii) The employer's business premises and the residence of any employee using the vehicle are at different locations,

(iv) The employer's policy is that no employee is allowed to use the vehicle for personal purposes other than de minimis personal use (such as a stop for lunch on the way between two business stops), and

(v) The employer reasonably believes that, except for de minimis use, no employee uses the vehicle for any personal purpose.

(3) *Required records.* A taxpayer may satisfy the "adequate contemporaneous record" requirement of section 274(d)(4) and § 1.274-5T in the case of a vehicle to which paragraph (c)(2) of this section applies by evidence that enables the Commissioner to determine if the taxpayer meets the requirements of paragraph (c)(2) of this section.

(d) *Vehicles not used for personal purposes other than commuting*—(1) *In general.* A taxpayer may satisfy the "adequate contemporaneous record" requirement of section 274(d)(4) and § 1.274-5T(a) in the manner prescribed in paragraph (d)(3) of this section with respect to the use of a "road vehicle" (as defined in paragraph (g)(1) of this section) during a period of time if for that period the requirements of paragraph (d)(2) of this section are satisfied.

(2) *Requirements.* The requirements of this paragraph (d)(2) are:

(i) The vehicle is owned or leased by an employer and made available for use by one or more employees in connection with the employer's trade or business,

(ii) For bona fide noncompensatory business reasons, the employer requires an employee to commute in the vehicle,

(iii) The employer's policy is that the employee is not allowed to use the vehicle for personal purposes other than commuting and de minimis personal use (such as a stop for lunch on the way between two business stops or a stop for a personal errand on the way between a business stop and the employee's home),

(iv) The employer reasonably believes that, except for de minimis use, the employee does not use the vehicle for any personal purpose other than commuting,

(v) The vehicle is used in the employer's business,

(vi) The employee required to use the road vehicle for commuting is not an officer or a one-percent owner of the employer, and

(vii) The employer accounts for the commuting use by including an amount in the employee's income in the manner prescribed in Q/A-21 of § 1.61-2T.

For purposes of determining who is a one-percent owner, any individual who owns (or is considered as owning) more than one percent of the fair market value of an entity (the "owned entity") is considered a one-percent owner of all entities which would be aggregated with the owned entity under the rules of section 414 (b), (c), or (m).

(3) *Required records.* A taxpayer may satisfy the "adequate contemporaneous record" requirement of section 274(d)(4) and § 1.274-5T in the case of a "road vehicle" to which this paragraph (d) applies by evidence that enables the Commissioner to determine if the taxpayer meets the requirements of paragraph (d)(2) of this section.

(e) *Vehicles used by employees to visit multiple business locations*—(1) *In general.* A taxpayer may satisfy the "adequate contemporaneous record" requirement of section 274(d)(4) and § 1.274-5T(a) in the manner prescribed in paragraph (e) (3) or (4) of this section with respect to the use of a "road vehicle" (as defined in paragraph (g)(1) of this section) during a period of time if for that period the requirements of paragraph (e)(2) of this section are met. This paragraph (e) does not apply with respect to an employee who customarily spends most of a normal business day in any office or similar setting.

(2) *Requirements.* The requirements of this paragraph (e)(2) are:

(i) The vehicle is either—

(A) Owned or leased by an employer and made available for use by one or more employees, or

(B) Owned or leased by an employee,

(ii) All the business use of the vehicle is in connection with the principal trade or business of the employee,

(iii) During most of a normal business day the vehicle is used by an employee to make several stops in connection with the employer's business (for example, to call on customers or clients, to make deliveries, or to visit job sites), and

(iv) In the case of a road vehicle made available to more than one employee, the requirement of Q/A-4a of § 1.132-1T (relating to the method of allocating the working condition fringe exclusion among the employees) is satisfied.

A taxpayer must be able to demonstrate that the taxpayer has met the requirements of this paragraph (e)(2) by evidence that enables the Commissioner to make that determination.

(3) *Special rule.* A taxpayer may determine any deduction or credit with respect to a vehicle to which this paragraph (e) applies in the manner prescribed in paragraph (b)(3) of this section.

(4) *Flexibility.* In lieu of using the method prescribed in paragraph (e)(3) of this section, the "adequate contemporaneous record" requirement may be satisfied for the period in the manner prescribed in paragraph (b)(4) of this section.

(5) *Cross-references.* See § 1.61–2T Q/A–11 through Q/A–22, for special rules valuing the availability of employer-provided road vehicles and § 1.132–1T Q/A–3 through Q/A–8, relating to an exclusion from gross income for a working condition fringe benefit.

(f) *Vehicles treated as used entirely for personal purposes*—(1) *In general.* An employer may satisfy the "adequate contemporaneous record" requirement with respect to the use of a "road vehicle" (as defined in paragraph (g)(1) of this section) used during a period of time by an employee—

(i) Whose cash compensation during the calendar year in which the vehicle is available is reasonably expected to equal or exceed the contribution and benefit base (as determined under section 230 of the Social Security Act),

(ii) Who fails within a reasonable period after a request from the employer to provide the employer with records or a statement (with respect to business and total mileage), needed by the employer to satisfy its "adequate contemporaneous record" requirement,

(iii) Who provides records or a statement (with respect to business and total mileage) that the employer knows or has reason to know is not accurate, or

(iv) Who provides records or a statement indicating no business use,

by including the value of the availability of the vehicle during the relevant period in the employee's income without any exclusion for a working condition fringe with respect to such vehicle. *See* paragraph (f)(2) of this section for the limitation on the provisions of this paragraph (f)(1).

(2) *Limitation.* If an employee does not meet any of the requirements of paragraph (f)(1) of this section but the employer nevertheless includes the value of the availability of an employer-provided vehicle in the income of that employee without any exclusion for a working condition fringe with respect to such vehicle, the employer fails to satisfy the "adequate contemporaneous record" requirement of section 274(d)(4) and § 1.274–5T. For example, if an employer makes a vehicle available to an employee with the understanding that the employee will not submit records or a statement to the employer, and the employer includes the entire value of the availability of the vehicle in the employee's income, the employer has not substantiated its right to any deduction or credit with respect to the vehicle for the period.

(g) *Definitions.* For purposes of this section—

(1) *"Road vehicle".* The term "road vehicle" means any vehicle manufactured primarily for use on public streets, roads, and highways that is "listed property" (as defined in section 28F(d)(4) and § 1.280F–6T(b)) and is—

(i) Designed primarily for commercial use other than a "passenger automobile" (as defined in section 280F(d)(5) and § 1.280F–6T(c)), or

(ii) A vehicle not described in paragraph (g)(1)(i) of this section, *e.g.*, a truck or van specially equipped or modified for personal purposes.

Solely for purposes of this section, a "passenger automobile" does not include a truck or van.

(2) *Employer and employee.* The terms "employer" and "employee" include the following:

(i) A sole proprietor shall be treated as both an employer and employee,

(ii) A partnership shall be treated as an employer of its partners, and

(iii) A partner shall be treated as an employee of the partnership.

(h) *Limitation.* If a taxpayer chooses to satisfy the recordkeeping requirement of section 274(d)(4) and § 1.274–5T(a) by using one of the methods prescribed in paragraph (b), (c), (d), or (e) of this section or in the manner prescribed in § 1.274–5T, and files a return with the Internal Revenue Service for a taxable year consistent with such choice, then the taxpayer may not later amend the return to use another method prescribed in paragraph (b), (c), (d), or (e) of this section. This rule shall apply to employees for purposes of their working condition fringe exclusion (*see* § 1.132–1T) as well as to employers. For example, if an employee excludes on his federal income tax return for a taxable year 90 percent of the value of the availability of an employer-provided automobile on the basis of records that allegedly satisfy the "adequate contemporaneous record" requirement of § 1.274–5T (determined without regard to this section), and that requirement is not satisfied, then the employee may not satisfy the "adequate contemporaneous record" requirement for the taxable year by any method prescribed in this section.

Par. 5. Section 1.280F–6T(b)(2)(ii) is revised to read as set forth below:

§ 1.280F–6T Special rules and definitions (temporary).

* * * * *

(b) * * *

(2) * * *

(ii) *Exception.* The term "means of transportation" does not include any vehicle or property that is of a type ordinarily not susceptible to personal use. Examples of such property are forklifts, cement mixers, dump trucks, trucks specially designed for specific business purposes (*e.g.*, refrigerated delivery trucks), and special-purpose farm vehicles (*e.g.*, tractors and combines). This paragraph (b)(2)(ii) does not apply with respect to any vehicle used by an individual for commuting purposes.

* * * * *

PART 31—EMPLOYMENT TAX REGULATIONS

Par. 6. Section 31.3501(a)–1T is amended as follows:

1. Q/A–7 is amended by removing from Q–7 the word "automobile" and by adding the words "automobile or other road vehicle" in its place. Q/A–7 is further amended by removing the first sentence of A–7 and by adding the following two new sentences in its place: "The value of the availability of an employer-provided automobile or other road vehicle must be determined under the rules provided in § 1.61–2T and § 1.132–1T. (For purposes of this section, the terms 'automobile' and 'road vehicle' have the meaning given those terms in Q/A–11 of § 1.61–2T).".

2. Q/A–8 is revised to read as set forth below.

3. A new Q/A–8a is added immediately before Q/A–9 and reads as set forth below.

4. Revised Q/A–8 and new Q/A–8a read as follows:

§ 31.3501(a)–1T Question and answer relating to the time employers must collect and pay the taxes on noncash fringe benefits (temporary).

* * * * *

Q–8. May an employer treat any part of the Annual Lease Value or Daily Lease Value (as defined in § 1.61–2T), or the fair market value if the special rule of § 1.61–2T is not or cannot be used, of an automobile or other road vehicle made available to an employee as

includible in the employee's gross income without regard to whether the employee has used the automobile or other road vehicle in the employer's business?

A–8. No, except as otherwise provided in this Q/A–8, an employer may not exclude any amount in an employee's income with respect to an employer-provided automobile or other road vehicle unless such inclusion is based on:

(a) Records or a statement submitted by an employee that contain the business and total mileage for the period beginning on January 1, 1985, and ending on the last day of the employer's taxable year that began in 1984, or

(b) Records that satisfy the employer's "adequate contemporaneous record" requirement under section 274(d)(4) and the regulations thereunder for the employer's taxable years beginning after December 31, 1984.

For example, an employer who is subject to (b) of this Q/A–8 may rely on a statement submitted by the employee indicating for the period the number of miles driven by the employee in the employer's business and the total number of miles driven by the employee unless the employer knows or has reason to know the statement submitted is not based on "adequate contemporaneous records". (For purposes of this section, if a road vehicle is available to any person and such availability would be taxable to an employee, miles driven by that person will be considered miles driven by the employee).

Notwithstanding the preceding paragraph of this Q/A–8, an employer may include in an employee's income the value of the availability of an employer-provided road vehicle, calculated without regard to a working condition fringe exclusion based on business mileage if one of the conditions listed in § 1.274–6T(f)(1) is satisfied with respect to the relevant period.

In addition, the employer must, before including any amount in an employee's income with respect to an employer-provided road vehicle, take into account other working condition fringe exclusions, such as the security exclusion discussed in § 1.132–1T, if proper calculation of an exclusion requires information from the employee and the employee does not respond within a reasonable period of time to a request for that information or produces information which the employer knows or has reason to know is not accurate, the employer may disregard such exclusion in reporting the employee's gross income.

Q–8a. May an employer withhold amounts attributable to noncash fringe benefits on the basis of average wages as permitted under section 3402(h)(1)?

A–8a. In general, yes. In estimating wages under section 3402(h)(1)(A), however, the employer must take into account estimated business use of the benefit (such as an employer-provided road vehicle). In no event, however, may the amount reported by the employer as "wages" for any employee for any quarter be based on an estimation. However, the rules in Q/A–1 of this section regarding permissible delays in actual withholding apply.

* * * * *

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

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Approved by the Office of Management and Budget under control numbers 1545–0074 and 1545–0907.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: February 13, 1985.

Ronald A. Pearlman,

Assistant Secretary of Treasury.

[FR Doc. 85–4136 Filed 2–15–85; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CCGD09 84–17]

Drawbridge Operation Regulations; Buffalo River, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Consolidated Rail Corporation, the Coast Guard is changing regulations governing the Conrail railroad bridges at miles 4.02 and 4.39 over the Buffalo River, Buffalo, New York, by requiring that advance notice for opening the draw be given between the hours of 11 p.m. and 7 a.m. This change is being made because of a steady decrease in requests to open the draws during this period of time. This action will relieve the bridge owner of the burden of having a person constantly available to open the draws and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on March 22, 1985.

FOR FURTHER INFORMATION CONTACT: Robert W. Bloom, Jr., Chief, Bridge Branch, telephone (216) 522–3993.

SUPPLEMENTARY INFORMATION: On 16 October 1984 the Coast Guard published proposed rules Vol. 49, No 201, FR 44023 concerning this amendment. The Commander, Ninth Coast Guard District, also published the proposal as a Public Notice dated 5 November 1984. In each notice interested persons were given until 30 November 1984 and 5 December 1984, to submit comments.

Drafting Information

The drafters of these regulations are Fred H. Mieser, project officer, and LCDR M. A. Leone, project attorney.

Discussion of Comments

No comments were received from the **Federal Register**. Four comments were received from the Public Notice; three commentors had no objections and one commentor was concerned with the possibility of a communications problem for giving advance notice to have the bridge open. In order to improve communications at the bridge, not only for the advance notice requirement to open the bridge between the hours of 11 p.m., and 7 a.m., but to improve communications at all times, Conrail will install radiotelephones at both bridges. Also, Conrail is furnishing telephone numbers that may be used 24 hours a day, seven days a week.

Economic Assessment and Certification

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

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. Declining requests for opening the draws of these bridges between the hours of 11 p.m. and 7 a.m. has resulted from the shut-down of the facilities of two principal waterway users. Also, in the event changes in the business environment require routine vessel passage through the draws between the hours of 11 p.m. and 7 a.m., full time bridgetender service will be reinstated upon direction of the Commander, Ninth Coast Guard District.

Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by adding Paragraph (c) to § 117.773 to read as follows:

§ 117.773 Buffalo River.

* * * * *

(c) The draws of the Conrail bridges, mile 4.02 and 4.39, both at Buffalo, shall open on signal between the hours of 11 p.m. and 7 a.m. if at least a four hour advance notice is given. However, the draw shall open within thirty minutes for vessels responding to an emergency.

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

Dated: February 7, 1985.

A.M. Danielsen,

RADM, U.S. Coast Guard Commander, Ninth Coast Guard District.

[FR Doc. 85-4055 Filed 2-19-85; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 10

Express Mail International Service to Denmark, Portugal, Turkey and United Arab Emirates

AGENCY: Postal Service.

ACTION: Final action on Express Mail International Service to Denmark, Portugal, Turkey and United Arab Emirates.

SUMMARY: Pursuant to agreements with the postal administrations of Denmark, Portugal, Turkey and United Arab Emirates, the Postal Service intends to begin Express Mail International Service with these countries at postage rates indicated in the tables below. Service is scheduled to begin on March 21, 1985.

EFFECTIVE DATE: March 21, 1985.

FOR FURTHER INFORMATION CONTACT: Leon W. Perlinn, [202] 245-4414.

SUPPLEMENTARY INFORMATION: By a notice published in the **Federal Register** on January 15, 1985 (50 FR 2070), the Postal Service announced that it was proposing to begin Express Mail International Service to Denmark, Portugal, Turkey and United Arab Emirates. Comments were invited on published rate tables, which are proposed amendments to the International Mail Manual (incorporated by reference in the Code of Federal Regulations, 39 CFR 10.1), and which are to become effective on the date service begins. No comments were received.

Accordingly, the Postal Service states that it intends to begin Express Mail International Service with Denmark, Portugal, Turkey and United Arab Emirates on March 21, 1985 at the rates indicated in the tables below.

Lists of Subjects in 39 CFR Part 10

Postal Service, Foreign relations.

DENMARK—EXPRESS MAIL INTERNATIONAL SERVICE

Custom designed service [1] [2]		On demand service [1]	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
1	$31.00	1	$23.00
2	35.90	2	27.90
3	40.80	3	32.80
4	45.70	4	37.70
5	50.60	5	42.60
6	55.50	6	47.50
7	60.40	7	52.40
8	65.30	8	57.30
9	70.20	9	62.20
10	75.10	10	67.10
11	80.00	11	72.00
12	84.90	12	76.90
13	89.80	13	81.80
14	94.70	14	86.70
15	99.60	15	91.60
16	104.50	16	96.50
17	109.40	17	101.40
18	114.30	18	106.30
19	119.20	19	111.20
20	124.10	20	116.10
21	129.00	21	121.00
22	133.90	22	125.90
23	138.80	23	130.80
24	143.70	24	135.70
25	148.60	25	140.60
26	153.50	26	145.50
27	158.40	27	150.40
28	163.30	28	155.30
29	168.20	29	160.20
30	173.10	30	165.10
31	178.00	31	170.00
32	182.90	32	174.90
33	187.80	33	179.80
34	192.70	34	184.70
35	197.60	35	189.60
36	202.50	36	194.50
37	207.40	37	199.40
38	212.30	38	204.30
39	217.20	39	209.20
40	222.10	40	214.10
41	227.00	41	219.00
42	231.90	42	223.90
43	236.80	43	228.80
44	241.70	44	233.70

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

PORTUGAL—EXPRESS MAIL INTERNATIONAL SERVICE

Custom designed service [1] [2]		On demand service [1]	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
1	$31.00	1	$23.00
2	34.80	2	26.80
3	38.60	3	30.60
4	42.40	4	34.40
5	46.20	5	38.20
6	50.00	6	42.00
7	53.80	7	45.80
8	57.60	8	49.60
9	61.40	9	53.40
10	65.20	10	57.20
11	69.00	11	61.00
12	72.80	12	64.80
13	76.60	13	68.60
14	80.40	14	72.40
15	84.20	15	76.20
16	88.00	16	80.00
17	91.80	17	83.80
18	95.60	18	87.60
19	99.40	19	91.40
20	103.20	20	95.20
21	107.00	21	99.00
22	110.80	22	102.80
23	114.60	23	106.60
24	118.40	24	110.40
25	122.20	25	114.20
26	126.00	26	118.00
27	129.80	27	121.80
28	133.60	28	125.60
29	137.40	29	129.40
30	141.20	30	133.20
31	145.00	31	137.00
32	148.80	32	140.80
33	152.60	33	144.60

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

TURKEY—EXPRESS MAIL INTERNATIONAL SERVICE

Custom designed service [1] [2]		On demand service [1]	
Weight not over		Weight not over	
Pounds	Rate	Pounds	Rate
1	$31.00	1	$23.00
2	35.90	2	27.90
3	40.80	3	32.80
4	45.70	4	37.70
5	50.60	5	42.60
6	55.50	6	47.50
7	60.40	7	52.40
8	65.30	8	57.30
9	70.20	9	62.20
10	75.10	10	67.10
11	80.00	11	72.00
12	84.90	12	76.90
13	89.80	13	81.80
14	94.70	14	86.70
15	99.60	15	91.60
6	104.50	16	96.50
17	109.40	17	101.40
18	114.30	18	106.30
19	119.20	19	111.20
20	124.10	20	116.10
21	129.00	21	121.00
22	133.90	22	125.90

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

UNITED ARAB EMIRATES—EXPRESS MAIL INTERNATIONAL SERVICE

Custom designed service [1]		On demand service [2]	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
1	$31.00	1	$23.00
2	35.90	2	27.90
3	40.80	3	32.80
4	45.70	4	37.70
5	50.60	5	42.60
6	55.50	6	47.50
7	60.40	7	52.40
8	65.30	8	57.30
9	70.20	9	62.20
10	75.10	10	67.10
11	80.00	11	72.00
12	84.90	12	76.90
13	89.80	13	81.80
14	94.70	14	86.70
15	99.60	15	91.60
16	104.50	16	96.50
17	109.40	17	101.40
18	114.30	18	106.30
19	119.20	19	111.20
20	124.10	20	116.10
21	129.00	21	121.00
22	133.90	22	125.90
23	138.80	23	130.80
24	143.70	24	135.70
25	148.60	25	140.60
26	153.50	26	145.50
27	158.40	27	150.40
28	163.30	28	155.30
29	168.20	29	160.20
30	173.10	30	165.10
31	178.00	31	170.00
32	182.90	32	174.90
33	187.80	33	179.80

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

A transmittal letter making these changes in the pages of the International Mail Manual will be published in the Federal Register as provided in 39 CFR 10.3 and will be transmitted to subscribers automatically.

(39 U.S.C. 401, 404, 407)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 85-4144 Filed 2-19-85; 8:45 am]

BILLING CODE 7710-12-M

39 CFR Part 111

Changes in Handling of Undeliverable-As-Addressed Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Governors of the United States Postal Service have established changes in mail classifications which affect the forwarding and return of mail and the availability of address correction service. Those changes become effective February 17, 1985. This rulemaking establishes final regulations implementing those mail classification changes as well as other related final regulations. A discussion of the general changes being established appears in the **SUPPLEMENTARY INFORMATION** below.

EFFECTIVE DATE: February 17, 1985.

FOR FURTHER INFORMATION CONTACT: Stephanie Tolson, (202) 245-4948.

SUPPLEMENTARY INFORMATION: On January 14, 1985, the Postal Service published in the **Federal Register** a proposed rule for notice and comment concerning the forwarding and return of mail and address correction service. 50 FR 1870-1880. Those regulations were proposed to implement a decision of the Governors of the United States Postal Service, acting in accordance with 39 U.S.C. 3625, establishing a number of mail classification changes concerning the forwarding and return of mail and the availability of address correction service. The Board of Governors of the Postal Service determined that the mail classification changes would become effective at 12:01 a.m. on February 17, 1985. Those changes, which were published in full text in the **Federal Register** of January 8, 1985, 50 FR 1010, as corrected at 50 FR 2358, January 16, 1985, were summarized in the proposed rule. After careful consideration, we have decided to adopt the proposed regulations as a final rule with only minor editorial changes.

The general changes being established are as follows:

1. Address correction service is changed to make address corrections more available and to eliminate the fee whenever possible. The use of separate address correction notices will be eliminated when practical by placement of the new address on the mail piece being returned. When a correction is provided incidental to the return of the mail piece, the address correction fee will no longer be assessed. Only when a separate correction notice is provided will the correction fee be charged.

2. The Postal Service will now retain change of address information for eighteen months, instead of the current twelve. This change is intended to facilitate correction of mailers' address lists.

3. All First-Class Mail, including Priority Mail and post and postal cards, will receive free nationwide forwarding and return. Express Mail, which already receives that service, will not be changed.

4. All undeliverable-as-addressed second-class mail will be forwarded nationwide at no charge for a period of up to 60 days. After 60 days, an address correction notice will generally be sent to the publisher if a further issue of the publication is received bearing the old address. Additional postage for the return of second-class mail will be based on the applicable third-class or fourth-class rate.

5. The obvious value concept will no longer be applied in the treatment of undeliverable-as-addressed third-class and fourth-class mail. Forwarding and return treatment will be the same, whether the item appears to have value or nor. Unendorsed bulk third-class mail will not be forwarded or returned. All unendorsed single-piece third-class mail will be treated as though it were endorsed, *Do Not Forward, Address Correction Requested, Return Postage Guaranteed.* Unendorsed fourth-class mail will be treated as though it were endorsed *Forwarding and Return Postage Guaranteed.*

6. Third-class mail will be forwarded only if requested by the mailer or if insured. Postage due will not be charged to the recipient for forwarding. Charges for forwarding and return service will be assessed only on those pieces actually returned to sender. The charge for those returned pieces is the appropriate single-piece third-class rate multiplied by a factor derived from the ratio of the number of third-class pieces nationwide endorsed for forwarding and return treatment that are successfully forwarded to the number of those pieces that cannot be forwarded and are returned to the sender. The mailer will pay the third-class single-piece rate for each piece receiving return only service.

The substantive effect of adopting these provisions was explained in greater detail in the proposed rule. *See* 50 FR 1872-1874.

The Postal Service received eleven comments to the proposed rule, ten written and one oral. The commenters consisted of four businesses, four associations, a university, a federal agency, and an individual. The commenters generally endorsed the proposed rule, with most offering limited suggestions for change.

Two comments were received concerning the change to provide for forwarding of second-class mail at no charge for 60 days. The commenters represent the higher education community, specifically, universities and colleges. They stated that implementation of this change would impose a financial and administrative burden on those institutions because they will have to forward all second-class mail addressed to students for 60 days. Present postal regulations (Domestic Mail Manual § 153.62) require that "institutions" forward mail or return it to the post office if the new forwarding address is unknown. The

commenters suggest that the Postal Service "waive DMM 153.62 regarding second-class mail so that forwarding and informing publishers is done by the Postal Service and not by colleges and universities." The Postal Service recognizes that the proposed change in forwarding of second-class mail could have an impact on the number of publications a university may have to forward; however, the size of the impact is not clear at this time. Furthermore, it does not appear that the commenters have taken into account the possibility of reduced forwarding as a result of the reduction in free local forwarding from the current 90 days to the proposed 60 days.

The distinction between local and non-local forwarding of second-class mail has been eliminated by the action of the Governors described above. Thus, at this time, the Postal Service must implement some provision for the forwarding of second-class mail. We believe the proposed 60 day period to be most appropriate. Nor do we feel there is adequate support for the commenter's request for a "waiver" of Domestic Mail Manual § 153.62. The Postal Service will, however, undertake to review the effect of this change on institutions covered by § 153.62 and discuss the matter further with these two commenters.

One commenter stated that single piece third-class mail should receive the same forwarding and return treatment as First-Class Mail because the rates are the same up to four ounces. Although some rates are the same, the services provided to each class are distinctly different due to their classification structures. The current mail classification and rate structure, as established by the Governors, does not permit free forwarding or return for third-class mail. Therefore, the suggested change cannot be made through this rulemaking. Also, it should be noted that the rate difference above four ounces is quite substantial.

Another commenter requested that an authorized endorsement be created for mailers using the third- and fourth-class single piece rates to indicate that the mail piece is not to be forwarded or returned. The suggested endorsement would read *Do Not Return.* The Postal Service believes introduction of another authorized endorsement for this purpose is not necessary. We believe that most customers mailing at the single piece third- or fourth-class rates associate some intrinsic value with the item being mailed. Furthermore, when such an item is returned, the mailer has the option of accepting or refusing the mail piece.

Three commenters expressed the concern that use of the endorsement *Do Not Forward* on third-class mail "may exacerbate consumers misrepresentation of third-class mail as mail without value." Therefore, they requested that *Do Not Forward* be eliminated as a third- and fourth-class mail endorsement. An important purpose of this rulemaking was to ensure that the mailer's endorsement state exactly the handling intended for each piece of mail. Particularly, in the case of third-class mail we wanted to avoid leaving any question for interpretation by postal employees. For example, if a piece of bulk third-class mail were endorsed *Address Correction Requested, Return Postage Guaranteed* only, it could be interpreted as requesting attempted forwarding. We believe elimination of this type of misinterpretation requires use of the phrase *Do Not Forward* as part of the endorsement. Also, we do not believe use of this endorsement reflects poorly on any class of mail. For example, the *Do Not Forward* endorsement is used frequently on First-Class mailings.

One commenter also proposed that the Postal Service permit the endorsement *Do Not Forward, Address Correction Requested, Return Postage Guaranteed* to be abbreviated in some way, so that the space used could be reduced. After careful consideration, the Postal Service believes that shortening of this endorsement could cause misinterpretation which would lead to improper handling by delivery personnel. On the basis of this belief, we have decided not to authorize the use of any abbreviations or acronyms at this time.

Three commenters urged the Postal Service to study the factor of 2.733 used to determine the amount of postage assessed when third-class mail endorsed *Forwarding and Return Postage Guaranteed* is returned to the sender. They believe actual experience may show a lower forward-to-return ratio. The Postal Service will review periodically its experience with this service to determine whether an adjustment in the factor should be made. The Postal Service plans to review and reevaluate the forward-to-return ratio for this service within the next 18 months.

Two commenters expressed concern that use of the present Form 3575, *Change of Address Order,* does not provide an option to voluntarily guarantee forwarding of non-local fourth-class mail. These commenters' concern is valid. The Postal Service has revised Form 3575 to reflect this new provision as well as several other format enhancements. Unfortunately, the new form will not be available for use on February 17, 1985. Therefore, the Postal Service will continue to accept the present Form 3575 and forward fourth-class mail until the revised forms are available. Once the revised forms are issued, the customer's wishes will be honored.

One commenter requested that all address correction notices include any account number or other alphanumeric identifier contained in the original mailing address label. The commenter requested adoption of a regulation providing for the inclusion of this information as part of address correction notices. The Postal Service agrees that inclusion of account number/keyline information is helpful to mailers in address file maintenance activities. Therefore, we will continue to provide this information and periodically remind postal employees of the need to provide this information accurately to the mailer. We do not believe that a regulation is necessary to deal with this matter.

Three commenters requested a delay in the implementation date of February 17, 1985, to allow more lead time for customers to make endorsement changes to envelopes, address labels, etc. One of these commenters stated that it first heard of the mail forwarding and return changes through an association newsletter dated January 16, 1985. That commenter asked for three months lead time to change its envelopes, but did not specify any particular endorsement problem it would have with the use of its current envelopes.

As indicated in detail in the proposed rule, these regulations, in substantial part, must be made effective on February 17, 1985, to implement mail classification changes established by the Governors of the Postal Service. These mail classification changes, which were proposed to the Postal Rate Commission by the Postal Service, were the product of a broad review of the forwarding and return system that began several years ago. On October 29, 1981, the Postal Service published proposed changes to its mail forwarding and return regulations and solicited comments thereon. 46 FR 53458. The written comments that were submitted were used in the development of a forwarding and return mail restructuring plan that is essentially the same as the one being implemented by this final rule.

After careful consideration of all of the comments received by the Postal Service, portions of this plan, where appropriate, were submitted to the Postal Rate Commission for inclusion in the Domestic Mail Classification

Schedule. The proposed classification changes were discussed in Postal Service testimony and were subject to hearings in which interested parties could participate.

For these reasons, the Postal Service believes that it has given reasonable and adequate notice of these regulation changes. In addition, all post offices are prepared to implement these changes on February 17, 1985. This preparation includes the dissemination of computer software which controls the processing of undeliverable-as-addressed mail. Although the Postal Service cannot change the implementation date of these new regulations, we recognize the need for some mailers to exhaust existing mailing items carrying old or incorrect endorsements. Therefore, we are willing, wherever possible, to assist mailers placed in hardship due to a substantial volume of preprinted mail pieces which bear endorsements that no longer represent the intended disposition of the mail. The Postal Service will contact these three commenters to determine if their particular problems can be resolved.

In a related comment, one mailer requested the continued use of the obsolete endorsement *Return Postage Guaranteed*, instead of the proposed *Do Not Forward, Address Correction Requested*, endorsement on third-class mail for a grace period of one year. One of the purposes of revising the undeliverable-as-addressed mail regulations was to provide for endorsements that explicitly stated the intended disposition of mail. The Postal Service believes it is imperative that postal employees be provided clear instruction from the mailer concerning disposition of mail. The use of *Return Postage Guaranteed* as a singular endorsement leaves room for interpretation. Therefore, the Postal Service proposed elimination of this endorsement. However, postal employees will be instructed, for a period of 90 days, to process third- and fourth-class mail endorsed *Return Postage Guaranteed* as though it were endorsed *Do Not Forward, Address Correction Requested, Return Postage Guaranteed.*

The Postal Service has reviewed all the comments and, for the reasons set forth above, has determined that, at the present time, it is necessary and appropriate to implement the proposed rule without substantive change. A number of minor editorial and typographical changes have been made to the text of the proposed rule. Therefore, the Postal Service hereby adopts the following final regulations on this subject as an amendment to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1

List of Subjects in 39 CFR Part 111

Postal service.

PART 111—[AMENDED]

PART 159—UNDELIVERABLE MAIL.

1. In 159.1, revise .133 to read as follows:

159.1 Mail Undeliverable-As-Addressed.

.13 Undeliverable Due to Postal Service Adjustments.

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.133 Disposition of Mail. Mail which is undeliverable due to Postal Service adjustments will be redirected and, if necessary, forwarded to the destination without an additional postage charge (from the end of the month in which the postal change occurs), for the appropriate forwarding period as specified by the class of mail. *Exception:* Simplified address (boxholder) mail addressed to Rural Route Boxholder, Highway Contract Route Boxholder, or Post Office Boxholder, will only be redirected and forwarded free of charge until the next June 30, after the change in service or until 90 days after the change in service, whichever is later.

2. In 159.1, revise Exhibit 159.151 to read as follows:

EXHIBIT 159.151.—TREATMENT OF UNDELIVERABLE AS ADDRESS MAIL

Forwarding						Return				
Express mail, first-class postal/ post-cards	Second-class	Third-class bulk business mail	Single-piece rate	Fourth-class	Valid UAA Endorsements	Express mail, first-class postal/ post-cards	Second-class	Third-class bulk business mail	Single-piece rate	Fourth-class
A	F	I	E	M	NO ENDORSEMENTS	B	O	I	J	N
E	F	E	E	M/C	ADDRESS CORRECTION REQUESTED	B	O	K	J	N
D/C	F	A/C	A/C	M/C	FORWARDING & ADDRESS CORRECTION REQUESTED	B	O	K	J	N
A	F	A/E	E	D	RETURN POSTAGE GUARANTEED	B	H	L	L	L
E	E	E	E	E	DO NOT FORWARD/ADDRESS CORRECTION REQUESTED—RETURN POSTAGE GUARANTEED	B	H	J	J	L
A	F	A	A	M	FORWARDING AND RETURN POSTAGE GUARANTEED	B	H	L	L	N
A/C	F	A/C	A/C	M/C	FORWARDING AND RETURN POSTAGE GUARANTEED—ADDRESS CORRECTION REQUESTED	B	H	L	L	N
A		A	A	M	INSURED MAIL	B	H	L	L	N

Note.—When a return address has not been provided on undeliverable Postal and post cards, they will be properly disposed of by the Postal Service.
UAA Matrix key:
A—Forward at no charge.
B—Return to sender endorsed with address correction or reason for non-delivery attached, at no charge. Do not provide temporary change of address information.
C—Send separate address correction notice to mailer. Collect address correction fee.
D—Forward mail piece, if appropriate.
E—Do not Forward.
F—For 60-Day Period forward at no charge.
G—Provide address correction or reason for non-delivery as well as the old mailing address to the sender. Collect address correction fee.
H—Return entire piece with the address correction attached or reason for non-delivery. Collect appropriate postage. Address correction fee is not charged.
I—Do not Forward—Do Not Return.
J—Do not forward. Return entire mail piece with address correction or reason for non-delivery attached. No correction fee is charged. Charge appropriate rate for return of piece.
K—Third Class over 1 oz: Return Form 3547 to mailer. Charge the address correction fee. Third Class under 1 oz: Return entire piece with address correction or reason for non-delivery attached. Charge the appropriate third or fourth class single piece rate. No address correction fee is charged.

L—Return entire piece to mailer if undeliverable with address correction information or reason for non-delivery attached. Mailer is charged the appropriate single piece return rate.
M—Forward locally free—12 months. Forward non-locally for 12 months only if the recipient has guaranteed forwarding postage.
N—If recipient refuses to pay postage due or the piece is undeliverable, it is returned to the mailer with one-piece address correction information or the reason for non-delivery attached. Mailer is charged both the forwarding (where attempted) and return fees.
O—After 60-day period, send separate address correction notice to mailer or reason for non-delivery along with the customers old mailing address. Collect address correction fee.

3. In 159.2, revise .212, .221, .222, .224, .225, .226, .23, .24 and .25 to read as follows:

159.2 Forwarding.

.21 Change of Address Order.

* * * * *

.212 Guarantee to Pay Forwarding Postage. When completing form 3575, the addressee has the option of guaranteeing to pay forwarding postage on fourth-class mail. Even if the addressee agrees to pay forwarding postage for fourth-class mail, the address is not required to accept each article; it is the addressee's option to refuse any piece of fourth-class mail. Such refusal *does not* revoke the original request to have fourth-class mail forwarded. However, if the addressee wishes to revoke the original guarantee to pay forwarding postage for fourth-class mail, the address must request the postmaster to send Form 3546, *Notice to Change Forwarding Order*, to the postmaster at the old address requesting that the forwarding of fourth-class mail be discontinued.

* * * * *

.22 Forwardable Mail

.221 Classes. The following classes of mail will be forwarded.

a. First-Class Mail (including zone rated Priority Mail), post and postal cards.

b. Express Mail

c. Official mail (described in 137) that is sent as First-Class Mail.

d. Second-class mail

e. Third-class mail when the sender has guaranteed to pay the forwarding postage.

f. Fourth-class mail when the recipient or the sender has guaranteed to pay the forwarding postage.

.222 Registered, Certified, Insured, and COD Mail. A change of address order will cover registered, certified, insured and COD mail unless the sender has given other instructions or unless the addressee has moved outside of the United States. The sender's instructions should be written or printed on the envelope or wrapper. *Examples: Do not forward: If not accepted within ——— days return to sender."*

Exceptions:

a. COD mail will not be forwarded to overseas military post offices.

b. Insured and COD parcels that have mailers' instructions to abandon or to sell perishable items written or printed on the envelope or wrapper, will be treated according to the instructions. *Examples:* (1) "Do not forward or return. If not accepted within ——— days, treat as abandoned. Notify mailer of final disposition." (2) "Do not forward or return. If undelivered after ——— days, sell contents to highest bidder and remit proceeds, less commission, to mailer." (3) "Do not forward or return. If undelivered after ——— days, destroy. Notify mailer of final disposition."

Note.—A commission of 10 percent, but not less than 25 cents, is retained by the Postal Service from the amount for which perishable items are sold.

c. COD mail may have written or printed on it a request that it be forwarded to a new addressee. The name and address of the new addressee must be shown in a bordered space with instructions that the mail be delivered either with or without the collection of COD charges.

d. Insured third-class mail without any other endorsement will be treated as if endorsed *Forwarding and Return Postage Guaranteed.* It will be forwarded, and, if still undeliverable as addressed, will then be returned to the sender with the new address or the reason for nondelivery attached.

e. Insured fourth-class mail without any other endorsement will be forwarded at no charge locally and postage due non-locally if the recipient has guaranteed to pay forwarding postage on Form 3575. (For forwarding purposes, *local* is defined as being within the same single ZIP Code or multi-ZIP Code post office). If the article is undeliverable, it will be returned to the sender with the new address or the reason for nondelivery. The mailer will only be charged for the return of the mail piece and the attempted forwarding, when appropriate.

* * * * *

.224 Change in Post Office Service

a. *Addressed to a Discontinued Post Office.* All Express Mail, First-, second-, and fourth-class mail, and all single piece rate third-class mail addressed to a discontinued post office may be forwarded to any other post office designated by the addressee without additional charge when the office to which the mail is sent by order of the Postal Service is not convenient for the addressee.

b. *Forwarded Due to Change in Rural Delivery Service.* Customers of any office, who, on account of the establishment of or a change in rural delivery service, receive their mail from the rural carrier of another office, may have their Express Mail, First-, second- and fourth-class mail and single piece rate third-class mail sent to the latter office and delivered by rural carrier without a new prepayment of postage, provided they file a written request with the postmaster at the former office.

.225 Address Changes of Persons in U.S. Service. All Express Mail, First-, second-, and fourth-class mail and all single piece rate third-class mail addressed to persons in the United States serving at any (civil and military) place where the United States mail service operates, whose change of address is caused by official orders, will be forwarded until it reaches the addressee except when prohibited by sender's endorsement. No additional postage will be charged. All second- and fourth-class mail, single piece third-class mail, and First-Class zone rated (Priority) Mail which is being forwarded is endorsed *Change Of Address Due to Official Orders* by the forwarding office. This provision for free forwarding, from one post office to another applies to mail for members of the household whose change of address is caused by official orders to persons in the United States service. (See 122.814 and 122.824 concerning dependents residing with military personnel). *Exception:* Second-class mail will not be forwarded between the U.S. and overseas APO addresses by military authorities. Copies of publications addressed to an APO for military personnel transferred to overseas assignments will be endorsed by military personnel *Forwarding Prohibited, Addressee Assigned Overseas* and returned to the post office for disposition. Copies of publications addressed to military personnel at their APO addresses who have been transferred to the U.S. will be endorsed by military personnel *Forwarding Prohibited, Addressee Returned to the U.S.* and returned to the military post office for disposition. Second-class mail having FPO addresses may be forwarded to or from the U.S. and overseas for a period not to exceed 60 days when requested by individual addressees.

.226 Reforwarding. The address (but not the name) may be changed and the mail reforwarded as many times as necessary to reach the addressee.

.23 Sender Instructions.

.231 The sender of third- and fourth-class mail may identify pieces which are

considered valuable and assure their return by using the *Return Postage Guaranteed* endorsement. To assure forwarding and return of mail, the sender must use the *Forwarding and Return Postage Guaranteed* endorsement.

.232 Disposition. Unendorsed single piece rate third- or fourth-class mail that bears a return address will not be disposed of as waste, or sent to dead mail or dead parcels branches. Depending upon the class of mail, it will be forwarded to the addressee or returned to the sender. If a piece cannot be forwarded, it will be returned at the applicable rate.

.24 Postage for Forwarding. Mail forwarded may be subject to additional postage as noted below, to be computed the same as if the piece were originally mailed at the office from which it is forwarded:

a. First-Class Mail, including zone rated (Priority Mail), post and postal cards, is forwarded without charge when the appropriate postage has been fully prepaid by the sender.

b. Second-class publications are forwarded without charge for 60 days when postage has been fully prepaid by the sender.

c. Third-class mail is subject to collection of additional postage from the mailer when forwarding and return service is provided. Mail that qualifies for a single piece fourth-class rate under the provisions of 611.12 will be returned at that rate if the mailer's address correction service endorsement specifies the fourth-class rate. For example, if a third-class piece qualifies for mailing at the special fourth-class rate for books, the endorsement would be *Special Fourth-Class Rate Forwarding and Return Postage Guaranteed.*

d. Fourth-class mail is subject to the collection of additional postage for non-local forwarding at the applicable rate. This forwarding option must be guaranteed by the sender or recipient. All fourth-class mail will be delivered as directed when the old and new addresses are served by the same single ZIP-Coded or multi-ZIP Coded post office. Additional postage is not required.

e. Registered, certified, insured, COD, and special handling mail is forwarded without the payment of additional special service fees. The ordinary forwarding postage charges, if any, must be paid. Such mail will not be forwarded to a foreign country. See 915.6 for forwarding of special delivery mail.

f. Express Mail is forwarded without the payment of additional fees.

.25 Directory Service

.251 Availability. Directory service is not generally available, but at carrier offices where a directory is available, directory service is given to: registered, certified, insured, COD, special delivery and special handling mail; to perishable matter; and to international mail, except circulars. Incorrectly or incompletely addressed mail from overseas Armed Forces is given directory service and is not returned to the sender until every effort is made to deliver the article.

.252 Mail Entitled to Directory Service. Directory service will be provided at letter carrier offices for the following types of mail which cannot be delivered due to insufficient address or which cannot be delivered at the address given. A city or telephone directory will be used. The Postal Service will not compile a directory of any kind. Those types of mail are:

a. Certified mail

b. COD mail

c. Foreign mail, except foreign circulars. (*Note:* Foreign mail bearing Letter-Class postage received in quantities, and having the general characteristics of circular mail, must not be given directory service.)

d. Insured mail

e. Mail for overseas Armed Forces. Do not return this mail to sender until every possible effort has been made to deliver the article.

f. Parcels mailed at any single piece third-class or fourth-class rate or endorsed by the mailer.

g. Perishable matter

h. Registered matter

i. Special delivery mail

j. Special handling

k. Official Postal Service mail

l. Express Mail Next Day Service (Post Office to Addressee only)

4. In 159.3, revise the title, .31 and .331 to read as follows:

159.3 Address Correction Service, Address Change Service, and Return.

.31 Address Correction Service

.311 Availability. If mail cannot be delivered as addressed to the recipient, the mailer may obtain the new (forwarding) address of the recipient (if known by the Postal Service) or the reason for non-delivery by requesting address correction service. Address correction service (including address change service) is provided automatically after 60 days for all second-class publications from the effective date of the recipient's change of address order. Address corrections are available "on piece" at no charge or separately, for a fee, at the mailer's request. Whenever possible, "on piece" address corrections will be provided for First-Class Mail, Express Mail, Priority Mail, third-class and fourth-class mail. If the piece cannot be forwarded, it will be returned with the address information or the reason for nondelivery attached at no charge. Generally, when separate corrections are necessary, Form 3547, *Notice to Mailer of Correction to Address,* will be returned to the sender with the address correction fee charged and the mail will be forwarded. This service is not available for Express Mail. First-, third-, or fourth-class mail addressed for delivery to the addressee by military personnel at any military installation including APOs and FPOs. Address correction service is available alone or in combination with the forwarding and return services in 159.2 and 159.33.

.312 Address change service (an address correction service option) is available to second-class mailers only. This service allows the mailer to obtain a customer's correct address or the reason for non delivery via magnetic tape. This service is available weekly or monthly dependent upon the mailer's requirements. Address change service is presently available only through the larger computerized forwarding sites.

.313 Endorsement. To request address correction service, the endorsement *Address Correction Requested* should be used.

.314 Fee. The fee for address correction service (including address change service) is $0.30 for each separate notification of address correction or the reason for nondelivery. Generally, when "on-piece" address corrections can be provided, no fee will be charged.

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.33 Return

.331 Availability of Return Service. Undeliverable-as-addressed Express Mail and First-Class Mail (including zone-rated Priority Mail and post and postal cards), which cannot be forwarded or cannot be delivered as addressed, is returned to the sender at no additional charge, whenever possible. Mail of other classes may be returned to the sender if it bears the endorsement *Return Postage Guaranteed.* This service is available alone or in combination with forwarding and address correction services. The particular provisions governing return for each class of mail are contained in the appropriate chapters of this Manual for each class of mail.

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5. In 159.4, revise .411 and .412d and m to read as follows:

159.4 Disposition of Articles Found Loose in the Mail.

.41 Treatment at Local Postal Facility

.411 Opening and Examination. With the exception of unendorsed bulk business mail (third-class bulk mail), all undeliverable third- and fourth-class mail which cannot be returned because of an incorrect, incomplete, illegible, or missing return address will be opened and examined to identify the sender or addressee. This includes matter mailed under 913.122 (insured First-Class parcels containing third-or fourth-class enclosures).

.412 Disposition of Undeliverable Mail. Mail that remains undeliverable after examination, where applicable under 159.411, is disposed of as follows:

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d. Unendorsed third-class mail, with the exception of articles mailed at the single piece rate, is disposed of as waste.

* * * * *

m. Third-class single piece rate mail and fourth-class mail which can not be forwarded or returned, and all Express Mail and First-Class Mail, is sent to a dead letter branch or dead parcel branch for disposition.

* * * * *

159.5 Dead Mail.

6. In 159.5, revise 521a and b to read as follows:

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.52 Treatment at Last Office of Address

.521 Disposition. At the end of retention periods specified in 159.332 and .333, mail is declared dead. Dead mail described in 159.412 a through f is disposed of locally. First-Class letters, First-Class parcels, sender endorsed third-class mail, third-class single-piece rate mail and fourth-class articles are forwarded on fixed schedules to dead letter or dead parcel branches for final disposition. Dispose of as follows:

a. *First-Class Mail*

(1) *Office with 950 or more revenue units.* Send dead letters to your dead letter branch daily. Send dead First-Class parcels to your dead parcel branch weekly.

(2) *Other Offices.* Send dead letters to your dead letter branch and dead First-Class parcels to your dead parcel branch weekly.

b. *Third- and Fourth-Class Mail.* Hold third- and fourth-class parcels for 30 days after they become dead. Then send them to the proper dead parcel branch weekly.

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CHAPTER 2—EXPRESS MAIL

7. In 290, revise 291 and 292.2 to read as follows:

PART 290—ANCILLARY SERVICES EXPRESS MAIL

PART 291—FORWARDING

Express Mail is forwarded nationwide for a period of one year when the new address is known. Pieces forwarded are handled and transported as Express Mail. No additional postage is collected for forwarding. *Exception:* For the period beginning October 22, 1983 and ending October 21, 1986, the Postal Service will provide forwarding of Express Mail for eighteen months at no additional charge as an aid to mail or efforts to improve the quality and accuracy of their address lists.

PART 292—RETURN AND ADDRESS CORRECTION

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292.2 Address Correction Service.

An express Mail piece bearing the endorsement *Address Correction Requested* will be returned to the sender with the new forwarding address or the reason for non-delivery provided at no charge. When the *Forwarding and Address Correction Requested* endorsement is used, the mail piece will be forwarded to the new address, and the sender notified on Form 3547, *Notice to Mailer of Correction in Address.* Temporary changes of address are not provided. See 215 for the address correction service fee.

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CHAPTER 3—FIRST-CLASS MAIL

8. In 390, revise 391 and 392 to read as follows:

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PART 390—ANCILLARY SERVICES FIRST-CLASS MAIL

PART 391—FORWARDING

391.1 All Mail Pieces.

All First-Class Mail, including zone rated (Priority) mail, postal and post cards, is forwarded at no charge for a period of one year when the new address is known.

391.2 Exception to Forwarding Period.

For the period beginning October 22, 1983, and ending October 21, 1986, the Postal Service will provide forwarding of First-Class Mail for eighteen months as an aid to mailer efforts to improve the quality and accuracy of address lists.

Part 392—Return and Address Correction

392.1 Return.

All First-Class Mail, including Priority Mail, postal and post cards, that cannot be delivered as addressed and cannot be forwarded is returned to the sender, with the reason for non-delivery attached, at no charge. Any postage due because of failure to fully prepay postage at the time of mailing will be collected from the sender when the undeliverable mail is returned.

392.2 Address Correction Service.

First-Class Mail bearing the endorsement *Address Correction Requested* will be returned to the sender with the new address of the recipient or the reason for nondelivery attached at no charge. When the endorsement *Forwarding and Address Correction Requested* is used, the mail piece will be forwarded to the new address, and the sender will be notified on Form 3547, *Notice to Mailer of Correction in address.* Temporary changes of address are not provided. Fowarding address information will not be provided for mail bearing the exceptional address format. The address correction service fee (see Exhibit 310f) will be charged.

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CHAPTER 4—SECOND-CLASS MAIL

9. In 490, revise 491, 492.2 and 493 to read as follows:

PART 490—ANCILLARY SERVICES

PART 491—FORWARDING

Local and Non-Local Change of Address. When there has been a change of address, copies of second-class publications bearing the old address will be delivered to the new address without charge for 60 days from the effective date of the recipient's change of address order. This procedure will be followed whether or not the copies bear the sender's request for return. Form 3576, *Change of Address Notice to Correspondents, Business and Publishers,* will be available to the addressee. No forwarding postage will be charged on second-class mail during the 60-day period.

PART 492—ADDRESS CORRECTION SERVICE

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492.2 Sending Notification.

Address correction service (including address change service) will be provided for the first issue after 60 days for all publications unless copies are to be returned under 493. Address change

service participants may receive the change notice prior to day 60, if so requested. The new address of the recipient or the reason for non-delivery will be provided. Copies received after the address correction notice is mailed will be disposed of by the Postal Service. When copies of the publication cannot be forwarded, the address correction notice will be prepared for the first undeliverable issue of the publication received.

PART 493—RETURN

The publisher may request that copies of second-class publications which are undelivered be returned if the publisher guarantees to pay the return postage. To receive this service, the endorsement *Return Postage Guaranteed* must be printed on the envelopes or wrappers, or on one of the outside covers of unwrapped copies, immediately preceded by the sender's name and address, including either the ZIP+4 code or the 5-digit ZIP code. The per piece rate charged for return is the single-piece third- or fourth-class rate. When the address correction is provided incidental to the return of the piece, there is no charge for the correction.

CHAPTER 6—THIRD-CLASS MAIL

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10. Revise 690 to read as follows:

PART 690—ANCILLARY SERVICES

PART 691—FORWARDING AND RETURN

691.1 No forwarding or return service is provided on bulk business mail (third-class bulk mail) without an endorsement. Unendorsed single piece third-class mail will be returned if undeliverable.

691.2 Insured third-class mail will be treated as though endorsed *Forwarding and Return Postage Guaranteed.*

691.3 Undeliverable third-class mail bearing the endorsement *Forwarding and Return Postage Guaranteed* will be forwarded for 12 months when the new address is known. No forwarding fee will be charged to the recipient. During months 13–18, the piece will not be forwarded but will be returned with the correct forwarding address or the reason for non-delivery attached.

691.4 If the endorsement *Forwarding and Return Postage, Guaranteed, and Address Correction Requested* is used, the mail will be forwarded for the first 12 months if the forwarding address is known. A separate address correction notice (Form 3547) will be sent to the mailer and the appropriate address correction fee will be charged (see 612.2). No forwarding fee will be charged the recipient. If the piece is not forwardable, it will be returned. During months 13–18, the piece will be returned with the correct forwarding address or the reason for non-delivery attached (see 692).

691.5 Whenever the mail piece is returned to sender as outlined in sections 691.2 through 691.4, the mailer will pay the appropriate single piece rate multiplied by a factor of 2.733. This factor is derived from the ratio of the number of third-class pieces nationwide that are successfully forwarded to the number of these pieces that cannot be forwarded and are returned. There is no charge for the on-piece address correction provided.

PART 692—RETURN

Bulk business mail which cannot be delivered as addressed and bears the endorsement *Do Not Forward, Address Correction Requested, Return Postage Guaranteed* will not be forwarded but will be returned at the appropriate single-piece rate with an address correction or the reason for non-delivery attached at no charge. Unendorsed bulk business mail will not be returned. Unendorsed single piece third-class mail which cannot be delivered as addressed will be returned to the sender at the appropriate single piece rate with the reason for non-delivery attached at no charge. Mail which qualifies for a single piece fourth-class rate under the provisions of 611.12 will be returned at that rate if the mailer's endorsement includes the name of the fourth-class rate.

PART 693—ADDRESS CORRECTION

The recipient's new (forwarding) address, or the reason for non-delivery if the new address is not known, may be obtained by the sender either independently of, or in combination with, the return and forwarding services as provided by 691 and 692. To obtain these services, the mailing piece must bear the endorsement: *Address Correction Requested, Forwarding and Return Postage Guaranteed* or *Address Correction Requested.* Temporary changes of address are not provided. Forwarding address information will not be provided for mail bearing the exceptional address format. The following conditions govern this service:

a. Pieces generally weighing 1 ounce or less bearing the words *Address Correction Requested* will be returned to the sender with the new address or the reason for non-delivery endorsed on the piece. Only the appropriate single-piece rate will be charged (see 612.2).

b. For pieces generally weighing more than 1 ounce and bearing only the endorsement *Address Correction Requested,* Form 3579, *Undeliverable 2nd, 3rd, 4th Class Matter,* or a markup label will be used to notify the sender. *Exception:* When address labels are affixed to plastic wrappers, or a window address format is used on a mailing piece, or it is more expeditious for the Postal Service, then Form 3547, *Notice to Mailer of Correction in Address,* may be used to provide the requested information.

c. Mail which qualifies for a single piece fourth-class rate under the provisions of 611.12 will be returned at that rate if the mailer's address correction service endorsement includes the name of the applicable fourth-class rate. For example, if a third-class piece qualified for mailing at the special fourth-class rate for books, the endorsement would be: *Special Fourth-Class Rate: Forwarding and Return Postage Guaranteed.*

CHAPTER 7—FOURTH-CLASS MAIL

11. In 790, revise 791, 792.1, 792.2, 793 and 794 to read as follows:

* * * * *

PART 790—ANCILLARY SERVICES

PART 791—FORWARDING AND RETURN

Fourth-class mail will be forwarded locally for one year at no charge. (For forwarding purposes, local is defined as the same single ZIP Coded or multi ZIP coded post office). Non-local forwarding for one year will be provided upon the recipient's guarantee on Form 3575, *Change of Address Order,* to pay forwarding postage. Undeliverable fourth-class mail bearing the endorsement *Forwarding and Return Postage Guaranteed* is forwarded when the new address is known. Forwarding postage will be collected from the addressee. The recipient may refuse to pay the forwarding postage on any piece of fourth-class mail and still continue to have other fourth-class mail forwarded. Form 3546, *Notice to Change Forwarding Order,* will only be used if the addressee refuses to pay for forwarding all fourth-class mail and/or requests the postmaster of the new address to notify the postmaster of the old address that they no longer wish forwarding service on fourth-class mail. The single piece rates and conditions are applicable to forwarding and returning of parcels mailed at single piece, presort, and bulk business rates. If the piece cannot be forwarded because the new address is not known, it will be given the *Return Postage Guaranteed* service (see 792). During

months 13–18, the piece will be returned with the correct new (forwarding) address or the reason for non-delivery attached.

PART 792—RETURN

792.1 Endorsed and Unendorsed Pieces.

All undeliverable fourth-class mail will be returned postage due to the sender (or to the person designed by the sender) with the reason for non-delivery attached. No address correction fee is charged.

792.2 Pieces Bearing a Meter Stamp.

When fourth-class mail bearing a postage meter stamp of a private mailer is received unaddressed and without return address, and delivery cannot be made, the piece must be returned to the post office of mailing. The reason for non-delivery will be attached without charging the address correction fee. The office of mailing will deliver the piece to the meter license on payment of the return postage.

* * * * *

PART 793—ADDRESS CORRECTION

The addressee's new (forwarding) address, or the reason for non-delivery if the new address is not known, may be obtained by the sender either independently of, or in combination with the return and forwarding services provided by 791 and 792. To obtain these services, the mailing piece must bear the endorsement: *Address Correction Requested*, or *Address Correction Requested Forwarding and Return Postage Guaranteed*, according to the service desired. Temporary changes of address are not provided. The following conditions govern these services:

a. When a piece bears the endorsement *Address Correction Requested*, Form 3579, *Undeliverable 2d, 3d, 4th Class Matter*, or a markup label is used to notify the sender. The address correction fee is charged (see 712.2). Form 3579 or a markup label and the old address portion of the mailing piece will be prepared for mailing to the sender in an envelope, in the same manner that address correction notices are prepared for mailing to second-class publishers. *Exception:* When address labels are affixed to plastic wrappers, or a window address format is used on a mailing piece, making compliance with the foregoing instruction difficult, Form 3547, *Notice to Mailer of Correction in Address*, will be substituted to provide the requested information.

b. If a piece bearing the endorsement *Address Correction Requested, Forwarding and Returning Postage Guaranteed* must be returned to the sender by the post office of original address because the piece cannot be forwarded, Form 3579 or a markup label is affixed to the piece, and it is returned to the sender for the applicable single piece fourth-class postage for the piece.

c. If a piece bearing the endorsement *Address Correction Requested* or *Address Correction Requested, Forwarding and Return Postage Guaranteed*, is forwarded to the addressee in compliance with either the sender's or addressee's guarantee to pay forwarding postage (see 159.212 and 159.231), then Form 3547 is used by the forwarding post office to furnish the sender with the new address for a fee (see 712.2).

d. Forwarding address information will not be provided for mail bearing an exceptional or address format (122.422).

PART 794—NO SERVICE REQUESTED

If the services described in 791, 792, or 793 are not requested by the mailer, and the piece is undeliverable as addressed, and the period for forwarding and address availability has expired (159.2), then the Postal Service will return the article to the sender and collect the appropriate postage due.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 101(d), 401, 403, 404, 3621, 3625)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 85–4065 Filed 2–19–85; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–8–FRL–2777–8]

Approval and Promulgation of State Implementation Plans; Utah Sulfur Dioxide Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This action approves a revision to the State Implementation Plan (SIP) for attainment of the national standards for sulfur dioxide (SO_2) in Salt Lake County and Tooele County nonattainment area. The SIP revision contains emission limitations for several sources at the Kennecott Minerals Company smelter in Magna, Utah, including a new multipoint rollback (MPR) limit for the main stack. In approving this revision, EPA also removes federally promulgated limits contained in 40 CFR 52.2325 applicable to that facility. This action does not approve the request by the State to redesignate portions of Salt Lake and Tooele Counties. The effect of this approval would remove the Section 110(a)(2)(I) construction ban in effect near the Kennecott smelter.

EFFECTIVE DATE: This action will be effective March 22, 1985.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, 999 Eighteenth Street, Denver, Colorado

Mailing Address: 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460

The Office of the Federal Register, 110 L Street, NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert DeSapine, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, 303–293–1751.

SUPPLEMENTARY INFORMATION: On August 17, 1981, the Governor of Utah submitted a revision to the Utah State Implementation Plan (SIP) which addressed attainment of the national standards for sulfur dioxide in portions of the nonattainment area in Salt Lake and Tooele Counties. Additional information was submitted by the State on December 7, 1981, and January 25, 1983. On February 28, 1983, the Governor submitted a request to redesignate all of Salt Lake and Tooele Counties as attainment. On March 23, 1984 (49 FR 10946), EPA proposed to approve the State SIP, but proposed to delay any action on the request to redesignate the area to attainment until final resolution of several issues. A detailed discussion of the SIP revision is contained in the March 23, 1984 Notice of Proposed Rulemaking, and should be used as a reference in reviewing today's notice. The following discussion addresses only the major comments received by EPA during the comment period. Other comments are addressed in a Supplementary Response to Comments, which has been mailed to

the eight commenters. These documents are available for public inspection at the EPA Region VIII Office in Denver, Colorado.

Public Comment and Discussion

The comment period for the proposed action extended from March 23, 1984, to June 23, 1984. During that period, EPA received eight comments from the State, the Kennecott Minerals Company, and several environmental groups.

In addition to the above comments, EPA received information from the State of Utah which was intended to address deficiencies in the SIP described in EPA's rulemaking. That information was submitted on September 5, 1984.

The discussion of the comments is divided into the following categories: (I) Ambient Air, (II) Attainment Demonstration, (III) Stack Height, and (IV) General Issues.

I. Ambient Air

Section 50.1(e) of 40 Code of Federal Regulations ("CFR") defines "ambient air" simply as "that portion of the atmosphere, external to buildings, to which the general public has access." Application of that regulatory provision is based on an evaluation of where public lands are involved, where private lands are subject to little restriction on access, or, conversely, where lands adjacent to a source are clearly restricted from the public. However, individual variations in the type of land and nature of the limitation on access necessitate a case-by-case evaluation of the facts, and application of the principles involved in this determination. Some commenters expressed disagreement with the Agency's interpretation of ambient air in this rulemaking.

Under Agency policy, "the exemption from ambient air is available only for the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical barriers." (Letter dated December 19, 1980, from former Administrator Douglas M. Costle to Honorable Jennings Randolph, Chairman, Committee on Environment and Public Works). Certainly, the Company's fences, posts, no trespassing policies and signs can be said to satisfy the explicit measures contained in EPA policy. The December 19 statement then adds an assurance that "EPA will continue to review individual situations on a case-by-case basis to ensure that the public is adequately protected and that there is no attempt by sources to circumvent the requirement of Section 123 of the Clean Air Act."

In this instance, Kennecott has maintained for some years that public access to the property (and, therefore, the atmosphere) in question has been and is precluded. While there is some anecdotal evidence of limited access in the past, the cumulative effect of Kennecott's property holdings, property exchanges, installation of fences, posts, and no-trespassing signs, and security patrolling supports the Company's claim to control and exclusive use of the relevant property. The termination of limited hunting practices reinforces that claim. Although there are allegations that the hunting preclusion has not been complete, the Agency has not been presented with factual support for that allegation. In fact, as the Company points out, the effectiveness of the hunting restriction is corroborated by the increase in size of the herd. The fact that hunting may occur in the vicinity of the property does not and cannot establish that hunting is allowed or effectively condoned on the Kennecott property. Kennecott's man-made barriers, and other security measures, together with the inherently rugged nature of the mountainous terrain involved here, combine to effectively preclude access.

Additionally, some commenters suggested that secondary standards have been overlooked. These commenters apparently intermingled the issues of where the NAAQS apply with the establishment of an emission limitation that attains the NAAQS. The provisions of Part 50 of Title 40 CFR establish the national ambient air quality standards (NAAQS) and the general provisions for their measurement and attainment. Included in these provisions is the definition of "ambient air" to establish the jurisdictional scope for application of the NAAQS. In making the determination on ambient air in this SIP revision, EPA has been guided by the definition itself, policy guidance such as that expressed in the Costle letter cited above, the facts of this case, and previous applications. As an example, another application of this definition occurred in the recent approval of a SIP revision for the State of Maryland (48 FR 49457 (December 20, 1984)).

Some commenters raised a question of whether this determination on ambient air conflicts with Section 123 of the Act, as a dispersion technique. As noted in the Costle letter, the Agency acknowledges the question of a relationship between that section and the definition of ambient air. Earlier efforts to resolve the question included consideration and drafting of numerical limitations on the size of property holdings capable of being considered not to be ambient air. These drafts led to a different statement on ambient air in this instance, in a letter from then Region VIII Administrator Merson to the Governor of Utah, dated February 13, 1979. Subsequently, the draft limitations were never proposed, but culminated in the guidance set forth in the Costle letter.

Regulations required under Section 123 to establish limitations on stack height and dispersion techniques, which were proposed in 1979 and finalized in 1982, did not include land acquisition as a dispersion technique. At present, EPA is revising these regulations implementing Section 123; comments on this issue have been filed in that rulemaking and will be considered there as a generic matter. However, EPA's decision here must be based on its current regulations and policy. In addition, one commenter requested that its comments on this issue be treated as a petition for rulemaking to amend the definition in § 50.1(e); this matter will be considered separately.

Obviously, the ambient air issue is not a simple one when unusual circumstances such as those in the Kennecott case are presented. The Agency's experience in interpreting the definition has demonstrated that this is a highly individualistic matter based on the facts of each case, with no objective criteria emerging as a decision-making tool. Thus the decision here, as with other recent decisions such as the one cited above, follows the case-by-case approach traditionally employed by EPA in these decisions.

II. Attainment Demonstration

The control strategy prepared by the State of Utah has several parts as follows: (a) Emission limitations on several low-level stacks at the smelter (e.g. boilers and heat treaters), (b) reasonably available measures to control or eliminate fugitive emissions, and (c) cumulative emission limitations for the main stack. In developing the allowable emissions at the main stack, the State relied upon the use of a Multipoint Rollback (MPR) method. The State's strategy was based upon measured ambient data in the lower elevations near the smelter. In its proposed approval, EPA described the shortcomings of the State's analysis and the record for the proposed approval discussed EPA's analysis of the demonstration of attainment of the national standards. Briefly, Utah's analysis had two main deficiencies. First, the State made no attempt to demonstrate the effects of their strategy

in the elevated terrain. Second, the data base at the smelter was insufficient to be used reliably with MPR, given the assumptions in the development of the MPR technique.

EPA used different techniques, including both modelling and probability techniques, to conclude that the State's strategy would achieve the standards. Comments were submitted objecting to the analysis on several grounds. Comments were also submitted supporting EPA's approach and including data which supported EPA's conclusions.

Several comments objected to the use of the MPR approach and to the concept of probabilistic control strategies and of allowing states to adopt variable emission limitations for smelters. In support of their position, the commenters incorporated the opening and reply briefs filed by the Environmental Defense Fund in the Ninth Circuit Court of Appeals challenging EPA's approval of the MPR SIP in Arizona (*Kamp* v. *Hernandez*.) No. 83–7183). Another commenter stated support of the MPR approach and incorporated by reference the briefs filed by the State of Arizona, EPA, and the five smelter company intervenors in the same case. EPA has previously approved two MPR based SIP revisions—for the Arizona SIP revision referred to above (48 FR 1717 (January 14 1983)), and an earlier revision for New Mexico (47 FR 19322 (May 5, 1982)). The general issues relating to MPR and its use in those two SIPs were explained in the notices there, and the briefs filed in *Kamp*, and will not be repeated here. The reader is referred to those materials for specific information. Thus, the discussion below addresses only those issues that are unique to the Utah SIP.[1]

A. *Attainment at Lower Elevations.* An environmental group presented comments arguing that the proposed control strategy for the Kennecott smelter does not provide for attainment at lower elevations near the smelter. Their comments acknowledge that EPA did not rely upon the MPR analysis submitted by the State. Thus, many of their comments allege flaws in EPA's analysis. Their primary remarks are discussed below.

(1) The comments point to predictions made by the Complex I model and the MPTER model that emissions of 48,872 lb/hr and 37,300 lb/hr from the main stack at the smelter could cause violations of the 3-hour standard for sulfur dioxide. The comments allege that since the MPR limits would allow emissions greater than the rates stated above, the limits do not provide for attainment.

The documents cited by the commenter are analyses of meteorological conditions which could cause emissions from the main stack of the smelter to contribute to exceedance of the standards. The analysis of the MPTER results showed three possible conditions under which the standards could be exceeded along with the emission rate producing each result, and the probability of emissions from the main stack exceeding the specified level. A statistical evaluation of these data indicated that the probability of violation is significantly less than 1% as a result of emissions from the main stack. The SAI analysis also showed a probability of less than 1%.

(2) The commenter also argued that measured violations of the national standards for sulfur dioxide in 1978–1980 show that the strategy will not provide for attainment. The comments point out that allowable emissions at the main stack are higher than they were during the period when violations of the standards were recorded in the lower elevations.

The commenter overlooked the fact that there are other significant sources of sulfur dioxide at the smelter. These other sources are emitted at much lower points; and the State's analysis shows that the violations recorded in the 1978–1980 period were caused by these low-level sources. Since the period of those violations, additional measures to limit SO_2 emissions from the low level sources have been imposed, especially with respect to fugitive emissions, which appear to have been the principal contributor to the violations, due to releases during upset conditions. As mentioned above, additional limits have reduced emissions from the low-level stacks, and RACT measures for fugitive emissions including design changes to eliminate upsets. Since the adoption of these measures, no violations have been recorded.

B. *Attainment in the Elevated Terrain.* An environmental group objected to EPA's treatment of the elevated terrain. Their specific objections are:

(1) EPA predicted a 24-hr. impact on Forest Service land (west side of ridge) of 216 to 360 $\mu g/m^3$ using an emission rate of 18,161 lb/hr. If that emission rate were scaled to the anticipated 24-hr. maximum rate, the resultant concentration would be 432 to 720 $\mu g/m^3$ which is in violation of the 24-hr. standard.

EPA undertook several modelling approaches to the elevated terrain. Because of the complexity (i.e. hilliness) of the terrain, these models did not produce reliable results, since validated models are generally designed for simpler (i.e. flat) terrain. EPA did not attempt to refine the analysis any further because the results cited above depended upon the obviously incorrect assumption of a plume path that would pass through a ridge, or on predicting plume paths that would have to move over, around, and behind intervening obstacles, such as hills or ridges, to reach that land, an extremely unlikely occurrence. While there have been some generic studies done in less complex terrain to demonstrate that a plume could reach a receptor in spite of intervening obstacles, methods to reliably predict concentrations in such a case have not been demonstrated. Given the conservative nature of the assumptions used to produce the result cited above, the Agency considers it unlikely that concentrations greater than those predicted at this receptor would occur, even at higher emission rates. This conclusion is also supported by modeling results and monitoring data submitted by Kennecott that shows concentrations on the west side of the ridge to be extremely low.

(2) In modeling the receptor on the Hercules property (east of the ridge) analyzed by EPA, EPA did not consider the worst case meteorological conditions. EPA should have used the Complex I model to predict concentrations at that receptor.

As explained in the background documents at proposal, the Complex I model was determined to be inappropriate for this application, due to the intervening terrain (ridges) between the source and the property, effects from the Great Salt Lake and the other topographical features, and the relatively small impact area at such a distance from the source. In regard to the comment that EPA did not consider worst case meteorological conditions, EPA believes that its assumptions were sufficiently conservative to assure that the standards would be met. First, EPA's modeling procedures recommend use of the meteorological assumption used here. Second, the 24 hour ambient air level under the Valley Model would be far below the 24 hour standard under any allowable 24 hour emission rates. In addition, in its comments, Kennecott presented modeling results based on meteorological conditions other than those used in EPA's Valley Screening Model. These results also support EPA's judgment that the likelihood of attaining

[1] On February 5, 1985, the U.S. Court of Appeals for the Ninth Circuit affirmed EPA's approval of the Arizona MPR SIP.

and maintaining the standards at Hercules and other locations in the elevated terrain is very high.

III. Stack Height Issues

In the March 23, 1984 proposed approval, EPA noted that the State's attainment demonstration depends upon full stack height credit for the 1,215 foot stack at the smelter. The stack was constructed by Kennecott in the mid-1970's, and is subject to the provisions of Section 123 of the Clean Air Act, which limits credit for stacks taller than "good engineering practice" (GEP). In the proposal EPA also discussed the field study, performed by the Company in 1972, and the fact that it did not fully satisfy the criteria of the 1982 stack height regulations for demonstrations. However, EPA proposed to approve the SIP, based on the State's commitment to revise the SIP as necessary to comply with appropriate stack height regulations once the litigation over the 1982 regulations was completed, and any necessary revisions promulgated. The State's commitment was submitted by the Governor as a SIP revision on September 5, 1984.

An environmental group submitted comments objecting to EPA's proposed action and proposed that EPA withold action until the new stack height regulations are promulgated and a fluid modeling or field study, consistent with those regulations, is performed.

EPA has concluded that such a deferral is neither necessary or appropriate in this instance, based on consideration of the following:

(1) The field study performed by the Company was performed in good faith before any criteria for such studies existed. In fact, the Company's study was performed before there were any requirements for field studies or specific regulatory limitations on the use of stacks.

(2) The initial submission by the State was prior to the promulgation of the 1982 stack height regulations, and although there were negative comments during the state administrative actions on various other issues, there were no comments that the stack should not be considered GEP.

(3) The construction moratorium required by Part D of the Clean Air Act on the area around the smelter remains in effect, due to the lack of a federally approved SIP for this one facility. The result is to ban construction or modernization by anyone in the area affected simply because procedurally the area lacks a federally-approved limit for this one facility, since the previous federal limit is suspended. Because of the present status of the revised stack height regulations, which are proposed but not yet final, EPA cannot give State or the Company specific criteria to perform a new study to determine the proper stack height credit. Until such a study is completed, EPA has no basis to judge that any credit other than 1,215 feet is appropriate here.

(4) All States SIPs will need to be reviewed in light of the revisions to the stack height regulations, scheduled to be promulgated in the Spring. Many States may need revisions to their SIPs emission limits to comply with those regulations. One requirement of those regulations will be to review and submit any necessary changes within nine months of promulgations of revised regulations.

(5) The SIPs limits promulgated by the State, including RACT measures to control fugitive emissions, provide approximately 90% control of SO_2 emissions from the smelter. With these prescribed controls, this smelter will be one of the most well-controlled smelters in the country. The SIPs also includes a commitment to determine the GEP stack height expeditiously after the stack height regulations are promulgated, and to revise the emission limitations if GEP stack height credit is determined to be less than 1,215 feet.

Based on these considerations, and as discussed in the proposal, EPA judges that the most appropriate course is not to defer action at this time due to the complex situation relative to the stack height regulations. This conclusion is based on the factors discussed above, including most particularly the inequity to the State of Utah and other sources in the area of continuing the construction moratorium as a result of inaction on this revision, and the commitment to act when final criteria are promulgated. Finally, the State has done the most it reasonably can at this time in developing this SIPs; continuation of the construction moratorium would therefore be pointless.

IV. General Issues

The Utah Air Conservation Committee commented in four general areas. These are addressed below.

A. *Monitor Downtime.* EPA conditioned its proposed approval on the submission by the State of provisions that limit the downtime of the continuous emission monitors. Such a limitation is essential since the enforcement of the State regulation is totally dependent upon the reliability of the monitors in the stack to measure emissions. The State responded that their regulation limits the duration of a single breakdown of the monitors to 12 hours, and that their requirement of 95% data collection is very stringent and will be enforced strictly.

The State's response satisfies the condition in the proposed approval.

B. *Data Rejection.* EPA conditioned its proposed approval on the receipt of information addressing the provision in the regulation for rejecting CEM data that is 20% or more in error. The State responded that the purpose of the provision is to give the Bureau the authority to refute data that are, in the opinion of the State, invalid, and to allow the State to take appropriate action to correct any resultant non-compliance.

The discussion given by the State on this issue satisfies the condition in the proposed approval.

C. *Nonattainment Designation.* In the proposed rulemaking, EPA proposed to defer any action to redesignate the nonattainment area to attainment until several relevant issues were resolved. The State disagreed with the basis for that decision on several grounds. The Kennecott Company also objected to EPA's action.

The State's and Company's objections are addressed below.

(1) The State does not believe that there is a need to undertake any further action to demonstrate that the national standards have been attained and maintained in those portions of the elevated terrain that are not owned or controlled by Kennecott. In their comments both the State and the Company apparently agree with EPA's conclusion that conclusive modeling results for the complex terrain are impossible. Therefore, the only method that can be used to conclusively document that the control strategy is attaining and maintaining the NAAQS is a monitoring program. The Company did include monitoring data from a sulfation candle network which they have been operating for several years. Since sulfation candles give only a monthly average sulfur dioxide concentration, they are insufficient to draw final conclusions regarding short-term concentrations. However, they can be used as an indicator of the impact of the stack emissions in an area. The data submitted by the Company support EPA's conclusion regarding impacts of the stack on the west side of the ridge (Forest Service land), as discussed elsewhere in this document, by showing stack impacts at that location to be extremely low relative to other receptors near the smelter. It also supports the need for additional, reliable ambient data on the east side of the ridge (Hercules property) to document attainment of the standard. Until such a

program is carried out, the nonattainment designation should be retained.

(2) The State objected to the statement in the proposal that boundaries coincide with logical political boundaries. The State apparently misunderstood the purpose of the statement in the proposal. In the case of a single source pollutant, EPA will entertain any boundaries proposed by the State, provided that the State include in their proposal a clear demonstration that the standards are attained outside those boundaries. However, if the EPA must establish the boundaries, they will be selected to coincide with political boundaries. In this case, the State recommended that the entire area in Salt Lake and Tooele Counties be redesignated to attainment. Since this is not possible for the reasons discussed above, EPA must retain the current designation and boundaries.

(3) The State objected to EPA's argument that the area should remain nonattainment because the plan cannot be given unqualified approval until the stack height issue is settled. The State's comments were supported by comments by the Kennecott Company. It is an established and appropriate policy that an area not be redesignated to attainment until the implementation plan is fully satisfactory. There are two reasons for his position. First, Congress established the concept to provide priority as well as special incentives for areas that have been designated as nonattainment areas under Section 107. Second, as pointed out in Kennecott's comments, under a recent decision of the United States Court of Appeals for the Seventh Circuit (*Bethlehem Steel Co. v. EPA*, 723 F.2d. 1303 (1983)). EPA may not be able to unilaterally redesignate an attainment area to nonattainment. For these reasons, the attainment status should remain as nonattainment until the final status of the stack height credit is determined, and the question of any need for further revision answered.

Although Kennecott comments to the contrary, there is still a possibility that followng promulgation of the stack height regulations and the performance of an appropriate study, the 1,215 foot stack could be found to be taller than "good engineering practice." Until this issue is finally resolved, the present designation of this area should continue.

(4) The Kennecott Company cites the Seventh Circuit decision as supporting the contention that the State's proposed designation should be accepted in spite of the considerations discussed above. EPA disagrees with this conclusion. In its decision, the Court stated that EPA could not redesignate an area to nonattainment without an official request from the State to consider. However, once a request is submitted by a state, EPA has a duty to review the request and make a judgment on it.

Conclusions

After consideration of the issues discussed above, the Administrator is approving this revision to the Utah sulfur dioxide SIP for Salt Lake and Tooele Counties. However, the Administrator is not granting the State's request to redesignate those areas to attainment under Section 107 of the Clean Air Act.

Regulatory Process

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

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

List of Subjects in 40 CFR Part 52

Air pollution control, Sulfur oxides, Incorporation by reference.

This rulemaking is issued under the authority of Sections 107, 110, 172 and 176 of the Clean Air Act (42 USC 7407, 7410, 7502 and 7506).

Dated: February 8, 1985.

Lee Thomas,

Administrator.

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

PART 52—[AMENDED]

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

Subpart TT—Utah

1. Section 52.2320 is revised by adding paragraph (c)(18) as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

(18) A revision to the SIP was submitted by the Governor for attainment of the SO_2 standard on August 17, 1981. Additional submittals January 25, 1983, and September 5, 1984.

§ 52.2325 [Removed]

2. Section 52.2325 is removed.

[FR Doc. 85-3704 Filed 2-19-85; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 147

[OW-H-FRL-2757-5]

Underground Injection Control Program; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: EPA promulgated regulations for the Underground Injection Control (UIC) programs on November 15, 1984, (49 FR 45292). Certain material was inadvertently retained from the May 11, 1984, proposal (49 FR 20238). We are publishing the following information for the purpose of clarification.

ADDRESS: For further information, contact John B. Atcheson, Underground Injection Control Branch, Office of Drinking Water (WH-550), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 382-5530.

SUPPLEMENTARY INFORMATION: This document corrects a final rule for the Underground Injection Control (UIC) program that appeared at page 45308 in the **Federal Register** on November 15, 1984 (49 FR 45306). Certain material was inadvertently retained from the proposed rule. We are publishing the following information for the purpose of clarification.

In Subpart QQ, § 147.2100 which appeared in the regulations on page 45308 should be deleted. The approval of the South Dakota program which was published as subpart QQ, § 147.2100, in the **Federal Register** on October 24, 1984, (49 FR 42727), will remain in effect.

Authority: 42 U.S.C. 300h to 300h-2

Dated: January 8, 1985.

Henry L. Longest II,

Acting Assistant Administrator for Water.

PART 147—STATE UNDERGROUND INJECTION CONTROL PROGRAMS

As set forth in the preamble, Part 147 of Title 40 of the Code of Federal Regulations is amended as follows:

Subpart QQ—South Dakota

1. Section 147.2100 is corrected to read as follows:

§ 147.2100 State-administered program—Class II wells.

The UIC program for Class II wells in the State of South Dakota, except those on Indian lands, is the program administered by the South Dakota Department of Water and Natural Resources, approved by EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the **Federal Register** on October 24, 1984; the effective date of this program is December 7, 1984. This program consists of the following elements, as submitted to EPA in the State's program application.

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of South Dakota. This incorporation by reference was approved by the Director of the Federal Register effective December 7, 1984.

(1) South Dakota Codified Laws, §§ 45–9–2, 45–9–4, 45–9–11, 45–9–13, 45–9–14, 45–9–15 (1983).

(2) Administrative Rules of South Dakota, §§ 74:10:02 through 74:10:11 (inclusive) (1982).

(b) *Other laws.* The following statutes and regulations, although not incorporated by reference, also are part of the approved State-administered program:

(1) South Dakota Codified Laws, Chapter 45–9 (sections not cited above) (1983); 1–26 (1981).

(c)(1) The Memorandum of Agreement between EPA Region VIII and the South Dakota Department of Water and Natural Resources, signed by the EPA Regional Administrator on July 18, 1984.

(d) *Statement of legal authority.* (1) "Underground Injection Control Program for Class II Wells: Attorney General's Statement," signed by Mark V. Meierhery, Attorney General, South Dakota, on January 16, 1984.

(e) The Program Description and any other materials submitted as part of the original application or as supplements thereto.

* * * * *

[FR Doc. 85–1235 Filed 2–19–85; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP 3E2833/R741; FRL–2779–5]

Part 180—Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Oxamyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends a tolerance for residues of the insecticide/nematicide oxamyl in or on the raw agricultural commodity bananas. This regulation to revise the maximum permissible level for residues of oxamyl in or on the commodity was requested pursuant to a petition by E.I. du Pont de Nemours and Co.

EFFECTIVE DATE: February 20, 1985.

ADDRESS: Written objections, identified by the document control number [PP 3E2833/R741], may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 202, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703–557–2386.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of January 16, 1985 (50 FR 2533), which announced that E.I. du Pont de Nemours and Co., Wilmington, DE, 19898, had submitted pesticide petition 3E2833 to EPA proposing to amend 40 CFR 180.303 by establishing a tolerance for residues of the insecticide/nematicide oxamyl (methyl *N'*,*N'*-dimethyl-*N*-[methylcarbamoyl]-oxyl]-1-thiooxamimidate) in or on the raw agricultural commodity bananas imported from Costa Rica at 0.3 part per million (pm). Section 180.303 had specified a tolerance of 0.1 ppm.

There were no comments or requests for referral to an adivsory committee received in response to the proposed rule.

The data submitted and other relevant material have been evaluated and discussed in the proposed rulemaking. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 7, 1985.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.303 is amended by revising the tolerance for the raw agricultural commodity bananas, to read as follows:

§ 180.303 Oxamyl; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Bananas	0.3
* * * * *	

[FR Doc. 85–3847 Filed 2–19–85; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 387

[BMCS Docket No. MC–107; Amdt. No. 83–15]

Minimum Levels of Financial Responsibility for Motor Carriers of Passengers

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is amending the Federal Motor Carrier Safety Regulations (FMCSR) to implement provisions required by Section 224 of the Motor Carrier Safety Act of 1984. Section 224 amends Section 18(d) of the

Bus Regulatory Reform Act of 1982 by: (1) Requiring motor carriers of passengers domiciled in any contiguous foreign country to carry on board each vehicle it operates in the United States evidence of financial responsibility, and (2) directing the Secretary of Transportation and the Secretary of Treasury authority to deny entry into the United States of any passenger carrying vehicle which does not have the required evidence of financial responsibility in the vehicle.

EFFECTIVE DATE: February 20, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, (202) 426–9767, or Mrs. Kathleen S. Markman, Office of Chief Counsel, (202) 426–0346, 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.

SUPPLEMENTARY INFORMATION: On October 30, 1984 the President signed into law the Motor Carrier Safety Act of 1984 (the Act) (Pub. L. 98–554, 98 Stat. 2829). Section 224 of the Act sets forth provisions for passenger carrying vehicles that were not included in Section 18(d) of the Bus Regulatory Reform Act of 1982 (Pub. L. 97–261, 96 Stat. 1120).

Section 224 of the Act amended Section 18(d) of the Bus Regulatory Reform Act of 1982 by requiring motor carriers of passengers domiciled in any contiguous foreign country to carry on board each vehicle it operates in the United States evidence of financial responsibility. Previous provisions did not include this requirement. A photocopy of the currently required form MCS–90B or MCS–82B will be accepted as evidence of financial responsibility.

Another change resulting from the enactment of the Act is the authority granted to the Secretary of Transportation and the Secretary of Treasury to deny entry into the United States of any passenger carrying vehicle which does not have the required evidence of financial responsibility in the vehicle. Pursuant to Section 224, the Secretary of Transportation and the Secretary of the Treasury shall deny entry into the United States of any passenger carrying vehicle which does not have the required evidence of financial responsibility in the vehicle.

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or significant regulation under the regulatory policies and procedures of the Department of Transportation. Since the amendments in this document are being issued for the purpose solely of complying with Section 224 of the Motor Carrier Safety Act of 1984 and do not reflect interpretations of statutory language, the FHWA finds good cause to make this regulation final without a 30-day delay in effective date under the Administrative Procedure Act. For this reason, notice and the opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action would result in the receipt of useful information. Accordingly, this final rule is effective upon issuance. The statutory language incorporated in the regulations requires no interpretation and provides for no administrative discretion. Thus, the economic impact, if any, of this rulemaking action will result from the amendment to the underlying statute as provided in Section 224 of the Motor Carrier Safety Act of 1984 necessitating the following revision to FHWA's regulations. Accordingly, a regulatory evaluation has not been prepared.

List of Subjects in 49 CFR Part 387

Highways, Motor carriers, Motor vehicles, Financial responsibility, Insurance, Surety bonds.

(Sec. 18(d), Pub. L. 97–261, 96 Stat. 1120; Sec. 224, Pub. L. 98–554, 98 Stat. 2829; 49 U.S.C. 3102, 49 CFR 1.48 and 301.60)

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: February 11, 1985.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

In consideration of the foregoing, the FHWA is amending Part 387 of Title 49, Code of Federal Regulations, to read as set forth below:

PART 387—[AMENDED]

In § 387.31, paragraphs (f) and (g) are added to read as follows:

§ 387.31 Financial responsibility required.

* * * * *

(f) All passenger carrying vehicles operated within the United States by motor carriers domiciled in a contiguous foreign country, shall have on board the vehicle a legible copy, in English, of the proof of the required financial responsibility (Forms MCS–90B or MCS–82B) used by the motor carrier to comply with paragraph (d) of this section.

(g) Any motor vehicle in which there is no evidence of financial responsibility required by paragraph (f) of this section shall be denied entry into the United States.

[FR Doc. 85–4082 Filed 2–19–85; 8:45 am]

BILLING CODE 4910-22-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1201, 1207, and 1241

Indexing the Annual Operating Revenues of Railroads and Motor Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Rule-related notice.

SUMMARY: The Interstate Commerce Commission has adopted a methodology for indexing gross annual operating revenues for railroads and motor carriers of property to eliminate the effects of inflation from the classification process. The Commission's price deflator formula will provide assurances that carriers are moved to a higher classification because of real business expansion and not from inflationary consequences.

The annual average Railroad Freight Price Index will be used as the railroad deflator. The annual average Producer Price Index for all commodities will be used as the motor carrier deflator. Each index is developed by the Bureau of Labor Statistics. The base years for railroad and motor carriers are 1978 and 1980, respectively. The indexes and deflators are listed in the **SUPPLEMENTARY INFORMATION** section of this Notice.

EFFECTIVE DATE: January 1, 1985.

ADDRESSES: Copies of this notice may be purchased by contacting: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, D.C. 20423, (202) 289–4357—D.C. Metropolitan Area, (800) 424–5403—toll free for outside D.C. area.

FOR FURTHER INFORMATION CONTACT: Leonardo A. Rodriguez or William G. Norris, (202) 275–7448.

SUPPLEMENTARY INFORMATION: By Final Rule in Docket No. 38559, Railroad Classification Index, served and published in the **Federal Register** on January 20, 1983 (48 FR 2542) and Final Rule in Docket No. 38377, Indexing the Annual Operating Revenues of Motor Carriers of Property, served on October 7, 1982, and published in the **Federal Register** on October 12, 1982 (47 FR 44731), the Commission revised the method of classifying railroads and

motor carriers of property for accounting and reporting purposes. The new methodology continues to classify carriers based on gross operating revenues. However, a price deflator formula was adopted to assess whether a carrier's gross operating revenue increases are caused by inflation or a real business expansion. Both Final Rules stated that the Commission would publish the deflators in the Federal Register. The deflators for 1982, 1983, and 1984 are:

	Railroads			Motor carriers of property	
	Railroad freight index			Producer prices index	
	Index	Deflator percent		Index	Deflator percent
1978	213.1		1980	252.4	
1982	351.4	60.64	1982	281.0	89.82
1983	355.6	59.89	1983	284.6	88.69
1984	372.2	57.25	1984	290.4	86.91

James H. Bayne,

Secretary.

[FR Doc. 85-4141 Filed 2-19-85; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1312

[Ex Parte No. 370]

Tariff Improvement

AGENCY: Interstate Commerce Commission.

ACTION: Removal of rules; discontinuance of proceeding.

SUMMARY: The Ex Parte No. 370 rules 49 CFR 1312.17(f)(1)) provide that changes resulting in increases which are not correctly identified may result in a Commission finding that such changes are unlawfully published and filed and therefore invalid and not collectible. Thus, the Commission, in its discretion, can reject (as opposed to cancel) a missymbolized rate increase, giving rise to overcharge liability for past shipments based on the full difference between the rejected rate and the last one lawfully in effect. Ex Parte No. 370 was intended to assure the accuracy of tariff symbols to protect the right of tariff users to protest proposed tariff changes. For many years tariffs have been required to bear symbols indicating whether they constitute an increase, a decrese, or a change in wording that is neither an increase nor a decrease. Symbols have been—and continue to be—important because they advise tariff users of tariff changes and because the alternative to relying on symbols when studying tariffs is comparing proposed tariff filings word-for-word or figure-for-figure against existing tariff matter. Nevertheless, we now believe that the rejection remedy adopted in Ex Parte No. 370 is not necessary to ensure compliance because assuring symbolization accuracy can be accomplished through the express remedies in the Act. Accordingly, there is no reason to proceed with any rules at this time, and Ex Parte No. 370 will be removed.

EFFECTIVE DATE: March 21, 1985.

FOR FURTHER INFORMATION CONTACT: Lawrence L. Herzig, (202) 275-7151.

SUPPLEMENTARY INFORMATION: The Ex Parte No. 370 rules (49 CFR 1312.17(f)(1)) provide that changes resulting in increases which are not correctly identified may result in a Commission finding that such changes are unlawfully published and filed and therefore invalid and not collectible. Thus, the Commission, in its discretion, can reject (as opposed to cancel) a missymbolized rate increase, giving rise to overcharge liability for past shipments based on the full difference between the rejected rate and the last one lawfully in effect.[1] Ex Parte No. 370 was intended to assure the accuracy of tariff symbols to protect the right of tariff users to protest proposed tariff changes. The rules are the result of a 1979-1980 rulemaking that began when budget reductions and the increased number of tariff filings forced the Commission to stop preexamining every filing for obvious defects (including symbolization errors) prior to the tariff effective date.

For many years tariffs have been required to bear symbols indicating whether they constitute an increase, a decrease, or a change in working that is neither an increases nor a decrease. Symbols have been—and continue to be—important because they advise tariff users of tariff changes and because the alternative to relying on symbols when studying tariffs is comparing proposed tariff filings word-for-word or figure-for-figure against existing tariff matter. See Docket No. 37321, *Revision of Tariff Regulations, All Carriers* (Sept. 24, 1984), retaining the need for symbols. Nevertheless, we now believe that the rejecting remedy adopted in Ex Parte No. 370 is not necessary to ensure compliance because assuring symbolization accuracy can be accomplished through the express remedies in the Act. Accordingly, there is no reason to proceed with any rules at this time, and Ex Parte No. 370 will be removed.

Background

We have reexamined Ex Parte No. 370, although the rules were affirmed in *Aberdeen and Rockfish* v. *United States*, 682 F.2d 1092 (5th Cir. 1982) (*Aberdeen*), because the Supreme Court disposed of the petitions for certiorari filed by shipper interests[2] by remanding the rules to the Fifth Circuit for reconsideration in light of *ICC* v. *ATA* 104 S. Ct. 2458 (1984). In *ICC* v. *ATA*, the Court upheld the Commission's authority to reject effective tariffs that were developed in substantial violation of a motor carrier rate bureau agreement. The Court, however, held that the Commission lacks explicit statutory authority to reject effective tariffs (104 S. Ct. at 2463-2465). It affirmed the decision under review in *ICC* v. *ATA* because the Commission may elaborate upon its express statutory remedies when necessary to achieve specific statutory goals and because the rejection of effective tariffs for proven violations of rate bureau agreements is a "justifiable adjunct" to the ICC's express rejection authority. 104 S. Ct. at 2460, 2465, 2467 n. 11.

With the approval of the Court of Appeals, we reopened this proceeding for reconsideration of the effect of *ICC* v. *ATA* on Ex Parte No. 370 and provided an opportunity for comments. Seven parties filed comments. Two commenters, the National Small Shipments Traffic Conference and the Drug & Toilet Preparation Traffic Conference (the Conference) favor the rules. They generally assert that post-effective tariff rejection is the only way the Commission can enforce its tariff publishing rules and protect the right of shippers to file protests in a timely manner.

Substantive comments in opposition were filed by the nation's railroads and by the National Motor Freight Traffic Association (NMFTA).[3] Those opposed to the rules principally argue that rejection is neither a permissible nor an appropriate remedy for symbolization errors and that rejection would threaten carriers with the potential for massive liability that is unrelated to the slim possibility of injury. They also state that

[1] If a rate is cancelled and not rejected it is prospectively invalidated and there is no liability to refund amounts collected under the missymbolized rate.

[2] *Aberdeen & Rockfish Railroad Company, et al.*, S. Ct. Nos. 82-707 and 82-804.

[3] Middlewest Motor Freight Bureau and Rocky Mountain Motor Bureau adopted NMFTA's arguments. Sea-Land requested a non-application clause and suggested that if we maintain Ex Parte No. 370, we should allow tariff rejection for no more than 30 days after a tariff's effective date.

the rules are not necessary because (1) many symbolization errors are inadvertent, so that tougher penalties would not eliminate the problem; (2) reliance on symbols is less important now than in 1979 when Ex Parte No. 370 was proposed because shippers may engage in one-on-one-price negotiations under the Motor Carrier and Staggers Acts; and (3) Ex Parte No. 370 conflicts with such Staggers Act principles as revenue adequacy and with recent decisions including Ex Parte No. MC-170, *Short Notice Effectiveness for Independently Filed Motor Carrier and Freight Forwarder Rates* (May 10, 1984).[4]

Discussion

After reconsidering Ex Parte No. 370 as requred by *ICC* v. *ATA*, we conclude as a matter of policy that the rules are not necesary. Symbols are and will continue to be important. However, as discussed below, the express remedies in the Act provide carriers with ample incentive for symbolization accuracy while providing shippers with protection against abuse. Accordingly, there is no reason to proceed with Ex Parte No. 370 at this time and the current rules will be repealed. As a result, there is no reason to discuss in detail the effect of *ICC* v. *ATA* on this case.

Our decision to eliminate Ex Parte No. 370 is based in large part on our experience under the rules. What has happened (or rather failed to happen) under the rules indicates that the rejection remedy is not necessary to ensure compliance with symbolization requirements and that therefore Ex Parte No. 370 is simply not now an appropriate exercise of our implied authority.

The present rules were designed approximately five years ago and have been in effect about two years. Yet there have been very few protests and complaints filed alleging missymbolized increases—even through the comments indicate that some clerical or typographical errors in tariffs are inevitable.

Although the Commission was concerned in 1979 that some carriers might not take reasonable care to ensure the accuracy of tariff symbols after tariff preexamination was terminated, those concerns appear to have been misplaced. Given the small number of proceedings involving missymbolization, it appears that missymbolization of tariffs has not been a problem, or that it is a problem that carriers and shippers have been able to work out on their own. In these circumstances, there is little evidence that Ex Parte No. 370 remains necessary at this time.[5]

Similarly, those opposed to the rules correctly point out that Ex Parte No. 370 (which was promulgated prior to the Staggers and Motor Carrier Acts) was contrary to the policies contained in the recent statutory revisions and in almost all of our related proceedings since 1980. These decisions recognize that competitive forces, including market incentives to provide price information, generally can be relied upon to serve as an effective regulatory of rate increases. Greater reliance upon competitive forces, as properly required by Congress in recent years, necessarily reduces the need for severe remedies to enforce symbolization requirements.[6]

Perhaps most importantly the rejection remedy is not needed because the express remedies in the Act appear to be fully adequate to enforce symbolization requirements and to protect shippers from abuse. One underlying purpose of Ex Parte 370 had been to ensure the right to protest proposed rate changes. Accordingly, shippers can be protected in a missymbolization case if we return the right to protest, *i.e.*, if we allow shippers to file complaints alleging symbolization errors, and then order the tariff cancelled so that it must be republished (giving rise to a new protest period) if the tariff is to apply for the future.

Other express remedies also are available to protect shippers. First, shippers can recover reparations if actual damages can be shown. Second, the Act authorizes fines for symbolization errors, see *Aberdeen, supra*, 682 F.2d at 1099. Additionally, shippers could seek an injunction if particular carriers consistently and flagrantly ignore symbolization requirements. The availability of these remedies—and the fact that there have apparently been so few problems with symbolization in recent years—leads us to conclude that we do not need to devise a rejection remedy to enforce symbolization requirements and that we can ensure complaince with the express remedies in the Act.

This does not necessarily mean, however, that we will not reimpose Ex Parte No. 370 or a modified version of the rules in the future. As discussed above, we continue to believe that tariff symbols are important and effective. If repeal of the rules leads to allegations of abuse, we may, in the future, reconsider imposing the rejection remedy under our implied authority.

In sum, if a tariff increase is found to be missymbolized, we may order it cancelled and require that it be republished, giving rise to a new protest period. Overcharges will not be assessed, but damages or fines may be levied as appropriate.

List of Subjects in 49 CFR Part 1312

Motor carriers; Railroads.

PART 1312—[AMENDED]

§ 1312.17 [Amended]

Accordingly, 49 CFR 1312.17(f)(1) is removed and reserved for future use.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

(1) This proceeding is discontinued and the Ex Parte No. 370 rules (49 CFR 1312.17(f)(1)) are repealed.

(2) This decision is issued pursuant to authority in 49 U.S.C. 10321 and 5 U.S.C. 553.

(3) This decision will be effective on March 21, 1985.

Decided: February 4, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley and Strenio. Commissioner Simmons, joined by Chairman Taylor, dissented with a separate expression. Commissioner Lamboley dissented with a separate expression.

James H. Bayne,

Secretary.

[FR Doc. 85-4142 Filed 2-19-85; 8:45 am]

BILLING CODE 7035-01-M

[4] Other arguments largely repeat claims that were made in the past and rejected by us or by the Court of Appeals in Aberdeen, i.e., the claim that the Commission will use no discretion and will not provide an adequate hearing before rejecting missymbolized tariffs.

[5] Significantly, although two commenters favored retaining the rules, their comments were generalized. No convincing argument was made that shippes have actually been harmed by missymbolization. Moreover, no allegations of abuse following the end of tariff preexamination have been made.

[6] As the comments point out, the rejection of missymbolized increases could require carriers to refund thousands or even millions of dollars without regard to whether the shipper has suffered any actual injury. In ICC v. ATA, the Court was "concern[ed] over the harshness of this new remedial authority" (104 S. Ct. at 2468) although in that case it was not persuaded by the carriers' argument that rejection is unlawful simply because liability to refund overcharges raises the prospect of enormous financial liability (104 S. Ct. at 2467).

Proposed Rules

Federal Register
Vol. 50, No. 34
Wednesday, February 20, 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.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-21703; File No. S7-4-85]

National Market System Securities

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule amendments and solicitation of public comments.

SUMMARY: In light of requests by two national securities exchanges to seek and retain listings of securities designated as National Market System Securities, the Commission is proposing to amend its transaction reporting rule and its rule governing the designation of securities qualified for trading in a national market system to permit, in certain circumstances, a security to be concurrently designated as a national market system security and traded on an exchange.

DATE: Comments to be received by March 31, 1985.

ADDRESSES: All comments should be submitted in triplicate and addressed to John P. Wheeler, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: William W. Uchimoto, Esq., (202) 272-2409, Room 5193, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

I. Background

On February 17, 1981, the Commission adopted Rule 11Aa2-1 ("NMS Securities Rule") under the Securities Exchange Act of 1934 ("Act") [1] providing criteria and procedures by which certain securities traded exclusively in the over-the-counter ("OTC") market are designated as national market system ("NMS") Securities. Although the Rule defines an NMS Security as "any equity security which is designated as qualified for trading in a national market system," [2] the Rule currently permits only OTC securities traded through the National Association of Securities Dealers, Inc.'s ("NASD") electronic inter-dealer quotation system ("NASDAQ") to be eligible for NMS Securities designation.[3] The Rule also requires the termination of a security's NMS designation "[i]f such security becomes listed and registered, or admitted to unlisted trading privileges, on an exchange."[4]

Subsequently, two exchanges have raised concerns over possible inadvertent effects of the present structure of the Rule. The Boston Stock Exchange, Inc. ("BSE") has asserted that the provision of the NMS Securities Rule that precludes NMS Securities from being exchange-listed contravenes Congress' philosophy of increasing competition between markets.[5] The BSE also contended that this provision competitively advantaged the NASD, eliminated the opportunity for issuers to compare the benefits and costs of having their security traded in an exchange and OTC environment, and deprived issuers' securities of the benefits the BSE believes derive from trading on an exchange market (*e.g.*, a specialist system, an auction market, increased surveillance, and central location to view SEC filings and financial information).

In addition, the Midwest Stock Exchange, Inc. ("MSE") has stated that newspapers often do not publish transaction information on reported securities that are listed only on regional exchanges; many newspapers do, however, publish transaction information on the complete NMS list.[6] Accordingly, in the MSE's view, the NASD has a competitive advantage in encouraging issuers to seek NMS designation after listing on NASDAQ. The MSE argued that forced delisting of NMS Securities extends the NASD's competitive advantage in attracting and retaining listings. The MSE also cited a specific example where the MSE lost a listing because of the current requirements of the NMS Securities Rule. Thus, the MSE recommended that "[a]t a minimum Rule 11Aa2-1 should be amended to allow an issue to concurrently be listed or traded under unlisted trading privileges on an exchange even if it is designated as an NMS Security at least for those securities which are covered by Rule 19c-3."[7]

In January 1984, Commission staff met with representatives of the NASD, and the BSE, MSE, Philadelphia Stock Exchange ("Phlx"), and Pacific Stock Exchange ("PSE") to discuss the possibility of NMS Securities concurrently being exchange-listed ("NMS-Listed Securities"). At that meeting, the Commission staff took an interpretive position to permit a temporary moratorium on requiring delisting of securities prior to their designation as NMS Securities pending implementation of a method of integrating exchange and OTC quotation and transaction reporting in NMS-Listed Securities.[8]

On July 13, 1984, the NASD Board approved a recommendation of its Trading Committee not to offer NASDAQ terminals to exchanges for consolidated trade reporting in NMS-Listed Securities until those exchanges requested such a reporting approach. The Board also unanimously approved a Trading Committee resolution requiring a security to delist from an exchange prior to designation of that security as an NMS Security.[9] While the

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[1] 17 CFR 240.11Aa2-1. *See* Securities Exchange Act Release No. 17549 (February 17, 1981), 46 FR 13992.

[2] 17 CFR 240.11Aa2-1(a).

[3] In adopting the Rule, the Commission concluded that imposing NMS qualification criteria upon listed securities was unnecessary at the time because most listed securities already were included in NMS last sale and quotation disclosure facilities, the only NMS facilities in which these securities currently are included, and selections of less than all such reported securities as NMS Securities could create unnecessary distinctions among listed securities.

[4] 17 CFR 240.11Aa2-1(b).

[5] Letter to Senator William Proxmire, from Charles J. Mohr, Chairman and Chief Executive Officer, BSE, dated November 23, 1983.

[6] *See* Letter to George A. Fitzsimmons, Secretary, SEC, from Kenneth I. Rosenblum, President, MSE, dated August 8, 1984 ("MSE Comment Letter").

[7] MSE Comment Letter, *id.* at 3.

[8] At present, exchange-traded reported securities are reported in the Consolidated Quote and Tape systems and quotations and last sales in OTC/NMS Securities are reported through NASD facilities.

[9] *See* Letter to Brandon C. Becker, Assistant Director, Office of NMS and OTC Trading, SEC, from John T. Wall, Executive Vice President, Member and Market Services, NASD, dated July 23, 1984.

Commission understands that at least the BSE remains committed to commencing reporting through NASDAQ terminals in NMS Securities, no exchange has yet made such a request to the NASD.

II. Discussion

The primary effect of the NMS Securities Rule, to date, has been to extend last sale reporting to certain OTC securities. As a result, in adopting the Rule the Commission deferred considering possible criteria for designating exchange-traded securities as NMS Securities.[10] The Commission, however, does not believe that resolution of these general issues should delay steps toward resolving the issue of whether exchange-listed stocks that are not included in the consolidated transaction reporting system should be barred from being part of the NASDAQ/NMS. In light of the comments made by the regional exchanges on this matter, the Commission preliminarily believes that, under limited circumstances, it is appropriate that an NMS Security be concurrently exchange-listed. Accordingly, the Commission proposes to amend the NMS Securities Rule to provide for NMS-Listed Securities.[11] The Commission solicits comment on whether this amendment is appropriate at this time, and if so, whether any conditions other than integrated reporting should be met before affording any security NMS-Listed Security status.[12]

To avoid confusion and conflict among reporting plans,[13] the proposed amendment would permit only listed securities that are not reported pursuant to the CTA Plan to be eligible to be NMS-Listed Securities. In this regard, the Commission requests comment on whether extending the amendment's coverage to include listed CTA reported securities would provide substantial benefits and whether the potential problems involved in determining in which system such securities should be reported can be effectively resolved without undue complexity, cost or delay.

The proposed amendment would require the exchanges that seek to list NMS Securities, or retain such listings, as well as the NASD, to file transaction reporting plans with the Commission to cover the reporting of transactions in NMS-Listed Securities occurring in their respective markets. The Commission believes that all transactions in NMS Securities should be disseminated to information vendors in a single data stream so that industry professionals and public investors can access that information efficiently. In light of the large percentage of volume accounted for by OTC trading in NMS-Listed Securities, the Commission initially envisions that such exchange reporting plans should provide for the central collection of transaction information through the facilities of the NASD.

In this regard, the exchanges would be expected to submit short-form plans, which indicate that reports will be submitted to the NASD according to the terms of the NASD's reporting plan for NMS Securities. In addition, the NASD would have to amend its current NMS Securities Reporting Plan to provide for the collection and dissemination of these exchange reports as well as reports from NASD members in NMS-Listed Securities. The proposed amendment would become effective 60 days after its adoption to permit the implementation of these reporting plans. Commentators should address whether this is a fair and efficient method of implementing an integrated reporting system for NMS-Listed Securities.

III. Regulatory Flexibility Act Consideration

Section 603(a) [14] of the Administrative Procedure Act,[15] as amended by the Regulatory Flexibility Act ("RFA"),[16] generally requires the Commission to undertake a regulatory flexibility analysis of the impact of a rule or amendment on "small entities," unless exempted under section 605(b) on the basis that the rule or rule amendments would not have a significant impact on a substantial number of small entities. Because the amendments, if adopted, would affect those national securities exchanges that seek to trade NMS-Listed Securities and because these entities are not considered small entities for purposes of the RFA.[17] The Commission also believes that the amendments would not have a significant economic impact on small issuers. The amendments' primary effect on issuers would be to give issuers the option of having another market maker, and exchange specialist, for their securities. This alternative may result in some lowering of the costs of raising capital for small issuers but would not be of a magnitude that would have a significant economic impact on small issuers. Currently, NMS Securities are required to have at minimum two market makers. The Commission believes that the addition of another market maker will not significantly affect trading in these securities. Accordingly, the Chairman of the Commission has certified that the Rule amendments, if promulgated, will not have a significant impact on a substantial number of small entities.

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

IV. Statutory Basis and Text of the Amendments

Pursuant to the Securities Exchange Act of 1934 and particularly Sections 11A and 23(a) thereof, 15 U.S.C. 78k–1 and 78w(a), the Commission proposes to amend §§ 240.11Aa2–1 and 240.11Aa3–1 in Chapter II of Title 17 of the Code of Federal Regulations as follows:*

PART 240—[AMENDED]

1. By revising paragraphs (a)(3) and (b)(3) of § 240.11Aa2–1 as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.11Aa2–1 Designation of national market system securities.

(a) *Definitions.* For purposes of this section:

* * * * *

(3) The term "NASDAQ security" shall mean any registered equity security ►for which quotation information is disseminated in the NASDAQ electronic inter-dealer quotation system ("NASDAQ")

(i)◄ Which is not listed or admitted to unlisted trading privileges on a national securities exchange ("exchange") [and for which quotation information is

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[10] *See* note 3, *infra*. Most exchange-traded securities, at least those substantially meeting the listing requirement of the NYSE or Amex, already are last sale reported.

[11] The Commission in a separate release has solicited comment on whether exchanges should be granted unlisted trading privileges ("UTP") in OTC securities. *See* Securities Exchange Act Release No. 21498 (November 16, 1984), 49 FR 46156. The Commission, therefore, also is proposing a technical amendment to the NMS Securities Rule to permit exchanges to trade NMS Securities pursuant to UTP. Even if the Rule is amended accordingly, section 12(f)(2) of the Act requires the Commission to make certain findings before granting an exchange UTP in an OTC security.

[12] The proposed amendment also would not permit an exchange to apply its off-board trading restrictions to any security that is an NMS-Listed Security. The Commission understands that regional exchanges, as a matter of course, currently waive those restrictions in order to attract listings of NASDAQ securities.

[13] *See* note 8, *supra*.

[14] 5 U.S.C. 603(a).

[15] 5 U.S.C 551 *et seq.*

[16] Pub. L. 96–354, 94 Stat. 1164, (September 19, 1980).

[17] 17 CFR 240.0–10(e).

* Note: Arrows indicate text proposed to be added. Brackets indicate text proposed to be deleted.

disseminated in the NASDAQ electronic interdealer quotation system ("NASDAQ")] ►or

(ii) Which is listed or admitted to unlisted trading privileges on an exchange

(A) For which no rule, stated policy or practice of such exchange shall prohibit or condition, or be construed to prohibit, condition or otherwise limit, directly or indirectly the ability of any member to effect any transaction in such security otherwise than on such exchange and

(B) For which transaction reports are not collected, processed and made available pursuant to an effective transaction reporting plan.◄

* * * * * *

(b) *Designation criteria.* * * *

(3) Any security designated as a national market system security pursuant to this section shall be deemed qualified for trading in a national market system (or any facility or subsystem thereof) so long as its designation remains effective. The effectiveness of any designation pursuant to paragraph (b)(1) or (b)(2) of this section with respect to a security shall terminate ►if the designation of such security is revoked, or during any period the designation of such security has been suspended, by the NASD in accordance with the terms of an effective designation plan.◄

[(i) * * *]

[(ii) * * *]

* * * * *

2. By revising paragraphs (a)(4), (a)(6), (b)(1), and (b)(2)(i) of § 240.11Aa 3-1 as follows:

§ 240.11Aa 3-1 Dissemination of transaction reports and last sale data with respect to transactions in reported securities.

(a) *Definitions.* For purposes of this section:

* * * * *

(4) The term "reported security" shall mean any listed equity security or [non-listed] national market system security for which a transaction reporting plan with respect to transactions in such security is required to be filed pursuant to this section.

* * * * *

(6) The term "[non-listed] national market system security shall mean any security or class of securities which

[(i)] Is designated as qualified for trading in a national market system pursuant to section 11A(a)(2) of the Act and the procedures established thereunder [and

(ii) Is not a listed equity security].

* * * * *

(b) *Filing and effectiveness of transaction reporting plans.*

(1) Every exchange shall, with respect to

►(i)◄ Transactions in listed equity securities executed through its facilities [.] ► and

(ii) Transactions in national market system securities executed through its facilities,◄ and every association shall, with respect to

(A) Transactions in listed equity securities executed by its members otherwise than on an exchange and

(B) Transactions in [non-listed] national market system securities executed otherwise than on an exchange, file with the Commission a transaction reporting plan.

(2) * * *

(i) Reporting requirements with respect to transactions in listed equity securities or [non-listed] national market system securities, for any broker or dealer subject to the plan;

* * * * *

By the Commission.

John Wheeler,

Secretary.

February 1, 1985.

Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendments to Rules 11Aa2-1 and 11Aa3-1 set forth in Securities Exchange Act Release No. 21703, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reasons for this certification are that the proposed amendments, if adopted, would primarily affect national securities exchanges that seek to trade National Market System Securities, and these exchanges are not considered small entities for purposes of the Regulatory Flexibility Act. In addition, the amendments would not have a significant econonic impact on small issuers. The amendment's primary effect on issuers would be to give issuers the option of having another market maker, an exchange specialist, for their securities.

Dated: February 11, 1985.

John S.R. Shad,

Chairman.

[FR Doc. 85-4102 Filed 2-19-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 646

[FHWA Docket No. 85-4]

Railroad-Highway Projects

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA is requesting comments on a proposal to amend its regulation prescribing policies and procedures for advancing Federal-aid and direct Federal highway projects involving railroad facilities. The proposed amendment will incorporate and clarify existing FHWA policy regarding participation with Federal-aid highway funds in providing specified horizontal and vertical clearances for railroad overpass and underpass structures at highways.

DATE: Written comments are due on or before April 22, 1985.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 85-4, 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. e.t., Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: James A. Carney, Office of Engineering, 202-426-0450 or Michael J. Laska, Office of the Chief Counsel, 202-426-0762, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA's current regulation prescribing policies and procedures for advancing Federal-aid highway projects is contained in 23 CFR Part 646, Subpart B. Within § 646.212 reference is made to eligibility criteria, periodically agreed to between the FHWA, the highway community, and the railroad industry, that determine the extent Federal-aid funds may participate in the costs of providing certain horizontal and vertical clearances for both highway bridges over railroads and railroad bridges over highways. The specific clearance eligibility criteria have not been included in the existing regulation but rather have been published in Attachment 1 to Volume 6, Chapter 6,

Section 2, Subsection 1, Railroad-Highway Projects, of the Federal-Aid Highway Program Manual. [1]

The clearance eligibility criteria are used by the FHWA to help establish limits for which Federal-aid highway funds can be used to pay for certain clearance design features for bridges between highways and railroads. The criteria generally reflect clearance standards that the railroad industry has adopted for its own use. Some latitude is provided so that bridges may be properly designed to reflect special conditions of individual sites.

The FHWA is proposing to include these clearance criteria within the regulation. In doing so, it is proposed to adopt many of the clearance eligibility criteria that the FHWA is currently using although some modifications are presented. By soliciting public comment and publishing the clearance provisions as an appendix to the existing regulation, current FHWA policy will be clarified and a more uniform and up-to-date description of clearance eligibility criteria will be presented. The following items discuss the primary features of the proposed clearance eligibility criteria.

1. *Lateral Geometrics*—For highway bridges over railroads, a horizontal clearance distance of 20 feet, measured at right angles from the centerline of track at the top of rails to the face of the embankment slope, is proposed. This dimension may be increased an additional 8 feet as justified for off-track maintenance equipment. These distances conform with existing policy. Where the tracks are in cut and where longitudinal drainage exists or other special conditions, such as snow problems, must be addressed, under existing policy the basic 20-foot clearance dimension may be increased to 22 or 25 feet. In the proposed regulation the 22- or 25-foot dimension is not specifically stated but, instead, the rule will allow a distance as appropriate to meet site conditions. Further, in the proposed rule this decision regarding increased lateral clearance can be applied in both cut and fill situations. This should provide for more flexibility and allow proper engineering design decisions to be made at each bridge site to reflect the possible unique conditions of that location.

2. *Vertical Clearance (non-electrified case)*—For highway bridges over railroads a vertical clearance of 23 feet is proposed. A vertical clearance greater than 23 feet may be approved if required by a State regulatory agency. The proposed rule is intended to clarify certain provisions of existing policy.

3. *Vertical Clearance (electrified case)*—For highway bridges over railroads where electrification is present or may exist in the future, an increased vertical clearance is proposed. For 25 kilovolt(kv) line, a vertical clearance of 24 feet 3 inches is proposed and for 50kv it is increased to 26 feet. These proposed vertical clearance dimensions correspond to those in existing policy.

One difficulty in applying this particular feature of the policy has been the determination as to the future electrification potential of an existing rail line which is presently non-electrified. In the past the railroad was required to satisfy both the State highway agency and the FHWA that the railroad had a definite plan for electrification within a reasonable time for that section of its rail system where a proposed highway bridge was to cross. The information to be furnished to the State highway agency and FHWA in support of a railroad's plan for electrification was to include maps and plans or drawings showing those lines to be electrified; documentation of any significant actions taken by railroad management indicating a commitment to electrification including a proposed schedule; the annual gross tons carried on the existing line; the amount of funds and identification of structures, if any, where the railroad has expended or plans to expend its own funds to provide added clearance for the proposed electrification; and any other evidence the railroad has to support the definitiveness of its plans to electrify its lines.

In 1977 the FHWA modified its policy regarding the justifications needed in support for future rail electrification. Since that time, if a railroad advises a State highway agency that it intends to electrify a rail route carrying 30 million tons or more per year, Federal-aid highway funds may be used to provide the extra vertical clearance without further justification.

One purpose in changing the FHWA policy was that it provides FHWA field offices and the State highway agencies with a somewhat more uniform criteria to be used in assessing whether the extra vertical clearance is justified. It also must be recognized that when this change was made in 1977, it reflected a point in time when considerable attention was being focused on alternate means of satisfying energy needs. Many railroads were then giving serious consideration to switching to electrification. However, the prospective cost advantages of electrically powered engines over diesel powered engines have not materialized and no significant electrification of rail lines has occurred.

The FHWA is concerned that in applying the 30 million ton criteria on an across-the-board basis Federal-aid highway funds may be paying for additional vertical clearances at bridges where electrification may not be provided. As a consequence, the proposed regulation would return to the pre-1977 criteria in determining whether electrification is possible. By applying these more detailed criteria, as previously outlined, it is FHWA intent to only pay for the increased vertical clearance where the railroad's plan for electrification can be clearly defined and demonstrated.

4. *Railroad Structure Width*—For railroad bridges over highways, a width of 8 feet outside of the centerline of the outside tracks is proposed. In certain instances, an additional structure width of 8 feet may be approved if designed for off-track equipment only. In addition, greater width may be approved if it is in accordance with standards established and clearly used by the railroad in its own practice. This proposal conforms to existing FHWA policy.

The FHWA has determined that this document is neither a major proposed rule under Executive Order 12291 nor a significant proposed regulation under DOT regulatory procedures. The economic impact of this rulemaking has been found to be minimal. The proposed revisions are generally incorporating existing policy into the regulation. Accordingly, a full regulatory evaluation is not required. For this reason and under the criteria of the Regulatory Flexibility Act, it is certified that this action, if promulgated, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 23 CFR Part 646

Grant programs—transportation, Highways and roads, Railroads.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

In consideration of the foregoing and under the authority of 23 U.S.C. 109(e), 120(d), 130, 315, and 405; Section 203 of the Highway Safety Act of 1973; and 49 CFR 1.48(b), the FHWA proposes to amend Part 646, Subpart B to Chapter 1 of Title 23, Code of Federal Regulations, as set forth below.

[1] Available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

Issued on: February 12, 1985.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

PART 646—RAILROADS

Subpart B—Railroad-Highway Projects

1. In § 646.212, paragraph (a)(3) is revised to read as follows:

§ 646.212 Federal share.

(a) * * *

(3) The Federal share of the cost of a grade separation project shall be based on the cost to provide horizontal and/or vertical clearances used by the railroad in its normal practice subject to limitations as shown in the Appendix or as required by a State regulatory agency.

* * * * *

2. Part 646, Subpart B is amended by adding an Appendix to read as follows:

Appendix to Subpart B—Horizontal and Vertical Clearance Provisions for Overpass and Underpass Structures

The following implements provisions of 23 CFR 646.212(a)(3).

a. *Lateral Geometrics.*

A cross section with a horizontal distance of 20 feet, measured at right angles from the centerline of track at the top of rails, to the face of the embankment slope, may be approved. At individual structure locations, the 20-foot distance may be increased as appropriate to provide for drainage or to allow adequate room to accommodate special conditions such as where heavy and drifting snow are a problem. Where adequate horizontal clearance is not available in adjacent spans, these dimensions may also be increased up to 8 feet as may be necessary for off-track maintenance equipment where justified by the presence of an existing maintenance road or by evidence of future need for such equipment. All piers should be placed at least 8 feet horizontally from the centerline of the track and preferably outside of the drainage ditch. For multiple track facilities, all dimensions apply to the centerline of the outside track.

The above lateral clearance criteria assume a 2:1 embankment slope. Requests for flatter embankment slopes are considered exceptions to this criteria.

b. *Vertical Clearance.*

A vertical clearance of 23 feet above the top of rails may be approved. Vertical clearance greater than 23 feet may be approved when the State regulatory agency having jurisdiction over such matters requires a vertical clearance in excess of 23 feet or where justified on the basis of extraordinary site conditions.

Federal-aid highway funds are also eligible to participate in the cost of providing vertical clearance greater than 23 feet where a railroad establishes to the satisfaction of the involved State highway agency and FHWA that it has a definite plan for electrification within a reasonable time of that section of its rail system where a proposed grade separation project is located. For 25kv line, a vertical clearance of 24 feet 3 inches may be approved. For 50kv line, a vertical clearance of 26 feet may be approved.

The information which must be furnished to the State highway agency and FHWA in support of a railroad's plan for electrification shall include maps and plans or drawings showing those lines to be electrified; any significant actions taken by railroad management indicating a committment to electrification including a proposed schedule; the annual gross tons carried on the existing line; the amount of funds and identification of structures, if any, where the railroad has expended or plans to expend its owns funds to provide added clearance for the proposed electrification; and any other evidence the railroad has to support the definitiveness of its plans to electrify its lines. If available, the railroad should furnish information on its contemplated treatment of existing grade separations along the section of its rail system proposed for electrification. The cost of reconstructing or modifying any existing railroad-highway grade separation structures solely to accommodate electrification will not be eligible for Federal-aid highway fund participation.

For information and coordination purposes, a railroad should furnish copies of the above information to each State highway agency and the FHWA Division Offices involved along the section of its rail system to be electrified when it makes its initial request for increased vertical clearance.

c. *Railroad Structure Width.*

Eight feet of structure width outside of the centerline of the outside tracks may be approved for a structure carrying railroad tracks. Greater structure width may be approved when in accordance with standards established and used by the affected railroad in its normal practice.

In order to maintain continuity of off-track equipment roadways at structures carrying tracks over limited access highways, consideration should be given at the preliminary design stage to the feasibility of using public road crossings for this purpose. Where not feasible, an additional structure width of 8 feet may be approved if designed for off-track equipment only.

d. *Implementation.*

Requests for Federal-aid participation involving exceptions to the criteria set forth in this appendix are to be referred to the FHWA Headquarters for prior review.

[FR Doc. 85-4129 Filed 2-19-85; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 510

[Docket No. R-85-1190; FR-1977]

Section 312 Rehabilitation Loan Program; Risk Premiums, and Application Fees

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would establish the Department's policies and procedures governing premiums charged to offset loan default risks and fees charged for the filing of applications under the Department's Section 312 Rehabilitation Loan Program.

No procedures are currently in effect with respect to charging "risk premiums" for loans or loan application fees. This action would give effect, by regulation, to significant components of Section 312 of the Housing Act of 1964. The Department's proposal to assess risk premiums and application fees would help to offset losses and administrative costs related to the implementation of the program.

DATES: Comments due: April 22, 1985.

ADDRESS: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Michael Ehrmann, Deputy Director, Office of Urban Rehabilitation, Room 7170, Department of Housing and Urban

Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-5685. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Department's statutory authority to make direct loans for the purpose of financing the rehabilitation of properties is found at 42 U.S.C. 1452b (Section 312 of the Housing Act of 1964). The statute limits the availability of loans to those that are necessary or appropriate in connection with certain other locally-administered programs assisted by HUD, principally the Community Development Block Grant and Urban Homesteading programs. It also contains express limitations on the terms and conditions applicable to such loans and authorizes the Secretary to establish additional terms and conditions. See 42 U.S.C. 1452b (c) and (g). Finally, the statute specifies that loans must be made to the owner or tenant of the property to be rehabilitated. See 42 U.S.C. 1452b(a). To be eligible, tenants must be under a lease that has a term which runs at least as long as the term of the loan (see 42 U.S.C. 1452b(b)(3))—a situation that rarely occurs.

The Department recently published a notice establishing new interest rates for section 312 loans (49 FR 47656). This proposed rule would establish procedures governing the assessment of risk fees and application fees in connection with the making of Section 312 rehabilitation loans. Each aspect of the proposal is discussed below.

(1) Risk Premium

The Secretary is authorized by law to "prescribe such other charges adequate in the judgment of the Secretary to cover administrative costs and *possible losses* under the program" (emphasis added). See 42 U.S.C. 1452b(c)(3).

In order to offset losses from loan defaults under the Section 312 program, the Department proposes to charge each borrower a "loan risk premium" (LRP). This premium would be an additional percentage amount, added onto the loan contract interest rate. Accordingly, payment of the loan risk premium would be a part of the borrower's monthly payment, and the amount of each premium payment would be based on a loan's outstanding principal balance.

The Department has made an analysis of available data to determine an appropriate loan risk premium level. These data include (a) losses on loans that have been written off over the life of the program, (b) anticipated losses on loans that are now in litigation (including pending charge-offs, bankruptcies, judgments, foreclosures, and properties held in decedent estates), (c) losses from sales of acquired properties, and (d) loans that are more than 30 days delinquent. The loss rate approximates two percent of the loan obligations, an estimate supported by the figures below:

(1) Total Loan Amounts Obligated (to October 1983): $1,136,700,000.

(2) Losses (Incurred and Anticipated):

(a) Loan amounts written off (to October 1983): $5,500,000.

(b) Loan amounts pending charge-off: $2,400,000.

(c) Judgments (50% of 4.8 million dollars estimated to be uncollectable): $2,400,000.

(d) Bankruptcies (75% of 5.2 million dollars estimated to be uncollectable): $3,900,000.

(e) Losses from Sales of Acquired Properties (25% of 2.8 million dollars): $700,000.

(f) Losses from Foreclosures (25% of 22 million dollars): $5,400,000.

Total Losses = $20,300,000.

(3) Estimated Losses: Percentage of Obligations:

$$\frac{20,300,000}{1,136,700,000} = 1.76 \text{ percent}$$

Note.—By adding estimated additional losses that may be incurred as a result of loans that are currently more than 30 days delinquent (10 percent of 62 million dollars) the estimated percentage of loan obligations that would result in losses increases to more than 2.2% percent: ($26.5 million divided by $1,198,700,000 = 2.2%).

The Department proposes, based on its past experience under the program and anticipated future losses, to increase each borrower's loan contract interest rate by a one percentage point loan risk premium. The Department would, however, monitor the future loss rate under the program and adjust this premium if warranted.

(2) Application Fee

The statute also authorizes the Secretary to prescribe charges adequate to offset *administrative costs* related to the program. Under the proposed rule, an application fee would be imposed upon each borrower for this purpose. (For purposes of this provision of the rule, a 'borrower' is an applicant whose application for a loan has been approved on behalf of the Department and has been recorded for obligation by the Regional Accounting Division.)

The proposed rule establishes a two-tiered application fee based on the Department's staffing and other administrative costs related to processing a loan application. For Fiscal Year 1984, these costs have approximated 1.4% of the authorized loan funds. This figure, when multiplied by the average loan amount of $18,000 indicates that the average per-loan cost of processing an application is $250.

Loans under the program break down into four types: single-family (one to four dwelling units), multifamily (five or more dwelling units), non-residential (solely devoted to non-residential purposes) and mixed-use (a combination of residential space and non-residential space), the latter three types of loans, while processed in a manner similar to single-family loan applications, require a more complex and time-consuming underwriting analysis. The Department believes this additional cost should be reflected in the application fee. Thus, the Department proposes to require a $300 application fee for multifamily, non-residential and mixed-use loans, and a $200 application fee for single-family loans.

Under the proposed rule, a borrower would have the option of (a) submitting the application fee in full with the application, or (b) having the fee added onto the loan amount and amortized over the term of the loan.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. the Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, Room 10276, 451 Seventh Street, SW, Washington, D.C. 20410.

This rule does not constitute a major rule as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601), the Undersigned certifies that this rule does not have a significant economic impact on a substantial number of small entities, because the rule, while increasing costs to borrowers in the

Section 312 program, will not affect a significant number of small entities as defined by the Act.

This rule was listed as item number 182 in the Department's Semiannual Agenda of Regulations published on October 22, 1984 (49 FR 41684, 41724) under Executive Order 12291 and the Regulatory Flexibility Act.

The Section 312 Rehabilitation Loan Program is listed in the Catalog of Federal Domestic Assistance as program number 14.220.

List of Subjects in 24 CFR Part 510

Loan programs—housing and community development, Relocation assistance, Urban renewal.

PART 510—SECTION 312 REHABILITATION LOAN PROGRAM

Accordingly, the Department proposes to amend 24 CFR Part 510 as follows:

1 By adding a new § 510.34, to read as follows:

§ 510.34 Loan risk premiums.

For any loan issued under this part, a risk premium of one percent of the outstanding principal balance of the loan shall be added to the loan contract interest rate. The premium will constitute a part of each of the borrower's monthly payments over the loan term.

2. By adding a new § 510.36, to read as follows:

§ 510.36 Application fee.

(a) Each approved application filed for a loan under this part shall be subject to an application fee. The fee for a property containing four or fewer dwelling units shall be $200. The fee for all other applications shall be $300.

(b) A borrower may, at his or her option, either (1) sumbit the application fee in full at the time of loan settlement, or (2) have the amount of the application fee added to the loan amount and amortized over the term of the loan.

Authority: Sec. 312 of the Housing Act of 1964 (42 U.S.C. 1452b); Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: February 4, 1985.

Jack R. Stokvis,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 85-4114 Filed 2-19-85; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-145-84]

Limitation on Amount of Depreciation and Investment Tax Credit for Luxury Automobiles; Limitation When Certain Property Is Used for Personal Purposes

AGENCY: Internal Revenue Service, Treasury.

ACTION: Withdrawal of previous notice of proposed rulemaking and notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: This document withdraws the notice of proposed rulemaking by cross-reference to temporary regulations that was published in the **Federal Register** on October 24, 1984 (49 FR 42743), relating to the limitation on the amount of cost recovery deductions and investment tax credit allowed to taxpayers who purchase passenger automobiles for use in a trade or business or for use in the production of income, and to the limitations on cost recovery deductions and the investment tax credit allowed to taxpayers who use "listed property" for both business and personal purposes. The text of temporary income tax regulations under sections 274 and 280F of the Internal Revenue Code of 1954, also published on that date (49 FR 41701), served as the comment document for the withdrawn notice of proposed rulemaking. In the Rules and Regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is amending the temporary regulations under sections 274 and 280F that were published on October 24, 1984, and issuing a new temporary regulation under section 274. The text of the new and amended temporary regulations serves as the comment document for a new notice of proposed rulemaking contained in this document.

DATES: Proposed effective dates. The regulations relating to the limitations on the investment tax credit and recovery deductions are proposed to be effective in general for "listed property" placed in service or leased after June 18, 1984. Those regulations would not apply to certain property acquired or leased pursuant to a binding contract in effect on June 18, 1984. The regulations relating to substantiation requirements for the use of "listed property" are proposed to be effective for taxable years beginning after December 31, 1984.

Dates for comments. Written comments must be delivered or mailed by April 8, 1985.

ADDRESS: Send comments to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-145-84), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: George T. Magnatta (with respect to cost recovery deduction questions) (202-566-6456), Michel A. Dazé (with respect to investment tax credit or leasing questions) (202-566-3829), or Cynthia E. Grigsby (with respect to definitional or substantiation questions (202-566-3935), of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T).

SUPPLEMENTARY INFORMATION:

Background

Temporary regulations published in the **Federal Register** on October 24, 1984 (49 FR 42701) amended the Income Tax Regulations (26 CFR Part 1) to reflect amendments to section 274 of the Internal Revenue Code of 1954, relating to substantiation requirements, and the addition to the Code of section 280F, relating to limitations on cost recovery deductions and the investment tax credit for certain property. Those temporary regulations are amended and a new temporary regulation under section 274 is added by a Treasury decision published in the Rules and Regulations portion of this issue of the **Federal Register**. The preamble to the temporary regulations published on October 24, 1984, and the preamble to the amendments published in this issue of the **Federal Register** contain a detailed explanation of the provisions of the regulations. The temporary regulations, as amended, will remain in effect until superseded by final regulations which are proposed to be based on the temporary regulations and issued under the authority contained in sections 280F and 7805 of the Internal Revenue Code of 1954 (98 Stat. 494, 26 U.S.C. 280F; 68A Stat. 917, 26 U.S.C. 7805).

Comments

Before these proposed amendments are adopted, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. Comments submitted with respect to the withdrawn notice or proposed

rulemaking remain on file and need not be resubmitted.

Certain types of vehicles are excluded from the definition of "passenger automobile" including, *inter alia*, any truck or van, if the regulations so specify. Comments are invited as to the types of trucks or vans that should be excluded from the definition of "passenger automobile."

Comments are also invited with respect to the manner of allocating the use of "listed property" between the business and personal use of the property. Specifically, the Internal Revenue Service is interested in suggestions as to whether different measures of business and personal use other than those provided in the temporary regulations are appropriate.

The temporary regulations (§ 1.274–6T) published in this issue of the **Federal Register** prescribe certain methods that a taxpayer may use to satisfy the "adequate contemporaneous record" requirement of section 274(d)(4). For example, if an employer provides an automobile for use by an employee who spends most of a normal business day using the automobile in connection with the employer's business, the employer may treat the automobile as used 70 percent for business and 30 percent for personal purposes. The employer must also determine an amount to be included in the employee's income for the availablity of the automobile for personal use. It is thought that the employee should have the opportunity to document a greater amount of business use and thus reduce the amount of the taxable fringe benefit. Comments are requested as to whether the regulations should require an employer to notify an employee if the employer is using one of the methods prescribed in § 1.274–6T. Comments are also welcome on whether the regulations should establish a procedure for employers and employees to elect the same method at the beginning of each calendar year.

In the case of a fleet of vehicles owned or leased by an employer and used by employees for most of a normal business day in connection with the employer's trade or business, the Service is considering an alternative method for the employer to satisfy its "adequate contemporaneous record" requirement. In lieu of using the percentages prescribed in § 1.274–6T(b)(3) of the temporary regulations, an employer would be able to establish different percentages for direct use of a vehicle in the employer's trade or business and personal use by employees by a method similar to the following:

(1) The employer would identify a class of at least 100 vehicles that are physically similar and that are used in a similar fashion.

(2) In each taxable year, the employer would choose a random sample of the class of vehicles using accepted sampling techniques,

(3) The sample size would preferably be at least 250 vehicles, or one-half the class in the case of fleets of less than 500 vehicles, and

(4) The percentage of average business use of the vehicles in the sample would apply to the class if determined from records of actual use kept for these vehicles. Comments are invited with respect to this alternative method of satisfying the "adequate contemporaneous record" requirement.

A public hearing had been scheduled to be held on February 5, 1985, at the national office of the Internal Revenue Service. That hearing is postponed and will be rescheduled at a later time in order to provide the public an opportunity to consider the amendments proposed by this notice. Notice of the time and place of the hearing is published in this **Federal Register**.

The collection of information requirements contained in the temporary regulations have been submitted to the Office of Management and Budget (OMB) for review under Section 3504(h) of the Paperwork Reduction Act. Comments on these requirements should be sent to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Internal Revenue Service, New Executive Office Building, Washington, D.C. 20503. The Internal Revenue Service requests that persons submitting comments on the requirements to OMB also send copies of those comments to the Service.

Executive Order 12291 and Regulatory Flexibility Act

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required.

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

List of Subjects in 26 CFR 1.61–1 Through 1.281–4

Income taxes, Taxable income, Deductions, Exemptions.

The notice of proposed rulemaking by cross-reference to temporary regulations that was published in the **Federal Register** on October 24, 1984 (49 FR 42743), relating to the limitation on the amount of cost recovery deductions and investment tax credit allowed for passenger automobiles and to the limitations on cost recovery deductions and the investment tax credit allowed for "listed property", is hereby withdrawn. The withdrawn notice of proposed rulemaking is superseded by the notice of proposed rulemaking by cross-reference to temporary regulations that is contained in this document.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 85–4137 Filed 2–15–85; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Parts 1, 31, and 54

[LR–145–84 and 216–84]

Limitation on Amount of Depreciation and Investment Tax Credit for Luxury Automobiles; Limitation When Certain Property Is Used for Personal Purposes and Taxation of Fringe Benefits; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the limitation on amount of depreciation and investment tax credit for luxury automobiles, and limitation when certain property is used for personal purposes; and the taxation of fringe benefits.

DATES: The public hearing will be held on three consecutive days. It is expected that on Tuesday, April 16, 1985, the public hearing will be concerned with proposed regulations relating to the limitation on amount of depreciation and investment tax credit for luxury automobiles, and limitation when certain property is used for personal purposes. On Wednesday, April 17, 1985 and Thursday, April 18, 1985, it is expected that the public hearing will be concerned with proposed regulations relating to the taxation of fringe benefits. Outlines of oral comments must be delivered or mailed by Tuesday, April 2, 1985.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–145–84 or LR–216–84), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: B. Faye Easley and Cynthia Grigsby of Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, telephone 202–566–3935 (not a toll-free call).

SUPPLEMENTARY INFORMATION: One of the two subjects of the public hearing is proposed regulations under sections 274(d) and 280F of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Wednesday, October 24, 1984 (49 FR 42743). By a notice appearing in the **Federal Register** for Thursday, December 13, 1984 (49 FR 48573) it was announced that a public hearing on these proposed regulations relating to the limitation on amount of depreciation and investment tax credit for luxury automobiles, and the limitation when certain property is used for personal purposes was scheduled to be held on Tuesday, February 5, 1985, beginning at 10:00 a.m. in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. Subsequently, by a notice appearing in the **Federal Register** for Friday, February 1, 1985 (50 FR 4701), it was announced that that public hearing was cancelled.

The second subject of the public hearing was proposed regulations under sections 61, 132, 3121, 3231, 3306, 3401, 3501, and 4977 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Monday, January 7, 1985 (50 FR 836). In documents published elsewhere in this issue of the **Federal Register** the IRS is withdrawing the proposed rules that were published on October 24, 1984 and January 7, 1985 and is issuing new proposed rules on these subjects.

The public hearing on these proposed regulations will be held in conjunction with the public hearing on the proposed amendments pertaining to the limitation on amount of depreciation and investment tax credit for luxury automobiles, and the limitation when certain property is used for personal purposes; and the proposed amendments pertaining to the taxation of fringe benefits. Both proposed amendments appear in this issue of the **Federal Register** (See FR Doc. 85–4136, T.D. 8009).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who submittted comments within the time prescribed in the notices of proposed rulemaking that appeared at 49 FR 42743 and 50 FR 836 or who submit comments within the time prescribed in the amendments to those notices that appear elsewhere in this issue of the **Federal Register** and who also desire to present oral comments at the hearing should submit, not later than Tuesday, April 2, 1985, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

Peter K. Scott,

Acting Director, Legislation and Regulations Division.

[FR Doc. 85–4139 Filed 2–15–85; 8:45 am]

BILLING CODE 4830–01–M

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26 CFR Parts 1, 31, and 54

[LR–216–84]

Taxation of Fringe Benefits; Withdrawal of Previous Notice of Proposed Rulemaking and Notice of Proposed Rulemaking by Cross-Reference to Temporary Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Withdrawal of previous notice of proposed rulemaking and notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: This document withdraws the notice of proposed rulemaking by cross-reference to temporary regulations that was published in the **Federal Register** on January 7, 1985 (50 FR 836), relating to the taxation of fringe benefits. Temporary regulations also published on January 7, 1985 (50 FR 747) served as the comment document for the withdrawn notice of rulemaking. In the Rules and Regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is amending those temporary regulations. The text of the temporary regulations, as amended, serves as the comment document for a new notice of proposed rulemaking contained in this document.

DATES: Written comments must be delivered or mailed by April 8, 1985. The regulations are proposed to be effective as of January 1, 1985. One amendment that is published elsewhere in this issue of the **Federal Register** is proposed to be effective as of March 22, 1985.

ADDRESS: Send comments to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–216–84), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Annette J. Guarisco of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention CC:LR:T (202) 566–3918 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

Temporary regulations published in the **Federal Register** on January 7, 1985 (50 FR 747) amended Parts 1, 31, and 54 of Title 26 of the Code of Federal Regulations, relating to the taxation of fringe benefits. Those temporary regulations are amended by a Treasury decision published in the Rules and Regulations portion of this issue of the **Federal Register.**

The regulations as amended provide guidance on the treatment of taxable and nontaxable fringe benefits, including the valuation of taxable fringe benefits for purposes of income and employment tax withholding. In particular, the regulations provide special rules for valuing employer-provided automobiles, use of employer-provided automobiles or other vehicles for commuting, flights on employer-provided airplanes, and free or discounted flights on commercial airlines. In addition, the regulations provide guidance concerning when and in what manner employers must collect and pay income and employment taxes.

Sections 61, 3121, 3231, 3306, 3401, and 3501 of the Internal Revenue Code of 1954 (Code) were amended, and sections 132 and 4977 were added to the Code, by section 531 of the Tax Reform Act of 1984 (98 Stat. 877). The regulations are to be issued under the authority contained

in sections 132 and 7805 of the Code (98 Stat. 878; 68A Stat. 917). The preamble to the temporary regulations published on January 7, 1985, and the preamble to the amendments published in this issue of the **Federal Register** contain a detailed explanation of the provisions of the regulations. The temporary regulations, as amended, will remain in effect until superseded by final regulations which are proposed to be based on the temporary regulations.

Comments

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. Comments submitted with respect to the withdrawn notice of proposed rulemaking remain on file and need not be resubmitted. Notice of the time and place of the public hearing is published in this **Federal Register.**

Comments are invited concerning the administrability and appropriateness of the special rules contained in the temporary regulations relating to valuing employer-provided automobiles, use of employer-provided automobiles or other vehicles for commuting, flights on employer-provided airplanes, and free or discounted flights on commercial airlines. In particular, comments are requested on the manner in which employers and employees should elect to use these special valuation rules, including any necessary reporting requirements.

To use the special rule for valuing the availability of an employer-provided vehicle for commuting, the employer must require the employee to commute in the vehicle for bona fide noncompensatory business reasons. Examples of these reasons may include:

(1) The availability of an employee to respond at any time to a radio dispatch or similar call (for example, a utility company truck equipped with tools necessary to respond to a power emergency),

(2) The elimination of a significant expense for the employer because of the need to provide security for, or to garage, the vehicle (for example, the danger of vandalism in the case of a vehicle parked overnight on a construction site), and

(3) The attendant public benefit derived from such requirement (for example, a police automobile parked in public view).

Suggestions of other reasons are invited.

Comments are requested relating to the allocation by employers of the income attributable to personal use of vehicles that are available to more than one employee during a period. Comments are invited concerning the appropriateness of requiring employers to allocate income attributable to personal use or, in the alternative, providing that employees may determine, together with their employer, the allocation of income attributable to personal use.

Comments are also requested concerning the definition of "officer" for purposes of determining whether an employee is a "key employee." In particular, comments are invited regarding the circumstances under which employees of certain employers, such as banks and thrift institutions, should or should not be considered officers.

Comments are also requested relating to the need for special rules for valuing other taxable fringe benefits, such as the use of an employer-subsidized eating facility that does not meet the statutory exclusion requirements, because for example, it is not available on a nondiscriminatory basis to all employees or it derives revenue that normally equals or exceeds the costs of operating the facility. In addition, comments are invited concerning the need for a special rule for valuing the use of an employer-operated athletic facility that is not eligible for an exclusion from income because, for example, substantially all the use of the facility is not by employees and their spouses and dependent children. Comments should also focus on the need for special rules for valuing international flights on employer-provided airplanes and use of employer-provided automobiles in foreign countries.

Comments are also requested relating to the definition of "employee" for purposes of the section 4977 election concerning the line-of-business restriction in section 132. Specifically, comments are requested as to whether, and to what extent, retirees should be included in the definition of employee.

Comments are also requested concerning the circumstances under which retirees should be treated as officers, owners, or highly compensated employees for purposes of the nondiscrimination rules contained in section 132.

The collection of information requirements contained in these regulations have been submitted to the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1980. Comments on those requirements should be sent to the Office of Information and Regulatory affairs of OMB, Attention: Desk Officer for Internal Revenue Service, New Executive Office Building, Washington, D.C. 20503. The Internal Revenue Service requests that persons submitting comments on these requirements to OMB also send copies to the Service.

Special Analyses

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required.

Although this document is a notice of proposed rulemaking that solicits public comments, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, no Regulatory Flexibility Analysis is required by Chapter 6 of Title 5, United States Code.

Drafting Information

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

List of Subjects

26 CFR 1.61.1–1.281–4

Income taxes, Taxable income, Deductions, Exemptions.

26 CFR Part 31

Employment taxes, Income taxes, Lotteries, Railroad Retirement, Social Security, Unemployment tax, Withholding.

26 CFR Part 54

Excise taxes, Pensions.

The notice of proposed rulemaking by cross-reference to temporary regulations that was published in the **Federal Register** on January 7, 1985 (50 FR 836), relating to the taxation of fringe benefits, is hereby withdrawn. The withdrawn notice of proposed rulemaking is superseded by the notice of proposed rulemaking by cross-

reference to temporary regulations that is contained in this document.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 85-4138 Filed 2-15-85; 8:45 am]

BILLING CODE 4830-01-M

31 CFR Part 10

Regulations Governing the Discipline of Appraisers Against Whom Aiding and Abetting Penalties Under the Internal Revenue Code Have Been Assessed

AGENCY: Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice solicits public comment on proposed regulations implementing section 156 of the Deficit Reduction Act of 1984, 98 Stat. 695. Such legislation provides for the disqualification of appraisals and appraisers testimony in connection with Treasury Department or Internal Revenue Service proceedings with respect to any apprasier who has been assessed an aiding and abetting penalty under 26 U.S.C. 6701(a) after July 18, 1984.

DATE: Comments must be submitted on or before May 21, 1985.

ADDRESS: Comments should be sent to the Office of Director of Practice, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, ATTN: PM:HR:DP.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie S. Shapiro, Director of Practice, Internal Revenue Service, Washington, D.C. 20224, (202) 535-6797.

SUPPLEMENTARY INFORMATION: Under prior and present law, the Secretary of the Treasury may prescribe rules governing the admission of those who wish to practice before the Internal Revenue Service and may bar individuals from such practice if he finds them, among other bases, to be incompetent, disreputable, or grossly negligent. Prior law did not provide any comparable authority with respect to either the appearance of professional appraisers in proceedings before the Internal Revenue Service or to appraisals furnished by appraisers in connection with Internal Revenue Service matters.

Congress believed that professional appraisers who seek to present evidence to the Treasury Department should be subject to the same type of professional regulation that applies to those who practice before the Internal Revenue Service and to attorneys appearing in court proceedings. In response to that belief, it enacted section 156 of the Deficit Reducton Act of 1984.

Section 156 authorizes the Secretary of the Treasury to bar from appearing before the Internal Revenue Service or the Treasury Department, for the purpose of offering evidence as an appraiser, any individual against whom a civil penalty for aiding and abetting the understatement of tax (section 6701(a) of the Internal Revenue Code [1] has been assessed. The Secretary is also given authority to determine that the appraisals of an appraiser who has been so penalized will have no probative effect in any administrative proceeding before the Department of the Treasury or the Internal Revenue Service. An appraisal otherwise barred from use in such a proceeding may be used to assist the demonstrating a taxpayer's good faith reliance on an appraisal.

Thus, an appraiser who is assessed an aiding and abetting penalty will be subject to a disciplinary proceeding for the above-described sanctions. The scope of the proposed regulations is limited to the mandate of the statute.

Section 156 also provides that a sanction (discipline) will not be invoked until the affected appraiser has had notice and opportunity for hearing relative to the proposed discipline. This requirement of the legislation contemplates administrative due process as set forth in this proposal. The proposed rule parallels the procedure governing disciplinary hearings relative to the enforcement of the regulations applicable to practice before the Internal Revenue Service (31 CFR Part 10, subpart C). The proposed procedure provides for a full evidentiary hearing before an administrative law judge after the service of a complaint on the respondent (appraiser) and opportunity to answer the complaint. Under the proposal, a party may appeal the administrative law judge's decision to the Secretary of the Treasury. The Secretary then would issue a decision on appeal after reviewing the record. This would conclude the administrative due process. In the absence of an appeal, the initial decision would become the final agency action.

The proposal's intent is to amend 31 Code of Federal Regulations, Part 10, the regulations governing practice before the Internal Revenue Service, by making the proposal a new subpart thereof.

Special Analyses

This rule relates solely to professional services in connection with Internal Revenue Service and Treasury Department proceedings and is not expected to have any significant economic consequences.

Therefore, it has been determined that this rule is not a major rule as defined in Executive Order 12291 and a regulatory impact analysis is not required. It is hereby certified that this rule is not expected to have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

Drafting Information

The principal author of these regulations is Mr. Leslie S. Shapiro, Director of Practice, Department of the Treasury. Other present and former personnel in the Treasury Department participated in the development of the regulations, both as to substance and style.

List of Subjects in 31 CFR Part 10

Administrative rules and procedures, Lawyers, Accountants, Enrolled agents, Enrolled actuaries and appraisers.

Authority

These proposed rules are issued under authority of Sec. 3, 23 Stat. 258, secs. 2-12, 60 Stat. 237 et seq.; 5 U.S.C. 301; 31 U.S.C. 330; 31 U.S.C. 321 (Reorg. Plan No. 26 of 1950, 15 FR 4935, 64 Stat. 1280, 3 CFR 1949-53 Comp., p. 1017).

Proposed Amendments to Regulations

PART 10—[AMENDED]

Accordingly, 31 CFR Part 10 is amended as follows:

1. Subpart D, consisting of § 10.90 through § 10.93, is redesignated as Subpart E, consisting of § 10.98 through § 10.101.

2. A new Subpart D is added, to read as follows:

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[1] Penalties for Aiding and Abetting Understatements of Tax Liability

(a) Imposition of Penalty. Any person:

(1) Who aids or assists in, procedures, or advises with respect to, the preparation or presentation of any portion of a return, affidavit, claim, or other document in connection with any matter arising under the internal revenue laws,

(2) Who knows that such portion will be used in connection with any material matter arising under the internal revenue laws; and

(3) Who knows that such portion (if so used) will result in an understatement of the liability for tax of another person,

shall pay a penalty with repect to each such document in the amount detemined under subsection (b).

Subpart D—Rules Applicable to Disqualification of Appraisers

Subpart D—Rules Applicable to Disqualification of Appraisers

§ 10.77 Authority to disqualify; effect of disqualification.

(a) *Authority to disqualify.* Pursuant to section 156 of the Deficit Reduction Act of 1984, 98 Stat. 695, amending 31 U.S.C. 330, the Secretary of the Treasury, after due notice and opportunity for hearing, may disqualify any appraiser with respect to whom a penalty has been assessed after July 18, 1984, under section 6701(a) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 6701(a)).

(b) *Effect of disqualification.* If any appraiser is disqualified pursuant to 31 U.S.C. 330 and this Subpart:

(1) Appraisals by such appraiser shall not have any probative effect in any administrative proceeding before the Department of the Treasury or the Internal Revenue Service; and

(2) Such appraiser shall be barred from presenting evidence or testimony in any such administrative proceeding.

Paragraph (b)(1) shall apply to appraisals made by such appraiser after the effective date of disqualification, but shall not apply to appraisals made by the appraiser on or before such date. Notwithstanding the foregoing sentence, an appraisal otherwise barred from admission into evidence pursuant to paragraph (b)(1) may be admitted into evidence solely for the purpose of determining the taxpayer's reliance in good faith on such appraisal. Paragraph (b)(2) shall apply to the presentation of testimony or evidence in any administrative proceeding after the date of such disqualification, regardless of whether such testimony or evidence would pertain to an appraisal made prior to such date.

§ 10.78 Institution of proceeding.

(a) *In general.* Whenever the Director of Practice is advised or becomes aware that a penalty has been assessed against an appraiser under 26 U.S.C. 6701(a), he/she may reprimand such person or institute a proceeding for disqualification of such appraiser through the filing of a complaint. Irrespective of whether a proceeding for disqualification has been instituted against an appraiser, the Director of Practice may confer with an appraiser against whom such a penalty has been assessed concerning such penalty.

(b) *Voluntary disqualification.* In order to avoid the initiation or conclusion of a disqualification proceeding, an appraiser may offer his/her consent to disqualification. The Director of Practice, in his/her discretion, may disqualify an appraiser in accordance with the consent offered.

§ 10.79 Contents of complaint.

(a) *Charges.* A proceeding for disqualification of an appraiser shall be instituted through the filing of a complaint, which shall give a plain and concise description of the allegations that constitute the basis for the proceeding. A complaint shall be deemed sufficient if it refers to the penalty previously imposed on the respondent under section 6701(a) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 6701(a)), and advises him/her of the institution of the proceeding.

(b) *Demand for answer.* In the complaint, or in a separate paper attached to the complaint, notification shall be given of the place and time within which the respondent shall file his/her answer, which time shall not be less than 15 days from the date of service of the complaint, and notice shall be given that a decision by default may be rendered against the respondent in the event there is failure to file an answer.

§ 10.80 Service of complaint and other papers.

(a) *Complaint.* The complaint or a copy thereof may be served upon the respondent by certified mail, or first-class mail as hereinafter provided, by delivering it to the respondent or his/her attorney or agent or record either in person or by leaving it at the office or place of business of the respondent, attorney or agent, or in any other manner that has been agreed to by the respondent. Where the service is by certified mail, the return post office receipt duly signed by or on behalf of the respondent shall be proof of service. If the certified mail is not claimed or accepted by the respondent and is returned undelivered, complete service may be made by mailing the complaint to the respondent by first-class mail, addressed to the respondent at the last address known to the Director of Practice. If service is made upon the respondent in person or by leaving the complaint at the office or place of business of the respondent, the verified return by the person making service, setting forth the manner of service, shall be proof of such service.

(b) *Service of papers other than complaint.* Any paper other than the complaint may be served as provided in paragraph (a) of this section or by mailing the paper by first-class mail to the respondent at the last address known to the Director of Practice, or by mailing the paper by first-class mail to the respondent's attorney or agent of record. Such mailing shall constitute complete service. Notices may be served upon the respondent or his/her attorney or agent of record by telegraph.

(c) *Filing of papers.* Whenever the filing of a paper is required or permitted in connection with a disqualification proceeding under this Subpart or by rule or order of the Administrative Law Judge, the paper shall be filed with the Director of Practice, Treasury Department, Internal Revenue Service, Washington, D.C. 29224. All papers shall be filed in duplicate.

§ 10.81 Answer.

(a) *Filing.* The respondent's answer shall be filed in writing within the time specified in the complaint or notice of institution of the proceeding, unless on application the time is extended by the Director of Practice or the Administrative Law Judge. The answer shall be filed in duplicate with the Director of Practice.

(b) *Contents.* The answer shall contain a statement of facts that constitute the grounds of defense, and it shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in the complaint that he/she knows to be true, or state that he/she is without sufficient information to form a belief when in fact he/she possesses such information.

(c) *Failure to deny or answer allegations in the complaint.* Every allegation in the complaint which is not denied in the answer shall be deemed to be admitted and may be considered as proved, and no further evidence in

respect of such allegation need be adduced at a hearing. Failure to file an answer within the time prescribed in the notice to the respondent, except as the time for answer is extended by the Director of Practice or the Administrative Law Judge, shall constitute an admission of the allegations of the complaint and a waiver of hearing, and the Administrative Law Judge may make his/her decision by default without a hearing or further procedure.

§ 10.82 Supplemental charges.

If it appears that the respondent in his/her answer, falsely and in bad faith, denies a material allegation of fact in the complaint or states that the respondent has no knowledge sufficient to form a belief, when he/she in fact possesses such information, or if it appears that the respondent has knowingly introduced false testimony during proceedings for his/her disqualification, the Director of Practice may thereupon file supplemental charges against the respondent. Such supplemental charges may be tried with other charges in the case, provided the respondent is given due notice thereof and is afforded an opportunity to prepare a defense thereto.

§ 10.83 Reply to answer.

No reply to the respondent's answer shall be required, and any new matter in the answer shall be deemed to be denied, but the Director of Practice may file a reply in his/her discretion or at the request of the Administrative Law Judge.

§ 10.84 Proof, variance, amendment of pleadings.

In the case of a variance between the allegations in a pleading and the evidence adduced in support of the pleading, the Administrative Law Judge may order or authorize amendment of the pleading to conform to the evidence; provided, that the party who would otherwise be prejudiced by the amendment is given reasonable opportunity to meet the allegations of the pleading as amended, and the Administrative Law Judge shall make findings on any issue presented by the pleadings as so amended.

§ 10.85 Motions and requests.

Motions and requests may be filed with the Director of Practice or with the Administrative Law Judge.

§ 10.86 Representation.

A respondent may appear in person or may be represented by counsel or other representative. The Director of Practice may be represented by an attorney or other employee of the Department of the Treasury.

§ 10.87 Administrative Law Judge.

(a) *Appointment.* An Administrative Law Judge appointed as provided by 5 U.S.C. 3105, shall conduct proceedings upon complaints for the disqualification of appraisers.

(b) *Powers of Administrative Law Judge.* Among other powers, the Administrative Law Judge shall have authority, in connection with any disqualification proceeding assigned or referred to him/her, to do the following:

(1) Administer oaths and affirmations;

(2) Make rulings upon motions and requests, which rulings may not be appealed from prior to the close of a hearing except, at the discretion of the Administrative Law Judge, in extraordinary circumstances;

(3) Determine the time and place of hearing and regulate its course and conduct;

(4) Adopt rules of procedure and modify the same from time to time as occasion requires for the orderly disposition of proceedings;

(5) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(6) Take or authorize the taking of depositions;

(7) Receive and consider oral or written argument on facts or law;

(8) Hold or provide for the holding of conferences for the settlement or simplification of the issues by consent of the parties;

(9) Perform such acts and take such measures as are necessary or appropriate to the efficient conduct of any proceeding; and

(10) Make initial decisions.

§ 10.88 Hearings.

(a) *In general.* The Administrative Law Judge shall preside at the hearing on a complaint for the disqualification of an appraiser. Hearings shall be stenographically recorded and transcribed and the testimony of witnesses shall be taken under oath or affirmation. Hearings will be conducted pursuant to 5 U.S.C. 556.

(b) *Failure to appear.* If either party to the proceeding fails to appear at the hearing after due notice thereof has been sent to him/her, the right to a hearing shall be deemed to have been waived and the Administrative Law Judge may make a decision by default against the absent party.

§ 10.89 Evidence.

(a) *In general.* The rules of evidence prevailing in courts of law and equity are not controlling in hearings on complaints for the disqualification of appraisers. However, the Administrative Law Judge shall exclude evidence which is irrelevant, immaterial, or unduly repetitious.

(b) *Depositions.* The deposition of any witness taken pursuant to 10.90 may be admitted.

(c) *Proof of documents.* Official documents, records, and papers of the Internal Revenue Service or the Department of the Treasury shall be admissible in evidence without the production of an officer or employee to authenticate them. Any such documents, records, and papers may be evidenced by a copy attested or identified by an officer or employee of the Internal Revenue Service or the Department of the Treasury, as the case may be.

(d) *Exhibits.* If any document, record, or other paper is introduced in evidence as an exhibit, the Administrative Law Judge may authorize the withdrawal of the exhibit subject to any conditions which he/she deems proper.

(e) *Objections.* Objections to evidence shall be in short form, stating the grounds of objection relied upon, and the record shall not include argument thereon, except as ordered by the Administrative Law Judge. Rulings on such objections shall be a part of the record. No exception to the ruling is necessary to preserve the rights of the parties.

§ 10.90 Depositions.

Depositions for use at a hearing may, with the written approval of the Administrative Law Judge, be taken either by the Director of Practice or the respondent or their duly authorized representatives. Depositions may be taken upon oral or written interrogatories, upon not less than 10 days' written notice to the other party before any officer duly authorized to administer an oath for general purposes or before an officer or employee of the Internal Revenue Service who is authorized to administer an oath in internal revenue matters. Such notice shall state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of 10 days' notice may be waived by the parties in writing, and depositions may then be taken from the persons and at the times and places mutually agreed to by the parties. When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served upon the other party with the notice, and copies of any written cross-interrogation shall be

mailed or delivered to the opposing party at least 5 days before the date of taking the depositions, unless the parties mutually agree otherwise. A party upon whose behalf a deposition is taken must file it with the Administrative Law Judge and serve one copy upon the opposing party. Expenses in the reporting of depositions shall be borne by the party at whose instance the deposition is taken.

§ 10.91 Transcript.

In cases where the hearing is stenographically reported by a Government contract reporter, copies of the transcript may be obtained from the reporter at rates not to exceed the maximum rates fixed by contract between the Government and the reporter. Where a hearing is stenographically reported by a regular employee of the Internal Revenue Service, a copy thereof will be supplied to the respondent either without charge or upon the payment of a reasonable fee. Copies of exhibits introduced at the hearing or at the taking of depositions will be supplied to the parties upon the payment of a reasonable fee (Sec. 501, Pub. L. 82–137, 65 Stat. 290 (31 U.S.C. 483a)).

§ 10.92 Proposed findings and conclusions.

Except in cases where the respondent has failed to answer the complaint or where a party has failed to appear at the hearing, the Administrative Law Judge, prior to making a decision, shall afford the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor.

§ 10.93 Decision of the Administrative Law Judge.

As soon as practicable after the conclusion of a hearing and the receipt of any proposed findings and conclusions timely submitted by the parties, the Administrative Law Judge shall make the initial decision in the case. The decision shall include (a) a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (b) an order of disqualification or an order of dismissal of the complaint. The Administrative Law Judge shall file the decision with the Director of Practice and shall transmit a copy thereof to the respondent or his attorney of record. In the absence of an appeal to the Secretary of the Treasury, or review of the decision upon motion of the Secretary, the decision of the Administrative Law Judge shall without further proceedings become the decision of the Secretary of the Treasury 30 days from the date of the Administrative Law Judge's decision.

§ 10.94 Appeal to the Secretary.

Within 30 days from the date of the Administrative Law Judge's decision, either party may appeal such decision to the Secretary of the Treasury. If an appeal is by the respondent, the appeal shall be filed with the Director of Practice in duplicate and shall include exceptions to the decision of the Administrative Law Judge and supporting reasons for such exceptions. If an appeal is filed by the Director of Practice, a copy thereof shall be transmitted to the respondent. Within 30 days after receipt of an appeal or copy thereof, the other party may file a reply brief in duplicate with the Director of Practice. If the reply brief is filed by the Director, a copy shall be transmitted to the respondent. Upon the filing of an appeal and a reply brief, if any, the Director of Practice shall transmit the entire record to the Secretary of the Treasury.

§ 10.95 Decision of the Secretary.

On appeal from or review of the initial decision of the Administrative Law Judge, the Secretary of the Treasury shall make the agency decision. In making such decision, the Secretary of the Treasury will review the record or such portions thereof as may be cited by the parties. A copy of the Secretary's decision shall be transmitted to the respondent by the Director of Practice.

§ 10.96 Final Order.

Upon the issuance of a final order disqualifying an appraiser, the Director of Practice shall give notice thereof to appropriate officers and employees of the Internal Revenue Service and to interested departments and agencies of the Federal Government.

§ 10.97 Petition for reinstatement.

The Director of Practice may entertain a petition for reinstatement from any disqualified appraiser after the expiration of 5 years following such disqualification. Reinstatement may not be granted unless the Director of Practice is satisfied that the petitioner, thereafter, is not likely to conduct himself/herself contrary to 26 U.S.C. 6701(a), and that granting such reinstatement would not be contrary to the public interest.

3. The newly designated § 10.98 is amended by revising paragraph (a) to read as follows:

§ 10.98 Records.

(a) *Availability.* There are made available to public inspection at the Office of Director of Practice the roster of all persons enrolled to practice, the roster of all persons disbarred or suspended from practice, and the roster of all disqualified appraisers. Other records may be disclosed upon specific request, in accordance with the disclosure regulations of the Internal Revenue Service and the Treasury Department.

* * * * *

4. The newly designated § 10.99 is revised to read as follows:

§ 10.99 Effective date of regulations.

The regulations of this Part shall become effective on February 20, 1985 and shall supersede all prior regulations related to this Part.

5. The newly designated § 10.100 is revised to read as follows:

§ 10.100 Saving clause.

Any proceeding for the disbarment or suspension of an attorney, certified public accountant, or enrolled agent, instituted but not closed prior to the effective date of these revised regulations, shall not be affected by such regulations. Any proceeding under this Part based on conduct engaged in prior to the effective date of these regulations may be instituted subsequent to such effective date.

§ 10.101 [Redesignated from § 10.93]

6. Section 10.93 of Subpart E is redesignated as § 10.101.

Dated: February 8, 1985.

Margery Waxman,

Acting General Counsel.

[FR Doc. 85–4172 Filed 2–19–85; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD8–84–23]

Special Anchorage Area; Destin, FL; Correction

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking correction.

SUMMARY: This document corrects a proposed rule on the establishment of a

Special Anchorage Area in Destin Harbor (Old Pass Legoon), Destin, Florida, that appeared in the **Federal Register** of Monday, January 7, 1985 (50 FR 859).

DATES: Comments on the proposed rule must be submitted on or before February 21, 1985.

ADDRESSES: Send comments to Commander, Eighth Coast Guard District (mps), Hale Boggs Federal Building, 500 Camp St., New Orleans, LA 70130.

FOR FURTHER INFORMATION CONTACT: LTJG K.D. Christopher, Project Officer, Commander, Eighth Coast Guard District, 500 Camp St., New Orleans, LA 70130, Tel: (504) 589-6901.

The following corrections are made in Docket No. CGD8-84-23 appearing on page 860 in the issue of January 11, 1985:

1. On page 860, in § 110.74c, column one, third paragraph:

a. "30°23'26" " is corrected to read "30°23'29"."

b. "86°30'38" " is corrected to read "86°30'39"."

c. "105° T" " is corrected to read "96° T"."

d. "30°23'20" " is corrected to read "30°23'27"."

e. "86°30'13" " is corrected to read "86°30'18"."

f. "188° T" " is corrected to read "214° T"."

g. "30°23'14" " is corrected to read "30°23'17"."

h. "86°30'14" " is corrected to read "86°30'24"."

2. The corrected text of the first paragraph of proposed new § 110.74c reads as follows:

§ 110.74c Destin Harbor (Old Pass Lagoon), Destin, FL.

The area of the southwest corner of Destin Harbor (Old Pass Lagoon) beginning at a point on the shoreline at latitude 30°23'29" N., longitude 80°30'39" W., thence 96° T to latitude 30°23'27" N., longitude 86°30'18" W., thence 214° T to a point on the shoreline at latitude 30°23'18" N., longitude 86°30'25" W., thence along the shoreline to the point of beginning.

* * * * *

Dated: February 8, 1985.

T.T. Matteson,

Captain, U.S. Coast Guard, Acting Commander, 8th Coast Guard District.

[FR Doc. 85-4056 Filed 2-19-85; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Refuge Specific Fishing Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes to revise sections of 50 CFR Part 33 by deleting the provision that requires the issuance of special fishing regulations on an annual basis and by amending § 33.1 to more accurately describe the Service's authority to permit fishing on national wildlife refuges. Also, the term "special regulations" would be replaced by a more appropriate term "refuge specific regulations." Refuge specific fishing regulations are proposed for certain national wildlife refuges.

DATES: Comments on this proposed rule must be submitted on or before April 8, 1985.

ADDRESSES: Send comments to Associate Director—Wildlife Resources, U.S. Fish and Wildlife Service, 18th and C Streets, NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Gillett, Chief, Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (telephone 202-343-4311).

SUPPLEMENTARY INFORMATION: 50 CFR Part 33 contains the provisions that govern fishing on national wildlife refuges. Fishing is regulated on refuges for two basic reasons: (1) To properly manage the fishery resource, and (2) to protect other refuge values. On many refuges, the Service policy of adopting State fishing regulations is an adequate way of meeting these objectives, but on other refuges it is necessary for the Service to issue fishing regulations in addition to State regulations to ensure that the Service meets its management responsibilities.

Section 33.3 contains the provision that requires the publication of fishing regulations for a given refuge on an annual basis. These regulations are generally limited to one season and historically have not been permanently codified in Title 50 of the Code of Federal Regulations (50 CFR). The Service implemented this provision in 1960 when the Department of the Interior revised and reorganized 50 CFR. Since then, the number of refuges on the list of areas open to sport fishing has doubled. Also, the authority to issue these regulations has been centralized in the Office of the Assistant Secretary for Fish and Wildlife and Parks to ensure the standardization of these refuge fishing regulations throughout the National Wildlife Refuge System. For these reasons, the provision in § 33.3 that requires annual publication of refuge fishing regulations has become a costly administrative burden and has adversely affected their timely issuance. Therefore, the Service proposes to delete this provision and to issue the refuge specific fishing regulations listed in this rule. Once these regulations are codified, they would remain in place and control fishing activities on a given refuge unless and until they are amended by subsequent regulations published in the **Federal Register.**

The fishing regulations that have been developed for individual refuges are referred to as "special regulations" in Part 33. These "special regulations" are similar in effect to any other regulation governing an activity or use on national wildlife refuges, and they have no "special" value as the term implies. Therefore, the Service proposes a technical amendment to change the term "special regulations" in Part 33 to "refuge specific regulations" to clarify the fact that these fishing regulations govern individual fishing programs on particular refuges.

This rulemaking proposes refuge specific regulations only for refuges that have been opened in previous rulemakings and does not add any refuges to the list of those open to sport fishing. This rulemaking represents an administrative technical amendment that is designed to place the regulations governing fishing on refuges in the Code of Federal Regulations. In the absence of such refuge specific regulations, fishing on national wildlife refuges open to this activity is permitted subject to State law and regulations and the provisions of 50 CFR Part 33.

Section 33.1 deals with the Service's authority to permit sport fishing by the public. The Service proposes to amend this section to more accurately detail its responsibilities as mandated by the National Wildlife Refuge System Administration Act, as amended (NWRSAA), and the Refuge System Recreation Act (RSRA).

Section-by-Section Analysis

Section 33.1 Public fishing authorization.

This paragaph would be amended by adding, as an introductory statement, the Service's responsiblity to determine if sport fishing is compatible with the purposes for which the refuge was established prior to opening the refuge to this activity. A statement to this effect

more accurately reflects the Service's responsiblities as mandated by the NWRSAA and the RSRA than the sentence in the paragraph that now states, "However, wildlife refuge areas will be opened to sport fishing only when a determination has been made that such activity is not detrimental to the objectives for which the area was established." This sentence would be deleted from the section.

Section 33.2 General regulations.

The term "special regulations" would be replaced by "refuge specific regulations" in paragraph (e) for the purposes of clarity. Also, the last sentence in paragraph (e) that states that special regulations are not codified would be replaced by one that states that refuge specific fishing regulations are codifed in §§ 33.5 through 33.54.

Section 33.3 Procedure for publication of special regulations.

The terms "special regulations" and "special fishing regulations" would be replaced wherever they are used in this section by the term "refuge specific fishing regulations."

Paragraph (a) of this section would be revised to permit the issuance of refuge specific fishing regulations for a refuge at the time of publication of the opening of that refuge to sport fishing. Paragraph (h) would be revised to include fish wherever wildlife is mentioned.

Paragraphs (b) and (e) would be deleted because these provisions contain requirements relating to the annual publication of refuge specific fishing regulations. Also, the statement that special regulations are not codified would be deleted from paragraph (g).

Section 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

This section has traditionally contained all the special regulations for sport fishing on refuges. The Service proposes that this section contain only those refuge specific fishing regulations for national wildlife refuges in the State of Alabama and to add §§ 33.6 through 33.54 for the remaining States. Thus, the refuge specific fishing regulations for national wildlife refuges in a particular State would be listed in a separate section of Part 33. (Although § 33.6 has been reserved for Alaska, fishing on national wildlife refuges in Alaska is permitted in accordance with State fishing regulations. There no refuge specific regulations for these refuges.)

The Service also proposes a new § 33.55 that would list the approved information collection requirements related to sport fishing regulations.

Request for Comments

It is the policy of the Service, whenever practicable, to afford the public an opportunity to participate in the Service's rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections concerning this proposed rule to the Associate Director—Wildlife Resources (address above), by the end of the comment period. All substantive comments will be considered in the preparation of the final rule.

Conformance With Statutory Authorities

The National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k) govern the administration and the public use of national wildlife refuges. Specifically, section 4(d)(1)(A) of the Refuge System Administration Act authorizes the Secretary under such regulations as he may prescribe, to permit the use of any area within the System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations and access when he determines that such uses are compatible with the major purposes for which such areas were established.

The Refuge Recreation Act authorizes the Secretary of the Interior to administer the refuge areas within the National Wildlife Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. The Refuge Recreation Act also authorizes the Secretary to issue regulations to carry out the purposes of the Act.

Fishing plans are developed for each fishing program on a refuge prior to the opening of the refuge to fishing. In some cases refuge specific fishing regulations are included as a part of the fishing plans to ensure the compatibility of the fishing programs with the purposes for which the affected national wildlife refuges were established. Compliance with the Refuge Administration and Refuge Recreation Acts is ensured when the fishing plans are developed, and the determinations required by these acts are made prior to the addition of the refuge to the list of areas open to fishing in 50 CFR.

Economic Effect

Executive Order 12291, "Federal Regulation," of February 17, 1981, requires the preparation of regulatory impact analyses for major rules. A major rule is one likely to result in an annual effect on the economy of $100 million or more; a major increase in cost of prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) further requires the preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions.

The Service proposes to delete its requirement for annual publication of refuge specific fishing regulations and to codify these regulations in 50 CFR. As described above, the elimination of this administrative burden would benefit the Federal Government and affected individuals. These proposed actions will not significantly alter existing refuge fishing programs and, therefore, are not expected to have any gross economic effect and will not cause an increase in costs or prices for consumers, individual industries, Federal, State, or local governments, agencies, or geographic regions.

Accordingly, the Department of the Interior has determined that this rule is not a "major rule" within the meaning of Executive Order 12291 and would not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Paperwork Reduction Act

The Service has received approval from the Office of Management and Budget (OMB) for the information collection requirements of these regulations pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). These requirements are presently approved by OMB as cited below:

Type of information collecton	OMB approval No.
Off-road vehicle permit applications	1018-0041
Special use permits	1018-0048

These regulations impose no new reporting or recordkeeping requirements that must be cleared by OMB.

Environmental Considerations

The "Final Environmental Statement for the Operation of the National Wildlife Refuge System" (FES 76-59) was filed with the Council on Environmental Quality on November 12, 1976; a notice of availability was published in the **Federal Register** on

November 19, 1977 (41 FR 51131). Fishing plans are developed for each fishing program on a refuge prior to the opening of the refuge to fishing. Compliance with section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(c)) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) is ensured when the fishing plans are developed, and the determinations required by these acts are made prior to the addition of the refuge to the list of areas open to sport fishing in 50 CFR. Also, refuge specific fishing regulations are subject to a categorical exclusion from the NEPA process if they do not significantly alter the existing use of the refuge. The changes in the general provisions governing fishing on national wildlife refuges and the refuge specific fishing regulations that are proposed in this rulemaking do not significantly alter the existing use of national wildlife refuges.

Richard Frietsche, Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C., is the primary author of this proposed rulemaking document.

Information regarding the conditions that apply to individual refuge fishing programs and a map of the refuge are available at refuge headquarters. This information can also be obtained from the regional offices of the U.S. Fish and Wildlife Service at the addresses listed below. Fishermen should contact the refuge manager for further information regarding public use on a specific refuge so that they are aware of all the restrictions related to public use on a particular refuge.

Region 1—California, Hawaii, Idaho, Nevada, Oregon and Washington:
Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 Multnomah Street, Portland, Oregon 97232; telephone (503) 231–6214.

Region 2—Arizona, New Mexico, Oklahoma and Texas:
Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, Box 1306, Albuquerque, New Mexico 87103; telephone (505) 766–2324.

Region 3—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin:
Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111; telephone (612) 725–3507.

Region 4—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Puerto Rico, Tennessee and the Virgin Islands:
Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring Street SW, Atlanta, Georgia 30303; telephone (404) 221–3538.

Region 5—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia:
Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158; telephone (617) 965–5100.

Region 6—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming:
Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, Box 25486, Denver Federal Center, Denver, Colorado 80255; telephone (303) 234–4608.

Region 7—Alaska:
Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, Alaska 99503; telephone (907) 786–3542.

List of Subjects in 50 CFR Part 33

Fishing, National Wildlife Refuge System, Wildlife refuges.

PART 33—[AMENDED]

For the reasons set forth in the preamble, Part 33, Subchapter C, Chapter I of Title 50 Code of Federal Regulations, is proposed to be amended as set forth below:

1. The table of contents for Part 33 is revised to read as follows:

Sec.

Sec.

2. The authority citation for Part 33 reads as follows:

Authority: Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224; secs. 4, 2, 48 Stat. 402, as amended, 451, 1270, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 716d, 43 U.S.C. 315a, 16 U.S.C. 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb, unless otherwise noted.

3. Section 33.1 is revised to read as follows:

§ 33.1 Opening of wildlife refuge areas to fishing.

Wildlife refuge areas may be opened to sport fishing only after a determination is made that this activity is compatible with the purposes for which the refuge was established. In addition, the sport fishing program must be consistent with principles of sound fishery management and otherwise be in the public interest. The opening or closing of wildlife refuge areas to fishing is subject to the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*). Lands acquired as "waterfowl production areas" are open to sport fishing subject to the provisions of State laws and regulations and the pertinent provisions of Parts 25 through 31 of this subchapter: *Provided*, that fishing or entry on all or any part of individual areas may be temporarily suspended by posting upon occasions of unusual or critical conditions of, or affecting, land, water, vegetation or fish and wildlife populations.

4. Section 33.2 is amended by revising paragraph (e) to read as follows:

§ 33.2 General regulations.

* * * * *

(e) Each person shall comply with the provisions of any refuge specific regulation governing fishing on the wildlife refuge area. Regulations for a particular wildlife refuge are available at its headquarters office. In addition, refuge specific fishing regulations are codified in §§ 33.5 through 33.4.

5. Section 33.3 is revised to read as follows:

§ 33.3 Procedure for publication of refuge specific regulations.

(a) Refuge specific fishing regulations are issued only at the time of or after the opening of a wildlife refuge area to sport fishing.

(b) Refuge specific fishing regulations may contain the following items:

(1) Fish species that may be taken,

(2) Seasons,

(3) Creel limits,

(4) Methods of fishing,

(5) Description of areas open to fishing, or

(6) Other provisions as required.

(c) Refuge specific fishing regulations will not liberalize existing State laws or regulations.

(d) Refuge specific fishing regulations are subject to change and the public is invited to submit suggestions and comments for consideration at any time.

(e) Refuge specific fishing regulations are initially published in the daily issue of the **Federal Register** and are codified in 50 CFR 33.5 through 33.54.

(f) Refuge specific fishing regulations may be amended as needed when unpredictable changes occur in fish and wildlife populations, habitat conditions or in other factors affecting a refuge's fish and wildlife resources.

6. Section 33.4 is amended by revising the introductory paragraph to read as follows:

§ 33.4 List of open areas; sport fishing.

Sport fishing is authorized on the following wildlife refuge areas in accordance with the provisions of §§ 33.1, 33.2, through 33.54.

* * * * *

7. Section 33.5 is revised, and §§ 33.6 through 33.55 are added to read as follows:

§ 33.5 Refuge specific fishing regulations—Alabama.

(1) *Choctaw National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted during daylight hours only.

(b) *Eufaula National Wildlife Refuge.* Fishing, frogging and turtle trapping are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing, frogging and turtle trapping are permitted year-round in all refuge waters contiguous with the Walter F. George Reservoir.

(2) Fishing, including bowfishing, is permitted from March 1 through October 31 during daylight hours only in all refuge impoundments and waters other than Walter F. George Reservoir.

§ 33.6 Refuge specific fishing regulations—Alaska [Reserved]

§ 33.7 Refuge specific fishing regulations—Arizona.

(a) *Cibola National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted during respective State seasons in the channelized portions of the Colorado River in Zone I, Zone II, and the Old River Channel of the Colorado River.

(2) Fishing is permitted from March 15 through Labor Day in Cibola Lake and the channelized portion of the Colorado River in Zone III.

(b) *Havasu National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following condition: Designated portions of Topock Marsh are closed to all entry from October 1 through January 31.

(c) *Imperial National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge.

§ 33.8 Refuge specific fishing regulations—Arkansas.

(a) *Big Lake National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted during the daylight hours only from March 1 through October 31 with the following exceptions: Bank fishing is permitted at any time in the area around Floodway Dam south of the Highway 18 bridge, and fishing during daylight hours only is permitted from nonmotorized and boats with electric motors is permitted in the Sand Slough—Mud Slough Area from November 1 through the end of February.

(2) The use of limb lines and toxic chemical containers for jug fishing is not permitted.

(3) The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

(b) *Felsenthal National Wildlife Refuge.* Fishing, frogging and the taking of turtles are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is not permitted in the waterfowl sanctuary area during the

waterfowl hunting season with the exception of the main channel of the Ouachita River and the borrow pits along Highway 82.

(2) The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

(c) *Holla Bend National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following condition: Fishing is permitted from March 1 through October 31.

(d) *Wapanocca National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from March 15 through September 30 during the daylight hours only.

(2) Only boats with motors 10 horsepower or less are permitted on Wapanocca Lake.

(3) The use of live carp, shad, buffalo, and goldfish for bait is not permitted.

(4) The use of yo-yos, jugs, drops, trotlines and all commercial fishing tackle is not permitted.

(e) *White River National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from March 1 through October 31 except as posted and as follows: Fishing is permitted year-round in Jacks Bay, LaGrue Bayou, Moon Lake next to Highway 1, the portion of Indian Bay south of Highway 1 and those borrow ditches located adjacent to the west bank of the portion of the White River Levee north of the Arkansas Power and Light Company powerline right-of-way.

(2) A permit is required for the use of any fishing tackle other than hook and line.

(3) Trotlines must be reset when receding water levels expose them and can not be left unattended. The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

(4) Frogging is permitted from the beginning of the State season through October 31. The use of bow and arrow for taking bullfrogs is not permitted.

§ 33.9 Refuge specific fishing regulations—California.

(a) *Antioch Dunes National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Vehicle access is limited to designated parking areas and foot access is limited to designated trails and fishing areas.

(2) Fishing is permitted year-round from one hour before sunrise to one hour after sunset.

(b) *Cibola National Wildlife Refuge.* (Refer to regulations for Arizona, Cibola NWR in § 33.7.)

(c) *Colusa National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following condition: Fishing and frogging are permitted from February 1 through October 15.

(d) *Delevan National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following condition: Fishing and frogging are permitted from February 1 through October 15.

(e) *Havasu National Wildlife Refuge.* (refer to regulations for Arizona, Havasu NWR in § 33.7.)

(f) *Imperial National Wildlife Refuge.* (Refer to regulations for Arizona, Imperial NWR in § 33.7.)

(g) *Modoc National Wildlife Refuge.* Fishing is permitted only on Dorris Reservoir subject to the following condition: Fishing is not permitted during the migratory waterfowl hunting season.

(h) *Sacramento National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following condition: Fishing and frogging are permitted from February 1 through October 15.

(i) *Salton Sea National Wildlife Refuge.* Fishing is permitted only on that portion of the refuge inundated by the Salton Sea subject to the following condition: Only boat fishing is permitted.

(j) *San Francisco Bay National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing from the designated Shoreline Trail fishing area is permitted from one hour before sunrise to one hour after sunset except that night fishing may be permitted by the refuge manager when outstanding fishing opportunities occur.

(2) Fishing and all other public entry is not permitted in the entire Mowry Slough from March 15 through June 15.

(3) The upper reaches of Mallard Slough are closed to fishing from March 1 through August 31.

(k) *San Luis National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only from sunrise to one hour after sunset.

(2) The use of boats is not permitted.

§ 33.10 Refuge specific fishing regulations—Colorado [Reserved]

§ 33.11 Refuge specific fishing regulations—Connecticut [Reserved]

§ 33.12 Refuge specific fishing regulations—Delaware [Reserved]

§ 33.13 Refuge specific fishing regulations—Florida.

(a) *Lake Woodruff National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted during daylight hours only.

(2) The use of snatch hooks is not permitted in refuge impoundments.

(3) The use of airboats is not permitted.

(b) *Loxahatchee National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted during daylight hours on all areas of the refuge except the management impoundments and those areas marked by sign as closed to public entry or to fishing.

(2) Only the use of rods and reels and poles and lines is permitted and this fishing equipment must be attended at all times.

(3) Commercial fishing and the taking of frogs or turtles is not permitted.

(4) The possession or use of trotlines, gigs or other fishing devices not described above is not permitted.

(c) *Merritt Island National Wildlife Refuge.* Fishing, crabbing, clamming, oystering and shrimping are permitted on designated areas of the refuge subject to the following conditions:

(1) A permit is required for night fishing.

(2) The daily limit for the K.A.R.S. Marina in the Banana River and the Eddy Creek "trout hole" in Mosquito Lagoon is 20 fish during the period from November 15 through March 31.

(3) Fishing lines must be attended at all times.

(d) *St. Marks National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only during daylight hours.

(2) The use of boats with motors of 10 horsepower or less is permitted on the St. Marks Unit only from March 15 through October 15.

(e) *St. Vincent National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only during daylight hours.

(2) Only nonmotorized boats and boats with electric motors are permitted.

(3) The use of live minnows as bait is not permitted.

§ 33.14 Refuge specific fishing regulations—Georgia.

(a) *Blackbeard National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Freshwater fishing is permitted from March 1 through October 25 from sunrise until one-half hour after sunset.

(2) Only nonmotorized boats and boats with electric motors are permitted.

(3) The use of live minnows as bait is not permitted.

(b) *Eufaula National Wildlife Refuge.* (Refer to regulations for Alabama. Eufaula NWR in § 33.5.)

(c) *Okefenokee National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) The use of boats with motors larger than 10 horsepower is not permitted.

(2) The use of live minnows as bait is not permitted.

(3) Only the use of pole and line or rod and reel is permitted.

(d) *Piedmont National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from May 1 through September 30 during daylight hours only.

(2) The creel limit for black bass is five.

(3) The minimum size limit for black bass is 15 inches.

(4) Only the use of pole and line or rod and reel is permitted.

(5) The use of live minnows as bait is not permitted.

(6) Nonmotorized boats and boats with electric motors are permitted only in Pond 2A and Allison Lake.

(e) *Savannah National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted on refuge impoundments from March 1 through October 25.

(2) Fishing is permitted from boats in tidal creeks from February 1 through October 25.

(3) Fishing is permitted from sunrise until one-half hour after sunset.

(4) Only nonmotorized boats and boats with electric motors are permitted on impounded waters.

(5) Boats may not be left on the refuge overnight.

§ 33.15 Refuge specific fishing regulations—Hawaii [Reserved]

§ 33.16 Refuge specific fishing regulations—Idaho.

(a) *Bear Lake National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following condition: Boats are not permitted in fishing areas.

(b) *Deer Flat National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) During the waterfowl hunting season, fishing is permitted only within the area bounded by the water's edge extending to a point 200 yards lakeward in Fishing Areas A and B on the Lake Lowell Sector.

(2) Non-motorized boats are permitted throughout the year except during the waterfowl hunting season when they are restricted to that area within the area bounded by the water's edge extending to a point 200 yards lakeward in Fishing Areas A and B on the Lake Lowell Sector.

(3) Motorized and nonmotorized boats are permitted from one-half hour before sunrise to one-half hour after sunset from April 15 through September 30.

(4) Shoreline fishing is not permitted on the islands of the Snake River Sector from February 1 through May 31.

(c) *Kootenai National Wildlife Refuge.* Fishing is permitted only on Myrtle Creek subject to the following condition: Only bank fishing and non-motorized boats are permitted.

§ 33.17 Refuge specific fishing regulations—Illinois.

(a) *Chautauqua National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from December 15 through October 15 with the exception that fishing is permitted from October 16 through December 14 during the daylight hours only in the following areas: In the posted area that extends one-eighth (⅛) mile around the Recreation Area, along Goofy Ridge Dike, along the cross dike and in all waters within the Public Hunting Area.

(2) Bank fishing is permitted only along the cross dike, at the Recreation Area and at Boatyard No. 3, as posted.

(3) The use of boats with motors of 10 horsepower or less is permitted on the waters of Lake Chautauqua.

(4) Private boats must be removed from refuge waters overnight or moored at either Boatyard No. 3 or the Recreation Area.

(b) *Crab Orchard National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Areas I and III are open to fishing year-round. Within these areas, specifically Devils Kitchen Lake and Little Grassy Lake, the use of boats with motors larger than 10 horsepower is not permitted. Floating trot lines and jug fishing are not permitted during daylight hours in the area west of the closed portion boundary line in Crab Orchard Lake (Zone 1) from Memorial Day through Labor Day.

(2) In Area II: Bank fishing is permitted from Wolf Creek Road and Highway 148 causeways during daylight hours; sport and jug fishing are permitted from Wolf Creek Road causeway west to the closed portion boundary line (Crab Orchard Lake Zone 2); sport and jug fishing are permitted from Wolf Creek Road causeway east (Crab Orchard Lake—Zone 3) from March 15 through September 30 during daylight hours only; and bank fishing is permitted during the daylight hours in the A–41 pond from March 15 through September 30.

(3) The minimum size limit for largemouth black bass taken from Crab Orchard Lake is 14 inches.

(c) *Mark Twain National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted in the Big Timber Division at all times.

(2) Fishing is permitted in the Louisa Division from February 1 until the start of the Iowa early waterfowl hunting season with the exception of certain designated areas adjacent to the Port Louisa Road that are open through December 31.

(3) Fishing is permitted in the Upper, Middle and Lower Pools of the Batchtown Division, Calhoun County, Illinois from December 15 through October 15.

(4) Fishing is permitted in the southern portion of Swan Lake on the Calhoun Division, Calhoun County, Illinois, from December 15 through October 15. Fishing is permitted in the upper section of Swan Lake (man-made ditch at Six Mile Island to the northern refuge boundary) at all times.

(5) Fishing is permitted in the Keithsburg Division from February 1 through September 30.

(6) Fishing is permitted year-round on the Bear Creek Unit of the Gardner Division. On the remainder of the Gardner Division fishing is permitted from February 1 through September 30.

(7) The Clarence Cannon, Gilbert Lake and Delair Divisions of the refuge are closed to fishing.

(d) *Upper Mississippi River Wild Life and Fish Refuge.* Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing on the Spring Lake Closed Area, Carroll County, Illinois, is not permitted from October 1 through the last day of the Illinois waterfowl season.

§ 33.18 Refuge specific fishing regulations—Indiana.

(a) *Muscatatuck National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to following conditions:

(1) Fishing is permitted on Stanfield Lake from designated bank areas and from nonmotorized boats and canoes from May 15 through October 15 and when ice conditions permit ice fishing.

(2) Only fishing with rods and reels or pole and line is permitted.

(3) Ice fishing is permitted when the refuge manager determines that conditions are safe.

(4) The minimum size limit for largemouth black bass taken from refuge waters is 14 inches.

(5) Fishing is permitted during daylight hours only.

§ 33.19 Refuge specific fishing regulations—Iowa.

(a) *De Soto National Wildlife Refuge.* Fishing is permitted in De Soto Lake and the adjacent Missouri River subject to the following conditions:

(1) Ice fishing is permitted from January 1 through the end of February when the refuge manager determines that conditions are safe.

(2) Motor or wind driven conveyances are not permitted on the lake from January 1 through the end of February.

(3) The use of portable ice fishing shelters is permitted on a daily basis from January 1 through the end of February.

(4) Only the use of pole and line or rod and reel is permitted from April 15 through September 30 with the exception that archery and spear fishing are permitted only for nongame fish from April 15 to September 10.

(5) Fishing with more than two lines or with more than two hooks on each line is not permitted.

(6) The use of trotlines and float lines is not permitted.

(7) Digging or seining for bait or taking frogs is not permitted.

(b) *Mark Twain National Wildlife Refuge.* (Refer to regulations for Illinois, Mark Twain NWR in § 33.17.)

(c) *Union Slough National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from April 15 through September 30.

(2) The use of boats, canoes or other floating devices is not permitted.

(d) *Upper Mississippi Wild Life and Fish Refuge.* (Refer to regulations for Illinois, Upper Mississippi Wild Life and Fish Refuge in § 33.17.)

§ 33.20 Refuge specific fishing regulations—Kansas [Reserved]

§ 33.21 Refuge specific fishing regulations—Kentucky [Reserved]

§ 33.22 Refuge specific fishing regulations—Louisiana.

(a) *Bogue Chitto National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

(2) Only cotton limb lines are permitted.

(b) *Catahoula National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted in Cowpen Bayou year-round during daylight hours only.

(2) Fishing is permitted in the Duck Lake Impoundment from March 1 through October 31 during daylight hours only.

(3) Only nonmotorized boats and boats with electric motors are permitted in Cowpen Bayou.

(4) Only nonmotorized boats and boats with motors of 10 horsepower or less are permitted in the Duck Lake Impoundment and adjacent waters. Boat launching is permitted from designated boat ramps only.

(5) Only the use of pole and line or rod and reel is permitted.

(c) *D'Arbonne National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

(2) Only cotton limb lines are permitted.

(d) *Delta National Wildlife Refuge.* Fishing, shrimping and crabbing are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing, shrimping and crabbing are permitted only during daylight hours.

(2) Only shrimping trawls of 16 feet or less are permitted.

(e) *Lacassine National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from March 1 through October 15 during daylight hours only.

(2) Only boats with motors totaling 25 horsepower or less are permitted in Lacassine Pool.

(f) *Sabine National Wildlife Refuge.* Fishing, crabbing and shrimping are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing, crabbing and shrimping are permitted year-round from the bank of the Highway 27 canal road during daylight hours only.

(2) Fishing, crabbing and shrimping are permitted during daylight hours only in the Grand and Lambert Bayous of East Cove except during the State waterfowl hunting seasons.

(3) Fishing, crabbing and shrimping are permitted in refuge waters, other than those noted above, from March 1 through October 15 during daylight hours only.

(4) The cast net creel limit is 96 quarts of shrimp per vehicle. Cast netters must leave the area after they have reached their limit.

(5) Boats with motors totaling 25 horsepower or less are permitted on refuge impoundments. Boating access into open marsh and ponds is restricted to paddling or push-poling the boat. There are no horsepower restrictions for boats using refuge canals, bayous or lakes.

(g) *Upper Ouachita National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

(2) Only cotton limb lines are permitted.

§ 33.23 Refuge specific fishing regulations—Maine.

(a) *Moosehorn National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) The use of nonmotorized boats only is permitted on Bearce, Conic, and Cranberry Lakes.

(2) Fishing is permitted during daylight hours only.

§ 33.24 Refuge specific fishing regulations—Maryland.

(a) *Blackwater National Wildlife Refuge.* Fishing and crabbing are permitted on designated areas of the

refuge subject to the following conditions:

(1) Fishing and crabbing are permitted from April 1 through October 1 during daylight hours only.

(2) All fish and crab lines must be attended.

(3) Boat launching from refuge lands is not permitted.

(4) The use of airboats is not permitted on refuge waters.

§ 33.25 Refuge fishing regulations—Massachusetts.

(a) *Great Meadows Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted along the Concord River, Sudbury River, Heard Pond, and ponds in the West Bedford Area during daylight hours only.

(2) Only foot access is permitted.

(b) *Oxbow National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted along the Nashua River during daylight hours only.

(2) Only foot access is permitted.

(c) *Parker River National Wildlife Refuge.* Saltwater fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Saltwater fishing is permitted on the ocean beach only.

(2) A permit is required for night fishing and for the use of over-the-sand surf fishing vehicles.

§ 33.26 Refuge specific fishing regulations—Michigan.

(a) *Seney National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Ice fishing.

(i) Fishing is permitted from January 1, through the end of February during dayling hours only.

(ii) Ice shanties, houses or shelters are not permitted on F Pool.

(iii) Snowmobiles or all-terrain vehicles are not permitted.

(2) Summer fishing.

(i) Fishing is permitted from July 1 through September 30 during daylight hours only.

(ii) Fishing is permitted on the Show Pools from Memorial Day through September 30.

(iii) Fishing is permitted on the Creighton, Driggs and Manistique Rivers, Walsh Creek west of the Walsh Ditch and the Walsh Ditch south to its entry into the C–3 Pool.

(iv) Only bank fishing is permitted in refuge pools.

(v) Access to the Driggs and Creighton Rivers, Walsh Creek and Walsh Ditch is limited to canoes without motors and to foot traffic along these watercourses.

§ 33.27 Refuge specific fishing regulations—Minnesota.

(a) *Big Stone National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing from non-motorized boats and canoes is permitted only on the Minnesota River Channel Canoe Trail as designated by signs.

(2) Canoes, boats or other floation devices are not permitted on refuge pools or open marshes.

(3) Ice fishing shelters must be removed from the refuge following each day's fishing activities.

(b) *Minnesota Valley National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following condition: Only bank fishing is permitted.

(c) *Rice Lake National Wildlife Refuge.* Fishing is permitted on designated areas on the refuge subject to the following conditions:

(1) Fishing is permitted from May 1 through November 30.

(2) Fishing from non-motorized boats and canoes is permitted only on that portion of the Rice River posted as open to fishing and on the Twin Lakes Fishing Area.

(3) Only bank fishing is permitted on Mandy Lake.

(d) *Sherburne National Wildlife Refuge.* Fishing is permitted on designated areas on the refuge subject to the following conditions:

(1) Fishing is permitted on the St. Francis River only.

(2) Nonmotorized boats and canoes are permitted only on designated areas of St. Francis River and must be launched from designated access points.

(3) Ice fishing shelters must be removed from the refuge following each day's fishing activities.

(e) *Tamarac National Wildlife Refuge.* Fishing is permitted on designated areas on the refuge subject to the following conditions:

(1) Fishing is permitted in North Tamarac Lake and Pine Lake during the State fishing season.

(2) Fishing is permitted in Two Island, Wauboose, Lost and Blackbird Lakes from the first day of the State fishing season through Labor Day.

(3) Bank fishing is permitted only in an area 50 yards on either side of the Ottertrail River Bridges on county roads No. 26 and No. 126.

(f) *Upper Mississippi Wild Life and Fish Refuge.* (Refer to regulations for Illinois, Upper Mississippi Wild Life and Fish Refuge in § 33.17.)

§ 33.28 Refuge specific fishing regulations—Mississippi.

(a) *Hillside National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted on all refuge waters year-round except for any borrow pond along the Corps of Engineers Hillside flood control levee that is designated as closed by signs.

(2) Frogging is permitted on all refuge waters during the State bullfrog season.

(3) Trotlines are not permitted in borrow ponds.

(4) Commerical fishing is not permitted.

(b) *Noxubee National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subjects to the following condition: Fishing is permitted from March 1 through October 31.

§ 33.29 Refuge specific fishing regulations—Missouri.

(a) *Mark Twain National Wildlife Refuge.* (Refer to regulations for Illinois, Mark Twain NWR in § 33.17.)

(b) *Mingo National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted at all times in all waters west of Ditch 6. Fishing is permitted in all other refuge waters from March 15 through September 30.

(2) Only nonmotorized boats are permitted, and boats must be removed from the refuge at the end of each day's fishing activities.

(3) Nongame fish may be taken for personal use by nets and seines. All nets must be plainly labeled with the name and address of the user. Trammel and gill nets must be attended at all times (all other nets may be left set and unattended but not for more than 24 hours). Game fish may not be taken or possessed by persons using nets or seines on the refuge.

(c) *Squaw Creek National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following condition: Fish, amphibians, reptiles and crustaceans may not be taken with longbow, crossbow, speargun, trotlines, throwlines or seines.

(d) *Swan Lake National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from March 1 through October 15 during daylight hours only.

(2) Only nonmotorized boats and canoes are permitted on refuge waters with the exception that the use of motors of 10 horsepower or less is permitted on Silver Lake.

§ 33.30 Refuge specific fishing regulations—Montana.

(a) *Red Rock Lakes National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted from the third week of June through the end of the general State fishing season.

§ 33.31 Refuge specific fishing regulations—Nebraska.

(a) *De Soto National Wildlife Refuge.* (Refer to regulations for Iowa, De Soto NWR in § 33.19.)

§ 33.32 Refuge specific fishing regulations—Nevada.

(a) *Pahranagat National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted year-round in Upper Pahranagat Lake and North Marsh.

(2) Nonmotorized boats are permitted on Upper Pahranagat Lake from May 15 through September 30.

(3) Boats are not permitted on North Marsh.

(4) Nonmotorized boats are permitted on the Lower Pahranagat Lake and Middle Ponds for fishing from April 1 through the waterfowl hunting season only.

(b) *Ruby Lake National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from one hour before sunrise until two hours after sunset.

(2) Only bank fishing is permitted in the areas north of Brown Dike and east of the Collection Ditch with the exception that fishing by wading and personal flotation devices is permitted in Units 10 and 21.

(3) Only artifical lures may be used in the Collection Ditch and the associated springs that are open to fishing.

§ 33.33 Refuge specific fishing regulations—New Hampshire [Reserve]

§ 33.34 Refuge specific fishing regulations—New Jersey.

(a) *Edwin B. Forsythe National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Saltwater fishing is permitted from the beach on Holgate Peninsula and Little Beach Island with the exception of those areas posted as closed.

(2) Fishing is permitted along the South Dike of the William Vogt Pool from July 20 through September 21 during daylight hours.

(3) The possession of fish or minnors for use as bait in the Vogt Pool is not permitted.

(4) South Dike anglers may park at the headquarters and south tower parking areas only.

§ 33.35 Refuge specific fishing regulations—New Mexico.

(a) *Bitter Lake National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from April 1 through October 15.

(2) Fishing is permitted only in pools 5, 6, 7, 15, and 16.

(3) Fishing is permitted from one hour before sunrise until one hour after sunset.

(4) The use of boats is not permitted.

(b) *Bosque del Apache National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from the Saturday of Memorial Day weekend through September 30.

(2) Fishing is permitted from one-half hour before sunrise until one-half hour after sunset.

(3) Frogging and the use of trotlines, spears, bows and arrows, boats and other floatation devices are not permitted.

(c) *Maxwell National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from the last Saturday in February through the Sunday nearest October 16.

(2) Boats are permitted only on Lake 13 and Lake 14 and only during the fishing season.

(3) Fishing is permitted within 150 feet of headgates.

§ 33.36 Refuge specific fishing regulations—New York.

(a) *Elizabeth A. Morton National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only on the beach and in areas not designated as closed.

(2) Fishing is permitted only during daylight hours.

(b) *Iroquois National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only during daylight hours.

(2) Fishing is permitted from July 15 through September 30 and from December 1 through the end of February with the exception that fishing is permitted at all times in Feeder Canal and Oak Orchard Creek.

(3) Ice fishing is permitted on Ringneck, Schoolhouse and Center Marshes only from December 19 through the last day of February when the refuge manager determines that conditions are safe.

(4) The use of boats or other flotation devices is not permitted with the exception that nonmotorized boats may be used on Oak Orchard Creek from Knowlesville Road to the Cable across the creek approximately two miles downstream.

(5) Boats, structures or other equipment must be removed from the refuge after the completion of the day's fishing activities.

(c) *Wertheim National Wildlife Refuge.* (1) Shore and boat fishing is permitted on that portion of the Carmans River between Sunrise and Montauk Highways.

(2) Only boat fishing is permitted from Montauk Highway south to the mouth of the Carmans River.

(3) Fishing is permitted only during daylight hours.

(4) Spearfishing and taking of baitfish and frogs is not permitted.

§ 33.37 Refuge specific fishing regulations—North Carolina.

(a) *MacKay Island National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted during daylight hours only from March 15 through October 15 with the exception that bank fishing is permitted in Corey's Ditch and the canal adjacent to the Knotts Island Causeway year-round.

(2) All fishing lines must be attended.

(3) Airboats are not permitted.

(b) *Mattamuskeet National Wildlife Refuge.* Fishing and crabbing are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing and crabbing are permitted from March 1 through November 1 from one-half hour before sunrise to one-half hour after sunset.

(2) Bank fishing and crabbing are permitted year-round along the Highway 94 Causeway and in the immediate vicinity of the Lake Landing water control structure, the Outfall Canal

water control structure and Central Canal Bridge.

(3) Herring (alewife) dipping is permitted from the canal banks and water control structures in the immediate vicinity of Waupoppin Canal, Outfall Canal and Lake Landing Canal from March 1 through May 15 from one-half hour before sunrise until 10:00 p.m.

(4) All crabbing equipment must be attended.

(5) Airboats are not permitted.

(c) *Pee Dee National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from March 15 through October 31 with the exception that fishing is permitted in Arrowhead Lake and Andrews Pond from May 15 through July 31.

(2) Fishing is permitted only during daylight hours.

(3) Only nonmotorized boats and boats with electric motors are permitted on Arrowhead Lake and Andrews Pond.

(4) Only the use of pool and line or rod and reel is permitted.

(5) The use of live minnows as bait is not permitted.

§ 33.38 Refuge specific fishing regulations—North Dakota [Reserved]

§ 33.39 Refuge specific fishing regulations—Ohio [Reserved]

§ 33.40 Refuge specific fishing regulations—Oklahoma.

(a) *Salt Plains National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted on the Great Salt Plains Reservoir, except for the northern portion as posted, and the area north of the Highway 11 right-of-way.

(2) Fishing is permitted from April 15 through October 15.

(3) The use of firearms for taking frogs is not permitted.

(4) Trotlines must be attended daily and removed when fishing is completed.

(5) Trotlines are not permitted within 500 feet of the shoreline of the Jet Recreation Area.

(6) Posts used to secure or anchor trotlines must reach a minimum of two feet above the water surface and must be marked so that they are clearly visible to boaters.

(7) The use of any metallic posts or stakes to secure or anchor trotlines is not permitted.

(8) Taking any type of bait from refuge lands or waters is not permitted.

(b) *Sequoyah National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing and frogging are not permitted in the posted area located south of Vian Creek to Tuff Ramp and north along the western shore of Sally Jones Lake to the mouth of Horton Slough from January 1 through February 15 and October 1 through December 31.

(2) Fishing and frogging are not permitted in the Sandtown Bottom area from one hour after sunset to 4 a.m.

(3) The use of firearms for taking frogs is not permitted.

(c) *Tishomingo National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing and frogging are permitted on all refuge waters from March 1 through September 30 except as noted below in (3).

(2) Bank fishing and frogging are permitted in the immediate area of the refuge headquarters boat launching ramp, Goose Pen Pond, Dick's Pond, Big Sandy Creek, Bell Creek and Rock Creek from October 1 through the last day of February.

(3) All refuge waters are closed to fishing during the special fall deer hunts.

(4) The use of trotlines, juglines, throwlines and other set tackle is permitted only in Cumberland Pool of Lake Texoma and the Washita River from March 1 through September 30, and set tackle must be removed from these waters by October 1.

(5) The use of firearms for taking frogs is not permitted.

(d) *Washita National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing and frogging are permitted from March 15 through October 14 with the exception that the eastern shore of Foss Reservoir from the Lakeview Recreation Area to the Pitts Creek Recreation Area and the eastern bank of Pitts Creek are open to bank fishing and frogging year-around

(2) Access to fishing and frogging is permitted only from the McClure, Riverside, Owl Cove, Pitts Creek and Lakeview recreation areas and by boat from Foss Reservoir.

(3) Boats and other flotation devices are not permitted on refuge waters from October 15 through March 14.

(4) Trotlines must be attended daily and must be removed when fishing is completed.

(5) Taking any type of bail from refuge lands and waters is not permitted.

(6) The use of firearms for taking frogs is not permitted.

(e) *Wichita Mountains Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fish may be taken only with pole and line or rod and reel except that in Elmer Thomas Lake only, nongame fish may be taken with any technique permitted by State regulations.

(2) Taking any type of bait from refuge lands or waters is not permitted.

(3) Taking of frogs and turtles is not permitted.

§ 33.41 Refuge specific fishing regulations—Oregon.

(a) *Cold Springs National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from March 1 through September 30.

(2) Bank fishing only is permitted from October 1 through the last day of February.

(3) Only nonmotorized boats and boats with electric motors are permitted.

(b) *Deer Flat National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following condition: Shoreline fishing is not permitted on the islands of the Snake River Sector from February 1 through May 31.

(c) *Hart Mountain National Antelope Refuge.* Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted only in Rock Creek and Guano Creek.

(d) *Klamath Forest National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Bank fishing is permitted in the borrow ditches adjacent to the Silver Lake Highway and along the shoreline of Wocus Bay.

(2) The use of boats is not permitted.

(e) *Malheur National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only during the State trout season.

(2) Boats are not permitted with the exception that nonmotorized boats are permitted on Krumbo Reservoir.

(f) *McKay Creek National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted from March 1 through September 30.

(g) *Umatilla National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted on refuge impoundments and ponds from May 16 through September 30. Other refuge waters (Columbia River and its backwaters) are open in accordance with State regulations.

(2) Only nonmotorized boats and boats with electric motors are permitted on refuge impoundments and ponds.

(h) *Upper Klamath National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted in Pelican Bay, Recreation Creek, Crystal Creek, Odessa Creek, Thomas Creek, Pelican Cut and that portion of Upper Klamath Lake located on the east side of the refuge.

(2) Motorized boats shall not exceed 10 miles per hour in any stream, creek or canal and on that portion of Pelican Bay west of a line beginning at designated points on the north shore of Pelican Bay one-fourth mile east of Crystal Creek and extending due south to the opposite shore of the lake.

(i) *William L. Finley National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted on Muddy Creek from the beginning of the State trout season in April through October 31.

(2) The use of boats is not permitted.

§ 33.42 Refuge specific fishing regulations—Pennsylvania.

(a) *Erie National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only during daylight hours.

(2) Boats without motors are permitted 3,000 feet (to the buoyline) above the Pool 9 dike from the second Saturday in June through September 15.

(3) Ice fishing is permitted on Pools K and 9 when the refuge manager determines the conditions are safe.

(4) Only minnows may be taken as bait from refuge lands and waters and a special use permit is required for taking minnows.

(5) A permit is required to take turtles.

(6) The taking of frogs is not permitted.

(b) *Tinicum National Environmental Center.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only during daylight hours in non-state controlled areas.

(2) Boats are not permitted.

(3) Bow fishing is not permitted.

(4) A permit is required to take turtles.

(5) The taking of frogs is not permitted.

§ 33.43 Refuge specific fishing regulations—Rhode Island [Reserved]

§ 33.44 Refuge specific fishing regulations—South Carolina.

(a) *Cape Romain National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from March 1 through September 30 during daylight hours only.

(2) Only nonmotorized boats and boats with electric motors are permitted.

(b) *Carolina Sandhills National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from March 1 through September 30 with the exception that fishing is permitted year-round in Lake Bee, Lynches River and the Black Creek Bridge Areas on State Road 33, State Road 145, Highway 1 and Wire Road.

(2) Fishing is permitted only during daylight hours.

(3) Only bank fishing is permitted with the exception that nonmotorized boats and boats with electric motors are permitted in Martins Lake, Lake Bee, Lake 16, Lake 17 and May's Lake.

(4) Fish baskets, nets, set hooks and trotlines are not permitted.

(c) *Santee National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted on inland ponds only during daylight hours except as posted.

(2) Fishing is permitted in Cantey Bay, Black Bottom, Savannah Branch and refuge ponds and impoundments from March 1 through September 30.

(3) Ony boats with motors of 10 horsepower or less are permitted on inland ponds.

(d) *Savannah National Wildlife Refuge.* (Refer to regulations for Georgia, Savannah NWR in § 33.14.)

§ 33.45 Refuge specific fishing regulations—South Dakota [Reserved]

§ 33.46 Refuge specific fishing regulations—Tennessee.

(a) *Cross Creeks National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted in refuge pools and reserviors from March 1 through October 31 during daylight hours only.

(2) Boat fishing is permitted at any time on Lake Barkley waters.

(3) Trotlines, limb lines, jugs and slat baskets are not permitted in refuge pools and reservoirs.

(4) Taking of frogs is not permitted.

(b) *Hatchie National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted during daylight hours only.

(2) Only nonmotorized boats and boats with electric motors are permitted.

(3) Fishing is permitted only with pole and line or rod and reel.

(c) *Lake Isom National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from March 15 through October 15 during daylight hours only.

(2) Only boats with motors of 10 horsepower or less are permitted.

(d) *Lower Hatchie National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted with pole and line or rod and reel only.

(e) *Reelfoot National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted on the Long Point Unit (north of Upper Blue Basin) from March 15 through October 15 and on the Grassy Island Unit (south of the Upper Blue Basin) from the day following the closing day of the winter waterfowl hunting season through the day preceding the opening day of the fall waterfowl hunting season.

(2) Fishing is permitted only during daylight hours.

(3) Only boats with motors of 10 horsepower or less are permitted.

§ 33.47 Refuge specific fishing regulations—Texas.

(a) *Anahuac National Wildlife Refuge.* Fishing and crabbing are permitted on designated areas of the refuge subject to the following conditions:

(1) Boats and other flotation devices are not permitted on inland waters. Boats may be launched from the refuge into East Bay.

(2) Fishing is permitted only with pole and line, rod and reel and hand-held line.

(3) The use of trotlines, setlines, bow and arrow, gigs or spear is not permitted in inland waters.

(b) *Aransas National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to following conditions:

(1) Fishing is permitted from April 15 through October 15 from sunrise to sunset.

(2) Boat launching from refuge land is not permitted.

(3) Access by foot to bays is permitted only at designated entry points.

(c) *Brazoria National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing in inland waters is permitted only in Nick's Lake, Salt Lake, and Lost Lake.

(d) *Hagerman National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing and frogging are permitted from April 1 through September 30.

(2) Frogs may be taken only by dip net, hands, jigs or hook and line.

(3) Trotlines must be attended daily and removed when fishing is completed.

(4) Fishing is not permittee from bridges and roadways.

(e) *Laguna Atascosa National Wildlife Refuge.* Fishing and crabbing are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is only permitted by pole and line, rod and reel or hand-held line. Bait may be taken with cast nets.

(2) Crabs may be taken only with dip net, setline, hand-held line, gig or crab trap.

(f) *McFaddin National Wildlife Refuge.* Fishing and crabbing are permitted on desingated areas of the refuge subject to the following conditions:

(1) Fishing in inland waters is permitted only with pole and line, rod and reel, and hand-held line.

(2) The use of trotlines, setlines, bow and arrows, gigs or spears is not permitted in inland waters.

(g) *San Bernard National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing in inland waters is permitted on the refuge portions of Cowtrap Lake and Cedar Lake only.

(h) *Texas Point National Wildlife Refuge.* Fishing and crabbing are permitted on designated areas of the refuge subject to the following condition: Fishing in inland waters is permited only with pole and line, rod and reel or hand-held line.

§ 33.48 Refuge Specific fishing regulations—Utah [Reserved]

§ 33.49 Refuge Specific fishing regulations—Vermont.

(a) *Missisquoi National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted only from refuge lands along Lake Champlain and the Missisquoi River.

§ 33.50 Refuge Specific fishing regulations—Virginia.

(a) *Back Bay National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing access from refuge headquarters is permitted only by foot, bicycle and hand-launched boat.

(2) Launching trailered boats in the refuge headquarters area is not permitted.

(b) *Chincoteague National Wildlife Refuge.* Fishing, crabbing and clamming are permitted on designated areas of the refuge subject to the following conditions:

(1) Sport fishing, crabbing and clamming are permitted in salt water areas and in that portion of Swan Cove adjacent to Beach Road. All other refuge ponds, impoundments and channels are closed to these activities.

(2) Traps and crab pots must be attended.

(3) A permit is required to remain on the refuge after normal closing hours.

(c) *Great Dismal Swamp National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Boat fishing is permitted in Lake Drummond and in the Feeder Ditch on the east side of the lake during daylight hours only.

(2) Bank fishing is not permitted.

(3) All fishing lines must be attended.

(4) A permit is required for vehicular access to the boat ramp on Interior Ditch Road on the west side of Lake Drummond from April 1 through June 15.

§ 33.51 Refuge Specific fishing regulations—Washington.

(a) *Columbia National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Only nonmotorized boats are permitted on the chain of lakes extending from Soda Lake through Upper Hampton and on Crab Creek and its impoundments.

(2) Motorized boats are permitted on all other refuge waters open to fishing.

(b) *McNary National Wildlife Refuge.* Fishing is permitted on designated areas of the McNary, Hanford Islands and Strawberry Island Divisions of the refuge subject to the following conditions:

(1) Fishing is permitted on the Hanford Islands and Strawberry Island Divisions from August 1 through September 30.

(2) Fishing is not permitted on the McNary Division during the migratory waterfowl hunting season.

(3) The use of boats and other flotation devices is not permitted on the McNary Division.

(c) *Ridgefield National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing and frogging are only permitted from March 1 through September 30.

(2) Fishing and frogging are only permitted during daylight hours.

(d) *Umatilla National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted on refuge impoundments and ponds from May 16 through September 30. Fishing is permitted on other refuge waters (Columbia River and its backwaters) in accordance with State regulations.

(2) Only nonmotorized boats and boats with electric motors are permitted on refuge impoundments and ponds.

§ 33.52 Refuge specific fishing regulations—West Virginia [Reserved]

§ 33.53 Refuge specific fishing regulations—Wisconsin.

(a) *Horicon National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from April 15 through September 15.

(2) Only bank fishing is permitted.

(b) *Necedah National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only in Sprague and Goose Pools including their outlets as far south as Sprague-Mather Road.

(2) Fishing is permitted from December 15 through March 15 and from June 1 through September 15.

(3) Non-motorized canoes and boats are permitted.

(c) *Upper Mississippi River Wild Life and Fish Refuge.* (Refer to regulations for Illinois, Upper Mississippi River Wild Life and Fish Refuge in § 33.17.)

§ 33.54 Refuge specific fishing regulations—Wyoming [Reserved]

§ 33.55 Approved information collection requirements.

The Service has received approval from the Office of Management and

Budget (OMB) for the information collection requirements of these regulations pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). These requirements are presently approved by OMB under the OMB approval numbers cited:

Type of information collection	OMB approval No.
Off-road vehicle permit applications	1018-0041
Special use permits	1018-0046

These regulations impose no new reporting or record keeping requirements that must be cleared by OMB. The information is being collected to assist the Service in administering these programs in accordance with statutory authorities that require recreational uses be compatible with the primary purposes for which the areas were established. The information is used to award benefits. A response is mandatory to obtain a benefit.

Dated: January 16, 1985.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-4003 Filed 2-19-85; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 50, No. 34
Wednesday, February 20, 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.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Food Stamp Program; Fiscal Year 1985 Research, Demonstration and Evaluation Project Agenda

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of Fiscal Year 1985 Food Stamp Program Research, Demonstration and Evaluation Project Agenda and Request for Public Comment.

SUMMARY: This Notice announces the Department's plan for Fiscal Year 1985 research, demonstration and evaluation projects for the Food Stamp Program. These projects will be conducted under the authority of section 17 of the Food Stamp Act of 1977, as amended. The Department encourages public comment on this plan and requests suggestions for other initiatives.

DATE: Please submit comments on this announcement no later than April 22, 1985.

ADDRESSES: Comments should be submitted to M. Patricia Warner, Chief; Legislative Policy Planning and Demonstration Branch; Program Planning, Development and Support Division; Family Nutrition Programs; Food and Nutrition Service; USDA; Alexandria, Virginia 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service (FNS) during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 3101 Park Center Drive; Alexandria, Virginia; Room 714.

FOR FURTHER INFORMATION CONTACT: If you have any questions, contact Ms. Warner at the above address or by telephone at (703) 756–3383.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under Executive Order No. 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major." This action will not result in an annual effect on the economy of $100 million or more or a major increase in costs or prices for consumers, individuals, Federal, State and local governments, or geographical regions. Additionally, this action will not have significant 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.

Purpose and Background

In accordance with 7 CFR 282.2, this Notice provides information on proposed food stamp research, demonstration, and evaluation activities. The purpose of this publication is to solicit both public comment on activities being considered for Fiscal Year 1985 and suggestions for other initiatives which might be undertaken. The Department encourages State and local agencies involved in administering the Food Stamp Program and other interested parties to read this Notice carefully and to submit comments both on its contents and on other priority areas suitable for research, demonstration and evaluation efforts. This is the second annual Notice to be published. The first was published on June 28, 1983 (48 FR 29719), and solicited public comment on and suggestions for Fiscal Years 1983/1984 efforts.

Section 17 of the Food Stamp Act of 1977, as amended, established the Department's authority to undertake research, demonstration, and evaluation projects. The legislation prescribes that such projects are to be designed to improve the efficiency and effectiveness of program administration and the delivery of benefits to eligible households.

The 1977 Act and later amendments directed the Secretary to undertake specific demonstration projects, e.g., Workfare, and gave the Secretary authority to undertake others, e.g., the SS/Elderly Cash-Out Project. Studies and evaluations of specific program features, such as the feasibility of recouping food stamp benefits, have also been mandated. In addition, based on policy concerns, the Department has initiated research, demonstration and evaluation efforts in a variety of areas. The chart below shows the proportion of total Section 17 funds which have been obligated to various program issues for the period Fiscal Year 1979 through Fiscal Year 1984. Examples of projects in each policy area are also provided. Comments from the public were solicited through notices, proposed regulations and Requests for Proposals (RFPs) announced in the *Commerce Business Daily*.

Issue and Project	Proportion of funds (percent)
Benefit Delivery	27.8
Alternative Issuance	
Review of Existing Issuance Systems	
SSI/Elderly Cash-Out	
Eligibility/Benefit Determination	30.1
Monthly Reporting/Retrospective Budgeting	
Simplified Application	
Workfare	
Work Registration/Job Search	
Administrative Practices	24.7
Error Reduction	
Error Prevention	
Telephonic Fair Hearings	
General Program Information	14.8
Food Consumption Survey	
Recoupment	
Omnibus Budget Reconciliation Act	

Current Projects

The Simplified Application Demonstration Project (see *Commerce Business Daily*, August 12, 1982) tests a streamlined method of determining food stamp eligibility and benefit levels. This project became operational on October 1, 1983, in Illinois, San Diego and Fresno Counties, California and the State of Oklahoma implemented the project in early 1984. The final report, which will evaluate the project's impact on administrative costs, errors, and participants, is scheduled to be available in late 1985.

The Study of the Effects of Food Stamp Program Legislation (see *Commerce Business Daily*, July 6, 1983) was mandated by the Food Stamp Act Amendments of 1982 (Pub. L. 97–253). This study will analyze the effects of benefit reductions resulting from the 1982 Amendments, the Omnibus Budget Reconciliation Act (OBRA) of 1981, the Food Stamp and Commodity Distribution Amendments of 1981, and other laws affecting the Program which were enacted by the Ninety-Seventh

Congress. The 1982 amendments specifically required that this study also include an analysis of the effects of retrospective accounting and periodic reporting. The final report is due March 1, 1985.

The Electronic Benefit Transfer Alternative Issuance Demonstration (see *Commerce Business Daily*, December 28, 1982) was implemented in Reading, Pennsylvania on October 1, 1984. The project uses an on-line computer system as an alternative method of delivering food stamp benefits. Under this on-line system, each food stamp household is provided with a plastic, magnetic-strip identification card bearing the participant's picture and account number. The household also gets a personal identification number (PIN) that must be used with the card at the grocery store. The identification card is inserted into a computer terminal and the recipient enters his or her PIN number into an accompanying keyboard to activate the card. The recipient's account is debited by the amount of the food purchase and the grocer's account at a designated bank is credited with the same amount. The demonstration is intended to reduce administrative costs, streamline operations, and improve accountability and security, while maintaining or improving service to recipients. Actual operations began in October of 1984 and the final report is due March 31, 1986.

On July 8, 1983, the Department announced in the Federal Register (48 FR 31424) the availability of Fiscal Year 1984 funds for the State Initiated Projects. This was the second cycle of solicitations intended to give State and local agencies the opportunity to initiate demonstration and evaluation projects leading to program improvement. The focus of these demonstration projects will be on: (1) State and/or local fraud prevention and detection strategies; and (2) improved management practices for reducing error and abuse in the certification process. Three State administered projects have been funded as a result of that announcement. The State of Maryland will undertake a multi-media project to educate food stamp applicants in their responsibility to provide accurate information. The State of North Carolina will develop a computer assisted food stamp eligibility interview. This project will assess the cost-effectiveness and efficiency of a computer-assisted "structured" interview in comparison to the traditional application process. The State of Vermont will develop, implement and test: (1) A fraud and error reduction training program; (2) a computer assisted supervisory review system in combination with performance objectives for district office food stamp program staff; and (3) Quality Circles, which are structured mechanisms for gaining line staff input into the development of administrative improvements.

Since July 1, 1982, the Commonwealth of Puerto Rico has been providing nutrition assistance benefits in the form of cash rather than food stamps. The Puerto Rico Nutrition Evaluation was mandated by Pub. L. 98-204. The evaluation will be performed in two parts: Data Collection (see *Commerce Business Daily*, March 19, 1984) and Data Analysis (see *Commerce Business Daily*, February 3, 1984). The primary objective of this evaluation is to assess the impact of Puerto Rico's cash food assistance program on households' food expenditures and the nutritional adequacy of participant households' diets. The project also has two secondary objectives: (1) To describe economic and population changes in Puerto Rico between 1977 and 1984 which are relevant for assessing changes in household food consumption; and (2) to describe the former Puerto Rico Food Stamp Program and the current Nutrition Assistance Program in terms of their effects on program participation, costs, and fraud and error. The final report is due on March 1, 1985.

Fiscal Year 1985 Agenda

The following part of this announcement provides information on projects planned for Fiscal Year 1985. As stated earlier, we are encouraging all interested parties to review these projects, provide comments on specific project ideas, and make suggestions for other project ideas which they feel would be worthwhile to pursue. The Department will analyze the comments and suggestions received and utilize the results in developing the final project plan. The number of projects which can be initiated will, of course, depend on the availability of funds. Research, demonstration and evaluation efforts identified through this activity which cannot be supported by Fiscal Year 1985 funds will be considered for subsequent years' activities.

Program Operations Studies

The Department has recurring needs for authoritative data on how the Food Stamp Program operates at the State and local levels. Much policy-relevant information is available only through specific surveys; it is not contained in management information reports. Rather than conduct separate surveys at substantial cost each time an information need arises, we propose a survey of program operations to keep overhead costs to a minimum. Associated analytic studies will be conducted as appropriate. Specific issues being considered for study in Fiscal Year 1985 are claims collection, monthly reporting/retrospective budgeting and the effects of waivers, work registration and job search, error reduction through computer matching, and application processing.

Policy Studies

Congressional and Administration interest in various policy and economic impact areas requires the Department to develop better information in order to prepare required forecasts, estimates, and comments on policy options. This project will combine and analyze several existing policy studies to meet current information needs.

Food Stamp Program Impacts on U.S. Agriculture

Section 17(c) of the Food Stamp Act requires the evaluation of the Food Stamp Program's impact on all sectors of the agricultural economy, including farmers, ranchers, and retail stores. Newly available data and analytic procedures enable an update and improvement to be made in these estimates. This project will determine the direct economic impacts of food stamp benefit transfers on U.S. agricultural sales and prices, in total and by major commodity groups.

Improved Store Investigation and Monitoring

The current Food Stamp Redemption Certificate Automation Program (RCAP) identifies stores with high food stamp redemption rates. Late, FNS field offices screen these stores to identify which stores will be investigated. The purpose of this project is to refine the computer screening process so that more staff time can be directed toward actual store reviews rather than the clerical screening process. While fewer stores will be identified for review, they will be ones with a higher probability for fraudulent operations.

(91 Stat. 958 (7 U.S.C. 2011-2029); and sec. 1330 of Pub. L. 97-98, 95 Stat. 1290 (7 U.S.C. 2026))

Dated: February 13, 1985.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 85-4087 Filed 2-19-85; 8:45 am]

BILLING CODE 3410-30-M

Forest Service

Boise National Forest Grazing Advisory Board; Meeting

The Boise National Forest Grazing Advisory Board will meet at 1 p.m., April 4, 1985, in conference room A, Boise National Forest, 1750 Front Street, Boise, Idaho 83702. The purpose of this meeting is to discuss range allotment management plans and use of range betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Boise National Forest, 1750 Front Street, Boise, Idaho 83702, phone 208–334–1232. Written statements may be filed with the committee before or after the meeting.

Dated: February 12, 1985.

W. Wayne Patton,

Acting Forest Supervisor.

[FR Doc. 85–4132 Filed 2–19–85; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Arkansas 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 Arkansas Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 4:00 p.m., on March 12, 1985, at the Riverfront Hilton Inn, 2 Riverfront Place, the Argenta East Room, North Little Rock, Arkansas. The purpose of the meeting is to discuss project plans for FY 1985.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson Marcia McIvor or J. Richard Avena of the Southwestern Regional Office (512) 229–5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 13, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–4154 Filed 2–19–85; 8:45 am]

BILLING CODE 6335–01–M

Illinois 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 Illinois Advisory Committee to the Commission will convene at 11:00 a.m. and will end at 2:00 p.m., on March 8, 1985, at the Midwestern Regional Office, 230 S. Dearborn Street, Room 3280, Chicago, Illinois. The purpose of the meeting is to provide an orientation for new members and engage in program planning.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson J. Thomas Pugh or Clark Roberts of the Midwestern Regional Office (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., February 13, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–4155 Filed 2–19–85; 8:45 am]

BILLING CODE 6335–01–M

Nevada 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 Nevada Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on March 1, 1985, at the Maxim Hotel, 160 East Flamingo Road, Las Vegas, Nevada. The purpose of the meeting is to discuss proposed project plans and program activities for the remainder of the fiscal year.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson Susan DeLuca or Philip Montez of the Western Regional Office (213) 688–1246.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 13, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–4156 Filed 2–19–85; 8:45 am]

BILLING CODE 6335–01–M

New Mexico 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 New Mexico Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 4:00 p.m., on March 13, 1985, at the Santa Fe Hilton Inn, 100 Sandoval Street, Santa Fe, New Mexico. The purpose of the meeting is to discuss project plans for FY 1985.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson Roberto Mondragon or J. Richard Avena of the Southwestern Regional Office (512) 229–5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 13, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–4157 Filed 2–19–85; 8:45 am]

BILLING CODE 6335–01–M

North Carolina Advisory Committee; Agenda and Notice of Public Meetings

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a briefing of the North Carolina Advisory Committee to the Commission will convene at 8:00 p.m. and will end at 9:00 p.m. on March 11, 1985, for SAC members in preparation for a community forum. The community forum will convene at 9:00 a.m. and will end at 6:00 p.m. on March 12, 1985. The briefing and forum will be held at the Raleigh Inn, 6339 Glenwood Avenue, Room A, Raleigh, North Carolina.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson Tommie Young or Bobby Doctor of the Southern Regional Office (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 13, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–4158 Filed 2–19–85; 8:45 am]

BILLING CODE 6335–01–M

North Dakota 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 North Dakota

Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 1:00 p.m., on March 8, 1985, at the Best Western—Doublewood, 3333 13th Avenue, South, Cedar Room, Fargo, North Dakota. The purpose of the meeting is to receive an update on Commission activities, discuss current civil rights issues, review Committee projects, and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson Robert Feder or William Muldrow of the Rocky Mountain Regional Office (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., February 13, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–4159 Filed 2–19–85; 8:45 am]

BILLING CODE 6335–01–M

Virginia 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 Virginia Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 6:00 p.m. on March 4, 1985, at the City Hall, 301 King Street, City Council Room, Alexandria, Virginia. The purpose of the meeting is to plan Committee activities related to housing discrimination complaints, compliance, and enforcement in the Commonwealth of Virginia.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson Curtis Harris or Edward Rutledge of the Mid-Atlantic Regional Office (202) 254–6717.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 13, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–4160 Filed 2–19–85; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

National Bureau of Standards

National Voluntary Laboratory Accreditation Program

AGENCY: National Bureau of Standards, Commerce.

ACTION: Request for comments on need for establishing a laboratory accreditation program.

SUMMARY: The National Bureau of Standards (NBS) has received a request to establish a laboratory accreditation program (LAP) under the newly revised procedures of the National Voluntary Laboratory Accreditation Program (NVLAP) (49 FR 44622–44628, dated November 8, 1984). In a letter dated August 24, 1984, the State of Indiana Environmental Management Board requested that NBS establish a LAP for hazardous waste analysis in accordance with U.S. Environmental Protection Agency (EPA) test methods. A copy of the request letter is set out as an appendix to this notice: Announcement of the Board's request and of the NBS request for comments with respect thereto is being made under § 7.11(d) of the referenced procedures.

FOR FURTHER INFORMATION CONTACT: Peter S. Unger, Associate Manager, Laboratory Accreditation, National Bureau of Standards, ADMIN A 531, Gaithersburg, MD 20899; phone (301) 921–3431.

ADDRESS: Persons desiring to comment on the need for such a LAP are invited to submit their comments in writing on or before April 22, 1985, to the Director, Office of Product Standards Policy, National Bureau of Standards, ADMIN A 603, Gaithersburg, MD 20899.

SUPPLEMENTARY INFORMATION:

Scope of LAP

There have been several suggestions indicating the desirability for a laboratory accreditation program (LAP) for the whole range of environmental measurements (i.e., air, water, and solid waste) as well as hazardous waste. Since the testing technology is related in these areas, NBS is asking for comments on expanding the scope of the proposed LAP to cover environmental measurements. EPA standards and test methods would be included in such a LAP. However, additional test methods may be included as a result of comments or further requests.

Procedure Following Receipt of Comments

After the 60 day comment period, NBS will thoroughly evaluate all comments pertaining to the proposed LAP. Upon completion of that evaluation, interested persons (those who submit comments or request to be placed on the NVLAP mailing list) will be notified of the decision by the Director of NBS whether NBS will proceed with the development of this LAP. NBS plans to coordinate this matter with EPA. Discussions between NBS and EPA staff are already underway.

Documents in Public Record

All comments in response to this notice will be made part of the public record and will be available for inspection and copying at the NBS Records Inspection Facility, Administration Building, Room E106, Gaithersburg, Maryland.

Dated: February 13, 1985.

Ernest Ambler,

Director, National Bureau of Standards.

Appendix

August 24, 1984.

Dr. Ernest Ambler, Director,
National Bureau of Standards, Laboratory Accreditation, Admin Building, Room A1134, Gaithersburg, MD 20899

Re: Request for a Laboratory Accreditation Program for Hazardous Waste Analysis Utilizing EPA Test Methods

Dear Doctor Ambler: The United States Environmental Protection Agency promulgated regulations for the handling of hazardous waste in May of 1980. Subsequently, any person generating a solid waste must determine if their waste is a hazardous waste by application of 40 CFR 262.11. The principal method of determination is found in 40 CFR 262.11(c)(1) "Testing the waste according to the methods set forth in Subpart C of 40 CFR 261 or according to an equivalent method approved by the Administrator under 40 CFR 260.21." Thus, commercial laboratories provide a valuable service by performing hazardous waste analyses.

The State of Indiana, and the other states as well, must have equivalent regulations and activities to achieve primacy for the hazardous waste program. The Indiana Environmental Management Board and the industries of Indiana have found the hazardous waste program to be a very important issue. The Indiana Environmental Management Board is hereby requesting the National Bureau of Standards to undertake a national voluntary laboratory accreditation program for the analysis of hazardous waste samples. There are currently no other existing laboratory accreditation programs for this service. Such a nationwide program would allow all states the ability to verify the consistency and equivalence of testing being performed throughout the country. The information presented in the following paragraphs should indicate the need for such a laboratory accreditation program.

The estimates of users of such a laboratory service nationwide would be quite large since

every industry may have one or more waste materials needing to be analyzed. Indiana has more than 2,000 hazardous waste notifiers that may require testing of their waste. One can assume an equal or greater number of industries have had testing performed to prove they do not generate a hazardous waste. It would be reasonable to estimate the number of affected users of such laboratory services to exceed 5,000 in Indiana. I would estimate the number of laboratories providing such services to total about 15 in Indiana alone. Several laboratories have indicated to my staff an interest in such an accreditation program.

One of the benefits to come about by such a program would be a reduction in variability between laboratories providing the same analyses. Indiana has discovered major variations exist in the way different laboratories interpret 40 CFR Part 261 test methods. One example would be in the type of equipment observed being utilized to prepare a sample Extraction Procedure extract. This procedure is intended to provide a vigorous, acidic, 24-hour extraction of the waste material. The various types of equipment found to be in use where rotary extractors (proper equipment), gang stirrers with different blade sizes, magnetic stirring bar mechanisms, shaker tables at various speeds of operation, and others. The difference in results obtained by use of these various types of equipment could be a thousand-fold or more. This variability allows a hazardous waste to be tested and appear to be non-hazardous. The resultant mishandling of such hazardous waste would greatly increase the liability for industry and have a negative impact upon the public health and the environment. Therefore, the environment, the public we serve, and industry nationwide would all benefit by a national voluntary program for consistent testing methodology.

There are standards in existence to judge whether a waste is to be considered hazardous. These standards are found in 40 CFR Part 261. These standards refer to the potential hazard to human health or the environment when a solid waste is improperly managed. Many of the standards come from the Safe Drinking Water Act of 1974 and are used to aid in identifying a potential to contaminate the groundwater. The United States Congress found this problem of so great an importance that the Resource Conservation and Recovery Act of 1976 was established and is the authority for the current hazardous waste regulations as enacted. These regulations seeks to verify that industry will have fair and equitable treatment by the regulatory agencies and the public health will be maintained.

Your preliminary assessment of need for a national voluntary laboratory accreditation program requires testing methodology be valid and available. There is in existence valid testing methodology. References to these test methods can be found in 40 CFR Part 261. All test methods can be found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," SW-846. These methods were incorporated by reference in 40 CFR 260.11. Since they were all prepared by the U.S. EPA, they are "EPA approved methods" or "prima facie." Several of the methods are adopted from ASTM standards. It is obvious that all of these methods would be fully acceptable to EPA and to the states implementing the federal program.

I do not believe a hazardous waste analysis laboratory program is any less feasible and practical than current assessement programs. It is my understanding that Australia has a similar program administered by Australia's National Association of Testing Authority. Since EPA and State personnel are already quite familiar with the hazardous waste program, they might be eligible to perform the assessments on a fee basis. I also suggest the use of "round robin" or inter-laboratory check samples for continuing verification in this type of laboratory accreditation program.

I beleive that once you consider the benefit to the public health and the need nationwide for this valuable laboratory service, you will concur with me that a national voluntary hazardous waste analysis laboratory accreditation program is warranted.

If additional information is required, please contact Mr. Peter J. Rasor, Chief, Chemical Evaluation Section, Division of Land Pollution Control, 1330 West Michigan Street, Indianapolis, Indiana 46206, AC 317/243-5079.

Very truly yours,

Ralph C. Pickard,

Technical Secretary.

[FR Doc. 85-4078 Filed 2-19-85; 8:45 am]

BILLING CODE 3510-13-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Wool and Man-Made Fiber Textile Products From the Polish People's Republic Under a New Bilateral Agreement

February 14, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on February 21, 1985. For further information contact Eve Anderson, International Trade Specialist (202) 377-4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 5 and 31, 1984 between the Governments of the United States and the Polish People's Republic establishes restraint levels for wool and man-made fiber textile products in Categories 433, 434, 443/643/644, 444 and 645/646, produced or manufactured in Poland and exported during the twelve-month period which began of January 1, 1985.

In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of wool and man-made fiber textile products in the foregoing categories in excess of the designated twelve-months restrain limits.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), and November 9, 1984 (49 FR 44782).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

February 14, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 5 and 31, 1984 between the Governments of the United States and the Polish People's Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 21, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in the following categories, produced or manufactured in Poland and exported in 1985, in excess of the indicated restraint limits:

Category	12-mo. limits [1]
433	7,445 doz.
434	3,704 doz.
443/643/644	15,455 doz. of which not more than 13,528 doz. shall be applied to all T.S.U.S.A. numbers in these categories except 379.8351, 379.8352, 379.8920, and 379.9560.
444	4,964 doz.
645/646	114,653 doz.

[1] The limits have not been adjusted to reflect any imports exported after December 31, 1984.

In carrying out this directive, entries of wool and man-made fiber textile products in the foregoing categories, except Categories 434 and 645/646, produced or manufactured in Poland, which have been exported to the United States during the period beginning on January 1, 1984 and extending through December 31, 1984, shall, to the extent of any unfilled balances, be charged against the restraint limits established for such goods during that twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Categories 645/646 which have been exported before January 1, 1985 shall not be subject to this directive.

With the exception of Category 434, the restraint limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of December 5 and 31, 1984, between the Governments of the United States and the Polish People's Republic, which provide, in part, that: (1) Within the aggregate and applicable group limits of the agreement, specific limits may be exceeded by designated percentages; (2) these same limits may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55790), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), and November 9, 1984 (49 FR 44792).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-4171 Filed 2-19-85; 8:45 am]

BILLING CODE 3510-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

Technical Advisory Panel on Allergic Sensitization; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting.

SUMMARY: The Technical Advisory Panel on Allergic Sensitization, an advisory committee of the Consumer Product Safety Commission, will meet on March 4 and 5, 1985, to discuss a draft supplemental definition of the term "strong sensitizer", and documents concerning allergic sensitivity to formaldehyde and colophony.

DATES: The meeting will begin at 9:00 a.m. on March 4, 1985, and will continue through March 5, 1985.

ADDRESS: The meeting will be in Room 456 of the Commission's offices at 5401 Westbard Avenue, Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Virginia White, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; telephone: (301) 492-6957.

SUPPLEMENTARY INFORMATION: Provisions of the Federal Hazardous Substances Act codified at 15 U.S.C. 1261(f)1(A) and (k) authorize the Consumer Product Safety Commission to regulate household substances which contain or consist of "strong sensitizers." The Commission has established the Technical Advisory Panel on Allergic Sensitization to provide advice and recommendations on refining terms and criteria for defining strong sensitizers for purposes of the Federal Hazardous Substances Act; ranking by magnitude of risk a list of sensitizers found in consumer products; and labeling sensitizers in consumer products.

On March 4 and 5, 1985, the Technical Advisory Panel on Allergic Sensitization will meet to discuss proposed changes to a draft of a supplemental definition of the term "strong sensitizer." The agenda for the meeting also includes discussion of documents prepared by the Commission staff concerning allergic sensitivity to formaldehyde and colophony. If time permits, the technical advisory panel will also discuss documents concerning allergic sensitivity to nickel and chromium compounds, and to dyes.

This meeting will be open to observation by members of the public. Participation will be limited to members of the technical advisory panel.

Dated: February 15, 1985.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 85-4222 Filed 2-19-85; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Scientific Advisory Committee; Closed Meeting

AGENCY: Defense Intelligence Agency Scientific Advisory Committee.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 94-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a panel of the DIA Scientific Advisory Committee has been scheduled as follows:.

DATE: March 28, 1985, 8:30 a.m. to 5:00 p.m.

ADDRESS: The DIAC, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Major Harold E. Linton, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, D.C. 20301 (202/373-4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552(c)(1), title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on Microelectronics and Computers.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

February 14, 1985.

[FR Doc. 85-4113 Filed 2-19-85; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Chemical Warfare and Biological Defense; Meeting Change

ACTION: Change in Advisory Committee Meeting.

SUMMARY: The meeting of the Defense Science Board Task Force on Chemical Warfare and Biological Defense scheduled for February 6, 1985 in the Pentagon, Arlington, Virginia as published in the **Federal Register** (Vol. 50, No. 25, Wednesday, February 6, 1985, FR Doc. 85-2990) has been changed to March 7, 1985. In all other respects the notice remain unchanged.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

February 14, 1985.

[FR Doc. 85-4112 Filed 2-19-85; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

February 11, 1985.

The USAF Scientific Advisory Board Ad Hoc Committee on Terminal Guidance Technology Options will meet at The Pentagon, Washington, DC, on March 12–14, 1985 (9:00 a.m.–5:00 p.m.) to review industry terminal guidance initiatives and meet in executive session. This meeting will involve classified defense matters listed in section 552(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contract the Scientific Advisory Board Secretariat at (202) 697–4648.

Norita C. Koritko,

Air Force Federal Register Liaison Officer.

[FR Doc. 85–4076 Filed 2–19–85; 8:45 am]

BILLING CODE 3910–01–M

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, February 27, 1985, beginning at 1:30 p.m. in the Pennsylvania West Room of the Philadelphia Centre Hotel, 1725 Kennedy Boulevard, Philadelphia, Pennsylvania. The hearing will be a part of the Commission's regular business meeting which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation at about 11:30 a.m. at the same location.

Current Expense and Capital Budgets

A proposed current expense budget for the fiscal year beginning July 1, 1985, in the aggregate amount of $2,112,000 and a capital budget for the same period in the amount of $27,000. Copies of the current expense and capital budget are available from the Commission on request.

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact

1. *Holdover Project—New Jersey Water Company-Haddon District D–81–11 CP.* An amended application for a ground water withdrawal project to supply the applicant's Camden distribution system. New Well Nos. 53, 54, and 55 replace Well Nos. 46 through 49 which are no longer in use. Each of the three new wells is expected to yield 1.5 million gallons per day (mgd). However, the total withdrawal from existing and new wells will not be increased above the existing New Jersey Department of Environmental Protection limit of 193.75 million gallons (mg)/30 days. The new wells are located along Cleveland Avenue, between Reeves and 34th Streets, in the City of Camden, Camden County, New Jersey. This hearing continues that of December 12, 1984.

2. *Holdover Project—Getty Refining and Marketing D–84–50.* A ground water withdrawal project to replace existing Well Nos. P–1, P–4 and P–10 which have supplied water since the mid-1950's to the applicant's oil refinery near Delaware City, New Castle County, Delaware. The applicant requests a combined withdrawal rate of 2.74 mgd from replacement Well Nos. P–1A, P–4A and P–10A. The applicant is not requesting an increase in their allocation of 180 mg/30 days from all wells. This hearing continues that of January 30, 1985

3. *Middletown Township, Water and Sewer Department D–79–54 CP RENEWAL.* Renewal of an approved ground water withdrawal from Well No. 15 which supplies water to the applicant's distribution system in Middletown Township, Bucks County, Pennsylvania. Commission approval was limited to five years and will expire unless renewed. The proposed 30-day withdrawal limit is reduced from 17.3 to 14.1 mg from Well No. 15 and 33.9 mg from Well Nos. 8, 9, 14, and 15. The project is located in the Southeastern Pennsylvania Ground Water Protected Area.

4. *Northampton, Bucks County, Municipal Authority D–79–81 CP RENEWAL.* Renewal of an approved ground water withdrawal from Well No. 8 which supplies water to the applicant's distribution system in Northampton Township, Bucks County, Pennsylvania. Commission approval was limited to five years and will expire unless renewed. No change has been requested in the existing 4.7 mg per 30 days withdrawal limit from Well No. 8. The project is located in the Southeastern Pennsylvania Ground Water Protected Area.

5. *American Can Company D–84–58.* A ground water withdrawal and discharge project at the applicant's manufacturing operation in Washington Township, Warren County, New Jersey. The applicant withdraws up to 14 mg/30 days from existing Well Nos. 1 and 4 for cooling, process and sanitary use. Approximately 75 percent of this water (uncontaminated cooling water) is returned to the ground via existing injection Well Nos. 2 and 3. The applicant is seeking approval for increased ground water withdrawal and discharge which resulted from plant expansion in 1967.

6. *Vacation Charters Ltd. D–84–62.* Expansion of a sewage treatment project serving Split Rock Lodge and the planned unit development "Westwood" in Kidder Township, Carbon County, Pennsylvania. Average flow through the treatment plant will be increased from 0.0318 to 0.06 mgd and BOD, and TSS removal efficiencies are expected to be 95 and 96 percent, respectively. Treated effluent will discharge to an unnamed tributary of Shingle Mill Run in the Tobyhanna Creek watershed.

7. *Borough of East Stroudsburg D–84–63 CP.* A ground water withdrawal project to augment water supplies for the applicant's distribution system in the Borough of East Stroudsburg, Monroe County, Pennsylvania. The applicant proposed to withdraw an average of 0.5 mgd from new Well No. PW–3 which is intended to meet increasing water demand and improve system reliability during drought periods. The Borough presently supplies approximately 2.0 mgd from East Stroudsburg Reservoir (1.7 mgd) and existing Well Nos. 1 and 2 (0.3 mgd). System demand is projected to increase to approximately 2.5 mgd within five years. Well No. 3 is located in Day Street Park near the confluence of Little Sambo Creek and Broadhead Creek.

8. *New Jersey Water Company—Washington District D–85–2 CP.* A ground water withdrawal project to supply the applicant's public distribution system in Washington Township and Washington Borough, Warren County, New Jersey. Well Nos. 4 and 5, located in Washington Township, will provide a replacement source of water supply for an unfiltered surface water diversion from Roaring Creek. Well No. 4 has not yet been placed into regular service due to TCE contamination and is used for emergency supply only. Well No. 5 will supply up to 25.9 mg/30 days and withdrawals from all wells will be limited to 51.8 mg/30 days.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact David B. Everett. Persons wishing to testify at this hearing are

requested to register with the Secretary prior to the hearing.

Susan M. Weisman,
Secretary.
February 12, 1985.

[FR Doc. 85-4070 Filed 2-15-85; 8:45 am]
BILLING CODE 6360-01-M

DEPARTMENT OF EDUCATION

National Board of the Fund for the Improvement of Postsecondary Education; Meeting

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463, Section 10 (a)(2).

DATE: March 10, 1985 at 5:30 p.m. through March 12, 1985 at 2:00 p.m.

ADDRESS: The Shoreham Hotel, 2500 Calvert Street, NW., Washington, D.C. 20008.

FOR FURTHER INFORMATION CONTACT: Sven Groennings, Director, Fund for the Improvement of Postsecondary Education, 7th & D Streets, SW., Washington, D.C. 20202 (202-245-8091).

SUPPLEMENTAL INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education is established under Section 1003 of the Higher Education Amendments of 1980, Title X (20 U.S.C. 1135a-1). The National Board of the Fund is established to "advise the Secretary and the Director of the Fund for the Improvement of Postsecondary Education . . . on the selection of projects under consideration for support by the Fund in its competitions."

The meeting of the National Board will be open to the public. The proposed agenda includes:

—A discussion on the portfolio of preliminary proposals received under the Comprehensive Program;

—Preparation for the final stage of the Comprehensive Program;

—A discussion on two smaller grant competitions: Mina Shaughnessy Scholars Program and Final Year Dissemination.

Records shall be kept of all Board proceedings, and shall be available for public inspection at the Fund for the Improvement of Postsecondary Education, 7th & D Streets, SW., Room 3100, Washington, D.C. 20202 from the hours of 8:00 a.m. to 4:30 p.m. weekdays, except Federal Holidays.

Dated: February 12, 1985.

Edward M. Elmendorf,
Assistant Secretary for Postsecondary Education.

[FR Doc. 85-4205 Filed 2-19-85; 8:45 am]
BILLING CODE 4000-01-M

Office of Postsecondary Education

Publication of Approved Systems of Need Analysis for the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs

AGENCY: Department of Education.

ACTION: Notice of approved systems of need analysis for academic year 1985-1986.

SUMMARY: The Secretary of Education announces approved need analysis systems that institutions of higher education must use in calculating a student's financial need during academic year 1985-1986 under the National Direct Student Loan (NDSL), College Work-Study (CWS), and Supplemental Educational Opportunity Grant (SEOG) Programs. These programs are known collectively as the campus-based programs.

FOR FURTHER INFORMATION CONTACT: Margaret O. Henry or Anna S. Borlaug, Division of Policy and Program Development, Office of Student Financial Assistance, Department of Education, 400 Maryland Avenue, SW., Room 4018, ROB-3, Washington, D.C. 20202, Telehpone (202) 245-9720.

SUPPLEMENTARY INFORMATION: The campus-based programs are "need based" student financial aid programs. Under each program, an institution must determine whether a student has financial need. It determines need by subtracting from the student's educational costs, his or her expected family contribution, i.e., the amount the student and his or her parents may reasonably be expected to contribute toward his or her educational costs. Institutions determine a student's expected family contribution by using a need analysis system.

The Education Amendments of 1980, Pub. L. 96-374, amended the Higher Education Act by requiring that the Secretary develop and publish a single schedule of expected family contributions for the Pell Grant and campus-based programs. However, the Third Continuing Resolution for Fiscal Year 1982, Pub. L. 97-92, directed that for the 1982-1983 academic year, there not be a single schedule of family contributions for the Pell Grant and campus-based programs. The law directed the Secretary to approve separate need analysis systems developed by private organizations and agencies to be used by institutions under the campus-based programs.

For the 1983-1984, 1984-84, and 1985-1986 academic years, the Congress, in the Student Loan Consolidation and Technical Amendments Act of 1983, Pub. L. 98-79, legislatively overrode the requirement in the Education Amendments of 1980 that the Secretary establish one schedule of expected family contributions for the Pell Grant and campus-based programs. Section 4 of that Act provides that Secretary "shall establish or approve separate systems of need analysis for the academic years 1984-1985 and 1985-1986 for the * * * [campus-based programs.]" Accordingly, the Secretary is approving separate systems of need analysis under the authority of Section 4 of the Student Loan Consolidation and Technical Amendments Act of 1983, and the following program regulations: 34 CFR 674.13, 675.13, and 676.13 for the NDSL, CES, and SEOG programs, respectively.

The systems listed below qualified as approved systems of need analysis under the above cited regulations for each program, or are approved under the following notices: the Notice of publication of sample cases and expected parental contributions for the approval of need analysis systems and notice of closing date for transmittal of information (Federal Register of July 5, 1984, 49 FR 27607-27608). To determine a student's expected family contribution under the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs for academic year 1985-86, an institution must use one of the following organizations' and agencies' systems of need analysis:

1. Academic Computing Systems, Inc., Dallas Texas.
2. Advanced Process Laboratories, Omaha, Nebraska.
3. The American College Testing Program, Iowa City, Iowa.
4. Calculator Systems Associates, Corona, California.
5. The College Board, The College Scholarship Service, New York, New York.
6. Compugrant, Inc., Hiram, Ohio.
7. Diversified Financial Aid Services, Inc., Albuquerque, New Mexico.
8. Financial Analysis Service, Hiram, Ohio.
9. G.E. White Needs Analysis System, Lake Forest, Illinois.

10. Graduate and Professioal Aid Council (For graduate and professional students only), Princeton, New Jersey.

11. Information & Communications, Inc., SAFE System, Burbank, California.

12. M-Data, Cedar Springs, Michigan.

13. National Education Corporation, Costa Mesa, California.

14. Pan American University, Edinburg, Texas.

15. Pennsylvania Higher Education Assistance Agency, Harrisburg, Pennsylvania.

16. Proprietary Sytems, Inc., Denver, Colorado.

17. Sigma Systems, Inc., Los Angeles, California.

18. TEK Computer Systems, Wurtsboro, New York.

19. The method of calculating student aid indices used in the Pell Grant Program (34 CFR 690), United States Department of Education.

20. The Income Tax System (dependent students only), United States Department of Education.

(Sec. 4 of Pub. L. 97-301)

(Catalog of Federal Domestic Assistance No. 84.038, National Direct Student Loan Program; 84.033, College Work-Study Program; and 84.007, Supplemental Educational Opportunity Grant Program)

Dated: February 14, 1985.

Edward M. Elmendorf,

Assistant Secretray for Postsecondary Education.

[FR Doc. 85-4183 Filed 2-19-85; 8:45 am]

BILLING CODE 4000-01-M

Office of Special Education and Rehabilitative Services

Rehabilitation Training Program; Discretionary Grant Programs; Notice Establishing Closing Dates for Transmittal of Fiscal Year 1985 Applications

AGENCY: Department of Education.

ACTION: Application notice establishing closing dates for transmittal of fiscal year 1985 noncompeting continuation applications.

SUMMARY: The purpose of this application notice is to inform potential applicants of fiscal and programmatic information and closing dates for transmittal of applications for noncompeting continuation grant awards under certain grant programs administered by the Department of Education under the Rehabilitation Act of 1973, as amended.

Organization of Notice

This notice contains two parts: Part I includes, in chronological order, the list of all closing dates covered by this notice. Part II consists of the individual application announcements for each program. These announcements are in the same order as the closing dates listed in Part I.

Instructions for Transmittal of Applications

Applicants should note specifically the following instructions for the transmittal of applications:

Transmittal of Applications: In order to be assured of consideration for funding, applications for *noncompeting continuation* projects should be mailed or hand delivered on or before the closing date given in the individual program announcements included in this document. If a noncompeting continuation application is late, the U.S. Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail: Except where specified otherwise immediately below and in the individual program announcements, applications for *noncompeting continuation* projects must be addressed to the Department of Education, Application Control Center, *Attention:* (Appropriate CFDA No.) Washington, D.C. 20202.

Note.—Applicants for projects under 84.129Y (Experimental and Innovative Training Program) are required to send applications to the Department of Education Application Control Center. Applicants for projects under 84.129 (Rehabilitation Long-Term Training Program) (except in the field of prosthetics-orthotics and projects of national scope), 84.129D (Rehabilitation Continuing Education Program), and 84.129Z (State Vocational Rehabilitation Unit In-Service Training Program) are required to send applications to the Regional Offices of the U.S. Department of Education. The individual program announcements for these programs specifically direct applicants to transmit applications to the appropriate Regional Office. In these cases applications must be mailed or hand delivered to the appropriate address below:

Region I

RSA Regional Commissioner, Department of Education, OSERS, John F. Kennedy Federal Building, Room E-400, Government Center, Boston, Massachusetts 02203

Region II

RSA Regional Commissioner, Department of Education, OSERS, 26 Federal Plaza, Room 4106, New York, New York 10278

Region III

RSA Regional Commissioner, Department of Education, OSERS, 3535 Market Street, Room 3550, Philadelphia, Pennsylvania 19101

Region IV

RSA Regional Commissioner, Department of Education, OSERS, 101 Marietta Street NW., Suite 821, Atlanta, Georgia 30323

Region V

RSA Regional Commissioner, Department of Education, OSERS, 300 South Wacker Drive, 15th Floor, Chicago, Illinois 60606

Region VI

RSA Regional Commissioner, Department of Education, OSERS, 1200 Main Tower Building, Room 1400, Dallas, Texas 75202

Region VII

RSA Regional Commissioner, Department of Education, OSERS, 324 E. 11th Street, 11 Oak Building, 10th Floor West, Kansas City, Missouri 64106

Region VIII

RSA Regional Commissioner, Department of Education, OSERS, Federal Office Building, Room 982, 1961 Stout Street, Denver, Colorado 80294

Region IX

RSA Regional Commissioner, Department of Education, OSERS, Federal Office Building, 50 United Nations Plaza, Room 480, San Francisco, California 94102

Region X

RSA Regional Commissioner, Department of Education, OSERS, 2901 Third Avenue, Room 120, Seattle, Washington 98121

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly

provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: Applications for *noncompeting continuation grants* must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C., or

To the ppropriate Regional Office at the address given above.

The Application Control Center will accept hand-delivered applications between 8:30 a.m. and 4:30 p.m. (local time) daily, except Saturdays, Sundays, and Federal holidays.

Available funds: In each program announcement, under the paragraph on availability of funds, these estimates of funding levels do not bind the Department to a specific number of grants or to the amount of any grant, unless that amount is otherwise specified by statute or regulations.

PART I—LIST OF PROGRAM APPLICATION ANNOUNCEMENTS PUBLISHED IN THIS NOTICE

CFDA number	Program	Closing date
84.129	Rehabilitation Long-Term Training Program.	Apr. 12, 1985.
84.129Y	Experimental and Innovative Training Program.	Do.
84.129D	Rehabilitation Continuing Education Program.	Do.
84.129Z	State Vocational Rehabilitation Unit In-Service Training Program.	Do.

84.129—Rehabilitation Long-Term Training Program

Closing date: April 12, 1985

Noncompeting Continuation Projects

Authority for this program is contained in section 304 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 774)

Awards are made under this program to State vocational rehabilitation agencies and other public or nonprofit agencies or organizations, including institutions of higher education.

The purpose of the Rehabilitation Long-Term Training Program is to support projects designed for training personnel available for employment in public and private agencies involved in the rehabilitation of physically and mentally disabled individuals, especially those who are the most severely disabled.

Available funds: It is estimated that $7,771,000 will be available under the Rehabilitation Long-Term Training Program for noncompeting continuation projects in Fiscal Year 1985.

Application forms: Application forms and program information packages will be mailed to grantees who are eligible to apply for noncompeting continuation grant support under this program.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 15 pages in length. The Secretary further urges that only the information required be submitted.

(Approved by the Office of Management and Budget under control number 1820-0018)

Applicants applying for assistance under the program must submit their applications to the appropriate Regional Office, except for projects in the field of prosthetics-orthotics and projects of national scope, which must be submitted to the Application Control Center.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Rehabilitation Long-Term Training Program (34 CFR Parts 385 and 386); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77 and 78).

Further information: Martin W. Spickler, Ph.D., Director, Division of Resource Development, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue SW. (Mary E. Switzer Building, Room 319-M/S 2312), Washington, D.C. 20202. Telephone: (202) 732-1352.

84.129Y—Experimental and Innovative Training Program

Closing date: April 12, 1985

Noncompeting Continuation Projects

Authority for this program is contained in section 304 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 774)

Awards are made under this program to State vocational rehabilitation agencies and other public or nonprofit agencies or organizations, including institutions of higher education.

The purpose of the Experimental and Innovative Training Program is to train new types of rehabilitation personnel and to demonstrate new and improved methods of training rehabilitation personnel.

Available funds: It is estimated that $464,000 will be available under the Experimental and Innovative Training Program for noncompeting continuation projects in Fiscal Year 1985.

Application forms: Application forms and program information packages for noncompeting continuation awards will be mailed to grantees who are eligible to apply for noncompeting continuation grant support under this program.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the applications for noncompeting continuation awards not exceed 15 pages in length. The Secretary further urges that applicants submit only the information that is requested.

(Approved by the Office of Management and Budget under control number 1820-0018)

Applicable regulations: Regulations applicable to this program include the following:

(a) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77 and 78); and

(b) Regulations governing the Experimental and Innovative Training Program (34 CFR Parts 385 and 387).

Further information: Martin W. Spickler, Ph.D., Director, Division of Resource Development, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue SW. (Mary E. Switzer Building, Room 3319-M/S 2312), Washington, D.C. 20202. Telephone: (202) 732-1352.

84.129D—Rehabilitation Continuing Education Program

Closing date: April 12, 1985

Noncompeting Continuation Projects (Region IV and Region V only)

Authority for this program is contained in Section 304 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 774)

Awards are made under this program to State vocational rehabilitation agencies and other public or nonprofit agencies and organizations, including institutions of higher education.

The purpose of this program is to support training centers that serve either a Federal region or another multi-State geographic area and provide for a broad integrated sequence of training activities that focus on meeting recurrent training needs of rehabilitation personnel employed in public and nonprofit programs providing rehabilitation services to severely physically and mentally disabled individuals.

Available funds: In Fiscal Year 1985, it is estimated that $552,094 will be available for Rehabilitation Continuing Education Program noncompeting continuation projects in Regions IV and V only. Noncompeting continuation funds will be distributed to Region IV and Region V only as follows:

Region IV	$305,093
Region V	$247,001

Application forms: Application forms and program information packages will be mailed to grantees who are eligible to apply for noncompeting continuation grant support under this program.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of applications not exceed 15 pages in length. The Secretary further urges that only the information required be submitted.

(Approved by the Office of Management and Budget under control number 1820-0018)

Applicants applying for assistance under this program must submit their applications to the appropriate Regional Office.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Rehabilitation Continuing Education Program (34 CFR Parts 385 and 389); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77 and 78).

Further information: Region IV—Dr. Stephen Cornett, RSA Regional Commissioner, Department of Education, OSERS, 101 Marietta Street NW., Suite 821, Atlanta, Georgia 30323, Telephone: (404) 221-2352; and Region V—Mr. Terry Conour, Acting RSA Regional Commissioner, Department of Education, OSERS, 300 South Wacker Drive, 15th Floor, Chicago, Illinois 60606, Telephone: (312) 353-5372.

84.129Z—State Vocational Rehabilitation Unit In-Service Training Program

Closing date: April 12, 1985

Noncompeting Continuation Projects (Region IV and Region V only)

Authority for this program is contained in section 304 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 774)

Awards are made under this program to State vocational rehabilitation agencies and other public or nonprofit agencies and organizations, including institutions of higher education.

The purpose of this program is to support special projects for training personnel employed by State vocational rehabilitation units in program areas essential to the effective management of the State unit program of vocational rehabilitation services or in skill areas which will enable State unit personnel to improve their ability to provide vocational rehabilitation services to severely disabled individuals.

Available funds: It is estimated that $701,758 will be available for State Vocational Rehabilitation Unit In-Service Training Program noncompeting continuation projects in Fiscal Year 1985. Noncompeting continuation funds will be distributed to Region IV and Region V only as follows:

Region IV	$558,653
Region V	143,105
	701,758

Application forms: Application forms and program information packages will be mailed to grantees who are eligible to apply for noncompeting continuation grant support under this program.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the applications not exceed 15 pages in length. The Secretary further urges that only the information required be submitted.

(Approved by the Office of Management and Budget under control number 1820-0018)

Applicants applying for assistance under this program must submit their applications to the appropriate Regional Office.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the State Vocational Rehabilitation Unit In-Service Training Program (34 CFR Parts 385 and 388); and

(b) Education Department General Administrative Regulations (EDGAR) 34 CFR Parts 74, 75, 77 and 78).

Further information: Region IV—Dr. Stephen Cornett, RSA Regional Commissioner, Department of Education, OSERS, 101 Marietta Street NW., Suite 821, Atlanta, Georgia 30323, Telephone: (404) 221-2352; and Region V—Mr. Terry Conour, Acting Regional Commissioner, Department of Education, OSERS, 300 South Wacker Drive, 15th Floor, Chicago, Illinois 60606, Telephone: (312) 353-5372.

(29 U.S.C. 774)

(Catalog of Federal Domestic Assistance No. 84.129 Rehabilitation Training)

Dated: February 15, 1985.

Madeleine Will,

Assistant Secretary, Special Education and Rehabilitation Services.

[FR Doc. 85-4162 Filed 2-19-85; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Notice of Decision of the Secretary of Energy—California-Oregon Transmission Project

AGENCY: Department of Energy.

ACTION: Announcement of a decision by the Secretary of Energy on the terms and conditions for development of a third 500-kV AC line to the Pacific Northwest-Southwest Intertie.

SUMMARY: The Department of Energy hereby announces a decision by the Secretary of Energy to approve, subject to certain modifications and conditions, a Memorandum of Understanding (MOU) for the financing, construction and operation of a new 500-kV alternating current transmission line from the Pacific Northwest to California.

known as the California-Oregon Transmission Project.

FOR FURTHER INFORMATION CONTACT: David G. Coleman, Area Manager, Sacramento Area Office, Western Area Power Administration, 1825 Bell Street, Sacramento, CA 95825, (916) 440–2077.

SUPPLEMENTARY INFORMATION: Title III of the Energy and Water Development Appropriation Act for Fiscal Year 1985 (P.L. 98–360) authorizes the Secretary of Energy to "construct or participate in the construction of such additional facilities as he deems necessary to allow mutually beneficial power sales between the Pacific Northwest and California, and to accept funds contributed by non-federal entities for that purpose."

The Department of Energy, through the Western Area Power Administration, published in the **Federal Register** on August 6, 1984 (49 FR 31335) a request for statements of interest in participating in the new transmission line. There was a substantial level of interest expressed by both utilities and non-utilities in California and in other states.

As directed by Congress, the Department of Energy participated in negotiations associated with the development of the Project.

A proposed implementation plan in the form of a Memorandum of Understanding (MOU) was developed by California investor and publicly-owned utilities and published in the **Federal Register** (50 FR 420) on January 3, 1985, including an annoucement of a public hearing. This public hearing on the proposed MOU was held on January 25, 1985 in Sacramento, California.

Based upon a full and complete review of the written comments and the transcript of the public hearing, the Secretary of Energy has determined that the MOU should be approved, subject to certain modifications and conditions. A copy of the Decision of the Secretary of Energy and accompanying Memorandum of Decision are published herewith.

Issued in Washington, DC., February 12, 1985.

Theodore J. Garrish,

General Counsel.

[FR Doc. 85–4096 Filed 2–19–85; 8:45 am]

BILLING CODE 6450–01–M

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)), the following meeting notice is provided.

A meeting of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on February 26 and 27, 1985, at the offices of Ente Nazionale Idrocarburi (ENI), 19th Floor, Piazzale Enrico Mattei, E.U.R., Rome, Italy, beginning at 9:30 a.m. on February 26. This meeting is being held in order to permit representatives of some of the members of Subcommittee A to participate in a meeting of a joint Government/Industry Technical Subgroup which has been established by the IEA for the preparation of the fifth IEA Allocation Systems Test (AST–5). The agenda for the meeting is under the control of the IEA Secretariat. It is expected that the following agenda will be followed:

1. AST–5 Test Guide.
2. Future meetings.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting is open only to representatives of members of Subcommittee A of the IAB, their counsel, representatives of members of the IEA's Standing Group on Emergency Questions (SEQ), employees of the Departments of Energy, Justice, State, the Federal Trade Commission, and the General Accounting Office, representatives of committees of Congress, employees of the IEA, representatives of the Commission of the European Communities, and invitees of the IAB, the SEQ, or the IEA.

Issued in Washington, D.C., February 15, 1985.

Theodore J. Garrish,

General Counsel.

[FR Doc. 85–4211 Filed 2–19–85; 8:45 am]

BILLING CODE 6450–01–M

Office of Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S–EU–832, to Gesellschaft Fur Schwerionenforschung mbH, Darmstadt, the Federal Republic of Germany, 600 milligrams of uranium-236, for use at the University of Mainz as chemical tracer material.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: February 13, 1985.

For the Department of Energy.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 85–4097 Filed 2–19–85; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the supply of the following material: Contract Number WC–CA–32, to Atomic Energy of Canada, Ltd., Chalk River, Canada, 88 grams of depleted uranium for use in a study to determine oxidation rates of fuel pellets.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: February 13, 1985.

For the Department of Energy.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 85–4098 Filed 2–19–85; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements"

under the Agreements for Cooperation Between the Government of the United States of America and the Governments of Canada and Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involves approval of the following sales: Contract Number S–CA–368, to McMaster University, Hamilton, Canada, one gram of depleted uranium and two grams of uranium enriched to 50.4% in U–235, for use as standard reference materials. Contract Number S–JA–353, to Japan Nuclear Fuel Co., Ltd., Kanagawa, Japan, five grams of depleted uranium, and 52 grams of uranium enriched to 9.95% in U–235, for use as standard reference materials.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: February 13, 1985.

For the Department of Energy.

George J. Bradley, Jr.

Deputy Assistant Secretary for International Affairs.

[FR Doc. 85–4099 Filed 2–19–85; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreements for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the supply of the following material: Contract Nunber WC–CA–31, to Atomic Energy of Canada, Ltd., Chalk River, Canada, 13 grams of thorium oxide for fabrication of ceramic insulators.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: February 13, 1985.

For the Department of Energy.

George J. Bradley, Jr.

Deputy Assistant Secretary for International Affairs.

[FR Doc. 85–4100 Filed 2–19–85; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Changes to DOE Energy Information Reporting and Recordkeeping Requirements

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of changes to the inventory of energy information reporting and recordkeeping requirements.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE) hereby gives notice to respondents and other interested parties of changes to the inventory of current information collections as defined in the Paperwork Reduction Act of 1980 (P.L. 96–511), for which EIA is responsible. DOE management and procurement assistance collections, which are the responsibility of the Office of Management and Administration, will no longer be included in these notices.

The listing that follows this notice indicates changes made during the quarter from October 2, 1984, through January 1, 1985, to the October 1, 1984, inventory of DOE information collections originally published in the **Federal Register**, 49 FR 48,792 (December 14, 1984).

The listing includes new information collections approved by the Office of Management and Budget (OMB), collections extended, reinstated, discontinued or allowed to expire, and changes to continuing information collections. For each new requirement, requirement extension, or requirement reinstatement, the current DOE control or form number, the title, the OMB control number, and the OMB approval expiration date are listed by DOE sponsoring office. For the list of discontiued requirements, the discontinued date is shown instead of the expiration date. If applicable, the appropriate Code of Federal Regulations citation is also listed. Information collections not utilizing structured forms are designed by an asterisk (*) placed to the right of the control or form number.

FOR FURTHER INFORMATION CONTACT: Jay Casselberry, EI–73, Energy Information Administration, Mail Stop 1H–023, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–2171.

Information on the availability of single, blank information copies of those collections utilizing structured forms may be obtained by contacting the National Energy Information Center, EI–22, Forrestal Building, U.S. Department of Energy, Washington, D.C. 20585, (202) 252–8800.

Issued in Washington, D.C. February 12, 1985.

Dr. H. A. Merklein,

Administrator, Energy Information Administration.

NEW DOD ENERGY INFORMATION COLLECTIONS APPROVED BY OMB

DOE No.	Title	OMB control No.	Expiration date	CFR citation
	Civilian Radioactive Waste Management			
RW–859	Nuclear Fuel Data	19010267	11–30–87	
	Energy Information Administration			
EIA–857	DOE Monthly Report of Natural Gas Purchases and Deliveries to Consumers	19050157	09–30–87	
EIA–858	Uranium Industry Survey	19050160	12–31–87	10 CFR 671.8.
EIA–860	Annual Electric Generator Report	19050158	12–31–87	
EIA–861	Annual Electric Utility Report	19050159	12–31–87	
	Federal Energy Regulatory Commission			
FERC–585 *	Final Procedures for Shortages of Electric Energy and Capacity under Section 206 of PURPA	19020138	09–30–87	18 CFR 294.

* Indicates that no structured form is used in this collection.

DOE ENERGY INFORMATION COLLECTIONS EXTENDED

DOE	Title	OMB control No.	Expiration date	CFR citation
	Economic Regulatory Administration			
ERA-166	Public Utility Regulatory Policies Act (PURPA) Annual Report on Electric and Gas Utilities	19030060	03-31-85	10 CFR 463.3.
ERA-330R	Electric Utility Conservation Plans	19030076	10-31-87	
	Energy Information Administration			
EIA-101	Monthly Residential, Commercial, and Industrial Electric Bill Data for the United States Bureau of Labor Statistics—Price Indexes.	19050129	09-30-87	
EIA-142	International Energy Agency Imports/Stocks-at-Sea Report	19050067	03-31-85	10 CFR 209.34.
EIA-739	Crude Watch Weekly Telephone Report	19050132	05-31-85	
	Federal Energy Regulatory Commission			
FERC-15	Interstate Pipeline Annual Report of Gas Supply	19020037	08-31-87	18 CFR 260.7.
FERC-42	Application For Annual Or Basic Valuation	19020003	07-31-87	18 CFR 346.1.
FERC-121	Application for Determination of Maximum Lawful Price under the Natural Gas Policy Act of 1978	19020038	11-30-87	18 CFR 274 Subpart B.
FERC-500 [1]	Major Hydroelectric License-Application	19020058	06-30-85	18 CFR 4.40-.41, 4.50, 4.200-.202.
FERC-530 [1]	Gas Producer Certificate: Abandonment/Termination	19020051	10-31-87	18 CFR 157.30, 250.7.
FERC-538 [1]	Gas Pipeline Certificate: Initial Service	19020061	11-30-87	18 CFR 156.3-.5.
FERC-571 [1]	Incremental Pricing Report	19020110	10-31-87	18 CFR 282.

[1] Indicates that no structured form is used in this collection.

REINSTATED DOE ENERGY INFORMATION COLLECTIONS

DOE No.	Title	OMB control No.	Expiration date	CFR citation
NONE				

DOE ENERGY INFORMATION COLLECTIONS DISCONTINUED OR ALLOWED TO EXPIRE

DOE No.	Title	OMB control No.	Discontinued date	CFR citation
	Energy Information Administration			
EIA-67	Foreign Crude Oil Cost Report	19050058	12-31-84	
EIA-119A	Annual Projection of System Changes	19050148	11-30-84	
EIA-174	Sales of Liquefied Petroleum Gases	19050016	10-31-84	
EIA-491A	Survey of United States Uranium Marketing Activity (January Collection)	19050142	12-31-84	
EIA-491B	Survey of United States Uranium Marketing Activity (July Collection)	19050142	12-31-84	
EIA-854	U.S. Uranium Industry Financial Survey	19050154	12-31-84	

CHANGES IN CONTINUING DOE ENERGY INFORMATION COLLECTIONS

DOE numbers as previously listed	Changes
EIA-1	Moved to standby status.
EIA-4	Moved to standby status.
EIA-20	Moved to standby status.
EIA-28	Minor accounting change.
EIA-141	Change in collection frequency.
EIA-429	Change in collection frequency.
EIA-766R [1]	Revision to rule.
FERC-516 [1]	Revision to rule.
FERC-531 [1]	Revision to rule.
FERC-537 [1]	Revision to rule.
FERC-542 [1]	Revision to rule.
FERC-547 [1]	Revision to rule.

[1] Indicates that no structured form is used in this collection.

[FR Doc. 85-4095 Filed 2-19-85; 8:45 am]

BILLING CODE 6450-01-M

Request for Comments on the Annual Report of Public Electric Utilities, Form EIA-412

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Department of Energy (DOE), through its Energy Information Administration (EIA), conducts a consultation program to provide the general public with an opportunity to comment on proposed and continuing reporting forms. This program helps to ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

At this time, EIA requests comments on the continuing use of the Annual Report of Public Electric Utilities form. The form is described in the Supplementary Information Section of this Notice. Interested persons are asked to review the form and its instructions and provide comments to the information contact described below.

EFFECTIVE DATE: Written comments must be submitted on or before March 22, 1985.

ADDRESS: Comments should be sent to Mr. Samuel E. Brown, Jr. at the address listed immediately below.

For further information or copies of the form or instructions contact: Mr. Samuel E. Brown, Jr. (EI-541), Energy Information Administration, Department of Energy, Mail Station: 2F-021, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-5847.

SUPPLEMENTARY INFORMATION:

I. Background

The EIA announces a proposed extension of the Form EIA-412, "Annual Report of Public Electric Utilities." This form superseded ERA-412 with the same title in January 1981, and continued the annual collection of public electric utilities data. This form may be required of all public electric utilities whose annual operating revenues exceed $250,000. The form provides EIA with the only readily available source of financial and operating data about publicly owned electric systems.

The form provides basic financial information such as balance sheets,

income statements, the amount of long term debt, electric sales data, utility plant, accumulated provision for depreciation of utility plant, operation and maintenance expenses, and the electric energy account. The data from Form EIA–412 serves as a basis to assess the performance of the public sector of the electric utility industry, to compare electric system performance, and to determine how well a particular public system is being operated. The EIA–412 data are published in the "Financial Statistics of Selected Electric Utilities in the United States." This publication has extensive circulation and is used by electric utilities, reliability councils, industry, the general public, DOE, and other Federal Government agencies.

II. Comment Procedures

The EIA invites prospective respondents and users of the data from this collection to comment within 30 days of the publication of this notice. The following general guidelines are provided to assist in the responses.

(As a potential data provider:)

A. Are the instructions and definitions clear and sufficient? If not, which instructions require clarification?

B. Can the data be submitted using the definitions included in the instructions?

C. Can the data be submitted in accordance with the response time specified in the instructions?

D. How many hours, including time for computation, preparation and administrative review, will it take your organization to complete and submit the form?

E. What is the estimated cost of completing the form, including direct and indirect costs associated with the data collection? Direct costs should include all one-time and recurring costs, such as development, assembly, equipment, ADP, and other administrative costs, directly attributable to providing this information?

F. Do you know of other Federal, State, or local agencies that collect similar data? (If yes, please identify.)

G. How can this form be improved?

(As a potential data user:)

A. Can your company analysts use data at the levels of detail indicated on the form?

B. For what purpose would you use these data? (Be specific)

C. How could the form be improved to better meet your specific data needs?

D. Are there alternative sources of data and do you now use them? What are their deficiencies?

EIA is also interested in receiving comments from persons as to their views on the need for the collection of this information. Comments or summaries of comments submitted in response to this notice will be included in the request for Office of Management and Budget approval of this data collection and will become a matter of public record.

Issued in Washington, D.C., February 14, 1985.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 85–4185 Filed 2–19–85; 8:45 am]

BILLING CODE 6450–01–M

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Public Law 95–621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, Section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective March 1, 1985. These prices are based on the prices of alternative fuels.

FOR FURTHER INFORMATION CONTACT: Leroy Brown, Jr., Energy Information Administration, 1000 Independence Avenue, S.W., Room BE–034, Washington, D.C. 20585, Telephone: (202) 252–6077.

Section I.

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79–21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the state or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceiling is described in Section III.

	$ per million BTU's
Alabama	4.20
Arizona	4.11
Arkansas	4.01
California	4.15
Colorado [2]	4.08
Connecticut [2]	4.47
Delaware [2]	4.49
Florida	4.19
Georgia [2]	4.36
Idaho [1]	4.08
Illinois [2]	4.14
Indiana [2]	4.14
Iowa [2]	3.75
Kansas [2]	3.75
Kentucky [2]	4.14
Louisiana [2]	4.01
Maine	4.44
Maryland [2]	4.49
Massachusetts	4.44
Michigan	3.96
Minnesota	3.68
Mississippi [2]	4.36
Missouri [2]	3.75
Montana [1]	4.08
Nebraska [2]	3.75
Nevada [2]	4.28
New Hampshire [2]	4.47
New Jersey [2]	4.49
New Mexico [2]	4.01
New York	4.45
North Carolina [2]	4.36
North Dakota [2]	3.75
Ohio	3.86
Oklahoma [2]	4.01
Oregon [2]	4.28
Pennsylvania [2]	4.49
Rhode Island [2]	4.47
South Carolina [2]	4.36
South Dakota [2]	3.75
Tennessee	4.09
Texas	3.80
Utah [1]	4.08
Vermont [2]	4.47
Virginia [2]	4.36
Washington [2]	4.28
West Virginia [2]	4.14
Wisconsin [2]	4.14
Wyoming [1]	4.08

[1] Region based price computed as the weighted average price of Regions E, F, G, and H.

[2] Region based price as required by FERC Interim Rule issued on March 2, 1981, in Docket No. RM–79–21.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during December 1984 was $31.64 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective March 1, 1985, is $7.09 per million BTU's.

Section III. Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81-27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81-28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of October 1984, November 1984, and December 1984.[1] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine Alternative Price Ceilings

(1) Calculation of Volume-Weighted Average Price

The prices which will become effective March 1, 1985 (shown in Section I), are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, October 1984, November 1984, and December 1984. Reported prices from sales in October 1984 were adjusted by the percent change in the nationwide volume-weighted average price for October 1984 to December 1984. Prices for November 1984 were similarly adjusted by the percent change in the nationwide volume-weighted average price from November 1984 to December 1984. The volume-weighted 3-month average of the adjusted October 1984 and November 1984, and the reported December 1984 prices were then computed for each State.

(2) Adjustment for Price Variation

States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) Calculation of Ceiling Price

The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.(4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were insufficient sales reported in Region G for the months of October 1984, November 1984, and December 1984. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume-weighted average price ceilings for Region E, Region F, Region G, and Region H.

(4) Lag Adjustment

The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 20 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending February 13, 1985, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of December 1984. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A
- Connecticut
- Maine
- Massachusetts
- New Hampshire
- Rhode Island
- Vermont

Region B
- Delaware
- Maryland
- New Jersey
- New York
- Pennsylvania

Region C
- Alabama
- Florida
- Georgia
- Mississippi
- North Carolina
- South Carolina
- Tennessee
- Virginia

Region D
- Illinois
- Indiana
- Kentucky
- Michigan
- Ohio
- West Virginia
- Wisconsin

Region E
- Iowa
- Kansas

[1] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local) and the military are excluded.

Missouri
Minnesota
Nebraska
North Dakota
South Dakota
Region F
Arkansas
Louisiana
New Mexico
Oklahoma
Texas
Region G
Colorado
Idaho
Montana
Utah
Wyoming
Region H
Arizona
California
Nevada
Oregon
Washington

Issued in Washington, D.C., February 15, 1985.

Albert H. Linden, Jr.,

Deputy Administrator, Energy Information Administration.

[FR Doc. 85-4262 Filed 2-19-85; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ID-2152-000]

Edward H. Malone; Application

February 12, 1985.

Take notice that on January 25, 1985, Edward H. Malone (application) filed an application pursuant to section 305(d) of the Federal Power Act to hold the following positions:

Director: Monongahela Power Company
Director: The Potomac Edison Company
Director: West Penn Power Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 28, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to invervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-4093 Filed 2-19-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-80-020]

ANR Pipeline Co.; Report

February 14, 1985.

Take notice that on January 31, 1985, ANR Pipeline Company (ANR) tendered for filing a report (Report) in accordance with Article X, Section D of the Stipulation and Agreement in the above-captioned proceeding which was approved by Commission letter order on January 19, 1984 (26 FERC ¶ 61,090 (1984)).

Article X, Section C of the Stipulation and Agreement established an "incentive mechanisn" relative to ANR's cost of gas purchased from its U.S. producer-suppliers for the period November 1, 1983 through October 31, 1984. If ANR's average cost of gas on a unit of purchase basis exceeded $2.69 per Mcf, ANR owed certain amounts of refunds to its customers. If the price fell below $2.69, ANR was entitled to increase its revenue. If ANR's sales exceeded 585 million dekatherms, ANR agreed to reduce the amount of increased revenues by $1.7 million for each additional 3 million dekatherms of gas.

Article X, Section D required refunds or revenues to be effected through Account No. 191 and directed ANR to file this Report on January 31, 1985.

ANR submitted two schedules with the Report which purport to show that, under the terms of the Stipulation and Agreement, ANR is entitled to increased revenues of $471,905. However, ANR states that in the interest of controlling gas costs to its customers, ANR will waive its right to such increased revenues. Accordingly, ANR proposes to terminate all activities, rights and responsibilities pursuant to Sections C and D of Article X of the subject Stipulation and Agreement by the filing of this Report, and will not make any entry in its Account 191 as a result of such sections and the computations thereunder. ANR believes that such disposition will be acceptable to the Commission, the Commission Staff and all interested persons.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rule of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before February 21, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-4147 Filed 2-19-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI85-222-000]

Cities Service Oil and Gas Corp.; Application for a Limited-Term Certificate of Public Convenience and Necessity

February 14, 1985.

Take notice that on February 4, 1985, Cities Service Oil and Gas Corporation (Applicant), of P.O. Box 300, Tulsa, Oklahoma 74102, filed an application for a limited-term certificate of public convenience and necessity pursuant to § 157.23(b), Subchapter E, Regulations under the Natural Gas Act.

Applicant entered into a contract with Bridgeline Gas Distribution Company dated September 17, 1984, covering the limited-term sale of natural gas from Applicant's interest in residue gas from the Maysville Plant, Garvin County, Oklahoma. The subject gas will be transported from the Maysville Plant by various pipelines (Northwest Central Pipeline Corporation, Northern Natural Gas Company, ANR Pipeline Company and Riverway Gas Pipeline Company) to Bridgeline's facilities in south Louisiana.

Pursuant to Applicant's gas purchase contract with Northwest Central Pipeline Corporation, on file as Cities Service Oil and Gas Corporation's Gas Rate Schedule No. 42, and a release agreement dated September 21, 1984, Northwest Central has agreed to release these excess volumes of residue gas from the Maysville Plant. To eliminate the operational problems Cities Service is experiencing with other joint Maysville Plant owners and their residue purchasers who are taking their share of the residue gas, Cities Service is requesting that this limited-term certificate be issued as soon as possible.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to

intervene. Therefore, any person desiring to be heard or to make protest with reference to said application should on or before February 28, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under this procedure herein provided for, unless Applicant is otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR DOC. 85-4148 Filed 2-19-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3451-003, et al.]

Hydroelectric Applications (Beaver Falls Municipal Authority, et al.); Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1. a. Type of Application: Amendment of License.

b. Project No: 3451-003.

c. Date Filed: December 20, 1984.

d. Applicant: Beaver Falls Municipal Authority.

e. Name of Project: Townsend Dam Project.

f. Location: On the Beaver River in Beaver County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Charles M. Andrews, Beaver Falls Municipal Authority, 1425 Eighth Avenue, P.O. Box 400, Beaver Falls, Pennsylvania 15010.

i. Comment Date: March 15, 1985.

j. Description of Project: The project as licensed consists of: (1) The Townsend Dam, approximately 450 feet long and 17.5 feet high, constructed of rock-filled timber cribs encased in concrete with a crest elevation 699.3 feet m.s.l.; (2) a reservoir having minimal pondage; (3) a short entrance channel to be excavated in rock near the left dam abutment; (4) an intake structure, with trashracks and fish deflector, integral with (5) a powerhouse containing two turbine-generator units rated at 1,600 kW and 1,650 kW for a total rated capacity of 3,250 kW, (6) a tailrace, to be excavated in rock, returning flow to the Beaver River approximately 180 feet downstream of the dam; and (7) appurtenant facilities. Project energy would be sold to the Duquesne Light Company.

The Applicant proposes to amend the license by increasing the total installed capacity from 3,250 kW to 5,000 kW by installing two larger units and the average annual generation from 14,300,000 kWh to 21,300,000 kWh.

k. This notice also consists of the following standard paragraphs, B, C and D1.

2. a. Type of Application: Preliminary Permit.

b. Project No: 8807-000.

c. Date Filed: December 19, 1984.

d. Applicant: Shupe Hydro Limited.

e. Name of Project: A.J. Wiley.

f. Location: On land administered by the Bureau of Land Management on the Snake River, near the town of Bliss in Gooding and Twin Falls Counties, Idaho.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Jim Lane, Shupe Hydro Limited, P.O. Box 1267, 10,000 Highway 55 West, Minneapolis, Minnesota 55440.

i. Comment Date: April 15, 1985.

j. Description of Project: The proposed project would consist of: (1) A 100-foot-high earth embankment dam creating a reservoir with a surface area of 625 acres and a capacity of 24,000 acre-feet at reservoir elevation 2,742 feet; (2) a powerhouse containing three generating units with a combined capacity of 75,000 kW and an average annual generation of 427,050,000 kWh; and (3) a transmission line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare a FERC license application at a cost of $500,000. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: Project power would be sold to a utility company.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.

3 a. Type of Application: Exemption (5MW or less).

b. Project No: 8704-000.

c. Date Filed: November 5, 1984.

d. Applicant: Gregory B. and Pernina P. Ryan.

e. Name of Project: Nichols Gap.

f. Location: At an existing dam, on a tributary to Nichols Branch near the town of Eagle Point, in Jackson County, Oregon.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: James C. Peterson, Ott Water Engineers, Inc., 2334 Washington Avenue, Redding, California 96001.

i. Comment Date: March 25, 1985.

j. Description of Project: The proposed project would be located at an existing dam and consist of: (1) An intake structure built onto the east end of the dam; (2) a 3,450-foot-long, 48-inch-diameter penstock; (3) a powerhouse containing a single generating unit with a capacity of 800 kW and an average annual generation of 2,660,000 kWh; and (4) a 700-foot-long transmission line.

k. Purpose of Project: The project power would be sold.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

4 a. Type of Application: Amendment of License.

b. Project No: 2426-013.

c. Date Filed: September 14, 1984.

d. Applicant: Department of Water Resources of State of California and City of Los Angeles Department of Water and Power.

e. Name of Project: California Aqueduct Project.

f. Location: On Piru Creek in Los Angeles County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Frank Hahn, Chief, Energy Division, Department of Water Resources, P.O. Box 388, Sacramento, California 95802.

i. Comment Date: March 25, 1985.

j. Description of Proposed Action: The license for California Aqueduct Project No. 2426 was amended on July 21, 1982, authorizing the Licensees to construct and operate the Pyramid Dam Outlet Powerplant with an installed capacity of 1,000 kW. Licensees filed on September 14, 1984, an application stating that construction and operation of the Pyramid Dam Outlet Powerplant is not economically feasible. The Licensees request that the Pyramid Dam Outlet Powerplant be eliminated from the license for the California Aqueduct Project No. 2426.

k. This notice also consists of the following standard paragraphs: B, C and D2.

5 a. Type of Application: Minor License.

b. Project No.: 5251–001.
c. Date Filed: November 30, 1983.
d. Applicant: City of Fort Smith, Arkansas.
e. Name of Project: Lee Creek.
f. Location: On Lee Creek, in Crawford County, Arkansas and Sequogah, Oklahoma.
g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).
h. Contact Person: William Faught, City Administrator, Fort Smith City Offices, P.O. Box 1908, Fort Smith, Arkansas 72902.
i. Comment Date: April 15, 1985.
j. Description of Project: The proposed project would consist of: (1) A new concrete dam approximately 1,000 feet long and having a maximum height of 40 feet; (2) a reservoir with a proposed water surface area of 634 acres and a net storage capacity of 7,118 acre-feet, and normal pool elevation of 420.0 m.s.l.; (3) a proposed concrete powerhouse integral with the dam, 23 feet wide by 68 feet long, housing one turbine-generator unit with an installed capacity of 1,500 kW; (4) a proposed water intake structure and pump station; (5) approximately 60 feet of new transmission line at 4,160 volts; (6) the relocation of approximately three miles of existing 161–kV transmission line to a route immediately north of the proposed reservoir; and (7) appurtenant facilities. Applicant estimates that the average annual energy generation would be 5,163,000 kWh. The applicant was permittee for P–5251.
k. Purpose of Project: Project energy will be used at the City's raw water pump station, water treatment plant and treated water pump stations, or sold to the Arkansas Valley Electric Cooperative.
l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.
6 a. Type of Application: Preliminary Permit.
b. Project No.: 8698–000.
c. Date Filed: November 1, 1984.
d. Applicant: St. Johnsville Associates.
e. Name of Project: Erie Canal Lock E–16.
f. Location: On the Mohawk Barge Canal in Herkimer and Montgomery Counties, New York.
g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).
h. Contact Person: Mr. Joel Kirk Rector, St. Johnsville Associates, 8 Peabody Terrace #32, Cambridge, Massachusetts 02138.
i. Comment Date: April 5, 1985.
j. Description of Project: The proposed project would consist of: (1) An existing 12-foot-high, 50-foot-long concrete and steel movable dam; (2) a reservoir with a surface area of 490 acres and a storage capacity of 2,500 acre-feet, and a normal water surface elevation of 323 feet m.s.l.; (3) a new intake structure; (4) two new 10-foot-diameter, 50-foot-long penstocks; (5) a new powerhouse containing one generating unit with a capacity of 2,920 kW; (6) a new 800-foot-long tailrace; (7) a new transmission line 2000 feet long; and (8) appurtenant facilities. The Applicant estimates the average annual generation would be 17,700,000 kWh. The existing dam is owned by the New York State Department of Transportation, Albany, New York.
k. Purpose of Project: Project power would be sold to Niagara Mohawk Power Corporation or to the municipalities of Little Falls, St. Johnsville, or Fort Plain, New York.
l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.
m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $125,000.
7 a. Type of Application: Exemption (5MW or less).
b. Project No.: 8042–000.
c. Date Filed: November 15, 1984.
d. Applicant: Rubi Hydro Partners.
e. Name of Project: Rubi Mine.
f. Location: On Shirttail Creek, near Foresthill, in Placer County, California.
g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 *as amended.*
h. Contact Person: Mr. David C. Auslam, Jr., Auslam & Associates, Inc., 3327 Longview Drive, Suite 250, North Highlands, California 95660 (916) 972–0507.
i. Comment Date: March 25, 1985.
j. Description of Project: The proposed run-of-river project would consist of: (1) An intake structure located on Shirttail Creek at elevation 1,300 feet msl; (2) a 6,300-foot-long pipeline/penstock ranging from 54 to 48 inches in diameter; (3) a powerhouse containing a single Pelton turbine-generator unit with a rated capacity of 2.4 MW and producing an estimated average annual generation of 7.5 GWh; (4) a tailrace discharging to Shorttail Creek near its confluence with the North Fork American River; and (5) a 1.5-mile-long transmission line to interconnect the project to an existing 60-kV Pacific Gas and Electric Company (PG&E) line. Project power would be sold to PG&E. Real property interest in private lands is evidenced by lease agreements. The project would be partly located on U.S. Bureau of Reclamation lands and may be affected by the Bureau's proposed Auburn Dam of the Auburn-Folsom South Unit of the Central Valley Project.
k. This notice also consists of the following standard paragraphs: A9, B, C and D3a.
l. Exemption for Small Hydroelectric Power Projects under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 60 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.
m. This application has been accepted for filing as of February 2, 1984, the submittal date of the Applicant's originally accepted exemption application pursuant to Eagle Power Company, *et al.*, 28 FERC ¶61,061, issued July 18, 1984.
8 a. Type of Application: Exemption (Less than 5MW).
b. Project No.: 8736–000.
c. Date Filed: November 23, 1984.
d. Applicant: Christopher M. Anthony.
e. Name of Project: Pioneer Dam.
f. Location: West Branch Sebasticook River in Somerset County, Maine.
g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705, and 2708 *as amended*).
h. Contact Person: Christopher M. Anthony, 46 Somerset Avenue, Pittsfield, Maine 04967.
i. Comment Date: March 25, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing 8-foot-high, 170-foot-long concrete gravity dam leased from the Town of Pittsfield, at a crest elevation of 204 feet M.S.L. with the proposed addition of 2-foot-high flashboards; (2) a 400-foot-long wingwall; (3) a 250-foot-long retaining wall; (4) a 30-acre reservoir at elevation 202 feet M.S.L. which would have a negligible increase in surface area due to the flashboards; (5) a proposed 25-foot by 35-foot concrete forebay; (6) modifications to the existing intake structure; (7) a proposed 26-foot by 26-foot powerhouse on an existing foundation, containing two turbine/generator units, each rated at 150 kW; (8) excavation of the existing tailrace; (9) a proposed 130-foot-long transmission line; and (10) appurtenant facilities. The project would operate as a cycling facility with approximately one foot of daily drawdown capacity. The estimated average annual energy is 1,100 MWh.

k. Purpose of Project: Project power would be sold to Central Maine Power Company.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

9 a. Type of Application: Preliminary Permit.

b. Project No.: 8595–000.

c. Date Filed: September 11, 1984.

d. Applicant: Energy Storage Corporation.

e. Name of Project: Mount Hope Pumped Storage

f. Location: at Mount Hope Lake in Morris County, New Jersey.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Albert E. Buyers, Jr., Energy Storage Corporation, 99 Getzville Road, Buffalo, New York 14226.

i. Comment Date: April 15, 1985.

j. Description of Project: The proposed pumped storage facility would consist of: (1) A proposed system of dams and dikes with a maximum height of 47 feet and a combined total crest length of 10,200 feet; (2) a proposed upper reservoir with a surface area of 280 acres, and a gross storage capacity of 4,800 acre-feet at elevation 825 feet msl; (3) a proposed series of interconnecting tunnels with a total length of 2,500 feet; (4) a proposed powerhouse constructed adjacent to the lower reservoir containing a generating unit with a rated capacity of 1,000 MW; (5) a proposed lower reservoir using an abandoned mining tunnel with a gross storage capacity of 4,900 acre-feet at elevation −1,567 feet Bsl; and (6) a proposed 20.6-mile-long transmission line tying into the existing Jefferson and Monteville substations. The Applicant estimates a 10,000 MWh average annual energy production.

k. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $700,000. The geotechnical data has already been provided, and additional geotechnical work is not proposed.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, D2.

10. a. Type of Application: Preliminary Permit.

b. Project No: 8234–001.

c. Date Filed: November 9, 1984.

d. Applicant: The DuPont Company, Inc.

e. Name of Project: Millers River Project.

f. Location: On the Millers River in Franklin County, Massachusetts.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Richard A. DuPont, President, The DuPont Company, Inc., 15 Ridgewood Road, Paxton Massachusetts 01612.

i. Comment Date: April 15, 1985.

j. Description of Project: The proposed project would consist of the following 5 developments.

A. Millers One Development consisting of: (1) A proposed 33-foot-high, 270-foot-long non-overflow gravity dam; (2) a reservoir having a surface area of 6 acres, a storage capacity of 150 acre-feet and a normal water surface elevation of 239 feet msl; (3) a proposed powerhouse containing one generating unit having an installed capacity of 1,090 kW; (4) a proposed 40-foot-wide, 150-foot-long tailrace; (5) a new 10,000-foot-long, 13.8-kV transmission line; and (6) appurtenant facilities. The Applicant estimates the average annual generation would be 5,310 MWh. The existing breached dam and project lands are owned by the Estate of Walter J. Zuk.

B. Millers Two Development consisting of: (1) A proposed 48-foot-high, 340-foot-long concrete dam; (2) a reservoir having a surface area of 30-acres, a storage capacity of 580 acre-feet and a normal water surface elevation of 285 feet msl; (3) a proposed powerhouse containing one generating unit with an installed capacity of 1,950kW; (4) a proposed 35-foot-wide, 100-foot-long tailrace; (5) a proposed 12,000-foot-long 13.8 kV transmission line; and (6) appurtenant facilities. The Applicant estimates an average annual generation of 9,320 MWh. The existing breached dam at the site and project lands are owned by Western Massachusetts Electric Company, Northeast Utilities, and Millers Falls Paper Company.

C. Millers Three Development consisting of: (1) A proposed 30-foot-high, 965-foot-long, non-overflow concrete gravity dam; (2) a reservoir having a surface area of 22 acres, a storage capacity of 290 acre-feet, and a normal water surface elevation of 401 feet msl; (3) a proposed powerhouse containing one generating unit with an installed capacity of 1,090 kW; (4) a proposed 40-foot-wide, 150-foot-long tailrace; (5) a proposed 5,280-foot-long 13.8 kV transmission line; and (6) appurtenant facilities. The Applicant estimates an average annual generation of 4,900 MWh. The existing breached dam and project lands are owned by Massachusetts Electric Company, Anthony and Nellie Stone, and Artel Bourbeau.

D. Millers Four Development consisting of: (a) A proposed 27-foot-high, 160-foot-long concrete dam; (2) a reservoir having a surface area of 38 acres, a storage capacity of 230 acre-feet, and normal water surface elevation of 472-feet msl; (3) a proposed powerhouse containing one generating unit with an installed capacity of 800 kW; (4) a proposed 20-foot-wide, 215-foot-long tailrace; (5) a proposed 4,300-foot-long 13.8 kV transmission line; and (6) appurtenant facilities. The Applicant estimates the average annual generation would be 3,960 MWh. The existing breached dam and project lands are owned by the Boston & Maine Railroad, and the Erving Paper Mills.

E. Millers Five Development consisting of: (1) A proposed 26-foot-high, 390-foot-long concrete gravity dam; (2) a reservoir having a surface area of 35 acres, a storage capacity of 230 acre-feet, and a normal water surface elevation of 488 feet msl; (3) a proposed powerhouse containing one generating unit with an installed capacity of 800

kW; (4) a proposed 20-foot-wide, 75-foot-long tailrace; (5) a proposed 2,500-foot-long 13.8 kV transmission line; and (6) appurtenant facilities. The Applicant estimates the average annual generation would be 3,250 MWh. The project lands at the site are owned by Charles and Claire Brassil.

The Millers River Project will have a combined installed capacity of 5,730-kW and the estimated average annual generation would be 26,740 MWh.

k. Purpose of Project: All project energy generated would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $100,000.

11 a. Type of Application: Amendment of License.

b. Project No.: 2100–027.

c. Date Filed: September 14, 1984.

d. Applicant: California Department of Water Resources.

e. Name of Project: Feather River Project.

f. Location: On Feather River in Butte County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Frank J. Hahn, Chief, Energy Division, Department of Water Resources, P.O. Box 388, Sacramento, California 95802.

i. Comment Date: March 15, 1985.

j. Description of Proposed Action: The license for Project No. 2100 was amended on September 30, 1980, authorizing the Licensee (DWR) to construct and operate the Thermalito Afterbay Powerplant with a rated capacity of 13,000 KW. DWR, in its filing of September 14, states that construction and operation of the powerplant is not economically feasible. DWR requests that Thermalito Afterbay Powerplant be eliminated from the license for Project No. 2100.

k. This notice also consists of the following standard paragraphs: B, C and D2.

12 a. Type of Application: Minor License.

b. Project No.: 8714–000.

c. Date Filed: November 9, 1984.

d. Applicant: Pennichuck Water Works, Inc.

e. Name of Project: Merrimack Village Project.

f. Location: On Souhegan River, in the Town of Merrimack, in Hillsborough County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Maurice L. Arel, President, Pennichuck Water Works, Inc., 11 High Street, Nashua, New Hampshire 03061.

i. Comment Date: April 15, 1985.

j. Competing Application: Project No. 7707–001, Dated Filed: December 15, 1983.

k. Description of Project: The proposed run-of-river project would consist of: (1) The existing 12.3-foot-high and 180-foot-long dam and proposed 2.5-foot-high flashboards; (2) a reservoir having a surface area of 11 acres, a storage capacity of 102 acre-feet, and normal water surface elevation of 125 feet USGS; an existing 146-foot-long, 20-foot-wide power canal; (4) a new 7-foot-diameter penstock 132 feet long; (5) one turbine-generating unit (located within the end of the penstock) with a total installed capacity of 900 kW; (6) a new tailrace 130 feet long and 25 feet wide; (7) a new 12.47-kV transmission line, 328 feet long; and (8) appurtenant facilities. The Applicant estimates the average annual generation would be 3,770,000 kWh. The existing dam and project facilities are owned by Pennichuck Water Works, Inc.

l. Purpose of Project: All project power would be sold to the Public Service Company of New Hampshire.

m. This notice also consists of the following standard paragraphs: A4, B, C, D1.

13 a. Type of Application: Transfer of License.

b. Project No.: 2816–004.

c. Date Filed: January 18, 1985.

d. Applicant: Vermont Electric Generation and Transmission Cooperative, Inc. (Licensee) and North Hartland Hydro Associates (Transferee).

e. Name of Project: North Hartland.

f. Location: Ottauquechee River in Windsor County, Vermont.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Persons: Mr. Emanuel L. Baum, Suite 1105, 1750 Pennsylvania Avenue, NW., Washington, D.C. 20006 and Mr. Lee Goodwin, Suite 700, 1819 L Street, NW., Washington, D.C. 20036.

i. Comment Date: March 1, 1985.

j. Description of Transfer: On January 18, 1985, Vermont Electric Generation and Transmission Cooperative, Inc. (Licensee), and North Hartland Hydro Associates (Transferee), filed a joint application for transfer of major license for the North Hartland Project No. 2816.

The purpose of the proposed transfer of the license is to facilitate the financing of the project and to provide lower rates to the Licensee's ratepayers.

The Transferee is a limited partnership whose general partner is North Hartland Hydro Associates. Prior to the closing of the financing for the project, an additional limited partnership interest will be acquired by a corporate investor in exchange for a substantial equity investment in the project. The limited partnership will be able to take advantage of the first-year tax benefits for the project which include the investment tax credit, the energy tax credit and an allocable portion of first-year depreciation.

The transfer would enable the Transferee, which is a limited partnership, to claim these credits while selling the power generated to the Vermont Electric Generation and Transmission Cooperative, Inc.

The Licensee states that a power contract would exist between the Licensee and the Transferee which would provide lower costs to the Licensee's ratepayers than if the Licensee sold power directly to the ratepayers because of the tax credits allowed to the Transferee. The Licensee states that the proposed transfer would be in the public interest.

Construction is near completion and the project is expected to be generating power this Spring. All engineering, design and feasibility studies performed would be transferred to the Transferee.

The Transferee states that it and the prospective limited partner would comply with all the terms and the conditions of the license.

k. This notice also consists of the following standard paragraphs: B and C.

14 a. Type of Application: Major License.

b. Project No: 3779–001.

c. Date Filed: March 29, 1984

d. Applicant: Great Northern Nekoosa Corporation

e. Name of Project: Big "A"

f. Location: West Branch of the Penobscot River in Piscataquis County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Joseph F. O'Handley, Esq., Great Northern Nekoosa Corporation, 75 Prospect Street, Stamford, Connecticut 06901.

i. Comment Date: April 12, 1985.

j. Description of Project: The proposed project would be located entirely on lands owned by the Applicant and

would consist of: (1) A proposed 148-foot-high, 2,300-foot-long, rock fill and reinforced concrete dam containing a 120-foot-wide concrete spillway. The centerline of the dam would be located approximately 1,000 feet downstream of the base of the Big Ambejackmockamus Falls; (2) a 2-foot-high, 2,300-foot-long parapet wall built to an elevation of 772 feet M.S.L. on the top of the dam; (3) a 20-foot-wide maintenance road spanning the dam containing a 120-foot-long spillway bridge; (4) a proposed 3.5-mile-long reservoir at a normal water surface elevation of 760 feet M.S.L., having a normal maximum surface area of 857 acres and a gross storage capacity of 45,540 acre-feet; (5) a proposed 65-foot-long, 40-foot-high, and 61-foot-wide concrete intake structure with trashracks; (6) a proposed 20-foot-diameter, 1,425-foot-long steel penstock consisting of both above and below-grade segments; (7) a proposed 136-foot by 60-foot reinforced concrete and masonry powerhouse, with an installed capacity of 42.7 MW, located approximatley 1,400 feet downstream of the proposed dam and approximately 400 feet inland from the existing north riverbank and containing: (8) two turbine/generator units rated at 10.8 MW each and one turbine/generator unit rated at 20.3 MW, all operating under a 148-foot hydraulic head; (9) proposed 1,350-foot-long excavated tailrace channel ranging from 135 to 240 feet wide; (10) a proposed 65-foot by 100-foot electrical substation containing two 6.9 kV/115 kV transformers; (11) a proposed 25-mile-long, 115-kV transmission line from the project site to the Applicant's mill in the Town of Millinocket; (12) a proposed 2,800-foot-long gravel road for dam access; (13) a proposed 2,700-foot-long gravel road for powerhouse access; (14) a proposed 350-foot-long bypass stream bridge located 1,200 feet downstream of the proposed dam; (15) a proposed 160-foot-long spillway channel bridge located 1,600 feet downstream of the proposed spillway; (16) two boat launching facilities with parking, picnic areas, and trails; (17) a proposed canoe portage trail; (18) a proposed angler access trail; (19) a proposed 5,743-acre wildlife mitigation area located approximately 9 miles downstream of the project dam; and (20) appurtenant facilities.

k. Purpose of Project: Project power would: (1) In the short term replace power now supplied by the Applicant's steam generating plants and purchased from Bangor Hydro-Electric Company; and (2) in the long term, help meet the Applicant's large, future electrical demand due to the proposed use of a new pulping process. A reduced supply of softwoods in the future will require that the new pulping process be instituted in order for the Applicant to utilize hardwoods.

The estimated average annual generation is 226,300 MWh.

l. This notice also consists of the following standard paragraphs: A3, A9, B and C.

15a. Type of Application: Exemption (5MW or Less).

b. Project No: 8610–000

c. Date Filed: September 20, 1984.

d. Applicant: Niagara Mohawk Power Corporation.

e. Name of Project: Middle Falls.

f. Location: Battenkill Creek in Washington County, New York.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Mr. John H. Terry, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202.

i. Comment Date: March 22, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing 12-foot-high, 110-foot-long concrete gravity dam; (2) a reservoir with a surface area of 120 acres, a net storage capacity of 240 acre-feet, and a normal water surface elevation of 295.8 feet m.s.l.; (3) an existing intake structure; (4) an existing canal 150 feet long; (5) an existing steel penstock with a diameter of 7.5 feet and a length of 102 feet; (6) an existing powerhouse containing one existing generating unit with a capacity of 350 kW, one existing generating unit with a capacity of 360 kW, and a new generating unit with a capacity of 1040 kW for a total installed capacity of 1750 kW; (7) an existing transmission line 300 feet long; and (8) appurtenant facilities. The Applicant estimates the average annual generation would be 9,948,000 kWh. The existing dam is owned by the Niagara Mohawk Power Corporation.

k. Purpose of Project: Project power would be sold to the customers of Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

m. Purpose of exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

16 a. Type of Application: Preliminary Permit.

b. Project No: 8458–000.

c. Date Filed: July 20, 1984.

d. Applicant: The Montana Power Company.

e. Name of Project: Mesa Falls.

f. Location: Henry's Fork, Fremont County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. R. J. Labrie, Senior Vice President, The Montana Power Company, 40 East Broadway Street, Butte, Montana 59701.

i. Comment Date: March 25, 1985.

j. Competing Application: Project No. 8044–000 Date Filed: February 2, 1984.

k. Description of Project: The proposed project would consist of: (1) A concrete gravity diversion dam about 360-feet-long and 18-feet-high at elevation 5690 feet; (2) a 13-foot-diameter, 680-foot-long penstock bifurcating into two 7-foot-diameter, 50-foot-long sections; (3) a reinforced concrete powerhouse containing two generating units with a total installed capacity of 11.5 MW; (4) a short tailrace section; and (5) a 5¾-mile-long 69-KV transmission line. The estimated average annual generation is 65,000 MWh.

l. Purpose of Project: The power generated at the project would be used in the applicant's own power distribution system.

m. This notice also consist of the following standard paragraphs: A8, A9, B, C and D2.

n. Proposed Scope and Cost of Studies under Permit: A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform surveys and geologic investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, evaluate the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of the work under the permit would be $100,000.

17 a. Type of Application: Preliminary Permit.

b. Project No: 8853–000.

c. Date Filed: December 31, 1984

d. Applicant: No Name Power Company.

e. Name of Project: Canyon Tanks.

f. Location: Near, Glenwood Springs, in Garfield County, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Eric Reus Jacobson, No Name Power Company, Box 2162, Grand Junction, Colorado 81502.

i. Comment Date: April 12, 1985.

j. Description of Project: The proposed Canyon Tanks Hydro Power Project would reutilize the water supply portions of the formerly developed works of the Glenwood Springs Municipal Hydroelectric Plant. The proposed project would consist of: (1) An existing diversion structure conveying flows into; (2) two tunnels flowing 2 feet deep extending a total of 5,400 feet to; (3) two existing tanks each with a storage capacity of 4,400 gallons connected to; (4) an existing penstock 1,600 feet long varying in diameter from 12 to 10 inches; (5) a proposed powerhouse 15 feet wide and 20 feet long containing a proposed high head francis turbo alternator with a rated capacity of 267 kW discharging into the Colorado River; and (6) a new three phase, 13.2–kV transmission line 500 feet long. The estimated average annual energy produced by the project would be 2,338,920 kWh operating under a hydraulic head of 450 feet. Project power would be sold to the Public Service Company.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $250,000.

18 a. Type of Application: Preliminary Permit.

b. Project No: 8737–000.

c. Date Filed: November 23, 1984.

d. Applicant: Clearwater Hydro Company.

e. Name of Project: Panhandle.

f. Location: In Kaniksu National Forest, on Trout Creek, in Boundary County, Idaho.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Charles Gresham, Clearwater Hydro Company, Route 1, Box 555, Hiawatha Rd., Morristown, Tennessee 37814.

i. Comment Date: April 12, 1985.

j. Description of Project: The proposed project would consist of: (1) A 7-foot-high diversion dam at elevation 3,400 feet; (2) a 13,000-foot-long, 24-inch-diameter penstock; (3) a powerhouse containing a single generating unit with a capacity of 2,000 kW and an average annual generation of 10,500,000 kWh; and (4) a 3,000-foot-long transmission line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare and FERC license application at a cost of $16,000. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: Project power would be sold to Washington Water Power.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

19 a. Type of Application: Minor License.

b. Project No.: 8789–000.

c. Date Filed: December 10, 1984.

d. Applicant: Sandell Development Corporation.

e. Name of Project: Cummings Dam.

f. Location: On the Mascoma River in Grafton County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Max Wasserman, Sandell Development Corporation, 324 Rindge Avenue, Cambridge, Massachusetts 02140.

i. Comment Date: April 12, 1985.

j. Description of Project: The proposed project would be run-of-river and would consist of: (1) A new reconstructed 10-foot-high and 103-foot-long reinforced concrete dam with a crest elevation of 567.0 feet m.s.l.; (2) new 3-foot-high flashboards; (3) a reservoir with a surface area of 12 acres and a gross storage capacity of 80.0 acre-feet; (4) a new intake structure; (5) a new 6-foot-diameter, 300-foot-long steel penstock; (6) a new powerhouse containing one generating unit with a capacity of 365 kW; and (7) appurtenant facilities. The Applicant estimates the average annual generation would be 1,700,000 kWh. The dam site is owned by Sandell Development Corporation, Cambridge, Massachusetts.

k. Purpose of Project: Project power would be sold to the Granite State Electric Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

20 a. Type of Application: Exemption (5 MW or less).

b. Project No.: 8788–000.

c. Date Filed: December 10, 1984.

d. Applicant: Lawrence E. Smith and Veronica P. Smith.

e. Name of Project: Ledgemere Dam.

f. Location: On the Little Ossipee River in York County, Maine.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Mr. Lawrence E. Smith and Veronica P. Smith, P.O. Box 340, N. Windham, Maine 04062.

i. Comment Date: March 22, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing dam consisting of three sections, (a) a 25-foot-high, 218-foot-long earth dam with concrete core, (b) a 56-foot-long non-overflow concrete structure, and (c) a 180-foot-long rock-filled log crib dam with concrete cap with a crest elevation of 303.0 feet m.s.l.; (2) existing 4-foot-high flashboards; (3) a 1,100-acre reservoir which impounds 6,300 acre-feet of gross storage at top of flashboards; (4) an existing intake structure; (5) an existing powerhouse, 14 feet downstream of dam, which contains an existing 250-kW unit, and would contain a proposed 200-kW unit for a total installed capacity of 450-kW; and (6) appurtenant facilities.

The dam and the appurtenant facilities are owned by Lawrence E. Smith and Veronica P. Smith, N. Windham, Maine. The Applicant estimates the average annual energy production to be 2,190,000 kWh.

k. Purpose of Project: The Applicant intends to sell the total output generated to Central Maine Power Company.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority, of control, development, and operation of the project under the terms of exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

21 a. Type of Application: Preliminary Permit.

b. Project No: 6334–001.

c. Date Filed: September 14, 1984.

d. Applicant: Iroquois Manufacturing Company, Inc.

e. Name of Project: Iroquois.

f. Location: Patrick Brook in Chittenden County, Vermont.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Dale Dawson, President, Iroquois Manufacturing Company, Inc., Richmond Road, Hinesburg, Vermont 05461.

i. Comment Date: April 12, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing 85-foot-long, 11-foot-high, earthfill and concrete dam owned by the Applicant; (2) an existing 0.1 acre reservoir at an elevation of 653 feet NGVD; (3) proposed headworks; (4) a proposed 600-foot-long, 18-inch-diameter penstock; (5) a proposed powerhouse containing one turbine/generator unit with a rated capacity of 60 kW; (6) a proposed 10-foot-long tailrace; (7) a proposed 370-foot-long transmission line; and (8) appurtenant facilities. The estimated average annual energy is 180,000 kWh.

k. Purpose of Project: Project energy would be used in Applicant's manufacturing plant with excess sold to Green Mountain Power Corp.

l. This notice also consists of the following standard paragraphs: A5,A7,A9, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $10,750.

22 a. Type of Application: Conduit Exemption.

b. Project No: 8428–000.

c. Date Filed: July 12, 1984.

d. Applicant: Town of Montague.

e. Name of Project: Montague Wastewater Treatment Facility.

f. Location: Montague Wastewater Treatment Facility in Franklin County, Massachusetts.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Francis R. Pleasant, Chairman, Board of Selectmen, Town of Montague, P.O. Turner's Falls, Massachusetts 01376.

i. Comment Date: March 25, 1985.

j. Description of Project: The proposed project would utilize the existing Town of Montague's wasterwater treatment conduit and consist of a generating unit being placed in a 6-foot-diameter manhole with a rated capacity of 4 kW. All energy produced would be used by the wastewater treatment facility. The average annual energy generation is estimated to be 29,446 kWh.

k. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

l.This notice also consists of the following standard paragraphs: A3, A9, B, C and D3b.

23 a. Type of Application: Preliminary Permit.

b. Project No. 8883–000.

c. Date Filed: January 18, 1985.

d. Applicant: Cooleemee Hydro Associates.

e. Name of Project: Cooleemee Hydropower.

f. Location: In Davie County, North Carolina on the South Yadkin River.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Casey A. Cummings, Synergics, Inc., 410 Severn Avenue, Suite 409, Annapolis, Maryland 21402.

i. Comment Date: April 15, 1985.

J. Description of Project: The proposed project would consist of: (1) A 10-foot-high and 575-foot-long existing dam including spillway at elevation 650 feet m.s.l. to be refurbished; (2) an existing reservoir with a surface area of 14 acres and a storage capacity of approximately 100 acre-feet at a surface elevation of 842 feet m.s.l.; (3) an existing power canal approximately 2,400 feet long, 40 feet wide and 10 feet deep; (4) an existing penstock 6 feet in diameter and approximately 40 feet long; (5) an existing reinforced concrete powerhouse to be refurbished, 100 feet wide and 180 feet long containing 2 proposed turbine/generators with a rated capacity of 1,500 kW; (6) an existing tailrace 40 feet wide and 150 feet long; (7) a new 12.5-kV transmission line 100 feet long; and (8) appurtenant facilities. The estimated average annual energy produced by the project would be 4.75 Gwh operator under a net hydraulic head of 25 feet. Project power would be sold to the Duke Power Company. The dam is owned by Davie County.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, D2.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 18 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $30,000.

24 a. Type of Application: License (Under 5 MW).

b. Project No: 7660–000.

c. Date Filed: September 27, 1983, and amended on December 10, 1984.

d. Applicant: Borough of Point Marion, Pennsylvania.

e. Name of Project: Point Marion Lock and Dam.

f. Location: On the Monongahela River of Fayette County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r). This notice supersedes the notice for Project No. 7660–000 issued on April 19, 1984.

h. Contact Person: Chairman, Hydroelectric Project Committee, Point Marion Borough Building, Point Marion, Pennsyvlania 15474.

i. Comment Date: April 15, 1985.

j. Description fo Project: The proposed project will utilize the existing U.S. Army Corps of Engineers' Point Marions Lock and Dam and consist of: (1) A proposed powerhouse to contain an installed generating capacity of 5 MW; (2) a proposed one-mile-long, 25–kV transmission line to be overbuilt onto existing West Penn Power Company Poles; and (3) appurtenant facilities. The Applicant estimates that the average annual energy generation to be 22.5 GWh.

k. Purpose of Project: The Applicant intends to sell all power produced to Allegheny Power System or an interconnected utility.

l. This notice also consists of the following standard paragraphs: B, C and D1.

Competing Applications

A1. Exemption for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent

allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A2. Exemption for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license or conduit exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit and small hydroelectric exemption will not be accepted in response to this notice.

A3. License or Conduit Exemption—Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

This provision is subject to the following exception: If an application described in this notice was filed by the preliminary permittee during the term of the permit, a small hydroelectric exemption application may be filed by the permittee only (license and conduit exemption applications are not affected by this restriction).

A4. License or Conduit Exemption—Public notice of the filing of the initial license, small hydroelectric exemption or conduit exemption application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing application for license, conduit exemption, small hydroelectric exemption, or preliminary permit, or notices of intent to file competing applications, must be filed in response to and in compliance with the public notice of the initial license, small hydroelectric exemption or conduit exemption application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit: Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30 days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A competing preliminary permit application must conform with 18 CFR 4.33 (a) and (d).

A6. Preliminary Permit: No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or where there are proposed major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 60 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.33 (a) and (d).

A7. Preliminary Permit—Except as provided in the following paragraph, any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a license, conduit exemption, or small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) A preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33(a) and (d).

A8. *Preliminary Permit*—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications on notices of intent. Any competing preliminary permit application, or notice of intent to file a competing preliminary permit application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing preliminary permit applications or notices of intent to file a preliminary permit may be filed in response to this notice.

Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) A preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33(a) and (d).

A9. *Notice of intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on

the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETITNG APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*.—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: February 14, 1985.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–4153 Filed 2–19–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP82–34–000]

Michigan Gas Storage Co.; Motion To Stay Rate Filing Requirement

February 13, 1985.

Take notice that on February 5, 1985, Michigan Gas Storage Company (Storage Company) tendered for filing a Motion To Stay Rate Filing Requirement. In accordance with the Commission's May 28, 1982 letter order, Storage Company is required to submit a new rate filing on or before March 1, 1985. Storage Company states that due to circumstances involving the financial condition of its parent company, Consumers Power Company, it is requesting an extension to delay the filing of a new rate case, not to exceed twelve months, or until certain debt restructuring takes place.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before February 20, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–4149 Filed 2–19–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI85-239-000]

Samson Resources Co.; Application for a Blanket Limited-Term Certificate of Public Convenience and Necessity and Limited Partial Abandonment Authorization

February 13, 1985.

Take Notice that on February 8, 1985, Samson Resources Company of Two West Second Street, Tulsa, Oklahoma 74103, filed an Application for Blanket Limited-Term Certificate of Public Convenience and Necessity and Limited Partial Abandonment Authorization. By its Application, Applicant seeks authorization to commence a special marketing program termed the Samson Special Marketing Program ("SSMP"). Applicant proposes to conduct this program in a manner similar to those SMPs authorized by the Commission on September 26, 1984 and December 21, 1984 in Docket Nos. CI83-269, *et al.* Under SSMP, Applicant would market released gas. The authority sought herein would authorize the limited-term abandonment of the sale of the released gas to existing purchasers, and the resale of that gas to the SSMP purchasers, pursuant to section 7 of the Natural Gas Act. In addition, the proposed authorization would authorize interstate pipelines, distributors and Hinshaw pipelines to transport SSMP volumes pursuant to section 7(c) of the Natural Gas Act and would authorize intrastate pipelines to transport SSMP volumes pursuant to section 311(a)(2) of the Natural Gas Policy Act.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make protest with reference to said application should on or before February 21, 1985 to file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Anyone who wants to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under this procedure herein provided, it will be unnecessary for Applicant to appear or to be represented at the hearing, unless Applicant is otherwise advised.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-4150 Filed 2-19-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI85-183-000; Docket No. CP85-263-000]

Toce Oil Company, Inc. Gas Gathering Corp.; Joint Application of Toce Oil Co., Inc. and Gas Gathering Corporation for Abandonment Authorization

February 13, 1985.

Take notice that on February 1, 1985, Toce Oil Company, Inc. and Gas Gathering Corporation (Applicants), filed an application, pursuant to section 7(b) of the Natural Gas Act and Part 157 of the Regulations of the Federal Energy Regulatory Commission, for authorization to abandon certain acreage and sales of natural gas which may be committed or dedicated to interstate commerce, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

More specifically, Applicants seek authorization to abandon: two natural gas wells located in Lot 3 of Section 76, T85-R8E, Bayou Glaise Field, Iberville, Parish, Louisiana; and sales for resale of gas produced from such wells. In short, Toce Oil Company, Inc. (Toce) recently drilled the above-referenced wells on acreage which was contractually dedicated to Gas Gathering Corporation (GGC) in 1956. Shortly thereafter GGC dedicated the same acreage to Transcontinental Gas Pipe Line Corporation (Transco). While some production from the dedicated acreage was sold to Transco in the past, none of the Toce gas, which is the subject of this application, has ever been sold to GGC for resale to Transco. In fact, Transco has informed Toce that it does not desire to purchase gas from these two wells and executed a contractual release to that effect. Because these wells have been shut-in since recoverable gas reserves became available, Applicants believe that the abandonment authorization sought herein is in the public interest.

It appears reasonable and consistent with the public interest in this case to presecribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make protest with reference to said application should on or before February 21, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under this procedure herein provided for, unless Applicant is otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-4151 Filed 2-19-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER83-628-005, et al.]

Kansas Gas & Electric Co.; Electric Rate and Corporate Regulation Filings

February 12, 1985.

Take notice that the following filings have been made with the Commission:

1. Kansas Gas and Electric Company

[Docket No. ER83-628-005]

Take notice that on January 16, 1985, Kansas Gas and Electric Company (KG&E) submitted for filing a refund report and payment verification for Kansas Electric Power Cooperative, Inc. pursuant to the Commission's letter dated December 14, 1984.

The refund amount includes interest from the date payment was received through January 11, 1985 at the appropriate interest rate.

Comment date: February 27, 1985, in accordance with Standard Paragraph H at the end of this notice.

2. Southern California Edison Company

[Docket No. ER85-280-000]

Take notice that on February 5, 1985, Southern California Edison Company (Edison) tendered for filing an agreement entitled Edison-CDWR Interruptible Transmission Service Agreement, which has been executed by Edison and the State of California Department of Water Resources (CDWR).

Under the terms and conditions of the Agreement, Edison will make available to CDWR interruptible transmission service from serveral points of receipt of several points of delivery.

The Agreement is proposed to become effective when executed by the Parties and accepted for filing by the Commission.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the State of California Department of Water Resources.

Comment date: February 26, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. Mid-Continent Area Power Pool

[Docket No. ER85-278-000]

Take notice that the Mid-Continent Area Power Pool, on February 4, 1985, tendered for filing Amendment No. 18 to the Mid-Continent Area Power Pool Agreement (Amendment).

The Amendment increases the demand charge rate of service Schedule B and increase the demand charge rates for service Schedule K.

Comment date: February 27, 1985, in accordance with Standard Paragraph E at the end of this notice.

4. Arizona Public Service Company

[Docket No. ER85-282-000]

Take notice that on February 5, 1985, Arizona Public Service Company (Arizona) tendered for filing the Twelfth Revision of Exhibit B (Exhibit B) to the Wholesale Power Supply Agreement with Wellton-Mohawk Irrigation & Drainage District (Wellton-Mohawk).

Arizona states that Exhibit B, executed on January 7, 1985 revises the maximum and minimum contract demands.

The effective date of this Exhibit is requested to be 60 days from the date of filing. Arizona also requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon Wellton-Mohawk and the Arizona Corporation Commission.

Comment date: February 26, 1985, in accordance with Standard Paragraph E at the end of this notice.

5. Southwestern Electric Power Company

[Docket No. ER85-281-000]

Take notice that on February 5, 1985, Southwestern Electric Power Company (SWEPCO) tendered for filing a notice of cancellation of Rate Schedule FPC No. 71. SWEPCO requests an effective date of April 1, 1977.

Comment date: February 26, 1985, in accordance with Standard Paragraph E at the end of this notice.

6. Iowa Power and Light Company

[Docket No. ER85-287-000]

Take notice that on January 31, 1985, Iowa Power and Light Company (Iowa Power) tendered for filing Notices of Cancellation for Iowa Power and Light Company Rate Schedules FPC Nos. 35.6.1, 40.2, 40.2A, 45.26, 46.20, 61.1 and 67.1.

Iowa Power states that the above FPC Rate Schedules expired on their own terms and requests a waiver of the Commission's notice requirements.

Comment date: February 27, 1985, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

H. Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before the comment date. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-4145 Filed 2-19-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP85-235-000, et al.]

Texas Eastern Transmission Corp.; Natural Gas Certificate Filings

February 12, 1985.

Take notice that the following filings have been made with the Commission.

1. Texas Eastern Transmission Corporation

[Docket No. CP85-214-000]

Take notice that on January 18, 1985, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP85-235-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Jersey Central Power and Light Company (Jersey Central) under its certificate issued in Docket No. CP82-535-000 pursuant to Section 7 of the Natural Gas Act, as more fully set forth in the request on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated December 10, 1984, Texas Eastern proposes the transportation of up to 22,000 dt equivalent of natural gas per day for Jersey Central. Texas Eastern estimates peak day and average day transportation quantities of up to 22,000 dt equivalent and 20,000 dt equivalent, respectively, and total quantities of approximately 5,700,000 dt equivalent upon expiration of the transportation service on June 30, 1985.

It is asserted that Jersey Central, through its agent Energy Marketing Exchange, Inc. (EME), has arranged for the purchase of quantities of natural gas from Rosewood Resources (POC) Inc., (Rosewood), a producer located in Louisiana. It is further asserted that through its agent, EME, Jersey Central has arranged for such gas to be transported by Monterey Pipeline Company to Columbia Gulf Transmission Company which would in turn deliver the gas to Columbia Gas Transmission Corporation (Columbia Gas). It is stated that Texas Eastern would receive the gas from Columbia Gas at existing points of interconnection between Texas Eastern and Columbia Gas in Chester County, Pennsylvania, and in Lancaster County, Pennsylvania. It is further stated that Texas Eastern would then transport and redeliver the gas for the account of Jersey Central to Elizabethtown Gas Company (Elizabethtown) at existing points of interconnection between Texas Eastern and Elizabethtown in Middlesex County, Pennsylvania, and in Hunterdon County, New Jersey. It is explained that Elizabethtown would in turn deliver the gas to Jersey Central for utilization as fuel-oil displacement gas at Jersey Central's Gilbert generating plant at Milford, New Jersey.

Texas Eastern states that it would charge Jersey Central its currently effective TS-2 transportation rate for gas transported for Jersey Central and would reduce volumes received for transportation by its currently effective

TS–2 shrinkage rate. Such rate, it is asserted, is presently 8.27 cents per Mcf.

Comment date: March 29, 1985, in accordance with Standard Paragraph G at the end of this notice.

2. Columbia Gas Transmission Corporation, and Columbia Gulf Transmission Company

[Docket No. CP84–443–002]

Take notice that on January 15, 1985, Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue SE., Charleston, West Virginia 25314, and Columbia Gulf Transmission Company, sometimes hereinafter jointly referred to as Columbia, filed in Docket No. CP84–443–002 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to continue to transport natural gas on behalf of Chesapeake Paperboard Company (Chesapeake) under the authorization issued in Docket Nos. CP83–76–000 and CP83–496–000, respectively, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

By request noticed June 13, 1984, in Docket No. CP84–443–000, pursuant to the prior notice and protest procedure set forth in Section 157.205 of the Regulations, Columbia received authorization to transport up to 1.7 billion Btu equivalent of natural gas per day through March 31, 1985 to Chesapeake's Baltimore, Maryland, plant.

Columbia proposes to continue the above-described transportation through June 30, 1985, on the same terms and conditions as the existing transportation authority, except that maximum daily volumes are to be increased from 1.7 billion Btu equivalent of natural gas to 2.8 billion Btu equivalent of natural gas. It is said that the gas now to be transported by Columbia has not been released by Columbia.

Comment date: March 29, 1985, in accordance with Standard Paragraph G at the end of this notice.

3. Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company

[Docket No. CP85–244–000]

Take notice that on January 23, 1985, Columbia Gas Transmission Corporation (Columbia Transmission), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027, hereinafter referred to jointly as Applicants, filed in Docket No. CP85–244–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Carpenter Technology Corporation (Carpenter) under the certificates issued in Docket Nos. CP83–76–000 and CP83–496–000, respectively, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Applicants propose to transport up to 10,400 million Btu equivalent of natural gas per day on behalf of Carpenter through June 30, 1985, pursuant to a November 1, 1984, gas transportation agreement. Applicants advise that the subject gas has been flowing since November 1, 1984, pursuant to the self-implementing provisions of Section 157.209 of the Commission's Regulations. It is explained that the proposal involves the receipt by Columbia Gulf of the gas from Exxon Corporation, the producer, at existing unspecified points of receipt for delivery, in exchange for like quantities of natural gas, to Columbia Transmission at existing unspecified points of interconnection. Columbia Gas in turn proposes to deliver equivalent quantities of gas to UGI Corporation, the distributor, for ultimate delivery to Carpenter at Reading, Pennsylvania. The request indicates the subject volumes of gas are being made available to Carpenter from supplies in excess of Exxon's purchaser requirements and are not volumes released by Columbia Transmission for sale by Exxon. Further, it is indicated that the gas would be used by Carpenter in its Reading plant as fuel in process furnaces as well as in other miscellaneous applications.

Columbia Transmission proposes to charge the applicable rates set forth in its Rate Schedule TS–1, including the GRI charge, and would retain 2.43 percent of the total quantity of gas delivered into its system for company use and unaccounted-for gas, as set forth in its Rate Schedule TS–1. Columbia Gulf proposes to charge the rates and to reduce the volumes for redelivery, all as applicable and as set forth in its Rate Schedule TS–2 depending upon the location of the receipt points, *inter alia*.

Applicants also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Applicants will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: March 29, 1985, in accordance with Standard Paragraph G at the end of this notice.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–4146 Filed 2–19–85; 8:45 am]

BILLING CODE 6717–10–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30216A; FRL–2779–4]

Basf Wyandotte Corp.; Approval of Application To Conditionally Register a Pesticide Containing a New Active Ingredient; Withdrawal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; Withdrawal.

SUMMARY: EPA is withdrawing a notice on the herbicide Poast Manufacturers Concentrate, which mistakenly announced the conditional registration of this product and listed an incorrect EPA registration number.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, CM #2, Rm. 245, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA is withdrawing its notice on the herbicide

Poast that appeared as FR Doc. 84-6085 in the **Federal Register** of March 7, 1984 (49 FR 8487). A notice on the conditional registration of the herbicide Poast Manufacturers Concentrate, which has been assigned EPA Registration No. 7969-56, was previously published in the **Federal Register** of April 14, 1982 (47 FR 16098).

Dated: February 7, 1985.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 85-3846 Filed 2-19-85; 8:45 am]

BILLING CODE 6560-50-M

Region 6, Final Agency Action on a PSD Permit for American Rockwool, Inc.

[A-6-FRL-2780-6]

Notice is hereby given that on July 9, 1984, Region 6 of the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, Number PSD-TX-625, to American Rockwool, Inc. for approval to construct a rockwool manufacturing facility to be located on FM Road 439, approximately seven miles west of Belton, Bell County, Texas, pursuant to 40 CFR 52.21. On August 6, 1984, Mrs. Barbara N. Freed petitioned the Administrator for review of the PSD permit.

Because a petition for review was filed with the Administrator, the issuance of the permit was no longer a final agency action and the PSD permit for American Rockwool was not effective. [*See* 40 CFR 124.15(b)(2)] The petition for review was denied by the Administrator on December 31, 1984. Pursuant to 40 CFR 124.19 (f)(1), a final permit decision on PSD-TX-624 was issued by Region 6 on January 23, 1985.

Under section 307(b)(1) of the Clean Air Act, judicial review of PSD-TX-625 is available *only* by the filing of a petition for review in the United States Court of Appeals for the Fifth Circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of all of the materials concerning PSD-TX-625 are available for public inspection upon request at the following locations:

Environmental Protection Agency, Region 6, Air and Waste Management Division, Air Branch, InterFirst Two Building, 1201 Elm Street, Dallas, Texas 75270

Texas Air Control Board 6330 Highway 290 East Austin, Texas 78723.

Dated: February 7, 1985.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 85-4120 Filed 2-19-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

[85-113]

Application To Issue Subordinated Debt Securities

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The public is advised that the Federal Home Loan Bank Board has submitted a new information collection, "Application to Issue Subordinated Debt Securities" to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Comments: Comments on the information collection request are welcome and should be submitted within 15 days of publication of this notice in the **Federal Register.** Comments regarding the paperwork burden aspect of the request should be directed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, Attention: Desk Officer for the Federal Home Loan Bank Board.

The Board would appreciate commenters sending copies of their comments to the Board.

Requests for copies of the proposed information collection request and supporting documentation are obtainable at the Board address given below: Director, Information Services Section, Office of Secretariat, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552, Phone: 202-377-6933.

FOR FURTHER INFORMATION CONTACT: Kathleen O'Dea, Office of District Banks, Phone: 202-377-6789.

Dated: February 14, 1985.

By the Federal Home Loan Bank Board.

J.J. Finn,

Secretary.

[FR Doc. 85-4088 Filed 2-19-85; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Filing and Effective Date of Agreement

The Federal Maritime Commission hereby gives notice, that on February 7, 1985, the following agreement was filed with the Commission pursuant to section 5, Shipping Act of 1984, and was deemed effective that date, to the extent it constitutes an assessment agreement as described in paragraph (d) of section 5, Shipping Act of 1984.

Agreement

No. 201-000089-001.

Title:

Morehead City, Wilmington, Southport, Georgetown, Charleston, Port Royal, Savannah, Port Monatee, Brunswick, St. Mary's, Ferandina, Jacksonville, Tampa, Tonnage Assessment Agreement.

Parties: South Atlantic Employers Negotiating Committee.

Synopsis:

International Longshoremen's Association, AFL-CIO Agreement No. 201-000089-001 amends the basic agreement to the uniform tonnage assessment, and provides for the lowering of the overall assessment per ton and the unit assessment as contained therein. The adjustments shall apply to vessels completing work after midnight on February 16, 1985.

By Order of the Federal Maritime Commission.

Dated: February 14, 1985.

Bruce A. Dombrowski,

Assistant Secretary.

[FR Doc. 85-4161 Filed 2-19-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

February 13, 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 Without Revision of the Following Report

1. Report title: Statement of Purpose for an Extension of Credit Secured by Margin Stock
Agency form number: FR U–1
OMB Docket number: 7100–0115
Frequency: Recordkeeping requirement
Reporters: Commercial banks
Small businesses are affected.

General description of report: This information collection is mandatory [15 U.S.C. 78g; 78w]; a pledge of confidentiality is not applicable.

A purpose statement is required to be completed by a bank and borrower whenever credit is secure by margin stock. It is used to determined the purpose of the loan proceeds, serve as an evidentiary tool to ascertain the intention of the parties involved, and document the securities serving as collateral.

Proposal To Approve Under OMB Delegated Authority the Revision to the Following Report.

1. Report title: Daily Report of When Issued Commitments Outstanding
Agency from number: FR 2080
OMB Docket number: 7100–0184
Frequency: Daily
Reporters: Primary U.S. Government securities dealers
Small businesses are not affected.

General description of report: This information collection is voluntary [12 U.S.C. 248(a) & 353 *et seq.*] and is given confidential treatment [5 U.S.C. 552(b)(4)].

This report collects information on significant "when-issued" commitments of the primary dealers in U.S. Government securities and their customers.

Board of Governors of the Federal Reserve System, February 13, 1985

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–4089 Filed 2–19–85; 8:45 am]

BILLING CODE 6210–01–M

Fleet Financial Group, Inc.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation 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.

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 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 applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 7, 1985.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Fleet Financial Group, Inc.*, Providence, Rhode Island; to engage nationwide through its subsidiary, Fleet Insurance Agency, Inc., Atlanta, Georgia, in the sale of credit-related health, life and accident insurance and in the sale of credit-related property insurance pursuant to section 4(c)(8)(B) of the Bank Holding Company Act.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Holden Bankshares, Inc.*, Holden, Missouri; to engage directly in the sale of credit-related life, accident and health insurance.

Board of Governors of the Federal Reserve System, February 13, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–4090 Filed 2–19–85; 8:45 am]

BILLING CODE 6210–01–M

Lakeland Financial Corporation, et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation 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.

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 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 applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 8, 1985.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Lakeland Financial Corporation*, Warsaw, Indiana; to engage *de novo* through its subsidiary, Lakeland Mortgage Corporation, Warsaw, Indiana, in originating, selling and servicing of residential, commercial and industrial mortgages.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *First Interstate Bancorp,* Los Angeles, California; to engage *de novo* through its subsidiary, First Interstate Financial Services, Inc., Newport Beach, California, in the activities of making, acquiring, or servicing consumer loans or other extensions of credit for its own account or the account of others.

Board of Governors of the Federal Reserve System, February 13, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-4091 Filed 2-19-85; 8:45 am]

BILLING CODE 6210-01-M

Peoples Financial Corporation, 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 March 11, 1985.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303.

1. *Peoples Financial Corporation,* Biloxi, Mississippi; to become a bank holding company by acquiring 100 percent of the voting shares of The Peoples Bank of Biloxi, Biloxi, Mississippi.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Heritage Racine Corporation,* Racine, Wisconsin; to acquire 100 percent of the voting shares of American State Bank, Kenosha, Wisconsin.

2. *Home National Corporation,* Thorntown, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of The Home National Bank of Thorntown, Thornton, Indiana.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoeing, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *American National Bancshares of Westlink, Inc.,* Wichita, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of American National Bank of Westlink, Wichita, Kansas.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First Bancorporation of Cleveland, Inc.,* Cleveland, Texas; to acquire 100 percent of the voting shares of First Bank of Conroe, N.A., Conroe, Texas, a *de novo* bank.

Board of Governors of the Federal Reserve System, February 13, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-4092 Filed 2-19-85; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Multiple Award Federal Supply Schedules; Special Notice

The General Services Administration, Office of Federal Supply and Services will be reviewing all items under its Multiple Award Federal Supply Schedule Program with the purpose of identifying items which may be candidates for converting to single award. Criteria to be used includes: dollar value, number of contractors, number of similar models, and stable technology. Once candidates have been identified, those items will be listed in this publication and your comments will be solicited. Contact Walter L. Eckbreth, General Services Administration, Office of Federal Supply and Services, Office of Policy and Review (FCP) Washington, DC 20406.

Dated: February 13, 1985.

W. L. Eckbreth,

Director, Policy and Review Division.

[FR Doc. 85-4134 Filed 2-19-85; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicare Program; Annual Update to Reasonable Compensation Equivalent Limits for Services Furnished by Physicians to Providers

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final Notice With Comment Period.

SUMMARY: This notice sets forth updated reimbursement limits on the amount of compensation allowable for services that are not covered by the prospective payment system and are furnished by physicians to providers. Therefore, these services are reimbursed by Medicare on a reasonable cost basis. These revised reasonable compensation equivalent limits are based on updated economic index data and are applicable to cost reporting periods beginning on or after January 1, 1984. These limits replace the limits that were published in the **Federal Register** on March 2, 1983 (48 FR 8902).

DATES:

Effective Date: These limits are effective for cost reporting periods beginning on or after January 1, 1984. Although this notice is final, comments may be submitted as described below.

Comment Date: To assure consideration, comments should be received by March 22, 1985.

ADDRESS: Address comments in writing to: Health Care Financing Administration, Department of Health and Human Services, Attention: BERC-261-FNC, Box 26676, Baltimore, Maryland 21207.

When commenting, please refer to file code, BERC-261-FNC.

If you prefer, you may deliver your comments to Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C., or to Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

Comments will be available for public inspection as they are received, beginning approximately three weeks after publication, in Room 309-G of the Department's offices at 200 Independence Ave. SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m., (202-245-7890).

FOR FURTHER INFORMATION CONTACT: Ward Pleines, (301) 597-0323.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, reimbursement for services furnished by a physician is made under either the Hospital Insurance Program (Part A) or the Supplementary Medical Insurance Program (Part B), depending on the type of services furnished. Physicians' charges for medical or surgical services to individual Medicare patients generally are covered under Part B. On the other hand, the compensation that physicians receive from or through a provider for services that benefit patients generally (for example, administrative services, committee work, teaching, and supervision) is covered under Part A. (For a more detailed discussion of this concept, see the final rule with comment period entitled "Payment for Physician Services Furnished in Hospitals, Skilled Nursing Facilities, and Comprehensive Outpatient Rehabilitation Facilities" that we published in the **Federal Register** on March 2, 1983 (48 FR 8902).)

Effective with cost reporting periods beginning on or after October 1, 1983, most hospitals will be paid for Part A inpatient services under the new prospective payment system. The reasonable compensation equivalent (RCE) limits set forth in this notice will not apply to care paid for under that system. However, these limits will apply to provider services of compensated physicians in the following facilities:

- Hospitals and units of hospitals not subject to the prospective payment system for both inpatient and outpatient services.
- Hospitals subject to the prospective payment system but only for outpatient hospital services and for the direct costs of approved medical education programs. (Direct medical education costs are generally excluded from prospective payment.)
- Comprehensive outpatient rehabilitation facilities (CORFs).
- Skilled nursing facilities (SNFs).

For more information on which hospitals are excepted or excluded from the prospective payment system, see the interim final rule on prospective payment that was published in the **Federal Register** on September 1, 1983 (48 FR 39752) and the final rule published on January 3, 1984 (49 FR 234).

As required by section 1887(a)(2)(B) of the Social Security Act (the Act), allowable compensation for services furnished by physicians to providers that are reimbursed by Medicare on a reasonable cost basis is subject to RCE limits. Under these limits, reimbursement is determined based on the lower of the actual cost of the services to the provider (that is, the compensation of the physician, whatever the form) or an RCE.

If a physician receives any compensation from a provider for his or her physician services to the provider (that is, those services that benefit patients generally or otherwise are not eligible for reimbursement on the basis of reasonable charges), reasonable cost reimbursement to those affected providers for the costs of compensation allocated to those services is subject to the RCE limits. The RCE limits are not applied to reimbursement for services that are identifiable medical or surgical services to individual patients and reimbursable on a reasonable charge basis, even if the physician agrees to accept compensation (for example, from a hospital) for those services. (However, reimbursement to teaching hospitals that have elected to be reimbursed for these services on a reasonable cost basis in accordance with section 1861(b)(7) of the Act is subject to the limits.) If the physician is compensated only for services to the provider, the RCE limit is applied to reimbursement to the provider for the entire cost of compensating the physician for those services. The limits apply equally to all physician services to providers that are reimbursable on a cost basis under Medicare and for which physicians are compensated by the provider, not just to services of radiologists, anesthesiologists, and pathologists.

On March 2, 1983, we published in the **Federal Register** (48 FR 8902) the RCE limits (and the methodology used to calculate those limits) that are applicable to cost reporting periods beginning during calendar years 1982 and 1983. As part of that same publication, we issued regulations (42 CFR 405.482) that establish a general authority to develop, publish, and apply limits.

More specifically, § 405.482(f) requires that before the start of a period to which a set of limits will be applied, we will publish a notice in the **Federal Register** that sets forth the limits and explains how they were calculated. If the limits are merely updated by applying the most recent economic index data without revising the methodology, then the revised limits will be published without prior publication of a proposal or public comment period.

Thus, because we are calculating the 1984 limits using the same methodology that was used to calculate the limits published on March 2, 1983 (see 48 FR 8919–8923), we are now publishing these revised limits in final. The methodology for establishing RCE limits is based on an internal working paper developed by HCFA's Office of Research and Demonstration, "A Methodology for Determination of Reasonable FTE Compensation for Hospital-Based Physicians", by James R. Cantwell and William J. Sobaski (Working Paper No. OR–32, revised December 1982). Copies of this paper are available on request from: ORD Publication, Office of Research and Demonstrations, Health Care Financing Administration, Oak Meadows Building, 1–E–9, 6340 Security Boulevard, Baltimore, MD 21207, (301) 597–2422.

Our methodology for establishing reasonable levels of compensation includes five steps, as follows:

- We estimated the national average (mean) income for all physicians using 1979 physician net incomes from the American Medical Association (AMA) Periodic Survey of Physicians (PSP), published by the AMA in its *Profile of Medical Practice, 1981.*
- We then projected physician's 1979 base net income levels to the appropriate future year to account for changes in net income levels occurring after the period for which we have data. To make this calculation, we needed to determine an appropriate inflation factor to project future year estimated net incomes on the basis of 1970 to 1980 data. We believe we can achieve the most accurate projection by using the historical relationship (1970–1980) between physician incomes and the Consumer Price Index (CPI), and projecting this using forecasts of the CPI for future years.
- In our third step, we determined the relationship between average net income for all physicians (estimated in the first step, above) and net income of certain categories of specialist physicians that are commonly compensated by providers for services furnished to Medicare beneficiaries. This resulted in separate specialty adjusters for nine physician specialties.
- Using the specialty-specific adjusters, we also adjusted for differences in costs between types of geographic locations.
- Finally, we calculated the average hours practiced per year by specialty and location, which we then related to a standard full-time equivalent (FTE) work year of 2080 hours. We used these ratios to weight the specialty-location adjusters from the previous step.

The updated RCE limits set forth in this notice were calculated using the forecasting equation that appears on page five of Working Paper No. OR–32:

$Y_t = 3534.32D + 343.6\ 84\ CPI_t$

Y_t = physicians' net income in year t

D = a dummy variable taking a value of 1 for years 1971–1973 and 0 otherwise
CPI_t = Consumer Price Index for all urban consumers in year t

For 1984, the equation takes on the following values:

D = 0
CPI_t = 310.5 *

Therefore, when t = 1984,

$Y_t = 343.684 \times 310.5$
$Y_t = 106.713$

For 1984, $106,713 is the average net income for all physicians. After applying the speciality-location adjusters, we are able to produce an array of estimated 1984 average annual FTE compensation levels for nine specialty categories by type of location. This array is given in Table I. We are setting the updated RCE limits, adjusted by the proportion of an FTE year actually worked, at these average annual incomes.

The fact that the relevant CPI projection is 3.105 does not mean that the RCE limits increase by a corresponding amount. Rather, the rate of increase is the extent to which the second quarter 1984 CPI projection has increased above the comparable 1983 CPI projection. The projected CPI that was used in determining the 1983 limits was overstated in relation to the actual CPI value for 1983. Therefore, when the 1984 RCE limits were computed based on the projected 1984 CPI, their rate of increase relative to the projected 1983 CPI is lower than in relation to the actual CPI value. Thus, the updated RCE limits for 1984 provide for an increase of approximately one percent in net physician compensation over the 1983 limits.

II. Application of RCE Limits

We will use the RCE limits to compute Medicare reimbursement when the physician is compensated by a provider that is subject to the RCE limits in some or all areas of the provider or by any other related organization for physician administrative, supervisory, and other provider services reimbursed under Medicare. In applying the RCE limits, the intermediary will assign each compensated physician to the most appropriate specialty category. If no specialty category is appropriate (for example, in determining the reasonable cost for an emergency room physician), the intermediary will use the RCE level for the "Total" category which is based on income data for all physicians. The intermediary will determine the appropriate geographic area classification, given in table II of section V. of this document.

If the physician's contractual compensation covers all duties, activities, and services furnished to the provider or to its patients and the physician is employed full-time, the appropriate specialty compensation limit will be used and adjusted by the physician's allocation agreement to arrive at the program's allowable costs (inpatient Part A and outpatient Part B) for physician compensation. In the absence of an allocation agreement, we generally will assume that 100 percent of the compensation was related to services reimbursable on a Part B reasonable charge basis, and that there are no allowable costs for the physician's services to the provider.

If a physician's compensation from the provider represents payment only for services that benefit patients generally (that is, the physician bills fees for all services furnished to individual patients), then the appropriate specialty compensation limit will be used and adjusted by the percentage of the physician's time spent in furnishing administrative, supervisory, and other provider services.

If a physician is employed by a provider to furnish services of general benefit to patients on other than a FTE basis, then the reasonable compensation limit will be adjusted upward or downward to reflect the percentage of time his or her actual hours related to a FTE work year of 2080 hours. For hospitals subject to the prospective payment system, the compensation and RCE will be apportioned between inpatient and outpatient services based on provider charges.

III. Exceptions to the RCE Limits

Some providers, particularly but not exclusively small or rural hospitals, may be unable to recruit or maintain an adequate number of physicians at a compensation level within the prescribed limits. In accordance with section 1887(a)(2)(C) of the Act, if a provider is able to demonstrate to the intermediary its inability to recruit or maintain physicians at a compensation level allowable under the RCE limits (as documented, for example, by unsuccessful advertising through national medical or health care publications), then the intermediary may grant an exception to the RCE limits established under these rules.

IV. Geographic Area Classifications for RCE Limits

We adjust the RCE limits to account for differences in salary levels by location, as well as by specialty. In our methodology for establishing limits, and in the limits as set forth in Table I, we have classified geographic areas into three types: Nonmetropolitan, metropolitan areas with less than one million population, and metropolitan areas with greater than one million population.

The methodology described in the March 2, 1983 **Federal Register** used Standard Metropolitan Statistical Areas (SMSAs) in defining the three types of geographic areas. On June 30, 1983, the Executive Office of Management and Budget (EOMB) began using Metropolitan Statistical Areas (MSAs) in lieu of SMSAs. MSAs are designated and defined following a set of new standards prepared by the Federal Committee on MSAs, which advises EOMB on metropolitan area definitions. Under these standards, an area qualifies for recognition as an MSA in one of two ways: (1) If a city of at least 50,000 population is located in the area, or (2) If it is an urbanized area of at least 50,000 with a total metropolitan population of at least 100,000.

In addition to the county containing the main city, an MSA may also include additional counties that have close economic and social ties to the county. MSAs are defined in terms of entire counties, except in the six New England States. In most cases, there is little difference between the SMSA designations and the MSA designations beyond the change in title. For example, the Los Angeles SMSA is now the Los Angeles MSA.

Therefore, we are using MSA designations for purposes of establishing these RCE limits because this is the classification system currently used by EOMB, and the new designations correspond to area changes in the 1980 census data. In addition, the use of MSAs, which are also used for prospective payment and cost limit purposes, will ensure consistency and uniformity in the Medicare program.

The conversion from SMSAs to MSAs will have a minimal effect on the calculation of RCE limits for most providers. In the overwhelming majority of cases, the counties included in the MSA are identical to those listed under the SMSA. Moreover, the differences in the RCE limits are, for the most part, relatively minor. In addition, as explained in more detail in section I of this preamble, the RCE limits affect only that portion of physician compensation reimbursed on a reasonable cost basis for administrative or supervisory services furnished in the affected providers (that is, SNFs, CORFs,

* This represents the CPI projection of 3.105 for the second quarter of 1984 multiplied by 100. The data source is the July 1983 Data Resource, Inc., *Review of the U.S. Economy*.

hospitals not subject to the prospective payment system for both inpatient and outpatient hospital services, and hospitals subject to the prospective payment system but only for outpatient hospital services and the direct costs of approved medical education programs) and only if a provider exceeds the RCE limit. Finally, a provider can request an exception if it is able to demonstrate that its compensation level under the RCE limits is inadequate to attract or retain a physician.

Table II identifies by type of location the geographic areas affected, enabling providers, physicians, Medicare fiscal intermediaries, and other members of the public to determine which RCE limit level will apply in specific areas. That table lists all Metropolitan Statistical Areas (MSAs) and their constituent counties, and identifies whether their population is less than or greater than one million. All counties not listed in Table II, and all other affected U.S. possessions and territories not part of a State, are considered nonmetropolitan areas.

TABLE I.—ESTIMATES OF FTE ANNUAL AVERAGE NET COMPENSATION LEVELS FOR 1984 [1]

Specialty	Nonmetropolitan areas	Metropolitan areas less than 1 million	Metropolitan areas greater than 1 million
Total	88,600	95,000	98,200
GP/FP	79,000	75,800	76,800
Int Med	83,200	85,400	91,800
Surgery	101,400	113,100	115,300
Pediatrics	72,600	84,300	77,900
OB/Gyn	111,000	107,800	106,800
Radiology	120,600	128,100	124,900
Psychiatry	76,800	79,000	85,400
Anesthesiology	92,800	111,000	111,000
Pathology	115,300	121,700	119,500

[1] All figures are rounded to the nearest $100.

TABLE II.—GEOGRAPHIC AREA CLASSIFICATIONS FOR RCE LIMITS

MSA	Type of location: Less than 1,000,000	Type of location: Greater than 1,000,000
Abilene, TX	X	
Taylor, TX		
Aguadilla, PR	X	
Aguadilla, PR		
Akron, OH	X	
Portage, OH		
Summit, OH		
Albany, GA	X	
Dougherty, GA		
Lee, GA		
Albany-Schenectady-Troy, NY	X	
Albany, NY		
Greene, NY		
Montgomery, NY		
Rensselaer, NY		
Saratoga, NY		
Schenectady, NY		
Albuquerque, NM	X	
Bernalillo, NM		
Alexandria, LA	X	
Rapides, LA		
Allentown-Bethlehem, PA-NJ	X	
Warren, NJ		
Carbon, PA		
Lehigh, PA		
Northampton, PA		
Alton-Granite City, IL	X	
Jersey, IL		
Madison, IL		
Altoona, PA	X	
Blair, PA		
Amarillo, TX	X	
Potter, TX		
Randall, TX		
Anaheim-Santa Ana, CA		X
Orange, CA		
Anchorage, AK	X	
Anchorage, AK		
Anderson, IN	X	
Madison, IN		
Anderson, SC	x[X]	
Anderson, SC		
Ann Arbor, MI	X	
Washtenaw, MI		
Anniston, AL	X	
Calhoun, AL		
Appleton-Oshkosh-Neenah, WI	X	
Calumet, WI		
Outagamie, WI		
Winnebago, WI		
Arecibo, PR	X	
Arecibo, PR		
Asheville, NC	x[X]	
Buncombe, NC		
Athens, GA	X	
Clarke, GA		
Jackson, GA		
Madison, GA		
Oconee, GA		
Atlanta, GA		X
Barrow, GA		
Butts, GA		
Cherokee, GA		
Clayton, GA		
Cobb, GA		
Coweta, GA		
De Kalb, GA		
Douglas, GA		
Fayette, GA		
Forsyth, GA		
Fulton, GA		
Gwinnett, GA		
Henry, GA		
Newton, GA		
Paulding, GA		
Rockdale, GA		
Spalding, GA		
Walton, GA		
Atlantic City, NJ	X	
Atlantic, NJ		
Cape May, NJ		
Augusta, GA-SC	X	
Columbia, GA		
McDuffie, GA		
Richmond, GA		
Aiken, SC		
Aurora-Elgin, IL	X	
Kane, IL		
Kendall, IL		
Austin, TX	X	
Hays, TX		
Travis, TX		
Williamson, TX		
Bakersfield, CA	X	
Kern, CA		
Baltimore, MD		X
Baltimore, City, MD		
Anne Arundel, MD		
Baltimore, MD		
Carroll, MD		
Harford, MD		
Howard, MD		
Queen Annes, MD		
Bangor, ME	X	
Penobscot, ME		
Baton Rouge, LA	X	
Ascension, LA		
East Baton Rouge, LA		
Livingston, LA		
West Baton Rouge, LA		
Battle Creek, MI	X	
Calhoun, MI		
Beaumont-Port Arthur, TX	X	
Hardin, TX		
Jefferson, TX		
Orange, TX		
Beaver County, PA	X	
Beaver, PA		
Bellingham, WA	X	
Whatcom, WA		
Benton Harbor, MI	X	
Berrien, MI		
Bergen-Passaic, NJ		X
Bergen, NJ		
Passaic, NJ		
Billings, MT	X	
Yellowstone, MT		
Biloxi-Gulfport, MS	X	
Hancock, MS		
Harrison, MS		
Binghamton, NY	X	
Broome, NY		
Tioga, NY		
Birmingham, AL	X	
Blount, AL		
Jefferson, AL		
Saint Clair, AL		
Shelby, AL		
Walker, AL		
Bismarck, ND	X	
Burleigh, ND		
Morton, ND		
Bloomington, IN	X	
Monroe, IN		
Bloomington-Normal, IL	X	
McLean, IL		
Boise City, ID	X	
Ada, ID		
Boston-Lawrence-Salem-Lowell-Brockton, MA		X
Essex, MA		
Middlesex, MA		
Norfolk, MA		
Plymouth, MA		
Suffolk, MA		
Boulder-Longmont, CO	X	
Boulder, CO		
Bradenton, FL	X	
Manatee, FL		
Brazoria, TX	X	
Brazoria, TX		
Bremerton, WA	X	
Kitsap, WA		
Bridgeport-Stamford-Norwalk-Danbury, CT	X	
Fairfield, CT		
Brownsville-Harlingen, TX	X	
Cameron, TX		
Bryan-College Station, TX	X	
Brazos, TX		
Buffalo, NY		X
Erie, NY		
Burlington, NC	X	
Alamance, NC		
Burlington, VT	X	
Chittenden, VT		
Grand Isle, VT		
Caguas, PR	X	
Caguas, PR		
Canton, OH	X	
Carroll, OH		
Stark, OH		
Casper, WY	X	
Natrona, WY		
Cedar Rapids, IA	X	
Linn, IA		
Champaign-Urbana-Rantoul, IL	X	
Champaign, IL		
Charleston, SC	X	
Berkeley, SC		
Charleston, SC		
Dorchester, SC		
Charleston, WV		X

TABLE II.—GEOGRAPHIC AREA CLASSIFICATIONS FOR RCE LIMITS—Continued

MSA	Type of location	
	Less than 1,000,000	Greater than 1,000,000
Kanawha, WV		
Putnam, WV		
Charlotte-Gastonia-Rock Hill, NC-SC	X	
Cabarrus, NC		
Gaston, NC		
Lincoln, NC		
Mecklenburg, NC		
Rowan, NC		
Union, NC		
York, SC		
Charlottesville, VA	X	
Albermarle, VA		
Charlottesville City, VA		
Fluvanna, VA		
Greene, VA		
Chattanooga, TN-GA	X	
Catoosa, GA		
Dade, GA		
Walker, GA		
Hamilton, TN		
Marion, TN		
Sequatchie, TN		
Chicago, IL		X
Cook, IL		
DuPage, IL		
McHenry, IL		
Chico, CA	X	
Butte, CA		
Cincinnati, OH-KY-IN		X
Dearborn, IN		
Boone, KY		
Campbell, KY		
Kenton, KY		
Clermont, OH		
Hamilton, OH		
Warren, OH		
Clarksville-Hopkinsville, TN-KY	X	
Christian, KY		
Montgomery, TN		
Cleveland, OH		X
Cuyahoga, OH		
Geauga, OH		
Lake, OH		
Medina, OH		
Colorado Springs, CO	X	
El Paso, CO		
Columbia, MO	X	
Boone, MO		
Columbia, SC	X	
Lexington, SC		
Richland, SC		
Columbus, GA-AL	X	
Russell, AL		
Chattahoochee, GA		
Muscogee, GA		
Columbus, OH		X
Delaware, OH		
Fairfield, OH		
Franklin, OH		
Licking, OH		
Madison, OH		
Pickaway, OH		
Union, OH		
Corpus Christi, TX	X	
Nueces, TX		
San Patricio, TX		
Cumberland, MD-W VA	X	
Allegany, MD		
Mineral, WV		
Dallas, TX		X
Collin, TX		
Dallas, TX		
Denton, TX		
Ellis, TX		
Kaufman, TX		
Rockwall, TX		
Danville, VA	X	
Danville City, VA		
Pittsylvania, VA		
Davenport-Rock Island-Moline, IA-IL	X	
Scott, IA		
Henry, IL		
Rock Island, IL		
Dayton-Springfield, OH	X	

TABLE II.—GEOGRAPHIC AREA CLASSIFICATIONS FOR RCE LIMITS—Continued

MSA	Type of location	
	Less than 1,000,000	Greater than 1,000,000
Clark, OH		
Greene, OH		
Miami, OH		
Montgomery, OH		
Daytona Beach, FL	X	
Volusia, FL		
Decatur, IL	X	
Macon, IL		
Denver, CO		X
Adams, CO		
Arapahoe, CO		
Denver, CO		
Douglas, CO		
Jefferson, CO		
Des Moines, IA	X	
Dallas, IA		
Polk, IA		
Warren, IA		
Detroit, MI		X
Lapeer, MI		
Livingston, MI		
Macomb, MI		
Monroe, MI		
Oakland, MI		
Saint Clair, MI		
Wayne, MI		
Dothan, AL	X	
Dale, AL		
Houston, AL		
Dubuque, IA	X	
Dubuque, IA		
Duluth, MN-WI	X	
St. Louis, MN		
Douglas, WI		
East St. Louis-Belleville, IL	X	
Clinton, IL		
St. Clair, IL		
Eau Claire, WI	X	
Chippewa, WI		
Eau Claire, WI		
El Paso, TX	X	
El Paso, TX		
Elkhart-Goshen, IN	X	
Elkhart, IN		
Elmira, NY	X	
Chemung, NY		
Enid, OK	X	
Garfield, OK		
Erie, PA	X	
Erie, PA		
Eugene-Springfield, OR	X	
Lane, OR		
Evansville, IN-KY	X	
Posey, IN		
Vanderburgh, IN		
Warrick, IN		
Henderson, KY		
Fargo-Moorhead, ND-MN	X	
Clay, MN		
Cass, ND		
Fayetteville, NC	X	
Cumberland, NC		
Fayetteville-Springdale, AR	X	
Washington, AR		
Flint, MI	X	
Genesee, MI		
Florence, AL	X	
Colbert, AL		
Lauderdale, AL		
Florence, SC	X	
Florence, SC		
Fort Collins-Loveland, CO	X	
Larimer, CO		
Fort Lauderdale-Hollywood-Pompano Beach, FL		X
Broward, FL		
Fort Myers, FL	X	
Lee, FL		
Fort Pierce, FL	X	
Martin, FL		
St. Lucie, FL		
Fort Smith, AR-OK	X	
Crawford, AR		
Sebastian, AR		
Sequoyah, OK		
Fort Walton Beach, FL	X	
Okaloosa, FL		
Fort Wayne, IN	X	

TABLE II.—GEOGRAPHIC AREA CLASSIFICATIONS FOR RCE LIMITS—Continued

MSA	Type of location	
	Less than 1,000,000	Greater than 1,000,000
Allen, IN		
De Kalb, IN		
Whitley, IN		
Fort Worth-Arlington, TX	X	
Johnson, TX		
Parker, TX		
Tarrant, TX		
Fresno, CA	X	
Fresno, CA		
Gadsden, AL	X	
Etowah, AL		
Gainesville, FL	X	
Alachua, FL		
Bradford, FL		
Galveston-Texas City, TX	X	
Galveston, TX		
Gary-Hammond, IN	X	
Lake, IN		
Porter, IN		
Glens Falls, NY	X	
Warren, NY		
Washington, NY		
Grand Forks, ND	X	
Grand Forks, ND		
Grand Rapids, MI	X	
Kent, MI		
Ottawa, MI		
Great Falls, MT	X	
Cascade, MT		
Greeley, CO	X	
Weld, CO		
Green Bay, WI	X	
Brown, WI		
Greensboro-Winston-Salem-High Point, NC	X	
Davidson, NC		
Davie, NC		
Forsyth, NC		
Guilford, NC		
Randolph, NC		
Stokes, NC		
Yadkin, NC		
Greenville-Spartanburg, SC	X	
Greenville, SC		
Pickens, SC		
Spartanburg, SC		
Hagerstown, MD	X	
Washington, MD		
Hamilton-Middletown, OH	X	
Butler, OH		
Harrisburg-Lebanon-Carlisle, PA	X	
Cumberland PA		
Dauphin, PA		
Lebanon, PA		
Perry, PA		
Hartford-Middletown-New Britain-Bristol, CT	X	
Hartford, CT		
Litchfield, CT		
Middlesex, CT		
Tolland, CT		
Hickory, NC	X	
Alexander, NC		
Burke, NC		
Catawba, NC		
Honolulu, HI	X	
Honolulu, HI		
Houma-Thibodaux, LA	X	
Lafourche, LA		
Terrebonne, LA		
Houston, TX		X
Fort Bend, TX		
Harris, TX		
Liberty, TX		
Montgomery, TX		
Waller, TX		
Huntington-Ashland, WV-KY-OH	X	
Boyd, KY		
Carter, KY		
Greenup, KY		
Lawrence, OH		
Cabell, WV		
Wayne, WV		
Huntsville, AL	X	
Madison, AL		
Indianapolis, IN		X

TABLE II.—GEOGRAPHIC AREA CLASSIFICATIONS FOR RCE LIMITS—Continued

MSA	Type of location	
	Less than 1,000,000	Greater than 1,000,000
Boone, IN		
Hamilton, IN		
Hancock, IN		
Hendricks, IN		
Johnson, IN		
Marion, IN		
Morgan, IN		
Shelby, IN		
Iowa City, IA	X	
Johnson, IA		
Jackson, MI	X	
Jackson, MI		
Jackson, MS	X	
Hinds, MS		
Madison, MS		
Rankin, MS		
Jacksonville, FL	X	
Clay, FL		
Duval, FL		
Nassau, FL		
St. Johns, FL		
Jacksonville, NC	X	
Onslow, NC		
Janesville-Beloit, WI	X	
Rock, WI		
Jersey City NJ	X	
Hudson, NJ		
Johnson City-Kingsport-Bristol, TN-VA	X	
Carter, TN		
Hawkins, TN		
Sullivan, TN		
Unicoi, TN		
Washington, TN		
Bristol City, VA		
Scott, VA		
Washington, VA		
Johnstown, PA	X	
Cambria, PA		
Somerset, PA		
Joliet, IL	X	
Grundy, IL		
Will, IL		
Joplin, MO	X	
Jasper, MO		
Newton, MO		
Kalamazoo, MI	X	
Kalamazoo, MI		
Kankakee, IL	X	
Kankakee, IL		
Kansas City, KS	X	
Johnson, KS		
Leavenworth, KS		
Miami, KS		
Wyandotte, KS		
Kansas City, MO	X	
Cass, MO		
Clay, MO		
Jackson, MO		
Lafayette, MO		
Platte, MO		
Ray, MO		
Kenosha, WI	X	
Kenosha, WI		
Killeen-Temple, TX	X	
Bell, TX		
Coryell, TX		
Knoxville, TN	X	
Anderson, TN		
Blount, TN		
Grainger, TN		
Jefferson, TN		
Knox, TN		
Sevier, TN		
Union, TN		
Kokomo, IN	X	
Howard, IN		
Tipton, IN		
LaCrosse, WI	X	
LaCrosse, WI		
Lafayette, LA	X	
Lafayette, LA		
St. Martin, LA		
Lafayette, IN	X	
Tippecanoe, IN		
Lake Charles, LA	X	
Calcasieu, LA		
Lake County, IL	X	
Lake, IL		
Lakeland-Winter Haven, FL	X	
Polk, FL		
Lancaster, PA	X	
Lancaster, PA		
Lansing-East Lansing, MI	X	
Clinton, MI		
Eaton, MI		
Ingham, MI		
Laredo, TX	X	
Webb, TX		
Las Cruces, NM	X	
Dona Ana, NM		
Las Vegas, NV	X	
Clark, NV		
Lawrence, KS	X	
Douglas, KS		
Lawton, OK	X	
Comanche, OK		
Lewiston-Auburn, ME	X	
Androscogin, ME		
Lexington-Fayette, KY	X	
Bourbon, KY		
Clark, KY		
Fayette, KY		
Jessamine, KY		
Scott, KY		
Woodford, KY		
Lima, OH	X	
Allen, OH		
Auglaize, OH		
Lincoln, NE	X	
Lancaster, NE		
Little Rock-North Little Rock, AR	X	
Faulkner, AR		
Lonoke, AR		
Pulaski, AR		
Saline, AR		
Longview-Marshall, TX	X	
Gregg, TX		
Harrison, TX		
Lorain-Elyria, OH	X	
Lorain, OH		
Los Angeles-Long Beach, CA		X
Los Angelas, GA		
Louisville, KY-IN	X	
Clark, IN		
Floyd, IN		
Harrison, IN		
Bullitt, KY		
Jefferson, KY		
Oldham, KY		
Shelby, KY		
Lubbock, TX	X	
Lubbock, TX		
Lynchburg, VA	X	
Amherst, VA		
Campbell, VA		
Lynchburg City, VA		
Macon-Warner Robins, GA	X	
Bibb, GA		
Houston, GA		
Jones, GA		
Peach, GA		
Madison, WI	X	
Dane, WI		
Manchester-Nashua, NH	X	
Hillsboro, NH		
Merrimack, NH		
Mansfield, OH	X	
Richland, OH		
Mayaguez, PR	X	
Mayaguez, PR		
McAllen.-Edinburg-Mission, TX	X	
Hidalgo, TX		
Medford, OR	X	
Jackson, OR		
Melbourne-Titusville-Palm Bay, FL	X	
Brevard, FL		
Memphis, TN-AR-MS	X	
Crittenden, AR		
De Soto, MS		
Shelby, TN		
Tipton, TN		
Miami-Hialeah, FL		X
Dade, FL		
Middlesex-Somerset-Hunterdon, NJ	X	
Hunterdon, NJ		
Middlesex, NJ		
Somerset, NJ		
Midland, TX	X	
Midland, TX		
Milwaukee, WI		X
Milwaukee, WI		
Ozaukee, WI		
Washington, WI		
Waukesha, WI		
Minneapolis-St. Paul, MN-WI		X
Anoka, MN		
Carver, MN		
Chicago, MN		
Dakota, MN		
Hennepin, MN		
Isanti, MN		
Ramsey, MN		
Scott, MN		
Washington, MN		
Wright, MN		
St. Croix, WI		
Mobile, AL	X	
Baldwin, AL		
Mobile, AL		
Modesto, CA	X	
Stanislaus, CA		
Monmouth-Ocean, NJ	X	
Monmouth, NJ		
Ocean, NJ		
Monroe, LA	X	
Ouachita, LA		
Montgomery, AL	X	
Autauga, AL		
Elmore, AL		
Montgomery, AL		
Muncie, IN	X	
Delaware, IN		
Muskegon, MI	X	
Muskegon, MI		
Nashville, TN	X	
Cheatham, TN		
Davidson, TN		
Dickson, TN		
Robertson, TN		
Rutherford, TN		
Sumner, TN		
Williamson, TN		
Wilson, TN		
Nassau-Suffolk, NY		xIX
Nassau, NY		
Suffolk, NY		
New Bedford-Fall River-Attleboor, MA	X	
Bristol, MA		
New Haven-Waterbury-Meriden, CT		
New Haven, CT		
New London-Norwich, CT	X	
New London, CT		
New Orleans, LA		X
Jefferson, LA		
Orleans, LA		
St. Bernard, LA		
St. Charles, LA		
St. John The Baptist, LA		
St. Tammany, LA		
New York, NY		X
Bronx, NY		
Kings, NY		
New York City, NY		
Putnam, NY		
Queens, NY		
Richmond, NY		
Rockland, NY		
Westchester, NY		
Newark, NJ		X
Essex, NJ		
Morris, NJ		
Sussex, NJ		
Union, NJ		
Niagara Falls, NY	X	
Niagara, NY		
Norfolk-Virginia Beach-Newport News, VA		X

TABLE II.—GEOGRAPHIC AREA CLASSIFICATIONS FOR RCE LIMITS—Continued

MSA	Type of location	
	Less than 1,000,000	Greater than 1,000,000
Chesapeake City, VA		
Gloucester, VA		
Hampton City, VA		
James City Co., VA		
Newport News City, VA		
Norfolk City, VA		
Poquoson, VA		
Portsmouth City, VA		
Suffolk City, VA		
Virginia Beach City, VA		
Williamsburg City, VA		
York, VA		
Oakland, CA		X
Alameda, CA		
Contra Costa, CA		
Ocala, FL	X	
Marion, FL		
Odessa, TX	X	
Ector, TX		
Oklahoma City, OK	X	
Canadian, OK		
Cleveland, OK		
Logan, OK		
McClain, OK		
Oklahoma, OK		
Pottawatomie, OK		
Olympia, WA	X	
Thurston, VA		
Omaha, NE–IA	X	
Pottawattamie, IA		
Douglas, NE		
Sarpy, NE		
Washington, NE		
Orange County, NY	X	
Orange, NY		
Orlando, FL	X	
Orange, FL		
Osceola, FL		
Seminole, FL		
Owensboro, KY	X	
Daviess, KY		
Oxnard-Ventura, CA	X	
Ventura, CA		
Panama City, FL	X	
Bay, FL		
Parkersburg-Marietta, WV–OH	X	
Washington, OH		
Wood, WV		
Pascagoula, MS	X	
Jackson, MS		
Pensacola, FL	X	
Escambia, FL		
Santa Rosa, FL		
Peoria, IL	X	
Peoria, IL		
Tazewell, IL		
Woodford, IL		
Philadelphia, PA–NJ		X
Burlington, NJ		
Camden, NJ		
Gloucester, NJ		
Bucks, PA		
Chester, PA		
Delaware, PA		
Montgomery, PA		
Philadelphia, PA		
Phoenix, AZ		X
Maricopa, AZ		
Pine Bluff, AR	X	
Jefferson, AR		
Pittsburgh, PA		X
Allegheny, PA		
Fayette, PA		
Washington, PA		
Westmoreland, PA		
Pittsfield, MA	X	
Berkshire, MA		
Ponce, PR	X	
Ponce, PR		
Portland, ME	X	
Cumberland, ME		
Sagadahoc, ME		
York, ME		
Portland, OR		X

TABLE II.—GEOGRAPHIC AREA CLASSIFICATIONS FOR RCE LIMITS—Continued

MSA	Type of location	
	Less than 1,000,000	Greater than 1,000,000
Clackamas, OR		
Multnomah, OR		
Washington, OR		
Yamhill, OR		
Portsmouth-Dover-Rochester, NH	X	
Rockingham, NH		
Strafford, NH		
Poughkeepsie, NY	X	
Dutchess, NY		
Providence-Pawtucket-Woonsocket, RI	X	
Bristol, RI		
Kent, RI		
Newport, RI		
Providence, RI		
Washington, RI		
Provo-Orem, UT	X	
Utah, UT		
Pueblo, CO	X	
Pueblo, CO		
Racine, WI	X	
Racine, WI		
Raleigh-Durham, NC	X	
Durham, NC		
Franklin, NC		
Orange, NC		
Wake, NC		
Reading, PA	X	
Berks, PA		
Redding, CA	X	
Shasta, CA		
Reno, NV	X	
Washoe, NV		
Richland-Kennewick-Pasco, WA	X	
Benton, WA		
Franklin, WA		
Richmond-Petersburg, VA	X	
Charles City Co., VA		
Chesterfield, VA		
Colonial Heights City, VA		
Dinwiddie, VA		
Goochland, VA		
Hanover, VA		
Henrico, VA		
Hopewell City, VA		
New Kent, VA		
Petersburg City, VA		
Powhatan, VA		
Prince George, VA		
Richmond City, VA		
Riverside-San Bernardino, CA		X
Riverside, CA		
San Bernardino, CA		
Roanoke, VA	X	
Botetourt, VA		
Roanoke, VA		
Roanoke City, VA		
Salem City, VA		
Rochester, MN	X	
Olmsted, MN		
Rochester, NY	X	
Livingston, NY		
Monroe, NY		
Ontario, NY		
Orleans, NY		
Wayne, NY		
Rockford, IL	X	
Boone, IL		
Winnebago, IL		
Sacramento, CA		X
Eldorado, CA		
Placer, CA		
Sacramento, CA		
Yolo, CA		
Saginaw-Bay City-Midland, MI	X	
Bay, MI		
Midland, MI		
Saginaw, MI		
St. Cloud, MN	X	
Benton, MN		
Sherburne, MN		
Stearns, MN		
St. Joseph, MO	X	
Buchanan, MO		
St. Louis, MO–IL		X

TABLE II.—GEOGRAPHIC AREA CLASSIFICATIONS FOR RCE LIMITS—Continued

MSA	Type of location	
	Less than 1,000,000	Greater than 1,000,000
Monroe, IL		
Franklin, MO		
Jefferson, MO		
St. Charles, MO		
St. Louis, MO		
St. Louis City, MO		
Salem, OR	X	
Marion, OR		
Polk, OR		
Salinas-Seaside-Monterey, CA	X	
Monterey, CA		
Salt Lake City-Ogden, UT	X	
Davis, UT		
Salt Lake, UT		
Weber, UT		
San Angelo, TX	X	
Tom Green, TX		
San Antonio, TX		X
Bexar, TX		
Comal, TX		
Guadalupe, TX		
San Diego, CA		X
San Diego, CA		
San Francisco, CA		X
Marin, CA		
San Francisco, CA		
San Mateo, CA		
San Jose, CA		X
Santa Clara, CA		
San Juan, PR		X
Fajardo, PR		
San Juan, PR		
Santa Barbara-Santa Maria-Lompoc, CA	X	
Santa Barbara, CA		
Santa Cruz, CA	X	
Santa Cruz, CA		
Santa Rosa-Petaluma, CA	X	
Sonoma, CA		
Sarasota, FL	X	
Sarasota, FL		
Savannah, GA	X	
Chatham, GA		
Effingham, GA		
Scranton-Wilkes Barre, PA	X	
Columbia, PA		
Lackawanna, PA		
Luzerne, PA		
Monroe, PA		
Wyoming, PA		
Seattle, WA		X
King, WA		
Snohomish, WA		
Sharon, PA	X	
Mercer, PA		
Sheboygan WI	X	
Sheboygan, WI		
Sherman-Denison, TX	X	
Grayson, TX		
Shreveport, LA	X	
Bossier, LA		
Caddo, LA		
Sioux City, IA–NE	X	
Woodbury, IA		
Dakota, NE		
Sioux Falls, SD	X	
Minnehaha, SD		
South Bend-Mishawaka, IN	X	
St. Joseph, IN		
Spokane, WA	X	
Spokane, WA		
Springfield, IL	X	
Menard, IL		
Sangamon, IL		
Springfield, MO	X	
Christian, MO		
Greene, MO		
Springfield, MA	X	
Hampden, MA		
Hampshire, MA		
State College, PA	X	
Centre, PA		
Steubenville-Weirton, OH–WV	X	
Jefferson, OH		
Brooke, WV		
Hancock, WV		
Stockton, CA	X	

TABLE II.—GEOGRAPHIC AREA CLASSIFICATIONS FOR RCE LIMITS—Continued

MSA	Type of location	
	Less than 1,000,000	Greater than 1,000,000
San Joaquin, CA		
Syracuse, NY	X	
Madison, NY		
Onondaga, NY		
Oswego, NY		
Tacoma, WA	X	
Pierce, WA		
Tallahasse, FL	X	
Gadsden, FL		
Leon, FL		
Tampa-St. Petersburg-Clearwater, FL		X
Hernando, FL		
Hillsborough, FL		
Pasco, FL		
Pinellas, FL		
Terre Haute, IN	X	
Clay, IN		
Vigo, IN		
Texarkana-TX-Texarkana, AR	X	
Miller, AR		
Bowie, TX		
Toledo, OH	X	
Fulton, OH		
Lucas, OH		
Wood, OH		
Topeka, KS	X	
Shawnee, KS		
Trenton, NJ	X	
Mercer, NJ		
Tucson, AZ	X	
Pima, AZ		
Tulsa, OK	X	
Creek, OK		
Osage, OK		
Rogers, OK		
Tulsa, OK		
Wagoner, OK		
Tuscaloosa, AL	X	
Tuscaloosa, AL		
Tyler, TX	X	
Smith, TX		
Utica-Rome, NY	X	
Herkimer, NY		
Oneida, NY		
Vallejo-Fairfield-Napa, CA	X	
Napa, CA		
Solano, CA		
Vancouver, WA	X	
Clark, WA		
Victoria, TX	X	
Victoria, TX		
Vineland-Millville-Bridgeton, NJ	X	
Cumberland, NJ		
Visalia-Tulare-Porterville, CA	X	
Tulare, CA		
Waco, TX	X	
McLennan, TX		
Washington, DC-MD-VA		X
District of Columbia, DC		
Calvert, MD		
Charles, MD		
Frederick, MD		
Montgomery, MD		
Prince Georges, MD		
Alexandria, VA		
Arlington, VA		
Fairfax, VA		
Fairfax City, VA		
Falls Church City, VA		
Loudoun, VA		
Manassas City, VA		
Manassas Park City, VA		
Prince William, VA		
Stafford, VA		
Waterloo-Cedar Falls, IA	X	
Black Hawk, IA		
Bremer, IA		
Wausau, WI	X	
Marathon, WI		
West Palm Beach-Boca Raton-Delray Beach, FL	X	
Palm Beach, FL		
Wheeling, WV-OH	X	

TABLE II.—GEOGRAPHIC AREA CLASSIFICATIONS FOR RCE LIMITS—Continued

MSA	Type of location	
	Less than 1,000,000	Greater than 1,000,000
Belmont, OH		
Marshall, WV		
Ohio, WV		
Wichita, KS	X	
Butler, KS		
Sedgwick, KS		
Wichita Falls, TX	X	
Wichita, TX		
Williamsport, PA	X	
Lycoming, PA		
Wilmington, DE-NJ-MD	X	
New Castle, DE		
Cecil, MD		
Salem, NJ		
Wilmington, NC	X	
New Hanover, NC		
Worcester-Fitchburg-Leominster, MA	X	
Worcester, MA		
Yakima, WA	X	
Yakima, WA		
York, PA	X	
Adams, PA		
York, PA		
Youngstown-Warren, OH	X	
Mahoning, OH		
Trumbull, OH		
Yuba City, CA	X	
Sutter, CA		
Yuba, CA		

V. Impact Analysis

Executive Order 12291 requires us to prepare and publish a regulatory impact analysis for any regulations that are likely to have an annual effect on the economy of $100 million or more, cause a major increase in costs or prices, or meet other threshold criteria that are specified in that order. In addition, the Regulatory Flexibility Act (Pub. L. 96-354) requires us to prepare and publish a regulatory flexibility analysis for regulations unless the Secretary certifies that the regulations will not have a significant economic impact on a substantial number of small entities. (For purposes of the Regulatory Flexibility Act, small entities include all nonprofit and most for-profit providers.)

As noted above, we are updating the RCE limits by applying the most recent economic index data without revising the methodology. This notice announces an update of the limits, as required by regulations at 42 CFR 405.482(f)(3) and does not alter any regulations or policy.

For hospitals under the prosepective payment system, the RCE limits will not apply to the compensation costs of services physicians furnish for the general benefit of hospital inpatients. As a result, the limits will directly affect a much smaller portion of provider costs than originally expected. This does not result in a reduction of FY 1984 savings because the effect of these limits was incorporated in the budget neutrality adjustment to the prospective payment rates. Therefore, we will pay no more for inpatient hospital services than if these limits were still applicable to affected inpatient operating costs. We do not expect the slight increase in the updated limits (around one percent for each specialty group) to have a significant impact on the affected parties or on total program expenditures.

We have determined that this notice does not meet any of the criteria of E.O. 12291 and that a regulatory impact analysis is not required. In addition, we have determined, and the Secretary certifies, that this notice will not have a significant economic impact on a substantial number of small entities, and that a regulatory flexibility analysis is therefore not required.

VI. Other Required Information

A. Waiver of Proposed Rulemaking

We are publishing this notice as a final notice with comment period without prior publication of a proposed notice for public comment. For the reasons discussed below, we believe that publishing a proposed notice is unnecessary.

Section 405.482(f) permits us to publish the revised RCE limits in final form without prior publication of a proposal for public comment if the limits are merely updated by applying the most recent economic index data without revising the methodology. Although we are substituting MSAs for SMSAs in this notice, we do not believe that this amounts to a change in the "methodology by which payment limits are established" under § 405.482(f)(2). Section 405.482 was written with the intention that the methodology would continue to be applied without change for a number of years despite the fact that SMSAs, by their very nature, might change.

Therefore, we believe that publication of a proposal is unnecessary, and we find good cause to waive the procedure. However, because of the change from SMSAs to MSAs, we are providing a 30-day comment period so that providers, physicians, and any other parties interested in that aspect of this notice may comment on this issue.

B. Waiver of 30-Day Delayed Effective Date

The RCE limits set forth in this notice are effective for cost reporting periods beginning on or after January 1, 1984. A large number of providers begin their cost reporting periods on January 1. As a practical matter, if we allowed a 30-day delay in the effective date of this notice, these providers, and the physicians who

are based in these providers, would be unable to take timely advantage of the increased limits contained in this notice. This eventuality would be contrary to public interest. Therefore, we find good cause to waive a 30-day delay in the effective date.

C. Comments

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, we will consider any comments on this notice that are received by the date specified in the "Dates" section of this preamble. If, as a result of public comments, we conclude that changes in this final notice are needed, we will respond to the comments and include the changes in a notice published in the **Federal Register.**

(Sec. 1887 of the Social Security Act (42 U.S.C. 1395xx); 42 CFR 405.482)

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance Program, No. 13.774, Medicare—Supplementary Medical Insurance Program)

Dated: July 27, 1984.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: August 27, 1984.

Margaret M. Heckler,

Secretary.

[FR Doc. 85-4166 Filed 2-19-85; 8:45 am]

BILLING CODE 4120-03

Public Health Service

Cochlear Implant Devices; Assessment of Medical Technology

The Public Health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it is coordinating an assessment of what is known of the safety, clinical effectiveness, appropriateness, and use of cochlear implant devices. Specifically we are interested in the medical indications for single and multichannel cochlear implants, recommendations on the safety and effectiveness of the surgical procedure, as well as recommendations as to appropriate groups of the hearing impaired population that might benefit from this technology.

The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendations will be formulated to assist the Health Care Financing Administration in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than May 8, 1985, or within 90 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trials and other well-designed clinical studies. Information related to the characterization of the patient population most likely to benefit, the clinical acceptability, and the effectiveness of this technology is also being sought.

Written material should be submitted to: National Center for Health Services Research and Health Care Technology Assessment, Office of Health Technology Assessment, Park Building, Room 3-10, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: February 11, 1985.

Enrique D. Carter, M.D.,

Director, Office of Health Technology Assessment, National Center for Health Services Research, and Health Care Technology Assessment.

[FR Doc. 85-4164 Filed 2-19-85; 8:45 am]

BILLING CODE 4160-17-M

Advisory Committees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of March 1985:

Name: Health Services Developmental Grants Review Subcommittee.

Date and Time: march 14-15, 1985, 8:30 AM.

Place: Linden Hill Hotel, Queensbury Room, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

Open March 14, 8:30 AM to 9:30 AM.

Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Health Care Technology Assessment (NCHSR & HCTA).

Agenda: The open session of the meeting of March 14 from 8:30 AM to 9:30 AM will be devoted to a business meeting covering administrative matters and reports. There will also be a presentation by the Director, NCHSR & HCTA. During the closed sessions, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financng of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a Roster of Members, Minutes of Meetings, or other relevant information should contact Mr. Hoke S. Glover, National Center for Health Services Research and Health Care Technology Assessment, Room 152, Park Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-3091.

Name: Health Care Technology Study Section.

Date and Time: March 4-5, 1985, 8:00 AM.

Place: Linden Hill Hotel, Queensbury Room, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

Open March 4, 8:00 AM to 9:15 AM.

Closed for remainder of meeting.

Purpose: The Committee is charged with the initial review of health research grant applications for Federal assistance in the program administered by the National Center for Health Services Research and Health Care Technology Assessment (NCHSR & HCTA).

Agenda: The open session from 8:00 AM to 9:15 AM on March 4 will be devoted to a business meeting covering administrative matters and reports. There will also be a presentation by the Director, NCHSR & HCTA. The closed portion of the meeting will be devoted to review of health services research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a Roster of Members, Minutes of Meetings, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research and Health Care Technology Assessment, Room 152, Park Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-3091.

Name: Health Services Research Review Subcommittee.

Date and Time: March 7-8, 1985, 9:00 AM.

Place: Linden Hill Hotel, Pinehurst Room, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

Open March 7, 9:00 AM to 1:00 PM.

Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Service Research and Health Care Technology Assessment (NCHSR & HCTA).

Agenda: The open session of the meeting on March 7 from 9:00 AM to 1:00 PM will be devoted to a business meeting covering administration and reports. There will also be a presentation by the Director, NCHSR & HCTA. During the closed sessions, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a Roster of Members, Minutes of Meetings, or other relevant information should contact Dr. Anthony Pollitt, National Center for Health Services Research Care Technology Assessment, Room 152, Park Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–3091.

Agenda items are subject to change as priorities dictate.

Dated: February 14, 1985.

John E. Marshall,

Director, National Center for Health Services Research and Health Care Technology Assessment.

[FR Doc. 85–4198 Filed 2–19–85; 8:45 am]

BILLING CODE 4160–17–M

Social Security Administration

Refugee Resettlement; Proposed Availability of Funding for Demonstration Projects Which Test Alternative Approaches to the Provision of Cash Assistance, Medical Assistance, Social Services, and/or Case Management to Refugees

AGENCY: Office of Refugee Resettlement (ORR), Social Security Administration, Department of Health and Human Services.

ACTION: Notice of proposed availability of funding for projects to implement alternative means of providing cash assistance, medical assistance, social services, and case management to refugees and Cuban and Haitian entrants.[1]

DATE: *Opportunity to comment:* This notice is issued as a proposal for public comment. Comments on the requirements and procedures set forth herein will be considered if received by March 22, 1985.

ADDRESS: Address written coments, in duplicate, to: Christie Cohagen, Office of Refugee Resettlement, Room 1229 Switzer Building, 330 C Street, S.W., Washington, D.C. 20201.

SUMMARY: This announcement governs the proposed award of demonstration project grants to eligible grantees. Grants are for the purpose of reducing public assistance dependence among refugees by promoting refugee employment in the earliest time possible and by funding new and innovative approaches for the provision of cash assistance, medical assistance, social services, and/or case management to refugees. The needs of refugees are often transitional and the existing systems are not necessarily the most responsive to the particular needs refugees have and the obstacles they must overcome. Congress has expressed an interest in alternative approaches which may better promote refugee early employment and self-sufficiency than does the current system. Grant funds may be used to demonstrate alternative approaches to one component of the refugee resettlement system, or to the entire system itself, insofar as those functions are normally funded through the Office of Refugee Resettlement. Project participants must be refugees who have been in the United States less than 36 months. Refugees participating in these demonstration projects will be precluded from receiving assistance under the programs of aid to families with dependent children (AFDC), refugee cash assistance (RCA), Medicaid, and/or refugee medical assistance (RMA), depending upon the scope of the project. However, they may receive cash and/or medical assistance under the terms of the demonstration project. Because of the difficulty refugees have had moving from receipt of cash assistance to employment and self-support, proposed demonstration projects must either serve welfare-dependent refugees and promote their independence or serve newly arriving refugees who otherwise could be expected to become welfare-dependent.

[1] Hereafter, all references in the notice to "refugees" will also include Cuban and Haitian entrants.

Closing Dates for Preapplications and Applications

This is a standing announcement. Grant applications will be received at any time. Review of proposals will be on fixed dates as indicated under "Review and Award Procedures." Those proposals which meet minimum criteria will ordinarily be funded on a descending point score basis at the end of each review cycle, subject to the discretion of the Director, ORR, and to the availability of funds. Future fiscal year funding will be subject to Congressional appropriations. The Director, ORR, requires the submission of a preapplication before the submission of a formal grant application. Preapplications can be submitted at any time and will be reviewed by Office of Refugee Resettlement staff in accordance with the schedule established under "Review and Award Procedures." The submission of a preapplication package will: (a) Establish communication between the applicant and ORR; (b) enable early determination of the applicant's eligibility; and (c) establish overall desirability of a given approach in order to discourage proposals which have little or no chance for Federal funding before applicants incur significant expenditures in preparing an application. Preapplications are mandatory. Specific guidance on preapplication content is provided in section III. below.

Authorization

Demonstration project grants will be funded under Sec. 412(e) of the Immigration and Nationality Act (8 U.S.C. 1522(e)) as amended by Pub. L. 98–473 entitled "Making Continuing Appropriations for the Fiscal Year 1985, and for Other Purposes."

Available Funds

The Office of Refugee Resettlement has no additional funds available for demonstration projects funded under this announcement. Therefore, ORR will fund projects at levels no higher than the estimated cost of serving project participants in the absence of the demonstration project. In the case of projects submitted by non-State applicants, funds will be drawn from cash and medical assistance grants and social service allocations which otherwise would have gone to the States to serve project participants. If a State receives targeted assistance funds, it can use those funds for demonstration

project purposes if it so chooses. To the extent that projects propose to serve refugees potentially eligible for assistance under AFDC and/or Medicaid, funds appropriated under part A of title IV of the Social Security Act, or title XIX of such Act, may be used for the purpose of implementing alternative projects. ORR will consider multi-year applications but will only fund approved applications one year at a time. In addition, projects demonstrating costs savings will be given priority consideration.

Eligible Applicants

The Federal refugee program is essentially a State-administered program. Under the Refugee Act of 1980, States have key responsibilities in planning, administering, and coordinating refugee resettlement activities. States administer the provision of cash and medical assistance and social services to refugees. They also maintain legal responsibility for the care of unaccompanied refugee children in the State. ORR awards grants directly to the States for the provision of services and assistance to refugees.

In order to receive assistance under the refugee program, a State is required by the Refugee Act and by HHS regulations to submit a plan to ORR which describes the nature and scope of the program and gives assurances that the program will be administered in conformity with the Act. As part of the plan, a State must designate a State agency to be responsible for developing and administering the plan and name a refugee coordinator who will ensure the coordination of public and private refugee resettlement resources in the State. Notwithstanding the central role played by States in the refugee program, ORR intends to give full and fair consideration to all eligible applicants. Eligible applicants for the demonstration grants include public and private nonprofit organizations, such as (but not limited to) States, a private voluntary resettlement agency or consortium of agencies, refugee mutual assistance associations, and local government entities. Applicants must demonstrate (1) experience in serving, or the capacity to serve, refugees and (2) a thorough understanding of how the refugee program operates.

Because any demonstration project will have a potential impact on a State's or locality's budgetary needs for cash assistance and/or medical assistance, as well as social services, a non-State applicant is required to seek the collaboration of the State Refugee Coordinator in the development and implementation of such a demonstration project and, if the refugee program is administered locally by a local public agency (rather than a State agency), to seek the collaboration of the local agency. This requirement would not apply to a proposed project that was national in scope.

Program Information

I. Purpose and Scope

The 1985 Continuing Appropriations Resolution, Pub. L. 98-473, amended the Immigration and Nationality Act and thus provided the authority for this notice which invites applications for demonstration projects. This provision, known as the "Wilson/Fish Amendment," instructs the Secretary of Health and Human Services to:

> develop and implement alternative projects for refugees who have been in the United States less than 36 months, under which refugees are provided interim support, medical services, support services, and case management, as needed, in a manner that encourages self-sufficiency, reduces welfare dependency, and fosters greater coordination among the resettlement agencies and service providers. (Immigration and Nationality Act, 412(e)(7)(A), 8 U.S.C. 1522(e)(7)(A).)

The purpose of the announcement is to provide interested and eligible applicants an opportunity to test innovative ways of meeting refugees' basic needs while enhancing their prospects for the earliest possible attainment of self-sufficiency. ORR will be interested both in approaches and outcomes which can be replicated at the national program level and in projects which may be particularly well-suited to the specific needs of a targeted population in a given location. Demonstration projects may propose alternative approaches to one component of the resettlement system or to the entire system itself. While proposals need not present a comprehensive alternative to the current system, they must meet the statutory intent of:

(1) Promoting refugee economic self-sufficiency;

(2) Reducing refugee reliance on public assistance; and

(3) Fostering greater coordination among resettlement agencies and service providers, including refugee mutual assistance associations (MAAs).

Congress, the Department of Health and Human Services, and others involved in the refugee resettlement program have recognized the difficulties associated with frequent and prolonged use of public assistance by refugees. A recent voluntary agency report found that when refugees' active efforts to secure employment were deferred, refugees ultimately lost their motivation to work. Furthermore, the ability of service providers to promote the goal of self-sufficiency was limited. This announcement encourages the development of projects which target welfare-dependent refugee populations by offering new ways to reduce public assistance use and to find jobs for refugees as soon after their arrival as possible. The basic premise of this announcement is that while refugees may be in need of a range of services, provision of these services should not stand in the way of refugees seeking work as soon as practicable.

II. Program Description

In developing alternative demonstration projects, potential applicants must be aware of two statutory limitations: (1) The Wilson/Fish Amendment requires that refugees who participate in demonstration projects not have been in the U.S. more than 36 months; and (2) refugee participants are precluded from receiving AFDC, refugee cash assistance (RCA), Medicaid, or refugee medical assistance (RMA), although cash and medical assistance can be provided under the terms of the demonstrations themselves. For example, in a demonstration project which proposes an alternative cash assistance system, refugee participants would not be permitted to receive AFDC or RCA because they would be receiving cash assistance under the terms of the project. Refugee participants in such a project, however, could receive Medicaid or RMA if otherwise eligible. Likewise, if a demonstration project proposes an alternative medical assistance system, refugee participants would not be permitted to receive Medicaid or RMA because they would be receiving medical assistance under the terms of the project. Project participants could receive AFDC or RCA if a cash assistance alternative was not a part of the project and if they would be eligible otherwise for these programs. In addition, the Department of Health and Human Services remains opposed to the provision of medical assistance without regard to need and economic circumstances of the refugee. Applicants who propose alternatives to the current system of medical assistance must therefore relate such assistance to an appropriate needs test.

The projects submitted are expected to reflect a range of variations in the present program in elements such as: demographic characteristics of refugees served, extent of the geographic area

covered in the project, mix of services proposed, length of project period, and types of mechanisms used to provide assistance and services. Close collaboration is expected between the applicant, the voluntary resettlement agencies in the proposed project area under cooperative agreements with the State Department, and the State or local agency which administers ORR-funded refugee assistance programs, and will be necessary to ensure project continuity and coordination of available resources.

Applicants wishing to carry out a demonstration project in States where the State agency also has indicated an intention to apply for demonstration funds should, to the extent practicable, coordinate with and build upon the State's demonstration proposal. Likewise, applicants offering demonstrations from the same jurisdiction should seek to coordinate such efforts to avoid administrative difficulties which would occur through a fragmented approach to State or local resettlement.

Diversity among the various projects submitted for consideration is anticipated and encouraged. Projects might include but need not be limited to:

(1) Alternatives to the current systems in place for providing cash assistance to refugees. For example, ORR would consider projects to provide cash assistance through a non-State-administered mechanism, such as through the private voluntary resettlement agencies. Consideration would also be given to variations in the State-administered system which increase work incentives, such as a project in which a cash assistance system similar to RCA would be provided as the maintenance program of first resort (rather than AFDC). Applicants are encouraged to use the AFDC payment levels as a guide in determining cash assistance benefit levels for project participants. Any deviation from the AFDC payment levels should be fully justified. In addition, applicants are expected to devise alternative approaches which are equitable and provide for hearings and appeals processes for participating refugees.

(2) Alternatives to the current systems in place for providing medical assistance to refugees. For example, ORR would consider proposals to provide medical care from a health maintenance organization or by purchasing health insurance through a private provider if a refugee's eligibility for medical assistance continued to be based on financial need. Applicants must show that such an alternative is likely to lead to increased economic self-sufficiency and reduced welfare use. Any deviation from the scope of services provided through Medicaid and RMA should be fully justified.

(3) Different mixes of assistance and services provided to refugees and the way in which they are provided. These projects might operate entirely outside the State-administered structure such as through a privately administered resettlement system or through a local, public resettlement project.

III. Preapplication Content

In developing proposals for funding under this notice, applicants shall submit an original and two copies of the preapplication. The preapplication should:

A. General Program Description

1. Generally describe the problem to be addressed by the demonstration effort in light of the statutory priorities of reducing welfare dependence; increasing self-sufficiency; and fostering greater coordination among voluntary agencies, service providers, mutual assistance associations, and the relevant State and local agencies. Include documentation of the problem and sources of evidence;

2. Indicate the need for the demonstration project and state the principal and subordinate objectives of the project;

3. Identify in a general way results and benefits to be derived;

4. Outline a plan of action pertaining to the scope and the detail of how the proposed work will be accomplished for each function or activity provided in the budget;

5. Cite factors which might accelerate or decelerate the work and the reason for taking the chosen approach as opposed to others; and

6. Provide, for each function or activity, quantitative monthly or quarterly projections of the accomplishments to be achieved, particularly as they relate to job placement, welfare reduction and cost savings.

B. Administration and Management Information

1. Specify who has fiscal and programmatic responsibility along with a short description of the nature of the effort or contribution;

2. Identify the kinds of data to be collected and maintained and discuss the criteria to be used for evaluating the results and successes of the project; and

3. Explain the methodology that will be used to determined if the needs identified and discussed are being met and if the results and benefits identified in item A.3 are being achieved.

C. Budget and Fiscal Information

1. Include a preliminary budget by component by fiscal year;

2. Discuss projected cost savings by component with a general description of how these savings have been determined; and

3. Specify that demonstration project funds will not supplant funds available to the applicant from other sources.

IV. Preapplication Evaluation Criteria

Completeness and feasibility of the proposed project: (40)

- Likelihood of project design effectuating program priorities of reducing refugee welfare use, promoting early employment, and fostering self-sufficiency;
- Relevance of proposed activities to anticipated project outcomes;
- Awareness of current economic circumstances prevailing in the geographic area encompassed by the project, along with an awarness of employment opportunities available to project participants;
- Feasibility of methodolgies to implement proposed activities;
- Reasonableness of employment objectives and their impact on refugee self-sufficiency;
- Extent to which applicant has coordinated proposed activities with other participants in refugee resettlement—such as voluntary agencies, service provides, mutual assistance associations, State agencies, and local governments;
- Evidence that applicant has consulted with the State Refugee Coordinator and solicited State comments on the proposal and, if the refugee program is administered locally by a local public agency (rather than a State agency), has also carried out the same actions with respect to the local agency;
- Clarity of staffing patterns described; and
- General description of appeals procedures to be followed when a project participant questions a decision made by grantee.

Monitoring and Evaluation Plan: (30)

- Adequate procedures and system proposed to collect data on the performance measures;
- Measurability of goals and objectives as stated and identification of performance measures and their relation to goals and objectives—i.e., whether the measures proposed are appropriate and adequate to measure progress

against the stated goals and objectives of the project;

• Adequate evidence that the applicant has a solid background in program management and financial management in similar kinds of activities; and

• Adequacy of monitoring plan describing how operational components will be supervised and what procedures will be used to assure accountability.

Budget and Fiscal: (30)

• Administrative functions and costs clearly presented and reasonable;

• Acceptability of estimated program costs and adequacy of rationale for allocating funds to each budget component, including, if applicable, identification of numbers of participants who otherwise would have been eligible for the programs of RCA, AFDC, RMA, and/or Medicaid;

• Adequacy of facility and resources;

• Reasonableness of the budget in relation to the proposed project and the anticipated results, proposed activities, client characteristics, and the projected client outcomes;

• Where project proposes changes from the AFDC cash assistance payment levels, and where changes are proposed in the Medicaid scope of services, adequate justification presented in keeping with goals of project; and

• Evidence of potential cost savings which would occur as soon as possible as a result of the demonstration.

V. Application Content

The application should:

A. General Program Description

1. Specifically describe the problem to be addressed by the demonstration effort, in light of the statutory intent of reducing welfare dependence; increasing self-sufficiency; and fostering greater coordination of resources among voluntary agencies, service providers, mutual assistance associations, and the relevant State and local agencies. Include documentation of the problem and sources of evidence;

2. Indicate the need for the demonstration project and state the principal and subordinate objectives of the project;

3. Identify results and benefits to be derived;

4. Provide a detailed plan of action pertaining to the scope and the detail of how the proposed work will be accomplished for each function or activity provided in the budget;

5. Cite factors which might accelerate or decelerate the wor and the reason for taking the chosen approach as opposed to others; and

6. Provide, for each function or activity, quantitative monthly or quarterly projections of the accomplishments to be achieved, particularly as they relate to job placement, welfare reductions, and cost savings.

B. Administration and Management

1. Provide a detailed management plan indicating who has fiscal and programmatic responsibility. Identify the organizational structure and include a staffing pattern and key position descriptions;

2. Identify the kinds of data to be collected and maintained and discuss the criteria to be used for evaluating the results and success of the project;

3. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified in item A.3 are being achieved; and

4. Provide a chart of project milestones.

C. Budget:

1. Submit a detailed budget by component by fiscal year with narrative explanation to include:

—total dollar amount by component

—percent of total amount by component

—per capita costs;

2. Discuss projected cost savings by component with detailed description of how these savings have been determined; and

3. Specify that demonstration project funds will not supplant funds available to the applicant from other sources.

VI. Application Evaluation Criteria

Completeness and feasibility of the proposed project: (40)

• Likelihood of project design effectuating program priorities reducing refugee welfare use, promoting early employment and self-sufficiency, and fostering improved coordination among the resettlement agencies and service providers;

• Relevance of proposed activities to anticipated project outcomes;

• Awareness of current economic circumstances prevailing in the geographic area encompassed by the project, along with an awareness of employment opportunities available to project participants;

• Feasibility of methodologies to implement proposed activities;

• Reasonableness of employment objectives and their impact on refugee self-sufficiency;

• Extent to which applicant has coordinated proposed activities with other participants in refugee resettlement—such as voluntary agencies, service providers, mutual assistance associations, State agencies, and local governments.

• Evidence that applicant has consulted with the State Refugee Coordinator, has solicited State comments on the proposal, and sought the collaboration of the State in the development and implementation of the project, and, if the refugee program is administered locally by a local public agency (rather than a State agency), has also carried out the same actions with respect to the local agency;

• Clarity of staffing patterns described;

• Adequate rationale for establishing priorities for specific activities proposed, for the refugees proposed to be served, for the geographic area encompassed, for the length of project proposed; and

• Specific description of appeals procedures to be followed when a project participant questions a decision made by grantee.

Monitoring and Evaluation Plan: (30)

• Adequate procedues and system proposed to collect data on the performance measures;

• Measurability of goals and objectives as stated and identification of performance measures and their relation to goals and objectives—i.e., whether the measures proposes are appropriate and adequate to measure progress against the stated goals and objectives of the project;

• Adequate evidence that the applicant has a solid background in program management and financial management in similar kinds of activities; and

• Adequacy of monitoring plan describing how operational components will be supervised and what procedures will be used to assure accountability

Budget and Fiscal: (30)

• Administrative functions and costs clearly presented and reasonable;

• Acceptability of estimated program costs and adequacy of rationale for allocating funds to each budget component, including, if applicable, identification of numbers of participants who otherwise would have been eligible for the programs of RCA, AFDC, RMA, and/or Medicaid;

• Adequacy of facility and resources;

• Reasonableness of the budget in relation to the proposed project and the anticipated results, proposed activities, client characteristics, and the projected client outcomes;

• Where project proposes changes from the AFDC cash assistance payment

levels, and where changes are proposed in the Medicaid scope of services, adequate justification presented in keeping with goals of project; and

• Evidence of potential cost savings which would occur as soon as possible as a result of the demonstration.

SUPPLEMENTARY INFORMATION:

Review and Award Procedures

Preapplications will be reviewed and point-score rated by a review panel of experts according to the above criteria, and in accordance with the HHS Grants Administration Manual. A decision as to whether a preapplication will be recommended for further consideration will be made by the Director, ORR.

Applications will be evaluated on a competitive basis by a review panel of experts according to the above criteria, and in accordance with the HHS Grants Administration Manual. Applications are expected to be much more specific in nature than preapplications. Final funding decisions will be made by the Director, ORR. Not more than nine proposals will be funded during the fiscal year. A schedule of proposed panel review dates and the corresponding proposal due dates (for preapplications and/or applications) follows:

Proposal Due Dates	*Panel Review Dates*
May 1, 1985	May 22, 1985
August 1, 1985	August 22, 1985
November 1, 1985	November 22, 1985

The Office of Refugee Resettlement reserves the right to cancel or reschedule panel review dates in cases where the number of applications received would not, in the judgment of the Director, warrant the expenditure of public monies. In such instances, all eligible applicants will be notified in writing of the schedule adjustment at least ten calendar days before the scheduled review date.

Records and Reports

Preapplications and applications for grants awarded under this notice are to be submitted on Form SSA 96 which has current OMB approval (0960–0184).

Financial reporting is to be provided on Standard Form 269. Activity items will be identified on a sample of Standard Form 269 accompanying grant awards.

Grantees will be required to report financial status and program progress quarterly, and separately form ORR's regular Refugee Resettlement Program or other discretionary grants. Both financial status (SF 269s) and program progress reports shall be due 30 days after the first calendar day of each Federal quarter following the effective date of the grant award, except for the final financial and program progress reports which shall be due 90 days after the expiration or termination of grant support.

The content of the program progress reports shall conform to the guidelines which will be issued by ORR no later than 30 days after the first grant is awarded under this notice. In general, however, the progress reports shall include, to the extent appropriate to the particular grant, a brief presentation of the following for each program, function, or activity involved:

(1) A comparison of actual accomplishments to the goals established for the period. Where the output of the project can be readily expressed in numbers, a computation of the costs per unit of output may be required if that information will be useful.

(2) The reason for slippage if established goals were not met.

(3) Other pertinent information including, when appropriate, analysis and explanation of unexpectedly high overall or unit costs.

Grantees shall adhere to the standards in this section when prescribing program progress reporting requirements of subgrantees.

These reporting requirements directly follow Departmental grants administration regulations at 45 CFR Part 74.

A grantee must provide for the maintenance of such operational records as are necessary for Federal monitoring of the grantee's alternative resettlement project. This recordkeeping must include:

(1) documentation of services and assistance provided, including identification of individuals receiving these services;

(2) documentation that necessary medical followup services and monitoring have been provided, if applicable.

A grantee must submit statistical or programmatic information that the Director determines to be required to fulfill his responsibility under the Refugee Act of 1980, as amended.

Executive Order 12372, Notification Process

This program is covered under Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Applicants should contact the designated Single Point of Contact (SPOC) in their State as early as possible to alert the SPOC of the prospective preapplication and/or application and receive specific instructions regarding the State's review process. Applicants should submit the material required by the State to the SPOC.

State SPOC offices are encouraged to send their comments on the preapplication and/or application to ORR as soon as possible for consideration prior to the award process. Directly-affected State, area-wide, regional, and local officials and entities have 60 days to comment on the application from the deadline date for final application submission to ORR through the process established by the State. SPOCs will submit their comments directly to Phillip N. Hawkes, Director, Office of Refugee Resettlement, Room 1229 Switzer Building, 330 C Street, SW., Washington, D.C. 20201. ORR expects to respond to SPOC comments at the time an award to an applicant seems likely. A list of State SPOCs is included at the end of this announcement.

Application Request

Preapplication and application forms (Standard Form SSA 96 "Federal Assistance") are available on request from the Office of Refugee Resettlement, Grants Management Office, SSA, Room 1229 Switzer Building, HHS, 330 C Street, SW., Washington, D.C. 20201, Betsy Andress, (202) 245–1715. To be considered complete, a preapplication or application package must consist of a signed original and two copies, one of which should be addressed to the appropriate Regional Director, ORR. All preapplication or application packages must be received by the U.S. Department of Health and Human Services, SSA, Grants Management Office, Office of Refugee Resettlement, Room 1229 Switzer Building, 330 C Street, SW., Washington, D.C. 20201.

Application Delivered by Mail

Even though this is a standing announcement, three cut-off and corresponding panel review dates are proposed. In order to meet these respective deadlines, the procedures below must be followed.

A formal application sent by mail must be addressed as indicated immediately above.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A legibly dated receipt from a commercial carrier.

If an application is sent through the U.S. Postal Service, the Director does not accept either of the following as proof of mailing: (1) A private metered postmark or (2) a mail receipt that is not dated by the U.S. Postal Service. Applicants should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, the applicant should check with its local post office. Applicants are encouraged to use registered or at least first class mail. Applications must be postmarked no later than 11:59 p.m., May 1 to be reviewed by May 22; 11:59 p.m., August 1 to be reviewed by August 22; and 11:59 p.m., November 1 to be reviewed by November 22.

Applications Delivered by Hand:

A preapplication or an application that is hand-delivered should be taken to the U.S. Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, Grants Management Branch, Room 1229 Switzer Building, 330 C Street, SW., Washington, D.C., 20201.

The Grants Management Branch will accept a hand-delivered preapplications or application between 8:30 am and 5:00 pm Eastern Time daily, except Saturdays, Sundays, and Federal holidays.

Preapplications or applications delivered by hand must be received no later than 5:00 pm May 1, to be reviewed by May 22; no later than 5:00 pm August 1, to be reviewed by August 22; and no later than 5:00 pm November 1, to be reviewed by November 22.

FOR FURTHER INFORMATION CONTACT:

Mr. Jack Anderson, Regional Director, Office of Refugee Resettlement, Room 2403, J.F.K. Federal Building, Government Center, Boston, MA 02203, 617–223–6180

Mr. James Turman, Regional Director, Office of Refugee Resettlement, 200 Main Tower Bldg., Room 1115, Dallas, TX 75202, 214–767–4301

Ms. Sandra Garrett, Assistant Regional Director, Office of Refugee Resettlement, Room 4149, Federal Building, 26 Federal Plaza, New York, NY 10007, 212–264–0606

Mr. Bill Neary, Regional Director, Office of Refugee Resettlement, 3535 Market Street, Room 10400, P.O. Box 13716, Philadelphia, PA 19101, 215–596–0210

Ms. Suanne Brooks, Regional Director, Office of Refugee Resettlement, 101 Marietta Tower, Suite 2112, Atlanta, GA 30323, 404–221–2250

Mr. Derek Schoen, Regional Director, Office of Refugee Resettlement, 300 S. Wacker Drive, 35th Floor, Chicago, IL 60607, 312–353–5182

Mr. Manuel Rodriguez Fleitas, Director, Florida Office, Office of Refugee Resettlement, P.O. Box 140188, Coral Gables, Florida 33114, 305–350–4118

Mr. Larry L. Laverentz, Assistant Regional Director, Office of Refugee Resettlement, 601 East 12th Street, Room 436, Kansas City, MO 64106, 816–758–7081

Mr. Edwin LaPedis, Regional Director, Office of Refugee Resettlement, 19th & Stout Streets, Room 1185, Federal Building, Denver, Co 80294, 303–844–5387

Ms. Sharon Fujii, Regional Director, Office of Refugee Resettlement, 50 United Nations Plaza, Mail Stop 352, San Francisco, CA 94102, 415–556–8582

Mr. John Crossman, Regional Director, Office of Refugee Resettlement, 2901 Third Avenue, Mail Stop 212, Seattle, WA 98101, 206–442–8049

Office of Refugee Resettlement, Division of Policy and Analysis, 330 C Street, SW., Room 1229, Switzer Buillding, Washington, D.C. 20201, Attention: Christie Cohagen, 202–245–1059

Applicable Regulations

The following HHS regulations apply to grants under this Notice:

a. Title 42 of the *Code of Federal Regulations.*

Part 441, Subparts E & F, Services: Requirements and Limits Applicable to Specific Services—Abortions and Sterilization.

b. Title 45 of the *Code of Federal Regulations.*

Part 16, Procedures of the Departmental Grant Appeals Board;

Part 46, Protection of Human Subjects;

Part 74, Administration of Grants;

Part 75, Informal Grant Appeal Procedures;

Part 76, Debarment and Suspension from Eligibility for Financial Asistance;

Part 80, Nondiscrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964;

Part 81, Practice and Procedure for Hearings Under Part 80 of this Title;

Part 84, Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance;

Part 91, Non-discrimination on the Basis of Age in Health and Human Services Programs or Activities Receiving Federal Financial Assistance;

Part 400, Refugee Resettlement Program;

Part 401, Cuban/Haitian Entrant Program (except that § 401.2(b)(2) does not apply).

(No Catalog of Federal Domestic Assistance number has been assigned.)

Dated: January 31, 1985.

Phillip N. Hawkes,

Director, Office of Refugee Resettlement.

State Single Point of Contact List

Alabama

Mrs. Donna J., Snowden, SPOC, Alabama State Clearinghouse, Alabama Department of Ecnonomic and Community Affairs, 3465 Norman Bridge Road, Post Office Box 2939, Montgomery, Alabama 36105–0939

Arizona

Office of Economic Planning and Development, State of Arizona

Note.—Correspondence and questions concerning the State's E.O. 12372 process should be directed to:

Jo Stephens, Director, Local Government Assistance, ATTN: Arizona State Clearinghouse, 1700 West Washington, Rm. 205, Phoenix, Arizona 85007, Tel. (602) 255–5004

Arkansas

State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Tel. (501) 371–2311

California

Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Tel. (916) 445–0282

Colorado

State Clearinghouse, Division of Local Government, 1313 Sherman Street, Rm. 520, Denver, Colorado 80203, Tel. (303) 866–2156

Connecticut

Gary E. King, Under Secretary, Comprehensive Planning Division, Office of Policy and Management, Hartford, Connecticut 06106–4459

Note.—Correspondence and questions concerning the State's E.O. 12372 process should be directed to:

Intergovernmental Review Coordinator, Comprehensive Planning and Management, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106–4459, Tel. (203) 566–4298

Delaware

Executive Department Thomas Collins Building Dover, Delaware 19903, Attn: Franchine Booth, Tel. (302) 736-4204

Florida

Ron Fahs, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32301, Tel. (904) 488-814

Georgia

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, SW., Atlanta, Georgia 30334, Tel. (404) 656-3855

Hawaii

Kent M. Keith, Director, Department of Planning and Economic Development, P.O. Box 2359, Honolulu, Hawaii 96804

For Information Contact:

Hawaii State Clearinghouse, Tel. (808) 548-3085

Illinois

Tom Berkshire Office of the Governor, State of Illinois, Springfield, Illinois 62706, Tel. (217) 782-8639

Indiana

Ms. Susan J. Kennell, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Tel. (317) 232-5604

Iowa

Office for Planning and Programming, Capital Annex, 523 East 12th Street, Des Moines, Iowa 50319, Tel. (515) 281-6483

Kansas

Judy Krueger, Office of the Secretary, Kansas Department of Human Resources, 401 Topeka Avenue, Topeka, Kansas 66603, Tel. (913) 296-5075

Kentucky

Kentucky State Clearinghouse, 2nd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Tel. (502) 564-2382

Louisiana

Michael J. Jefferson, Dept. of Urban and Community Affairs, Office of State Clearinghouse, P.O. Box 44455, Capitol Station, Baton Rouge, Louisiana 70804, Tel. (504) 925-3722

Maine

State Planning Office, Attn. Intergovernmental Review Process, State House Station #38, Augusta, Maine 04333, Tel. (207) 289-3154

Maryland

Guy W. Hager, Director, Maryland State Clearinghouse for Intergovernmental Assistance, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201-2365, Tel. (301) 383-7875

Massachusetts

Executive Office of Communities and Development, 100 Cambridge Street, Rm. 1401, Boston, Massachusetts 02202, Tel. (617) 727-7078

Michigan

Carol Hoffman, Director, Office of Business and Community Development, Michigan Department of Commerce, P.O. Box 30004, Lansing, Michigan 48909, Tel. (517) 373-0933

Minnesota

Thomas N. Harren, Minnesota State Planning Agency, Capitol Square Building—Room 101, 550 Cedar Street, St. Paul, Minnesota 55101, Tel. (612) 296-3698

Mississippi

Office of Federal State Programs, Department of Planning and Policy, 1504 Walter Sillers Bldg., 500 High Street, Jackson, Mississippi 39202

For Information Contact:

Mr. Marlan Baucum, Department of Planning and Policy, Tel. (601) 359-3069

Missouri

Missouri Federal Assistance Clearinghouse, Office of Administration, Division of Budget and Planning, Room 129 Capitol Building, Jefferson City, Missouri 65102, Tel. (314) 751-4834 or 751-2345

Montana

Agnes Fipperian, Intergovernmental Review Clearinghouse, c/o Office of the Lieutenant Governo], Capitol Station, Helena, Montana 59620, Tel. (406) 444-5522

Nebraska

Policy Research Office, P.O. Box 94601, Room 1321, State Capitol, Lincoln, Nebraska 68509, Tel. (402) 471-2414

Nevada

Ms. Linda A. Ryan, Director, Office of Community Services, Capitol Complex, Carson City, Nevada 89710, Tel. (702) 885-4420

Note.—Correspondence and questions concerning the State's E.O. 12372 process should be directed to:

John Walker, Clearinghouse Coordinator, Tel. (702) 885-4420

New Hampshire

David G. Scott, Acting Director, New Hampshire Office of State Planning, 2½ Beacon Street, Concord, New Hampshire 03301, Tel. (603) 271-2155

New Jersey

Mr. Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, 363 West State Street, Trenton, New Jersey 08625, Tel. (609) 292-6613

Note.—Correspondence and questions concerning the State's E.O. process should be directed to:

Nelson S. Silver, State Review Process, Division of Local Government Services, CN 803, Trenton, New Jersey 08625-0803, Tel. (609) 292-9025

New Mexico

Peter C. Pence, Director, Department of Finance and Administration, State of New Mexico, 515 Don Gaspar, Santa Fe, New Mexico 87503, Tel. (505) 827-3885

New York

Director of the Budget, New York State

Note.—Correspondence and questions concerning the State's E.O. 12372 process should be directed to:

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Tel. (518) 474-1605

North Carolina

Mrs. Chrys Baggett, Director, State Clearinghouse, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27611, Tel. (919) 733-4131

North Dakota

Office of Intergovernmental Assistance, Office of Management and Budget, 14th Floor—State Capitol, Bismarck, North Dakota 58505, Tel. (701) 224-2094

Ohio

State Clearinghouse, Office of Budget and Management, 30 East Broad Street, Columbus, Ohio 43215

For Information Contact:

Mr. Leonard E. Roberts, Deputy Director, Tel. (614) 466-0699

Oklahoma

Office of Federal Assistance Management, 4545 North Lincoln Blvd., Oklahoma City, Oklahoma 73105, Tel. (405) 528-8200

Oregon

Intergovernmental Relations Division, State Clearinghouse, Executive Building, 155 Cottage Street, NE., Salem, Oregon 97310, Tel. (503) 373-1998

Pennsylvania

Pennsylvania Intergovernmental Council, P.O. Box 1288, Harrisburg, Pennsylvania 17108, Attn: Charles Griffiths, Executive Director, Tel. (717) 783-3700

Rhode Island

Daniel W. Varin, Chief, Rhode Island Statewide Planning Program, 265 Melrose Street, Providence, Rhode Island 02907, Tel. (401) 277-2656

South Carolina

Danny L. Cromer, Grant Services, Office of the Governor, 1205 Pendleton Street, Room 477, Columbia, South Carolina 20201, Tel. (803) 758-2417

South Dakota

Jeff Stroup, Commissioner of the Bureau of Intergovernmental Relations, Second Floor, Capitol Building, Pierre, South Dakota 57501, Tel. (605) 773-3661

Tennessee

Tennessee State Planning Office, 1800 James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37219, Tel. (615) 741-1676

Texas

Bob McPherson, State Planning Director, Office of the Governor, Austin, Texas 78711, Tel. (512) 475-6156

Utah

Michael B. Zuhl, Director, Office of Planning and Budget, State of Utah, 116 State Capitol Building, Salt Lake City, Utah 84114, Tel. (801) 533-5245

Vermont

State Planning Office, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Tel. (802) 828-3326

Virginia

Robert H. Kirby, Intergovernmental Review Officer, Department of Planning and Budget, Post Office Box 1422, Richmond, Virginia 23211, Tel. (804) 786-1921

Washington

Ken Black, Washington Department of Community Development, Ninth and Columbia Building, Olympia, Washington 98504, Tel. (206) 753-2200

West Virginia

Mr. Fred Cutlip, Director, Community Development Division, Governor's Office of Economic and Community Development, Building #6, Room 553, Charleston, West Virginia 25305, Tel. (304) 348-4010

Wisconsin

Secretary Doris J. Hanson, Wisconsin Department of Administration, 101 South Webster Street—GEF 2, Madison, Wisconsin 53702, Tel. (608) 266-1212

Wyoming

Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Tel. (307) 777-7574

Virgin Islands

Federal Programs Office, Office of the Governor, The Virgin Islands of the United States, P.O. Box 580, Toya Andrew, Federal Program Coordinator, Staff Contact: Phyra Budson, Charlotte Amalie, St. Thomas 00801, Tel. (809) 774-6511

District of Columbia

Pauline Schneider, Director, Office of Intergovernmental Relations, Room 416, District Building, Washington, D.C. 20004, Tel. (202) 727-6265

Puerto Rico

Nelson Soto, President, Puerto Rico Planning Board, P.O. Box 4119 Minilla Station, San Juan, Puerto Rico 00940, Tel. (809) 724-7900

Northern Mariana Islands

Planning and Budget Office, Office of the Governor, Saipan, CM 96950

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-85-1502]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, telephone (202) 755-6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Requisition for Disbursement of Section 202 Loan Funds
Office: Housing
Form No.: HUD-92403-EH
Frequency of Submission: On Occasion
Affected Public: Non-Profit Institutions
Estimated Burden Hours: 2,400
Status: Reinstatement
Contact: Evelyn Berry, HUD, (202) 755-5866; Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: January 24, 1985.

Proposal: Tenant Data Summary
Office: Public and Indian Housing
Form No. HUD-50058
Frequency of Submission: On Occasion
Affected Public: State or Local Governments
Estimated Burden Hours: 2,421,000

Status: New
Contact: Joyce Anne Bassett, HUD, (202) 426–0744; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: December 27, 1984.

Proposal: Management Review Questionnaire and Management Review Report
Office: Housing
Form No. HUD–9838
Frequency of Submission: On Occasion
Affected Public: Businesses or Other For-Profit
Estimated Burden Hours: 1,080
Status: Extension
Contact: Matt Andrea, HUD, (202) 755–6870; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 11, 1985.

Proposal: Section 223(f) Coinsurance Application Package: Management Exhibits
Office: Housing
Form No. None
Frequency of Submission: On Occasion
Affected Public: Businesses or Other For-Profit
Estimated Burden Hours: 570
Status: Extension
Contact: Matt Andrea, HUD, (202) 755–6870; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 11, 1985.

Proposal: Notice of Job Change and Changes in Family Composition
Office: Housing
Form No. HUD–93115
Frequency of Submission: On Occasion
Affected Public: Individuals or Households
Estimated Burden Hours: 17,500
Status: Extension
Contact: Charlene Weaver, HUD, (202) 755–6672; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 11, 1985.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 85–4116 Filed 02–19–85; 8:45 am]
BILLING CODE 4210–01–M

[Docket No. N–85–1503]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.
ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, telephone (202) 755–6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Tenant Data Summary (Pilot Response Test)
Office: Public and Indian Housing
Form No. HUD–50058
Frequency of Submission: Single Time
Affected Public: State or Local Governments
Estimated Burden Hours: 1,400
Status: New
Contact: Joyce Ann Bassett, HUD, (202) 426–0744; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 13, 1985.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Low-Income Public Housing Financial Statements
Office: Public and Indian Housing
Form No. HUD–52595, 52596, 52599, 52603, and 53049
Frequency of Submission: Annually
Affected Public: State and Local Governments
Estimated Burden Hours: 45,735
Status: Revision
Contact: Myra Newbill, HUD, (202) 755–7707; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 85–4117 Filed 2–19–85; 8:45 am]
BILLING CODE 4210–01–M

Office of Environment and Energy

[Docket No. I–85–134]

Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under the HUD programs as described in the appendix of the Notice: Tent City Project (South End Urban Renewal Area), City of Boston, Massachusetts. This Notice is required by the Council on Environmental Quality under its rule (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the particular project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

This Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register**, a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., February 6, 1985.

George A. Karas,

Acting Deputy Director, Office of Environment and Energy.

Appendix—EIS on Tent City Development, City of Boston, Massachusetts

The City of Boston, Massachusetts, intends to prepare an Environmental Impact Statement (EIS) for the project described below and solicits information and comments for consideration in the EIS. The EIS will be prepared jointly with an Environmental Impact Report (EIR) required under the Massachusetts Environmental Policy Act (MEPA) and will be a combined EIR/EIS document.

Description: The proposed project consists of the redevelopment of a 3.1 acre parcel in the South End Urban Renewal Area of Boston to provide approximately 270 units of mixed-income housing, up to 10,000 square feet of community retail space, and underground parking for 698 automobiles. The site covers the block bonded by Dartmouth Street, Columbus Avenue, Yarmouth Street, and the Southwest Corridor Deck abutting Copely Place. For the housing, 25% of the units will be subsidized for low-income families, 50% for moderate-income, and the remaining 25% will be market rate. The project sponsor (Tent City Corporation) has applied to HUD for an Urban Development Action Grant to assist on the financing of this project. The project is expected to commence before the end of 1985 and be completed by 1988.

Need: An EIS is proposed because the proposed action, while not exceeding the threshold of 2,500 units, could have a significant impact on the human environment, and require consideration of several environmental issues such as traffic and parking, air quality and noise, aesthetics and historic properties, shadows, groundwater, utilities, and energy.

Alternatives: At this time, the HUD alternatives are to accept the proposed project as submitted, accept the proposed project with modifications, or reject the proposed development.

Scoping: A public scoping meeting for the Trust City project was held on January 17, 1985, following public notice published in local newspapers and sent to governmental officials, agencies, and interested citizens and organizations. This meeting, held jointly with the MEPA office, was used to aid the City in its decision whether to prepare an EIS. Notwithstanding the above, the City will still accept and consider written comments on the scope and impacts that are received within twenty-one (days) after publication of this notice in the **Federal Register**.

Comments: Comments and questions regarding the project should be sent within twenty-one (21) days of the publication of this notice in the **Federal Register** to: Richard B. Mertens, Environmental Review Officer, Boston Redevelopment Authority, Boston City Hall, One City Hall Square, Boston, Massachusetts 02201; telephone (617) 722-4300.

[FR Doc. 85-4115 Filed 2-19-85; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Colorado; Canon City District Grazing Advisory Board Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Grazing Advisory Board Public Meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Canon City District Grazing Advisory Board to be held at 11:00 a.m., Friday, March 22, 1985, at the Chaffee County Bank at 146 G Street, Salida, Colorado.

Agenda of this meeting will include: (1) A discussion of the proposed Forest Service—BLM Interchange, (2) proposals for expenditure of range improvement funds for fiscal year 1986, (3) update of on-going rangeland monitoring, (4) expenditure of range betterment funds, and (5) discussion of current issues concerning grazing management in the district.

The meeting will be open to the public. Facilities and space to accommodate members of the public are limited and persons will be accommodated on a first come, first served basis. Any person may file with Board a written statement concerning matters to be discussed. Time will be set aside at 2:00 p.m. to hear members of the public.

Minutes of the meeting will be made available for public inspection 30 days after the meeting.

FOR FURTHER INFORMATION CONTACT: Donnie Sparks, District Manager, Bureau of Land Management, 3080 East Main Street, Canon City, Colorado 81212, (303) 275-0631.

Donnie R. Sparks,

District Manager.

[FR Doc. 85-4081 Filed 2-19-85; 8:45 am]

BILLING CODE 4310-JB-M

Ely District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a joint meeting of the Ely District Grazing Advisory Board and the Ely District Advisory Council will be held on Wednesday, April 3, 1985.

The meeting will convene at 9:30 a.m. in the conference room of the Ely District Office located on the Pioche Highway one mile south of Ely, Nevada.

The main agenda items will be the status of activity planning efforts in the district, discussion of the BLM and U.S. Forest Service Interchange Plan, and projects programmed for feasibility and survey and design studies this fiscal year.

Public comment time is scheduled for 11 a.m. The public is invited to attend this meeting and may, at the designated time, submit written or oral statements for the advisory group's consideration.

Minutes of the meeting will be available for public inspection and reproduction during regular office hours within 30 days following the meeting.

DATE: February 7, 1985.

ADDRESS: Comments and suggestions should be sent to: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

FOR FURTHER INFORMATION CONTACT: Kathy Lindsey, (702) 289-4865.

Dated: February 7, 1985.

Merrill L. DeSpain,

District Manager.

[FR Doc. 85-4085 Filed 2-19-85; 8:45 am]

BILLING CODE 4310-HC-M

New Mexico Recreation Action Closure of Public Lands in Otero County, NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Closure.

SUMMARY: This notice sets forth the details of closure of public lands in the Las Cruces District. Notice of this closure is required under 43 CFR 8364. 1(C).

DATE: March 20, 1985 through April 5, 1985.

ADDRESS: Bureau of Land Management, Las Cruces District Office, 1800 Marquess St., P.O. Box 1420, Las Cruces, NM 88004.

Daniel C.B. Rathbun,

Acting District Manager.

This order is being issued to protect persons and property in conjunction with the use of the public lands in:

T. 19 S., R. 8 E., NMPM,
Secs. 26, 27, 28, 33, 34 and 35.
T. 20 S., R. 8 E., NMPM,
Secs. 3, 4, 9, 10, 11, 14, 15, 21, 22, 23, 26, 27, 28, 33, 34 and 35.
T. 21 S., R. 8 E., NMPM,
Secs. 3, 4, 9, 10, 11, 14, 15, 21, 22, 23, 26, 27, 28, 33, 34, and 35.
T. 22 S., R. 8 E., NMPM,
Secs. 3, 4, 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34, and 35.

All entry to and use of the above-described public lands will be denied to all persons exept those having prior existing rights: the grazing permittee and his employees; mining claimants; persons owning private lands within the subject lands; and employees of the State of New Mexico; from March 20, 1985 through April 5, 1985, in order to protect persons and property during maneuvers sponsored by the U.S. Army.

Any person who fails to comply with this closure order may be subject to penalties provided in 43 CFR 8360.0-7.

This order shall be posted in the Bureau of Land Management Office at 1800 Marquess Street, Las Cruces, New Mexico and at conspicuous places near and within the subject area. In addition, this order shall be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Larry Nunez, Area Manager, White Sands Resource Area, (505) 525-8228.

[FR Doc. 85-4083 Filed 2-19-85; 8:45 am]

BILLING CODE 4310-FB-M

Intent To Prepare an Environmental Impact Statement on Noxious Weed Control in the States of Idaho, Montana, Oregon, Washington, and Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM) in coordination with the State Departments of Agriculture and County Weed Control Districts of Idaho, Montana, Oregon, Washington, and Wyoming will prepare an Environmental Impact Statement (EIS) for a proposed noxious weed control program to comply with the Carlson-Foley Act, Federal Noxious Weed Act of 1974, and Noxious Weed Laws of each cooperating State. The public is invited to submit comments on the scope of the study, including suggestions as to what factors ought to be considered in the EIS.

DATE: Comments should be submitted by: March 22, 1985.

ADDRESS: Comments should be sent to: State Director (935), Bureau of Land Management, 825 N.E. Multnomah St. (Box 2965), Portland, Oregon 97208. Comments from the public are available for inspection at the above address during regular business hours (Monday-Friday 7:30 a.m.-4:15 p.m.).

FOR FURTHER INFORMATION CONTACT: Gregg Simmons, (503) 231-6272.

SUPPLEMENTARY INFORMATION: The Carlson-Foley Act (Pub. L. 90-583) authorizes and directs Federal agencies to provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government. The Federal Noxious Weed Control Act of 1974 (Pub. L. 93-629) provides for "the control and eradication of noxious weeds, and the regulation of the movement in interstate or foreign commerce of noxious weeds and potential carriers thereof, and for other purposes." Noxious weed control laws of each concerned State apply to all infested lands within the States, including Federal lands, and place the primary responsibility for control and eradication upon the landowner or custodian. The weed control program will be aimed at all noxious weeds included on State and Federal published lists, and will be applied to all weed control districts within the five States.

Control measures would integrate manual, mechanical, herbicidal and biological methods to achieve the most cost effective and biorational solutions to noxious weed control.

The EIS will be prepared by an interdisciplinary team which will consider the following general issues:

1. Proposed Action and Alternatives (including integrated control, no aerial herbicides, no herbicides, and no action);

2. Description of the Affected Environment (including soil, water, vegetation, fish and wildlife, and cultural);

3. Environmental Consequences of the Proposed Action and Alternatives (including effects on soil, water, vegetation, fish and wildlife, cultural and human; short-term vs. long-term productivity; and irreversable or irretrievable commitment of resources).

William G. Leavell,

Oregon State Director.

[FR Doc. 85-4094 Filed 2-19-85; 8:45 am]

BILLING CODE 4310-84-M

[I-19537]

Issuance of Land Exchange Conveyance Document; Exchange of Public and Private Lands Lemhi County, Idaho

The United States has issued an exchange conveyance document to Ellsworth Land and Cattle, Inc., Box 26, Lemhi, Idaho 83465, for the following-described lands under Section 206 of the Federal Land Policy and Management Act of 1976:

Boise Meridian, Idaho

T. 18 N., R. 24 E.,
Sec. 33, lots 9 and 10, S½NE¼.
Comprising 111.18 acres of public land.

In exchange for these lands, the United States acquired the following described lands:

Boise Meridian Idaho

T. 18 N., R. 24 E.,
Sec. 13, W½NE¼.
T. 18 N., R. 25 E., Sec. 18, SW¼SW¼.
Comprising 120.00 acres of private land.

The purpose of this exchange was to acquire the non-Federal land which contains valuable wildlife habitat, riparian habitat and rangeland. The public interest was well served through completion of this exchange.

Dated: February 12, 1985.

Louis B. Bellesi,

Deputy State Director for Operations.

[FR Doc. 85-4133 Filed 2-19-85; 8:45 am]

BILLING CODE 4310-CG-M

[NM-58570, NM-58571 and 58573; 4-21207-ILM]

Public Land Sale; Dewey, Ellis and Roger Mills Counties, OK

AGENCY: Bureau of Land Management, Interior.

ACTION: Sale of Public Land Encompassing 133.38 Acres (Plus Accretions) in the Counties of Dewey, Ellis, and Roger Mills, Oklahoma by Non-Competitive Bid Only.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by direct sale under section 203 of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2743, 43 U.S.C. 1711) at no less than the appraised fair market value:

DEWEY COUNTY (DW)

Tract	Legal description	Acres plus accretions	Value
DW-1	T. 16 N., R. 14 W., I.M., Sec. 32, Lot 3.	21.25	$4,000.00
DW-3	T. 16 N., R. 18 W., I.M., Sec. 11, Lot 4.	5.75	2,875.00
DW-6	T. 16 N., R. 19 W., I.M., Sec. 12, Lot 2.	14.70	4,750.00
DW-7	Lot 3	17.20	6,100.00
DW-8	Lot 4	12.58	6,600.00
DW-12	T. 17 N., R. 17 W., I.M., Sec. 20, Lot 1.	12.60	2,400.00

ELLIS COUNTY (EL)

Tract	Legal description	Acres plus accretions	Value
EL-1	T. 17 N., R. 22 W., I.M., Sec. 1, Lot 7.	5.75	1,400.00

ROGER MILLS (RM)

Tract	Legal description	Acres plus accretions	Value
RM-11	T. 16 N., R. 23 W., I.M., Sec. 22, Lot 5.	7.40	4,400.00
RM-13	T. 17 N., R. 25 W., I.M., Sec. 30, Lot 3.	36.15	6,500.00

The identified tracts are being offered at direct sale to the following adjoining land owners at the indicated appraised fair market value:

Tract	Name	Residence
DW-1	Clifford Baker	Fay, OK
DW-3	Gail B. Gore	Camargo, OK
DW-6, 7, and 8	Billie Sue Salge	Woodward, OK
DW-12	R.W. Collier	Taloga, OK
EL-1	Tom Barber	Arnett, OK
RM-11	Gary D. Leddy	Cheyenne, OK
RM-13	J.E. Meek	Canadian, TX

The identified parties are the only adjoining land owners and they control all legal access to these tracts. The tracts will be incorporated into the agricultural operations of these land holders. The tracts will be dispose of competively if the offer to purchase the land is refused by the adjoining land holders.

The proposed sale is consistent with the Bureau's planning system and the FLPMA of 1976. Public interest will be served by disposition of these isolated tracts that are difficult and uneconomical to manage as part of the public lands, and are not suitable for management by another Federal department or agency.

The lands will not be offered for sale until 60 days after the date of this Notice. Patents, when issued, will contain the following reservations:

1. All minerals (or partial or specific mineral interests, where applicable) shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals. A more detailed description of this reservation, which will be incorporated in the patent document, is available for review at this Bureau of Land Management office.

2. The sale of the land will be subject to all valid existing rights and reservations of record.

3. The tracts will be subject to a floodplain restriction under Executive Order 11988.

4. Portions of the above described public lands contain wetlands. The patents to all of these tracts of land will contain wetland protection patent restrictions. The type, location, and size of each wetland will appear in the patent as well as the following restrictive language:

In accordance with section 209 of the FLPMA of 1976, 43 U.S.C. 1718 (1976) and section 4 of Executive Order 11990 (1978), 3 Code of Federal Regulations 121 (1978), the patentee's use of the patented lands is restricted as follows:

a. Restrictions on use of wetlands contained in applicable federal, state, or local wetland regulations are incorporated hereby as if set forth fully herein.

b. The patentee may not use the patented land, or authorized its use, in such a manner that would directly or indirectly result in an adverse alteration of the wetland characteristics or category of that portion of the lands identified above as wetlands.

The patent restrictions are binding upon the patentee and his successors, heirs, and assigns.

Date: For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager. Any adverse comments will be evaluated by the District Manager, Tulsa District Office, Bureau of Land Management, 6136 East 32nd Place, Tulsa, Oklahoma, 74135, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

ADDRESS: Comments and suggestions should be sent to: District Manager, Bureau of Land Management, Tulsa District Office, 6136 East 32nd Place, Tulsa, Oklahoma 74135.

FOR FURTHER INFORMATION CONTACT: Hans Sallani, (405) 231-4391.

Jim Sims,

District Manager.

[FR Doc. 85-4079 Filed 2-19-85; 8:45 am]

BILLING CODE 4310-FB-M

[W-87133; 4-21952-ILM]

Wyoming; Realty Action Direct Sale of Public Land in Sweetwater County, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Direct Sale of Public Land Parcels in Sweetwater County, Wyoming.

SUMMARY: The Bureau of Land Management has determined that the land described below is suitable for public sale and will accept bids on these lands. The BLM must receive fair market value for the land sold and any bid for less than fair market value will be rejected. The BLM may accept or reject any and all offers, or withdraw any land or interest on the land for sale if the sale would not be consistent with FLPMA or other applicable law. All bids and requests for information about the sale should be sent to BLM, Salt Wells Resource Area, P.O. Box 1170, Rock Springs, Wyoming 82902-1170 (Phone 307-362-7350).

Parcels

Parcel No.	Legal description	Acreage	Appraised value
1	T. 12 N., R. 111 W., 6th P.M., Sec. 7, Lots 7, 10, 11, 12.	18.52	$3,700.00
2	T. 12 N., R. 111 W., 6th P.M., Sec. 18, Lots 10, 13.	9.11	1,525.00
3	T. 12 N., R. 111 W., 6th P.M., Sec. 7, Lots 16, 17.	3.61	720.00
4	T. 12 N., R. 111 W., 6th P.M., Sec. 18, Lot 11		
	T. 12 N., R. 112 W., 6th P.M., Sec. 13, Lot 4.	7.78	1,750.00

The lands described are hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action.

The land described above will be offered for sale directly to the adjoining landowner. If the adjoining landowner does not purchase the land by June 10, 1985, the land will be reoffered for sale under a competitive bid process. The apparent high bidder will be required to submit evidence of adjoining landownership before the high bid can be accepted.

It has been determined that the lands are without known mineral value and a bid will constitute an application for conveyance of the entire mineral estate. Each bid must be accompanied by a fifty dollar ($50.00) non-returnable filing fee to process the mineral conveyance.

Any patent issued will be subject to all valid existing rights. Specific patent reservations will include a reservation for ditches and canals and subject to existing oil and gas leases. A detailed description of these reservations is available from the above address.

For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the District Manager, Rock Springs District Office, P.O. Box 1869, Rock Springs, Wyoming 82902. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Donald H. Sweep,

District Manager.

[FR Doc. 85-4080 Filed 2-19-85; 8:45 am]

BILLING CODE 4310-22-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Conoco Inc.

AGENCY: Minerals Management Service, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the Grand Isle/CATCO Federal Unit Agreement No. 14-08-001-2021, submitted on January 31, 1985, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the Grand Isle/CATCO Federal unit.

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 plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 5, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-4130 Filed 2-19-85; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations of the Outer Continental Shelf; Forest Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that Forest Oil Company, Unit Operator of the Eugene Island Block 292 Federal Unit Agreement No. 14-08-0001-8764, submitted on February 4, 1985, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the Eugene Island Block 292 Federal unit.

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 plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Mineral Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 12, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-4077 Filed 2-19-85; 8:45 am]

BILLING CODE 4310-MR-M

Office of Surface Mining

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the

Office of Management of Budget Interior Department Desk Officer, Washington, D.C. 20503, telephone 202–343–7340.

Tile: Abandoned Mine Land Reclamation Fund Fee Collection and Coal Production Reporting

Abstract: In order for the Secretary of the Interior to effectively evaluate operator compliance with 30 CFR Part 870, coal mine operator are required to submit coal production and reclamation fee reports.

Bureau Form Number: OSM 1 and OSM 1–A

Frequency: Quarterly

Description of Respondents: Coal Companies

Annual Responses: 24,000

Annual Burden Hours: 6,000

Bureau clearance officer: Darlene Grose Boyd, (202) 343–5447.

Dated: January 25, 1985.

Carson W. Culp,

Assistant Director, Budget and Administration.

[FR Doc. 85–4131 Filed 2–19–85; 8:45 am]

BILLING CODE 4310–05–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30599]

The Chesapeake and Ohio Railway Co.; Exemption-Discontinuance of Trackage Rights

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 *et seq.*, the discontinuance of service by The Chesapeake and Ohio Railway Company (C&O) over (1) 18.1 miles of leased track owned by The Baltimore and Ohio Railroad Company between Charleston and Clendenin in Kanawha County, WV; and (2) 3.14 miles of track owned by Consolidated Rail Corporation near Charleston in Kanawha County WV, (over which C&O has trackage rights), both subject to employee protective provisions.

DATES: This exemption is effective on March 22, 1985. Petitions for reconsideration must be filed by March 12, 1985. Petitions for stay must be filed by March 4, 1985.

ADDRESSES: Send pleadings referring to Finance Docket No. 30599 to:.

(1) Office of the Secretary, Case Control Branch Interstate Commerce Commission, Washington, DC 20423 and

(2) Petitioner's Representative: Peter J. Shudtz, P.O. Box 6419 Cleveland, OH 44101.

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., Interstate Commerce Commission, Room 2227, Washington, DC 20423, or call toll free (800) 424–5403, or 289–4357 (DC Metropolitan area).

Decided: February 12, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 4143 Filed 2–19–85; 8:45 am]

BILLING CODE 4035–01–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The OMB and Agency form numbers, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small businesses or organizations are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New Collection

Bureau of Labor Statistics

May 1985 Current Population Survey supplemental questions CPS–1, CPS–260

On occasion

Individuals or households: 58,000 responses; 4,000 hours; 2 forms

This supplement will provide data on work schedules, dual jobholding, receipt of premiun pay, temporary work, and work at home of employed individuals in the Nation's economy. This information will provide a more detailed analysis of the Nation's labor force than is available from basic Current Population Survey data.

Revision

Bureau of Labor Statistics

Labor Market Information (LMI) Cooperative Statistics

Financial Report; LMI Cooperative Agreement

1200–0079; ET 362, BLS–LMI 83–1, BLS–LMI 83–2, SF 424

Monthly; quarterly; annually

State or local government

53 responses; 1672 hours; 4 forms

State Employment Security Agencies will provide data on the financial obligations of the Labor Market Information programs monthly and quarterly.

Extension

Employment and Training Administration
Overpayment Detection/Recovery Activities
1205–0173; ETA 227
Quarterly
State or local governments
53 respondents; 13,992 hours; 1 form

The Secretary's interpretations of applicable sections of Federal law requires States to have reasonable provisions in State law which provide for the prevention, detection and recovery of benefit overpayments that result from willful misprepresentation and other reasons. This report provides an accounting of the types and amounts of overpayments established by State agencies and the amount of such overpayments that are recovered. Data is used for effective UI program management.

Signed at Washington, D.C. this 14th day of February 1985.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 85–4182 Filed 2–19–85; 8:45 am]

BILLING CODE 4510-24-M

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; E.R. Moore Co., et al.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period February 4, 1985-February 8, 1985.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

In the following case the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–15,538; E.R. Moore Co., Osceola, AR

Separations from the subject firm resulted from a transfer of production to another domestic facility.

Affirmative Determinations

TA–W–15,563; Brown Shoe Co., "P" Factory, Union, MO

A certification was issued covering all workers separated on or after July 1, 1984.

TA–W–15,533; Allied Corp., Nitro, WV

A certification was issued covering all workers separated on or after October 24, 1983.

TA–W–15,477; Joseph M. Herman Shoe Co., Inc., Pittsfield, ME

A certification was issued covering all workers separated on or after November 15, 1983 and before January 1, 1985.

TA–W–15,457; Brown Shoe Co., Humboldt, TN

A certification was issued covering all workers separated on or after July 1, 1984 and before October 25, 1984.

TA–W–15,435; Brown Shoe Co., Plant AA, Booneville, MS

A certification was issued covering all workers separated on or after May 1, 1984 and before October 28, 1984.

TA–W–15,458; Brown Shoe Co., "F" Plant, Selmer, TN

A certification was issued covering all workers separated on or after June 1, 1984 and before November 30, 1984.

TA–W–15,498, TA–W–15,499, TA–W–15,500, TA–W–15,501, TA–W–15,502; BTK Industries, Inc., El Paso, TX

A certification was issued covering all workers separated on or after October 4, 1983.

TA–W–15,379; Brown Shoe Co., Steelville, MO

A certification was issued covering all workers separated on or after June 1, 1984.

I hereby certify that the aforementioned determinations were issued during the period February 4, 1985-February 8, 1985. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated February 12, 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 85–4183 Filed 2–19–85; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M–84–28–M]

C & S Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

C & S Mining Company, 13845 West 75th Place, Arvada, Colorado 80005 has filed a petition to modify the application of 30 CFR 57.4–43 (buildings; location requirements) to its Diamond Shaft Mine (I.D. No. 05–03883) located in Lake County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that buildings within 100 feet of intake mine openings be constructed of fire-resistant materials or equipped with an automatic fire suppression system.

2. Petitioner seeks a modification of the standard to allow a temporary building located approximately 55 feet from the shaft collar to remain in its present location and condition for up to one year. Where present, plywood interior walls and wooden frame work are painted with fire retardant paint. Fire extinguishers are available and at least one person is present whenever personnel are underground.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 22, 1985. Copies of the petition are available for inspection at that address.

Dated: February 12, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 85-4178 Filed 2-19-85; 8:45 am]

BILLING CODE 4510-43-M

Cannelton Industries et al.; Summary of Decisions Granting in Whole or in Part Petitions for Modification

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice of affirmative decisions issued by the Administrators for Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health on petitions for modification of the application of mandatory safety standards.

SUMMARY: Under section 101(c) of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor may modify the application of a mandatory safety standard to a mine if the Secretary determines either or both of the following: That an alternate method exists at the petitioner's mine that will guarantee no less protection for the miners affected than that provided by the standard, or that the application of the standard to the petitioner's mine will result in a diminution of safety to the affected miners.

Summaries of petitions received by the Secretary appear periodically in the **Federal Register.** Final decisions on these petitions are based upon the petitioner's statement, comments and information submitted by interested persons and a field investigation of the conditions at the petitioner's mine. The Secretary has granted or partially granted the requests for modification submitted by the petitioners listed below. In some instances the decisions are conditioned upon the petitioner's compliance with stipulations stated in the decision.

FOR FURTHER INFORMATION CONTACT: The petitions and copies of the final decisions are available for examination by the public in the Office of Standards, Regulations and Variances, MSHA, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: February 12, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

The following companies have submitted petitions for modification of 30 CFR 75.506(d) and 75.1303, which require that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units. These petitions have been granted and will allow, as an alternative method of compliance, the use of the nonpermissible FEMCO Ten-Shot Blasting Unit with specific safeguards and conditions.

Docket No.	FR Notice	Petitioner
M-84-10-C	49 FR 10722	Cannelton Industries, Inc.
M-84-11-C	49 FR 11027	LJ's Coal Corp.
M-84-15-C	49 FR 10723	Crockett Coal Co.
M-84-17-C	49 FR 10723	Cantrell Mining Co., Inc.
M-84-18-C	49 FR 11029	Mullins Enterprises, Inc.
M-84-19-C	49 FR 10725	Elro Coal Corp.
M-84-20-C	49 FR 21133	Silver Eagle Mining Co., Inc.
M-84-21-C	49 FR 10727	Home-Rigg Coal Corp.
M-84-22-C	49 FR 10727	Interstate Commercial Energy Corp.
M-84-23-C	49 FR 18199	Big Mac Coal Co., Inc.
M-84-24-C	49 FR 9976	Talkington Mining Corp.
M-84-26-C	49 FR 11032	True Energy Inc.
M-84-27-C	49 FR 10725	Elbow Mining Co.
M-84-28-C	49 FR 10722	Betty B. Coal Co., Inc.
M-84-35-C	49 FR 11028	Maple Leaf Coal Co.
M-84-36-C	49 FR 11032	Terry Eagle Coal Co.
M-84-41-C	49 FR 14213	Everidge & Nease Coal Co., Inc.
M-84-42-C	49 FR 13765	Lee Ann Coal Co.
M-84-54-C	49 FR 23257	First Big Mountain Mining Co., Inc.
M-84-61-C	49 FR 13760	Big Fork Coal Co., Inc.
M-84-62-C	49 FR 13766	National Mines Corp.
M-84-65-C	49 FR 13765	Lady Jane Collieries, Inc.
M-84-68-C	49 FR 13759	Bethlehem Mines Corp.
M-84-79-C	49 FR 13761	C & T Development Co., Inc.
M-84-80-C	49 FR 10726	Faith Coal Co.
M-84-87-C	49 FR 18198	Walhonde Coal & Construction
M-84-112-C	49 FR 21132	Lone Mountain Coal Co., Inc.
M-84-116-C	49 FR 18197	Southern Ohio Coal Co.
M-84-121-C	49 FR 21131	Bull Run Mining Co.
M-84-124-C	49 FR 21130	BBC Coal Co., Inc.
M-84-126-C	49 FR 21132	L. and D. Inc.
M-84-141-C	49 FR 23263	Southern Ohio Coal Co.
M-84-143-C	49 FR 32361	Rock Bull Mining, Inc.
M-84-147-C	49 FR 23259	Loyal Creek Coal

[FR Doc. 85-4181 Filed 2-19-85; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-265-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, PA 15241 has filed a petition to modify the application of 30 CFR 75.505 (mines classed gassy; use and maintenance of permissible electric face equipment) to its Arkwright No. 1 Mine (I.D. No. 46-01452), Blacksville No. 1 Mine (I.D. No. 46-01867), Blacksville No. 2 Mine (I.D. No. 46-01968), Humphrey No. 7 Mine (I.D. No. 46-01453), Osage No. 3 Mine (I.D. No. 46-01455) and Pursglove No. 15 Mine (I.D. No. 46-01454), all located in Monongalia County, West Virginia; its Loveridge No. 22 Mine (I.D. No. 46-01433), Nailler No. 79 Mine (I.D. No. 46-05620), and O'Donnell No. 22 Mine (I.D. No. 46-01431), all located in Marion County, West Virginia; and its Robinson Run No. 95 Mine (I.D. No. 46-01318) located in Harrison County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that any coal mine which is classed gassy shall use permissible electric face equipment and maintain such equipment in permissible condition.

2. The mines are developing Mains, Sub-mains, and Long-wall development panels as a continuing mining cycle. The Mains and Sub-mains development blocks are normally 100 by 100 feet to maintain adequate roof support. The Longwall development panels have employed the 200 feet block to improve roof control and control abutment pressure during Longwall mining.

3. As an alternative method, petitioner proposes that shuttle cars use more than 600 feet of number 4 AWG cable, as follows:

a. Each circuit breaker protecting a Number 4 AWG 3/C A.C. shuttle car cable longer than 600 feet will be calibrated at 500 amperes to eliminate the possible +15% calibration error;

b. Each circuit feeding more than 600 feet of Number 4 AWG 3/C A.C. shuttle car cable will be provided with a current balance relay that will trip the protecting circuit breaker in the event of a 25% current imbalance; and

c. The maximum length of 4 AWG shuttle car cable will be 1,000 feet.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All Comments must be postmarked or received in that office on or before March 22, 1985. Copies of the petition are available for inspection at that address.

Dated: February 12, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 85-4179 Filed 1-19-85; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-261-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, 301 North Memorial Drive, St. Louis, Missouri 63102 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Star North Underground Mine (I.D. No. 15–03161), Star South Underground Mine (I.D. No. 15–11265), Graham Hill No. 2 Mine (I.D. No. 15–12333), Graham Hill No. 3 Mine (I.D. No. 15–13283), and Sinclair No. 2 Mine (I.D. No. 15–07166), all located in Muhlenberg County, Kentucky; its Camp No. 1 Underground Mine (I.D. No. 15–02709), Camp No. 2 Underground Mine (I.D. No. 15–02705), and Camp No. 11 Mine (I.D. No. 15–08357), all located in Union County, Kentucky; and its Sunnyhill No. 9 North Mine (I.D. No. 33–01069) and Sunnyhill No. 9 South Mine (I.D. No. 33–01068), both located in Perry County, Ohio. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on each mine's electric face equipment.

2. Petitioner states that the use of canopies on each mine's scoops would result in a diminution of safety because the canopies restrict the equipment operator's vision, endangering both the operator and other miners on the coal run. The canopies also increase the overall height of the equipment which increases the danger of striking roof bolts, roof trusses, cross bars and rails. In addition, the canopies increase the tendency to destroy or pull down curtains, adversely affecting mine ventilation.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 22, 1985. Copies of the petition are available for inspection at that address.

Dated: February 12, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 85–4177 Filed 2–19–85; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M-84-262-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, P.O. Box 231, New Lexington, Ohio 43764 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Sunnyhill No. 9 North Mine (I.D. No. 33–01069) and Sunnyhill No. 9 South Mine (I.D. No. 33–01068), both located in Perry County, Ohio. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the use of padlocks to lock battery plugs to machine-mounted battery receptacles on permissible, mobile battery-powered machines.

2. As an alternate method, petitioner proposes to use metal, spring-loaded locking devices consisting of a fabricated metal bracket and a metal locking device in lieu of padlocks for the purpose of locking battery plugs to machine-mounted battery receptacles on permissible, mobile, battery-powered machines. The metal locking devices will be designed, installed and use to prevent the threaded rings securing the battery plugs to the battery receptacles from unintentionally loosening.

3. Petitioner states that the spring-loaded locking devices will be easier to maintain than padlocks because there are no keys to be lost and dirt cannot get into the workings. Operators of the affected equipment will be trained in the proper use of the locking device, as well as in the hazards of breaking battery plug connections under load.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 22, 1985. Copies of the petition are available for inspection at that address.

Dated: February 12, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 85–4175 Filed 2–19–85; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M-84-266-C]

South Fork Energies, Inc.; Petition for Modification of Application of Mandatory Safety Standard

South Fork Energies, Inc., Box 109 Winns Branch Road, Pikeville, KY 41401, c/o Progressive Training and Research, Star Route, P.O. Box 61, Elkhorn City, KY 41522, has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 1 Mine (I.D. No. 15–14247) located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The mine is in the Pond Creek Seam and ranges from 41½ to 60 inches in height, with consistent ascending and decending grades creating dips in the coal bed.

3. Petitioner states that the use of canopies on the mine's haulage equipment, coal drill, cutter and roof bolting machine would result in a diminution of safety for the miners affected because the canopies could strike and destroy the roof support. The canopies also limit the equipment operator's visibility, increasing the chances of an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 22, 1985. Copies of the petition are available for inspection at that address.

Dated: February 12, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 85-4174 Filed 2-19-85; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-246-C]

Southern Utah Fuel Co.; Petition for Modification of Application of Mandatory Safety Standard

Southern Utah Fuel Company, P.O. Box P, Salina, Utah 84654 has filed a petition to modify the application of 30 CFR 75.1100 (fire protection) to its Underground Mine (I.D. No. 42-00089) located in Salina County, Utah. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that each coal mine be provided with suitable firefighting equipment adapted for the size and conditions of the mine.

2. As an alternate method, petitioner proposes to have a non-pressurized fireline during the winter freezing months between the portals and the underground pump station, with specific operating procedures as outlined in the petition. Petitioner states that the proposed system design would provide adequate fire protection to the specified areas without fear of the waterline freezing and/or rupturing.

3. For these reasons, petition requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 22, 1985. Copies of the petition are available for inspection at that address.

Dated February 12, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 85-4176 Filed 2-19-85; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-29-M]

Texasgulf, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Texasgulf, Inc., P.O. Box 30321, Raleigh, North Carolina 27622-0321 has filed a petition to modify the application of 30 CFR 55.9-22 (berms or guards) to its Lee Creek Mine (I.D. No. 31-00212) located in Beaufort County, North Carolina. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that berms or guards be provided on the outer bank of elevated roadways.

2. Petitioner states that the use of berms would result in a diminution of safety because the berms will create an obstacle that can catch vehicle tires and cause an accident. Because of the clay soil in and around the mining site, berms used on the tops of dikes could increase the chance for a rupture in the dike by retaining water on the top of the dike. Sinking berms to make guardrails could also make the dikes more unstable and subject to erosion.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 22, 1985. Copies of the petition are available for inspection at that address.

Dated: February 13, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[Docket No. M-84-260-C]

Westmoreland Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Westmoreland Coal Company, P.O. Drawer A & B, Big Stone Gap, Virginia 24219 has filed a petition to modify the application of 30 CFR 77.214(a) (refuse piles; general) to its Wentz Preparation Plant—Refuse Disposal Area (I.D. Nos. 44-03088, 1211-VA5-0015-06A) located in Wise County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that refuse piles not be located over abandoned openings or steamlines.

2. As an alternate method, petitioner proposes to place refuse over abandoned mine openings which will be created by the construction of a slurry cell and associated structures in the immediate vicinity of the refuse disposal area. In support of this request, petitioner states that:

a. To prevent air flow through the refuse disposal area from the abandoned openings, a clay (cohesive soil) seal will be placed directly over each opening and the openings and seals will be backfilled with non-refuse materials (soil and rock) before refuse is placed over the openings and seals. There will be a minimum of 20 feet of rock and soil fill material placed over the openings and seals before the initial layer of refuse is placed over any abandoned openings;

b. To insure stability of the refuse embankment, the rock underdrain for the refuse embankment will be located in close proximity to the abandoned openings and will be of sufficient size to carry flow from the abandoned openings to prevent any water from the abandoned openings flowing into the refuse disposal area.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 22, 1985. Copies of the petition are available for inspection at that address.

Dated: February 12, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 85-4173 Filed 2-19-85; 8:45 am]

BILLING CODE 4510-43-M

LEGAL SERVICES CORPORATION

Audit and Accounting Guide, 1985 Edition

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, as amended, (the "Act), Pub. L. 93–355, 88 stat. 378, 42 U.S.C. 2996–29961. Section 1009(c)(1) of the Act requires that recipients of financial support from the Corporation provide for an annual financial audit. The Corporation has prepared and distributed, as of February 11, 1985, a revised Audit and Accounting Guide for use by recipients and independent certified public accountants or other auditors who perform such aduits. Copies of the Guide are available at cost to interested members of the public from the Corporation's Audit Division. The Corporation has established a ninety-day comment period.

The purpose of the Audit and Accounting Guide is to assist recipients and thier auditors in understanding the accounting, reporting, and auditing requirements for contracts and grants entered into with the Legal Services Corporation. The Guide describes the accounting policies, records, and internal control procedures considered adequate to provide proper accounting, reporting, and financial management of a recipient's program. Additionally, the Guide provides standard financial reporting formats to help achieve uniformity among the many recipients having similar organizations. The revised Guide supersedes all previous Guides.

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

ADDRESS: Copies of the Guide may be obtained from and comments may be submitted to the Audit Division, Legal Services Corporation, 733 Fifteenth Street, NW, Washington, D.C. 2005.

FOR FURTHER INFORMATION CONTACT: Daniel A. Nusbaum, Director, Audit Division, (202) 272–4148.

Richard N. Bagenstos,

Acting Deputy General Counsel.

[FR Doc. 85–4206 Filed 2–19–85; 8:45 am]

BILLING CODE 6820–35–M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Inter-Arts Advisory Panel (Folk Arts Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Folk Arts Section) to the National Council on the Arts will be held on March 7, 1985, from 9:00 a.m.–10:30 p.m.; March 8, 1985, from 9:00 a.m.–5:30 p.m.; and on March 9, from 9:00 a.m.–4:00 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6), and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

February 12, 1985.

[FR Doc. 85–4072 Filed 2–19–85; 8:45 am]

BILLING CODE 7537–01–M

Inter-Arts Advisory Panel (Artists Colonies/Services to the Arts Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Artists Colonies/Services to the Arts Section) to the National Council on the Arts will be held on March 13, 1985, from 9:30 a.m.–6:00 p.m.; March 14, 1985, from 9:30 a.m.–5:30 p.m.; and on March 15, 1985, from 9:00 a.m.–3:00 p.m. in room 7:30 fo the Nancy Hanks Center, 1100 Penn., Avenue NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 15, 1985, from 11:00 a.m.–3:00 p.m. to discuss policy and guidelines.

The remaining sessions of this meeting on March 13, from 9:30 a.m.–6:00 p.m.; March 14, from 9:30 a.m.–5:30 p.m.; and on March 15, from 9:00 a.m.–11:00 a.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published inthe **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6), and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call, (202) 682–5433.

February 12, 1985.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 85–4073 Filed 2–19–85; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published January 23, 1985 (50 FR 3069). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the March 1985 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

Nine Mile Point Unit 2, February 20 and 21, 1985, Syracuse, NY. The Subcommittee will begin review of the Niagara Mohawk Power Corporation's application for an operating license for Nine Mile Point Unit.

Emergency Core Cooling Systems, February 21, 1985, Washington, DC. The Subcommittee will: (1) Review the status of the Appendix K Rule revision; (2) discuss Duke Power's proposal to delete the ECCS Upper Head Injection (UHI) system from its ice condenser plants; (3) discuss concerns regarding the effects of fiberglass insulation on containment sump and recirculation pump performance—post LOCA; (4) discuss the status of the NRR Reactor System Branch activities; and (5) hold a Subcommittee discussion to formulate recommendations and requests on the Joint NRC/B&W Owners group/EPRI/B&W Integral System Test Program.

Class 9 Accidents, February 25, 1985, Washington, DC. The subcommittee will discuss with the NRC Staff the status of various NRC severe accident codes.

Electrical Systems, February 26, 1985, Washington, DC. The Subcommittee will discuss recent operating plant experience with the loss of AC power and the status of NRC actions on USI A–44, "Station Blackout."

Long Range Plan for NRC, March 1, 1985, Washington, DC. The Subcommittee will plan subcommittee activities.

Maintenance Practices and Procedures, March 5, 1985—POSTPONED.

Reactor Operations, March 5, 1985, Washington, DC. The Subcommittee will discuss recent plant operating experience.

Regulatory Policies and Practices, March 6, 1985, Washington, DC. The Subcommittee will continue the review of the NRC report on the need for an "NTSB-like" board in the NRC.

Class 9 Accidents, March 14, 1985, Washington, DC. The Subcommittee will discuss New York Power Authority's Source Term studies.

Combined ATWS and Electrical Systems, March 15, 1985, Washington, D.C. The Subcommittees will review the NRC Staff's activities associated with implementation of the ATWS rule and the status of NRC actions on scram breaker reliability.

Reliability Assurance, March 19, 1985, Washington, D.C. The Subcommittee will review concerns arising from a significant failure of an RCIC steam line isolation valve to open against operating reactor pressure.

Electrical Systems, March 20, 1985, Washington, DC. The Subcommittee will discuss recent NRC actions related to diesel generator reliability.

Air Systems, March 21, 1985, Washington, D.C. The Subcommittee will review the NRC's Supplement to the Control Room Habitability Working Group Report. This Supplement is to discuss the Staff's survey of near term operating license and operating reactor control rooms.

Combined Extreme External Phenomena, Structural Engineering, and Diablo Canyon, March 21 and 22, 1985, Los Angeles, CA. The Subcommittees will discuss the status of the NRC Staff's seismic design margins programs and PG&E's program plan for a seismic reevaluation of Diablo Canyon.

Combined GESAR II, Reliability & Probabilistic Assessment and Safeguards and Security, March 27, 28, and 29, 1985, Albuquerque, NM. The Subcommittees will continue their review of GESSAR II for a Final Design Approval applicable to future plants, review design features for protection against sabotage at commercial nuclear power reactors, and explore the potential consequences of successful sabotage of nonpower reactors. The principal topics to be discussed are plant safeguards and the GESSAR II probabilistic risk assessment.

Qualification Program for Safety-Related Equipment, Date to be determined (March, tentative). Washington, DC. The Subcommittee will discuss the NRC Staff's resolution of USI A–46, "Seismic Qualification of Equipment in Operating Plants."

Human Factors, April 4, 1985, Washington, DC. The Subcommittee will discuss NUREG/CR–3737, a method of ascertaining management/organization's contribution to the safety of operating reactors.

Safety Philosophy, Technology, and Criteria, April 10, 1985, Washington, DC. The Subcommittee will review the status of the NRC Staff's evaluation of the trial use of the Commission's proposed Safety Goal Policy.

Safeguards and Security, May 7, 1985, Washington, DC. The Subcommittee will review the potential consequences of sabotage at nonpower reactors, be briefed by NMSS on sabotage protection at power reactors, and hear how the NRC Staff reviews and evaluates licensees' security plans.

Safety Research Program, May 8, 1985, Washington, D.C. The Subcommittee will discuss the proposed NRC Safety Research Program and budget for FY 1987 and gather information for use by the ACRS in its preparation of the annual report to the Commission on the NRC Safety Research program.

Combined Metal Components and Seismic Design of Piping, Date to be determined (April, tentative). Washington, DC. The Subcommittees will review the NRC Piping Review Committee's overall recommendations on piping system concerns.

Seismic Design of Piping, Date to be determined (April, tentative). Washington, DC. The Subcommittee will review draft reports issued by the NRC Piping Review Committee on dynamic loads and load combinations and seismic design requirements of piping.

Regulatory Activities, June 4, 1985 (tentative), Washington, DC. The subcommittee will review the following: (1) Proposed General Revisions to Appendix J to 10 CFR Part 50, "Leak Tests for Primary and Secondary Containments of Light-Water Cooled Nuclear Power Plants," and (2) Draft Regulatory Guide on "Containment Leakage Testing."

Safety Research Program, June 5, 1985, Washington, DC. The Subcommittee will discuss the updated information (possibly the Budget Review Group mark) on the proposed NRC Safety Research Program for budget for FY 1987; also it will discuss a draft ACRS report to the Commission on the NRC Safety Research Program and budget for FY 1987.

Emergency Core Cooling Systems, Date to be determined (early spring). Palo Alto, CA. The Subcommittee will continue the review of the joint NRC/B&W Owners Group/EPRI/B&W joint IST Program. A visit to the EPRI Stanford Research Institute facilities supporting this Program is also planned.

Palo Verde Nuclear Generating Station, Date to be determined. Maricopa County, AZ. The Subcommittee will review the final reports for various construction deficiencies and the results of the preoperational testing as requested in ACRS letter dated December 15, 1981.

Combined Reliability and Probabilistic Assessment and Millstone 3, Date and location to be determined. The Subcommittees will review the probabilistic risk assessment for Millstone 3.

River Bend 1 and 2, Date and location to be determined. The Subcommittee will continue its review of Gulf States Utilities' application for an operating license for the River Bend Nuclear Power Plant Units 1 and 2.

ACRS Full Committee Meeting

March 7–9, 1985: Items are *tentatively* scheduled.

*A. *Systematic Review of Nuclear Power Plants*—Clarification of ACRS recommendation regarding NRC Policy on Future Nuclear Designs in the Committee's report of July 18, 1984.

*B. *Nine Mile Point Nuclear Plant Unit 2*—Review of an operating license for this facility.

*C. *AEOD Activities*—Briefing regarding activities of the NRC Office for Analysis and Evaluation of Operational Data.

*D. *NRC Vendor Inspection Program*—Briefing regarding NRC program for inspection of vendors providing equipment for nuclear power plants.

*E. *Recent Events at Nuclear Facilities*—Discuss the nature and significance of recent operating events at nuclear power plants.

*F. *NTSB-Type Board for Nuclear Accidents*—Discuss proposed ACRS recommendations regarding the establishment of an NTSB-type board for evaluation of nuclear accidents and the role of the ACRS in accident evaluation.

*G. *Steam Generator Overfill*—Discuss report of ACRS Subcommittee regarding the consideration of this type accident in pressurized water reactors.

*H. *Emergency Core Cooling Systems*—Discuss report on ACRS Subcommittee regarding proposed revisions to NRC regulation 10 CFR 50.46, Appendix K, ECCS Evaluation.

*I. *ACRS Subcommittee Activities*—Hear and discuss the reports of designated ACRS subcommittees regarding assigned activities including USI A–44, Station Blackout, Watts Bar Nuclear Power Plant, and other safety-related matters.

*J. *Items of Safety/Regulatory Significance*—The members of the Committee will discuss the safety/regulatory significance of various matters of interest/concern.

*K. *Adequacy of Nuclear Power Plant Safety Systems*—The members of the Committee will discuss proposed ACRS comments regarding the degree of redundancy in PWR safety systems.

*L. *General Electric Standardized Safety Analysis Report*—Initial ACRS briefing regarding features of the GESSAR design proposed for NRC licensing.

*M. *Future ACRS Activities*—Discuss anticipated ACRS subcommittee activities and items proposed for consideration by the full committee.

*N. *Safety Features and Requirements in Foreign Nuclear Power Plants*—Members of the Committee will report on safety features and requirements in Japanese nuclear power plants. Features of the regulatory process will also be discussed.

April 11–13, 1985—Agenda to be announced.

May 9–11, 1985—Agenda to be announced.

Dated: February 14, 1985.

John C. Hoyle,

Advisory Committee Management Officer.

FR Doc. 85–4168 Filed 2–19–85; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Electrical Systems: Revision

The **Federal Register** published on Monday, February 4, 1985 (50 FR 4931) contained notice of a meeting of the ACRS Subcommittee on Electrical Systems to be held on February 26, 1985, In Room 1046, 1717 H Street NW., Washington, DC. Portions of the meeting may be closed to public attendance in order to discuss proprietary information received in confidence from a foreign government. All other items regarding this meeting remain the same as previously published.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by prepaid telephone call to the cognizant ACRS Staff member, Mr. Medhat M. El-Zeftawy (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., e.s.t. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: February 13, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85–4167 Filed 2–19–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–528]

Arizona Public Service Co. et al. (Palo Verde Nuclear Generating Station, Unit 1); Request for Action Under 10 CFR 2.206

Notice is hereby given that by letter dated December 18, 1984, Myron L. Scott on behalf of the Coalition for Responsible Energy Education, Tempe, Az., has requested that the NRC withhold issuance of a low-power license for Unit 1 of the Arizona Public Service Company's Palo Verde Nuclear Generating Station until appropriate reviews for safety impact are undertaken of certain incentive plans initiated by the company and the Arizona Corporation Commission and questions about the adequacy of funding for State and local emergency plans are resolved. Mr. Scott's letter is being treated as a request for action under 10 CFR 2.206 and, accordingly, appropriate action will be taken on the request within a reasonable time.

A copy of the request is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555, and at the local public document room for the Palo Verde facility located at the Phoenix Public Library, Business, Science and Technology Department, 12 East McDowell Road, Phoenix, Arizona 85004.

Dated at Bethesda, Maryland, this 11th day of February, 1985.

For the Nulcear Regulatory Commission.

Harold R. Denton, Director,

Office of Nuclear Reactor Regulation.

[FR Doc. 85–4169 Filed 2–19–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–352, 50–353]

Philadelphia Electric Co., (Limerick Facility); Request for Action Under 10 CFR 2.206 Regarding Continued Operation at the Limerick Facility

Notice is herebvy given that, by a Petition dated December 23, 1984, R. L. Anthony and Friends of the Earth (Petitioners) requested that the Nuclear Regulatory Commission institute proceedings by issing an order to show cause to the Philadelphia Electric Company (Licensee) why License No. NPF–27 for its Limerick Facility should not be revoked. The Petition bases its requests for license revocation upon four concerns, namely; that exemptions granted with the issuance of License No. NPF–27 were improperly granted and consequently continued operation raises public health and safety concerns; that Licensee Event Reports filed since the issuance of the License demonstrate that continued operation of the facility is unsafe; that NRC Inspection Reports and correspondence between the NRC and the Licensee further indicate deficiencies at the facility requiring license revocation; and that the Independent Design Verification Program conducted for the facility was insufficient to provide assurance of safe operation under License No. NPF–27.

Petition is being treated pursuant to 10 CFR 2.206 of the Commission's regulations and accordingly appropriate action will be taken on the request within a reasonable time. A copy of the Petition is available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555 and at the local document room for the Limerick facility located at the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Dated at Bethesda, Maryland, this 13th day of February 1985.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 85-4170 Filed 2-19-85; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

Notice of Visit

February 11, 1985.

Notice is hereby given that on March 5, 1985, at 11:00 a.m., Commissioner Bonnie Guiton and Gerald Cerasale, Legal Advisor to the Chairman, will tour ADVO-System headquarters and processing operation in Hartford, Connecticut.

Persons wishing to observe this tour should contact the following before March 1, 1985: Gerald Cerasale, Postal Rate Commission, 1333 H Street NW., Suite 300, Washington, D.C. 20268, (202) 789-6868.

A report of the visit will be on file in the Commission's Docket Room.

Charles L. Clapp,

Secretary.

[FR Doc. 85-4075 Filed 2-19-85; 8:45 am]

BILLING CODE 7715-01-M

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Notice is hereby given of a meeting of the Prospective Payment Assessment Commission scheduled for Wednesday, March 6, 1985. The meeting will convene at 1:00 p.m. in the Congressional Room of the Shoreham Hotel, 2500 Calvert Street and Connecticut Avenue, Northwest, Washington, D.C., and will be open to the public.

Donald A. Young,

Executive Director.

[FR Doc. 85-4207 Filed 2-19-85; 8:45 am]

BILLING CODE 6820-BW-M

RAILROAD ACCOUNTING PRINCIPLES BOARD

Establishment of Cost Accounting Principles for Rail Carriers

AGENCY: Railroad Accounting Principles Board.

ACTION: Request for views and comments on issues.

SUMMARY: The Railroad Accounting Principles Board has statutory responsibility for establishing cost accounting principles for rail carriers subject to the jurisdiction of the Interstate Commerce Commission. The Commission will promulgate rules to implement and enforce the principles

As an initial step, the Board will be developing a list of issues to be addressed. By this notice, the Board invites all interested parties to participate in this process by submitting views and comments on the issues the Board should address and their relationship to cost accounting principles. The Board will solicit detailed input from interested parties after the issues facing the Board are identified and analyzed. Therefore, responses to this notice should be limited to twenty-five pages.

DATES: Written responses should be filed with the Board by April 15, 1985.

ADDRESSES: Comments should be sent to: Charles R. Yager, Executive Director, Railroad Accounting Principles Board, Room 4055, 441 G Street, NW., Washington, D.C. 20548.

FOR FURTHER INFORMATION CONTACT: Charles R. Yager, (202) 275-1633.

SUPPLEMENTARY INFORMATION: The Railroad Accounting Principles Board was established by Section 302 of the Staggers Rail Act of 1980, Pub. L. 96-448. Section 302 adds sections 11161 through 11168 to Title 49 of the United States Code, with section 11162 providing that the Board "establish, for rail carriers providing transportation subject to the jurisdiction of the Interstate Commerce Commission . . . principles governing the determination of economically accurate railroad costs directly and indirectly associated with particular movements of goods, including the variable costs associated with particular movements of goods or such other costs as the Board believes most accurately represent the economic costs of such movements." In developing these principles, the Board must take into account, among other things, the specific regulatory purposes for which railroad costs are required, the degree of accuracy of the required cost information, the benefits and cost of requiring the data, and the means of maintaining confidentiality.

The Board is not a regulatory agency, but rather is within and responsible to the legislative branch of the Federal Government (49 U.S.C. 11161). The Interstate Commerce Commission is responsible for issuing rules to implement and enforce the principles (49 U.S.C. 11163) and certifying that the railroads' cost accounting system is in compliance with the Commission's rules (49 U.S.C. 11164).

The Board was to develop the principles within 2 years after the effective date of the 1980 Act. However, no funds were appropriated for the Board until $1.0 million was provided for fiscal year 1985 in the Legislative Branch Appropriations Act, 1985 (Pub. L. 98-367, 98 Stat. 488). The Board anticipates funding for fiscal years 1986 and 1987.

The Comptroller General of the United States is the Chairman of the Board and has appointed the six Board members (49 U.S.C. 11161). This notice represents the first action taken by the Board. It is seeking active participation by shippers, railroads and other interested parties, and is looking for these parties to assist in identifying issues which the Board should consider in satisfying its mandate to develop cost accounting principles for the railroad industry. In so doing, interested parties also are invited to comment on existing weaknesses with current practices, and whether the final product of the Board, i.e. cost accounting principles, should be at a broad, conceptual level or on a more specific level.

Dated: February 13, 1985.

Charles A. Bowsher,

Chairman, Railroad Accounting Principles Board.

[FR Doc. 85-4140 Filed 2-19-85; 8:45 am]

BILLING CODE 7035-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) Collection title: Vocational Report
(2) Form(s) submitted: G-251
(3) Type of request: Extension of the expiration date of a currently

approved collection without any change in the substance or in the method of collection
(4) Frequency of use: On occasion
(5) Respondents: Individual or households
(6) Annual responses: 7,850
(7) Annual reporting hours: 3,900
(8) Collection description: Section 2 of the RRA provides for payment of disability annuities to qualified employees and widow(er)s. The collection obtains the information needed to determine ability to work.

Additional Information or Comments

Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312–751–4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Robert Fishman (202–395–6880), Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

Pauline Lohens,

Director of Information and Data Management.

[FR Doc. 85–4074 Filed 2–19–85; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–21747; SR–Philadep–84–5]

Self-Regulatory Organizations; Philadelphia Depository Trust Company; Order Approving Proposed Rule Change

On December 7, 1984, the Philadelphia Depository Trust Company ("Philadep") filed with the Securities and Exchange Commission a proposed rule change under Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"). The Commission published notice of the proposal to solicit public comment.[1] One comment letter was received. This Order approves the proposal.

I. Introduction

The proposal would establish Philadep as a "qualified registered securities dispository" for purposes of Securities Exchange Act Rule 17Ad–14, 17 CFR § 240.17Ad–14. Rule 17Ad–14 requires registered transfer agents to open special accounts with qualified registered securities depositories when acting as tender agent or exchange agent in connection with tender or exchange offers for depository eligible securities. Depository Trust Company ("DTC"), Midwest Securities Trust Company ("MSTC"), and Pacific Securities Depository Trust Company ("PSDTC") currently are qualified registered securities depositories.

The proposal includes Philadep procedures governing the special transfer agent accounts, particularly the book-entry processing of movements to and from the accounts to reflect tenders and withdrawals. More specifically, the proposal would establish Philadep procedures for opening the special accounts, tender of shares by participants, withdrawals from tendered positions, covering letters of guarantee through depository delivery, prorated or canceled offers, delivery of physical certificates, and payment for tendered shares.

II. Description

Under the proposal, a tender or exchange agent (the "agent") must contact Philadep as soon as a tender or exchange offer is announced and must enter into a Letter of Agreement with Philadep making Philadep procedures binding on the agent. The special account must be established within two business days after commencement of the tender or exchange offer.

Once an offer commences, participants may tender their share positions by submitting letters of authorization to Philadep. Participants may submit tender instructions for same-day processing between 8:30 a.m. and 11:00 a.m. Eastern time each business day during the life of the offer. Instructions will be accepted until 11:00 a.m. Eastern time on the expiration date of the offer. By 5:00 p.m. each business day, Philadep will inform the agent by telephone of that day's processing activity. A written activity report will be delivered to agents either on the same business day or the next business day if use of an overnight courier is necessary. Philadep also will prepare a daily report showing total activity to date, confirming the agent's position, and will send it to agents by messenger, facsimile transmission or other mutually agreeable method. Agents must confirm daily closing positions reported by Philadep and must report any discrepancies to Philadep immediately by telephone.

The proposal allows participants to continue tendering shares directly to agents by sending agents a letter of guarantee. Participants then can "cover" such letters by sending a copy to Philadep along with a letter of authorization to Philadep marked "To Cover A Letter of Guarantee." Hours for submitting these instructions to Philadep are the same as for tenders through Philadep, 8:30 a.m. to 11:00 a.m. Eastern time, terminating at 11:00 a.m. Eastern time on the last day of the offer or any protection period. Daily reports to agents will indicate which letters of guarantee are covered by that day's movements.

Participants wishing to withdraw shares previously tendered through Philadep must submit withdrawal instructions to Philadep. Participants may do so until 11:00 a.m. Eastern time each business day that withdrawals are permitted under the terms of the offer. Philadep will submit copies of the instructions to agents later that day. After reviewing withdrawal instructions for conformity with the terms of the offer, agents must accept or reject the withdrawals by 11:00 a.m. Eastern time on the next business day. However, on the last day of the withdrawal period specified in the offer, agents must accept or reject withdrawals in writing no later than the close of the withdrawal period or the close of business at Philadep that day, whichever is earlier.[2] Written confirmation of agents' acceptance or rejection must be sent by facsimile transmission or other mutually agreeable method. Philadep will book-entry process all accepted withdrawals and will include the withdrawals on that day's activity reports.

Agents must telephone Philadep immediately to report the proration or cancellation of an offer. Verbal telephone instructions authorizing Philadep to return some or all tendered securities must promptly be followed by written instructions.

Upon expiration of the offer or any protection period, Philadep will physically deliver tendered shares to the agent within two business days after receipt of written withdrawal instructions from the agent. Agents must immediately confirm the total number of shares delivered and verify that all shares are in good deliverable form. Any excess deliveries to agents, which may be made because exact denominations are unavailable, must promptly be transferred to "Philadep & Co." and returned to Philadep.

Finally, the proposal requires agents to inform Philadep of the date payment to tendering participants will be made. Payments made through Philadep must be made at the same time and in the

[1] Securities Exchange Act Release No. 21616 (January 2, 1985), 50 FR 1024 (January 8, 1985).

[2] This requirement was added to Philadep's proposal by letter amendment dated December 28, 1984.

same manner as payments to other persons accepting the offer.[3] In exchange offers, agents paying for tendered shares with securities must deliver securities to Philadep in denominations requested by Philadep.

III. Philadep's Rationale

Philadep believes the proposal is consistent with the requirements of the Act in general, and Section 17A of the Act in particular. Specifically, Philadep believes the proposal would reduce processing costs for tender and exchange offers by increasing processing efficiencies. Also, Philadep believes the proposal would facilitate prompt and accurate clearance and settlement of securities transactions, would improve safeguarding of securities and funds by bringing additional tender and exchange offer activities within the automated securities processing environment, and would foster coordination and cooperation among persons engaged in clearance and settlement of securities transactions.

IV. Discussion

For the following reasons, the Commission believes Philadep's proposal should be approved. First, the Commission believes the proposal will enhance Philadep's ability to safeguard securities and funds. Although Philadep already has over two years' successful experience with book-entry processing during tender and exchange offers,[4] establishment of procedures that are substantially identical to those of the other depositories should ensure that agents and participants conduct their activities with a minimum amount of confusion or delay due to high volume of securities movements over a short period of time. In the Commission's view, timely and accurate activities of agents and participants will enable Philadep staff to process movements with a greater degree of safety.

Second, the Commission believes that Philadep's proposal will promote prompt and accurate clearance and settlement of securities transactions. Tender offer processing can occur with substantial efficiency and cost savings within a centralized, automated, book-entry environment. Use of automated facilities substantially reduces certificate control problems otherwise experienced by a depository and the securities industry as a whole when processing must occur by means of physical certificate delivery. In addition, when depository services for the subject company's securities can continue uninterrupted throughout a tender or exchange offer, customer-side and street-side settlement of secondary market trades in these securities can occur quickly and efficiently. The proposal is designed to meet these goals.[5]

Third, the Commission is satisfied that the proposal's procedures are substantially identical to tender and exchange offer procedures at DTC, MSTC, and PSDTC, the other qualified registered securities depositories under Rule 17Ad–14. The primary differences in the programs concern the timing of inputs and reports, and most of these differences are due at the time differences and distances between the depositories. For example, DTC and Philadep participants may tender shares through those depositories until 11:00 a.m. Eastern time for same-day processing and reporting to agents. MSTC participants may tender shares through MSTC until 10:30 a.m. Central time for same-day processing and reporting to agents. PSDTC participants may tender shares through PSDTC until 3:00 p.m. Pacific time for next-day processing and reporting to agents. The Commission believes that these time differences are necessary for timely and accurate depository reports to agents.[6] In any event, the programs provide sufficient flexibility to meet special needs of agents. For example, position reports to agents can be hand delivered, sent by facsimile transmission, or sent via overnight courier, depending on the location and needs of an agent. This flexibility, in the Commission's view, blunts the impact of procedural time differences among the several programs.[7]

Another difference between the programs is that Philadep, PSDTC, and MSTC accept withdrawal instructions and then forward those instructions in bulk to agents. DTC participants wishing to withdraw previously tendered shares must submit withdrawal instructions directly to agents. The Commission believes that bulk processing of withdrawal instructions may be the most efficient method of processing those instructions, especially when the depository is located in a different city than the tender agent. Therefore, the Commission approves of Philadep's acceptance of withdrawal instructions for forwarding to agents.

A much less important difference among the programs is the collection and payment of solicitation fees. Philadep, along with DTC and PSDTC, will not collect solicitation fees on behalf of participants. MSTC's program does not include that service. Although some economies may be achieved by bulk processing of claims for solicitation fees, the Commission believes that this difference is minor and will not unnecessarily burden agents.

In summary, the Commission believes that Philadep has designed an efficient automated tender and exchange offer processing program that will function harmoniously with DTC's, MSTC's and PSDTC's programs. By establishing Philadep as the fourth qualified registered securities depository under Rule 17Ad–14, the proposal completes a nationwide automated tender and exchange offer processing system.

V. Conclusion

For the reasons discussed above, the Commission finds the proposed rule change consistent with the Act and, in particular, with Section 17A of the Act and Securities Exchange Act Rule 17Ad–14.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved.

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[3] Philadep, however, will not collect any solicitation fees payable to participants. Agents must pay eligible participants directly, and all questions or claims regarding solicitation fees must be settled by the agent and the participant.

[4] *See* Securities Exchange Act Release No. 18967 (August 16, 1982), 47 FR 36742 (August 23, 1982), approving Philadep's original voluntary reorganization procedures in File No. SR–Philadep–82–3.

[5] For a more detailed discussion of how tender and exchange agent programs promote prompt and accurate clearance and settlement of securities transactions, *see* Securities Exchange Act Release No. 20581 (January 19, 1984), 49 FR 3064 (January 25, 1984), adopting Rule 17Ad–14.

[6] A related difference is the cut-off date for tendering through the depositories. DTC accepts tenders for same-day processing only until the day before the expiration of an offer. In contrast, Philadep and MSTC accept tenders for same-day processing on the expiration day of an offer. The Commission believes that this difference is justified because the greater volume of shares tendered through DTC requires additional time for accurate accounting. PSDTC also accepts tenders only until the day before the expiration of an offer. The Commission, however, believes that this is justified by PSDTC's West Coast location, which makes same-day reporting to East Coast agents impractical.

[7] In addition, the sole comment letter received by the Commission noted current efforts in securities industry to further harmonize depository processing under these programs. *See* letter in File No. SR–Philadep–84–5 from Robert J. Vondrasek, President of the Midwest Stock Transfer Association, received February 8, 1985.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

February 12, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-4101 Filed 2-19-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[CM-8/817]

Reform Observation Panel for UNESCO; Meeting

The Reform Observation Panel for UNESCO will hold its first meeting on Wednesday, March 6, 1985, 9:00 a.m., Room 6320, Department of State, 21st and "C" Streets, N.W., Washington, D.C.

The purpose of this meeting will be to discuss:

—The Panel's mandate and work program

—The Special Session of UNESCO's Executive Board (February 12-16)

—Relevant documents

The meeting will be open to the public. Members of the public may attend up to the seating capacity of the room. Participation by public attendees will be permitted at the discretion of the Chairman. As entrance to the Department of State is controlled, all persons wishing to attend the meeting must notify the office of the Panel staff: (202) 632-1534. All attendees must use the Diplomatic entrance to the Department of State at "C" street.

For further information call or write: Mr. Martin Jacobs, Acting Director of the Office of Communications and UNESCO Affairs, Bureau of International Organization Affairs (IO/CU), Room 4334A, Department of State, 21st and C Streets, N.W., Washington, D.C. 20520, (202) 632-1534.

Dated: February 13, 1985.

Martin Jacobs,

Acting Executive Secretary, Reform Observation Panel.

[FR Doc. 85-4108 Filed 2-19-85; 8:45 am]

BILLING CODE 4710-19-M

[CM-8/816]

United States Reform Observation Panel for the United Nations Educational, Scientific and Cultural Organization

The Department of State, pursuant to the Federal Advisory Committee Act, is establishing a Reform Observation Panel for the United Nations Educational, Scientific, and Cultural Organization (UNESCO). Its purpose is to assess and report on the UNESCO reform process and to encourage reform efforts that advance continuing U.S. interests. The Panel has been appointed by and will report to the Secretary of State.

The Panel's establishment is in direct response to a White House directive. The Panel's membership is representative of the academic community, the media and the corporate world. The Department of State has determined that establishment of the Reform Observation Panel is necessary and in the public interest in order to provide the Secretary of State with a source of private sector advice to assist him in determining the future relations of the United States with UNESCO.

For further information call or write: Mr. Martin Jacobs, Acting Director of the Office of Communications and UNESCO Affairs, Bureau of International Organization Affairs (IO/CU), Room 4334A, Department of State, 21st and C Streets, N.W., Washington, D.C. 20520, (202) 632-1534.

Dated: February 13, 1985.

Martin Jacobs,

Acting Executive Secretary, Reform Observation Panel.

[FR Doc. 85-4109 Filed 2-19-85; 8:45 am]

BILLING CODE 4710-19-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket 42458]

Miami-London Competitive Service Case; Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act, that oral argument in this proceeding will be held on Monday, February 25, 1985, at 10:00 a.m. (local time), at the Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. The room number will be announced later.

Each party wishing to participate in the oral argument shall so advise the Chief, Documentary Services Division, in writing, on or before Thursday, February 21, 1985, together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., February 13, 1985.

Jeffrey N. Shane,

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 85-4128 Filed 2-19-85; 8:45 am]

BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Week Ended February 8, 1985.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative or in appropriate cases a final order without further proceedings.

Date filed	Docket No	Description
Feb. 4, 1985	42834	Delta Air Lines, Inc., Hartsfield Atlanta Int'l Airport, Atlanta, Georgia 30320. Application of Delta Air Lines, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations, requests and amended certificate of public convenience and necessity to permit Delta to provide air transportation services between Atlanta, Georgia and Paris, France. Conforming Applications, Motions to Modify Scope and Answers may be filed by March 4, 1985.
Do	42835	Pan American World Airways, Inc., c/o David M. O'Connor 1660 L Street, NW., Suite 901, Washington, D.C. 20036. Conforming Application of Pan American World Airways, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations requests amendment of its certificate of public convenience and necessity authorizing it to serve between the United States and France. Answers may be filed by February 19, 1985.
Do	42836	Continental Air Lines, Inc., c/o Emory N. Ellis, Fulbright & Jaworksi, 1150 Connecticut Avenue NW., Washington, D.C. 20036. Conforming Application of Continental Air Lines, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations, requests a certificate of public of convenience and necessity authorizing it to operate nonstop service between Houston and Dallas/Fort Worth, Texas and Tokyo, Japan. Answers may be filed by February 19, 1985.
Feb. 6, 1985	42843	Pan American World Airways, Inc., c/o David M. O'Connor Suite 901, 1660 L Street NW., Washington, D.C. 20036. Application of Pan American World Airways, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations applies for amendment of its certificate of public convenience and necessity for Route 130, United States—Far East. Conforing Applications, Motions to Modify Scope and Answers may be filed by March 6, 1985.

Date filed	Docket No.	Description
Do	42847	Deutsche Lufthansa Aktiengesellschaft, c/o Laurence A. Short, Short, Klein & Karas, 1101 30th Street NW., Suite 303 Washington, D.C. 20007. Application of Deutsche Lufthansa Aktiengesellschaft, pursuant to section 402 of the Act and Subpart Q of the Regulations to engage in foreign air transportation of persons, property and mail between a point or points in the Federal Republic of Germany and Houston, Texas. Answers may be filed by March 6, 1985.
Feb. 7, 1985	42851	Trans World Airlines, Inc., 605 Third Avenue, New York, New York 10158. Application of Trans World Airlines, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations, requests a certificate of public convenience and necessity authorizing it to serve between New York and Copenhagen, Denmark. Conforming Applications, Motions to Modify Scope and Answers may be by March 7, 1985.
Feb. 8, 1985	42854	The Interface Group, Inc. d/b/a Five Star Airlines, c/o J.W. Rosenthal, Ginsburg, Feldman & Bress, 1700 Pennsylvania Avenue NW., Suite 300, Washington, D.C. 20006. Application of The Interface Group, Inc. d/b/a Five Star Airlines pursuant of section 401(d)(3) of the Act and Subpart Q of the Regulations requests permanent authority to engage in interstate and overseas charter air transportation of persons, property, and mail: Between any point in any State in the United States or the District of Columbia, or any territory or possession of the United States, and any other point in any State of the United States or the District of Columbia, or any territory or possession of the United States. Conforming Applications, Motions to Modify Scope and Answers may be filed by March 8, 1985.
Do	42855	The Interface Group, Inc. d/b/a Five Star Airlines, c/o J.W. Rosenthal, Ginsburg, Feldman & Bress, 1700 Pennsylvania Avenue NW., Suite 300, Washington, D.C. 20006. Application of The Interface Group, Inc. d/b/a Five Star Airlines pursuant to section 401(d)(3) of the Act and Subpart Q of the Regulations requests permanent authority to provide charter foreign air transportation of persons, property and mail as follows: (a) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Canada, on the other; (b) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Mexico, on the other; (c) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Jamaica, the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Islands, and any other foreign place located in the Gulf of Mexico or the Caribbean Sea, on the other hand; (d) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in British Honduras, the Canal Zone, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, and in the countries on the continent of South America, on the other hand; (e) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and American Samoa, Guam, Johnson Island, the Marshall Islands, Okinawa, Wake Island, and points in Australasia, Indonesia, and Asia as far west as longitude 70 degrees east via a transpacific routing, on the other hand; (f) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia, as far east as (and including) India, on the other hand. Conforming Applications, Motions to Modify Scope and Answers may be filed by March 8, 1985.
Do	42656	Tower Travel Corporation d/b/a/ Atlantic Express, c/o Morris R. Garfinkle, Galland, Kharasch, Morse & Garfinkle, 1054 Thirty-first Street NW., Washington, D.C. 20007. Application of Tower Travel Corporation d/b/a Atlantic Express pursuant to section 401 of the Act and Subpart Q of the Regulations applies for an amendment of its existing certificate, or for a new certificate, sufficient to authorize air transportation of persons, property, and mail as follows: Between a point or points in the United States and: oi4*Europe:* Federal Republic of Germany, Ireland (Shannon), Luxembourg, Switzerland. oi4*Pacific:* Korea, Thailand, Singapore. oi4*Africa:* Ghana, Ivory Coast, Nigeria, Senegal, Zaire, Kenya, Morocco, South Africa, Botswana, Zimbabwe. oi4*Latin America:* Antigua and Barbuda, Aruba, Bahama Islands, Barbados, Curacao, Dominican Republic, Grenada, Guadeloupe, Haiti, Jamaica, Martinique, St. Kitts, St. Maarten, Trinidad and Tobago, Belize, Chile, Guyana, Honduras. Conforming Applications, Motions to Modify Scope and Answers may be filed by March 8, 1985.
Do	42858	Skybus, Inc., c/o Lawrence D. Wasko, Seamon, Wasko & Ozment, Suite 300, 1211 Connecticut Avenue NW., Washington, D.C. 20036. Application of Skybus, Inc. pursuant to section 401(d)(6) of the Act and Subpart Q of the Regulations requests a certificate of public convenience and necessity to engage in interstate and overseas scheduled air transportation of persons, property and mail: Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, and any other point in any State of the United States, or the District of Columbia or any territory or possession or the United States. Conforming Applications, Motions to Modify Scope and Answers may be filed by March 8, 1985.
Feb. 7, 1985	42733	Europacific Airlines, Inc., c/o Lawrence D. Wasko, Seamon, Wasko & Ozment, Suite 300, 1211 Connecticut Avenue NW., Washington, D.C. 20036. Responses to requests in Order 85-1-30 filed by Europacific Airlines, Inc. Answers may be filed by March 7, 1985.

Phyllis T. Kaylor,

Chief, Documentary Services.

[FR Doc.85-4127 Filed 2-19-85; 8:45 am]

BILLING CODE 4910-62-M

Maritime Administration

Approval of Applicant as Trustee

Notice is hereby given that American Bank and Trust Co. of Pa., with offices at 35 North Sixth Street, Reading, Pennsylvania 19601, has been approved as Trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

Dated: February 14, 1985.

By Order of the Maritime Administrator.

Murray A. Bloom,

Acting Secretary.

[FR Doc. 85-4135 Filed 2-19-85; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 85-26]

Reimbursable Services—Excess Cost of Preclearance Operations

February 13, 1985.

Notice if hereby given that pursuant to § 24.28(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning February 17, 1985.

Installation	Biweekly excess cost
Montreal, Canada	$22,435
Toronto, Canada	32,502
Kindley Field, Bermuda	10,900
Nassau, Bahama Islands	19,399
Vancouver, Canada	16,353
Winnipeg, Canada	3,373
Freeport, Bahama Islands	13,049
Calgary, Canada	9,475
Edmonton, Canada	6,040

D. Lynn Gordon,

Acting Comptroller.

[FR Doc. 85-4319 Filed 2-19-85; 11:12 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 34
Wednesday, February 20, 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

FEDERAL COMMUNICATIONS COMMISSION

Additional Item To Be Considered at Open Meeting, Thursday, February 14th

February 13, 1985.

The Federal Communications Commission will consider an additional item on the subject listed below at the Open Meeting scheduled for 9:30 A.M., Thursday, February 14, 1985 at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

Common Carrier—4—Title: Amendment of Parts 1 and 21 of the Commission's Rules to Establish Procedures for Processing Mutually Exclusive Applications for Digital Terminations Systems in the Digital Electronic Message Service. Summary: The Commission will consider whether to adopt a Notice proposing certain rules for resolving mutually exclusive Digital Termination System (DTS) applications.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

Action by the Commission February 13, 1985. Commissioners Fowler, Chairman; Quello, Dawson, Rivera and Patrick voting to consider this item.

Additional information concerning this item may be obtained from Judith Kurtich, FCC Congressional and Public Affairs, telephone number (202) 254-7674.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-4242 Filed 2-15-85; 2:57 pm]

BILLING CODE 6712-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:55 p.m. on Wednesday, Februrary 13, 1985, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation with respect to administrative enforcement actions against an insured bank (name and location of bank authorized to be exempt from disclosure pursuant to the provision of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii))).

In calling the meeting, the Board determined, on motion of Director Irvine H. Sprague (Appointive), seconded by Director C.T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: February 14, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-4241 Filed 2-15-85; 2:57 p.m.]

BILLING CODE 6714-01-M

3

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of February 18, 25, March 4, and 11, 1985.

PLACE: Commissioner's Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of February 18

Thursday, February 21

9:30 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

Week of February 25—Tentative

Tuesday, February 26

10:00 a.m.
Discussion of Pending Investigations (Closed—Ex. 5 & 7)

2:00 p.m.
Discussion/Possible Vote on Full Power Operating License for Waterford-3 (Public Meeting)

Thursday, February 28

2:15 p.m.
Affirmation Meeting (Public Meeting) (if needed)

3:30 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

Week of March 4—Tentative

Wednesday, March 6

2:00 p.m.
Briefing on EEO Program (Public Meeting)

Thursday, March 7

11:00 a.m.
Meeting with Advisory Panel on TMI-2 Cleanup (Public Meeting)

2:00 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of March 11—Tentative

Tuesday, March 12

2:00 p.m.
Briefing by IDCOR on Evaluation of Nuclear Power Plant Accident Risk (Public Meeting)

Wednesday, March 13

2:30 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6) (Tentative)

Thursday, March 14

10:00 a.m.
Briefing on Further Actions on Source Term (Public Meeting)

3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

ADDITIONAL INFORMATION: Affirmation of "Request for Stay in Shoreham" (Public Meeting) was held on February 14.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Julia Corrado (202) 634–1410.

Julia Corrado,

Office of the Secretary.

February 14, 1985.

[FR Doc. 85–4259 Filed 2–15–85; 8:45 am]

BILLING CODE 7590–01–M

4

RAILROAD RETIREMENT BOARD

Notice of Public Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on February 26, 1985, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

(1) Proposed Changes in the RUIA Regulations (USI Quality Assurance and Program Integrity—Proposal for 14-Day Registration)
(2) Relinquishment of Rights in Cases Where a Discharge is Claimed to Have Been Wrongful
(3) Proposed Response to Mr. Bruce B. Elfvin of Equal Employment Opportunity Commission's Cleveland Office Regarding Board's Collection of Individual Occupation Codes
(4) Proposed Administrative Circular No. 1–85, Administrative Control of Funds, Quarterly Allotments
(5) Appeal of Nonwaiver of Overpayment, Eva N. Poisson
(6) Appeal from the Determination of the Amount of a Widower's Insurance Annuity Under the Railroad Retirement Act, Wallace M. Crown.

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, COM No. 312–751–4920, FTS No. 387–4920.

Dated February 13, 1985.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 85–4213 Filed 2–15–85; 12:05 pm]

BILLING CODE 7905–01–M

federal register

Wednesday
February 20, 1985

Part II

Department of Agriculture

Animal and Plant Health Inspection Service

7 CFR Part 301

Honey Bee Tracheal Mite; Proposed Rule

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 85-305]

7 CFR Part 301

Honey Bee Tracheal Mite

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend 7 CFR Part 301 by removing the regulations captioned "Subpart—Honey Bee Tracheal Mite". These regulations currently regulate the interstate movement of articles designated as regulated articles from all of Florida and from portions of Louisiana and Texas. The regulations were established for the purpose of helping to prevent the artificial spread of the honey bee tracheal mite into noninfested areas of the United States. It appears that the honey bee tracheal mite is widespread throughout the United States. Therefore, it appears that there is no longer a basis for regulating the interstate movement of any articles because of the honey bee tracheal mite.

DATES: Written comments concerning this proposed rule must be received on or before March 22, 1985.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 6505 Belcrest Road, Room 728, Federal Building, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: B. Glen Lee, Survey and Emergency Response Staff, National Program Planning Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 611, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-6365.

SUPPLEMENTARY INFORMATION: This document proposes to amend 7 CFR Part 301 by removing the regulations captioned "Subpart—Honey Bee Tracheal Mite" (contained in 7 CFR 301.92 *et seq.* and referred to below as regulations). The regulations currently regulate the interstate movement from all of Florida and from portions of Louisiana and Texas of the following articles which are designed as regulated articles:

(a) Live bees of the genus *Apis*, in any life stage;

(b) Dead bees of the genus *Apis*;

(c) Used bee boards, hives, nests, nesting material, frames, comb, and shipping containers for such articles;

(d) Beeswax, unless it has been liquified;

(e) Pollen for bee feed; and

(f) Any other product, article, or means of conveyance, of any character whatsoever, not covered by paragraphs (a) through (e) when it is determined by an inspector that it presents a risk of spread of the Acarine mite and the person in possession thereof has actual notice that the product, article, or means of conveynace is subject to the restrictions in the regulations.

An infestation of honey bee tracheal mite was first found in the United States on July 3, 1984, in Weslaco, Texas (Hidalgo County). As a result of surveys conducted by inspectors of the U.S. Department of Agriculture (USDA), the honey bee tracheal mite was subsequently found to be established in all or portions of Bee, Cameron, Chambers, Floyd, Hale, Harris, Hidalgo, Live Oak, Motley, Star, Swisher, and Willacy Counties of Texas. Consequently, USDA established regulations (published in the **Federal Register** on August 14, 1984, at 49 FR 32325-32330) which regulated the interstate movement of regulated articles from the infested areas in Texas. The document of August 14, 1984, captioned the regulations as "Subpart—Acarine Mite."

Subsequently, surveys conducted by officials of USDA and the State of Florida, Louisiana, and Texas indicated that infestations of honey bee tracheal mite occurred throughout Florida, in portions of Louisiana and in additional areas in Texas. Consequently, USDA amended the regulations (the amendments were published in the **Federal Register** on January 25, 1985, at 50 FR 4851-4853) to regulate the interstate movement of regulated articles from all of Florida, and from the infested areas in Louisiana and Texas. The document of January 28, 1985, also recaptioned the regulations as "Subpart—Honey Bee Tracheal Mite".

Inspectors of USDA, in cooperation with officials in Puerto Rico, the Virgin Islands, Hawaii, and all of the contiguous 48 States, have recently completed a nationwide survey of honey bee colonies to determine areas where infestations of the honey bee tracheal mite exist. It appears, from the results of these surveys, that the honey bee tracheal mite is widespread throughout the United States. Further, it appears from a review of the marketing activities of bee breeders in the United States, that bee colonies infested with the honey bee tracheal mite were moved interstate before the initial detection of the mite in Texas in July 1984, and before regulations to prevent its interstate spread were established in August 1984.

The regulations were established under those provisions of the Federal Plant Pest Act (see 7 U.S.C. 150ee) which authorize regulation of the interstate movement of products and articles as necessary to prevent the interstate dissemination of the honey bee tracheal mite. However, as noted above, it appears that the honey bee tracheal mite is widespread throughout the United States. Therefore, it appears that there is no longer a basis for regulating the interstate movement of any articles because of the honey bee tracheal mite.

Executive Order 12291 and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an effect on the economy of less than 100 million dollars; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

The regulations were established as an interim rule on an emergency basis until final action could be taken. For the reasons explained above, it appears that it is no longer necessary to regulate the interstate movement of any articles because of the honey bee tracheal mite. Therefore, it is proposed to remove restrictions on the interstate movement of regulated articles. As such, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The regulations in this subpart contain no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Honeybee tracheal mite, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Honey Bee Tracheal Mite

§§ 301.92—301.92-9 Removed

Accordingly, under the circumstances described above, it is proposed to amend 7 CFR Part 301 by removing "Subpart—Honey Bee Tracheal Mite" (7 CFR 301.92 and 301.92–1 through 301.92–9).

Authority: Secs. 105 and 106, 71 Stat. 32 and 33 (7 U.S.C. 150dd, 150ee); 7 CFR 2.17, 2.51, and 371.2(c).

Done at Washington, D.C., this 19th day of February, 1985.

H.L. Ford,

Deputy Administrator, Plant Protection and Quarantine Animal and Plant Health Inspection Service.

[FR Doc. 85–4318 Filed 2–19–85; 11:14 am]

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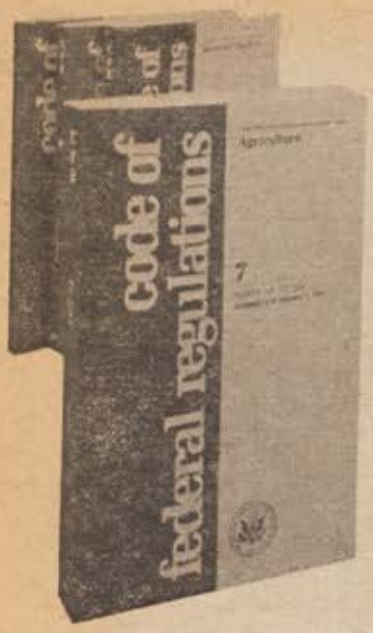

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