3-7-85
Vol. 50 No. 45
Pages 9261-9420

Federal Register

Thursday
March 7, 1985

Selected Subjects

Bridges
Coast Guard

Cable Television
Copyright Office, Library of Congress

Claims
Railroad Retirement Board

Crop Insurance
Federal Crop Insurance Corporation

Fuel Additives
Environmental Protection Agency

Government Procurement
General Services Administration

Housing
Housing and Urban Development Department

Inventions and Patents
Patents and Trademark Office

Motor Carriers
Interstate Commerce Commission

Motor Vehicle Safety
National Highway Traffic Safety Administration

National Wildlife Refuge System
Fish and Wildlife Service

Quarantine
Animal and Plant Health Inspection Service

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $300.00 per year, or $150.00 for 6 months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Selected Subjects

Contents

Federal Register
Vol. 50, No. 45
Thursday, March 7, 1985

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

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.

7 CFR
301 ... 9261
448 ... 9263

17 CFR
239 ... 9267

Proposed Rules:
230 ... 9281

18 CFR

Proposed Rules:
410 ... 9284

20 CFR

Proposed Rules:
200 ... 9285

21 CFR
436 ... 9267

24 CFR
1 ... 9268
17 ... 9268
35 ... 9268
42 ... 9268
50 ... 9268
51 ... 9268
108 ... 9268
200 ... 9268
201 ... 9268
390 ... 9268
600 ... 9268
880 ... 9268
882 ... 9268
883 ... 9268
885 ... 9268
886 ... 9268
888 ... 9268
905 ... 9268
960 ... 9269
1710 ... 9268
2700 ... 9268
3280 ... 9268
3500 ... 9268

26 CFR
1 ... 9269

30 CFR

Proposed Rules:
904 ... 9286
943 ... 9287

33 CFR

Proposed Rules:
117 (2 documents) ... 9288, 9289
140 ... 9290
141 ... 9290
142 ... 9290
143 ... 9290
144 ... 9290
145 ... 9290
146 ... 9290

36 CFR

Proposed Rules:
223 ... 9302

37 CFR
1 ... 9368
201 ... 9270

40 CFR
80 ... 9386
228 ... 9273

Proposed Rules:
80 ... 9400
122 ... 9362

43 CFR

Public Land Order:
6588 ... 9279

47 CFR

Proposed Rules:
2 ... 9292
90 ... 9293

48 CFR

Proposed Rules:
Ch. 5 ... 9293

49 CFR

Proposed Rules:
215 ... 9293
571 ... 9294
1171 ... 9298

50 CFR
91 ... 9279

Proposed Rules:
17 ... 9300
26 ... 9300

Rules and Regulations

Federal Register
Vol. 50, No. 45
Thursday, March 7, 1985

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 84-362]

Citrus Canker—Extraordinary Emergency Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends "Subpart—Citrus Canker" by adding extraordinary emergency provisions relating to activities in Florida because of an outbreak of citrus canker, including provisions concerning the payment of compensation for plants ordered destroyed because of citrus canker. This action is necessary in order to help obtain cooperation from affected persons in the citrus canker eradication effort in Florida.

DATES: Effective date of this amendment is March 1, 1985. Written comments concerning this interim rule must be received on or before May 6, 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 between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: B. Glen Lee, Emergency Programs Coordinator, 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:

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 without prior opportunity for a public comment period on this interim rule. Immediate action is warranted in order to help obtain cooperation from affected persons in the citrus canker eradication effort in Florida.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedure 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 upon signature. 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

Citrus canker, a disease caused by the bacterial pathogen, *Xanthomonas campestris pv. citri* (Hasse) Dawson, is a devastating disease which is known to affect plants and plant parts (including fruit) of citrus and citrus relatives (Family Rutaceae). Strains of the pathogen causing citrus canker can result in defoliation and other serious damage to the leaves and twigs of infested plants. Infected fruit becomes unmarketable and often drops from a tree prematurely. Citrus canker is a very aggressive disease which can rapidly infect plants and plant parts, and can lead to extensive economic losses throughout entire citrus growing areas. The establishment of citrus canker in the United States would present a severe threat to citrus producing and packing industries in the United States and pose a burden to interstate and international commerce.

Because of the finding of citrus canker in Florida, regulations captioned "Subpart-Citrus Canker" (contained in 7 CFR 301.75 *et seq.* and referred to below as the regulations) were established (See 49 FR 36623-36626, 43448-43449) to regulate the interstate movement from anywhere in Florida of certain articles designated as regulated articles.

On October 17, 1984, the Secretary of Agriculture declared an extraordinary emergency in Florida because of the existence of citrus canker (See 49 FR 41268). This document amends the regulations by adding new §§ 301.75-9 through 301.75-12 relating to the extraordinary emergency. These provisions reflect that an extraordinary emergency exists because of outbreaks of citrus canker in Florida. In addition, provisions are added concerning inspection, seizures, quarantines, and other actions specifically authorized under 7 U.S.C. 150dd and 150ff. Further, provisions are added concerning the payment of compensation for plants ordered destroyed in Florida because of citrus canker.

New § 301.75-12 describes the procedures to be followed in order to file a claim for compensation for destroyed plants. New § 301.75-11 sets forth the amounts of compensation to be paid by the United States Department of Agriculture (USDA) for destroyed plants. In this connection, § 301.75-11 states that:

Compensation by the United States Department of Agriculture shall be paid for plants destroyed in Florida because of citrus canker on or after October 17, 1984, pursuant to an order issued by an inspector. Compensation shall be based on inspectors' inventories of destroyed plants. Compensation shall be as follows:

Class of plant	Compensation to be paid by USDA [1]
Field Grown Nursery Plants	
Seedling	$0.0135
Liner	0.1385
Budded tree	0.8450
Greenhouse Grown Nursery Plants	
Seedling	0.0315
Liner	0.2660
Budded tree	0.9625
Container Plants	
One (1) gallon	1.315
Two (2) gallons	1.710
Three (3) or more gallons	2.100
Grove Plants	
Reset or new planting	3.740

[1] The amounts of compensation to be paid by USDA for plants represent fifty percent (50%) of the replacement values of the plants as determined by the Deputy Administrator. The replacement values for plants were determined based on information provided by the Citrus Canker Indemnity Work Group (a group composed of representatives of USDA-ERS, USDA-APHIS, the University of Florida, and the Florida Department of Agriculture and Consumer Services) and representatives from the citrus industry.

The amounts of compensation to be paid by USDA for plants destroyed because of citrus canker represent fifty percent (50%) of the replacement values of the plants as determined by the Deputy Administrator. The replacement values of the plants are based on the average cost of purchasing, planting, and maintaining the plants.

The determination that compensation by USDA would equal fifty percent of the replacement value of plants destroyed reflects a policy decision by the Secretary of Agriculture that this would allow for the best use of the available Federal funds in the citrus canker eradication effort in Florida, and that the remainder of the economic losses incurred as a result of the destruction of plants because of citrus canker should be absorbed by the State of Florida or the citrus industry, or both.

Also, § 301.75–1 is amended by adding definitions of the terms "container plant," "grove," and "nursery."

As noted above, § 301.75–11 does not provide for compensation by USDA for plants destroyed prior to October 17, 1984. USDA does not have authority to pay compensation for plants destroyed prior to the issuance of the Declaration of Extraordinary Emergency.

Executive Order and Regulatory Flexibility Act

The emergency nature of this action makes it impracticable for the Agency to follow the procedures of Executive Order 12291 with respect to this interim rule. Immediate action is warranted in order to help obtain cooperation from affected persons in the citrus canker eradication effort in Florida.

This emergency situation also makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act impracticable. Since this action may have a significant economic impact on a substantial number of small entities, the final Regulatory Impact Analysis, if required, will address the issues required in sections 603 and 604.

Paperwork Reduction Act

In accordance with section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the information collection provisions that are included in "Subpart-Citrus Canker" (7 CFR 301.75 *et seq.*) have been approved by the Office of Management and Budget (OMB) and have been assigned OMB Control Number 0579–0083.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Citrus canker, Plant disease, Plant pests, Plants (agriculture), Quarantine, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Under the circumstances described above, "Subpart-Citrus Canker" (contained in 7 CFR 301.75 *et seq.*) is amended as follows:

1. The authority citation for "Subpart-Citrus Canker" is revised to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 161, and 162; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 301.75–1 the following terms are added to the list of definitions in alphabetical order:

§ 301.75–1 Definitions.

* * * * *

Container plant. Any plant in a container propagated for replanting or ornamental purposes.

* * * * *

Grove. Any permanent stand of plants maintained for the purpose of producing fruit.

* * * * *

Nursery. Any premises at which plants are grown or maintained for the purpose of propagating or replanting, or for ornamental purposes, but not including any grove on such premises.

* * * * *

§ 301.75–6 [Amended]

3. Footnote 2 in § 301.75–6 is redesignated as footnote 1.

4. New §§ 301.75–9, 301.75–10, 301.75–11, and 301.75–12 are added to read as follows:

§ 301.75–9 Determination of extraordinary emergency.

An extraordinary emergency was declared on October 17, 1984, because of an outbreak of citrus canker in Florida (49 FR 41268). The regulations in §§ 301.75–10 through 301.75–12 of this subpart establish provisions relating to the extraordinary emergency.

§ 301.75–10 Inspection, seizure, quarantine and other actions.

Any employee of the United States Department of Agriculture designated by the Deputy Administrator and identified by an official identification card, shall have authority to inspect, seize, quarantine and take other actions authorized under 7 U.S.C. 150dd and 150ff, including entering with a warrant any premises in Florida to make necessary inspections and seizures. Any such employee shall be allowed to collect samples of plants or plant products found on such premises. Any such employee may enter upon any premises without a warrant if the person in possession of the premises voluntarily consents to such employee's entry.

§ 301.75–11 Compensation for destroyed plants.

Compensation by the United States Department of Agriculture shall be paid for plants destroyed in Florida because of citrus canker on or after October 17, 1984, pursuant to an order issued by an inspector. Compensation shall be based on inspector's inventories of destroyed plants. Compensation shall be as follows:

Class of plant	Compensation to be paid by USDA[1]
Field Grown Nursery Plants	
Seedling	$0.0135
Liner	0.1385
Budded tree	0.8450
Greenhouse Grown Nursery Plants	
Seedling	0.0315
Liner	0.2680
Budded tree	0.9625
Container Plants	
One (1) gallon	1.315
Two (2) gallons	1.710
Three (3) or more gallons	2.100
Grove Plants	
Reset or new planting	3.740

[1] The amounts of compensation to be paid by USDA for plants represent fifty percent (50%) of the replacement values of the plants as determined by the Deputy Administrator. The replacement values for plants were determined based on information provided by the Citrus Canker Indemnity Work Group (a group composed of representatives of USDA-ERS, USDA-APHIS, the University of Florida, and the Florida Department of Agriculture and Consumer Services) and representatives from the citrus industry.

§ 301.75–12 Claim for Compensation.

A claim for compensation to be paid by the United States Department of Agriculture for economic losses resulting from the destruction of plants must be presented to an inspector before compensation will be made. The claim must be made on PPQ Form 751. The claimant must state whether the items for which compensation is requested are, or are not, subject to a mortgage, lien, or other security or beneficial interest held by any person other than the claimant. If the claimant is the owner and states that there is no mortgage, lien, or other such interest on the items, payment will be made to the owner. If the claimant states that there is a mortgage, lien, or other such interest, PPQ Form 751 shall be signed by the claimant and by each person holding a mortgage, lien, or other such interest on the items, consenting to the payment of any compensation allowed to the person specified thereon, and payment will be made to such person.

Done at Washington, D.C., this 1st day of March, 1985.

W. Helms,

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

[FR Doc. 85-5220 Filed 3-6-85; 8:45 am]

BILLING CODE 3410-34-M

Federal Crop Insurance Corporation

7 CFR Part 448

[Doc. No. 1865S]

Extra Long Staple (Pima) Cotton Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby issues a new Part 448 in Chapter IV of Title 7 of the Code of Federal Regulations, effective for the 1985 and succeeding crop years, for the purpose of prescribing procedures for insuring extra long staple (Pima) cotton in certain counties where such cotton is produced. The intended effect of this rule is to issue regulations for such purpose to be known as 7 CFR Part 448—Extra Long Staple (Pima) Cotton Crop Insurance Regulations under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: April 8, 1985.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is April 1, 1989.

Merritt W. Sprague, Manager, FCIC, has determined that this action (1) is not a major rule as defined by Executive Order No. 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

The title and number of the Federal Assistance Program to which this rule applies are: Title—Crop Insurance; Number 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

On March 28, 1984, the Board of Directors of FCIC approved Docket No. CI-ELS-85-2, authorizing FCIC to offer a program of crop insurance on extra long staple (Pima) cotton in counties where such cotton is ordinarily produced, effective for the 1985 and succeeding crop years. On Tuesday, August 14, 1984, FCIC published a notice of proposed rulemaking in the **Federal Register** at 49 FR 32363, issuing a new Part 448 in Chapter IV of Title 7 of the Code of Federal Regulations (7 CFR Part 448), prescribing procedures for insuring extra long staple (Pima) cotton in certain counties where such cotton is produced. The public was given 60 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. On Friday, December 14, 1984, FCIC published a supplemental notice of proposed policy rulemaking and extension of comment period in the **Federal Register** at 49 FR 48738, providing an additional 30 days for public comment on further proposed changes in 7 CFR Part 448 for: (1) Prescribing procedures for insuring extra long staple (ELS) cotton on an actual production history (APH) basis; (2) defining the insured's responsibility for reporting production records necessary for determining the insurance guarantee; (3) removing the Premium Adjustment Table; (4) adding a definition of mature ELS cotton; and (5) deleting Appendix A. No comments were received in response to the supplemental notice of proposed policy rulemaking.

Therefore, the supplemental notice of proposed policy rulemaking and extension of comment period, containing the original proposed rule issuing 7 CFR Part 448, as amended by the supplemental notice, is hereby adopted as final.

List of Subjects in 7 CFR Part 448

Crop insurance, Extra long staple (Pima) cotton.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby issues a new Part 448 in Chapter IV of Title 7 of the Code of Federal Regulations to be known as 7 CFR Part 448—Extra Long Staple (Pima) Cotton Crop Insurance Regulations, effective for the 1985 and succeeding crop years. Part 448 is added to read as follow:

PART 448—EXTRA LONG STAPLE (PIMA) COTTON CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1985 and Succeeding Crop Years

Sec.

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1985 and Succeeding Crop Years

§ 448.1 Availability of extra long staple (pima) cotton crop insurance.

Insurance shall be offered under the provisions of this subpart on extra long staple (pima) cotton in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

§ 448.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for extra long staple (pima) cotton which will be included in the actuarial table on file in applicable service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect a coverage level and price at which indemnities will be computed from among those levels and prices contained in the actuarial table for the crop year.

§ 448.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 448) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

§ 448.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

§ 448.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the extra long staple (pima) cotton insurance contract, whenever: (a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation: (1) Is indebted to the Corporation for additional premiums; or (2) has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000 finds that: (1) An agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice; (2) said insured relied thereon in good faith; and (3) to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured shall be granted relief the same as if otherwise entitled thereto. Requests for relief under this section must be submitted to the Corporation in writing.

§ 448.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the extra long staple (pima) cotton crop as provided in the policy. The contract shall consist of the application, the policy, and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the applicable service offices.

§ 448.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the extra long staple (pima) cotton crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications in any county, by placing the extended date on file in the applicable service offices and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1985 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of an extra long staple (pima) cotton contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1985 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Extra Long Staple Cotton Insurance Policy for the 1985 and succeeding crop years are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Extra Long Staple Cotton Crop Insurance Policy

(This is a continous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;

(2) Fire;

(3) Insects;

(4) Plant disease;

(5) Wildlife;

(6) Earthquake;

(7) Volcanic eruption; or

(8) Failure of the irrigation water supply due to an unavoidable cause occurring after the beginning of planting;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(8).

b. We will not insure against any loss of production due to:

(1) The neglect, mismanagement, or wrongdoing of you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good cotton farming practices;

(3) The impoundment of water by any governmental, public or private dam or reservoir project; or

(4) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured will be Extra Long Staple ("ELS") cotton and American Upland lint ("AUP") cotton if the acreage was originally planted to ELS cotton, which is grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year will be cotton planted on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we elect. The acreage insured of skip-row cotton will be the acreage occupied by the rows of cotton after eliminating the skipped-row portions, unless other acreage determinations are provided by the actuarial table.

c. The insured share will be your share as landlord, owner-operator, or tenant in the insured ELS cotton at the time of planting.

d. We do not insure any acreage:

(1) Which is non-irrigated and from which a hay crop was harvested or on which a small grain crop reached the heading stage in the same calendar year;

(2) Planted in excess of the limitations established by any program administered by the United States Department of Agriculture;

(3) Which is new ground acreage;

(4) Where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(5) Which is irrigated and an irrigated practice is not provided for by the actuarial table, unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(6) Which is destroyed, it is practical to replant to ELS cotton, and such acreage is not replanted;

(7) Which you have elected to exclude (the exclusion must be by unit, in writing on our form and made before the closing date for submitting applications as established by the actuarial table, except that, if a unit is acquired after the closing date, an exclusion may be filed up to 15 days after the acquisition but not later than the acreage reporting date); or

(8) Planted to a type or variety of cotton not established as adapted to the area or excluded by the actuarial table.

e. If insurance is provided for an irrigated practice:

(1) You must report as irrigated only the acreage for which you have adequate facilities and water to carry out a good cotton irrigation practice at the time of planting; and

(2) Any loss of production caused by failure to carry out a good cotton irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, will be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities will not be considered as a failure of the water supply from an unavoidable cause.

f. Acreage which is planted for the development or production of hybrid seed or for experimental purposes is not insured unless we agree, in writing, to insure such acreage.

g. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to planting.

3. Report of acreage, share, and practice.

You must report on our form:

a. All the acreage of cotton in the county in which you have a share;

b. The practice; and

c. Your share at the time of planting.

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any ELS cotton planted in the county. This report must be submitted annually on or before the reporting date established by the actuarial table. All indemnities may be determined on the basis of information you submit on this report. If you do not submit this report by the reporting date, we may elect to determine, by unit, the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities will be contained in the actuarial table.

b. The production guarantees in the actuarial table are the second stage guarantees. The first stage guarantee is 60 percent of the second stage guarantee. The stages are:

(1) First Stage—From planting until 60 days after the final planting date for ELS cotton or until the shedding of the first blooms, whichever occurs first. We may limit the liability to the first stage if the cotton was damaged during this period to the extent that farmers generally would not further care for the cotton; or

(2) Second Stage—All insured cotton after the first stage.

c. Coverage level 2 will apply if you have not elected a coverage level.

d. You may change the coverage level and price election before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable at the time of planting, the amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time of planting.

b. Interest will accure at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

Insurance attaches when the ELS cotton is planted and ends at the earliest of:

a. Total destruction of the cotton;

b. Removal of the cotton from the field;

c. Final adjustment of a loss; or

d. January 31 after planting.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) during the period before harvest, the cotton on any unit is damaged and you decide not to further care for or harvest any part of it;

(b) You want our consent to put the acreage to another use; or

(c) After consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the cotton and given written consent. We will not consent to another use until it is too late to replant. You must notify us when such acreage is put to another use.

(2) You must give us notice if you are going to replant any acreage originally planted to ELS cotton to AUP cotton.

(3) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(4) If probable loss is later determined, immediate notice must be given. A representative sample of unharvested cotton (at least 10 feet wide and the entire length of the field) must remain unharvested for a period of 15 days from the date of the notice, unless we give you written consent to harvest the sample.

(5) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) Total destruction of the cotton on the unit;

(b) Harvest of the unit; or

(c) The calendar date for the end of the insurance period.

b. You must obtain written consent from us before you destroy any of the cotton which is not to be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the cotton on the unit;

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We will not pay any indemnity unless you:

(1) Establish the total production of cotton on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting thereform the total production of cotton to be counted (see section 9e);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this product by your share.

d. If the information reported by you under section of the policy:

(1) In the 1985 crop year results in a lower premium than the actual premium determined to be due, the indemnity will be reduced proportionately.

(2) In the 1986 and succeeding crop years results in a lower premium than the actual premium determined to be due, the production guarantee on the unit will be computed on the information reported and not on the actual information determined. All production from insurable acreage whether or not reported as insurable will count against the production guarantee.

e. The total production to be counted for a unit will include all harvested and appraised production.

(1) Any mature ELS cotton production which is or can be harvested will be reduced when, due solely to insured causes, the quality of the ELS cotton produced is such that the price quotation for ELS cotton of like grade, staple length and micronaire reading (price A), is less than 75 percent of price B.

Price B will be the market price quotation at the same market for ELS cotton of the grade, staple length and micronaire reading designated in our actuarial table for this purpose. The price quotations for prices A and B, will be the market price quotations on the earlier of the day the loss is adjusted or the day the damaged ELS cotton was sold. In the absence of a price quotation on such date, the price quotation for the nearest prior date for which an ELS cotton price quotation was

listed for prices A and B will be used. The pounds of production to be counted will be determined by multiplying the number of pounds of production (harvested and unharvested) by price A and dividing the result by 75 percent of price B.

(2) Any AUP cotton harvested from acreage originally planted to ELS cotton will be reduced by the factor obtained by dividing the price of the AUP cotton by the price of ELS cotton of the grade, staple length and micronaire reading shown in our actuarial table. The prices will be determined on the earlier of the date the loss is adjusted or the date the AUP cotton was sold.

(3) Appraised production to be counted will include:

(a) Unharvested production on harvested acreage;

(b) Not less than the applicable guarantee for any acreage which is abandoned or put to another use without our written consent or damaged solely by an uninsured cause;

(c) Potential production lost due to failure to follow recognized good farming practices and, to the extent not covered by (b) above, lost due to uninsured causes;

(d) Second stage production on unharvested acreage which is destroyed, abandoned, or put to another use pursuant to our written consent; and

(e) First stage production on unharvested acreage which is destroyed, abandoned, or put to another use pursuant to our written consent, to the extent that it is not covered by (b) or (c) above and to the extent that it does not exceed the difference between the first and second stage guarantee.

(d) The total appraisal for uninsured causes.

(4) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use will be considered production unless such acreage is:

(a) Not put to another use before harvest of cotton becomes general in the county;

(b) Harvested; or

(c) Further damaged by an insured cause before the acreage is put to another use.

(5) Any appraisal of the AUP cotton on acreage originally planted to ELS cotton will be reduced by the factor determined in Section 9e(2) above. If prices are not yet available, the previous year's season average prices will be used.

(6) The cotton stalks must not be destroyed on any acreage for which an indemnity is claimed, until we given consent. An appraisal of not less than the second stage guarantee may be made on acreage where the stalks have been destroyed without our consent.

(7) The amount of production of any unharvested cotton may be determined on the basis of field appraisals conducted after the end of the insurance period.

(8) When you have elected to exclude hail and fire as insured causes of loss and the cotton is damaged by hail or fire, appraisals will be made in accordance with Form FCI-78, "Request to Exclude Hail and Fire".

(9) The commingled production of units will be allocated to such units in proportion to our liability on the harvested acreage of each unit.

f. You must not abandon any acreage to us.

g. You may not sue us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is received by you.

h. We have a policy for paying your indemnity within 30 days of our approval of your claim, or entry of a final judgment against us. We will, in no instance, be liable for the payment of damages, attorney's fee, or other charges in connection with any claim for indemnity, whether we approve or disapprove such claim. We will, however, pay simple interest computed on the net indemnity ultimately found to be due by us or by a final judgment from and including the 61st day after the date you sign, date and submit to us the properly completed claim for indemnity form, if the reason for our failure to timely pay is not due to your failure to provide information or other material necessary for the computation or payment of the indemnity. The interest rate will be that established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and published in the **Federal Register** semi-annually on or about January 1 and July 1. The interest rate to be paid on any indemnity will vary with the rate announced by the Secretary of the Treasury.

i. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the cotton is planted for any crop year, any indemnity will be paid to the person(s) we determine to be beneficially entitled thereto.

j. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting you liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract. Such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss, then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and access to farm.

You must keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all cotton produced on each unit, including separate records showing the same information for production from any uninsured acreage. Any person designated by us will have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled by you for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract will be canceled if you do not furnish to us, on or before the cancellation date, satisfactory records of the previous year's production. If you show, prior to the cancellation date, to our satisfaction, that records are unavailable due to conditions beyond your control, such as fire, flood or other natural disaster, the Field Actuarial Office may assign a yield for that year. The assigned yield will not exceed the ten-year average yield computed from records for the 10 years immediately preceding the current crop year.

d. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity wil be the date you sign the claim; or

(2) If deducted from payment under another program administered by United States Department of Agriculture will be the date both such other payment and set off are approved.

e. The cancellation and termination date is March 31.

f. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of partner in a partnership will dissolve the partnership unless the

partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

g. The contract will terminate if no premium is earned for five consecutive years.

16. Contract changes.

We may change any of the terms and provisions of the contract from year to year. If your price election at which indemnites are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by November 30 preceding the cancellation date. Acceptance of any changes will be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of cotton crops insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnites, practices, insurable and uninsurable acreage, and related information regarding cotton insurance in the county.

b. "ASCS" means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

c. "Cotton" means Extra Long Staple Cotton and acreage replanted to American Upland Cotton if the acreage was originally planted to Extra Long Staple Cotton.

d. "County" means the county shown on the application and:

(1) Any additional land located in a local producing area bordering on the county, as shown by the actuarial table; and

(2) Any land identified by an ASCS farm serial number for the county but physically located in another county.

e. "Crop year" means the period within which the cotton is normally grown and will be designated by the calendar year in which the cotton is normally harvested.

f. "ELS cotton" means Extra Long Staple Cotton (also called Pima Cotton or American-Egyptian Cotton).

g. "Harvest" means the removal of the seed cotton from the the open cotton boll or the severance of the open cotton boll from the stalk by either manual or mechanical means.

h. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

i. "Insured" means the person who submitted the application accepted by us.

j. "Mature ELS cotton" means ELS cotton which can be harvested either manually or mechanically and includes both unharvested and harvested cotton.

k. "New ground acreage" means any acreage which has not been planted to a crop in any one of the previous three crop years, except that acreage in tame hay or rotation pasture during the previous crop year will not be considered new ground acreage.

l. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

m. "Replanted" means performing the cultural practices necessary to replant acreage to AUP cotton originally planted to ELS cotton.

n. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

o. "Skip-row" means planting patterns consisting of alternating rows of cotton and fallow rows (or rows of another crop) as defined by ASCS.

p. "Tenant" means a person who rents land from another person for a share of the cotton or a share of the proceeds therefrom.

q. "Unit" means all insurable acreage of cotton in the county in which you have an insured share on the date of planting for the crop year and which is identified by a single ASCS farm serial number at the time insurance first attaches under this policy for the crop year. Units will be determined when the acreage is reported. We may reject or modify any ASCS reconstitution for the purpose of unit definition if the reconstitution was in whole or part to defeat the purpose of the Federal Crop Insurance Program or to gain disproportionate advantage under this policy. Errors in reporting units may be corrected by us when adjusting a loss.

r. "Yield" means the actual yield reported by you to ASCS or the yield established by ASCS or us.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Done in Washington, D.C., on January 15, 1985.

Dated: February 28, 1985.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Michael A. Bronson,

Acting Manager.

[FR Doc. 85-5438 Filed 3-6-85; 8:45 am]

BILLING CODE 3410-05-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 239

[Release Nos. 33-6465A; 34-19695A; File No. S7-961]

Technical Amendments to Rules, Forms, and Schedules; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Final rules; correction.

SUMMARY: This document corrects a final rule which was published May 3, 1983 (48 FR 19873) relating to technical amendments to various rules, forms, and schedules. The correction concerns a section heading which was incorrectly cited.

FOR FURTHER INFORMATION CONTACT: Leslie Murphy, Esq., Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2589.

SUPPLEMENTARY INFORMATION: The amendatory language for number 16 and the section heading thereunder appearing on page 19876 at FR Doc. 83-11804 in the issue of May 3, 1983 should have read § 239.16b.

John Wheeler,

Secretary.

February 28, 1985.

[FR Doc. 85-5431 Filed 3-6-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 436

[Docket No. 84N-0149]

Tests and Methods of Assay of Antibiotic and Antibiotic-Containing Drugs; High-Pressure Liquid Chromatographic Assays for Dactinomycin and Plicamycin; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the amendatory language of a final rule that amended the antibiotic drug regulations (50 FR 5748; February 12, 1985). An amendment in that final rule stated that the "last" sentence in 21 CFR 436.341(e)(1) was being revised. It should have stated that the "fourth"

sentence was being revised. This document corrects that error.

EFFECTIVE DATE: March 7, 1985.

FOR FURTHER INFORMATION CONTACT: Agnes B. Black, Regulations Editorial Staff (HFC–222), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2994.

SUPPLEMENTARY INFORMATION: In FR Doc. 85–3334 appearing at page 5748 in the **Federal Register** of Tuesday, February 12, 1985, on page 5749 in the first column, amendment No. 2 is corrected to read "2. In § 436.341 by revising the fourth sentence in paragraph (e)(1) to read as follows:"

Dated: February 28, 1985.

Daniel L. Michels,

Director, Office of Compliance, Center for Drugs and Biologics.

[FR Doc. 85–5423 Filed 3–6–85; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. R–85–1229; FR–2097]

24 CFR Parts 1, 17, 35, 42, 50, 51, 108, 200, 201, 390, 600, 880, 882, 883, 885, 886, 888, 905, 1710, 2700, 3280, and 3500

Miscellaneous Nomenclature Changes to the Department's Regulations

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This document makes nomenclature changes throughout Title 24 of the Code of Federal Regulations to reflect the new use of the term "manufactured homes" instead of "mobile homes" and the term "Health and Human Services" instead of "Health, Education and Welfare." These changes conform HUD terminology to current practice required by recent legislation.

EFFECTIVE DATE: April 17, 1985.

FOR FURTHER INFORMATION CONTACT: Joan J. Campion, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–7084. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: This final rule makes changes to HUD's regulations required by section 308 of the Housing and Community Development Act of 1980, Pub. L. 96–399 (October 8, 1980) and by section 201 of the Housing and Community Development Technical Amendments Act of 1984, Pub. L. 98–479 (October 17, 1984). The amendments changed references in the Acts and changed, respectively, the term of mobile home from "mobile home" to "manufactured home" and changed any reference to Health, Education and Welfare (HEW) from "Health, Education and Welfare (HEW)" to "Health and Human Services (HHS)."

Tables following the Preamble to this rule show in list format the nomenclature changes being made by this rule to the various sections to Title 24 of the Department's regulations.

The Department has determined that this document need not be published as a proposed rule, as generally required by the Administrative Procedure Act (APA), since this rule making merely conforms HUD regulations to reflect legislative changes in terminology. As a rule relating to agency practice, it is exempt from the proposed rule making requirements of the APA (see section 553(b)(A)).

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321–4347) is unnecessary, since this nomenclature change is categorically excluded under HUD regulations at 24 CFR 50.20(k).

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 this 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 cost 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.

As required by section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because it merely makes nomenclature changes to the Department's regulations.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on October 22, 1984 (49 FR 41684).

List of Subjects in 24 CFR Parts 1, 17, 35, 42, 50, 51, 108, 200, 201, 390, 600, 880, 882, 883, 885, 886, 888, 905, 1710, 2700, 3280, and 3500

Housing, Manufactured homes.

Accordingly, the Department hereby amends Title 24 CFR as follows:

1. In the list below, for each entry indicated in the left column, remove the reference indicated in the middle column from wherever it appears in the section and add the reference indicated in the right column:

Section	Remove	Add
17.43(c)(3)	mobile homes	manufactured homes
17.43(c)(3)	mobile home	manufactured home
42.51	mobile home	manufactured home
42.501	mobile homes	manufactured homes
42.503	mobile home	manufactured home
42.505	mobile home	manufactured home
42.507	mobile home	manufactured home
50.17	manufactured and mobile home	manufactured homes
51.101	mobile home	manufactured home
108.1	mobile home	manufactured home
200.31, section heading	mobile homes	manufactured homes
200.31	mobile homes	manufactured homes
200.85	Mobile Homes	Manufactured Homes
200.615	mobile home	manufactured home
Part heading to 24 CFR Part 201, Subpart B heading of 24 CFR Part 201	Mobile Home	Manufactured Home
201.505	mobile homes	manufactured homes
201.510, section heading	mobile homes	manufactured homes
201.510	mobile home	manufactured home
201.515, section heading	mobile home	manufactured home
201.515	mobile home	manufactured home
201.520	mobile home	manufactured home
201.525, section heading	Mobile home	Manufactured home
201.525	mobile home	manufactured home
201.528	mobile home	manufactured home
201.530	manufactured (mobile) home	manufactured home
201.530	mobile home	manufactured home
201.531	mobile home	manufactured home
201.535	mobile home	manufactured home
201.545	mobile home	manufactured home
201.560	mobile home	manufactured home
201.565	mobile home	manufactured home
201.575	mobile home	manufactured home
201.595	mobile home	manufactured home
Subpart D heading of 24 CFR Part 201	Mobile home	Manufactured home
201.600	mobile home	manufactured home
201.605	mobile home	manufactured home
201.665	mobile home	manufactured home
201.680	mobile home	manufactured home

Section	Remove	Add
201.680	mobile homes	manufactured homes
201.1500	mobile home	manufactured home
201.1501	mobile home	manufactured home
201.1502	mobile home	manufactured home
201.1503	mobile home	manufactured home
201.1504	manufactured (mobile) home.	manufactured home
201.1505, section heading.	mobile home	manufactured home
201.1505	mobile home	manufactured home
201.1506	mobile home	manufactured home
201.1507	mobile home	manufactured home
201.1510	mobile home	manufactured home
201.1511	mobile home	manufactured home
201.1512, section heading.	Mobile home	Manufactured home
201.1512	mobile home	manufactured home
Undesignated center heading following § 201.1514.	MOBILE HOME	MANUFACTURED HOME
201.1515	mobile home	manufactured home
201.1515	mobile home owner.	manufactured homeowner
201.1515	mobile homeowner	manufactured homeowner
201.1516	mobile home	manufactured home
201.1525	mobile home	manufactured home
201.1526	mobile home	manufactured home
Subpart F heading of 24 CFR Part 201.	Mobile Homes	Manufactured Homes
201.1700	mobile homes	manufactured homes
201.1701	mobile home	manufactured home
201.1702	mobile home	manufactured home
201.1704	mobile home	manufactured home
390.3	mobile home	manufactured home
390.5	mobile homes	manufactured homes
860.207	Mobile Home	Manufactured Home
882.102	Mobile Home	Manufactured Home
882.109(o)	Mobile Home	Manufactured Home
882.401(d)	Mobile Home	Manufactured Home
Subpart F heading of 24 CFR Part 882.	Mobile Home	Manufactured Home
882.601	Mobile Home	Manufactured Home
882.602	Mobile Home	Manufactured Home
882.603, section heading.	mobile home	manufactured home
882.603	Mobile Home	Manufactured Home
882.604	Mobile Home	Manufactured Home
882.605	Mobile Home	Manufactured Home
882.606	Mobile Home	Manufactured Home
883.310	Mobile Home	Manufactured Home
886.302(c)	mobile homes	manufactured home
886.307(i)	mobile home	manufactured home
888.101	mobile homes	manufactured homes
888.103, Title to Schedule D.	Mobile home	Manufactured home
1710.10	Mobile Homes	Manufactured Homes
1710.11, section heading.	Mobile home	Manufactured home
1710.11	mobile home	manufactured home
2700.5(n)	mobile home	manufactured home
3280.105	Mobile homes	Manufactured homes
3500.5	mobile home	manufactured home

2. In the list below, for each entry indicated in the left column, remove the reference indicated in the middle column from wherever it appears in the section and add the reference indicated in the right column:

Section	Remove	Add
1.5(e)	Health, Education and Welfare.	Health and Human Services
35.10	Health, Education and Welfare.	Health and Human Services
Part 35, Appendix I.	Health, Education and Welfare.	Health and Human Services
Part 35, Appendix II.	Health, Education and Welfare.	Health and Human Services
600.410(f)(4)	HEW	HHS
885.5	Health, Education and Welfare.	Health and Human Services
905.102	Health, Education and Welfare.	Health and Human Services

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: February 28, 1985.

Samuel R. Pierce, Jr.,

Secretary.

[FR Doc. 85-5522 Filed 3-6-85; 8:45 am]

BILLING CODE 4210-32-M

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Part 960

[Docket No. R-85-1144; FR-1882]

Definition of Income, Income Limits, Rent and Reexamination of Family Income for the Public and Indian Housing Programs

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule that appeared in the **Federal Register** on Monday, May 21, 1984 (49 FR 21475), which implemented a new definition of income, established income limits for admission, set rental payment levels, and provided for reexamination of income for certain housing assistance programs. Previous correction documents were published on June 29, 1984, July 16, 1984 and September 25, 1984. This action is necessary to conform the language of the provisions of 24 CFR 960.204 and 960.205 that address range of income, and to remove language included erroneously in § 960.204 which might preclude otherwise appropriate means of implementing the requirements of § 960.205(c).

FOR FURTHER INFORMATION CONTACT: Edward Whipple, Chief, Rental and Occupancy Branch, Office of Public and Indian Housing, Room 4206, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 426-0744. (This is not a toll-free telephone number.)

Accordingly, the Department is correcting FR Document 84-17350, published on May 21, 1984 (49 FR 21475) as follows:

§ 960.204 [Corrected]

1. In item 20, § 960.204 on top of page 21492, column one, lines 8 through 12 are corrected to read as follows:

of incomes of lower income families in the PHA's area of operation, as defined in State law.

* * * * *

2. In item 21, § 960.205, on page 21492, column one, the word "reasonable", the first time it appears, is corrected to read "reasonably"; the phrase "basic objective," is corrected to read "basic objective of attaining,"; the phrase "of housing tenant" is corrected to read "a tenant body in each project composed of"; and the word "representative" is corrected to read "generally representative".

Dated: March 4, 1985.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 85-5521 Filed 3-6-85; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7993]

FSC General Rules, Requirements, Definitions, and Special Rules

Correction

In FR Doc. 84-32298 beginning on page 48283 in the issue of Wednesday, December 12, 1984, make the following correction: On page 48290, in the third

column, in § 1.927(f)—1T(a), Q—2, in the second line, "1984" should read "1985".

BILLING CODE 1505-01-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 80-2B]

Compulsory License for Cable Systems

AGENCY: Copyright Office, Library of Congress.

ACTION: Final regulations.

SUMMARY: The Copyright Office of the Library of Congress is issuing final regulations amending portions of 37 CFR 201.11 and 201.17. These regulations implement portions of section 111 of the Copyright Act of 1976, title 17 of the United States Code. That section prescribes conditions under which cable systems may obtain a compulsory license to retransmit copyrighted works, including the filing of Notices of Identity and Signal Carriage Complement and Statements of Account, and the submission of statutory royalty fees.

The purpose of these regulations is to modify on a final basis the filing requirements and royalty fee calculations necessitated by changes in the rules and regulations of the Federal Communications Commission effective June 25, 1981. Interim rules published May 20, 1982 at 47 FR 21786 are hereby made final without modification.

EFFECTIVE DATE: March 7, 1985.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559 (202) 287-8380.

SUPPLEMENTARY INFORMATION: Section 111(c) of the Copyright Act of 1976 (Act of October 19, 1976, 90 Stat. 2541) establishes a compulsory licensing system under which cable systems may make secondary transmissions of copyrighted works. The compulsory license is subject to various conditions, including the requirement that cable operators file certain documents with the Copyright Office. These documents include the recordation of Notices of Identity and Signal Carriage Complement and Notices of Change of Identity or Signal Carriage Complement under section 111(d)(1), and deposit of Statements of Account and statutory royalty fees under section 111(d)(2).

Regulations of the Copyright Office implement the filing requirement specified in section 111. The first regulations were published in the **Federal Register** on January 5, 1978 (43 FR 958) and established new §§ 201.11 and 201.17 governing the form, content, and filing of the Notices, Statements of Account, and statutory royalty fees. On June 27, 1978, the Copyright Office announced in the **Federal Register** (43 FR 27827) the adoption of Statement of Account forms and published amendments to its regulations (37 CFR 201.17) to reflect changes necessitated by the new forms. Futher experience with these regulations led the Copyright Office to published in the **Federal Register** on July 3, 1980 (45 FR 45270) certain clarifying and technical amendments to its regulations (37 CFR 201.17) governing the form, content, and filing of Statements of Account.

The regulatory actions of both the Federal Communications Commission (FCC) and the Copyright Royalty Tribunal (CRT) frequently require review of the cable regulations of the Copyright Office. On September 11, 1980, the FCC published in the **Federal Register** (45 FR 60186) its decision to remove cable televison distant signal limitations and syndicated program exclusivity rules from the FCC regulations. The Court of Appeals for the Second Circuit upheld the authority of the FCC to repeal these rules in *Malrite* v. *FCC*, 652 F.2d 1140 (2d Cir. 1981), *cert. den.* 454 U.S. 1143 (1982).

In view of these developments, the Copyright Office decided to review the cable television regulations and Statement of Account forms. On June 10, 1981, the Copyright Office published in the **Federal Register** (46 FR 30649) a Notice of Public Hearing to be held on July 28, 1981, in order to elicit comments, views, and information regarding these matters.

During the public hearing the Copyright Office received testimony and written submissions from two cable television operators and representatives of the Motion Picture Association of America (MPAA), the National Cable Televison Association (NCTA), and professional sports. The Copyright Office also received nine written comments from other interested parties in response to the Notice of Public Hearing.

On the basis of the statutory language of section 111 and the information received in the public hearing, the Copyright Office issued on May 20, 1982, an interim regulation (47 FR 21786) to reflect the impact on the copyright law of the changes in the FCC's regulatory scheme. The Copyright Office regulations were made effective immediately because the Commission's actions had an immediate impact on the responsibilities of cable systems under the copyright law's cable compulsory license. The Copyright Office solicited public comments on the changes which were proposed.

The Copyright Office received comments from the National Cable Television Association (NCTA), a law firm representing cable operators, the Motion Picture Association of America (MPAA), and the Professional Sports Leagues. After considering the underlying basis of the interim regulations and the arguments raised by the parties submitting comments, the Copyright Office has decided to adopt as final the interim regulations without modification. A discussion of the regulations and major substantive comments appears below.

1. Summary of the 1980 FCC Deregulation

The cable television copyright compulsory license mechanism is premised on a bifurcation of responsibilities under communications and copyright law. Under this mechanism, the FCC controls signal distribution by cable systems as part of a national allocation policy and protects some exclusive rights as part of this policy. At the same time, the copyright law prescribes the degree and nature of cable operators' liability for the use of copyrighted programming that the FCC rules permit them to retransmit. When a general revision of the copyright law was enacted on October 19, 1976, the FCC had several rules and regulations which limited cable carriage of distant television signals in general and syndicated, sports, and network programming in particular. Those FCC rules and regulations pertinent to this rulemaking are:

(1) Distant signal limitations in general: 47 CFR 76.57(b)–(d); 76.59(b)–(d); 76.61(b)–(e); and 76.63 [referring to 76.61];

(2) Permissible additional carriage of distant specialty programming on a part-time basis: 47 CFR 76.57(d); 76.59(d)(1); 76.61(e)(1); and 76.63 [referring to 76.61(e)(1)];

(3) Permissible additional carriage of distant signals on a part-time late-night basis: 47 CFR 76.57(c); 76.59(d)(3); 76.61(e)(3); and 76.63 [referring to 76.61(e)(3)];

(4) Permissive deletion and substitution of a program carried on a distant signal that "is primarily of local interest to the distant community (e.g. a local news or public affairs program)": 47 CFR 76.61(b)(2); and 76.63 [referring to 76.61(b)(2)];

(5) Required deletion and substitution of syndicated programming pursuant to the syndicated program exclusivity rules [47 CFR 76.151–161]; 47 CFR 76.61(b)(2); and 76.63 [referring to 76.61(b)(2)]; and

(6) Required deletion and substitution of sports programming pursuant to the sports exclusivity rule: 47 CFR 76.67.

All but the last of the abovementioned rules and regulations have been deleted as part of the Commission's 1980 deregulation decision.

2. The Interim Regulation

Paragraph (f) of section 111 of the Copyright Act sets forth the definition of "distant signal equivalent" (DSE), which has been incorporated by reference in § 201.17(f)(3) of the Copyright Office regulations. The DSE is the value assigned to the secondary transmission of any nonnetwork television programming carried by a cable system, in whole or in part, beyond the local service area of the primary transmitter of such programming. Cable systems that complete Statement of Account form CS/SA–3 compute their statutory royalty payment on the basis of their total number of DSE's.

Ordinarily, the DSE value of a distant independent station is one and the DSE value of either a distant network station or a distant noncommercial educational station is one-quarter. The DSE definition, however, permits certain modifications in the DSE value of a particular station to reflect limited carriage in accordance with FCC rules and regulations listed in items (2) through (6) as noted above. It is the specified modifications in items (2) through (5) that the interim regulation addressed.

a. Calculation of Distant Signal Equivalent

Before the FCC deregulation became effective June 25, 1981, the Copyright Act provided that the ordinary DSE value of a distant television station could be reduced in accordance with certain specified formulae in four situations. Stated generally, these were: (1) Part-time carriage of distant specialty programming; (2) part-time carriage of distant signals on a late-night basis; (3) part-time carriage of distant signals because of lack of activated channel capacity to retransmit on a full-time basis all signals which the cable system is authorized to carry; and (4) carriage of live nonnetwork programming substituted for a program deleted at the option of the cable system.

The DSE definition in section 111(f) further specified two situations where no DSE value shall be assigned for additional carriage of distant programming. These situations are: (1) Carriage of distant programming substituted for a program which is required to be deleted under FCC rules and regulations; and (2) carriage of nonlive nonnetwork programming substituted for a program deleted at the option of the cable system.

As a result of the FCC deregulation, the continued availability of the exceptions and limitations authorizing departures from the ordinary calculation of the DSE was called into question by the language of the Copyright Act which, in certain cases, referenced FCC rules in effect on a certain date. The public hearing held in July 1981 dealt extensively with the effect of FCC deregulation. The interim regulation announced on May 20, 1982, identified a number of areas where the FCC deregulation affected the calculation of the DSE. Those areas and the substantive comments submitted to the Copyright Office concerning the interim regulation are as follows:

(1) *Permissive substitution based on FCC rules in effect on October 19, 1976.* As noted earlier, the DSE definition permits the prorating of the DSE value for carriage of live nonnetwork programming substituted at the option of the cable system. The DSE definition further provides that if the substituted program is a nonlive program, no additional DSE value shall be assigned for such carriage. The DSE definition specifies that both cases of permissive substitute carriage are governed by "the rules, regulations, or authorizations of the Federal Communications Commission in effect on the date of enactment of this Act" [October 19, 1976]. The only FCC rules in effect on that date concerning such carriage pertained to the substitution of a program primarily of local interest to the distant community. Despite the deletion of this rule by the FCC, it remains effective for purposes of the Copyright Act and calculation of the DSE under the compulsory license. In order to clarify this matter, a new definition (8) was added to § 201.17(b) identifying the local content substitution rule as "rules and regulations of the FCC in effect on October 19, 1976."

(2) *New occasions for substitution based on 1980 FCC deregulation.* In explaining the interim regulation published on May 20, 1982, [47 FR 21786], the Copyright Office took the position that substitution of distant signals newly authorized by the FCC deregulation must be calculated at the full DSE value of the signal carried. This interpretation was based, in part, on the Report of the Judiciary Committee of the House of Representatives [H.R. Rep. No. 94–1476, 94th Cong., 2d Sess. 100 (1976)] stating:

> [W]here the FCC rules on the date of enactment of this legislation permit a cable system, at its discretion, to make such deletions or substitutions or to carry additional programs not transmitted by primary transmitters within whose local service area the cable system is located [and] . . . the substituted or additional program is a "live" program (e.g., a sports event), then an additional value is assigned to the carriage of the distant signal computed as a fraction of one distant signal equivalent. . . . *The discretionary exception is limited to those FCC rules in effect on the date of enactment of this legislation. If subsequent FCC rule amendments or individual authorizations enlarge the discretionary ability of cable systems to delete and substitute programs, such deletions and substitutions would be counted at the full value assigned for the particular type of station provided above.* [Emphasis added.]

In the comments submitted by NCTA this interpretation was disputed. Under the proposed construction of the NCTA, the DSE would be calculated on a pro-rated basis to reflect actual carriage of particular signals. This argument was made in an earlier Copyright Office rulemaking proceeding [45 FR 45270; July 3, 1980] and was rejected. For the reasons explained in detail in that proceeding, the Copyright Office continues to adhere to the view that:

> . . . Congress clearly did not intend to establish an open-ended policy of permitting the reduction of DSE values to correspond to actual signal carriage. [45 FR 45271]

The representatives of professional sports also submitted comments urging that the instructions in the Statement of Account forms be clarified in order to ensure that newly authorized substitutions were calculated at full DSE value. Since the time of the announcement of the interim regulations, the Copyright Office has revised the Statement of Account forms in order to implement the October 20, 1982, cable rate adjustment by the Copyright Royalty Tirbunal. [49 FR 26722]. We believe the concerns of professional sports have been addressed in this latest revision of the Statement of Account Forms.

(3) *Part-time carriage.* Unlike the case of permissive substitutions, the DSE definition dealing with part-time carriage pursuant to the late-night and specialty programming rules of the FCC is not tied to those rules in effect on the date of enactment of the 1976 Copyright Act. Since the FCC eliminated its rules on permissible additional carriage of late-night and specialty programming in its 1980 deregulation, the interim regulation eliminated these bases as a

justification for proration after June 30, 1981.

Comments submitted by NCTA dispute this interpretation. NCTA argues that the elimination of specific regulations governing part-time and specialty programming does not withdraw authorization to carry such programming. Instead, when the FCC eliminated its restrictions on signal importations, the specific rule authorizing part-time carriage of late-night and specialty programming became superfluous.

The Copyright Office has concluded that the interpretation contained in the interim regulation is correct under the statutory language of section 111(f). The provision authorizing proration "in the case of a station carried pursuant to the late-night or specialty programming rules of the Federal Communications Commission" was intended as a limited exception to the rule requiring full DSE valuation. At the time the Copyright Act was enacted, cable systems were operating in a highly restricted environment and it would appear that the exceptions to the full valuation rule were intended to give cable systems a measure of flexibility in a few, specific cases. When the FCC deregulated in 1980, these restrictions were largely eliminated, and the FCC "rules" governing late-night and specialty programming ceased to exist. As a result of the demise of these specific rules, the mechanism for triggering the applicability of the provision authorizing proration in the case of late-night and specialty programming was eliminated. In such circumstances, the general principle of full DSE valuation established in section 111(f) logically applies.

(4) *Required deletions.* Prior to the FCC's deregulation, cable systems were required generally to delete certain distant syndicated and sports programming and were permitted to substitute additional programming in its place. As discussed earlier, no DSE value is assigned for programming substituted in place of the deleted programming. As part of its 1980 deregulation, the Commission eliminated its syndicated program exclusivity rules, but the sport programming rule remains in effect.

Since this portion of the DSE definition in section 111(f) does not refer to FCC rules and regulations in effect on October 19, 1976, the interim regulation took the position that cable systems could no longer avail themselves of the syndicated program exclusivity rules as a basis for substitution without calculation of a DSE for such carriage. Accordingly, the Copyright Office added a new definition (9) to 201.17(b), stating that:

> For purposes of this section, the "rules and regulations of the FCC" which require a cable system to omit the retransmission of a particular program and substitute another in its place, refers to 47 CFR 76.67.

This provision makes clear that required deletions, which result in the nonassignment of a DSE value for programming substituted in place of deleted programming, may not only be made pursuant to the FCC's sports exclusivity rule continues to remain in force.

3. Retroactive Application of the Interim Regulation

When the Copyright Office announced the interim regulation on May 20, 1982, it stated its intention to apply the changes retroactively to the first accounting period following the effective date of the FCC deregulation. Since the deregulation of the FCC became effective June 25, 1981, the first accounting period affected was the July 1, 1981—December 31, 1981 accounting period. Because the filing date for that period had ended, the Copyright Office stated its intention to issue a supplemental form to determine whether or not an additional royalty should be submitted.

Instead of issuing the supplemental form, the Copyright Office individually contacted the cable systems which might have been effected by the FCC deregulation. Some of these cable systems did file amended accounting forms as a result of the Copyright Office inquiry.

The representatives of the cable industry criticized the retroactive application of the interim regulation. A law firm representing cable systems argued that retroactive application violated section 553 of the Administrative Procedure Act. NCTA claimed that retroactive application imposed an unreasonable hardship on cable systems.

Section 553 of the Administrative Procedure Act establishes "interpretative rules" as an exception to the standard "notice and comment" requirements. The Copyright Office believes the interim regulation clearly qualifies as an "interpretative rule" since it was based on a construction of section 111(f). The regulation itself imposes no burden or conduct on the public other than that required by the express language of the Copyright Act.

Moreover, the Copyright Office believes the criticism by the NCTA is misplaced since on June 10, 1981, the Copyright Office published in the Federal Register (46 FR 30649) a notice of public hearing designating one of the topics for consideration as: "What changes, if any, should be made to the Statement of Account forms and regulations with respect to part-time and substitute carriage as a result of the FCC elimination of its distant signal limitations and syndicated program exclusivity rules?" As a result, cable systems were informed of the possibility that FCC deregulation would have concomitant effect in interpreting the Copyright Act, even before the July 1, 1981—December 31, 1981 accounting period. In addition, after the interim regulation was announced on May 20, 1982, the Copyright Office individually contacted the relatively few cable systems which might have been affected.

4. Applicability of the Regulatory Flexibility Act

A law firm representing cable systems argued that the Copyright Office failed to comply with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The Copyright Office takes the position this Act does not apply to the Copyright Office. The Copyright Office is a department of the Library of Congress and is part of the legislative branch. Neither the Library of Congress nor the Copyright Office is an "agency" within the meaning of the Administrative Procedure Act of June 11, 1946, as amended (title 5, Chapter 5 of the U.S. Code, Subchapter II and Chapter 7). The Regulatory Flexibility Act consequently does not apply to the Copyright Office since that Act affects only those entities of the Federal Government that are agencies as defined in the Administrative Procedure Act.[1] In addition, the Act does not apply since the interim regulation and this final regulation are interpretive.

Alternatively, if it is later determined by a court of competent jurisdiction that the Copyright Office is an "agency" subject to the Regulatory Flexibility Act and that this regulation is not interpretive, the Register of Copyrights has determined that this regulation will have no significant impact on small businesses because the modified DSE

[1] The Copyright Office was not subject to the Administrative Procedure Act before 1978, and it is now subject to it only in areas specified by section 701(d) of the Copyright Act (i.e. "all actions taken by the Register of Copyrights under this title [17]," except with respect to the making of copies of copyright deposits). (17 U.S.C. 706(b)). The Copyright Act does not make the Office an "agency" as defined in the Administrative Procedure Act. For example, personnel actions taken by the Office are not subject to APA-FOIA requirements.

calculation will only be made by large cable systems filing a Statement of Account form CS/SA-3.

List of Subjects in 37 CFR Part 201

Cable television, Copyright.

Final Regulations

In consideration of the foregoing, the amendments to Part 201 of 37 CFR Chapter II issued on an interim basis on May 20, 1982 (47 FR 21786), are hereby confirmed, and the amendments to the regulations are issued on a final basis, effective upon the publication of this document in the **Federal Register**.

(17 U.S.C. 111;702)

Dated: February 26, 1985.

Donald C. Curran,

Acting Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 85-5467 Filed 3-6-85; 8:45 am]

BILLING CODE 1410-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[OW-FRL-2791-3]

Ocean Dumping; Final Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates an ocean disposal site located in the San Pedro Basin near Long Beach, California, for the disposal of drilling muds and cuttings. This action is necessary to provide a suitable ocean dumping site for the current and future disposal of these materials resulting from oil drilling activities in Long Beach Harbor. This site designation does not authorize any actual dumping of drilling muds and cuttings. Authorization to ocean dump drilling muds and cuttings at the site is granted only by permit and other administrative proceedings conducted by the EPA.

DATE: This designation shall become effective April 8, 1985.

ADDRESSES: The record supporting this action may be examined at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street, SW., Washington, D.C.

EPA Region IX, 215 Fremont Street, San Francisco, California

FOR FURTHER INFORMATION CONTACT: Mr. Frank G. Csulak, 202-755-9231.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. (the "Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management, now the Assistant Administrator for Water. This final site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 228.4) state that ocean dumping sites will be designated by promulgation is this Part 228.

The permitting process for ocean dumping requires two separate actions by EPA: (1) The selection and designation of a site at which these materials may be ocean dumped; and (2) the issuance of a permit for the disposal of specific types and amounts of material for a specific period of time. Ocean dumping may not commence until both of these actions are taken.

In the permit issuance procedure, the permitting authority, EPA Region IX in this case, considers the need for the proposed dumping and the environmental acceptability of the specific material for ocean disposal in accordance with the requirements of 40 CFR Part 227. After review of the permit application, EPA Region IX will issue a public notice announcing a tentative determination on permit issuance and invite public comment. Final action by Region IX will be taken after consideration of all comments which are received on the public notice.

In the site selection and designation process, the generic nature of the waste (e.g., sewage sludge, dredged material, fish cannery wastes) is considered, and site is selected which would minimize the impacts of the particular type of waste proposed for disposal. Site selection is in accordance with 40 CFR 228.5 and 228.6 which set forth five general criteria and eleven specific factors to be considered in selecting an appropriate site.

The action taken today is solely the final designation of a site appropriate for the disposal of drilling muds and cuttings found acceptable for ocean disposal in accordance with the requirements of 40 CFR Part 227 of the EPA Ocean Dumping Regulations. The purpose of this notice is to notify the public of the final designation, as an EPA approved ocean dumping site, of a site in the San Pedro Basin for the disposal of drilling muds and cuttings for a period of three years. This action does not authorize use of the site; use of the site may be authorized only by permit. The public has an opportunity to comment on and challenge the issuance of any permit during the process, as provided by 40 CFR Part 221.

A final Environmental Impact Statement (EIS) has been prepared on the site designation. The EIS describes the proposed disposal operation, discusses the alternatives to ocean disposal, and describes the anticipated environmental impacts associated with the proposed disposal. This document is available for public inspection at the addresses given above, and is summarized in the following paragraphs.

THUMS Long Beach Company, 840 Van Camp Street, Long Beach, California 90801, has applied for a special permit to transport and dump material into ocean waters pursuant to the Act. THUMS proposes to dump drilling muds and cuttings from drilling activities at four islands in Long Beach Harbor. Since no designated ocean dumping site is available for the disposal of these materials, a new ocean disposal site must be designated if the permit is to be granted.

Nature of Proposed Waste to be Disposed

A. All of the drilling muds and cuttings proposed for ocean dumping will originate from wells drilled within Long Beach Harbor

(1) Drill cuttings are composed of naturally occurring sediments. The results of grain size analysis demonstrated that the cuttings are composed primarily (58%) of sand particles (2.0-0.06 mm diameter) removed from the rock formation by the drilling activity. The cuttings also contain significant silt (0.06-.004 mm diameter) and clay (.004-.001 mm diameter) fractions, comprising respectively 11% and 29% of the cuttings. The silt and clay fractions of the cuttings are essentially residual drilling muds which are retained by the cuttings during the process of removing the larger drill cutting particles from the recirculating mud system (THUMS, 1982, page 6).

2. Drilling muds are a mixture of materials used to facilitate the drilling process through various rock formations. There are two types of drilling muds proposed for ocean dumping. The first is termed "spud mud" which is used in drilling the initial shallow section of the well, i.e., from the surface to 900 feet or 1500 feet. It is primarily composed of bentonite, lignite and freshwater which

are all naturally occurring substances. The second is "water based mud" and is actually a continuation of the spud mud. Usually these muds contain additives for fluid loss and viscosity control, lubricity, increase in weight requirements and, if required, for controlling cement contamination. The additives generally contain non-toxic (non-toxic amounts of biologically available material after initial dilution) materials and are used in varying amounts depending on the well depth and problems encountered while drilling. These materials are used in drilling the well to total depth and during preliminary completion phases. Small amounts of soybean oil (approximately 1.5%) are used to provide lubricity to minimize friction against the drill shaft at bending points where the direction of drilling is changed (THUMS, 1982, pages 7–30).

B. Limitations

(1) All waste materials to be dumped at this proposed ocean disposal site must meet EPA's ocean dumping regulations and criteria. No disposal of material of different composition will be permitted unless EPA determines that such disposal would not constitute a significant threat to the marine environment.

(2) Maximum quantities of drilling muds and cuttings to be disposed and rate of discharge are to be determined by the permitting authority, EPA Region IX, according to specific characteristics of the muds and cuttings to be disposed, method of transportation to be used, and frequency of disposal. Site management is now delegated to the permitting authority, EPA Region IX, for the evaluation of baseline and trend assessment data to determine capacity of the site for disposal, and maximum frequency, rate and volume of disposal according to specific characteristics of muds and cuttings prior to redesignation.

Evaluation of Site Selection Criteria

Five general criteria are used in the selection and approval for continuing use of ocean disposal sites. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If at any time disposal operations at a site cause unacceptable adverse impacts, further use of the site will be restricted or terminated. These general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations, and § 228.6 lists eleven specific factors used in evaluating a disposal site.

EPA established these eleven factors to identify the key elements in the environmental assessment of the site for disposal. These factors are used to make critical comparisons between the alternative sites and are the basis for final site selection. The characteristics of the disposal site for drilling muds and cuttings are summarized below in terms of the five general criteria and are covered in more detail in the subsequent discussion of the eleven specific factors.

The disposal site's location has been chosen to minimize the interference of disposal activities with other activities in the marine environment. While there is potential for increased oil and gas exploitation in the area, no serious conflict with such activities is expected. Coordination with future lesses should effectively avoid potential conflicts. Effects upon the biological communities of the San Pedro Basin are expected to be negligible. There are no major commercial navigational problems since the nearest traffic separation lane for south bound ships will be 1½ nmi north of the proposed dumpsite (§ 228.5(a)). The location of the proposed disposal site has been established as clearly beyond potential influence to any of the above sensitive areas. The muds will be rapidly dispersed northwesterly at increasing depths within the undercurrent and cuttings will fall to the bottom in a region of extremely low biological productivity (§ 228.5(b)) (THUMS, 1982, page 82).

The disposal site has been limited in size in order to localize, for identification and control any immediate adverse impacts and to facilitate the implementation of an effective monitoring and surveillance program to prevent adverse long-range impacts (§ 228.5(d)). Utilization of the significantly greater nearshore depths located along the Pacific Coast, and specifically, the San Pedro Basin, provide for minimization of environmental impacts through adequate dilution during descent of the disposed wastes. The edge of the Continental Shelf from Long Beach, California, is about 150 miles offshore. EPA believes that such a time-consuming distance would make ocean dumping of the drilling wastes impracticable and would provide no appreciable environmental benefit (§ 227.5(e)). Specific criteria (§ 228.6) considered for site selection are discussed below.

Specific Criteria for Site Selection

1. Geographical position, depth of water, bottom topography, and distance from coast

The proposed dumpsite is within a 1.5 nmi radius of 33°34'30" N latitude and 118°27'30" W longitude near the center of the San Pedro Basin. The point is 16 nmi from the Long Beach opening in the federal breakwater; 11 nmi from Point Vincente and 11 nmi from Long Point on Santa Catalina Island. Water depth at the proposed disposal site is approximately 485 fathoms (2910 ft.).

The San Pedro Basin is the shallowest of about a dozen depressions along the southern California coast. It lies between the mainland of southern California and Santa Catalina Island, and it continues northwestward through a narrow channel with the Santa Monica Basin. It is bounded by a submarine valley, the Redondo Canyon, to the north, by the City of South Laguna Beach to the south. Its geographic boundaries extend from 33°16' to 33°50' N latitude, and 117°46' to 118°36' W longitude. Depths range from 400 to 495 fathoms (2400 to 2970 feet), with the deepest measured about halfway between Isthmus, Catalina Island, and Point Vincente on the mainland. The oceanward basins, beyond San Pedro Basin, gradually attain far greater depths, to more than 1,000 fathoms (6000 feet).

Offshore southern California is cut by numerous faults, many of which have been identified as active. Several active faults, fault traces, have been identified near the proposed dump site area and the San Pedro Basin in general. Slump and slide areas have also been identified for the San Pedro Basin.

2. Location to breeding, spawning, nursery, feeding or passage areas of living resources in adult or juvenile phases

Benthic Biology

The macrofauna of subtidal benthic communities in general within the Southern California Bight are influenced by a variety of factors including bathymetry, substrate type, oceanic and localized currents, biogeographic location, and oxygen concentrations (THUMS, 1982, page 61). The nearshore deep sea basins located between the mainland and first line of islands and ridges are quite broad and relatively shallow 490 fathoms (2940 feet) as a consequence of rapid sedimentation. Offshore basins are deeper with less plains, have greater slope habitat, and are relatively more highly oxygenated

than nearshore basins. The San Pedro Basin benthic macrofauna community is randomly distributed and numerically dominated by minor phyletic groups (THUMS, 1982, page 62). Similar to other nearshore habitats, San Pedro Basin supports few species and low population densities. The benthic fauna are typically deposit feeders, since the basin acts as a food trap. In comparison to other basins, San Pedro Basin exhibits the lowest standing crop and lower species richness and diversity than Santa Cruz and San Nicholas basins. This habitat is a result of extremely low oxygen levels. The oxygen levels generally correspond to the sill depth at 273 to 382 fathoms (1640 to 2296 feet) the oceanic minimum layer and little decomposition of organic material before reaching the basin floors (THUMS, 1982, page 62).

The greatest occurrence of animals is along a rim bordering Santa Catalina Island and off of Point Fermin. Siliceous sponge/ampharetid polychaete associations dominate the community makeup and occur in high density at the base of submarine mountains on either side of the sills and along the walls of the canyon. The dominant benthic invertebrates of the San Pedro Basin are polychaete worms and mollusks.

Foraminifera fauna of the inshore basin (including San Pedro Basin) are characterized by assemblages present in water depths below the basin sill where oxygen levels are normally less than 0.3 mg/l (THUMS, 1982, page 64). The principal species of this assemblage are *Bolivina argentea, Suggrunda eckisi, Buliminella tenuata, Cassidulinoides cornuta,* and *Loxostomum pseudobeyrichi.* The dominant form in the San Pedro Basin is *Buliminella tenuata.*

WATER COLUMN BIOLOGY

Plankton

The distribution, abundance, and type of planktonic organisms in the coastal waters between the mainland and Catalina are directly influenced by both mixing and transport by currents, i.e., the southerly flowing California Current and the counter-current in the Southern California Bight, and upwelling. The waters of the Continental California Shelf are highly productive due to upwelling and diffusion mixing of nutrients from colder deep waters to shallower surface waters.

Phytoplankton. Approximately 280 species of phytoplankton from California waters have been identified: 160 diatoms; 112 dinoflagellate, and 6 silicoflagellate species. Sixty species have been reported in Santa Monica Bay (THUMS, 1982, page 67). The distribution of the species and their abundances are controlled by several factors including amount of light, currents, intensity of grazing, temperature, and upwelling events. Phytoplankton variability is evident on a seasonal basis as well as over long-term periods in which it has been related to oceanographic and meteorological events.

Zooplankton. Zooplankton are instrumental in the transfer of energy from the phytoplankton to the higher trophic levels including fishes, birds, and marine mammals. In the California Current system, at least 546 invertebrate and 2,000 vertebrate species of fish larvae are estimated to occur, representing 23 major taxa among 9 animal phyla (THUMS, 1982, page 68). The zooplankton include both temporary meroplanktonic and permanent (holoplanktonic) forms which range in depth distribution from the surface to at least 3,280 fathoms (19,680 feet). Siphonophores dominate the fauna of the bottom of San Pedro Basin, feeding on bathypelagic animals living above the surface of the anoxic sediments.

Factors influencing zooplankton density and distribution within the study area include advection currents and the winds that cause currents, long-term meteorological and oceanographic changes, and nutrient/temperature relationships.

Several endemic species occur within the California Current system. Most species, however, vary geographically, seasonally, and yearly due primarily to changes in current patterns. These include the chaetognath *Sagitta bierri,* the copepod *Eucalanus bungi californicus,* the hyperiid amphipod *Hyperietta stebbingi,* and the squid *Abcaliopsis jelis* (THUMS, 1982, pages 68–70).

Nearshore waters have been found to support higher populations of benthic invertebrates and fishes than offshore waters, including the larval stages of the Dungeness crabs *Cancer magister,* pink shrimp *Pandalus jordanni, Crangon* shrimp, and several species of bottom-dwelling flatefishes (THUMS, 1982, page 71).

Depth Distribution of Zooplankton. Patterns of vertical distribution of zooplankton relate to such variables as light, phytoplankton density, food, and life history patterns. Individual species show differing depth maxima. Most species within the waters of the Continental Slope are neritic forms, with occasional oceanic and migratory abyssal forms (THUMS, 1982, page 71).

Fish Eggs and Larvae

The distribution of fish larvae is highly dependent upon the spawning areas of the parents and the hydrographic conditions prevailing in the area. Because most of the coastal waters are transported in either a northern or southern direction, larvae spawned in coastal areas tend to be retained there (THUMS, 1982, page 72). The distribution and abundance of fish larvae and eggs vary by season over the Southern California Bight depending on the species. For some species, for example the northern anchovy and the several species of rockfish, larvae occur throughout the Bight area during most of the year (THUMS, 1982, page 72).

Fishes

The southern California fish fauna consists of at least 485 species and an unknown number of deep sea fishes (THUMS, 1982, pages 72–74). The factors which govern the types and distribution of the fishes are largely those which govern the zooplankton and phytoplankton.

The San Pedro Basin fish fauna consists of vertically distributed fish communities including forms common to mainland and island shelf areas, mesopelagic deep sea or midwater forms, and bathypelagic demersal fishes. Various transient and resident species occur within the Basin.

Epipelagic forms are generally migratory through the area between various parts of the Pacific Ocean or at least through the Bight. Common species in southern California waters include Pacific bonito (*Sardo chiliensis*), yellowtail (*Seriola dorsalis*), jack mackerel (*Trachurus symmetricus*), northern anchovy (*Engraulis mordex*), Pacific mackerel (*Scomber japonicus*), Pacific barracuda (*Sphyraena argenta*), and Pacific sardine (*Sardinops sagax*).

Although Pt. Conception is recognized as a faunal boundary, many of the nearshore fishes, especially bottom fishes, are found throughout the coast as far north as British Columbia. Many of the deep water species are essentially cool water temperature fishes with centers of distribution lying to the north of the Southern California Bight. Therefore, a distinct southern California fauna does not occur below the thermocline or in the deeper waters of the coastal shelf.

Principal sportfish species taken within the general dumpsite region include rockfish (*Sebastes sp.*), kelpbass (*Paralabrax clathratus*), and Pacific mackerel. Sport fishing catch data demonstrate that the proposed ocean

disposal site is not an area of significant sportfishing activity, although the coastlines adjacent the San Pedro Basin and the Catalina Channel to the south do provide important sport fisheries. Commercially important species taken from the general dumpsite area include northern anchovy, jack mackerel, Pacific bonito (*Sarda chiliensis*), and squid.

Marine Mammals

Within the Southern California Bight, 32 species of marine mammals have been recorded. The Bight is the richest of all temperate water areas in terms of abundances and types.

The most common of these are the California grey whale (*Eschrictius robustus*), common dolphin (*Delphinus dephis*), pilot whale (*Globicephala macrorhyncha*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), Pacific bottle-nosed dolphin (*Tursiops gilli*), California sea lion (*Zalophus californianus*), and harbor seal (*Phoca vitulina*). In addition to these species, 10 others are considered uncommon (or rare) in the region; these are the Minke whale (*Balaenoptera acutorostrata*), Sei whale (*Balaenoptera boreolis*), blue whale (*Balaenoptera musculus*), humpback whale (*Megaptera novaeangliae*), killer whale (*Orcinus orca*), sperm whale (*Physeter macrocephalus*), northern fur seal (*Calorhinus ursinur*), Stellar sea lion (*Eumentopias jubatus*), the northern elephant seal (*Mirounga angustirostris*), and the very rare California sea otter (*Enhydra lutris nereis*).

Five cetaceans which occur in California waters (California grey whale, blue whale, Sei whale, humpback whale, and sperm whale) are designated as endangered species by the federal government. The Guadelupe fur seal (*Arctocephalus townsendii*) is designated rare by the State of California. All marine mammals, however, are afforded complete protection under the Marine Mammals Protection Act of 1972.

In addition to the endangered whales, six other listed species under National Marine Fisheries Service jurisdiction occur in the project area. These are the fin whale (*Balaenoptera physalus*), the right whale (*Eubalaena glacialis*), the green sea turtle (*Chelonia mydas*), the leatherback sea turtle (*Dermochelys coriacea*), the olive ridley sea turtle (*Lepidochelys olivacea*), and the loggerhead sea turtle (*Caretta caretta*). As with the five species of whales, these six species are broadly distributed, seasonal migrants that are not dependent on the habitat that will be affected by the project. Therefore, the designation of the San Pedro Basin disposal site is not likely to affect any of the listed species.

3. Location in relation to beaches and other amenity areas

Coastal beaches are 21 nmi north and east of the dumpsite. Palos Verdes Peninsula with its rocky shoreline is over 11 nmi north and Santa Catalina Island's closest rocky shoreline is 7.5 nmi south of the dumpsite. Since subsurface currents at the proposed disposal site move northwest, it is not anticipated that disposal activities will impact these nearby shorelines.

4. Type and quantities of waste proposed to be disposed of and proposed methods of release, including methods of packing the waste, if any

The proposed action is to dispose drilling muds and cuttings that will meet EPA criteria and applicable local requirements. The types of waste materials to be disposed consists of the following constituents:

a. *Cuttings:* Natural sediments consisting of sand and rock fragments.

b. *Spud mud:* Spud mud is predominantly used in the shallow section of the well, i.e., from the surface to 900 feet. It is primarily composed of bentonite, lignite, freshwater and non-toxic additives (THUMS, 1982, pages 7–21).

c. *Water-based mud:* Continuation of spud mud at greater depths (i.e., over 1,000 ft.).

The oil drilling program in Long Beach is expected to peak in some five to seven years and then taper off. The site is being designated for only three years, the maximum time for which a permit may be issued. This will permit a re-evaluation of the site designation after some use but before the period of peak drilling. Maximum quantities of drilling muds and cuttings to be disposed and rate of discharge will be established by the permitting authority, EPA Region IX, according to specific characteristics of the muds and cuttings to be disposed, method of transportation to be used, and frequency of disposal.

5. Feasibility of surveillance and monitoring

The proposed dumpsite is readily accessible for surveillance and monitoring. It will be required that monthly and quarterly monitoring of physical, chemical, and biological water quality parameters be carried out by the permittee(s) to evaluate the impact to the marine environment from disposal operations. Specific requirements regarding the monitoring program will be addressed through the permitting process.

6. Dispersal, horizontal transport, and vertical mixing characteristics of the area including prevailing current direction, if any

The water in the Southern California Bight Region is a mixture of relatively low temperature-low salinity water transported south in the California Current with higher temperature-higher salinity water brought north in the California Undercurrent. The California Current water dominates in the upper few hundred meters of the ocean seaward (west) of the borderland. The California Undercurrent is predominantly below 500 m (1640 feet). The 200 to 500 m (656 to 1640 feet) depth range is a zone of mixed water (THUMS, 1982, page 50).

The water entering the California Current system comes from four great water masses. The offshore waters of the northern part of the California Current are derived from the Subarctic water mass. As the Current moves southward, it mixes with waters from the Central water mass which enters from the northwest and west. Equatorial water enters the system as a subsurface current from the south, inshore of the California Current. The fourth major water source is from upwelling of mid-depth waters all along the coast. Inshore of the California Current, gyres or eddy circulations are often noted.

Currents in the nearshore region are influenced by the alignment of the coast, the width of the continental shelf, oceanic currents, general topography, and bathymetry. Local currents are highly dependent upon the predominant forcing mechanism driving the currents. The primary mechanism driving the currents in the nearshore region are the winds, tides, oceanic currents, density structure, waves, and river discharge especially during periods of runoffs. At any one location, one or more of the driving forces and resulting currents are, in general, extremely dependent upon time and location. Tidal currents will predominate in constricted areas such as at entrances to bays and inlets. Tidal currents are important because they are always present, acting on a diurnal or semidiurnal time scale. The influence of the oceanic current on the nearshore currents is variable throughout the year.

Basin-to-basin differences indicate that the bottom waters of most basins move in a general northwesterly direction, opposite of the surface current. Coldest waters occupy each basin from its bottom to near its sill depth. Current measurements show that the flow at the bottom of San Pedro Basin is normally very weak, less than

0.05 cm/sec, but strong surges can occur (THUMS, 1982, page 50).

These water masses directly influence the physical and chemical makeup of the surface and bottom waters and sediments of the San Pedro Basin as well as the biotic components of the area.

This situation indicates that materials dumped at the site will not be carried toward the coast but either will be dispersed in an area parallel to the shore or will sink to the bottom of the basin. The presence of two currents moving in opposite directions in the area indicates mixing and dispersion are likely to be rapid.

7. Existence and effects of current and previous discharges and dumping in the area (including cumulative effects)

The Southern California Bight receives pollution from both discrete and diffuse sources. Discrete sources include municipal wastewater discharge and surface runoff. Diffuse discharges include ocean dumping, runoff and atmospheric addition, vessel waste, and advective transport.

The last THUMS dumping operation at the site took place in January 1969. Since that time there have been no permitted dumping operations in the site or adjacent to it. At the outset of historic dumping operations, the California Department of Fish and Game had a command patrol boat on-scene with other government and THUMS observers aboard to visually monitor the dumping operations. Within minutes after the first static dump, the observers on both crafts could not visually locate the dumpsite except for a marker buoy indicating the spot of discharge. Nothing of a residual nature was observed in the aerial photographs.

From 1966 to January of 1969, THUMS disposed of drilling muds and cuttings in the San Pedro Basin with the suport of the U.S. Bureau of Commercial Fisheries, U.S. Geological Survey, U.S. Bureau of Land Management, California Department of Fish and Game, California Regional Water Quality Control Board, California State Lands Commission, and the California State Attorney General's office. The U.S. Army Corps of Engineers sent a letter on March 4, 1966, to THUMS which the Corps, considered as evidence of approval for the disposal operation.

The disposal was pumped from a specially built motorless barge that carried between 5,000 and 6,000 barrels depending on the weight of the fluid being hauled. The material was discharged while the barge was static in the water and the material was pumped through a 10 inch hose that extended 20 feet below the ocean surface. During these discharge operations, no effluent plume was observable from either aircraft or surface craft. The fine particulates apparently continued a rapid descent. During the three years of discharging, no complaint was received from any of the governmental monitoring agencies. (THUMS, 1982, page 87).

There is an LA-2 dredged material ocean disposal site located at center coordinates 33°37'06" N latitude, and 118°17'24" W longitude, which is approximately ten nautical miles towards the northeast from the proposed drilling muds and cuttings site. The LA-2 dredged material disposal site is an existing interim site, designated by EPA in 1977. The site receives dredged material originating principally from the Ports of Los Angeles and Long Beach.

When dumped, most dredged material forms clods and descends through the water column and quickly reaches the bottom, with little horizontal deflection due to currents. Dredged material disposed of at the LA-2 site, therefore, is expected to be retained within the boundaries of the disposal site. It is anticipated that the drilling muds at the proposed site will be rapidly dispersed northwesterly in the undercurrent at increasing depths while the cuttings will fall to the bottom of the basin.

Site surveys have previously been conducted at both sites and additional trend assessment monitoring will provide EPA with field data to assess any potential for cumulative impacts.

8. Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance, and other legitimate uses of the ocean

The dumpsite is 1.5 nmi south of the nearest shipping lane. There are no mineral extraction or desalination activities proposed for the site. There is no fish or shellfish culturing in the area. There are no special scientific or other uses of the ocean with which dumping will interfere. Fishing, both commercial and sport, as well as small craft piloting will be slightly disrupted while the tankship is on station.

It is possible that the general area of the disposal site may be opened up for oil and gas exploration and production at some time in the future. However, no specific plans have been announced at this time, so it is not possible to analyze the potential for conflicts between these uses and the use of the site for ocean disposal activities.

Should this area be opened to oil and gas exploration and should it be proposed to locate a drilling rig in the vicinity of the dumpsite, it would then be necessary to analyze the potential for cumulative impacts as a result of discharges of drilling muds and cuttings from such drilling rigs in association with the discharges occurring at this site. Such analyses would be made in the process of issuing NPDES permits for discharges from drilling rigs, and, if necessary, the permit and/or dumpsite could be restricted or site relocated.

9. The existing water quality and ecology of the site as determined by available data or trend assessment or baseline surveys

The characteristics of the marine environment in the San Pedro Basin where the proposed site is located has been discussed previously in detail. The Basin is of general open ocean physical, chemical, and biological characteristics with fauna typical of the Pacific marine environment off the southern coast of California.

Water column levels of trace metals in the California Current is as low as that in the open ocean. Because of its large volume, the total amount of trace metals transported by the Current is very large in comparison with all other sources (THUMS, 1982, page 57). The California Mussel Watch Program has monitored water quality along the mainland coast and also stations on the offshore islands. These studies have indicated trace metals in tissues as well as the water and sediments (higher near urban areas than areas farther away from population centers). Accordingly, the higher levels of trace metals are associated heavily with the municipal dischargers found in the Southern California Bight (THUMS, 1982, page 56).

Suspended particulate trace metal concentrations for inner basin, outer basin, and outer banks indicate that the concentration of surface water column particulates do not contrast markedly, although lead was higher by a factor of 2 or 3 in particulates at the outer (offshore) basins relative to the inner (nearshore) basin (THUMS, 1982, page 57). Bottom water samples of the outer banks exhibited a substantial increase of lead, zinc, cadmium, and possibly copper, compared to the inner and outer basins. Elements including Cd, Cu, Pb, V and Zn exhibited higher levels (although of the same magnitude) in the inner basin sediments than in the outer basin (THUMS, 1982 page 59).

HYDROCARBONS

Hydrocarbons encountered in the marine environment may originate from not only human activities (e.g., offshore drilling and production operations, oil

tanker operations, coastal refineries, atmospheric transport of combustion products, coastal municipal and nonrefinery industrial wastes, and urban and river runoff), but also natural sources (e.g., biological production by organisms as well as submarine oil seeps). Distinction of environmental hydrocarbons among these various sources has only recently been attempted.

SYNTHETIC CHLORINATED HYDROCARBONS

The major source of chlorinated hydrocarbons in the area of the dumpsite is primarily for municipal wastewater dischargers; however, ocean dumping, surface runoff, and aerial fallout all contribute to the total chlorinated hydrocarbon levels in the Bight. Southern California Bight levels of dissolved, chlorinated hydrocarbons range from 0.03 ppb to 20 ppb (THUMS, 1982, page 60).

10. Potentiality for the development or recruitment of nuisance species in the disposal site.

The development or recruitment of nuisance species in the disposal site or adjacent areas is not expected to occur.

11. Existence at or in close proximity to the site of any significant natural or cultural features of historical importance

No historically important natural or cultural features exist at or in close proximity to the proposed dumpsite.

Impact Assessment

The impacts on recreational, economic, esthetic, and biological resources of such disposal are summarized below.

(1) No detrimental impacts on the area's recreational uses are expected. Recreational values within the area include boating and fishing. Inshore waters and shorelines are well out of the intial dilution zone and will not be impacted.

(2) It is anticipated that the drilling muds and cuttings disposal activity will not adversely impact the recreational and commerical value of living marine resources, such as sport and commercial fisheries.

(3) No long-term effects on the proposed water quality of the dumpsite are expected. However, short-term turbidity increases are expected within the initial dilution zone. The esthetic values of the area, therefore, will be minimally impacted.

The disposal material does not contain pathogenic organisms, biologically available toxic materials, or other material which might significantly impact either fisheries, shell fisheries, or public health directly or indirectly through food chain interaction.

Ocean disposal of drilling muds and cuttings have several advantages over transporting them from offshore drill sites to land disposal sites. The advantages are:

a. Decreased truck traffic from docksite and disposal site.

b. Decrease in energy use associated with trucking to land dump sites.

c. Decrease of potential for nearshore air and water pollution associated with barge transport of trucks to shore facilities.

d. Decrease of potential for air and noise pollution due to offloading operations and trucking.

e. Unnecessary use of the presently limited Class II–1 disposal site within the Region.

f. Decreased marine traffic within Long Beach Outer Harbor with a decrease in probability of accident in transit to and from shore facilities.

g. Decrease in probability of accidents on California highways.

(4) Effects on water column and benthic organisms.

Phytoplankton. Initial discharge of the drilling muds will increase turbidity in the initial dilution zone. Thus, a small decrease in primary productivity could be expected. However, the rapid descent of the drilling muds to a depth of 60 m and subsequent diluted dispersion in the California Undercurrent at the lower edge of the euphotic zone substantially diminishes the chances of any significant reduction in primary productivity (THUMS, 1982, page 92).

Zooplankton. Temporary loss of zooplankton biomass may occur within the initial dilution zone related to the physical effects of particulates interrupting respiratory and feeding metabolism. Further transport of the drilling muds to increasing depths at minimal concentrations minimizes any further adverse impacts occurring within the zooplankton community.

Fishes. No adverse impacts on the pelagic, littoral, mesopelagic, or bathypelagic fish fauna are expected to occur. These fishes will respond to the increase of particulate concentrations by moving out of the immediate area of discharge, which will eliminate the potential for interruption of any metabolic processes (THUMS, 1982, page 93).

Benthos. The San Pedro Basin benthic environment will be impacted by the settling of the cuttings particles and the larger drilling mud particulate fractions. Approximately 1/3 of the disposed material will be added to the sediments of the basin between 0.3 to 7.5 km northwest of the dumpsite (THUMS, 1982, page 93).

The addition of the cuttings will likely cause a shift in the grain size distribution toward larger particle sizes, primarily evident nearest the point of impact and decreasing in impact with increasing distance northwest.

Biologically, the shift in grain size characteristics may alter benthic community structure and/or smother sessile benthic organisms unable to migrate up through the deposited material. Biological loss is expected to be minimal and localized since basin productivity is low and the community exhibits low density, diversity, and random spatial dispersion.

The non-availability of chemical constituents of the drilling muds and cuttings to animals precludes any adverse toxicity impacts. Primary impacts would relate to a change of the physical environment which in turn may alter the biotic components in the area.

Endangered Species

According to the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, no adverse short-term or long-term impacts on any federally endangered or rare species are expected from the discharge of drilling muds and cuttings in the San Pedro Basin.

Conclusion

EPA has reviewed the information submitted by the applicant in regard to the characteristics of the site and believes it adequately addresses the environmental features of the site and supports the conclusion that the site is acceptable for the ocean disposal of drilling muds and cuttings. Therefore, EPA designates this site for a period of three years from the effective date of site designation.

EPA regulations provide for ambient site monitoring programs as deemed necessary by the Regional Administrator and for evaluation of disposal site impacts based on the results of such programs. See 40 CFR 228.3 and 228.9—228.10. The regulations further provide for modifications in site use or designation based on the results of impact or on changed circumstances concerning use of the site. See 40 CFR 288.11. Management authority of this site will be delegated to the Regional Administrator of EPA Region IX. Any permittee using the site will be required to conduct an appropriate monitoring program and report the results to EPA.

The proposal to designate this site was published in the **Federal Register**

(48 FR 55000, December 8, 1983), and the public comment period closed on January 23, 1983. Eleven sets of comments were received on the proposed site designation and draft EIS. Comments received on the draft EIS have been addressed in the final EIS. The California Coastal Commission has stated that a consistency certification with the California Coastal Zone Management Plan is required for this site designation, and has provided such certification. This document is available for public inspection at the addresses given above.

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal site for drilling mud and cuttings resulting from oil drilling operations within Long Beach Harbor.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this final rule does not necessitate preparation of a Regulatory Impact Analysis.

This final rule does not contain any information collection requirements subject to Office of Management and Budget Review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 228

Water pollution control.

Authority: 33 U.S.C. 1412 and 1418.

Dated: February 1, 1985.

Henry L. Longest II,

Acting Assistant Administrator for Water.

PART 228—[AMENDED]

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended by adding to § 228.12(b) an ocean dumping site for Region IX as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

* * * * *

(b) * * *

(21) Drilling muds and cuttings site—Region IX.

Center point location: 33°34'30" N latitude, 118°27'30" W longitude.

Size: A circle with a diameter of 3.0 nautical miles.

Depth: Approximately 485 fathoms (2910 feet).

Primary Use: Drilling muds and cuttings.

Period of Use: 3 years from effective date of site designation.

Volumes: To be determined by EPA Regional Administrator, Region IX.

Restriction: Disposal shall be limited to water-based drilling muds and cuttings which meet the requirements of the Ocean Dumping Evaluation Criteria of 40 CFR Part 227. Permittee(s) must implement monitoring program acceptable to EPA Regional Administrator responsible for management of the site.

[FR Doc. 85-5448 Filed 3-6-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6588

[C-4436]

Colorado; Withdrawal of National Forest Land for Protection of Recreation and Resource Values

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 820.34 acres of land within the Pike National Forest from mining for a period of 50 years to protect fragile and irreplaceable resource values. The land has been and will remain open to surface entry appropriate to national forest land and to mineral leasing.

EFFECTIVE DATE: March 7, 1985.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, BLM Colorado State Office, 2020 Arapaho Street, Denver, Colorado 80205, 303-844-2592.

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

1. Subject to valid existing rights, the following described national forest land which is under the jurisdiction of the Secretary of Agriculture, is hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2) to protect irreplaceable resource values:

Pike National Forest

Sixth Principal Meridian

T. 12 S., R. 68 W.,

Sec. 29, lots 1, 2, 3, 4, 7, 8, 9, and 10;
Sec. 30, SE¼NE¼, and E½SE¼;
Sec. 31, NE¼NE¼;
Sec. 32, lots 2, 3, 4, 5, 7, 8, and 9.

T. 13 S., R. 68 W.,

Sec. 5, lots 1 and 2, and SE¼NW¼.

The area described aggregates 820.34 acres of land in El Paso and Teller Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest land under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws.

3. The withdrawal shall remain in effect for a period of 50 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: February 21, 1985.

Robert N. Broadbent,

Assistant Secretary of the Interior.

[FR Doc. 85-5474 Filed 3-6-85; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

50 CFR Part 91

Migratory Bird Hunting and Conservation Stamp ("Duck Stamp") Contest

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Amendment of rules.

SUMMARY: The Service amends the regulations governing the conduct of the annual Migratory Bird Hunting and Conservation Stamp ("Duck Stamp") Contest to improve administration of the contest. The amendments will improve the viewing and handling of entries, increase the entry fee, and reduce the number of debts for returned checks. The changes will allow the Service to handle the large number of entries more efficiently, and provide additional funding to cover operating costs associated with the contest. The dates and location of this year's contest are also announced.

DATES: 1. These amendments are effective upon publication.

2. This year's contest will be held on November 5 and 6, 1985, beginning at 9 a.m. each day.

3. Persons wishing to enter this year's contest may submit entries anytime

after July 1 but all must be postmarked no later than midnight October 1.

ADDRESSES: 1. Requests for the contest regulations, list of eligible species, and Reproduction Rights Agreement should be addressed to: Migratory Bird Hunting and Conservation Stamp Contest, U.S. Fish and Wildlife Service, Room 1025–A Interior, Department of the Interior, Washington, D.C. 20240.

2. The contest will be conducted in the following location: Department of the Interior, Auditorium (C Street Entrance), 18th & C Streets, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Glenn Smart, (202–653–2220) or Mr. Peter Anastasi (202–343–5508), Room 1025–A Interior, Office of Pubic Use Management U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION:

1. Section 91.11 is amended to require contestants to request copies of the current year's contest regulations, list of eligible species and Reproduction Rights Agreement. Beginning this year, the Service will provide contestants with a complete list of species eligible as the dominant feature of the design (see § 91.14 changes below). This section is amended to ensure that contestants receive the current list of eligible species and Reproduction Rights Agreement to avoid any misunderstandings or erroneous interpretations of the rules of the contest.

2. Section 91.12 is amended to increase from $25.00 to $35.00 the non-refundable fee that must accompany each entry that is submitted. This increase is required to defray the increased costs associated with processing and judging the large number of entries submitted. This section also is amended to specify that remittances should be in the form of a cashier's check or money order. This change will help to reduce costs associated with personal checks that are returned for insufficient funds.

3. Section 91.13 is amended to specify that entries may not exceed one-half inch in total thickness. This change will ensure that the hundreds of entries can be handled more efficiently and will fit in the display cases. Each year the Service receives several entries with elaborate mounts that are difficult to handle efficiently and safely. This amendment will not affect the actual artwork or its ability to compete with other entries.

4. Section 91.14 is amended to advise contestants that a list of species eligible for portrayal as the dominant feature of the design will be provided to ensure that entries are not submitted erroneously due to interpretation. Each year, the Service receives several entries that must be disqualified due to ineligible species selection. The list will contain both the common and scientific names of each species and is intended to assist contestants in submitting an eligible entry. This amendment affects the Service's procedure for mailing application packages to potential contestants.

The amendments to 50 CFR Part 91 contained in this notice are either minor and clarifying amendments or amendments to the Service's organization and management procedures applicable to the Duck Stamp contest. The notice and comment provisions of 5 U.S.C. 553(b) are impracticable and unnecessary for such clarifying and administrative changes. For similar reasons, these changes are not "rules" within the meaning of Executive Order 12291. Nor are the entrants in the Duck Stamp Contest "small entities" within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Analyses of these amendments to 50 CFR Part 91 are thus not required under either E.O. 12291 or the Regulatory Flexibility Act. In addition, the amendments do not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

The primary authors of this document are James E. Pinkerton and Peter A. Anastasi, U.S. Fish and Wildlife Service.

List of Subjects in 50 CFR Part 91

Wildlife.

PART 91—[AMENDED]

Accordingly, 50 CFR Part 91 is amended as follows:

1. The authority for Part 91 reads as follows:

Authority: 5 U.S.C. 301, 31 U.S.C. 9701.

2. Section 91.11 paragraph (b) is amended by revising the first sentence to read as follows:

§ 91.11 Contest deadlines.

* * * * *

(b) All persons intending to submit an entry to the contest must request copies of the current year's contest regulations list of eligible species and Reproduction Rights Agreement by writing to "Migratory Bird Hunting and Conservation Stamp Contest," Room 1025–A Interior, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. * * *

3. Section 91.12 is amended by replacing the amount "$25.00" with the amount "$35.00," and revising the last sentence to read as follows:

§ 91.12 Contestant eligibility.

* * * * *

Remittance should be by cashier's check or money order and made payable to the U.S. Fish and Wildlife Service.

4. Section 91.13 is amended by revising the fourth sentence to read as follows:

§ 91.13 Technical requirements for design and submission of entry.

* * * * *

Each entry must be matted (over or under) with an eight inch by ten inch mat (color optional), not exceeding one-half inch in total thickness and protected by an easy to remove covering of acetate or cellophane.

* * * * *

5. Section 91.14 is amended by inserting the following sentence after the first sentence:

§ 91.14 Restrictions on subject matter of entry.

* * * A list of eligible species will be provided to contestants as specified in § 91.11 of this Part.* * *

Dated: February 25, 1985.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85–5417 Filed 3–6–85; 8:45 am]

BILLING CODE 4310–55–M

Proposed Rules

Federal Register
Vol. 50, No. 45
Thursday, March 7, 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 230

[Release No. 33-6568; File No. S7-9-85]

Facilitation of Multinational Securities Offerings

AGENCY: Securities and Exchange Commission.

ACTION: Request for public comment.

SUMMARY: National boundaries which have in the past circumscribed securities trading are rapidly losing their significance as a global marketplace develops. To provide a context for public comment on internationalization, the Commission is publishing two conceptual approaches which would facilitate multinational offerings: The reciprocal approach and the common prospectus approach. In addition, the Commission is requesting commentators to comment on a series of specific questions dealing with these approaches and with the Commission's role in facilitating multinational offerings.

DATE: Comment must be received on or before July 15, 1985.

ADDRESS: Comment letters should refer to File No. S7-9-85 and be submitted in triplicate to John Wheeler, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. The Commission will make all comments available for public inspection and copying in its Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Carl T. Bodolus (202) 272-3246 or Martin L. Meyrowitz (202) 272-3250, Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In light of the increasing internationalization of securities markets, the Securities and Exchange Commission today announced that it is soliciting public comment on methods of harmonize disclosure and distribution practices for multinational offerings by non-governmental issuers. To provide a framework for public comment, the Commission is publishing two conceptual approaches which would facilitate such offerings in the United States, the United Kingdom and Canada.[1] The United Kingdom and Canada were chosen for consideration because issuers from these countries use the United States' capital markets frequently and their disclosure requirements are more similar to the United States' requirements than those of other countries.

The two methods for facilitating multinational offerings being considered are: (1) An agreement by the three countries that a prospectus accepted in an issuer's domicile which meets certain standards would be accepted for offerings in each of the participating countries (reciprocal approach); and (2) the development of a common prospectus which would be simultaneously filed with each of the country's respective securities administrators (common prospectus approach). Although the Commission already has made significant accommodations in its disclosure requirements to facilitate foreign offerings in the United States, it believes that the proposed conceptual approaches may lead to increased harmonization. As a first step in this process, the Commission is requesting public comment to determine whether these approaches, or others which may be suggested by commentators, are feasible, practical and consistent with investor protection.[2]

I. Background

In recent years, the Commission has recognized that the lines of demarcation between domestic and international capital markets are becoming more difficult to ascertain. Traditional notions of a world made up of separate and distinct domestic capital markets are being replaced by a global market for corporate securities. Among the factors which some believe may contribute to the internationalization of the world capital markets include: The abandonment of U.S. investment controls; the advent of floating exchange rates; relaxation of foreign exchange controls; efforts by corporations and investors to diversify funding and investment sources; the recent repeal of the withholding tax on interest paid to foreign holders of United States bonds; interest rate differentials; the relatively long period of peace and prosperity for the developed countries; and new technology in the areas of transportation and communications. One example of this trend is the increasing number of companies whose securities are traded on domestic and foreign exchanges. A recent article identified approximately 236 issuers as having an active international trading market in their equity securities.[3] According to this article, a company with an active international trading market must have daily active trading outside its home market. Of the 236 issuers identified, 84 are U.S., 49 are Japanese, 17 are German, 16 Australian, 13 British, 12 Canadian, 10 Swedish, 7 South African, 5 Swiss, 2 Italian, 2 Belgian, 2 New Zealanders and 4 from Hong Kong. France, Denmark, Norway, Singapore and Malaysia each had one issuer identified by the article as having an internationally traded security

The most rapid internationalization has occurred in the debt market. Recently, widely followed issuers have been able to switch between domestic markets, foreign markets, and the Euromarket, depending on where they can offer their debt securities on the most favorable terms. United States corporations are probably the most mobile, moving in and out of their domestic markets with considerable ease. In 1983, domestic United States corporate debt issues amounted to $52.4 billion, compared with $44 billion in 1982.[4] In the first six months of 1984

[1] The commission recognizes that the two conceptual approaches may not be adequate or appropriate where the issuer is a regulated investment company. Accordingly, offerings by investment companies are not encompassed in the two conceptual approaches.

[2] The Commission also intends to consider issuing within the next month a concept release soliciting public comment on other aspects of the internationalization of the securities markets. Possible issues include 24 hour trading, consolidated market information systems, broker-dealer regulation and international regulatory cooperation.

[3] *See* Yassukovich, "The Rise of International Equity," *Euromoney*, May 1984 at 53.

[4] *See* "The One World Capital Market," *Euromoney*, October 1984 at 106.

domestic debt volume amounted to $26.7 billion. [5] Over the same period, the volume of Eurobonds isssued by United States corporations amounted to $13.3 billion in 1982, declining to $6.2 billion in 1983 due to the increase in domestic issues. [6] In the first half of 1984, United States corporations issued $6.8 billion in Eurobonds. [7]

Total issues in the Eurobond market have about doubled in recent year from $26.5 billion in 1981 to $45 billion in 1983. [8] Underwritten foreign debt and equity offerings in the United States have averaged over $5 billion per year since 1975. [9] In the first half of 1984, $3.2 billion in foreign offerings were underwritten in the United States markets. [10] Transactions in the secondary markets by foreign investors in United States stocks have increased from $17.2 billion in 1970 to over $134 billion in 1983. [11] Similarly, transactions in foreign stocks traded in the United States increased from $2.03 billion in 1970 to approximately $30 billion in 1983. [12] Many of these stocks are in the form of American Depositary Receipts ("ADRs") registered with the Commission. [13]

In addition to foreign offerings in the United States, there have been several recent multinational offerings. [14] In 1983, two Canadian companies, Alcan Aluminum and Bell Canada Enterprises, each offered equity issues simultaneously in the United States, Canada and Japan. In 1984, British Telecommunications made an initial public offering of over 3 billion ordinary (common) shares with an equivalent U.S. dollar offering price of 4.5 billion dollars in the United Kingdom, Japan, Canada and the United States. Thus, an international capital market, both in primary offerings and secondary trading, is developing at a rapid pace.

II. Present Procedure

In its attempt to address changes in the capital markets, the Commission adopted Form 20–F [15] in 1979 which sets forth the disclosure requirements for foreign private issues ("foreign issuers") filing periodic reports under the Securities Exchange Act of 1934 (the "Exchange Act"). [16] When this form was adopted, certain accommodations were made to foreign issuers in an attempt to harmonize the disclosure requirements in the United States with the requirements most commonly found in foreign countries. In 1982, an integrated disclosure system for foreign issuers making public offerings similar to the system available to domestic issuers making public offerings was adopted. [17]

In response to accelerating trends towards an international capital market for primary securities offerings, the Commission has determined that public comments is needed to formulate methods to further accommodate miltinational offerings and to harmonize the prospectus disclosure standards and securities distribution system of the three countries.

III. Comparison of Distribution and Disclosure Systems

As a first step in its examination of multinational offerings, the Commission's staff compared the distribution systems and the statutory and regulatory disclosure requirements of the United Kingdom and certain provinces of Canada with the distribution system and disclosure requirements of the United States applicable to domestic issuers and to foreign issuers offering securities in the United States by registering on Form F–1. [18]

For purposes of the survey, the staff concentrated on three areas: (1) Comparative differences resulting from each country's method of underwriting securities in public offerings and in the manner in which disclosure regulation is implemented; (2) disclosure requirements concerning the nature and character of the issuer, its business and its management; and (3) disclosure requirements pertaining to the financial statements to be included in the prospectus. In addition to comparing the distribution systems and disclosure requirements of the three countries, the staff compared each country's liability provisions, including antifraud statutes relating to omissions, and false or misleading statements made in prospectuses.

Some of the conclusions which may be drawn from the staff's comparative survey are summarized below. The summary is not exhaustive and illustrates only selected material differences.

A. Underwriting Methods and Disclosure Regulation

All three countries have their own system for underwriting publicly offered securities. Canada and the United States have very similar underwriting methods. Neither the United Kingdom nor Canada, generally, provide for "shelf registrations." [19] On the other hand, the methods of underwriting used in the United Kingdom are substantially different from those used in the United States and Canada.

The United Kingdom uses two principal methods of offering securities—the offer by subscription and the offer by tender. In the former, the offering price is set and solicitations from the public are sought on the day the offering is publicly announced by printing the entire prospectus and subscription forms in nationally circulated newspapers and furnishing copies to brokers and the public generally—the "impact day." After a short subscription period, [20] the applications are sorted, allotments are made and the amounts to be taken by the brokers and the public are announced—the "allotment day." [21] In the offer by tender, the same prospectus publication procedures apply except that on impact day a minimum tender price is announced and tenders at or above the minimum tender price are solicited. Shares for which applications are accepted will all be sold at the same price—the "striking prices."

In the United Kingdom, preliminary prospectuses are not generally used and the contents of the prospectus are not generally available to the public until after its publication in nationally circulated newspapers and statistical services. Unlike the United States and Canada where offers, but not sales, can be made in the "waiting" period, [22] offers

---

[5] *Id.*

[6] *Id.*

[7] *Id.*

[8] *See* Curtin, "Now It's Grown Up, It's Fierce," *Euromoney*, June 1984 at 64.

[9] *See* Directory of Corporate Financing 1983–1984 (Dealers Digest Inc.); Corporate Financing Directory 1981–1982 (Investment Dealers Digest); Directory of Corporate Financing 1970–1980 Decade (Dealers Digest Inc.).

[10] *Id.*

[11] *See Fact Book* 1971–1983, (New York Stock Exchange Inc.).

[12] *Id.*

[13] *See*, Form F–8, 17 CFR 239.36.

[14] *See generally* Donnelly, "The Perils of Multimarket Offerings," *Institutional Investor*, October 1984 at 71, for a discussion of some of the problems involving multinational offerings.

[15] Release No. 34–16371 (November 20, 1979) [44 FR 70132] (adopting Form 20–F).

[16] 15 U.S.C. 78a *et seq.* References to "foreign issuers" in this release shall refer only to foreign private issuers unless stated otherwise.

[17] Release No. 33–6437 (adopting Forms F–1, F–2, and F–3) [47 FR 54764] (December 6, 1982).

[18] Copies of the Staff's comparative disclosure survey are available in the public file, S7–9–85.

[19] *See* 17 CFR 230.415.

[20] Typically, three to fourteen days.

[21] In the United Kingdom, the method in which the issuer issues securities in an underwritten public offering is known as an allotment. Typically, the securities are allotted to the participating issuing houses which then renounce their own allotments in favor of the subscriber. This system was apparently developed to minimze certain transfer taxes.

[22] The "waiting" period refers to the time period between the filing of a registration statement pursuant to section 5 of the Securities Act of 1933, 15 U.S.C. 77e, and its effectiveness pursuant to section 8(a) of that act, 15 U.S.C. 77h.

in the United Kingdom are not made prior to the date the prospectus is published.

In addition to differences in methods of underwriting securities, the review process in the United Kingdom is substantially different than in the United States and Canada and is primarily accomplished by the London Stock Exchange, rather than independent governmental agencies.

B. Disclosure of the Nature and Character of the Issuer, Its Business and Its Management

Substantial differences exist among the three countries surveyed with respect to required disclosure relating to the nature and character of the issuer, its business and its management. These differences may derive in part from the varying degree to which each country's statutory provisions and applicable case law aid the issuer in determining what information is required to be disclosed. For example, all three countries require disclosure of the nature of the issuer's business. In the United States, Regulation S-K provides specific guidelines as to what should be disclosed.[23] In the United Kingdom and Canada, however, only a general instruction is given (*e.g.*, describe the issuer's business) without providing further guidance as to the specific facts which may be material to an understanding of the issuer's business (*e.g.*, backlog of customer orders or sources and availability of raw materials). Other notable differences among the jurisdictions surveyed include, but are not limited to: Variations in the requirements for Management's Discussion and Analysis of Financial Condition and Results of Operations;[24] disclosure of industry segment data; and disclosure of management's business experience, remuneration, and its beneficial ownership of securities of the issuer.

C. Financial Statements

The basic differences in financial information required by each jurisdiction are due primarily to the differences in each jurisdiction's generally accepted accounting principles ("GAAP"). Some of the principal accounting differences among the three countries involved the accounting treatment of research and development costs; industry segment and geographic financial information; foreign currency translations; and interest costs associated with long-term construction and inventories. Material differences also exist in the accounting practices for different industries such as banking and mineral resources companies.

The requirements to reconcile financial statement of issuers incorporated in other jurisdictions which employ different accounting standards also vary among the jurisdictions surveyed. The United States and Canada require a discussion to be included which explains the differences between the significant accounting principles applied and gives a quantitative assessment of the effect of these differences. The United Kingdom does not require reconciliation to United Kingdom GAAP, provided that financial statements are presented in accordance with International Accounting Standards Committee ("IASC") requirements. Both United States and Canadian GAAP meet IASC standards.

D. Liability Provisions

The three countries surveyed have liability provisions concerning the sale of securities. Comparatively, the United States has the most comprehensive system. Under section 11 of the Securities Act[25] and the liability provisions in Quebec and Ontario, issuers are absolutely liable for false or misleading statements contained in prospectuses. Persons other than the issuer may rely on a due diligence defense. In British Columbia, the issuer bears no absolute liabilty. The U.K.'s liability provisions are similar, except that issuers, as well as others, may rely on a defense of reasonable belief. This defense does not *per se*, require a reasonable investigation of the facts supporting such statements. All three countries have antifraud protections and each provides for recission or damages.

A substantial number of civil lawsuits based on securities violations are brought in the United States, and the courts have broadly construed the antifraud provisions in favor of investors. In contrast, very few civil lawsuits are filed in Canada or in the United Kingdom. This may be partly due to the lack of class actions in certain provinces of Canada and the United Kingdom.

Even if the Commission takes steps to facilitate multinational offerings, the broad application of the United States' liability provisions and the frequency of securities litigation may have a deterrent effect on foreign issuers seeking access to the capital markets in the United States.

IV. The Reciprocal and Common Prospectus Approaches

To provide a framework for discussion, the Commission is publishing two conceptual approaches which would encourage multinational securities offerings: The reciprocal approach and the common prospectus approach.

A. Reciprocal Approach

The first conceptual approach would require the agreement by each of the three countries to adopt a reciprocal system providing that an offering document used by the issuer in its own country would be accepted for offerings in each of the other countries, assuming certain minimum standards are met. For example, the Commission could promulgate the necessary rules to permit a foreign issuer to file a registration statement with the Commission pursuant to the Securities Act consisting of a facing page, a copy of the offering documents used in its own country and a signature page. By doing so, of course, a foreign issuer would be subject to the same liability provisions of the United States' securities laws which apply to domestic issuers, including the absolute liability imposed upon issuers by section 11 of the Securities Act for false or misleading statements contained in the prospectus.

B. Common Prospectus Approach

The second possible conceptual approach would be for all three countries to agree on disclosure standards for an offering document that could be used in two or more of the three countries. Like the reciprocal approach, the Commission could adopt the necessary rules to allow the common prospectus to be used in registration statements filed with the Commission pursuant to the Securities Act. Also like the reciprocal approach, the same liability provisions of the federal securities laws would apply to foreign issuers as apply to domestic issuers.

C. Advantages and Disadvantages to Both Approaches

An advantage to the reciprocal approach appears to be that it is simpler to implement than the common prospectus approach. While the common prospectus approach would require an agreement between the participating countries on disclosure standards, the reciprocal approach would basically accept the offering document of each of the participating countries. On the other

[23] 17 CFR Part 229, Regulation S-K sets forth the requirements applicable to the content of the non-financial statement portions of forms filed under the Securities Act of 1933 (the "Securities Act") (15 U.S.C. 77a *et seq.*) and the Exchange Act.

[24] 17 CFR 229.301.

[25] 15 U.S.C. 77k.

hand, adoption of the reciprocal approach could eliminate any incentive to harmonize the disclosure standards of the participating countries.

Another advantage of the reciprocal approach is that it would be less costly and less time consuming to registrants because only the issuer's domicile would be reviewing the offering for compliance with the applicable disclosure standards.

There are, however, certain disadvantages to the reciprocal approach. For example, it is possible that the reciprocal approach would provide investors less information than the common prospectus approach if the disclosure standards for the common prospectus were more extensive than those of an issuer's domicile.

The principal advantage in adopting the common prospectus approach appears to be that all participating countries would have the same standards of disclosure. This harmonization of disclosure standards would likely result in prospectuses in all the countries being more standardized that if the reciprocal approach were adopted. Uniformity would permit greater ease of comparability of information between companies from different countries. Consequently, uniform financial and corporate information may act as the first step in developing an international data base for use in secondary trading.

The major disadvantage to adopting the common prospectus approach over the reciprocal approach appears to be the difficulties associated with reaching agreement with the participating countries on disclosure standards. Multiplicity of review may also result in complications to the issuer and a problem in coordinating the review process between the countries. These disadvantages would more than likely result in greater costs to issuers then the reciprocal approach.

Certain disadvantages exist equally for both approaches. For example, the effects on the secondary trading markets of allowing foreign prospectuses or a common prospectus to be used in primary distributions in the United States is uncertain. Also, the effect of inconsistent state blue sky regulations may circumvent the advantages of both approaches.[26]

[26] Each of the 50 states have securities statutes (Blue Sky laws) which are of two major types: (1) "Full disclosure" statutes; and (2) "fair, just and equitable" statutes. Before a foreign or domestic issuer can sell securities in a state, it must be registered (qualified) with the state or exempt from such registration (qualification). The 34 states having "fair, just and equitable" statutes regulate the offer and sale of securities based upon the merit of the investment and the quality of the issuer. In contrast, the 16 states with "full disclosure" statutes may allow any securities to be offered and sold by an issuer so long as adequate disclosure including any concomitant risks is made to investors.

V. Request for Public Comment; Specific Inquiries

In addition to soliciting public comment on the two conceptual approaches discussed in this release, the Commission is requesting specific comment on any other possible approaches which facilitate multinational offerings and are consistent with the protection of investors. The Commission is also interested in ways to harmonize the different distribution systems of the three countries. In addition, the Commission is asking commentators to address the following specific questions:

1. What should be the role of the Securities and Exchange Commission in encouraging multinational offerings?

2. How is the current foreign integration system working to accommodate the increasing internationalization of the capital markets?

3. Will simultaneous offerings in several jurisdictions replace an offering by an issuer from one country in another as the most common method of international distributions?

4. Between the reciprocal approach and the common prospectus approach, which is the better and why?

5. With respect to the reciprocal approach, should there be minimum standards, and if so, what should they be?

6. If either the reciprocal approach or common prospectus approach were implemented, would it tend to increase or decrease the number of foreign offerings in the United States or financings abroad by U.S. corporations?

7. What would the cost savings to issuers be if either approach were adopted, including the specific amounts as well as the areas in which cost savings might be realized?

8. Would issuers in one country benefit more than issuers in any other country if either the reciprocal approach or common prospectus approach were adopted?

9. What effect, if any, would adopting either approach have on the disclosure standards for United States issuers offering securities only in the United States?

10. What effect would the adoption of either approach have on the registration, periodic reporting, proxy, tender offer and other requirements under the Securities Exchange Act of 1934, and what steps should the Commission take to accommodate disclosure requirements for secondary trading subsequent to the public offering by the foreign issuer?

11. Should the availability of the new procedure for multinational offerings be limited to only certain issuers or certain types of offerings?

12. Will either the reciprocal approach or common prospectus approach accommodate the differences in distribution methods between the United Kingdom's system and those of the United States and Canada? If not, what further modifications to the two approaches must be made to make one or both approaches feasible?

13. Is the reciprocal approach appropriate for issuers who are permitted to incorporate by reference other documents and reports which are readily available in the issuer's country but more difficult to obtain in the other two countries?

14. Should the Commission's system for electronic filing, processing and dissemination of documents (EDGAR) accept filings made from foreign sources of transmission and assure overseas access to the system?

15. What, if any, additional disclosures should be required of foreign issuers under either approach of the fact that they are foreign issuers and of any differences in their disclosures from those of U.S. companies? For example, should there be a legend to the effect that, "The offering is by a foreign issuer and that, while the issuer has met the disclosure requirements of its own country, the potential investor should be aware that these requirements are essentially different from, and therefore not comparable to, those of the U.S."

16. Is it in the interest of the U.S. to facilitate access to the U.S. market to issuers who may ultimately invoke the protection of foreign secrecy or blocking laws to frustrate Commission investigations or Commission or private civil actions?

17. Would it be necessary or appropriate for the Commission to request British and Canadian authorities to legislate exceptions to their country's blocking legislation which would apply to issuers within their jurisdiction who register securities for sale in the U.S.?

List of Subjects in 17 CFR Part 230

Reporting and recordkeeping requirements, Securities.

By the Commission.

John Wheeler,

Secretary.

February 28, 1985.

[FR Doc. 85-5430 Filed 3-6-85; 8:45 am]

BILLING CODE 8010-01-M

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 410

Proposed Amendment to Comprehensive Plan and Water Code of the Delaware River Basin; Change in Location of Hearing

AGENCY: Delaware River Basin Commission.

ACTION: Proposed Rule and Public Hearing; Correction.

SUMMARY: Notice was given in 50 FR. 7350, February 22, 1985 that the

Delaware River Basin Commission would hold a public hearing to receive comments on a proposed amendment to the Commission's Comprehensive Plan and *Water Code of the Delaware River Basin* in relation to well registration.

The location of the hearing *was* to have been the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey. The location *has been changed to* the Pennsylvania West Room of the Philadelphia Centre Hotel, 1725 Kennedy Boulevard, Philadelphia, Pennsylvania. Written comments should be submitted to Susan M. Weisman, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628.

DATES: The public hearing is scheduled for Wednesday, March 27, 1985 beginning at 1:30 p.m. The comment closing date will be announced at the hearing.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, Telephone (609) 883-9500.

Susan M. Weisman,

Secretary.

March 1, 1985.

[FR Doc. 85-5469 Filed 3-6-85; 8:45 am]

BILLING CODE 6360-01-M

RAILROAD RETIREMENT BOARD

20 CFR Part 200

Debt Collection

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board (Board) hereby proposes to amend its regulations to provide for waiver of interest, penalties, and collection costs, as authorized by the Debt Collection Act of 1982, in connection with the collection of certain debts arising from erroneous benefit payments under the several Acts administered by the Board. The Debt Collection Act of 1982 requires the Board to charge interest on claims for money owed the Board, to assess penalties on delinquent debts, and to assess charges to cover the costs of processing claims for delinquent debts. The Act permits, and in certain cases requires, an agency to waive the collection of interest, penalties and charges. This proposed new section contains the circumstances under which the Board may waive the collection of interest, penalties and charges which arise from benefit or annuity overpayments made under any of the Acts the Board administers.

DATE: Comments must be received on or before May 6, 1985.

ADDRESS: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4935 (FTS 387-4935).

SUPPLEMENTARY INFORMATION: Section 11 of the Debt Collection Act of 1982 (Pub. L. 97-365) amended section 3(e) of the Federal Claims Collection Act of 1966 to provide that the head of an agency shall charge interest on claims owed the agency, assess penalties on delinquent debts, and assess charges to cover the costs of processing delinquent claims. Section 11 imposes a mandatory requirement that interest, penalties, and charges be assessed except as specifically provided in that section. Paragraphs (3) and (6) of the amended section 3(e) provide, respectively, for waiver of interest and penalties under agency regulations adopted in accordance with standards established by the Attorney General and Comptroller General and or a thirty-day grace period within which payment may be made and no interest charged.

The proposed § 200.6 would implement the exception contained in the amended section 3(e)(6) of the Federal Claims Collection Act by establishing criteria for waiver in conformity with the standards adopted by the Attorney General and Comptroller General and published as a final rule in the **Federal Register** on March 9, 1984. The proposed new section provides that interest must be waived if the underlying debt is paid within 30 days after notice of the debt or, where waiver of recovery of the overpayment is available, within 30 days after the expiration of the period within which the debtor may request waiver of recovery of the erroneous payment if no request is made or within 30 days after a decision denying waiver of recovery if such was requested. The proposed new section also provides for discretionary waiver of interest, penalties, and administrative costs when it is determined that assessing such charges would be against equity and good conscience or not in the best interests of the United States.

The Board has determined that this is not a major rule under Executive Order 12291. Therefore, no regulatory analysis is required.

List of Subjects in 20 CFR Part 200

Claims, Employee benefits plans, Railroad employees, Railroad retirement, Railroad unemployment insurance, Debt collection.

PART 200—[AMENDED]

Title 20 CFR Chapter II is amended as follows:

1. The table of contents for Title 20, Chapter II, Subchapter A, Part 200 is amended by adding at the end thereof the following: "200.6 Waiver of interest, penalties, and collection costs with respect to collection of certain debts."

2. A new § 200.6 is added to Subchapter A and reads as follows:

§ 200.6 Waiver of interest, penalties, and collection costs with respect to collection of certain debts.

(a) *Purpose.* The Debt Collection Act of 1982 requires the Board to charge interest on claims for money owed the Board, to assess penalties on delinquent debts, and to assess charges to cover the costs of processing claims for delinquent debts. The Act permits, and in certain cases requires, an agency to waive the collection of interest, penalties and charges under circumstances which comply with standards enunciated jointly by the Comptroller General and the Attorney General. Those standards are contained in 4 CFR 102.13. This section contains the circumstances under which the Board may waive the collection of interest, penalties and charges which arise from benefit or annuity overpayments made under any of the Acts the Board administers.

(b)(1) The Board shall waive the collection of interest under the following circumstances:

(i) When the debt is paid within thirty days after the date on which notice of the debt was mailed or personally delivered to the debtor;

(ii) When in any case where a decision with respect to waiver of recovery of the overpayment must be made,

(A) The debt is paid within thirty days after the end of the period within which the debtor may request waiver of recovery if no request is received within the prescribed time period; or

(B) The debt is paid within thirty days after the date on which notice was mailed to the debtor that his or her request for waiver or recovery has been wholly or partially denied if the debtor requested waiver of recovery within the prescribed time limit; however,

regardless of when the debt is paid, no interest may be charged for any period prior to the end of the period within which the debtor may request waiver of recovery or, if such request is made, for any period prior to the date on which notice was mailed to the debtor that his or her request for recovery has been wholly or partially denied;

(iii) When, in the situations described in paragraphs (b)(1)(i) and (b)(1)(ii) of this section, the debt is paid within any extension of the thirty-day period granted by the Board;

(iv) With respect to any portion of the debt which is paid within the time limits described in paragraphs (b)(1)(i), (b)(1)(ii), or (b)(1)(iii) of this section; or

(v) In regard to any debt the recovery of which is waived.

(2) The Board may waive the collection of interest, penalties and administrative costs in whole or in part in the following circumstances:

(i) When collecting interest, penalty and administrative costs is against equity and good conscience; or

(ii) Where collecting interest, penalty and administrative costs is not in the best interests of the United States.

(c)(1) In making determinations as to when the collection of interest, penalty and administrative costs is against equity and good conscience the Board will consider evidence on the following factors:

(i) The fault of the overpaid individual in causing the underlying overpayment; and

(ii) Whether the overpaid individual in reliance on the incorrect payment relinquished a valuable right or changed his or her position for the worse.

(2) In rendering a determination as to when the collection of interest, penalties and charges is "not in the interest of the United States" the Board will consider the following factors:

(i) Whether the collection of interest, penalties and charges would result in the debt never being repaid; and

(ii) Whether the collection of interest, penalties and charges would cause undue hardship.

(31 U.S.C. 3717)

Dated: March 1, 1985.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 85-5434 Filed 3-6-85; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

Public Comment and Opportunity for Public Hearing on a Modification to the Arkansas Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for requesting a public hearing on the substantive adequacy of a program amendment submitted by the state of Arkansas as a modification to the Arkansas Permanent Regulatory Program (hereinafter referred to as the Arkansas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment would establish a program for the training, examination and certification of blasters. The amendment would also amend performance standards for the use of explosives.

This notice sets forth the times and locations that the Arkansas program and proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed regarding the public hearing.

DATES: Comments not received on or before 4:00 p.m., April 8, 1985 will not necessarily be considered.

If requested, a public hearing on the proposed modifications will be held on March 19, 1985, beginning at 10:00 a.m. at the location shown below under **"ADDRESSES."**

ADDRESSES: Written comments should be mailed or hand delivered to: Mr. Robert Markey, Tulsa Field Office, Office of Surface Mining, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103.

If requested, a public hearing will be held at the following location: U.S. Post Office and Courthouse, South 6th and Rogers Avenue, Room 115A, Fort Smith, Arkansas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Markey, Tulsa Field Office, Office of Surface Mining, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103, Telephone: (918) 745-7927.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Arkansas program, the proposed modifications to the program, a listing of any scheduled public meeting and all written comments received in response to this notice will be available for review at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays. Each requestor may receive free of charge, one single copy of the proposed amendment by contacting the Tulsa Field Office listed below:

Tulsa Field Office, Office of Surface Mining, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103

Office of Surface Mining, Reclamation and Enforcement, 1100 "L" Street, NW., Washington, D.C. 20240

Department of Pollution Control and Ecology, 8001 National Drive, P.O. Box 9583, Little Rock, Arkansas 72209.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after March 14, 1985 or at locations other than Little Rock Arkansas will not necessarily be considered and included in the Administrative Record for this final rulemaking.

Public Hearing

Persons wishing to comment at a public hearing should contact the person listed under **"FOR FURTHER INFORMATION CONTACT"** by the close of business March 14, 1985. If no one requests to comment at a public hearing, the hearing will not be held. If only one person requests a public hearing a public meeting may be held instead and the results of the public meeting included in the Administrative Record.

II. Background on the Arkansas State Program

On December 17, 1984, Arkansas submitted to OSM pursuant to 30 CFR 732.17, an amendment to the Arkansas regulatory program which would establish a blaster training and certification program and would amend performance standards for the use of explosives.

Concerning the proposed blasters certification program, on March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR

Chapter M (48 FR 9486). Section 850.12 of these regulations stipulates that the regulatory authority in each State with an approved program under SMCRA shall develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation within 12 months after approval of a State program or within 12 months after publication date of OSM's rules at 30 CFR Part 850, whichever, is later.

In the amendment, Arkansas is proposing changes at 816.61–S and 816.61–U regarding the use of explosives and Part 850 regarding establishing the requirements and procedures for blaster training, examination, and certification program.

Therefore, OSM is seeking comment on the State proposed amendment to establish a program for the training, examination and certification of blasters, and to amend performance standards for the use of explosives.

If the Director determines that the proposal modifications are in accordance with SMCRA and no less effective than the Federal regulations, the amendment will become part of the Arkansas permanent regulatory program.

III. Additional Determinations

1. Compliance with the National Evironmental Policy Act:

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act:

On August 28, 1982, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs.

Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

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

3. Paperwork Reduction Act:

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

List of Subjects in 30 CFR Part 904

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

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

Dated: March 1, 1985.

John D. Ward,

Director, Office of Surface Mining.

[FR Doc. 85–5493 Filed 3–6–85; 8:45 am]

BILLING CODE 4310–05–M

---

30 CFR Part 943

Texas Permanent Regulatory Program; Reopening and Extension of Public Comment Period

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

ACTION: Reopening and extension of public comment period.

SUMMARY: On August 31, 1984, the State of Texas submitted to OSM a proposed amendment consisting of modifications to the Texas regulations concerning effluent limitations and prime farmland (PEL).

OSM published a ntoice in the **Federal Register** on September 25, 1984, announcing receipt of the amendment and inviting public comment on its adequacy (49 FR 37641). The public comment period ended on October 25, 1984. During its review of Texas' proposed provisions, OSM identified several concerns relating to the proposed provisions. OSM notified Texas of its concerns, and in a letter dated February 8, 1985, Texas responded by submitting additional explanation and information on, and revisions to the proposed amendment.

Accordingly, OSM is reopening and extending the comment period for 15 days on Texas' prepared amendment and explanatory information. This action is being taken to provide the public an opportunity to reconsider the adquancy of the proposed amendment in light of the additional information.

DATE: Written comments relating to Texas' proposed modification of its program not received on or before 4:00 p.m. on March 22, 1985, will not necessarily be considered in the Director's decision to approve or disapprove the proposed program modifications.

ADDRESSES: Written comments should be mailed or hand-delivered to: Mr. Robert L. Markey, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, Room 3432, 333 West 4th Street, Tulsa, Oklahoma 74103. Telephone: (918) 581–7927.

Copies of the Texas program, the proposed amendment, and all written comments received in response to this notice will be available for review at the OSM offices and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m. excluding holidays. Each requestor may receive, free of charge, one single copy of the proposed amendment from OSM's Tulsa Field Office listed below.

Office of Surface Mining Reclamation and Enforcement, Room 5124, 1100 "L" Street, NW Washington, D.C. 20240.

Office of Surface Mining Reclamation and Enforcement, Room 3432, 333 West 4th Street, Tulsa, Oklahoma 74103.

Surface Mining Reclamation Division, Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Texas 78711.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Markey, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103. Telephone: (918) 581–7927.

SUPPLEMENTARY INFORMATION: Information regarding the general background on the Texas State Program, including the Secretary's Findings, the disposition of comments and a detailed explanation of the conditions of approval of the Texas program can be found in the February 27, 1980, **Federal Register** (45 FR 12998).

On August 31, 1984, the Director, Surface Mining and Reclamation Division of the Railroad Commission of Texas (RCT), submitted to OSM pursuant to 30 CFR 732.17, a proposed State program amendment for approval. OSM announced receipt of the amendment and initiated a public comment period on September 25, 1984 (49 FR 37641). The public comment period ended on October 25, 1984. A public hearing scheduled for October 24, 1984, was not held because no one expressed a desire to present testimony.

During its review of Texas' proposed amendment, OSM identified the following concerns:

1. Texas' proposed rules 051.07.04.138(b) and .184(b) would eliminate the definition of "frequently flooded" ("during the growing season,

more often than once in two years, and the flooding has reduced crop yields") which corresponds to the U.S. Soil Conservation Service (SCS) criteria in 7 CFR 657.5(a)(2)(iv) and (vi). Since 30 CFR 701.5 defines prime farmland as those lands defined in 7 CFR Part 657, deviation from these criteria requires concurrence of the SCS State Conservationist (see 7 CFR 657.4(a)(2)). OSM asked Texas to clarify that the RCT's interpretation of the State prime farmland criteria for negative determination purposes will conform with the SCS criteria at 7 CFR 657.5(a)(2).

2. The proposed rules 051.07.04.138(d) and .184(d) do not require the soil survey performed pursuant to the PFL reconnaissance inspection to be of the detail used by the SCS for operational Conservation planning, as in 30 CFR 785.17(b)(3).

3. In proposed 051.07.04.201(b)(1), Texas should specify where the SCS National Soils Handbook is available for review.

4. Texas' proposed rule 051.07.04.201(b)(1)(B) vests authority for approval of alternative representative soil profiles with the Railroad Commission of Texas. The Federal rule at 30 CFR 785.17(c)(1)(ii) permits only the SCS State Conservationist to make such a decision.

5. OSM questioned inclusion of 051.07.04201(c)(1) and .624(a) which apply only to the SCS and which Texas cannot enforce.

6. Due to the decision by Judge Flannery in *In re: Permanent Surface Mining Regulation Litigation II* (Civil Action No. 79–1144, U.S.D.C. D.C, October 1, 1984), the prime farmland exemption for long-term use of certain surface facilities proposed at 051.07.04.620(a)(1) cannot be approved for facilities associated with surface mines.

7. Proposed Texas rule 051.07.04.620(a)(2) cannot be approved because Judge Flannery held that the PFL exemption for permanent water impoundment violates section 510(d)(1) of the Surface Mining Control and Reclamation Act of 1977.

8. OSM requested a letter clarifying that where 30 CFR Part 434 is more stringent than Texas proposed effluent limitation, the Federal Environmental Protection Agency (EPA) standards (30 CFR Part 434) will take precedence.

9. OSM requested clarification that any discharges authorized under proposed Texas rules 051.07.04.340(d)(3) and .510(c)(3) must still comply with applicable State and Federal effluent limitations.

10. Proposed Texas rule 051.07.04.008 uses, but does not define the term "support facilities".

11. OSM requested clarification of proposed paragraph 051.07.04.340(a)(8).

12. OSM identified some typographical errors and errors of omission.

OSM notified Texas of these concerns in a letter dated January 10, 1985, and Texas responded in a letter dated February 8, 1985, by submitting additional information and explanation on and revisions to its proposed amendment.

The full text of the proposed program amendment and the additional material are available for review at the locations listed above under **"ADDRESSES"**. Accordingly, is now seeking public comments on the adequacy of the State's submissions. The public comment period is hereby extended to March 22, 1985. All comments should be submitted to the location shown above under **"ADDRESSES"** in order to be considered by the Director in his decision on the program amendment.

List of Subjects in 30 CFR Part 943

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

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

Dated: March 1, 1985.

Carl C. Close,

Acting Assistant Director, Program Operations and Inspection.

[FR Doc. 85–5492 Filed 3–6–85; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7–85–03]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL

AGENCY: Cosat Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Florida Department of Transportation the Coast Guard is considering temporarily revising the seasonal regulations governing the Sunrise Boulevard bridge, Broward County, Florida to make them applicable year-round through November 14, 1986. This proposal is being made because all vehicular traffic will be using the 2-lane westbound bridge while the eastbound bridge is being replaced. This action should facilitate vehicular traffic and yet provide for the reasonable needs of navigation.

DATE: Comments must be received on or before April 22, 1985.

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

FOR FURTHER INFORMATION CONTACT: Mrs. Zonia Reyes, Bridge Administration Specialist, telephone (305) 350–4103.

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

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

Drafting Information

The drafters of this notice are Mrs. Zonia Reyes, project officer, and Lieutenant Commander Ken Gray, project attorney.

Discussion of Proposed Regulations

The existing regulations require the Sunrise Boulevard bridge to open on signal except that from November 15 through May 15 annually the bridge need open 7:15 a.m. and 6:15 p.m. only on the quarter and three-quarter hour. The proposed regulation would simply extend this restriction on bridge openings year-round through November 14, 1986. Limiting and spacing bridge openings will facilitate the movement of vehicular traffic detoured to the westbound bridge during replacement of the eastbound bridge. The existing westbound bridge, a 2-lane bridge, will be restriped for east and westbound vehicular traffic, one lane in each direction. Weekday vehicular traffic averages 1938 vehicles per hour from 7

a.m. to 6 p.m. with a peak of 2259 vehicles between 2 p.m. and 3 p.m. Weekend vehicular traffic averages 1927 vehicles per hour with a peak of 2367 vehicles during the same time frames. The 2-lane westbound bridge has a capacity of 2000 vehicles per hour. With the westbound bridge being at capacity with two-way traffic, unregulated drawbridge openings would create severe vehicular traffic congestion.

Economic Assessment and Certification

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

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

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by revising § 117.261(t) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

* * * * *

(t) The draw of the Sunrise Boulevard (SR838) bridge, mile 1062.6 at Fort Lauderdale, shall open on signal; except that, from November 15 through May 15 and year-round through November 14, 1986 from 7:15 a.m. to 6:15 p.m., the draw need be opened only on the quarter and three-quarter hour. Public vessels of the United States, tugs with tows, and vessels in distress shall be passed at any time.

* * * * *

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

Dated: February 22, 1985.

R.P. Cueroni,

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

[FR Doc. 85-5506 Filed 3-6-85; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CCGD13 85-02]

Drawbridge Operation Regulations; Columbia River, Automated Railroad Bridge Between Celilo, OR, and Wishram, WA

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Burlington Northern Railroad Company, the Coast Guard is considering a change to the regulations governing the Burlington Northern railroad drawbridge across the Columbia River, mile 201.2 between Celilo, Oregon, and Wishram, Washington, to accommodate automated operation of the drawspan. This proposal is being made because the Burlington Northern Railroad Company can realize substantial savings in operating costs through its implementation. This action should relieve the bridge owner of the burden of having a person constantly available to open or close the draw and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before April 22, 1985.

ADDRESS: Comments should be mailed to Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174. The Comments and other materials referenced in this notice will be available for inspection and copying at 915 Second Avenue, Room 3564. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch, (Telephone: (206) 442-5864).

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

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

Drafting Information

The drafters of this notice are: John E. Mikesell, project officer, and Lieutenant Commander Judith M. Hammond, project attorney.

Discussion of the Proposed Regulations

The Burlington Northern Railroad Company has asked the Coast Guard to approve changes in the drawbridge operation regulations for the railroad bridge across the Columbia River, mile 201.2 between Celilo, Oregon, and Wishram, Washington, to allow for automated operation of the drawspan. Existing regulations require the bridge to open on signal for the passage of vessels. The railroad wants to operate this bridge using automatic controls, rather than by manual operation. To do this requires Coast guard approval, because the automated bridge would involve special signal lights and would not provide for the usual sound signals.

Under the proposed change, the bridge would be unattended and normally maintained in the open to navigation position. The drawspan would be lowered only when a train actually needed to cross the bridge, or for maintenance. Waterway users would be able to call the railroad by telephone or radiotelephone to find out if any trains were in the area and, if so, approximately when the bridge would be lowered, the railroad also would be able to pass along information about maintenance activities affecting operation of the bridge. Special warning lights would be provided to warn waterway users that the bridge was about to be lowered. These lights would be especially important to those vessels without radios. A display panel would be attached to the center of the movable span on both the upstream and downstream side. It would display a green light when the drawspan was open, a red light when the drawspan was less than fully open, and a large yellow flashing arrow pointing downward whenever the drawspan was to be lowered. The green light would change to red and the yellow arrow would flash for 8 minutes before the span actually began to descend. It would continue to flash as the span was lowered. With the span fully lowered, the yellow arrow would stop flashing. After the train had passed, the drawspan would be raised. The red light would change to green as soon as the bridge was fully open.

This proposal would enable Burlington Northern to automate its operation of the drawspan. This would result in savings in operating costs to

the bridge owner and would not unreasonably affect navigation on the waterway.

Other than the Burlington Northern Railway Company and navigation interests, there are no known businesses, including small entities, that would be affected by the proposed change. There are only minimal economic impacts on navigation or other interests. Therefore, an economic evaluation has not been prepared for this action. Burlington Northern would benefit because it would be relieved of the burden of providing a salaried full-time operator for bridge openings and closures.

Economic Assessment and Certification

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with § 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by adding § 117.869(c) to read as follows:

§ 117.869 Columbia River.

* * * * *

(c) The draw of the Burlington Northern railroad bridge across the Columbia River, mile 201.2, between Celilo, Oregon, and Wishram, Washington, is automated and is normally maintained in the fully open to navigation position.

(1) *Lights.* All lights required for automated operation shall be visable for a distance of at least 2 miles and shall be displayed at all times, day and night.

(i) When the draw is fully open, a steady green light shall be displayed at the center of the drawspan on both upstream and downstream sides.

(ii) When the draw is not fully open, a steady red light shall be displayed at the center of the drawspan on both upstream and downstream sides.

(iii) When the draw is about to close, flashing yellow lights in the form of a down-pointing arrow shall be displayed at the center of the drawspan on both upstream and downstream sides.

(2) *Operation.* When a train approaches the bridge, the yellow lights shall start flashing. After an eight-minute delay, the green lights shall change to red, the drawspan shall lower and lock, and the yellow lights shall be extinguished. Red lights shall continue to be displayed until the train has crossed and the drawspan is again in the fully open position. At that time, the red lights shall change to green.

(3) Vessels equipped with radiotelephones may contact Burlington Northern to obtain information on the status of the bridge. Bridge status information also may be obtained by calling the commercial telephone number posted at the drawspan of the bridge.

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

Dated: February 22, 1985.

R.R. Garrett,

Acting Captain, U.S. Coast Guard Commander, 13th Coast Guard District.

[FR Doc. 85-5504 Filed 3-6-85; 8:45 am]

BILLING CODE 4910-14-M

---

33 CFR Parts 140, 141, 142, 143, 144, 145, and 146

[CGD 84-098]

Revision of the Regulations on Outer Continental Shelf Activities

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This notice solicits the public's comments and suggestions concerning a revision of the Coast Guard regulations on Outer Continental Shelf (OCS) Activities. A revision is needed to address new developments in the offshore industry, new legislation and interagency agreements, and numberous recommendations that have been received as a result of investigations of casualties on the OCS. This revision would align the regulations with appl,icable interagency agreements, fully implement legislation, and address problems identified by casualty investigations and public input.

DATE: Comments must be received on or before June 5, 1985.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/21) (CGD 84-098), U.S. Coast Guard, 2100 Second St. SW, Washington, D.C. 20593. Comments will be available for inspection or copying from 8:00 AM to 4:00 PM, Monday through Friday, except holidays, at the Office of the Marine Safety Council (G-CMC/21), Room 2110, at the address above. The telephone number is 202-426-1477.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Alan J. Cross, Office of Merchant Marine Safety, 202-426-2307.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this preliminary rulemaking proceedings by submitting written comments, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 84-098), and include sufficient detail to indicate the basis on which each comment is made.

All comments received will be considered before further rulemaking action is taken. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this proposal are Lieutenant Commander Alan J. Cross, Office of Merchant Marine Safety, and Mr. Stephen H. Barber, Project Counsel, Office of the Chief Counsel.

Discussion

This project is the second major phase of an ongoing effort by the Coast Guard to implement the provisions of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372; "the 1978 Act") and to update 33 CFR Chapter I, Subchapter N, on Outer Continental Shelf (OCS) activities. The first phase of rulemaking (47 FR 9366; March 4, 1982) implemented the mandatory provisions of the 1978 Act, such as domestic manning, and reorganized Subchapter N to provide a framework for the inclusion of more specific regulations to be developed in the future. Since 1978, the Coast Guard has initiated a number of smaller OCS rulemaking projects, including "Unregulated Hazardous Working Conditions" (CGD 79-073), "Workplace Safety and Health Requirements for Facilities on the OCS" (CGD 79-077), "Revision of Material Standards for Fixed Facilities on the OCS" (CGD 83-

035), and "Offshore Cranes" (CGD 79–059). The first of these projects has been closed and combined with the second. The third (CGD 83–035) has been closed and combined with the present rulemaking. The workplace safety (CGD 79–077) and the offshore cranes (CGD 79–059) projects will continue separately.

This project, the second major phase of rulemaking, addresses the broad subjects of OCS vessels, fixed facility inspection, workplace safety, fire protection, evacuation standards, lifesaving appliances, personnel training, and casualty data collection. Each subject is discussed below.

Vessels Used for OCS Activities

The OCS Lands Act Amendments of 1978 direct the Coast Guard to issue regulations which require that any vessel used for activities pursuant to the Act complies with "such minimum standards of design, construction, alteration, and repair" as the Coast Guard establishes. With regard to vessels, the Coast Guard has concentrated most of its regulatory efforts to date on Mobile Offshore Drilling Units (MODUs), offshore supply vessels, and crew boats. With the expansion of activities on the OCS, many specialized vessels have been developed for such jobs as well servicing, diving support, towing, construction, painting, sand blasting, and standby. Under this rulemaking project, the Coast Guard will conduct a comprehensive study of the operations and safety records of these vessels to determine whether there is a need for further regulation. This study will focus on defining vessel types and determining what regulations, if any, should be applied, what means would be available for ensuring compliance, and to what extent foreign flag vessels should be regulated.

In addition, the Coast Guard is considering amending its Subchapter N regulations on U.S. uninspected MODUs and on foreign MODUs because these regulations are often confusing and out of date. New types of units are being developed for service in the Arctic and for the exploration and exploitation of hard mineral resources. The safety needs of these units must be assessed.

Specific comments are requested regarding appropriate standards that should be applied to the various types of vessels used for OCS activities.

Fixed Facility Inspection

The Outer Continental Shelf Lands Act Amendments of 1978 state that the Coast Guard shall promulgate regulations to provide for—

(1) scheduled onsite inspection, at least once a year, of each facility on the Outer Continental Shelf which is subject to any environmental or safety regulation promulgated pursuant to this Act, which inspection shall include all safety equipment designed to prevent or ameliorate blowouts, fires, spillages, or other major accidents; and

(2) periodic onsite inspection without advance notice to the operator of such facility to assure compliance with such environmental or safety regulations" (43 U.S.C. 1348 (c)).

The act does not require the Coast Guard to perform these inspections itself but only to "provide for" them by means of regulation. Due to the magnitude of the task of conducting both annual and periodic inspections of all fixed facilities on the OCS, the Coast Guard is considering requiring that annual inspections of fixed facilities be conducted by the facility owner's personnel or by a third party employed by the owner. Under this program, the owner would certify to the Coast Guard that the inspection was performed, that all discrepancies were corrected, and that the facility was in compliance with the regulations. The efforts of Coast Guard inspectors could then be focused on periodic unannounced inspections of the fixed facilities, particularly on those which are manned or which have a poor safety record. These periodic inspections by the Coast Guard could, in turn, provide a means for monitoring the application and effectiveness of the "self-certification" program.

Comments regarding the implementation of a "self-certification" program are solicited, particularly with regard to who should be permitted to conduct the annual inspection, qualifications or minimum experience level of the person performing the inspection, when should the inspection be performed, what specific items the inspection should cover, and necessary Coast Guard oversight.

Workplace Safety and Health

A major concern of the Coast Guard is in the area of workplace safety and health on the OCS. The current regulations found in 33 CFR Part 142 basically implement certain provisions of the 1978 Act relating to the leaseholders responsibilities and reports of unsafe working conditions. The Coast Guard published a notice of proposed rulemaking (49 FR 1083; January 9, 1984) under a separate docket number (CGD 79–077) concerning specific requirements for personal protective equipment, guarding of openings, lock-out and tag-out procedures, and general housekeeping. At this time, CGD 79–077 will continue as a separate project, as the comment period for that project has already closed. The present project (CGD 84–098) will cover workplace safety and health matters other than those addressed in CGD 79–077, such as the need for first aid equipment or hospital spaces on OCS facilities.

Comments are requested regarding the adequacy of existing and proposed workplace safety and health requirements for all units used for OCS activities.

Fire Protection

An area that may require significant modification is that of fire protection standards for fixed facilities. The current regulations in 33 CFR Part 145 are essentially unchanged from the original regulations published in 1956.

Review of Coast Guard and Minerals Management Service (MMS) accident and casualty data reveal that fires remain a major safety hazard on offshore facilities. From 1970 to 1979, there were 270 fires and explosions involving units located on the Gulf of Mexico Outer Continental Shelf; 261 of these were associated with fixed platforms and 231 occurred during production operations where natural gas was being processed from flowing wells. From 1980 to 1983, MMS records show 20 explosions and 164 fires occurring on the U.S. Outer Continental Shelf. The current Coast Guard regulations for offshore platforms require only hand-portable or semi-portable fire extinguishers. These fire extinguishers are limited to use on small fires and are not meant to extinguish large oil or gas fires or to protect the facility and personnel from the extreme heat generated by fires. Many of today's large platforms house production facilities capable of handling thousands of barrels of oil and millions of cubic feet of gas daily, making the hazard similar to that encountered on a tank vessel. However, the Coast Guard standards for OCS facilities are far below the standards applied to tank vessels. There are no provisions for structural fire protection to allow escape or to protect living areas, no required control measures, and no required personnel protection equipment.

Comments are requested regarding the adequacy of current Coast Guard regulations relative to fire detection, fire fighting, and structural fire protection on fixed facilities.

Evacuation and Lifesaving

The current regulations for evacuation in 33 CFR Part 143 and for lifesaving appliances in 33 CFR Part 144 are essentially unchanged from the original regulations published in 1956.

Significant advances in technology have made possible the movement of operations farther from shore and into more hostile environments. Facilities have grown more sophisticated. As a result, the regulations lag far behind today's best available and safest technologies, a criteria to be considered under the 1978 Act (43 U.S.C. 1347(b)).

Safe evacuation is a major area of concern. From 1976 to 1983, there were thirty-one blowouts (losses of well control) in which platforms had to be evacuated. The present regulations require only two primary means of escape from a manned platform, either by ladder or stairway. Many companies have responded to the obvious need for additional means of escape on their own initiatives.

Similarly with lifesaving appliances, the existing regulations require only life preservers and life floats (33 CFR 144.01–1 and 144.01–20). Life floats, for example, are intended for use as temporary means of flotation, not as a means of protection from burning oil or heavy seas. Abandonment technology now includes devices such as enclosed lifeboats, survival capsules and free fall lifeboats. Many companies have already installed these or other.

In many instances, standby vessels anchored close to the platforms have been used to augment the evacuation and lifesaving equipment on board the unit. The Coast Guard's Marine Board of Investigation's report on the loss of the MODU OCEAN RANGER and National Transportation Safety Board's reports on the losses of the MODUs OCEAN RANGER and JAVA SEA recommend that the Coast Guard require standby vessels for all MODUs drilling on the OCS. On October 4, 1984, the House Subcommittee on the Panama Canal and the Outer Continental Shelf held a hearing on a proposed bill which would require the Coast Guard to issue regulations requiring standby vessels. Therefore, the Coast Guard is studying the relationship between standby vessels and the facility's primary lifesaving equipment to determine whether, and to what degree, standby vessels would enhance safety on the OCS.

The Coast Guard is interested in receiving comments regarding lifesaving equipment requirements for fixed facilities and on the use of standby vessels in an overall evacuation plan for both MODUs and fixed platforms.

In particular these comments should address such issues as:

a. Under what conditions should a standby vessel be mandatory?

b. How close should a standby vessel be to a platform or MODU in order to render effective assistance in an emergency?

c. What design criteria should a standby vessel meet?

d. What special equipment should be aboard a standby vessel to enable it to effectively handle emergencies?

e. How should a standby vessel be named?

f. What special training should be required of a standby vessel's crew?

Training

Personnel training is particularly critical on the OCS because of the operational and environmental dangers inherent in offshore work. A number of recent casualties caused by misuse of emergency equipment and improperly executed evacuations strongly suggest the need to improve evacuation and survival training. Safety equipment itself is becoming so sophisticated that training is required for its proper use and maintenance. Some degree of entry level safety training is necessary for personnel new to offshore operations. Training in the use of fire fighting equipment and in the handling of medical emergencies are growing areas of concern. Recognizing these needs, many companies have developed and applied various levels of training. The Coast Guard is interested in your comments in this area, particularly with regard to training needs in the areas of survivability, fire fighting, workplace safety, and medical emergencies.

Casualty Data

The Coast Guard has in place a system for collecting data on deaths and injuries occurring on the OCS. Under the Coast Guard system, owners, operators, and persons in charge of OCS facilities must report injuries causing incapacitation for more than 72 hours and all deaths. The problem with this system is that it does not provide information on the size of the worker population, or injuries causing less than 72 hours incapacitation, or on the total time lost for each injury. Without such information, the Coast Guard has difficulty in assessing the relative degree of hazard imposed by a particular operation and the need to control the operation by regulation. Accordingly, the Coast Guard is considering requiring the leaseholder to make an annual report to the Coast Guard giving the total number of man-hours worked on each location.

In addition, the Coast Guard is also considering requiring that injuries on platforms be reported on Form CG–2692, *Report of Marine Accident, Injury or Death.* While injuries on platforms are presently required to be reported, Form CG–2692 is not required to be used, thus making computerization of this data difficult. These reports are required only for injuries which result in incapacitation for 72 hours or more. However, the Occupational Safety and Health Administration (OSHA) now requires industries to post at the workplace a log of work related fatalities, illnesses, and injuries requiring medical treatment other than first aid. There are two items on this log that would benefit the Coast Guard if the employer were required to submit them to the Coast Guard, as well as post them at the workplace. They are the number of cases involving a worktime loss of 24 hours or more and the number of days lost for each case. The Coast Guard could require that this information be submitted to the Coast Guard without imposing an additional information gathering burden on the employer.

Comments are requested regarding the least burdensome way for population data to be compiled and reported to the Coast Guard and on difficulties which may be encountered in compiling information for an injury and illness log.

This advance notice is issued under the Coast Guard's policy for early public participation in rulemaking proceedings. Your comments on the subjects discussed above, or on any other sections of the Outer Continental Shelf Activities regulations not covered by the Notice of Proposed Rulemaking on Workplace Safety (CGD 79–077), are solicited.

Dated: March 4, 1985.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 85–5503 Filed 3–6–85; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATION COMMISSION

47 CFR Part 2

[Gen. Docket No. 84–1234; RM–4247]

Allocating Spectrum for, and Establish in Other Rules and Polices Pertaining to, the Use of Radio Frequencies in a Land Mobile Satellite Service for the Provision of Various Common Carrier Service, Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the Reply Comment Period for the proposed

Rule in this proceeding regarding the use of Radio Frequencies in a Land Mobile Statellite Service, published on February 28, 1985, 50 FR 8149.

DATE: Reply Comments are due by April 29, 1985.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Jacqueline Spindler, (202) 632–4047.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85–5450 Filed 3–6–85; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR PART 90

[PR Docket No. 85–6; RM–4834]

Application Processing Procedures for the 800 MHz Private Land Mobile Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of Comment perjod.

SUMMARY: The Commission has adopted an *Order* which extends the comment period in Docket 85–6, concerning application processing procedures for the 800 MHz Private Land Mobile Band. This action is taken in response to a request by International Business Machines Corp. (IBM).

DATES: Comments are now due by February 26, 1985.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nia Chirigos Cresham, Private Radio Bureau, Land Mobile and Microwave Division, Rules Branch (202) 634–2443.

SUPPLEMENTARY INFORMATION: The Proposed Rule in this proceeding was published on January 22, 1985 (50 FR 2837).

Order

In the Matter of Amendment of Part 90 Subpart M of the Commission's Rules Governing the Application Processing Procedures for the 800 MHz Private Land Mobile Band PR Docket No. 85–6, RM–4834).

Adoped: February 22, 1985.
Released: February 28, 1985.

By the Acting Chief, Private Radio Bureau.

1. International Business Machines Corp. (IBM) has requested an extension of time for the filing of comments and reply comments in the above-captioned proceeding. The *Notice of Proposed Rule Making* in this proceeding was adopted January 7, 1985 and released January 15, 1985, 50 FR 2837 (January 22, 1985). Comments are due by February 22, 1985 and reply comments by March 11, 1985.

2. IBM has requested additional time to comment because it expects to point out relationships between this proceding and two other current Commission proceedings. One is a *Notice of Proposed Rule Making* in Docket No. 84–1231, released January 16, 1985 and the other is a *Notice of Proposed Rule Making* in Docket No. 84–1233, released January 3, 1985.

3. The Commission has considered the reasons given in support of the requested extension of time and does not find adequate justification to grant the extension based on the information provided by IBM. IBM has not demonstrated a sufficient relationship between this proceeding and the other two proceedings to warrant a thirty day extension of time. We will, however, allow an additional two days for filing comments in this proceeding and extend the comment deadline to February 26, 1985. We are not extending the time period for filing reply comments. Upon adoption of this *Order*, counsel for IBM was notified by telephone of this action.

4. Accordingly, it is ordered, pursuant to the authority set forth in § 0.331 of the Commission's Rules and Regulations, that the relief requested is granted to the extent discussed herein, and denied in all other respects. Interested parties will have until February 26, 1985 to file comments.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Michael T.N. Fitch,

Acting Chief, Private Radio Bureau.

[FR Doc. 85–5451 Filed 3–6–85; 8:45 am]

BILLING CODE 6712–01–M

GENERAL SERVICES ADMINISTRATION

48 CFR Ch. 5

[GSAR Notice No. 5–82f]

Acquisition of Leasehold Interests in Real Property

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on a proposed change to the General Services Administration Regulation (GSAR) implementing the Competition in Contracting Act of 1984 (CICA) (Pub. L. 98–369) with respect to the acquisition of leasehold interests in real property. Miscellaneous changes unrelated to CICA are also proposed in Part 552, Solicitation Provisions and Contract Clauses; Part 553, Forms, and Part 570, Acquisition of Leasehold Interest in Real Property. The intended effect is to implement CICA and to improve the regulation system for the benefit of contracting activities.

DATES: Comments are due in writing not later than April 8, 1985.

ADDRESS: Requests for a copy of the proposal and comments should be addressed to Ms. Carol A. Farrell, Office of GSA Acquisition Policy and Regulations, 18th and F Sts., NW., Room 4027, Washington, D.C. 20405.

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

SUPPLEMENTARY INFORMATION: The proposed rule is not a "major rule" as defined by Executive Order 12291. Therefore, no regulatory impact analysis has been prepared. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. et. seq.). Therefore, no regulatory flexibility analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et. seq.

List of Subjects in CFR Parts 552, 553 and 570

Government procurement.

Dated: February 6, 1985.

Richard H. Hopf, III,

Director, Office of GSA Acquisition, Policy and Regulations.

[FR Doc. 85–5460 Filed 3–6–85; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 215

[FRA Docket No. RSFC–6, Notice 9]

Railroad Freight Car Standards

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Announcement of change in hearing schedule.

SUMMARY: FRA announces that the public hearing scheduled for March 12,

1985 in Washington, DC, regarding thermal abuse of freight car wheels, will not commence until 1:00 p.m. and may be extended for an additional day (through March 13, 1985) if necessary.

DATES: The public hearing previously announced as beginning at 10:00 a.m. on Tuesday, March 12, 1985, will be convened at 1:00 p.m. on that date and, if necessary to assure adequate time for the presentation of information or views, may be reconvened at 10:00 a.m. on Wednesday, March 13, 1985.

ADDRESS: The public hearing will be held in Room 8334 of the Nassif Building located at 400 Seventh Street SW., Washington DC.

FOR FURTHER INFORMATION CONTACT: Philip Olekszyk, Office of Safety, Federal Railroad Administration, Washington, DC 20590, telephone (202) 426–0897.

SUPPLEMENTARY INFORMATION: On December 17, 1984 FRA published in the **Federal Register** (49 FR 48952) an announcement that it was scheduling additional dates for public hearings regarding its proposal to amend FRA's regulatory provision defining freight car wheels as defective because of thermal abuse. The hearing scheduled for March 12, 1985 was set to convene at 10:00 a.m. and was focused on the concern raised by a commenter that FRA's current regulatory approach to thermally abused freight car wheels is intrinsically flawed because it continues to rely on a scientifically unjustified detection methodology.

Due to unforeseen scheduling conflicts, FRA has decided to delay the start of this hearing until 1:00 p.m. on March 12, 1985. Since this delay in the convening of the hearing may necessitate the need to extend the hearing until the following day so as to permit all interested parties to fully explain their views, FRA is tentatively scheduling an additional day for the conduct of thus hearing. If appropriate, FRA will reconvene the hearing on Wednesday, March 13, 1985 at 10:00 a.m. in the same location to permit all parties a full opportunity to express their views on the issues.

To assist FRA in conducting this hearing, any individual or organization desiring to present testimony is requested to notify FRA prior to the hearing and to provide FRA with the name and title of the person expected to testify as well as an estimate of the amount of time required for the presentation.

Issued in Washington, DC, on March 4, 1985.

John M. Mason,

Chief Counsel.

[FR Doc. 85–5518 Filed 3–6–85; 8:45 am]

BILLING CODE 4910–06–M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 85–02, Notice 01]

Federal Motor Vehicle Safety Standards; Brake Hoses, Motor Vehicle Brake Fluids

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposed several amendments to Federal Motor Vehicle Safety Standard (FMVSS), No. 116, *Motor Vehicle Brake Fluids*, and FMVSS No. 106, *Brake Hoses*, to revise the referee materials and test procedures referenced in portions of those standards. At present, FMVSS No. 116 and FMVSS No. 106 reference the referee material (RM) identified as RM–1 fluid by the Society of Automotive Engineers (SAE). However, RM–1 fluid is now commerically unavailable, and is less representative of brake fluids used in vehicles on the road today. The SAE in its January 1980 revision of Standard J1703, "Motor Vehicle Brake Fluid," substituted a new referee material, RM–66–03, in place of RM–1 for use in the compatibility test. This notice proposes to adopt and extend this revision by referencing RM–66–03 for use in the compatibility test of Standard No. 106, and the compatibility and fluid chemical stability tests of Standard No. 116. This notice also proposes to reference a new referee material, TEGME, in the humidification procedures of Standard No. 116, and also to adjust the water content level and test temperature referenced in the test procedures. Additionally, this notice proposes to amend the number of sets of stroking test materials in the stroking test procedures of Standard No. 116. The proposed amendment to the stroking test will reduce the quantities of the stroking test materials, and thus related compliance costs, without an effect on safety.

DATE: Comments must be submitted by May 6, 1985. Due to the commercial unavailability of RM–1 fluid, it is proposed that the final rule be effective upon publication in the **Federal Register.** However, because the agency is concerned that manufacturers who may have a supply of RM–1 fluid on hand and are currently using it to test their products would be unable to determine the date of publication of the final rule, it is proposed that use of RM–1 fluid may continue for 180 days after publication of the final rule in the **Federal Register.**

ADDRESS: Comments should refer to the docket and notice numbers and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (Docket hours are 8:00 a.m. to 4:00 p.m., Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: Mr. Vernon Bloom, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, (202–426–2153).

SUPPLEMENTARY INFORMATION: Federal Motor Vehicle Safety Standard (FMVSS) No. 116, *Motor Vehicle Brake Fluids*, and FMVSS No. 106, *Brake Hoses*, specify performance requirements for brake fluids and motor vehicle brake hoses. Included in the performance requirements for Standard No. 106 is a brake fluid compatibility test, and included in Standard No. 116 are compatibility and humidification tests. The procedures for the compatibility and humidification tests currently reference the referee materials brake fluid specified by the Society of Automotive Engineers (SAE) in J1703b. In turn, J1703b references a referee material (RM) identified as RM–1.

Brake fluid compatibility is considered an important factor in establishing brake hose life and strength characteristics. The compatibility test of Standard No. 106 measures hydraulic brake hose compatibility with brake fluid. The brake hose that is being tested is filled with the SAE Compatibility Fluid for a required number of hours at specified temperatures, and is then subjected to constriction and burst strength tests. Currently RM–1 fluid is referenced in the test procedures for the standard's brake fluid compatibility test.

Under the compatibility requirements of FMVSS No. 116, the compatibility of a brake fluid with a RM fluid (representative of fluids used in motor vehicles) is determined. The SAE Compatibility Fluid that is used in these tests as a referee material should be representative of the fluids found in a braking system in service. The tests measure the compatibility of fluids of different chemical bases by checking

whether there are undesirable chemical interactions resulting from the mixture of fluids. Section 6.10 determines the compatibility of a brake fluid with other brake fluids. This section currently references RM–1 fluid as the referee material used in the test procedure.

The humidification tests of FMVSS No. 116 measure the amount of water absorbed by a brake fluid as compared to a reference fluid. Presently this reference fluid is RM–1 fluid. The presence of water in a brake system degrades braking performance and safety by lowering the boiling point of brake fluid, increasing the possibility of vapor lock and the corroding of system components, and the depositing of sediment in wheel cylinders that could cause a system malfunction. The test procedures of S6.2 determine the water content and wet equilibrium reflux boiling point (ERBP) of a brake fluid. Standard No. 116 establishes minimum wet ERBP's for different grades of brake fluid. In the test procedure a sample of brake fluid is humidified under controlled conditions. SAE RM–1 fluid is currently used to establish the "endpoint" for humidification, i.e., a sample of the RM fluid is humidified simultaneously with the sample of the test fluid. When the water content of the current SAE RM–1 fluid is measured to be 3.50±0.05 percent by weight, the test fluid sample is removed from the humidification apparatus. After humidification, the water content and ERBP of the sample are determined.

Section 7.2 also refers to RM–1 fluid as a reference for measuring the water content of brake fluids.

RM–1 and RM–66–03 Fluids

The J1703b SAE Standard currently referenced in Standard No. 116 still references the RM–1 fluid. NHTSA has tentatively concluded that the inclusion of RM–1 fluid in the test procedures of Standards 116 and 106 is no longer desirable for several reasons. First, manufacture of the fluid has ceased. In January 1980, SAE revised Standard J1730 to replace the RM–1 fluid with the new RM–66–03 campatibility fluid. The updated reference to RM–66–03 fluid by the SAE is a result of the termination of the manufacturing of the RM–1 fluid. Manufacturers are unwilling to produce more RM–1 fluid because several of the ingredients contained in the RM–1 fluid are not available to the manufacturers because they are no longer used in today's fluids, or have become prohibitively costly to obtain.

Another reason the inclusion of RM–1 fluid in Standards Nos. 116 and 106 is undesirable is because RM–1 fluid contains toxic materials which require elaborate protective procedures and special handling and manufacturing processes.

The reference to RM–1 fluid in Standards Nos. 116 and 106 is also undesirable because the fluid is not representative of fluids in service today. The purposes of the compatibility test would be better served by a referee material more representative of today's fluids.

Since the RM–1 fluid referenced in the test procedures of FMVSS Nos. 116 and 106 is no longer readily available, NHTSA has tentatively decided to amend these standards to substitute new referee materials used in the test procedures for the compatibility and humidification tests. RM–66–03 fluid would be referenced in Standard No. 106's compatibility requirement and test procedures (S5.3.9 and S6.7), and in Standard No. 116's compatibility (6.10), fluid chemical stability (6.5), and water content (7.2) tests.

The RM–66–03 fluid was specified by the SAE in J1703, January 1980, as a blend of four proprietary polyglycol brake fluids of fixed composition, in equal parts by volume. The four fluids selected comprise three factory-fill and one after market fluid as follows: DOW HD50–4, DOW 455, Delco Supreme II, and Olin HDS–79.

The RM–66–03 fluid is available from the SAE in the blend and formulation developed by the SAE for J1703. The individual manufacturers of the four proprietary fluids have indicated to the SAE Brake Fluids Subcommittee and Reference Materials Subcommittee that the proprietary formulation may be changed in the commercial market, but the formulations developed for the RM–66–03 fluid would be guaranteed to be available for a minimum five-year period. This five-year period commenced in May 1983.

No adverse impact on safety is anticipated from the use of the RM–66–03 fluid in the test procedures of Standards Nos. 116 and 106. On the contrary, since the RM–1 compatibility fluid referenced in Standards Nos. 106 and 116 is not commercially available, ascertaining whether hoses and fluids comply with certain requirements related to compatibility and boiling points is difficult. Amending the standards to allow the use of RM–66–03 fluid in place of RM–1 provides a readily available compatibility fluid for the compliance tests which is more representative of fluids used in today's vehicles.

TEGME Brake Fluid Grade

In humidification test procedures under Standard No. 116, the referee material fluid is used as a reference to determine when to terminate the humidification procedure. Currently RM–1 fluid is used as this referee material. The agency is proposing to amend Standard No. 116 to reference a new referee fluid, triethylene glycol monomethyl ether (TEGME), brake fluid grade, as the referee material used in the humidification test procedures of the standard. The new referee material (TEGME) would be referenced in Standard No. 116's test of a brake fluid's wet equilibrium reflux boiling point (S6.2).

TEGME has been referenced by the SAE in J1703 Jan80, as the referee material used in the humidification test procedure. The TEGME fluid is capable of absorbing a measurable amount of water in a given time. The SAE has determined that use of the TEGME fluid would reduce costs and produce accurate, repeatable results in the humidification test. Nominally the TEGME fluid will increase from its starting point of 0.5% water by weight to 3.70% by weight in 16 to 18 hours, when the control test temperature is maintained at 50 °C.

The agency has tentatively concluded that amending S6.2 to reference the TEGME fluid (instead of RM–1 fluid), adjust the final water content of the referee material fluid to 3.70% water (instead of the current requirement of 3.5%), change the test temperature to 50 °C. (from 23 °C.), and add a cooling period for the sealed jar sample would establish a less costly and more convenient testing procedure. These changes (use of TEGME fluid, change in water pickup endpoint and test temperature, and the cool-down to room temperature) are part of the overall changes adopted from SAE J1703 procedures. A change to the final water content of the referee material specified in S6.2.5 to 3.70% water is proposed in this notice as this nominally is the point where 3% water pickup would occur in current polyglycol-type fluids being humidified. This would give approximately the same amount of water pickup that would occur in a polyglycol fluid when the RM–1 referee material reached 3.5% water content.

Changing the temperature from 23 °C to 50 °C will allow manufacturers to complete the required testing in a more convenient time interval. The RM–1 fluid, humidified as 23 °C, took 8 to 10 hours to reach its 3.5% water content. This time interval made it necessary for some testing laboratories to run overtime shifts in order to complete the humidification procedure. When TEGME is used as the referee material

for this test, the samples of brake fluid and referee material would be humidified at 50 °C for 16 to 18 hours. The completion of the test would thus fall within the following day shift time period, and laboratories would not need to use personnel on an overtime basis.

The cool-down period is an added step also made for the convenience of test laboratories. The samples of brake fluid are taken from the humidification apparatus and allowed to cool for 60 to 90 minutes. This interval allows the brake fluid specimens to cool to room temperature and gives the lab technician a brief period to set up the test apparatus that measures the water content of the test fluid specimens. Neither the change in test temperature nor the addition of the cool-down period affect the stringency of the test.

The humidification procedure requires that the sealed jars be capped promptly. This is to ensure that the specimens of brake fluid do not absorb additional ambient moisture after being removed from the desiccator.

The agency believes that the use of the TEGME fluid in compliance testing would conserve the more expensive supply of RM–66–03 brake fluid material. NHTSA has also tentatively concluded that these changes to sections 6.2 would not have an adverse effect on safety, because these changes should have no effect on the outcome of the humidification test.

Stroking Test

The stroking test in Standard No. 116 checks the lubricity effect of a brake fluid on rubber components. This notice proposes to amend the requirements for stroking test materials referenced in S5.1.13 and S6.13 by reducing the number of materials required to be tested. Currently the procedures of the stroking test in S6.13 require four sets of testing materials comprising wheel cylinders, drums, shoe assemblies, et cetera. The SAE has determined in its revision of J1703, January 1980, that three sets of test materials are sufficient to analyze the adequacy of results. The agency has tentatively agreed with this conclusion, and has tentatively determined that the reduced number of test materials would lessen the costs related to compliance testing without an adverse impact on safety. This notice proposes to amend the requirements of S5.1.13 and S6.13 so that three sets are tested in place of the current four sets. S5.1.13 also currently requires brake fluid to be tested with ten new brake cups in the above test system according to the procedures of S6.13. This notice proposes that eight cups be tested, and accordingly reduces the number of cups which are checked for unsatisfactory operating condition.

Typographical Errors

The agency is also proposing to correct several typographical errors in S5.1.9(a), S5.1.9(b) and S5.1.12 of Standard No. 116. These sections inadvertently referred to sections which are not found in the standard.

Effective Date

It is proposed that the final rule be effective upon publication in the **Federal Register**. There is good cause for this expedited effective date since the referee material identified as RM–1 used in the testing procedures of Standards Nos. 116 and 106 is commercially unavailable. Use of the RM–66–03 fluid will facilitate compliance testing by utilizing a referee material that is currently available and more representative of fluids in service. However, because the agency is concerned that manufacturers who have a supply of RM–1 fluid on hand may be using it to test their products and would be unable to determine the date of publication of the final rule, it is proposed that use of RM–1 fluid may continue for 180 days after publication of the final rule in the **Federal Register**.

Environmental Effects

NHTSA has analyzed this proposal for the purposes of the National Environmental Policy Act, and has concluded that it will not have a significant effect on the quality of the human environment.

Economic Effects

NHTSA has considered the impacts of this proposal in relation to the Regulatory Flexibility Act. I certify that this proposal would not have a significant economic impact on a substantial number of small entities, and no initial regulatory flexibility analysis has been prepared. Manufacturers of brake hoses and referee materials referenced in Standards Nos. 116 and 106 are generally not small businesses within the meaning of the Regulatory Flexibility Act. However, even if such manufacturers were considered small businesses within the Regulatory Flexibility Act, the potential costs of this rulemaking are minimal and are outweighed by the potential benefits.

The benefits of referencing RM–66–03 fluid in Standards Nos. 116 and 106 are substantial. RM–66–03 fluid is readily available whereas RM–1 is not. RM–66–03 fluid is also more representative of fluids in service today. The agency knows of no problems resulting from tests conducted with RM–66–03 fluid.

Some cost savings would be realized with the recommended changes. The utilization of RM–66–03 fluid would reduce the costs of fluids used in compliance testing without sacrificing adequate test results. For example, when last available the cost of RM–1 fluid was approximately $27.00 per quart. The cost of RM–66–03 fluid is approximately $8.00 per quart.

Cost savings would be realized by the use of the TEGME fluid in the humidification tests of Standard No. 116. The TEGME fluid costs approximately $3.30 per quart.

The change in the stroking test procedures would also result in some cost savings. The costs related to the quantities of materials tested would be reduced about 25 percent.

Any changes to Standard Nos. 106 and 116 referencing the TEGME fluid and reducing the number of test materials used in the stroking test would not significantly affect manufacturers of brake hoses and referee materials. These manufacturers may benefit from some cost savings resulting from the changes to the standards, but would not otherwise be significantly affected by this proposal.

NHTSA has concluded that this proposal does not qualify as a "major rule" within the meaning of Executive Order 12291, and that this amendment is not "significant" within the meaning of the Department of Transportation's regulatory procedures. Preparation of a regulatory impact analysis is not necessary for this rulemaking. The agency has determined further that the effects of this rulemaking are minor and that a full regulatory evaluation is not warranted. The proposal would reference referee materials in Standards Nos. 116 and 106 which are readily available to manufacturers of brake fluids and brake hose.

Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted. All comments must be limited not to exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address

given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after the date, and comment received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—FEDERAL MOTOR VEHICLES SAFETY STANDARDS

§ 571.106 [Amended]

In consideration of the foregoing, it is proposed that 49 CFR 571.106, *Brake Hoses*, be amended as follows:

1. Standard 5.3.9 would be revised to read as follows:

S.5.3.9 *Brake fluid compatibility, constriction, and burst strength.* Except for brake hose assemblies designed for use with mineral or petroleum-based brake fluids, a hydraulic brake hose assembly shall meet the constriction requirement of S5.3.1 after having been subjected to a temperature of 200 °F. for 70 hours while filled with SAE RM–66–03 Compatibility Fluid, as described in Appendix A of SAE Standard J1703 Jan 80, "Motor Vehicle Brake Fluid," January 1980, (S6.7) It shall then withstand water pressure of 4,000 psi for 2 minutes and thereafter shall not rupture at less than 5,000 psi (S6.2).

2. Standard 6.7.1(a) would be revised to read as follows:

S6.7.1 *Preparation.*

(a) Attach a hose assembly below a 1-pint reservoir filled with 100 ml. of SAE RM–66–03 compatibility fluid as shown in Figure 2.

§ 571.116 [Amended]

In consideration of the foregoing, it is proposed that 49 CFR 571.116, *Motor Vehicle Brake Fluids*, be amended as follows:

1. Standard 5.1.9(a) introductory text would be revised to read as follows:

S5.1.9 *Water Tolerance*

(a) *At low temperature.* When brake fluid is tested according to S6.9.3(a)—

* * * * *

2. Standard 5.1.9(b) would be revised to read as follows: S5.1.9

* * * * *

(b) *At 60 °C. (140 °F.).* When brake fluid is tested according to S6.9.3(b)—

* * * * *

3. Standard 5.1.12 introductory text would be revised to read as follows:

S5.1.12 *Effects on cups.* When brake cups are subjected to brake fluid in accordance with S6.12—

* * * * *

4. Standard 5.1.13(c) would be revised to read as follows:

(c) The average decrease in hardness of seven of the eight cups tested (six wheel cylinder and one master cylinder primary) shall not exceed 15 IRHD. Not more than one of the seven cups shall have a decrease in hardness greater than 17 IRHD;

5. Standard 5.1.13(d) would be revised to read as follows:

(d) None of the eight cups shall be in an unsatisfactory operating condition as evidenced by stickiness, scuffing, blisters, cracking, chipping, or other change in shape from its orignial appearance;

6. Standard 5.1.13(e) would be revised to read as follows:

(e) None of the eight cups shall show an increase in base diameter greater than 0.90 mm. (0.035 inch);

7. Standard 5.1.13(f) would be revised to read as follows:

(f) The average lip diameter set of the eight cups shall not be greater than 65 percent;

8. Standard 6.2.1 would be revised to read as follows:

S6.2.1 *Summary of the procedure.* A 100-ml. sample of the brake fluid is humidified under controlled conditions; 100 ml. of SAE triethylene glycol monomethyl ether referee material (TEGME) as described in Appendix E of SAE Standard J1703 Jan80, "Motor Vehicle Brake Fluid," January 1980, is used to establish the end point for humidification. After humidification the water content and ERBP of the brake fluid are determined.

9. Standard 6.2.3(c) would be revised to read as follows:

(c) SAE TEGME referee material.

10. Standard 6.2.4 would be revised to read as follows:

S6.2.4 *Preparation of apparatus.* Lubricate the ground-glass joint of the desiccator. Load each desiccator with 450±25 grams of the ammonium sulfate and add 125±10 ml. of distilled water. The surface of the salt slurry shall lie with 45±7 mm. of the top surface of the desiccator plate. Place the desiccators in an area with temperature controlled at 50±1 °C. (122±1.8 °F.) throughout the humidification procedure. Load the desiccators with the slurry and allow to condition with the covers on and stoppers in place at least 12 hours before use. Use a fresh charge of salt slurry for each test.

11. Standard 6.2.5 would be revised to read as follows:

S6.2.5 *Procedure.* Pour 100±1 ml. of the brake fluid into a corrosion test jar. Promptly place the jar into a desiccator. Prepare a duplicate test sample, and two duplicate specimens of the SAE TEGME referee material fluid. Adjust water content of the SAE TEGME fluid to 0.50±0.05 percent by weight at the start of the test in accordance with S7.2 At intervals remove the rubber stopper in the top of each desiccator containing SAE TEGME fluid. Using a long needled hypodermic syringe, take a sample of not more than 2 ml. from each jar and determine its water content. Remove no more than 10 ml. of fluid from each SAE TEGME sample during the humidification procedure. When the water content of the SAE fluid reaches 3.70±0.05 percent by weight (average of the duplicates), remove the two test fluid specimens from their desiccators and promptly cap each jar tightly. Allow the sealed jars to cool for 60–90 minutes at 23±5 °C. (73.4±9 °F.). Measure the water contents of the test fluid specimens in accordance with S7.2 and determine their ERBP's in accordance with S6.1 through S6.1.5. If the two ERBP's agree within 4 °C. (8 °F.), average them to determine the wet ERBP; otherwise repeat and average the four individual ERBP's as the wet ERBP of the brake fluid.

12. Standard 6.5.4.1 would be revised to read as follows:

S6.5.4.1 *Materials.* SAE RM–66–03 Compatibility Fluid, as described in Appendix A of SAE Standard J1703 Jan80, "Motor Vehicle Brake Fluid," January 1980.

13. Standard 6.5.4.2(a) would be revised to read as follows:

S6.5.4.2 *Procedure.*

(a) Mix 30±1 ml. of the brake fluid with 30±1 ml. of SAE RM–66–03 Compatibility Fluid in a boiling point flask (S6.1.2(a)). Determine the initial ERBP of the mixture by applying heat to the flask so that the fluid is fluxing in 10±2 minutes at a rate in excess of 1 drop per second, but not more than 5 drops per second. Note the maximum fluid temperature observed during the first minute after the fluid begins refluxing at a rate in excess of 1 drop per second. Over the next 15±1 minutes, adjust and maintain the reflux rate at 1 to 2 drops per second. Maintain this rate for an additional 2 minutes, recording the average value of four temperature readings taken at 30-second intervals as the final ERBP.

14. Standard 6.10.1 would be revised to read as follows:

S6.10.1 *Summary of the procedure.* Brake fluid is mixed with an equal volume of SAE RM–66–03 Compatibility Fluid, then tested in the same way as for water tolerance (S6.9.3) except that the bubble flow time is not measured. This test is an indication of the compatibility of the test fluid with other motor vehicle brake fluids at both high and low temperature.

15. Standard 6.10.2(e) would be revised to read as follows:

(e) *SAE RM–66–03 Compatibility Fluid.* As described in Appendix A of SAE Standard J1703 Jan80, "Motor Vehicle Brake Fluid," January 1980.

16. Standard 6.10.3(a) would be revised to read as follows:

(a) *At low temperature.* Mix 50±0.5 ml. of brake fluid with 50±0.5 ml. of SAE RM–66–03 Compatibility Fluid. Pour this mixture into a centrifuge tube and stopper with a clean dry cork. Place tube in the cold chamber maintained at minus 40°±2 °C. (minus 40°±3.6 °F.). After 24±2 hours, remove tube, quickly wipe with a clean lint-free cloth saturated with ethanol (isopropanol when testing DOT 5 fluids) or acetone. Examine the test specimen for evidence of sludging, sedimentation, or crystallization. DOT 3 and DOT 4 test fluids shall also be examined for stratification.

17. Standard 6.13.1 would be revised to read as follows:

S6.13.1 *Summary of the procedure.* Brake fluid is stroked under controlled conditions at an elevated temperature in a simulated motor vehilce hydraulic braking system consisting of three slave wheel cylinders and an actuating master cylinder connected by steel tubing. Referee standard parts are used. All parts are carefully cleaned, examined, and certain measurements made immediately prior to assembly for test. During the test, temperature, rate of pressure rise, maximum pressure and rate of stroking are specified and controlled. The system is examined periodically during stroking to assure that excessive leakage of fluid is not occurring. Afterwards, the system is torn down. Metal parts and SBR cups are examined and remeasured. The brake fluid and any resultant sludge and debris are collected, examined, and tested.

18. Standard 6.13.2(a) would be revised to read as follows:

(a) *Brake assemblies.* With the drum and shoe apparatus: three drum and shoe assembly units (SAE RM–29a) consisting of three forward brake shoes and three reverse brake shoes with linings and three front wheel brake drum assemblies with assembly component parts. With stroking fixture type apparatus: three fixture units including appropriate adapter mounting plates to hold brake wheel cylinder assemblies.

19. Standard 6.13.2(c) would be revised to read as follows:

(c) *Heated air bath cabinet.* An insulated cabinet or oven having sufficient capacity to house the three mounted brake assemblies or stroking fixture assemblies, master cylinder, and necessary connections. A thermostatically controlled heating system is required to maintain a temperature of 70°±5 °C. (158°±9 °F.) or 120°±5 °C. (248°±9 °F.). Heaters shall be shielded to prevent direct radiation to wheel or master cylinder.

20. Standard 6.13.2(f) would be revised to read as follows:

(f) *Wheel cylinder (WC) assemblies (SAE RM–14a).* Three unused cast iron housing straight bore hydraulic brake WC assemblies having diameters of approximately 28 mm. (1⅛ inch) for each test. Pistons shall be made from unanodized SAE AA2024 aluminum alloy.

21. Standard 6.13.3(a) would be revised to read as follows:

(a) *Standard SBR brake cups.* Six standard SAE SBR wheel cylinder test cups, one primary MC test cup, and one secondary MC test cup, all as described in S7.6, for each test.

22. Standard 6.13.6(b) would be revised to read as follows:

(b) Calculate the average decrease in hardness of the seven cups tested, as well as the individual value (see S5.1.13(c)).

23. Standard 6.13.6(c) would be revised to read as follows:

(c) Calculate the increases in base diameters of the eight cups (see S5.1.13(e)).

24. The first sentence of Standard 6.13.6(d) would be revised to read as follows:

(d) Calculate the lip diameter interference set for each of the eight cups by the following formula and average the eight values (see S5.2.13(f)).

* * * * *

25. Standard 7.2 would be revised to read as follows:

S7.2 *Water content of motor vehicle brake fluids.* Use analytical methods based on ASTM D1123–59, "Standard Method of Test for Water in Concentrated Engine Antifreezes by the Iodine Reagent Method," for determining the water content of brake fluids, or other methods of analysis yielding comparable results. To be acceptable for use, such other method must measure the weight of water added to samples of the SAE RM–66–03 and TEGME Compatibility Fluids within ±15 percent of the water added for additions up to 0.8 percent by weight, and within ±5 percent of the water added for additions greater than 0.8 percent by weight. The SAE RM–66–03 Compatibility Fluid used to prepare the samples must have an original ERBP of not less than 205 °C. (401 °F.) when tested in accordance with S6.1. The SAE TEGME fluid used to prepare the samples must have an original ERBP of not less than 240 °C. (464 °F.) when tested in accordance with S6.1.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued: February 28, 1985.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 85–5452 Filed 3–6–85; 8:45 am]

BILLING CODE 4910–59–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1171

[Ex Parte No. 55 (Sub.–62)]

Applications for Certificates of Registration for Certain Foreign Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rules.

SUMMARY: Sections 225 and 226 of the Motor Carrier Safety Act of 1984, Pub. L. No. 98–554, 98 Stat. 2882, 2847–52 (Act), respectively, extend the moratorium on

the Commission's certification of foreign motor carrriers, and require certain foreign motor cariers and foreign motor private carriers to hold a new certificate of registration during the period the moratorium is in effect to perform specified transportation services that until now have been outside the Commission's jurisdiction and exempt from regulation. To obtain this certificate, a carrier must demonstrate that it is fit, willing, and able to provide the involved service, and that it has paid, or will timely pay, applicable Federal motor vehicle taxes. This rulemaking proceeding (1) discusses the new statutory provisions, and (2) proposes rules for applying for the new certificate of registration.

DATE: Comments are due on April 8, 1985.

ADDRESS: An original and 15 copies, if possible, should be sent to:

Ex Parte No. 55 (Sub-No. 62), Room 2203, Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Joseph B. O'Malley, (202) 275-7928;
or
Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C., 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Energy and Environmental Considerations

This action will not have an adverse effect on either the quality of the human environment or conservation of energy resources.

Regulatory Flexibility Analysis

The Commission certifies that these rules will not have a significant economic impact on a substantial number of small entities. The proposed application rules will provide an expedited procedure for foreign motor carriers and foreign motor private carriers to obtain certificates of registration mandated under the Motor Carrier Safety Act of 1984.

List of Subjects in 49 CFR Part 1171

Administrative practice and procedure, Motor carriers, Insurance.

(49 U.S.C. § 10922 and 10530, and 5 U.S.C. 553)

Decided: February 28, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio. Commissioner Andre concurred.

James H. Bayne,
Secretary.

Title 49, Code of Federal Regulations, is proposed to be amended by adding a new Part 1171 to read as follows:

PART 1171—RULES GOVERNING APPLICATIONS FOR CERTIFICATES OF REGISTRATION BY FOREIGN MOTOR CARRIERS AND FOREIGN MOTOR PRIVATE CARRIERS UNDER 49 U.S.C. 10530

Sec.

Authority: 49 U.S.C. 10922 and 10530, 5 U.S.C. 553.

§ 1171.1 Controlling legislation.

(a) These rules govern applications filed under 49 U.S.C. 10530 (section 226 of the Motor Carrier Safety Act of 1984). Under 49 U.S.C. 10530, certain foreign motor carriers and motor private carriers must hold a certificate of registration to provide certain interstate transportation services otherwise outside the jurisdiction of the Commission. A foreign motor carrier may not provide interstate transportation of exempt items unless the Commission has issued the carrier a certificate of registration. A foreign motor private carrier may not provide interstate transportation of property (including exempt items) without such a certificate. The service allowable under a certificate of registration is described in 49 U.S.C. 10922(l)(2)(B).

(b) These rules apply only to carriers of a contiguous foreign country with respect to which a moratorium is in effect under 49 U.S.C. 10922(l)(1).

§ 1171.2 Definitions.

(a) *The Act.* The Motor Carrier Safety Act of 1984.

(b) *Registrable year.* The first registrable year is the 6-month period beginning July 1, 1985, and ending December 31, 1985. Subsequent registrable years shall coincide with the calendar year.

(c) *Foreign motor carrier.* A motor carrier of property, (1) which does not hold a certificate or permit issued under 49 U.S.C. 10922 or 10923, and (2) which (i) is domiciled in any contiguous foreign country, or (ii) is owned or controlled by persons of any contiguous foreign country, and is not domiciled in the United States.

(d) *Foreign motor private carrier.* A motor private carrier, (1) which is domiciled in any contiguous foreign country, or (2) which is owned or controlled by persons of any contiguous foreign country, and is not domiciled in the United States.

(e) *Exempt items.* Commodities described in detail at or transported under 49 U.S.C. 10526(a) (4), (5), (6), (11), (12), (13), and (15).

(f) *Interstate transportation.* Transportation described at 49 U.S.C. 10521, and transportation in the United States otherwise exempt from the Commission's jurisdiction under 49 U.S.C. 10526(b)(1).

(g) *Fit, willing, and able.* Safety fitness and proof of minimum financial responsibility as defined in 49 U.S.C. 1053(e).

(h) *Motor vehicle taxes.* Taxes imposed under 26 U.S.C. 4481.

(i) *Most recent taxable period.* Same as defined in 26 U.S.C. 4482(c).

§ 1171.3 Procedures used generally.

(a) All applicants must file a completed Form OP-_____. All required information must be submitted in English on the Form OP-_____. The application will be decided based on the submitted Form OP-_____ and any attachments. Notice of the authority sought will not be published in either the **Federal Register** or the *ICC Register*. Protests or comments will not be allowed (except for intervention by the Department of Transportation). There will be no oral hearings.

(b) Applications must be filed for each registrable year. Under the Act, the carriers covered must have a copy of a valid certificate of registration in any vehicle providing transportation within the scope of the Act. 49 U.S.C. 10530(g). Applications for a particular registrable year may be filed at any time.

(c) The Form OP-_____ may be obtained at Commission regional and field offices, or by calling the Office of the Secretary at 202-275-7833.

(d) Applicants must concurrently serve a copy of their completed applications on the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety. The Department of Transportation may intervene in any proceeding on the issue of safety fitness by filing an appropriate pleading detailing its reasons for opposing a grant of authority. The pleading must be filed within 30 days of receiving a copy of the application. Applicant may respond to

any such pleading within 20 days of its filing.

§ 1171.4 Information on Form OP-_____.

(a) Applicants must furnish all information required on Form OP-_____ by completing all spaces on the form and providing any necessary attachments. Failure to do so will result in rejection of the application.

(b) Notarization of the application is not required; however, applicants are subject to applicable Federal penalties for filing false information.

§ 1171.5 Where to send the application.

(a) The original and one copy shall be sent to the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, with the $150 application fee. Make checks payable to the Interstate Commerce Commission.

(b) One copy shall be sent to the regional office or offices of the Interstate Commerce Commission for the territory for which applicant seeks authority.

(c) One copy shall be sent to the Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, Washington, D.C. 20590.

§ 1171.6 Commission review of the application.

(a) Commission staff will review the application for correctness, completeness, and adequacy of the evidence.

(1) minor errors will be corrected without notification to the applicant.

(2) Materially incomplete applications will be rejected.

(b) Except in those proceedings in which the Department of Transportation intervenes under 49 CFR 1171.3(d), applications will be determined solely on the basis of the application. An employee review board will decide whether the authority sought falls under the statute, and whether and to what extent the evidence warrants a grant of authority.

(1) If the authority sought does not require a certificate of registration, or if the evidence does not warrant a grant of the authority sought, the employee review board will deny the application in whole or in part. In the case of a full or partial denial of an application, the Commission will inform the applicant by letter setting forth the reasons for the denial.

(2) If the employee board grants all or part of the application, the Commission will issue a certificate of registration authorizing specified operations for the registrable year for which the authority is sought provided that applicant has demonstrated compliance with (i) 49 CFR Part 1044 (designation of process agent), and (ii) either 49 CFR Part 1043 (insurance), or State insurance requirements, as applicable under the Act. If applicant has not complied with these requirements, the Commission will issue a notice stating that a certificate of registration will be issued upon such compliance. No certificate of registration shall be issued prior to compliance.

(c) If the Department of Transportation intervenes under 49 CFR 1171.3(d), the proceeding will be assigned to an appropriate division of the Commission for decision. If the division grants all or part of the application, it will issue a certificate in accordance with the procedure described immediately above in 49 CFR 1171.6(b)(2).

§ 1171.7 Appeals.

A decision disposing of an application subject to these rules is a final action of the Commission. Review of such an action on appeal is governed by the Commission's appeal regulations at 49 CFR 1115.2.

[FR Doc. 85-5570 Filed 3-6-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Extension of Comment Period on Proposed Threatened Status and Critical Habitat for the Inyo Brown Towhee (Pipilo Fuscus Eremophilus)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Extension of comment period.

SUMMARY: The U.S. Fish and Wildlife Service gives notice that the comment period on the proposed determination of threatened status and critical habitat for the Inyo brown towhee (*Pipilo fuscus eremophilus*) is extended. The original proposed rule action was not advertised in newspapers of local circulation. The comment period was reopened until March 11, 1985 (50 FR 5647) due to a request from an interested party. This additional extension will provide for all advertisements to be made and any interested parties ample time to comment.

DATES: The reopened comment period on the proposal is extended (50 FR 5647). The comment period, which closes on March 11, 1985, now closes April 11, 1985.

ADDRESSES: Written comments and materials should be sent to the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 N.E. Multnomah Street, Suite 1692, Portland, Oregon 97232. Comments and materials received will be available for public inspection during normal business hours, by appointment, at the Regional Endangered Species Division at the above Regional Office address.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne S. White, Chief, Division of Endangered Species, at the address above or 503/231-6131 (FTS 429-6131).

Author

The primary author of this notice is Ms. Carolyn A. Bohan, U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 N.E. Multnomah Street, Suite 1692, Portland, Oregon 97232 (503/231-6131 or FTS 429-6131).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: February 1, 1985.

William S. Shake,

Acting Regional Director.

[FR Doc. 85-5490 Filed 3-6-85; 8:45 am]

BILLING CODE 4310-55-M

---

50 CFR Part 26

Public Entry and Use, Ruby Lake National Wildlife Refuge NV

AGENCY: Fish and Wildlife Serice, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes to withdraw regulations published on June 12, 1984, that govern boating on Ruby Lake National Wildlife Refuge (NWR). In their place, regulations are proposed that would permit powerboats on the South Sump of Ruby Lake from August 1 through December 31 only.

DATE: Comments must be received on or before April 8, 1985.

ADDRESS: Comments may be addressed to the Associate Director—Wildlife Resources, U.S. Fish and Wildlife Service, 18th and C Streets, NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: James F. Gillett, Division of Refuge Management, U.S. Fish and Wildlife Service, 18th and C Streets, NW, Washington, D.C. 20240 (telephone: 202-343-4311).

SUPPLEMENTARY INFORMATION: On June 12, 1984, at 49 FR 24139, the Service

issued a final rulemaking to regulate the use of boats on the South Sump of Ruby Lake NWR, Nevada. The regulations provided that motorless boats and boats with electric motors could be used from June 15 through December 31 annually. The regulations further permitted the use of powerboats (having motors of 10 horsepower or less) on the South Sump from July 15 through December 31 in 1984, 1986, and 1988, and from August 1 through December 31 in 1985 and 1987. This alternating annual schedule was developed to accommodate a Service research program to evaluate the effects of powerboating on canvasback and redhead duck broods.

On July 16, 1984, a notice was published at 49 FR 28773 announcing the emergency closure of the South Sump to powerboating from July 15, 1984, through July 31, 1984. This action was taken because extremely high water had caused a high rate of nest failure and subsequent late renesting among canvasback and redhead ducks using the refuge, thereby making nests vulnerable to disturbance.

On July 5, 1984, the Defenders of Wildlife, *et al.*, filed suit (Civil Action No. 84–2035) in U.S. District Court, Washington, D.C., against the Secretary of the Interior, *et al.*, to contest the July 15 opening dates for powerboating as set forth in the June 12 rulemaking. On January 3, 1985, the District Court dismissed the lawsuit pursuant to a stipulated settlement by the parties providing for the Service to withdraw the June 12, 1984, final rule pertaining to regulations for powerboats and replace it with a rule that would permit powerboats on the South Sump of Ruby Lake only from August 1 through December 31 annually. This proposed rule is in response to the terms of the stipulated settlement agreement.

Conformance With Statutory and Regulatory Authorities

The National Wildlife Refuge System Administration Act of 1966 (NWRSAA), as amended (16 U.S.C. 668dd), authorizes the Secretary of the Interior to permit public access, use and recreation on refuges whenever he determines that such uses are compatible with the major purposes for which such areas were established. The Service has determined that permitting the use of motorized boats from August 1 through December 31 annually will not have a biological impact on waterfowl nesting and is compatible with the major purposes for which the Ruby Lake NWR was established.

The provisions of the NWRSAA relating to rereation are administered in accordance with the Refuge Recreation Act of 1962 (16 U.S.C. 460k), which authorizes the Secretary to permit recreational uses on refuges if they are appropriate incidental or secondary uses. In conformance with that Act, the Service has determined that motorized recreational boating governed by the proposed regulations permits a secondary use of Ruby Lake NWR that is not inconsistent with the primary objectives for which it was established. Further, the proposed recreational use will not interfere with the primary purposes for which the Ruby Lake NWR was established. The above determinations are based in large part on the Service's empirical data derived from its experience under the identical regulations in effect from 1978 to the present. In addition, funds are available within the annual refuge budget for the administration of the recreational activities that will be permitted by these regulations.

Economic Effect

Executive Order 12291 of February 19, 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 costs or 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 Flexibity Act of 1980 (5 U.S.C. 601 *et seq.*) requires 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 government jurisdictions.

The proposed rulemaking is a minor adjustment to existing regulations for one refuge; therefore, this action will not have an adverse impact on the overall economy or a particular region, industry or group of industries, or level of government. With respect to small entities, the proposed rulemaking will not significantly alter the existing recreational uses of the refuge, and small entities such as sporting goods stores, restaurants, motels and local governments will not be significantly affected by the rule.

Accordingly, the Department of the interior has determined that this proposed 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

This rule does not contain information collection requirements that require approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Environmental Effects

The final environmental impact statement for the "Operation of the National Wildlife Refuge System" [FES 76–52] was filed with the Council on Environmental Quality on November 12, 1976; a notice of availability was published in 41 FR 51131. Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), an environmental assessment (EA) was prepared in 1976 on the effects of boating on the mangement of Ruby Lake NWR. An EA and Finding of No Significant Impact were also prepared for the June 12, 1984, rulemaking.

These documents are available for public inspection and copying in Room 2343, Department of the Interior, 18th and C Streets, NW, Washington, DC 20240, or by mail, addressing the Associate Director—Wildlife Resources, U.S. Fish and Wildlife Service, at the address listed above.

Maps of the South Sump are available from the Refuge Manager, Ruby Lake NWR, Ruby Valley, Nevada 89833, and will be posted at refuge boat landings. Copies of the maps can also be obtained from the Regional Director, U.S. Fish and Wildlife Service, 500 Northeast Multnomah Street, Suite 1692, Portland, Oregon 97232.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, persons may submit written comments, suggestions, or objections regarding the proposed rule to the location identified in the Addresses section of this preamble. All relevant comments will be considered by the Department prior to issuance of the final rule.

Primary author of this proposed rule is Stephen J. Lewis, Division of Refuge Management, U.S. Fish and Wildlife Service, 18th and C St., NW, Washington, D.C. 20240.

List of Subjects in 50 CFR Part 26

National Wildlife Refuge System, Recreation, Wildlife refuges.

PART 26—[AMENDED]

Accordingly, it is hereby proposed to amend 50 CFR Part 26, as set forth below:

1. The authority citation for Part 26 continues to read as follows:

Authority: Sec. 2, 22 Stat. 614, as amended (16 U.S.C. 685); Sec. 5, 43 Stat. 651 (16 U.S.C. 725); Sec. 5, 45 Stat. 449 (16 U.S.C. 690d); Sec. 10, Stat. 1244 (16 U.S.C. 715); Sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); Sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); Sec. 4, 76 Stat. 654 (16 U.S.C. 460k); Sec. 4, 80 Stat. 927 (16 U.S.C. 668dd); (5 U.S.C. 301); (16 U.S.C. 685, 725, 690d), unless otherwise noted.

§ 26.34 [Amended]

2. The entry at § 26.34 for Ruby Lake National Wildlife Refuge, Nevada, is revised to read as follows:

Ruby Lake National Wildlife Refuge, Nevada

Beginning June 15 annually and continuing until December 31 annually, motorless boats and boats with electric motors are permitted only on that portion of the Ruby Lake National Wildlife Refuge known as the South Sump. Beginning August 1 annually and continuing until December 31 annually, boats propelled with a motor or combination of motors in aggregate not to exceed a 10 horsepower rating are permitted on the South Sump of the refuge. Boats may be launched only from landings approved and so designated by the Refuge Manager.

Dated: February 14, 1985.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-5494 Filed 3-6-85; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

Implementation of Emergency Stumpage Rate Redeterminations for National Forest Timber Sales in Alaska

AGENCY: Forest Service, USDA.

ACTION: Proposed rule; extension of public comment period.

SUMMARY: On February 5, 1985, the Forest Service published a proposed rule to implement section 4 of the Federal Timber Contract Payment Modification Act (98 Stat. 2213; 16 U.S.C. 619), which provides for emergency stumpage rate redeterminations of certain National Forest System timber sales in Alaska (50 FR 4992). Comments on the proposed rule were to be received by March 7, 1985, in order to be considered. In response to requests, the Forest Service hereby extends the comment period to March 18, 1985.

DATE: Comments must be received by March 18, 1985.

ADDRESSES: Send written comments to R. Max Peterson, Chief (2400), Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

The public may inspect comments received on this proposed rule in the office of the Director, Timber Management Staff, Room 3207, South Building, 14th and Independence SW., Washington, D.C., between the hours of 8:30 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: David Spores, Timber Management Staff, (202) 447-4051.

Dated: March 5, 1985.

F. Dale Robertson,

Associate Chief.

[FR Doc. 85-5674 Filed 3-6-85; 11:58 am]

BILLING CODE 4310-05-M

Notices

Federal Register
Vol. 50, No. 45
Thursday, March 7, 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

Office of the Secretary

Section 22 Import Fees; Adjustment of Import Fees on Sugar

AGENCY: Office of the Secretary.

ACTION: Notice.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to increase by one cent the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) under the authority of section 22 of the Agricultural Adjustment Act of 1933, as amended, whenever the average daily (domestic) spot price quotation for raw sugar for 10 consecutive market days within any calendar quarter is less than the market stabilization price by more than one cent. This notice announces such an adjustment.

EFFECTIVE DATE: 12:01 AM (local time at point of entry) effective March 5, 1985 (See **SUPPLEMENTARY INFORMATION**).

FOR FURTHER INFORMATION CONTACT: Robert G. Harper, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250, [(202) 382-9061].

SUPPLEMENTARY INFORMATION: By Presidential Proclamation No. 5164, dated March 19, 1984, headnote 4 of Part 3 of Appendix to the TSUS was amended to provide for quarterly adjusted fees on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15). Paragraph (c)(ii) of headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the adjusted daily spot (domestic) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar during which the fee shall be appliable (as reported by the New York Coffee, Sugar, and Cocoa Exchange) expressed in United States cents per pound, in bulk, is less than the market stabilization price. However, whenever the average of the daily spot (domestic) price quotations for 10 consecutive market days within any calendar quarter (1) exceeds the market stabilization price by more than one cent, the fee than in effect shall be decreased by one cent, or (2) is less than the market stabilization price by more than one cent, the fee than in effect shall be increased by one cent. Paragraph (c)(i) further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus one cent per pound.

The average of the daily spot (domestic) price quotations for raw sugar (item 956.15) for the 10 consecutive market day period February 13—February 27, inclusive, within the first calendar quarter of 1985, is 20.3890 cents per pound. This more than one cent below the market stabilization price of 21.57 cents. Accordingly, the fee of 1.2875 cents per pound for item 956.15 is required to be increased by one cent, resulting in a fee for item 956.15 of 2.2875 cents per pound and a fee for items 956.05 and 957.15 of 3.2875 cents per pound.

Headnote 4(c) requires the Secretary of Agriculture to determine and announce any adjustment in the fees made within a calendar quarter, certify such adjusted fees to the Commissioner of Customs, and file notice thereof wth the **Federal Register** within 3 market days of such determination. This notice, therefore, is being issued in order to comply with the requirements of headnote 4(c).

Effective Date

In accordance with headnote 4(c)(vii) of Part 3 of the Appendix to the Tariff Schedules of the United States, the adjustment in fees made herein shall not apply to the entry or withdrawal from warehouse for consumption of sugar exported (as defined in 19 CFR 152.1) on a through bill of lading to the United States from the country of origin before the effective date of the adjustment.

Notice

Notice is hereby given that, in accordance with the requirements of headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the remainder of the first calendar quarter of 1985 shall be as follows:

Item	Fee
956.05	3.2875 cents per lb.
956.15	2.2875 cents per lb.
956.15	3.2875 cents per lb.

The amounts of such fees have been certified to the Commissioner of Customs in accordance with paragraph (c)(v) of headnote 4.

Signed at Washington, D.C., on March 4, 1985.

John R. Block,

Secretary of Agriculture.

[FR Doc. 85-5524 Filed 3-4-85; 5:05 pm]

BILLING CODE 3410-01-M

Forest Service

Mt. Baker-Snoqualmie and Wenatchee National Forests, Chelan, King, and Kittitas Counties, WA; Changes to the Alpine Lakes Wilderness

This Notice corrects information given in a **Federal Register** Notice published at 49 FR 21971, May 24, 1984. Errors were found in the above referenced Notice. The following is a resubmittal of this previously released information.

In accord with the provisions of section 3 (d) and (e) of the "Alpine Lakes Area Management Act of 1976, Pub. L. 94-357," notice is hereby given of the following additions to the Alpine Lakes Wilderness.

All metes and bounds descriptions between the below stated angle points are as described in the legal description of the Alpine Lakes Wilderness and Intended Wilderness boundaries on file in the office of the Chief, USDA Forest Service in Washington, D.C.

T.22N., R.14E., W.M.,

Sec. 4. That portion northwest of a line running between angle points 48-2 and 48-4;

Sec. 5. That portion northeast of a line running between angle points 48-6 and 52;

Sec. 6. That portion northeast of a line running between angle points 48-6 and 52;

T.22N., R.16E., W.M.

Sec. 1. That portion northeast of the wilderness boundary running between angle points 25 and 26.
T.22N., R17E., W.M.,
Sec. 6. That portion north of a line running between angle points 19–7 and 26.
T.23N., R.14E., W.M.,
Sec. 3. That portion southwest of the crest of Goat Mountnain Ridge;
Sec. 4. That portion west and south of a line running between angle points 48 and 48–1;
Secs. 5, 7, 8, 9, all;
Sec. 10. That portion west of the crest of Goat Moutain Ridge;
Sec. 15. That portion west of the crest of Goat Moutain Ridge;
Secs. 16 through 21, all;
Sec. 22. That portion west and north of the crest of Goat Mountain Ridge;
Sec. 27. That portion northwest of the crest of Goat Mountain Ridge;
Sec. 28. That portion west of the crest of Goat Mountain Ridge;
Secs. 29 through 32, all;
Sec. 33. That portion northwest of a line running between angle points 48–2 and 48–3.

The above described Waptus Parcel contains in all 12,729 acres, more or less.

T.23N., R.17E., W.M.,
Sec. 3. That portion west of a line running between angle points 16–4 and 18;
Secs. 4 and 5, all;
Sec. 21. That portion southwest of a line running between angle points 19 and 19–2;
Sec. 26. That portion south and west of a line running between angle points 19–1 and 19–4;
Sec. 27. That portion south of a line running between angle points 19–1 and 19–2;
Sec. 28. That portion southwest of a line running between angle points 19–1 and 19–2;
Secs. 29, 31, 32, 38, all;
Sec. 34. That portion northwest of a line running between angle points 19–4 and 19–5;
Sec. 35. That portion northwest of a line running between angle points 19–3 and 19–5.

The above described Ingalls Creek Parcel contains in all 5,089 acres, more or less.

T.24N., R.17E., W.M.,
Sec. 33. That portion southeast of a line running between angle points 16–1 and 16–2;
Sec. 34. That portion west of a line running between angle points 16–3 and 16–5.

The above described Snow Creek Parcel contains in all 1,939 acres, more or less.

T.24N., R.16E., W.M.,
Secs. 16 through 21, all;
Secs. 28 through 32, all;
Sec. 33, all except for Lot 1 (23.84 acres);
Sec. 34, W¾,E½SE¼.

The above described Eightmile Parcel contains in all 8,135 acres, more or less.

T.24N., R16E., W.M.,
Sec. 1. That portion northeast of the crest of Icicle Ridge.
T.24N., R.17E., W.M.,
Sec. 6. That portion northwest of the crest of Icicle Ridge.
T.25N., R.16E., W.M.,
Secs. 1 through 25, all;
Sec. 26. That portion north of the crest of Icicle Ridge;
Sec. 27. That portion north of the crest of Icicle Ridge;
Sec. 28. That portion northwest of a line running between angle points 3–31 and 3–32;
Secs. 29 and 30, all;
Sec. 31. That portion north of a line running between angle points 6 and 3–34;
Sec. 32. That portion northwest of a line running between angle points 6 and 3–33;
Sec. 36. That portion northeast of the crest of Icicle Ridge.
T.25N., R.17E., W.M.,
Sec. 6. That portion southwest of a line running between angle points 3–16 and 3–17;
Sec. 7, all;
Sec. 18. That portion northwest of a line running between angle points 3–18 and 3–19;
Sec. 19. That portion southwest of a line running between angle points 3–20 and 3–22;
Sec. 20. That portion south of a line running between angle points 3–21 and 3–22;
Sec. 29. W½;
Secs. 30, 31, all;
Sec. 32. W½.
T.26N., R.16E., W.M.,
Sec. 17 W½SW¼;
Secs. 18, 19, 20 all;
Sec. 27. That portion south of the crest of McQue Ridge;
Sec. 28. That portion south of the crest of McQue Ridge;
Secs. 29 through 34, 36, all.
T.26N., R.17E., W.M.,
Sec. 31. That portion southwest of a line running between angle points 3–16 and 3–17.

The above described Chiwaukum Parcel contains in all 32,533 acres, more or less.

T.26N., R.13E., W.M.,
Sec. 24. That portion south and east of a line running between angle points 204–4 and 202–6;
Sec. 25. All, except for that portion within the existing Alpine Lakes Wilderness Area;
Sec. 26. That portion east of a line running between angle points 202–1 and 202–4;
Sec. 35. That portion northeast of a line running between angle point 202–2 and the intersection of the wilderness boundary with the east section line;
Sec. 36. That portion north of the wilderness boundary running between angle points 202 and 203.
T.26N., R.14E., W.M.;
Sec. 26. That portion west of a line running between angle points 202–5 and 203;
Sec. 35. That portion west of the wilderness boundary running between angle points 202 and 203.

The above described Tunnel Creek Parcel contains in all 1,131 acres, more or less.

T.33N., R.14E., W.M.,
Sec. 29 through 32, all.

The above described lands total, in aggregate, 61,556 acres, more or less. The lands in the Waptus and Tunnel Creek Parcels effectively became part of the Alpine Lakes Wilderness and the National Forest System on March 25, 1983. The lands in the Ingalls Creek, Snow Creek, Eightmile, and Chiwaukum Parcels effectively became part of the Alpine Lakes Wilderness and the National Forests System on July 26, 1983.

Maps of the Apline Lakes Wilderness with the acreage additions are available from the Forest Supervisor, Mt. Baker-Snoqualmile National Forest, 1022 First Avenue, Seattle, Washington 98104.

For further information, contact David Odahl, Mt. Baker-Snoqualmie National Forest.

Dated: February 25, 1985.

John F. Butruille,

Acting Regional Forester.

[FR Doc. 85–5491 Filed 3–6–85; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Aronson Island Critical Area Treatment RC&D Measure, MI; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Aronson Island RC&D Measure, Delta County, Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. A contact has been made with the State Historical Preservation Officer and concludes that it will have no effect on any cultural resources either eligible for or listed on the National Register of Historic Places. The State Archaeologist will be contacted if any land disturbance associated with this project and archaeological sites, features, or

materials are encountered during actual construction. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This measure concerns a plan for the installation of measures for critical area treatment. The planned works of improvement include the following items: Adding topsoil, fill and planting adapted grasses, shrubs and trees, barrier posts, walkways and rustic fences. Total construction cost is estimated to be $61,000, with 65 percent ($39,650) RC&D funds and 35 percent ($21,350) local funds.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FONSI has been sent to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the Federal Register.

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: February 19, 1985.

Homer R. Hilner,

State Conservationist.

[FR Doc. 85-5472 Filed 3-6-85; 8:45 am]

BILLING CODE 3410-16-M

Deerhead Riverfront Park Critical Area Treatment RC&D Measure, MI; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Deerhead Riverfront Park RC&D Measure, Berrien County, Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517-337-6702.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. A contact has been made with the State Historical Preservation Officer and concludes that it will have no effect on any cultural resources either eligible for or listed on the National Register of Historic Places. The State Archaeologist will be contacted if any land disturbance associated with this project and archaeological sites, features, or materials are encountered during actual construction. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This measure concerns a plan for the installation of measures for critical area treatment. The planned works of improvement include the following items: One erosion control structure, one diversion, recreation trail and walkway and critical area planting. Total construction cost is estimated to be $19,400, RC&D funds will pay $12,600 and local funds will pay $6,800.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FONSI has been sent to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the Federal Register.

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: February 14, 1985.

Homer R. Hilner,

State Conservationist.

[FR Doc. 85-5473 Filed 3-6-85; 8:45 am]

BILLING CODE 3410-16-M

Lake Antoine—Pike Spawning March Public Water-Based Fish and Wildlife Development RC&D Measure, MI; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidleines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lake Antoine—Pike Spawing Marsh RC&D Measure, Dickinson County, Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, state Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517-337-6702.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. A contact has been made with the State Historical Preservation Officer and concludes that it will have no effect on any cultural resources either eligible for or listed on the National Register of Historic Places. The State Archaeologist will be contacted if any land disturbance associated with this project and archaeological sites, features, or materials are encountered during actual construction. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determiend that the preparation and review of an environmental impact statement are not needed for this project.

This measure concerns a plan for the installation of measures for public water-based fish and wildlife development. The planned works of improvment include the following items: An earthen water impounding dike, a concrete flow-through spillway and stilling apron, critical area planting, a road culvert and a road sign. Total construction cost is estimated to be

$53,000, of which RC&D funds will pay 50% ($26,500) and the local sponsors will pay 50% (26,500).

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FONSI has been sent to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: February 14, 1985.

Homer R. Hilner,

State Conservationist.

[FR Doc. 85-5471 Filed 3-6-85; 8:45 am]

BILLING CODE 3410-16-M

South Fork River Sub-Watershed, West Virginia and Virginia; Finding of No Significant Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Supplemental Sub-Watershed Work Plan No. 3, South Fork River Sub-Watershed, Hardy and Pendleton Counties, West Virginia and Highland County, Virginia.

FOR FURTHER INFORMATION CONTACT: Rollin N. Swank, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virgina, 26505, telephone: 304-291-4151.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Rollin N. Swank, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for flood control and watershed protection. The planned works of improvement include clearing and snagging along 3,300 feet of stream; installation of 2,850 feet of vegetated floodway; and accelerated technical assistance for land treatment. Mitigation measures include excavation to create 2.75 acres of wetland wildlife habitat; establishment of grass and shrubs attractive to wildlife; and seeding of all disturbed areas.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Rollin N. Swank.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistnce Program No. 10.901, Resource Conservation and Development Program. The State of West Virginia's process regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable

Rollin N. Swank,

State Conservationist.

February 26, 1985.

[FR Doc. 85-5482 Filed 3-6-85; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-122-402]

Certain Dried Heavy Salted Codfish From Canada; Postponement of Final Antidumping Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that the Department of Commerce (the Department) has received a request from counsel for respondents in this investigation that the final determination be postponed, as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A); and, that we have determined to postpone our final determination, as to whether sales of certain dried heavy salted codfish from Canada are being made at less than fair value, until not later than May 14, 1985.

EFFECTIVE DATE: March 7, 1985.

FOR FURTHER INFORMATION CONTACT: Karen Sackett or Mary Jenkins, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 377-3798 or 377-1756.

SUPPLEMENTARY INFORMATION: On August 8, 1984, the Department of Commerce published a notice in the **Federal Register** (49 FR 32437) that it was initiating, under section 732(b) of the Act (19 U.S.C. 1673a(b)), an antidumping investigation to determine whether certain dried heavy codfish from Canada, is being, or is likely to be, sold at less than fair value. On January 29, 1985, we published a preliminary determination of sales at less than fair value with respect to this merchandise (50 FR 3946). The notice stated that if this investigation proceeded normally we would make our final determination by April 8, 1985.

On February 7, 1985, counsel for the six Canadian respondents requested that we extend the period for the final determination for 30 days, 105 days after the date of publication of the preliminary determination, in accordance with section 735(a)(2)(A) of the Act. Section 735(a)(2)(A) of the Act provides that the Department may postpone its final determination concerning sales at less than fair value until not later than 135 days after the date on which it published notice of its preliminary determination, if exporters who account for a significant proportion of exports of the merchandise request an extension after an affirmative preliminary determination.

Counsel for the six respondents is qualified to make such a request since it represents the majority of exporters of the merchandise under investigation. If an exporter properly requests an extension after an affirmative preliminary determination, the Department is required, absent compelling reasons to the contrary, to grant the request.

Accordingly, the Department will issue a final determination in this case not later than May 14, 1985. Because a hearing was not requested by any party to the proceeding, the hearing originally scheduled for February 28 has been cancelled.

This notice is published pursuant to section 735(d) of the Act.

Dated: February 28, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-5495 Filed 3-6-85; 8:45 am]

BILLING CODE 3910-DS-M

[A-580-401]

Oil Country Tubular Goods From Korea; Postponement of Final Antidumping Duty Determination

AGENCY: International Trade Administration, Import Administration Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that the Department of Commerce (the Department) has received a request from the petitioners in this investigation to postpone the final determination, as provided for in section 735(a)(2)(B) of the Tariff Act of 1930, as amended (the Act)(19 U.S.C. 1673d(a)(2)(B). Based on this request, we are postponing our final determination as to whether sales of oil country tubular goods (OCTG) from Korea have occurred at less than fair value until not later than April 24, 1985.

EFFECTIVE DATE: March 7, 1985.

FOR FURTHER INFORMATION CONTACT: Paul Thran, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 377-3963.

SUPPLEMENTARY INFORMATION: On July 10, 1984, we announced the initiation of an antidumping duty investigation to determine whether OCTG from the Republic of Korea, are being, or are likely to be, sold in the United States at less than fair value (49 FR 28084). We issued our preliminary determination on January 9, 1985. That notice stated that we would issue a final determination by March 25, 1985.

On February 7, 1985, counsel for petitioners, Lone Star Steel Company, CF&I Steel Corporation, and LTV Steel Company, requested that the Department extend the period for the final determination for 30 days, in accordance with section 735(a)(2)(B) of the Act. If a petitioner requests an extension after a negative preliminary determination, the Department is required, absent compelling reasons to the contrary, to grant the request. Accordingly, we grant the request and postpone our final determination until not later than April 24, 1985.

This notice is published pursuant to section 735(d) of the Act.

The United States International Trade Commission is being advised of this postponement, in accordance with section 735(d) of the Act.

Scope of Investigation

The term "*oil country tubular goods*" covers hollow steel products of circular cross section intended for use in the drilling of oil or gas. It includes oil well casing, tubing and drill pipe of carbon or alloy steel, whether welded or seamless, manufactured to either American Petroleum Institute (API) or non-API (e.g., proprietary), specifications as currently provided for in the *Tariff Schedules of the United States Annotated* (TSUSA) items 610.3216, 610.3219, 610.3233, 610.3242, 610.3243, 610.3249, 610.3252, 610.3254, 610.3256, 610.3258, 610.3262, 610.3264, 610.3721, 610.3722, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4225, 610.4235, 610.4325, 610.4335, 610.4942, 610.4944, 610.4946, 610.4954, 610.4955, 610.4956, 610.4957, 610.4966, 610.4967, 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5226, 610.5234, 610.5240, 610.5242, 610.5243, and 610.5244.

This investigation includes OCTG that are finished and unfinished.

In accordance with § 353.47 of our regulations (19 CFR 353.47), we will hold a public hearing to afford interested parties an opportunity to comment on our preliminary determination at 10:00 a.m. on April 1, 1985, at the U.S. Department of Commerce, room 1413, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Prehearing briefs, in at least 10 copies, must be submitted to the Deputy Assistant Secretary by March 25, 1985. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

Dated: February 28, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-5496 Filed 3-6-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-469-054]

Ampicillin Trihydrate and Its Salts From Spain; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of revocation of countervailing duty order.

SUMMARY: As a result of a request by the Government of Spain, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order on ampicillin trihydrate and its salts from Spain would not cause, or threaten to cause, material injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order. All entries of this merchandise on or after June 21, 1982, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: March 7, 1985.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Alan Long, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone (202) 377-2786.

SUPPLEMENTARY INFORMATION: On March 22, 1979, the Treasury published in the **Federal Register** A countervailing duty order on ampicillin trihydrate and its salts ("ampicillin") from Spain (44 FR 17484).

On June 21, 1982, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that the Spanish government had requested an injury determination for this order under section 104(d) of the Trade Agreements Act of 1979 ("the TAA"). It was not necessary for the Department, upon notification from the ITC, to suspend liquidation of entries of the merchandise pursuant to that section of the TAA, since previous suspension remained in effect.

On November 30, 1984, the ITC notified the Department of its determination (49 FR 48392) that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports of Spanish ampicillin if the order were revoked. As a result, the Department is revoking the countervailing duty order concerning ampicillin from Spain with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after June 21, 1982, the date the Department received notification of the request for an injury determination.

The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after June 21, 1982, without regard to countervailing duties, and to refund any estimated countervailing duties collected with respect to these entries.

This revocation and notice are in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Dated: February 28, 1985.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 85-5479 Filed 3-6-85; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Receipt of Application for General Permit

Notice is hereby given that the following application has been received to take marine mammals incidental to the pursuit of commercial fishing operations within the U.S. Fishery Conservation Zone during 1985 as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations thereunder.

Applicant: Embassy of the Union of Soviet Socialist Republics, Washington, D.C. 20011, has applied for a Category 1: Towed and Dragged Gear general permit to take up to 10 cetaceans and 5 harbor seals in the North Atlantic Ocean; 35 northern sea lions, 15 harbor seals and 15 cetaceans in the Bering Sea and 15 California sea lions, 30 harbor seals and 15 cetaceans in the waters off California, Washington and Oregon.

This application is available for review in the following office: Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.

Interested parties may submit written comments on this application within thirty (30) days of the date of this notice to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

Dated March 1, 1985.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 85-5526 Filed 3-6-85; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

SUMMARY: The DOD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 9:00 a.m., Tuesday, 2 April 1985.

ADDRESS: The meeting will be held at Palisades Institute for Research Services, Inc., 2011 Crystal Drive, Crystal Park One, Suite 307, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: David Slater, AGED Secretariat, 201 Varick Street, New York, 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary for Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Pub. L. 92-463, as amended, (5 U.S.C. App. II section 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85-5453 Filed 3-6-85; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Election Devices; Advisory Committee Meeting

SUMMARY: Working Group C (Mainly Opto Electronics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 9:00 a.m., Thursday, 28 March 1985.

ADDRESS: The meeting will be held at Palisades Institute for Research Services, Inc., 2011 Crystal Drive, Crystal Park One, Suite 307, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Gerald Weiss, AGED Secretariat, 201 Varick Street, New York, 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This opto-electronic device area includes such programs as imaging devices, infrared detectors and lasers. The review will include classified program details throughout.

In accordance with section 10(d) of Pub. L. 92-463, as amended, (5 U.S.C. App. II section 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

Dated: March 4, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85-5454 Filed 3-6-85; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

February 26, 1985.

The USAF Scientific Advisory Board's Ad Hoc Committee on High Power Microwave Systems will meet at Kirtland AFB, NM on April 3-4, 1985.

The purpose of the meeting will be to review contractor work on high power microwave source development and hold working sessions to frame and begin report writing. The meeting will convene from 8:30 a.m. to 5:00 p.m. on April 3 and 8:00 a.m. to 4:00 p.m. on April 4.

The meeting concerns matter listed in section 552b(c) of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof, and accordingly, will be close to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Norita C. Koritko,

Air Force Federal Register Liaison Officer.

[FR Doc. 85-5489 Filed 3-6-85; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Monday and Tuesday, 25 and 26 March 1985.

Times of Meeting: 0830–1700 hours, both days (Closed).

Place: Central Intelligence Agency, Langley, VA (25 March); National Security Agency, Fort Meade, MD (26 March); and at the Pentagon, Washington, DC (25 and 26 March, as needed).

Agenda: The Army Science Board Ad Hoc Subgroup on Chemical/Biological Warfare Intelligence will meet for classified briefings and discussions. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Maria P. Winters,

Acting Administrative Officer, Army Science Board.

[FR Doc. 85–5455 Filed 3–6–85; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Tuesday and Wednesday, 26 and 27 March 1985.

Times of Meeting: 0830–1700 hours, both days (Closed).

Place: U.S. Army Atmospheric Sciences Laboratory (ASL), White Sands Missile Range, New Mexico.

Agenda: The Army Science Board Ad Hoc Subgroup on U.S. Army Atmospheric Sciences Laborartory Effectiveness Review will meet for a classified overview of ASL to ensure its continued excellence by providing independent evaluation on problems and causes of deficiencies, if any. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Maria P. Winters,

Acting Administrative Officer, Army Science Board.

[FR Doc. 85–5456 Filed 3–6–85; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Tuesday–Thursday, 26–28 March 1985.

Times of Meeting: 0800–1630 hours, 26 and 27 March 1985 (Closed); 0800–1200 hours, 28 March 1985 (Closed).

Place: Fort Leavenworth, Kansas.

Agenda: The Army Science board Functional Subgroup on C^3I (Command, Control, Communications and Intelligence) will meet for orientation briefings and discussions in this functional area from the developer's point of view, as well as the user's, who generates the need or requirement for a particular capability. Topics to be addressed include: (1) The Army Command and Control Master Plan (AC^3MP); (2) development of subsystem architecture for maneuver control, air defense control, fire support control, Intelligence/Electronic Warfare (IEW) Control and Combat Service Support Control; (3) the potential uses for military applications of non-developmental (commercial, off-the-shelf) items; (4) C^3I funding and priorities; (5) testing of new equipments and concepts. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Maria P. Winters,

Acting Administrative Officer, Army Science Board.

[FR Doc. 85–5457 Filed 3–6–85; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers; Department of the Army

Intent; the Albuquerque District, Corps of Engineers Intends to Prepare a Draft Environmental Impact Statement (DEIS) on a Proposal to Reduce Flood Damages in the Communities of Truth or Consequences and Williamsburg, NM

AGENCY: U.S. Army Corps of Engineers, Albuquerque District, DOD.

ACTION: Intent to prepare a draft environmental impact statement (DEIS).

SUMMARY:

1. *Alternatives Considered.* The objective of the current planning effort is to reduce property damage, disruption of community activities, and the potential for injury and loss of life caused by flooding from the Rio Grande and Cuchillo Negro Creek in the communities of Truth or Consequences and Williamsburg, New Mexico. Coincident objectives are the preservation and enhancement of biological, cultural, recreational, social, and aesthetic values. Alternative measures being evaluated consist of the authorized plan of levee construciton and channel improvement on Cuchillo Negro Creek and the Rio Grande at Truth or Consequences and Williamsburg; construction of flood control dams on Cuchillo Negro Creek above Truth or Consequences; flood plain management; and the no-action alternative. The formulation and evaluation of these alternatives comprise General Design Memorandum studies and will culminate in a recommendation that best satisfies the community's needs and desires.

2. *Public Involvement Process.* Coordination is being maintained with both public and private concerns having jurisdiction or an interest in land and resources in the vicinity of Truth or Consequences. This includes the City of Truth or Consequences; the Village of Cuchillo; Sierra County; the Jornada Resources, Conservation, and Development Council; the U.S. Soil Conservation Service; and the U.S. Bureau of Reclamation. Formal public involvement to date includes two public meetings held in Truth or Consequences, one in 1979 to announce the study's initiation and the other in May, 1983 to discuss progress of the study and preliminary findings. Coordination will be expanded and intensified as plans become increasingly refined. Federal, state, and local input in the development of the DEIS will be obtained by a combination of public and agency coordination, workshops, and, if necessary, public meetings. All interested parties will be invited to submit comments on the DEIS when it is circulated for field level review.

The planning effort is being coordinated with the U.S. Fish and Wildlife Service pursuant to the requirements of the Fish and Wildlife Coordination Act of 1972 (72 Stat. 563) (Pub. L. 85–624) and the Endangered Species Act of 1973, as amended (87 Stat. 884) (Pub. L. 93–205). Consultation

with the Advisory council on Historic Preservation and the New Mexico State Historic Preservation Officer will be initiated pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915) (Pub. L. 89-655), and the Preservation of Historic and Archeological Data (88 Stat. 174) (Pub. L. 93-291).

3. *Significant Issues to be Analyzed.* Significant issues to be analyzed in depth in the development of the DEIS include the effect the recommended plan and accompanying alternatives on flood plain development, human safety, social welfare, community activities, biological systems, cultural resources, and aesthetic qualities. Also, the development of mitigative measures will be undertaken if necessary.

4. *Public Review.* The presently estimated date that the draft General Design Memorandum will be completed and the DEIS circulated for public review is September 1985.

5. *Further Information.* Questions regarding the study and the DEIS may be directed to: Mr. Mark Sifuentes, USAED, Albuquerque, P.O. Box 1580, Albuquerque, New Mexico 87103, Phone: Comm (505) 766-3577; FTS 474-3577.

Dated: February 26, 1985

Edward D. Ostell,

Major, CE, Deputy District Engineer.

[FR Doc. 85-5468 Filed 3-6-85; 8:45 am]

BILLING CODE 3710-KK-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS); Wolf Creek Hydropower Feasibility Study Concerning the Potential for Increasing the Hydroelectric Power Output From the Existing Wolf Creek Dam at Mile 460.9 on the Cumberland River, KY.

AGENCY: US Army corps of Engineers, Nashville District, DoD.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

1. Proposed Action

SUMMARY:

Under the authority of a resolution of the Committee on Public Works, United States Senate, adopted October 2, 1972, as amended, the Nashville District has found that it is economically feasible to increase the hydropower output from Wolf Creek Dam from the current installed capacity of 270 megawatts from six 45-megawatt Francis Units. This would be accomplished by adding up to four additional Francis units to the existing six units. In addition, the existing six units may be uprated to about 70 megawatts each under an operations and maintenance authority. The total capacity resulting from the potential plant uprate and expansion could be as much as 630 megawatts.

2. Alternatives

Alternatives which have been identified for final consideration in the Feasibility Study are (1) "no action" (uprate in place with no futher Federal action), (2) the addition of 2 new 70-megawatt Francis Units, (3) the addition of 3 new 67-megawatt Francis Units, (4) the addition of 4 new 65-megawatt Francis Units. Alternatives which have been identified for final consideration in the Uprate Study are (1) "no action", (2) uprate existing units to 55 megawatts, (3) uprate existing units to 60 megawatts, (4) uprate existing units to 65 megawatts, (5) uprate existing units to 70 megawatts.

3. The Scoping Process

a. *Public Input.* A scoping letter was sent to concerned Federal and state agencies as well as private organizations in January 1984 under the authority of the parent study. Comments were received from the State of Kentucky Natural Resources and Environmental Protection Cabinet, Department for Natural Resources, Department of Fish and Wildlife, and the Kentucky Department of Parks. Comments were also received from the Tennessee Department of Health and the Environment, The Tennessee Department of Conservation, and the Tennessee Wildlife Resources Agency. Federal agencies commenting included the US Fish and Wildlife Service, and the Soil Conservation Service. A notice was also circulated announcing the District's intention to prepare a feasibility report for the Wolf Creek Hydropower study in June of 1984. A single comment was received from the Kentucky Natural Resources and Environmental Cabinet.

The public is invited to submit written comments within 20 days of this notice to aid in determining the issues to be covered in the DEIS. Additional Input from concerned Federal, State, and local agencies will be solicited by letter.

b. *Issues.* The following is a preliminary list of significant issues which have been identified for analysis in the DEIS:

1. Effects on water quality.

2. Effects on the Wolf Creek tailwater trout fishery.

3. Effects on streambank erosion.

4. Effects on domestic raw water withdrawals.

5. Effects on fish and wildlife.

6. Effects on recreation.

7. Effects on lands adjacent to the river.

c. *Other Environmental Review and Consultation.* Comments have also been solicited from the US Fish and Wildlife Service under the Fish and Wildlife Coordination Act. In addition, if it is determined that any endangered species might be affected, consultation under the Endangered Species Act may be initiated.

4. Scoping Meeting

Public information workshops are scheduled for March 25 and 26, 1985. The first workshop will be held at Lake Cumberland State Park Lodge at 7:00 pm CST on the 25th. The second workshop will be held at the Somerset Lodge in Somerset, Kentucky, at 7:00 pm e.s.t. on the 26th.

5. Estimated Completion

The estimated completion date for the DEIS is July 15, 1985.

Questions: The District point-of-contact for questions relating to the DEIS is: Planning Branch, ATTN: Mr. Jim Sharber, US Army Engineer District, Nashville, P.O. Box 1070, Nashville, TN 37202-1070.

Dated: February 26, 1985.

William F. Malone,

LTC, Corps of Engineers, Acting District Engineer.

[FR Doc. 85-5478 Filed 3-6-85; 8:45 am]

BILLING CODE 3710-GF-M

Proposed Flood Control Measures; Albuquerque District, Corps of Engineers Intends to Prepare a Draft Environmental Impact Statement for Proposed Flood Control Measures Along the Arkansas River in La Junta, CO.

AGENCY: U.S. Army, Corps of Engineers, Albuquerque District, DOD.

ACTION: Preparation of a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. *Proposed Action and Alternatives:* The authorized plan considered by the DEIS is construction of an approximately two-mile long excavated unlined channel flanked by earthen levees. There would be about three miles of levee along the north bank to protect North La Junta and La Junta Gardens and about four miles of levee

along the south bank to protect La Junta and agricultural land east and west of La Junta. These changes to the channel would increase the capacity of the Arkansas River through La Junta from the present non-damaging level of 10,200 cubic feet per second (CFS) to a non-damaging level of 170,000 cfs or about 500 year protection. In addition to the authorized plan, seven additional structural and several non-structural alternatives have been evaluated as means of providing as much flood protection as possible to the city of La Junta while maintaining economic feasibility. The authorized plan has been eliminated from further consideration because of economic infeasibility. Additionally, three of the other structural plans have been eliminated from study due to economic infeasibility. Structural alternatives still being considered include one of two north bank levee alignments to protect North La Junta and La Junta Gardens and a south bank levee to protect downtown La Junta and the railroad yards. The two north bank alignments differ in that one is set back from the river a considerable distance while the second is much closer to the existing river channel. These alignments are anticipated to provide protection from 50 to 100 year flood event on the Arkansas River but advanced planning studies will optimize the level of protection based on economic and other considerations. Advanced planning studies and the DEIS will concentrate on the remaining structural and non-structural alternatives.

2. *Public Involvement Process:* Public involvement has included one public hearing in December 1981 and numerous meetings with interested local government officials and individuals. These meetings have also served the purpose of scoping for the DEIS. Local interests have expressed concerns over decreasing channel capacity due to aggradation, proliferation of saltcedars, and preservation of valuable habitat and fish and wildlife resources. At this time, there are plans for an additional public hearing in May 1985 to inform the local government and individuals on the progress and outcome of Phase I studies. This meeting will also serve as part of the scoping process for the DEIS. Affected federal, state, and local agencies and other interested or affected private organizations or parties are invited to submit comments at either the public hearing or on the DEIS when it becomes available for public review as indicated below.

3. *Significant Issues to be Analyzed:* Significant issues to be considered in the DEIS include the impact of the proposed work on the Arkansas River floodplain through La Junta, effects of the proposed work on existing environmental values associated with the floodplain, effects on cultural and historical resources, a comparison of current and projected future conditions with and without the recommended project and the various alternatives, and the need for mitigation.

4. *Public Review:* The DEIS should be available for public review in September, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. William Tully, USAED; Albuquerque, Southern Colorado Project Office, P.O. Box 294, Pueblo, Colorado, 81002-0294, (303) 543-9459.

Edward D. Postell,

Deputy District Engineer, Albuquerque.

[FR Doc. 85-5441 Filed 3-6-85; 8:45 am]

BILLING CODE 3710-KK-M

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Personnel Research and Development Center (NPRDC) Review Team of the Naval Research Advisory Committee (NRAC) Panel on Laboratory Oversight will meet on March 25, 1985, at the Naval Personnel Research and Development Center, Building 329, Point Loma, San Diego, California. The agenda will include technical briefings by the NPRDC departments which will assist the team in their efforts to make a thorough evaluation of the scientific, technical, and engineering health of the activity. The meeting will commence at 8:30 a.m. and terminate at 3:00 p.m. on March 25, 1985. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to examine the scientific, technical, and engineering health of NPRDC. The entire meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217-5000, Telephone number (202) 696-4870.

Dated: March 4, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85-5498 Filed 3-6-85; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Civil Engineering Laboratory (NCEL) Review Team of the Naval Research Advisory Committee (NRAC) Panel on Laboratory Oversight will meet on March 26-27, 1985 at Headquarters, Naval Facilities Engineering Command, Hoffman Building #2, 200 Stovall Street, Alexandria, Virginia. The agenda will include technical briefings from the headquarters sponsors of NCEL which will assist the team in their effors to make a thorough evaluation of the scientific, technical, and engineering health of the activity. The first session of the meeting will commence at 8:30 a.m. and terminate at 4:45 p.m. on 26 March. The second and final session will commence at 8:30 a.m. and terminate at 5:00 p.m. on 27 March 1985. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to examine the scientific, technical and engineering health of NCEL. The entire meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M.B. Kelley, U.S. Navy, Office of Naval Research, (Code 100N), 800 North

Quincy Street, Arlington, VA 22217–5000, Telephone number (202) 6976–4870.

Dated: March 4, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85–5500 Filed 3–6–85; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee Panel on Mid-Depth Sea Floor Technology will meet on March 28, 1985, at the Office of Naval Research, 800 North Quincy Street, Arlington, Virginia. The agenda will include technical briefings on the strategic implications of exploring mid-depth ocean topography for naval operations. The meeting will commence at 9:30 a.m. and terminate at 4:00 p.m. on March 28, 1985. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to examine the strategic implications of exploring mid-depth ocean topography for naval operations, and the utility of currently demonstrated technology for utilizing sea floor topography. These matters constitute classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting.

The Secretary of the Navy, therefore, has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research, (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number (202) 696–4870.

Dated: March 4, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85–5499 Filed 3–6–85; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Follow Through Program

AGENCY: Department of Education.

ACTION: Application notice for Fiscal Year 1985 (school year 1985–86).

Applications are invited for continuation awards in the following categories under the Follow Through program:

(1) Grants for carrying out local Follow Through projects;

(2) Grants for demonstration (Sponsors); and

(3) Grants for expanded demonstration activity (Resource Centers).

Authority for these categories is contained in sections 661–669 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35, 95 Stat. 508–511.

(42 U.S.C. 9861–9868)

The purpose of these awards is to provide comprehensive services to low-income children in primary grades.

Closing date for transmittal of applications: To be assured of consideration for funding, an application for a continuation award should be mailed or hand-delivered to the U.S. Department of Education by April 15, 1985.

If an application for a continuation award is late, the Department of Education may lack sufficient time to review it with other continuation applications and may decline to accept it.

Applications delivered by mail: An application sent by mail must be addresed to the U.S. Department of Education, Application Control Center, Attention: 84.014A (for Follow Through local projects), 84.014B (for sponsor awards), or 84.014D (for expanded demonstration activity), Washington, D.C. 20202.

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 lable, invoice, or receipt from a commercial carrier.

(4) Any other proof 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 porvide 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 first class mail.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th & D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Program information: In formulating applications for continuation of local project grants, applicants should give special attention to 34 CFR 215.15 of the Follow Through regulations, which explains the criteria used in awarding these grants. In formulating applications for continuation of sponsor awards, applicants should give special attention to 34 CFR 215.52 of the Follow Through regulations, which provides an explanation of the criteria used in awarding these grants. In the case of a sponsor application, the Secretary will award a grant only if a grant also is being made to at least one local project that implements the sponsor's approach. See 34 CFR 215.52. In formulating applications for continuation of expanded demonstraion activity awards (Resource Centers), applicants should give special attention to 34 CFR 215.15a of the Follow Through regulations, which provides an explanation of the procedures and criteria used in evaluating these applications.

Because the amount of funds available for Fiscal Year 1985 is not sufficient to support grantees at their Fiscal Year 1984 levels, the Secretary will be required to reduce substantially the budget for each project that successfully meets the requirements for a continuation award. Therefore, in their applications for continuation awards, applicants should demonstrate how they would reduce the budgets of their projects by approximately 32 percent, although the final amount of each budget will be negotiated on a case-by-case basis. Applicants for local project grants, for example, may accomplish this reduction by reducing the number of grades to be served with Follow Through funds. Instead of serving three or four grades, an applicant may decide to serve only second and third grades with Follow Through funds.

This approach is consistent with the gradual phasing of Follow Through activities into Chapter 2 of the Education Consolidation and Improvement Act of 1981. Other options may also be available, although each local project must still include the program components in 34 CFR 215.26, unless the Secretary, in particular cases, specifies otherwise. Applicants for sponsor projects and for resource center projects should likewise propose reduced budgets.

Available funds: Ten million dollars was appropriated for this program for Fiscal Year 1985. However, Fiscal Year 1984 funds for Follow Through were impounded by the U.S. District Court for the Northern District of Illinois in *United States v. Board of Education of the City of Chicago* (No. 80C–5124). As a result, because of the Department's concern about harm to Follow Through projects caused by this freeze, and consistent with language in the conference report accompanying the Department's Fiscal Year 1985 appropriation (*see* Conf. Rep. No. 1132, 98th Cong., 2d Sess. 26 (1984)), the Department used Fiscal Year 1985 funds to support 1984 Follow Through projects that did not receive their funds due to the court's freeze on Fiscal Year 1984 funds. If the Fiscal Year 1984 funds are released by the court, accounting adjustments will be made so that 1985 awards can be made using Fiscal Year 1985 funds. In the interim, applications are being invited to allow sufficient time for their evaluation and for completion of the grant process prior to the end of the school year should the funds become available.

Intergovernmental Review

On June 24, 1983, the Secretary published in the **Federal Register** final regulations (34 CFR Part 79, published at 48 FR 29158) implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

This program is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why not; and
- Revokes OMB Circular A–95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

The following is the current list of States that have established a process, designated a single point of contact, and have selected this program for review:

Alabama	Mississippi	South Carolina
Arizona	Missouri	South Dakota
Arkansas	Montana	Tennessee
California	Nebraska	Texas
Connecticut	Nevada	Utah
Delaware	New Hampshire	Vermont
Hawaii	New Jersey	Virginia
Illinois	New Mexico	Washington
Indiana	New York	West Virginia
Iowa	North Carolina	Wyoming
Kansas	North Dakota	Guam
Louisiana	Ohio	Trust Territory
Maine	Oklahoma	Northern Mariana Islands
Maryland	Oregon	
Massachusetts	Pennsylvania	
Michigan	Rhode Island	Virgin Islands

Immediately upon receipt of this notice, applicants that are governmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out about and to comply with the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States not listed above, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State process recommendation and other comments submitted by a State single point of contact and any comments from State, areawide, regional, and local entities must be mailed or hand delivered by May 15, 1985 to the following address:

The Secretary, U.S. Department of Education, Room 4181 (Attention: 84.014A, B, or D), 400 Maryland Avenue, S.W., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as for applications.)

Please note that the above address is not the same address as the one to which the applicant submits its completed application. *Do not send applications to the above address.*

Application forms: Application forms and program information packages will be mailed to eligible applicants.

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 imposed under the statute and regulations.

The Secretary strongly urges that applicants not submit information that is not requested.

(Approved by Office of Management and Budget under control number 1810–0003)

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Follow Through program in 34 CFR Part 215.

(b) Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, and 79.

Further information: For further information contact Mary Jean LeTendre, Director, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3616, ROB–3), Washington, D.C. 20202. Telephone (202) 245–3081.

(42 U.S.C. 9861–9868)

(Catalog of Federal Domestic Assistance No. 84.014, Follow Through Program)

Dated: March 4, 1985.

William J. Bennett,

Secretary of Education.

[FR Doc. 85–5619 Filed 3–6–85; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP85–266–000, et al.]

Natural gas certificate filings; Columbia Gas Transmission Corp, et al.

Take notice that the following filings have been made with the Commission:

1. Columbia Gas Transmission Corporation; Columbia Gulf Transmission Company

[Docket No. CP85-266-000]

February 28, 1985.

Take notice that on February 5, 1985, Columbia Gas Transmission Corporation, (Columbia Gas), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027, or jointly referred to as Applicants, filed in Docket No. CP85-266-000 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 Owens-Illinois, Inc. (Owens-Illinois), under the certificates issued in Docket Nos. CP83-73-000 (Columbia Gas) and CP83-496-000 (Columbia Gulf) pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants indicate that Owens-Illinois has acquired natural gas from The Resource Group, Inc. (The Resource Group), pursuant to the terms of December 14, 1984, gas purchase agreement. It is further indicated that Owens-Illinois would use the gas at its Toano, Virginia, plant for glass melting furnaces and glass conditioning forehearths. In order for Owens-Illinois to receive its gas from The Resource Group, Columbia Gulf proposes to receive up to 1.5 billion Btu of natural gas from The Resource Group in the Valentine field, LaFourche Parish, Louisiana, and to redeliver the gas to Columbia Gas in Kentucky for further transportation. Columbia Gas would then transport the gas it receives from Columbia Gulf to an existing point of interconnection between Columbia Gas and Commonwealth Gas Pipeline Corporation (Commonwealth) in Greene County, Virginia, it is stated. Commonwealth would then transport the gas to Virginia Natural Gas, A Division of Virginia Electric and Power Company, the distributor serving Owens-Illinois, for subsequent delivery of gas to the plant, it is further stated.

For this transportation Columbia Gulf would charge Owens-Illinois one of the rates set forth in Rate Schedule T-2 of its FERC Gas Tariff, it is stated. The current rates for Rate Schedule T-2 are 23.92 cents per dt equivalent of gas and 1.69 percent retainage for transportation from offshore to Kentucky, 14.28 cents per dt equivalent and 1.5 percent retainage from lateral onshore to Kentucky, 12.76 cents per dt equivalent and 1.50 percent retainage from Rayne, Louisiana, to Kentucky and 6.38 cents per dt equivalent and 0.75 percent retainge from Corinth, Mississippi, to Kentucky, it is explained. For this transportation Columbia Gas would charge one of the rates set forth in Rate Schedule TS-1 of its FERC tariff, it is stated. The current rates for Rate Schedule TS-1 within Commonwealth's total daily entitlement are 21.16 cents per dt equivalent for gas received from Columbia Gulf at Leach, Kentucky, and 29.93 cents per dt equivalent for gas received at receipt points other than Leach, Kentucky, it is explained. The current rates for Rate Schedule TS-1 in excess of Commonwealth's total daily entitlement are 32.50 cents per dt equivalent for gas received from Columbia Gulf at Leach and 41.27 cents per dt equivalent for gas received at receipt points other than Leach, it is further explained. In addition, it is stated that Columbia Gas would retain 2.43 percent of the gas it receives for company-use and unaccounted-for gas, as reflected in its Rate Schedule TS-1, and that Columbia Gas would collect the General R and D Funding Unit of the Gas Research Institute for all quantities transported under this transprotation arrangement.

Applicants state that they would transport 1.5 billion Btu of gas on a peak day, 1,465 million Btu of gas on average day and 527,152 million Btu of gas on an annual basis through June 30, 1985.

Applicants also request flexibile authority to add or delete receipt/delivery points associated with sources of gas acquired by the Owens-Illinois. 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: April 15, 1985, in accordance with Standard Paragraph G at the end of this notice.

2. Natural Gas Pipeline Company of America

[Docket No. CP85-269-000]

February 28, 1985.

Take notice that on February 7, 1985, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP85-269-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon two 1,000 horsepower compressor units and related facilities, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant proposes to abandon two 1,000 horsepower compressor units and related facilities, one at its Quinduno field compressor station No. 149, located in Roberts County, Texas, and one at its booster station No. 60, located at the junction of its Camrick field main trunk gathering line, Beaver and Texas Counties, Oklahoma, and its main transmission pipeline in Beaver County, Oklahoma. Applicant asserts that deliverability from each field has declined to the point that such compressor units are surplus to Applicant's needs. Applicant states that upon issuance of the requested authorization, it would remove all salvable facilities at each location and retain them in stock for use at other locations. Applicant estimates the out of pocket costs of the abandonment of the compressors and related facilities to be $163,000 which cost would be met with funds on hand.

Comment date: March 20, 1985, in accordance with Standard Paragraph F at the end of this notice.

3. Northern Natural Gas Company Division of InterNorth, Inc.

[Docket No. CP68-75-012]

February 28, 1985.

Take notice that on February 5, 1985, Northern Natural Gas Company, Division of InterNorth Inc., (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP68-75-012, a petition to amend further the order issued May 20, 1968, in Docket No. CP68-75 pursuant to section 7 of the Natural Gas Act so as to authorize the establishment of two additional exchange points of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued May 20, 1968, it was authorized, *inter alia*, to construct and operate certain measuring stations and to exchange with and transport natural gas for Phillips Petroleum Company (Phillips).

Petitioner seeks to add the following wells as additional points of delivery of exchange gas:

Name of well	Location
InterNorth Inc.—McGee 1120 No. 1	Lipscomb County, TX
TXO Production—Gibner-No. 1	Hansford County, TX

Phillips will install the necessary facilities to connect these wells.

Comment date: March 20, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

4. Southern Natural Gas Company

[Docket No. CP85-278-000]

February 28, 1985.

Take notice that on February 11, 1985, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP85-278-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Southern to render a firm transportation service for Alabama Gas Corporation (Alagasco) and to construct and operate certain pipeline facilities to provide the transportation service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern proposes to transport, on a firm basis, for Alagasco a maximum quantity of 20,000 Mcf of natural gas per day for a primary term of 15 years and month to month thereafter. During the first and second years of the transportation agreement, dated October 1, 1984, Southern proposes to transport on an interruptible basis an addtional 10,000 Mcf of gas per day and 5,000 Mcf of gas per day, respectively.

Southern also proposes to construct and operate approximately 6.9 miles of 24-inch pipeline loop on its Second North Main Line in Tuscaloosa County, Alabama. Southern alleges these facilities are required to provide sufficient capacity to perform the proposed firm transporation service. Southern estimates the cost of construction would be $3,272,920, which cost Southern expects to finance initially by short-term financing and/or cash from current operations.

It is explained that Alagasco would purchase the gas to be transported for its system supply from Alabama Intrastate Supply (Alabama Intrastate) from reserves in Fayette and Lamar Counties, Alabama, and that Alabama Intrastate would deliver the gas to SNG Intrastate Pipeline Inc. for transportation and redelivery to Southern in Pickens and Tuscaloosa Counties, Alabama. Southern proposes to redeliver the gas to Alagasco at existing delivery points in the Birmingham area.

Southern propses to charge Alagasco a contract demand rate of $3.43 per Mcf and a commodity charge of 18.5 cents per Mcf up to a maximum of 20,000 Mcf of gas per day. Volumes of gas transported in excess of the contract demand would be charged a rate of 29.8 cents per Mcf, it is asserted.

Southern contends the proposed transportation and the construction and operation of the pipeline facilities are in the public interest since they would enable Alagasco to acquire an economical source of gas for its customers without having to duplicate existing facilities. Southern alleges that the proposed transportation service would not harm or impair service to Southern's other customers.

Comment date: March 20, 1985, in accordance with Standard Paragraph F at the end of this notice.

5. Columbia Gulf Transmission Company

[Docket No. CP85-275-000]

February 27, 1985.

Take notice that on February 8, 1985, Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027, filed in Docket No. CP85-275-000 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 Bethlehem Steel Corporation (Bethlehem) under the certificate issued in Docket No. CP83-496-000 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.

Columbia Gulf proposes to transport up to 11.0 billion Btu and 10.0 billion Btu equivalent of natural gas per day for Bethlehem's Steelton and Bethelehem plants, respectively, through June 30, 1985. Columbia Gulf states that the gas to be transported would be purchased from Gas Systems Network, Inc. (Gas Systems) and would be used as process gas and boiler fuel in Bethlehem's Steelton and Bethlehem, Pennsylvania, plants.

It is indicated that Bethlehem has made arrangements to purchase this gas from Gas Systems. Columbia Gulf states that it would receive the gas from United Gas Pipe Line Company and Tennessee Gas Pipeline Company, a Division of Tenneco Inc., in Louisiana for the account of Gas Systems and redeliver the gas to Columbia Gas Transmission Corporation (Columbia Transmission) for redelivery to UGI Corporation (UGI), the distribution company serving Bethlehem, near Steelton and Bethlehem, Pennsylvania. Columbia Transmission is also participating in this transportation arrangement and has obtained Commission authorization in Docket No. CP84-170-001 for Bethlehem's Steelton plant and Docket No. CP84-171-001 for Bethlehem's Bethlehem plant. Columbia Transmission is utilizing its flexible authority to add a receipt point from Columbia Gulf.

Columbia Gulf states that it would charge one of the rates in its Rate Schedule T-2 for its transportation service: Offshore to Kentucky—23.92 cents per dt equivalent of gas and retain 1.69 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas; lateral onshore to Kentucky—14.28 cents per dt equivalent of gas and retain 1.50 percent; Rayne, Louisiana, to Kentucky—12.76 cents per dt equivalent of gas and retain 1.50 percent; and Corinth, Mississippi, to Kentucky—6.38 cents per dt equivalent of and retain 0.75 percent.

Comment date: April 15, 1985, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). 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. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is

required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

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. 85-5516 Filed 3-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP85-233-000, et al.]

Natural Gas Certificate Filings; National Fuel Gas Supply Corp., et al.

March 1, 1985.

Take notice that the following filings have been made with the Commission:

1. National Fuel Gas Supply Corporation

[Docket No. CP85-233-000

Take notice that on January 18, 1985, National Fuel Gas Supply Corporation (National Fuel), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP85-233-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of McInnes Steel Company (McInnes Steel) under the certificate issued in Docket No. CP83-4-000 pursuant to Section 7 of the Natural Gas Act, all as more fully described in the request which is on file and open to public inspection.

It is stated that pursuant to the terms of a September 28, 1984, gas purchase agreement, McInnes Steel acquired volumes of gas from U.S. Energy Development Corporation (U.S. Energy) for use in space heating and as process gas at McInnes Steel's Erie, Pennsylvania, plant. In order for McInnes Steel to receive its gas, it is explained that McInnes Steel has entered into a transportation agreement with National Fuel. It is indicated that National Fuel would receive up to 1.5 billion Btu of natural gas per day from U.S. Energy at various points in Erie and Chautauqua Counties, Pennsylvania, Chautauqua County, New York, and redeliver the gas, less retainage, to National Fuel Gas Distribution Corporation for further transportation to McInnes Steel's plant. It is stated that National Fuel began transporting gas on behalf of McInnes Steel on November 1, 1984, pursuant to § 157.209 of the Commission's Regulations. National Fuel herein proposes to transport 1.5 billion Btu on an average day and 547.5 billion Btu of gas on an annual basis on behalf of McInnes Steel for three months and month to month thereafter. National Fuel states that it would charge 31.72 cents per Mcf for gas it transports hereunder; this rate is set forth in Rate Schedule T-2 of National Fuel's FERC Gas Tariff. In addition, National Fuel states it would retain a percentage of the total quantity of gas delivered into its system for company use and unaccounted-for gas. This percentage, as reflected in Rate Schedule T-2, is currently 2 percent.

National Fuel also requests flexible authority to add or delete receipt/delivery points associated with the 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. National Fuel 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: April 15, 1985, in accordance with Standard Paragraph G at the end of this notice.

2. Trunkline Gas Company, and Panhandle Eastern Pipe Line Company

Docket No. CP84-577-003

Take notice that on February 5, 1985, Trunkline Gas Company (Trunkline) and Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in an amendment in Docket No. CP84-577-003 a request pursuant to Section 7 of the Natural Gas Act and to § 157.205 of the Regulations under the Natural Gas Act for authorization to make an off-system sale of natural gas and to transport such gas. The request is pursuant to authorization received in the Commission's order issued October 29, 1984, in Docket No. CP84-577-000, authorizing a sales for take-or-pay relief program (STOPR), all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Trunkline proposes to make an off-system sale of gas to Olin Corporation (Olin) pursuant to a gas sales contract dated December 20, 1984, between Olin and Trunkline (contract). It is explained that the contract provides for Trunkline to deliver up to 3,500 Mcf of gas per day on an interruptible basis for use by Olin to process fuel to dry wet industrial phosphate chemicals at its Joliet, Illinois, facility. It is stated that the sales price which Olin would pay Trunkline is $3.1928 per dt equivalent of gas. The sales price consists of Trunkline's current average cost of gas, the GRI surcharge, Panhandle's third party transporter fee and an added margin pursuant to the authorization received in the STOPR order, it is indicated.

Panhandle proposes to transport the gas for Trunkline pursuant to a transportation agreement dated January 11, 1985, between Panhandle and Trunkline (agreement). It is stated that the agreement provides for Panhandle to accept up to 3,500 Mcf of gas per day on an interruptible basis from Trunkline at Tuscola, Douglas County, Illinois. Further, it is stated that Panhandle would then transport and redeliver such gas, less an 0.8% reduction for fuel, to Northern Illinois Gas Company (NIGAS) at an existing interconnection in Pike County, Illinois, or to an existing interconnection between Panhandle and Natural Gas Pipeline Company of America in Moultrie County, Illinois. It is explained that NIGAS would make ultimate delivery to Olin for its end use in Joliet, Illinois. It is indicated that Trunkline would pay Panhandle 3.90 cents per Mcf of gas for the transportation service which is reflected in the sales price above. NIGAS is an existing jurisdictional customer served by Panhandle and Olin is an existing end-use customer of NIGAS, it is stated.

Further, it is stated that Panhandle and NIGAS have sufficient capacity to provide such service without detriment or disadvantage to Panhandle's or NIGAS' customers. The term of the services under the authorization requested herein would be from the date of first delivery, with termination to coincide with the expiration under the STOPR program, it is stated.

Comment date: April 15, 1985, in accordance with Standard Paragraph G at the end of this notice.

3. Panhandle Eastern Pipe Line Company

[Docket No. CP85-272-000]

Take notice that on February 8, 1985, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP85-272-000 a request pursuant to § 157-205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas for Can-Am Industries, Inc. (Can-Am), under the certificate issued in Docket No. CP83-83-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Panhandle proposes to transport up to 1,500 Mcf of natural gas per day on an interruptible basis on behalf of Can-Am. Panhandle states it requests authorization from the date automatic authorization expires until the earlier of (1) 18 months from December 11, 1984, (2) termination of authorization as provided in Subpart F of Part 157 of the Commission's Regulations, or (3) termination of the transportation agreement by either of the parties.

Panhandle states that Can-Am has entered into a natural gas purchase agreement with Consolidated Fuel Supply, Inc. (Consolidated), providing for the purchase of up to 1.5 billion Btu of natural gas per day. Panhandle further states it would receive the natural gas at existing points of receipt on its system in Dewey, Beckham, Custer and Ellis Counties, Oklahoma, and would then transport and redeliver such natural gas, less a four percent reduction for fuel, to Central Illinois Public Service Company (CIPSCO) at an existing point of connection in Adams County, Illinois. It is explained that CIPSCO in turn would make ultimate delivery to Can-Am for its end use at its Quincy, Illinois, plant. Panhandle indicates that CIPSCO is an existing jurisdictional customer of Panhandle and Can-Am is an end-use customer of CIPSCO.

Panhandle proposes to charge Can-Am a transportation rate pursuant to its Rate Schedule OST, which rate is currently 42 cents, plus 1.24 cents GRI surcharge, for each million Btu redelivered at the point of redelivery. Panhandle states that the Rate Schedule OST excess service rate is currently 87 cents, plus 1.24 cents GRI surcharge, for each million Btu redelivered at the point of redelivery.

Panhandle indicates that the natural gas would be used at Can-Am's facility at Quincy, Illinois, primarily for boiler use. Panhandle also indicates that no intermediary participated in the transaction between Consolidated and Can-Am.

Panhandle 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. Panhandle 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: April 15, 1985, in accordance with Standard Paragraph G at the end of this notice.

Panhandle Eastern Pipe Line Company

[Docket No. CP85-273-000]

Take notice that on February 8, 1985, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP85-273-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas (18 CFR 157.205) for authorization to transport natural gas for General Motors Corporation (GM) under the certificate issued in Docket No. CP83-83-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Panhandle proposes to transport up to 17,500 Mcf of natural gas per day on an interruptible basis on behalf of GM. Panhandle states it requests authorization from the date automatic authorization expires until the earlier of (1) 18 months from December 19, 1984, (2) termination of authorization as provided in Subpart F of Part 157 of the Commission's Regulations, or (3) termination of the transportation agreement by either of the parties.

Panhandle states that GM has entered into a natural gas purchase agreement with State Gas Pipeline (State Gas) providing for the purchase of up to 20 billion Btu of natural gas per day. Panhandle further states it would receive the natural gas at existing points of receipt on its system in Major, Kingfisher and Woodward Counties Oklahoma. Panhandle proposes to transport and redeliver such natural gas, less a four percent reduction for fuel, to Michigan Gas Storage Company (Michigan Gas) at an existing point of connection in Oakland County, Michigan. It is explained that Michigan Gas would then transport and deliver the natural gas to Consumers Power Company (Consumers) which in turn would make ultimate delivery to GM for its end use at its Warren Kalamazoo, Saginaw and Bay City, Michigan, facilities. Panhandle indicates that Michigan Gas is an existing jurisdictional customer of Panhandle whereas Consumers is served by Michigan Gas and that GM is an existing end-use customer of Consumers.

Panhandle proposes to charge GM a transportation rate pursuant to its Rate Schedule OST, which rate is currently 42 cents, plus 1.24 cents GRI surcharge, for each milion Btu redelivered at the point of redelivery. Panhandle states that the Rate Schedule OST excess service rate is currently 87 cents, plus 1.24 cents GRI surcharge, for each million Btu redelivered at the point of redelivery.

Panhandle indicates that the natural gas would be used at GM's facilities for boiler and process fuel. Panhandle also indicates that no intermediary participated in the transaction between GM and State Gas.

Panhandle also request 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. Panhandle 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: April 15, 1985, in accordance with Standard Paragraph G at the end of this notice.

[Docket No. CP85-274-000]

5. Michigan Gas Storage Company

Take notice that on February 8, 1985, Michigan Gas Storage Company (Michigan Gas), 212 West Michigan Avenue, Jackson, Michigan 20036, filed in Docket No. CP85-274-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas for General Motors Corporation (GM) under the certificate issued in Docket No. CP84-451-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the commission and open to public inspection.

Michigan Gas states the GM has purchased a supply of natural gas from State Gas Pipeline. Michigan Gas further

states that Panhandle Eastern Pipe Line Company (Panhandle) would receive such natural gas at existing points of receipts on its system in Oklahoma. Panhandle would then transport and redeliver such natural gas to Michigan Gas in Michigan, it is explained.

Michigan Gas proposes to receive up to 17.5 billion Btu of natural gas per day for GM from Panhandle at various existing points of interconnection between Panhandle and Michigan Gas, provided that such points(s) of interconnection are downstream from the South Lyon measuring station of Michigan Gas in Oakland County, Michigan. Michigan Gas states that the natural gas would then be transported and redelivered on an interruptible basis to Consumers Power Company (Consumers) which in turn would make ultimate delivery to GM for its end-use at its Warren, Kalamazoo, Saginaw and Bay City, Michigan, facilities. Michigan Gas indicates that it is an existing jurisdictional customer of Panhandle whereas Consumers is served by Michigan Gas and that GM is an existing end-use customer of Consumers.

Michigan Gas states it request authorization from the date automatic authorization expires through termination as provided in Subpart F of 18 CFR Part 157 or the termination of the transportation agreement dated December 19, 1984, between GM and Michigan Gas. It is further stated that the term of the transportation agreement is for a period of two years beginning December 29, 1984, provided that either party may terminate on 30 days notice to the other party.

Michigan Gas would charge GM for the transportation service as provided in Michigan Gas, Rate Schedule T-3. Michigan Gas indicates that the natural gas would be used at GM's facilities for boiler and process fuel. Michigan Gas also indicates that no intermediary participated in the transaction between GM and State Gas Pipeline.

Michigan Gas also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-use. The flexible authority requested applies only to points related to sources of gas supply, not to delievery points in the market area. Michigan Gas 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 woud only be obtained to constitute the transportation quantities here is and not to increase those quantities.

Comment date: April 15, 1985, in accordance with Standard Paragraph G at the end of this notice.

[Docket No. CP85-254-000]

6. Northern Natural Gas Company, Division of InterNorth, Inc.

Take notice that on January 28, 1985, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85-254-000 a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natual gas on behalf of Robinson Brick Company (Robinson Brick) under the certificate issued in Docket No. CP82-401-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern proposes to transport 1800 Mcf of natural gas per day for Robinson Brick through June 30, 1985. It is stated that the gas would be received by Northern at (1) a point on Northern's system located in Haskell County, Kansas (Haskell County receipt point) and/or (2) a point on Northern's system located in Clark County, Kansas (Clark Country receipt point) and/or (3) a point on Northern's system located in Weld County, Colorado (Weld Country receipt point). It is further stated that commencing with said deliveries to the Haskell County receipt point and the Clark County receipt point, Northern would transport the gas to a point on Northern's system located in Gage County, Nebraska (Beatrice), and from Beatrice, Northern would transport, by displacement, thermally equivalent quantities to an interconnect between Northern and Western Gas Supply Company located in Weld County, Colorado (Weld County delievery point). It is further stated that for gas received at the Weld County receipt point, Northern would transport equivalent volumes to the Weld County delivery point. Northern states that the gas to be transported would be purchased by Robinson Brick from Northern Gas Marketing, Inc., and would be used as fuel to heat the brick kilns and as residual fuel to heat the plant.

It is stated that the following rates are proposed to be charged Robinson Brick for the transportation service:

(1) 16.3 cents per Mcf of gas transported from the Haskell County recipt point to Beatrice and/or 13.5 cents per Mcf of gas transported from the Clark County receipt point to Beatrice; and/or 1.21 cents per Mcf of gas tranported from the Weld County receipt point to the Weld County delivery point.

(2) 1.25 cents per Mcf for funding the Gas Research Institute.

It is also stated that Northern would also retain, for fuel and unaccounted-for gas, 5½ percent and 3½ percent of all volumes received at the Haskell County and Clark County receipt points, respectively.

Nothern also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by Vulacan. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Northern would 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 not to increase those quantities.

Comment date: April 15, 1985, in accordance with Standard Paragraph G at the end of this notice.

[Docket No. CP85-271-000]

7. Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

Take notice that on February 8, 1985, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP85-271-000 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 Courtaulds North America, Inc. (Courtaulds), under the blanket certificates issued in Docket No. CP82-413-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant states that it entered into a gas transportation agreement (Agreement) with Courtaulds on January 8, 1985. Pursuant to the terms of the Agreement, Applicant proposes to transport up to 5,000 Mcf of gas per day which Courtaulds purchases from Mobil Oil Exploration and Producing Southeast Inc. (Mobil) in the Topeka Field, Lawrence County, Mississippi, and the Bovina Field, Warren County, Mississippi. Applicant states it would receive, on an interruptible basis, the gas purchsed by Courtaulds at the existing points of interconnection between Applicant and Mobil at Applicant's Meter No. 0-0557-1 in the Topeka Field and/or Applicant's Meter

No. 0–0516–1 in the Bovina Field. Applicant indicates that it would transport the gas to United Gas Pipe Line Company (United) at the existing points of interconnection between the facilities of Applicant and United at applicant's Meter No. 5–0108 in the Topeka Field and/or Applicant's Meter No. 5–0110–1, United-Bovina Check Meter, in Warren County, Missisippi. United would then transport equivalent volumes to Courtaulds' LeMoyne plant located near Salco, Mobile County, Alabama.

Applicant states that, pursuant to § 157.209(a)(2), the transportation service was commenced on January 9, 1985. Applicant requests authority to perform such service until June 30, 1985.

Pursuant to its Rate Schedule ITEU, Applicant proposes to charge Courtaulds 7.02 cents per Mcf of gas delivered during the month. In addition, Courtaulds would provide Applicant 1.2 percent of the daily volume for system fuel and uses and gas lost and unaccounted for, it is stated.

Applicant 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. Applicant 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: April 15, 1985, in accordance with Standard Paragraph G at the end of this notice.

8. Montana-Dakota Utilities Co.

[Docket No. CP85–259–000]

Take notice that on February 1, 1985, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP85–259–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for autorization to construct and operate sales taps and appurtenant facilities under the certificate issued in Docket No. CP83–1–000, as amended in Docket No. CP83–1–001, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

MDU proposes to construct and operate 14 retail sales taps and appurtenant facilities on its natural gas transmission system for the delivery of gas to certain new residential, commercial and industrial end-user customers, as further explained in the Appendix hereto. It is stated that the natural gas ultimately consumed by each customer would be served from MDU's general system supply. MDU further states that the deliveries would be made in accordance with the terms of *Amendment of Stipulation and Agreement in Settlement of Remaining Issues* approved by the Commission's order issued February 19, 1982, regarding MDU's curtailment plan in Docket No. RP76–91–000.

Any person or the Commission's staff may, within 45 days after 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 therefore, 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 purusant to Section 7 of the Natural Gas Act.

LIST OF SALES TAP CUSTOMERS

Name of customer	Location of tap	Peak day usage	Class of customer	Estimated cost
Cary Schuker	Sec. 4, T150N, R66W, Eddy County, ND	3	Residential	$1,000
Concrete Pre-Mix	Sec. 35, T161N, R60W, Cavalier County, ND	18	Commercial	1,000
Minot Air Force Base Hospital	Sec. 18, T157N, R82W, Ward County, ND	60	do	1,000
Arlin Kemmit	Sec. 25, T147N, R81W, McLean County, ND	6	Residential	700
Darrel Sanberg	Sec. 19, T157N, R94W, Mountrail County, ND	2	do	700
Williston Park Sub-division	Sec. 3, T154N, R101W, Williams County, ND	14	do	1,000
Texaco	Sec. 15, T150N, R99W, McKenzie County, ND	250	Industrial	2,500
Sun Exploration & Prod. Co. M.L. Lassey #1 Battery API 33–053.	Sec. 34, TN, R103W, McKenzie County, ND	16	do	1,000
Bill Johnson	Sec. 30, T140N, R104W, Golden Valley County, ND	2	Residential	700
Vern Moss	Sec. 31, T10N, R51E, Prairie County, ND	2	do	700
Rau School District	Sec. 16, T22N, R59E, Richland County, ND	6	Commercial	700
Norman Lundquist	Sec. 32, T6S, R23E, Carbon County, ND	2	Residential	700
Robert J. Springer	Sec. 2, T50N, R82W, Johnson County, ND	2	do	700
Joe Nichols	Sec. 35, T7N, R2E, Lawrence County, ND	2	do	700

Comment date: April 15, 1985, in accordance with standard Paragraph G at the end of this notice.

9. Transcontinental Gas Pipe Line Corporation

[Docket No. CP85–264.000]

Take notice that on February 4, 1985, Transocontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP85–264–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission to abandon natural gas sales to Columbia Gas Transmission Corporation (Columbia) under three expired service agreements, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it presently provides natual gas service of 86,400 dt equivalent per day to Columbia under five service agreements at five delivery points and that three of these service agreements, with contract demands totaling 60,000 dt equivalent per day, have expired; and Applicant desires to abandon service under these agreements. These agreements, it is explained, include delivery of 15,000 dt equivalent per day at Rockville, Maryland; 20,000 dt equivalent per day at Downingtown, Pennsylvania; and 25,000 dt equivalent per day at Dranesville, Virginia. Applicant states that it owns the facilities at Downingtown and Dranesville, while Columbia owns the facilities at Rockville. Applicant states that the facilities would not be abandoned because they could be used for future

transportation or exchange agreements or for emergency situations.

Applicant states that Columbia's 1984 annual load factor purchases were 12 percent at Dranesville, 13 percent at Downingtown, and 14 percent at Rockville. Applicant further states that it would use the pipeline capacity made available by the proposed abandonment to render additional firm service to certain of its customers and that such service would be the subject of another application to be subsequently filed by Applicant.

Comment date: March 21, 1985, in accordance with Standard Paragraph F at the end of this notice.

[Docket No. CP70-7-028]

10. Southern Natural Gas Company

Take notice that on January 25, 1985, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP70-7-028 a petition to amend the order issued October 29, 1969, in Docket No. CP70-7-000 pursuant to Section 7 of the Natural Gas Act so as to grant authorizations reflecting a merger and corporate reorganization of two of its customers and the associated assignment and transfer of one of the customers' service agreements and related contract demand and requirements to the other customer, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Southern is currently authorized to sell and deliver to Carolina Pipeline Company (Carolina Pipeline) a contract demand of 45,461 Mcf of natural gas per day and that Southern is also authorized to sell and deliver a contract demand of 165,439 Mcf of gas per day to South Carolina Electric & Gas Company (South Carolina). Southern states that Carolina has sold its gas transmission properties to Carolina Pipeline in a corporate reorganization and that as part of said corporate reorganization South Carolina assigned its service agreement with Southern to Carolina Pipeline. Southern therefore requests authorization to sell to Carolina Pipeline an additional contract demand volume of 165,439 Mcf per day and to abandon sales and deliveries to South Carolina.

It is indicated that upon receipt of the authorization requested, Southern would file revised tariff sheets to its Index of Requirements reflecting the new contract demand of Carolina Pipeline resulting from the assignment and transfer of South Carolina's service agreement to Carolina Pipeline and the transfer from South Carolina to Carolina Pipeline of the former's requirement in Southern's Index of Requirements.

Comment date: March 21, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). 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. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is requried, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

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. 85-5517 Filed 3-6-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF85-233-000, et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications; etc.; Northwest Power Co., et al.

Comment date: Thirty days from the publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

March 1, 1985.

Take notice that the following filings have been made with the Commission:

1. Northwest Power Company (Lower Haypress Creek)

[Docket No. QF85-233-000]

On February 7, 1985, Northwest Power Company, (Applicant), of Four Embarcadero Center, Suite 1980, San Francisco, California 94111, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The Lower Haypress Creek Hydroelectric Project (P. 6028) will be located on the Lower Haypress Creek, in Sierra and Nevada Counties, California. The project electric capacity and annual generation will respectively be 5,000 kW and 12,000 MWh approximately. A 23-mile, 60 kV transmission line will connect the project to Pacific Gas & Electric Company (PG&E) near Lake Spaulding, California. The applicant will own another 5,000 kW Lower Haypress Creek hydroelectric project (P. 6061) located within one mile of the proposed facility, hence the aggregate capacity of Haypress Creek and Lower Haypress Creek Projects will be approximately 10,000 kW. No electric utility or electric utility holding Company has any ownership interest in the facility.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR

Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

2. Northwest Power Company (Haypress Creek)

[Docket No. QF85-232-000]

On February 7, 1985, Northwest Power Company, (Applicant) of Four Embarcadero Center, Suite 1980, San Francisco, California 94111, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The Haypress Creek Hydroelectric Project (P. 6061) will be located on the Haypress Creek, in Sierra and Nevada Counties, California. The project electric capacity and annual generation will respectively be 5,000 kW and 12,000 MWh approximately. A 22-mile, 60 kV transmission line will connect the project to Pacific Gas & Electric Company (PG&E) near Lake Spaulding, California. The applicant will own another 5,000 kW Lower Haypress Creek hydroelectric project (P. 6028) located within one mile of the proposed facility, hence the aggregate capacity of Haypress Creek and Lower Haypress Creek Projects will be approximately 10,000 kW. No electric utility or electric utility holding Company has any ownership interest in the facility.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

3. Romic Chemical Corporation

[Docket No. QF85-240-000]

On February 11, 1985, Romic Chemical Corporation of 2081 Bay Road, East Palo Alto, California 94303 (Applicant) submitted for filing an application for certification of a facility as a qualifying congeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the Applicant's plant in East Palo Alto, California. The facility will consist of a combustion gas turbine exhausting to a heat recovery boiler. Steam produced in the boiler will be used for plant process steam loads, with excess steam being injected back into the turbine. The primary energy source for the facility will be natural gas. The electric power production capacity of the facility will be 6 megawatts. Construction of the facility is scheduled to begin in October 1985 and completed by April 1986.

4. Procter & Gamble Manufacturing Company

[Docket No. QF85-241-000]

On February 11, 1985, the Procter & Gamble Manufacturing Company, 1306 Highway 70 Bypass, Jackson, Tennessee 38301 (Applicant) submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the Applicant's plant, in Jackson, Tennessee. The facility will consist of two base-loaded diesel-generator sets exhausting into a heat recovery boiler for steam production. The boiler will contain duct burners for supplementary gas or diesel firing whenever required. The primary energy source for the facility will be natural gas. The electric power production capacity of the facility will be 5,000 kilowatts. Construction began in June 1984 and startup is scheduled for March 1985.

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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-5519 Filed 3-6-85; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Proposed Pre-1989 Salt Lake City Area (SLCA) Integrated Projects Firm Power Offer

AGENCY: Western Area Power Administration, Energy.

ACTION: Proposed Pre-1989 SLCA Integrated Projects Firm Power Offer.

SUMMARY: As a direct result of the proposed integration of the Colorado River Storage Project (CRSP), Collbran, Rio Grande, and Provo River Projects, hereafter referred to as the SLCA Integrated Projects, as well as recent and projected Glen Canyon generator uprates, the Western Area Power Administration (Western) has determined that additional firm power and energy will be available in the Salt Lake City market area for the period from October 1, 1986, through September 30, 1989. In addition to project integration and generator uprates, selection of a new hydrological basis for determination of marketable resources and a lower reserve level have resulted in the identification of this additional firm power and energy not previously marketed under existing power marketing criteria. Available hydroelectric power will vary from about 80 to 110 MW (see table 1) as uprated units are entered into service, with energy at seasonal load factors of 18 percent to 63 percent. Western proposes to supplement this hydro resource with varying seasonal thermal purchases, if necessary, to provide 85 megawatts (MW) or firm power with associated energy at an approximate 50 percent seasonal load factor. Hydro resources in excess of these amounts which may be available in a few seasons will be marketed under other existing programs. Potential new customers who satisfy eligibility requirements and certain existing customers receiving a small percentage of power from Federal resources will be given priority, but other existing customers may also be eligible for an allocation of this additional SLCA Integrated Projects firm power for the proposed contract period. However, if the total applications for power from priority customers exceed 85 MW, a portion of the power allocated to existing customers may be made on a withdrawable basis, subject to the readiness of potential new customers to receive and distribute Federal power.

Proposed contract terms and conditions and many other elements of this offer are similar to those proposed in the September 4, 1984, Federal

Register publication of the Revised Proposed General Power Marketing Criteria for SLCA Integrated Project Resources (Post-1989 Plan, 49 FR 34900 (September 4, 1984)). Written comments on this proposed offer will be received by Western's Salt Lake City Area Office through March 20, 1985.

Since it is likely that many of the probable comments will have been presented in previously transcribed public forums, Western believes that a separate public information and/or comment forum will not be necessary. However, should sufficient written comment raise issues not previously addressed, Western will, at that time, decide whether a public forum is appropriate.

A final pre-1989 firm power offer will be prepared with a preliminary target publication date of August 1985. In this final notice, applications for power will be requested. Potential customers are expected to be formally notified of proposed allocations during October 1985.

ADDRESSES: On or before March 20, 1985, written comments on this proposed firm power offer may be sent to: Mr. Mark N. Silverman, Area Manager, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147, Telephone: (801) 524-5494.

SUPPLEMENTARY INFORMATION: Contents of Supplementary Information Section:

A. Applicability.
B. Marketable Resources.
C. Market Area, Service Seasons, and Class of Service.
D. Eligibility.
E. Allocation Procedure.
F. Application Procedure.
G. General Contract Terms and Conditions.
H. Regulatory Procedure Requirements.

A. Applicability

This offer is based upon the provisions of the Act of April 11, 1956 (70 Stat. 105), referred to as the CRSP Act, and specifically section 7 which provides for the operation of CRSP: ". . . so as to produce the greatest practicable amount of power and energy that can be sold at firm power and energy rates."

The offer shall become final upon approval and promulgation by the Administrator of Western and shall apply to those additional SLCA Integrated Projects resources determined to be available for the period October 1, 1986, through September 30, 1989, and shall include varying seasonal amounts of complementary thermal power and energy purchases, as may be required in some seasons. Firm power and energy defined in this offer will be allocated and marketed in accordance with terms and conditions detailed in this notice. Terms and/or conditions of this offer may be subject to change upon reasonable notice by the Administrator.

B. Marketable Resources

Additional power available from SLCA Integrated Projects resources will be based on the maximum operating capacity of the powerplants of the Collbran, Rio Grande, and Provo River Projects along with the capacity from the CRSP powerplants based on 90 percent hydrological probability during the period from 1986 to 1989. Determination of the 90 percent level of available power is based upon the application of the computer simulation model of the Colorado River, known as Colorado River Simulation System (CRSS), using the 78 years of recorded historic flows. Estimated hydroelectric energy available for load is based on average hydrological conditions projected for the 15-year period ending September 1999. Power and energy has been reserved for certain Bureau of Reclamation (BuRec) priority uses. All resources will be marketed in accordance with applicable Federal laws and policies.

Based upon the most current schedule for generator unit uprates at Glen Canyon Powerplant provided by the BuRec, Western has estimated the additional marketable hydroelectric resources available from October 1, 1986, to September 30, 1989. Table 1 provides a summary of the estimated additional power and energy available from the SLCA Integrated Projects, as well as estimates of the varying amounts of purchased thermal power and/or energy which may be required. Thermal purchases will be made, as required, to provide a constant resource level of 85 MW of firm power with associated firm energy sufficient to provide an approximate seasonal load factor of 50 percent or 2190 kWh/kW.

In determination of additional marketable resources for this period, consideration was given to reservation of a portion of the total SLCA Integrated Projects resources for BuRec project uses, and an additional amount of firm power and energy to the BuRec for other priority uses that do not fall within the traditional definition of project use. The amounts reserved are shown in table 2.

As stated above, these additional SLCA Integrated Projects power resources were not anticipated or addressed in the February 6, 1984, CRSP General Power Marketing Criteria which are currently in effect, and therefore, are considered a separate marketable resource. Offering hydroelectric energy with this power could reduce the amounts of surplus energy offered to existing CRSP customers under the existing criteria. However, in just 1 year (FY 1984) when surplus energy was offered every month on a 100 percent load factor basis, over 1750 GWh of hydroelectric energy were produced in excess of all energy delivered to firm power customers—far in excess of what Western proposes to commit with these new power resources for the entire 3-year period.

C. Market Area, Service Seasons, and Class of Service

The primary market area for this resource shall be the SLCA market area which includes the States of New Mexico and Utah; western Colorado (west of the Continental Divide); the southwest area of Wyoming within the Colorado River Basin; White Pine County and portions of Elko and Eureka Counties in Nevada; and the portions of Arizona that lie in the drainage area of the Upper Colorado River Basin.

The service seasons shall be comprised of a 6-month summer season from the first day of the April billing period through the last day of the September billing period, and a 6-month winter season from the first day of the October billing period through the last day of the March billing period.

Class of service shall be firm power with associated energy and, in some seasons, will represent a varying combination of hydro and thermal resources. Based on the most recent historic hydrologic data base and the estimated Glen Canyon uprate schedule, it is anticipated that hydroelectric power included in this offer will approximately equal or exceed 85 MW for all seasons. Sufficient hydroelectric energy is estimated to be available in the winter seasons, but about 100 GWh of thermal energy will most likely be required in all summer seasons to provide 2190 KWh of firm energy per kW of firm power. This energy entitlement was selected to complement the anticipated seasonal load factor of post-1989 marketable resources.

All prospective customers should be aware that estimates for available hydro power and energy are based upon the assumption of 90 percent hydrologic probability for capacity (power) and mean energy availability. It is therefore possible but not probable, that in an extreme adverse water year, 100 percent thermal purchases may be required to

fulfill contractual commitments pursuant to this offer. The costs of such purchases and delivery would be borne solely by the customer.

D. Eligibility

To be eligible for an allocation of this available firm power and energy, an entity must be either a potential new preference customer or an existing preference customer under consideration for an allocation of SLCA Integrated Projects resources in the post-1989 contract period, and identified as such in the September 4, 1984, Revised General Power Marketing Criteria proposal. Therefore, each eligible entity must have submitted complete application profile data to the Salt Lake City Area Office prior to the December 31, 1983, submittal deadline and must satisfy all preference prerequisites and eligibility requirements proposed in the September 1984 proposal. In addition, potential new preference entities generally must have taken *significant and tangible steps* by January 1, 1984, to acquire the means to distribute power by September 30, 1988.

Consideration shall be given to all eligible applicants based on the following order of priority:

1. Existing preference entities in the SLCA market area who have no existing allocation of Federal power, have established utility responsibility, and are ready to accept delivery by October 1, 1986; or eligible new preference entities who have not yet established utility responsibility; or preference customers presently purchasing CRSP firm power in the SLCA market area who received less than 25 percent of their requirements from Federal resources, based on the average of 1980–82 load data;

2. Other preference customers presently purchasing CRSP firm power;

3. Nonpreference entities acting as agents for public entities without distribution systems; and

4. Nonpreference entities acting on their own behalf.

E. Allocation Procedure

Within the priority categories set out above, an allocation of available firm power and energy will be based on the amount requested by each qualified applicant, up to an amount equal to the 3-year average historic load from 1980–82, as reported in applicant profile data. In the event that the total amount requested by all applicants within any priority category exceeds resource estimates available to that priority group, proportional adjustments will be made to all requests, accordingly.

If requests from potential new customers and certain existing customers (priority category 1) are not sufficient to fully commit the offered resource from October 1986 through September 1989, allocations will be made to others who have submitted an application hereunder, based on subsequent priority categories. If requests from priority customers are sufficient to fully commit the offered resources, allocations to existing customers may still be made, but on a withdrawable basis, with the understanding that as potential new customers acquire the means to distribute power, the contract commitment to the existing customer will be withdrawn.

An adjusted maximum allocation (greater than the 3-year average 1980-82 load) may be established for those potential new customers who may have experienced a substantial increase in load during 1983 and 1984. (A "substantial increase" is considered to be equivalent to a load growth in excess of 10 percent per year.) For those requesting this consideration, load data for 1983 and 1984 will be required. The form of this data should be similar to those items of information pertaining to historic load as requested in the **Federal Register** notice of February 4, 1983 (48 FR 5303). Information submitted shall have the signature and title of an appropriate official who is able to attest to the validity of the additional data submitted and who is authorized to submit an application for power.

It is important to note that allocation of this power and energy to either potential new preference customers or existing CRSP preference customers will *not* affect the basis upon which post-1989 allocation amounts will be determined.

F. Application Procedure

Application from eligible utilities for available resources must be received by Western's Salt Lake City Area Office by the date specified in the final offer. All applications shall indicate the amount of firm power and energy requested for each summer and winter season. Power shall be expressed in kilowatts, and energy expressed in kilowatthours.

For potential new preference customers, the following additional information will be necessary to be considered eligible to participate in the allocation procedure:

1. Description of the current status of efforts to establish utility responsibility (i.e., efforts to acquire ability to receive and distribute power);

2. Projected schedule of remaining steps to be taken to establish responsibility;

3. Projected date when acceptance of electric service will be possible and when each customer will be ready to receive delivery from Western; and

4. Any information to update previously submitted applicant profile data relating to substantial changes in load magnitude, delivery points, or transmission system voltages.

G. General Contract Terms and Conditions

1. Effective Date and Contract Term

Contracts offered for the sale of this firm power with associated energy will become effective on the first day of the October 1986 billing period (or upon the first day of any subsequent season when a potential new preference customer has established utility responsibility). All contracts shall terminate on the last day of the September 1989 billing period.

2. Rates

The rate for the portion of the contractor's seasonal power and energy commitment represented by *hydro* generation will be billed at the rate in effect for CRSP firm power and energy until a SLCA Integrated Projects firm power and energy rate is established. If implemented, a new Integrated Projects rate schedule will replace the CRSP rate schedule upon its effective date.

The rate for the portion of the contractor's seasonal power and energy commitment represented by *thermal* purchases will be billed at the average purchase cost plus 15 percent of the average purchase cost to account for transmission losses and administrative expenses.

All potential customers will be provided an estimate of the anticipated proposed purchase costs for thermal resources prior to contract execution.

3. Withdrawable Power and Energy

If some power and energy is allocated on a withdrawable basis, the contract will provide that the contract commitment can be reduced or withdrawn upon 60 days notice prior to the beginning of any season. Tentative withdrawal dates will be established prior to contract execution.

4. Power Receipt and Distribution

Contractors must have the means to receive and distribute power no later than December 31, 1988, in order to avoid automatic forfeiture of their contract rights unless Western specifically agrees otherwise in writing.

5. Allottee Purchasing Agents

Western may contract with a single purchasing agent for two or more allottees, but only under conditions that permit Western to retain all the benefits of load diversity as if separate contracts were executed with each allottee.

6. Load Diversity Adjustment

Contract provisions will permit Western to adjust contract rates of delivery downward on a proportional basis in the event load diversity does not cover transmission system losses.

7. Delivery Obligations

Monthly power and energy delivery obligations for each season will be set forth in each contractor's power sales contract. These amounts will approximate the estimated monthly pattern of the contractor's load requirements, unless Western agrees to deviate for resource related purposes, such as the contractor's maintenance schedules. Western will agree to requested deviations if the United States is not adversely affected.

8. Resale Provisions

All contractors will implement the terms of the Resale of Electric Energy Article upon contract execution, or upon receipt of Federal power. Failure to comply may result in loss of all or a part of the resources committed to the contractor.

The Resale of Electric Energy Article will contain, among other things, a requirement that the contractor demonstrate that:

(a) The benefits of federally-generated power are distributed to the contractor's customers at the lowest possible rates consistent with sound business principles, and

(b) Consumers can identify the costs of federally-generated power and non-federally-generated power such that the true costs of growth and the benefits of conservation and/or development of renewable resources are readily identifiable.

When the contractor consists of members or principals who are retail distributors of Federal power, these retail distributors wil be directly accountable to Western for complying with the above requirements. These requirements may be satisfied by the contractor and its members or principals by displaying, on a semiannual notice rendered to their customers, a breakdown of the amounts and costs of Federal power and non-Federal power and of the magnitude and type of other costs which constitute the composite costs charged to the customers.

9. Scheduling, Accounting, and Billing

Western and its contractors will establish mutually agreeable scheduling and accounting procedures, based upon standard utility industry practices, which will provide efficient, practicable utilization of power and energy.

All terms and conditions regarding scheduling, accounting, and billing shall be in accordance with provisions currently in effect for CRSP sales, with the following modifications:

(a) Billing, scheduling, and accounting procedures will be detailed in power sales contracts which will provide for separation of those portions of the marketed resource that are represented by available hydro generation and thermal purchases, and for differentiation among existing customers between existing contract commitments and entitlements under this offer;

(b) The SLCA Integrated Projects firm energy obligation will be approximately 2190 kWh of firm energy per kW of firm power in the summer and winter seasons, representing an equivalent seasonal load factor of approximately 50 percent, rather than the present CRSP energy entitlement of 2550 kWh/kW or an approximate 58 percent seasonal load factor.

10. Conservation and Renewable Energy Program

Contractors will implement the terms of the Conservation and Renewable Energy (C&RE) Article within 1 year of the date of contract execution. The development of a C&RE program is a responsibility of each Western firm power contractor and its member systems, if any, benefiting from the purchase of federally-generated firm power.

An "Announcement of Final Guidelines and Acceptance Criteria for Customer Conservation and Renewable Energy Program" was published in the **Federal Register** (46 FR 56140) on November 13, 1981. In order to achieve the purposes listed therein, Western will guide and assist its firm power contractors in their C&RE program development, as requested and to the extent possible. Failure to develop a C&RE program that meets the Western Acceptance Criteria may subject a contractor to the potential loss of 10 percent of its firm power allocation.

H. Regulatory Procedure Requirements

1. Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. In this instance the marketing plan relates to electric services provided by Western. Under 5 U.S.C. 601(2), services are not considered "rules" within the meaning of the Act. Therefore, Western believes that no flexibility analysis is required.

2. Intent to Make Environmental Determination

In compliance with the National Environmental Policy Act of 1969 (NEPA) and the Department of Energy (DOE) regulations published in the **Federal Register** on February 23, 1982 (47 FR 7976), Western conducts environmental evaluations of certain rate and allocation actions. Under the DOE regulations, Western will make an environmental determination of the possible impacts of this proposed 1986–89 offer prior to its implementation.

3. Determination Under Executive Order 12291

The Department of Energy has determined that this is not a major rule because it does not meet the criteria of section 1(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981). Western has an exemption from sections 3, 4, and 7 of Executive Order 12291.

Issued in Washington, D.C., February 21, 1985.

Ronald K. Greenhalgh,

Assistant Administrator for Washington Liaison.

TABLE 1.—OFFERED RESOURCES [1]

	1986–87 Winter	1987 Summer	1987–88 Winter	1988 Summer	1988–89 Winter	1989 Summer
Power (MW):						
Estimated available hydro power [2]	82.65	107.31	82.65	98.25	82.65	84.51
Estimated required thermal purchase	2.35	0	2.35	0	2.35	.49
Total marketable power offered	85.00	85.00	85.00	85.00	85.00	85.00
Energy (GWh):						
Estimated available hydro generation [2]	227.66	99.55	227.66	91.01	227.66	78.64
Estmated required thermal purchase	0	86.60	0	95.14	0	107.51
Total marketable energy offered	186.15	186.15	186.15	186.15	186.15	186.15

TABLE 1.—OFFERED RESOURCES [1]—Continued

	1986–87 Winter	1987 Summer	1987–88 Winter	1988 Summer	1988–89 Winter	1989 Summer
Seasonal energy factor = 2190 kWh/kW.						

[1] Based on October 22, 1984, estimated Glen Canyon Uprate Schedule, Bureau of Reclamation.
[2] Resources from SLCA Integrated Projects in excess of amount required to serve existing commitments, minus 114 MW for reserves, and amounts shown on table 2 for project use and other priority use requirements.
[3] Based on average generation in excess of amount required to serve existing load, minus losses, project use, and other priority use requirements.

TABLE 2.—RESERVATIONS FOR BUREAU OF RECLAMATION AND RELATED LOADS

	1986–87 Winter	1987 Summer	1987–88 Winter	1988 Summer	1988–89 Winter	1989 Summer
Power (MW):						
Project use	.50	23.06	.50	27.87	.50	38.31
Other priority use	2.04	13.54	2.04	17.79	2.04	21.09
Total	2.54	36.60	2.54	45.66	2.54	59.40

[FR Doc. 85–5426 Filed 3–6–85; 8:45 am]
BILLING CODE 6450–01–M

FEDERAL COMMUNICATIONS COMMISSION

Federal-State Joint Board; Notice of Meeting and Notice of Meeting Deferral

Correction

FR Docs. 85–5074 and 85–5320 were published in the Sunshine Act Meetings section on Friday, March 1, 1985, at page 8435 and on Tuesday, March 5, 1985, at page 8811, respectively. They should have appeared in the regular Notices section of those issues.
BILLING CODE 1505–02–M

FEDERAL HOME LOAN BANK BOARD

[No. 85–142]

FSLIC Insurance Premium

Dated: February 22, 1985.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation"), has adopted a resolution pursuant to which the Corporation ordered the assessment against each insured institution of an additional premium for FSLIC insurance in an amount equal to one-thirty-second of one percent of the total amount of the accounts of the insured members of each insured institution determined as of December 31, 1984.

EFFECTIVE DATE: February 22, 1985.

FOR FURTHER INFORMATION CONTACT: Mary A. Creedon, Director, Insurance Division, Office of the FSLIC (202) 377–6620; Judith K. Gunderson, Attorney, Office of General Counsel (202) 377–6442, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

Assessment of Additional Insurance Premium

Whereas, The Federal Home Loan Bank Board ("Bank Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation" or "FSLIC"), may authorize the Corporation, pursuant to section 404(c) of the National Housing Act, as amended ("NHA"), 12 U.S.C. 1727(c) (1982), to assess against each institution the accounts of which are insured by the Corporation pursuant to section 403 of the NHA, 12 U.S.C. 1726 (1982) ("insured institution") additional premiums for such insurance until the amount of such premiums equals the amount of all losses and expenses of the Corporation, *provided* that the total amount so assessed in any one year against any insured institution shall not exceed one-eighth of one per centum of the total amount of the accounts of the insured members of such institution; and

Whereas, The Bank Board has considered a memorandum dated February 22, 1985, from the Director, Office of the FSLIC, and attachments (a copy of which memorandum is in the Minute Exhibit file) describing the losses and expenses incurred by the Corporation and the impact of those losses and expenses on the Corporation's insurance reserves; and

Whereas, The Bank Board has previously solicited and received public comment upon the assessment of additional premiums to meet losses and expenses of the Corporation pursuant to an advance notice of proposed rulemaking dated November 4, 1984, and a notice of proposed rulemaking dated March 17, 1983, and has considered such comment:

Losses and Expenses of the Corporation

Now, therefore, it is resolved That the Bank Board, as operating head of the Corporation, finds that, for the purposes of section 404(c) of the NHA, the losses of the Corporation include losses incurred by the Corporation pursuant to its obligation under section 405(b) of the NHA, 12 U.S.C. 1728(b) (1982), in the event of the default of an insured institution, to make payment of each insured account in such insured institution which is surrendered and transferred to the Corporation, and losses incurred by the Corporation pursuant to its provision of assistance to insured institutions or acquirers thereof under section 406(f) of the NHA, 12 U.S.C. 1729(f) (1982); and

Resolved further, That the Bank Board, as operating head of the Corporation, finds that, for the purposes of section 404(c) of the NHA, the expenses of the Corporation include the operating expenses of the Corporation incurred in connection with the maintenance of the Corporation's insurance reserves and the performance by the Corporation of its duties under Title IV of the NHA, 12 U.S.C. 1724 *et seq.* (1982); and

Resolved further, That the Bank Board finds that the Corporation has incurred substantial losses during calendar years 1981 through 1984; and

Assessment

Resolved further, That the Bank Board finds and determines that:

1. Losses incurred by the Corporation require the assessment of an additional insurance premium pursuant to section 404(c) of the NHA in order to maintain the insurance reserves of the Corporation at a level adequate to meet in part the Corporation's losses and expenses and to protect the insured members of insured institutions;

2. It appears that the Corporation will incur further substantial losses and expenses in calendar year 1985;

3. It is appropriate, therefore, to provide for such assessment at this time, pursuant to section 404(a)(2) of the NHA, by order of the Corporation; and

4. Adequate opportunity for public comment upon the assessment of an additional premium equal to or less than the losses of the Corporation has been provided by the advance notice of proposed rulemaking issued by the Bank Board on November 4, 1982, and the notice of proposed rulemaking issued by the Bank Board on March 17, 1983; and

Resolved further, That the Corporation hereby orders the assessment against each insured institution of an additional premium for insurance in an amount equal to one-thirty second of one per centum of the total amount of the accounts of the insured members of each insured institution determined as of December 31, 1984; and

Resolved further, That the additional insurance premium assessed pursuant to this Resolution shall be paid by each insured institution on or about March 31, 1985; and

Resolved further, That the Director or Deputy Director for Operations and Administration, Office of the FSLIC ("Director"), shall determine the amount of the additional insurance premium due to be paid on March 31, 1985 by each insured institution and shall notify each insured institution of such amount at least twenty (20) days prior to the date such amount is due; and

Resolved further, That the Bank Board recognizes the existence of proposals to amend the NHA to provide for the making available to the Corporation deposits or other payments from insured institutions to increase substantially the insurance reserves of the Corporation and that the adoption by the Congress of any such proposal could ameliorate the need for the additional assessment provided for herein; and

Resolved further, That if such an amendment to the NHA is enacted into law prior to September 1, 1985, and the Bank Board determines that such amendment has the effect of ameliorating the need for such additional assessment, then the Director shall either refund to each institution that has paid the additional insurance premium the amount thereof or shall establish a credit equal to such premium payment against any deposit or other payment due to the Corporation pursuant to such amendment to the NHA; and

Resolved further, That the Director, on behalf of the Corporation, is hereby authorized to take all other actions necessary or appropriate to determine, collect, and, if appropriate, refund or credit the additional insurance premium authorized and ordered by this Resolution; and

Resolved further, That the Bank Board hereby expresses its intention to consider the assessment of further additional premiums in amounts equal to one thirty second of one per centum on a quarterly basis during 1985, not to exceed an aggregate of one eighth of one per centum of the total amount of the accounts of the insured members of each insured institution; and

Resolved further, That the Secretary shall forward this Resolution for publication in the **Federal Register**.

By the Federal Home Loan Bank Board.

Gregory B. Smith,

Acting Secretary.

[FR Doc. 85-5283 Filed 3-6-85; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

FNB Bankshares, 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 29, 1985.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *FNB Bankshares*, Bar Harbor, Maine; to become a bank holding company by acquiring 1.00 percent of the voting shares of The First National Bank of Bar Harbor, Bar Harbor, Maine.

B. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *First Leigh Corporation*, Walnutport, Pennsylvania; to accquire 19.99 percent of the voting shares of Albion Bancorp, Inc., Pen Argyl, Pennsylvania.

C. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *BBA, Inc.*, Shepherdsville, Kentucky; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bullitt County Bank, Shepherdsville, Kentucky.

Board of Govenors of the Federal Reserve System, March 1, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-5421 Filed 3-6-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

National Advisory Board on Technology and the Disabled; Establishment

Pursuant to Pub. L. 92-463, the Federal Advisory Committee Act, the Office of the Secretary, DHHS announces the establishment by the Secretary of the National Advisory Board on Technology and the Disabled.

The Board shall assist and advise the Secretary concerning but not to limited to:

1. The delineation of issues and constraints bearing on the transfer of new technologies to assist people with disabling conditions;

2. The identification of areas of needed research and investigation by public and private entities;

3. The expansion of public awareness of existing and potential systems and resource identification and dissemination in the area of technology and the disabled; and

4. The identification of models of technical assistance and application of science and technology to the needs of people with disabilities.

The Board shall terminate on February 26, 1987 unless the Secretary, DHHS, formally determines that continuance is in the public interest.

Margaret M. Heckler,

Secretary.

[FR Doc. 85-5458 Filed 3-6-85; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 84C-0426]

Davis and Geck, American Cyanamid Co.; Filing of Color Additive Petition

Correction

In FR Doc. 85-3660 appearing on page 6252 in the issue of Thursday, February 14, 1985, make the following correction: In the second column, **SUPPLEMENTARY INFORMATION,** fourth line, "U.S.C. 476" should read "U.S.C. 376".

BILLING CODE 1501-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-85-1512]

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 prosposal 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: PHA Application Submitted for FY 1985—Certification Regarding Comparable Existing Housing.
Office: Public and Indian Housing.
Form Number: HUD-52470 and 52483A.
Frequency of Submission: On Occasion.
Affected Public: State or Local Governments and Non-Profit Institutions.
Estimated Burden Hours: 3,222.
Status: Revision.
Contact: Raymond Hamilton, HUD, (202) 426-0938, 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 21, 1985.

Proposal: Good Faith Estimate of Settlement Costs.
Office: Housing.
Form Number: None.
Frequency of Submission: On Occasion.
Affected Public: Businesses or Other For-Profit and Small Businesses or Organizations.
Estimated Burden Hours: 867,500.
Status: Extension.
Contact: Brian J. Chappelle, HUD, (202) 755-6720, 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.

Proposal: Housing Counseling Program and Recordkeeping Requirements (Non-funded).
Office: Housing.
Form Number: HUD-9900, 9902, 9903, 9909, and 9914.
Frequency of Submission: Semi-annually.
Affected Public: State or Local Governments and Non-Profit Institutions.
Estimated Burden Hours: 3,177.
Status: Extension.
Contact: Robert B. Warner, HUD, (202) 755-6664, 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 26, 1985.

Proposal: Grants and Cooperative Agreement Requests for Application and General Reporting Requirements for Grants and Cooperative Agreement Recipients.
Office: Administration.
Form Number: HUD-274, SF-183, 270, and 1194.
Frequency of Submission: Quarterly, Annually, and On Occasion.
Affected Public: Individuals or Households, State or Local Governments, Businesses or Other For-Profit, Non-Profit Institutions, and Small Businesses or Organizations.
Estimated Burden Hours: 48,005.
Status: Reinstatement.
Contact: Gladys Gines, HUD, (202) 755-5294, 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 26, 1985.

Proposal: Notice—Announcement of the HUD Multifamily Urban Homesteading Demonstration Program.
Office: Community Planning and Development.
Form Number: None.
Frequency of Submission: Quarterly.
Affected Public: State or Local Governments.
Estimated Burden Hours: 2,960.
Status: New.
Contact: Richard R. Burk, HUD, (202) 755-5324, 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. 85-5527 Filed 3-6-85; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 20302]

Arizona; Order Providing for Opening of Lands to Entry; Correction

March 1, 1985.

The following corrections are made in FR Doc. 85–2260 appearing on pages 3980–81 in the issue of January 29, 1985:

1. On page 3980, third column, the date of the document is corrected to read January 22, 1985.

2. On pages 3980–81, third column, second paragraph, second sentence is corrected to read:

All applications received prior to 9 a.m. March 5, 1985, will be considered as simultaneously filed as of 9 a.m. on March 5, 1985 and a drawing will be held in accordance with 43 CFR 1821.2–3, if necessary.

Don R. Mitchell,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 85–5418 Filed 3–6–85; 8:45 am]

BILLING CODE 4310-32-M

Battle Mountain District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of Grazing Advisory Board Meeting.

SUMMARY: In accordance with Pub. L. 94–579, a meeting of the Battle Mountain District Grazing Advisory Board will be held.

DATE: April 9, 1985, begin at 9:00 a.m. in the Battle Mountain District Office conference room at North 2nd and Scott Streets, Battle Mountain, Nevada.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Status of District's Range Improvement Program.
2. Status of Allotment Management Plan Development and Implementation.
3. Review of Final Report to Congress—Tonopah Experimental Stewardship Program.
4. A presentation on the management of riparian habitats.
5. Status of Cooperative Management Agreements and Grazing Fee Study, and
6. BLM policy concerning public water reserves.

The meeting is open to the public. Interested persons may make oral statements to the board between 4:00 and 4:30 p.m. on April 9, 1985 or file written statements for the Board's consideration. If you wish to make oral comments, please contact H. James Fox by April 2, 1985.

FOR FURTHER INFORMATION CONTACT: H. James Fox, District Manager, P.O. Box 1420, Battle Mountain, Nevada 89820, or phone (702) 635–5181.

Date signed: February 25, 1985.

Michael C. Mitchell,

Acting District Manager, Battle Mountain Nevada.

[FR doc. 85–5477 Filed 3–6–85; 8:45 am]

BILLING CODE 4310-HC-M

Coos Bay District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of Coos Bay District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR, Part 1780 that a meeting of the Coos Bay District Advisory Council will be held on Friday, April 5, 1985, beginning at 10:00 a.m. The meeting will be held in the conference room of the Coos Bay District Office, 333 South Fourth Street, Coos Bay, OR.

AGENDA: The agenda for the meeting will include:

1. A discussion of old business.
2. A discussion of the BLM/Forest Service interchange plan.
3. A discussion among the council members to develop recommendations to the State Director concerning some of the following: Statewide wilderness recommendations; dealing with protests and appeals; future recreational use of public lands; monitoring program.
6. Arrangements for the next meeting.

The meeting is open to the public and news media. Interested persons may make oral statements to the council from 1:00 p.m. to 1:30 p.m. on Friday, or file written statements for the council's consideration. Anyone wishing to make an oral statement must notify the District Manager by close of business on Friday, March 22, 1985 (Telephone 503–269–5880).

ADDRESS: Bureau of Land Management, Coos Bay District Office, 333 South Fourth Street, Coos Bay, OR 97420.

Summary minutes of the meeting will be maintained at the District Office and made available during regular business hours (7:45 a.m. to 4:30 p.m.) for public inspection or reproduction at the cost of duplication.

Dated: February 25, 1985.

Robert T. Dale,

District Manager.

[FR Doc. 85–5514 Filed 3–6–85; 8:45 am]

BILLING CODE 4310-33-M

[Serial No. I–11]

Idaho; Proposed Continuation of Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes that a 4.5 acre withdrawal for the Skookumchuck Recreation Site continue for an additional 20 years. The land will remain closed to surface entry and mining but have been and will remain open to mineral leasing.

DATE: Comments should be received by June 5, 1985.

ADDRESS: Comments should be sent to: Idaho State Director, Bureau of Land Management, 3380 Americana Terrace, Boise, ID 83706.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, Idaho State Office 208–334–1735.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management proposes that the existing land withdrawal made by Public Land Order No. 4086 of September 19, 1966, be continued for a period of 20 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The land described is as follows:

Boise Meridian, Idaho

T. 27 N., R. 1 E.,
Sec. 3, lot 10.

The area described contains 4.5 acres in Idaho County.

The purpose of the withdrawal is to protect the Skookumchuck Recreation Site. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Idaho State Director of the Bureau of Land Management.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so,

for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: February 26, 1985.

Louis B. Bellesi,

Deputy State Director for Operations.

[FR Doc. 85-5485 Filed 3-6-85; 8:45 am]

BILLING CODE 4310-GG-M

[Serial No. I-017335]

Idaho; Notice of Proposed Continuation of Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes that a 70 acre withdrawal for a Ponderosa Pine Seed Orchard continue for an additional 75 years. The lands will remain closed to surface entry and mining but have been and will remain open to mineral leasing.

DATE: Comments should be received by June 5, 1985.

ADDRESS: Comments should be sent to: Idaho State Director, Bureau of Land Management, 3380 Americana Terrace, Boise, ID 83706.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, Idaho State Office, 208-334-1735.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management proposes that the existing land withdrawal made by Public Land Order No. 4046 of June 30, 1966, be continued for a period of 75 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

Boise Meridian, Idaho

T. 6 N., R. 5 E.,
Sec. 27, N½NE¼SE¼, SW¼NE¼SE¼, NW¼SE¼.
The area described contains 70 acres in Boise County.

The purpose of the withdrawal is to protect the Ponderosa Pine Tree Seed Orchard. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segragative effect of the withdrawal.

For a period 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Idaho State Director of the Bureau of Land Management.

The authorized officer of the Bureau of Land Management will undetake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such determination is made.

Dated: February 26, 1985.

Louis B. Bellesi,

Deputy State Director for Operations.

[FR Doc. 85-5486 Filed 3-6-85; 8:45 am]

BILLING CODE 4310-GG-M

[Serial No. I-15514]

Idaho; Notice of Proposed Continuation of Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes that a 3,243.46 acre withdrawal for the domestic water supply of the community of St. Maries, Idaho continue for an additional 20 years. The lands will remain closed to surface entry and mining but have been and will remain open to mineral leasing.

DATE: Comments should be received by June 5, 1985.

ADDRESS: Comments should be sent to: Idaho State Director, Bureau of Land Management, 3380 Americana Terrace, Boise, ID 83706.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, Idaho State Office, 208-334-1735.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management proposes that the existing land withdrawal made by Executive Order 8397 of April 23, 1940, be continued for a period of 20 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

Boise Meridian, Idaho

T. 46 N., R. 1 W.,
Sec. 1, lot 2, SW¼NW¼;
Sec. 2, lots 1, 2, and 4, S½NE¼, SW¼NW¼, NW¼SE¼;
Sec. 3, lots 1 and 2, S½NE¼, N½SE¼;
Sec. 4, lot 2.
T. 47 N., R. 1 W.,
Sec. 22, SE¼SW¼, SW¼SE¼;
Sec. 23, N½SW¼, S½SE¼;
Sec. 24, SW¼SW¼;
Sec. 25, W½NW¼, W½E½NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 26, E½NE¼, NE¼SE¼, S½SE¼;
Sec. 27, NW¼NE¼, W½, S½SE¼;
Sec. 33, lots 1 and 2, NE¼, N½SE¼;
Sec. 34, all;
Sec. 35, W½NE¼, NW¼, N½SW¼, NW¼SE¼.

The area described contains 3,243.46 acres in Benewah County.

The purpose of the withdrawal is to protect the domestic water supply for the community of St. Maries, Idaho. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Idaho State Director of the Bureau of Land Management.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: February 26, 1985.

Louis B. Bellesi,

Deputy State Director for Operations.

[FR Doc. 85-5487 Filed 3-6-85; 8:45 am]

BILLING CODE 4310-GG-M

Exchange of Public Lands in Tehama and San Diego Counties, CA; Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, Land Exchange, CA 10388A.

SUMMARY: The Bureau proposes to exchange isolated lands in Tehama and San Diego Counties for private lands fronting on Paynes Creek and adjacent to Public Lands in Tehama County.

The following described public lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Parcel	Township	Range	Meridian	Section	Subdivision	Acres
1	26 N.	1 W.	M.D.M.	26	SW¼ SW¼	40
2					N½ SE¼	80
3					SE¼ NE¼	40
Total Tehama County						160
4	13 S.	1 E.	S.B.M.	6	N½ SE¼	80
Total San Diego County						80
Total						240

In exchange for these lands, the Federal Government will acquire 90 acres more or less of non-Federal land in Tehama County from The Trust for Public Land described as follows:

Tehama County Assessor's Parcels #009-22-11-1, 90 acres: SW¼ SW¼ NE¼, S½ SE¼ NW¼, NE¼ SW¼, W½ NW¼ SE¼, Sec. 22, T. 28 N., R. 3 W., M.D.M.

The purpose of the exchange is to acquire the non-Federal lands for use in implementing the Sacramento River/Paynes Creek/Table Mountain Composite. The exchange is consistent with the Bureau's planning for the lands involved and has been discussed with Tehama and San Diego counties with composite review by the State of California Resources Agency. The public interest will be well served by making the exchange.

The value of the lands to be exchanged is approximately equal, and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

Public Lands

Parcels—All.

Reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

Parcels—1, 2, 3.

1. Reservation to the United States for oil and gas. Parcels are presently covered by oil and gas lease CA 2061.

2. Riparian and Wetland Preservation in accordance with Executive Orders Number 11988 and 11990, the Patentee and successors shall undertake no construction activities within 100 feet of annual waterways which is not in compliance with county floodplain zoning criteria in effect at the time such construction is undertaken.

Offered Lands

1. An easement affecting the portion of said land and for the purposes stated herein, and incidental purposes.

In favor of: A. M. F. McCollough and Emma A. McCollough.

For: Reservation of the right to construct ditches or flumes for conveyance of water.

Recorded: December 5, 1900 in Book 30 page 183, Official Records.

Affects: Herein described property with other property.

2. An easement affecting the portion of said land and for the purposes stated herein, and incidental purposes.

In favor of: Lillian K. Richmond.

For: Ingress and egress and public utilities.

Recorded: September 11, 1968, in Book 526 page 630, Official Records.

Affects: A strip of land 60 feet in width following a described center line, over, upon and across a portion of the Northeast quarter of the Southwest quarter of Section 22, Township 28 North, Range 3 West, Mount Diablo Meridian.

3. Terms, covenants, and conditions of an Agreement for Right-of-Way by and between Ludington Patton, Jr., et ux and Crocker-Citizens National Bank, as Trustee, dated August 28, 1968, in Book 516, page 635, Official Records.

Affects: Herein described property with other property.

4. Any adverse claim based upon the assertion that:

(a) Said land or any part thereof is now or at any time has been below the highest high water mark of the Sacramento River and/or its tributaries, in the event the boundary of said river has been artificially raised and the decision entered in State of California vs. the Superior Court of Placer County, Respondent, Charles F. Fogerty, et al., Real Parties in Interest, 29 Cal. 3d 240 (March 20, 1981) applies, or is now or at any time has been below the ordinary high water mark, if said river and/or its tributaries is in its natural state.

(b) Some portion of said land has been created by artificial means or has accreted to such portion so created.

(c) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Sacramento River and/or its tributaries, or has been formed by accretion to any such portion.

5. Such rights and easements for navigation and fishery which may exist over that portion of said land lying beneath the water of Paynes Creek.

6. An easement affecting the portion of said land and for the purposes stated herein, and incidental purposes.

In favor of: The United States of America.

For: Ingress and egress.

Recorded: October 30, 1984 in Book 1004, page 123, Official Records.

Affects: The Westerly and Southerly 36 feet of the Northeast quarter of the Southwest quarter of said Section 22.

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws and any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant.

Detailed information concerning the exchange, including the environmental analysis and the record of public discussions, is available for review at the Redding Resource Area Office, 355 Hemsted Drive, Redding, California 96002.

ADDRESS: For a period of 45 days, interested parties may submit comments to: Redding Resource Area Office, Bureau of Land Management, 355 Hemsted Drive, Redding, California 96002.

Robert J. Bainbridge,

Redding Area Manager.

[FR Doc. 85-5439 Filed 3-6-85; 8:45 am]

BILLING CODE 4310-40-M

Recreation Management Restrictions; Camping Stay Limit; Caliente Resource Area, Bakersfield District, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment of camping stay limit for campgrounds and undeveloped public lands in the Caliente Resource Area, Bakersfield District, California.

SUMMARY: Persons may camp within designated campgrounds or on undeveloped public lands not closed to camping within the Caliente Resource Area for a total period of not more than fourteen days during any 30-day period. The fourteen day limit may be reached either through a number of separate visits or through a period of continuous occupation of the public lands.

Camping or occupancy longer than fourteen days is not allowed, unless authorized by law. Under special circumstances and upon request, the authorized officer may give written permission for extension to the fourteen day limit. Camping is defined as living in tents, vehicles or shelters such as cabins, huts, shacks, or lean-tos.

Occupancy is defined as the taking or holding possession of a camp or residence on public land.

SUPPLEMENTARY INFORMATION: This camping and occupancy stay limit restriction order is established to allow orderly use and administration of public lands and to discourage unauthorized occupancy. Authority for this restriction order is contained in CFR Title 43, Chapter II, Part 8364, Subpart 8364.1. Any person who fails to comply with a restriction order may be subject to a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months. Penalties are contained in CFR Title 43, Chapter II, Part 8360, Subpart 8360.0–7.

Glenn A. Carpenter,

Caliente Resource Area Manager.

February 28, 1985.

[FR Doc. 85–5437 Filed 3–6–85; 8:45 am]

BILLING CODE 4310–40–M

[C–38516]

Realty Action; Noncompetitive Sale of Public Land in Routt County, CO

AGENCY: Bureau of Land Management, Colorado, Interior.

ACTION: Notice of Realty Action C–38516; Noncompetitive Sale of Public Land in Routt County, Colorado.

SUMMARY: The following-described lands have been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1701, 1713) at the appraised fair market value.

Parcel	Serial No.	Legal description	Acres	Appraised value
302	C–38516	Sixth Principal Meridian, Township 1 South, Range 84 West, Section 34: S½NE¼NW¼.	20.00	$16,000

The land is being offered to Walter E. and Alice Castle, by direct sale at the appraised fair market value. No other bids or bidders will be considered.

The land has not been used for and is not required for any Federal purpose.

The parcel is difficult and uneconomic to manage as public land. Disposal would best serve the public interest. The disposal would be consistent with the Bureau's planning recommendations as approved in the *Glenwood Springs Resource Management Plan*, January 1984.

All minerals except oil and gas beneath the parcel will also be offered for conveyance. The mineral interests being offered have no known mineral value. A bid on the parcel will also constitute application for conveyance of those mineral interests offered under the authority of section 209(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719(b)).

The patent issued as the result of the sale will be subject to all valid existing rights and reservations of record and will contain a reservation to the United States for a right-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945), for right-of-way C–26749 for a buried telephone cable, and for oil and gas under the Act of July 17, 1914.

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2711.1–2(d), any subsequently tendered application, allowance of which is discretionary, shall not be considered as filed and shall be returned to the applicant. This segregation will expire 270 days from the date of publication of this notice.

Sale Procedures

The designated bidders, Walter E. and Alice A. Castle, will be required to submit payment of at least 10 percent of the fair market value by cash, certified or cashier check, or money order to the BLM at 50629, Highway 6 and 24, Glenwood Springs, Colorado, on the sixth day of June, 1985. On this same date, the bidder will be required to deposit an additional $50.00 nonrefundable filing fee and application for the conveyance offered minerals pursuant to 43 CFR 1720.1–2(c).

The balance of the appraised fair market value will be due within 180 days, payable in the same form at the same location. Failure to submit the remainder of the payment within 180 days of receipt of the decision notice accepting the bid deposit will result in cancellation of the sale offering and forfeiture of the deposit.

Further Information and Public Comment

Additional information concerning this sale offering, including the planning documents and environmental assessment, is available for review in the Glenwood Springs Resource Area Office at 50629 Highway 6 and 24, P.O. Box 1009, Glenwood Springs, Colorado 81602. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the District Manager, Grand Junction District Office, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81506. Any adverse comments will be evaluated by the District Manager, 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.

Dated: February 27, 1985.

Wright Sheldon,

District Manager, Grand Junction District Office.

[FR Doc. 85–5435 Filed 3–6–85; 8:45 am]

BILLING CODE 4310–JB–M

[U–47295]

Sale of Public Lands in Box Elder County, UT; Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action: Sale of Public Lands U–47295.

SUMMARY: The following described land has been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value shown:

Tract identifier	Legal description	Acreage	Appraised value
Parcel No. 1	T.11N., R.18W., SLM, sec. 20, W½ NE¼.	80	$8,000
Parcel No. 2	T.11N., R.18W., SLM, sec. 20, E½ E½.	160	16,000

The above described land will be sold in order to dispose of lands which because of location and other characteristics are difficult and uneconomical to manage. The sale is consistent with the Bureau's planning system and the public interest will be served by offering these lands for sale.

The lands described are hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action.

The above described land will be offered for sale on may 15, 1985 by sealed bid. All bids must be received by 10 a.m. on May 15, 1985 at the Bureau of Land Managemente (BLM) Salt Lake District Office at 2370 South 2300 West, Salt Lake City, Utah 84119. Bids will be opened and a high bidder declared at 11 a.m. on May 15, 1985. No bids will be accepted for less than the appraised fair market value shown above.

Bids may be made by a principal or duly qualified agent. Qualified bidders include: Citizens of the United States 18

years of age or over; a corporate subject to the laws of any state or of the United States; a state, state instrumentality or political subdivision authorized to hold property; and any entities capable of holding lands or interests therein under the laws of the state within which the lands to be conveyed are located. Entities include but are not limited to associations, partnerships, and other legal entities.

Each bid shall be accompanied by a certified check, postal money order, bank draft or cashier's check, made payable to the Department of the Interior, BLM for not less than one-third of the amount bid and shall be enclosed in a sealed envelope clearly marked "Bid for Public Land, the serial number and tract number as shown above." If two or more bids for the same amount are received, the apparent high bidder shall be determined by supplemental biddings pursuant to 43 CFR 2711.3–1(c).

The terms and conditions applicable to the sale are:

(1) The apparent high bidder shall submit the remainder of the full bid amount within 180 days from date of sale. Failure to submit the full bid price prior to, but not including the 180th day following the sale, shall result in the disqualification of the bidder and the deposit shall be forefeited.

(2) The authorized officer may reject the highest qualified bid and release the bidder from his obligation and withdraw the tract for sale, if he determines that consummation of the sale would be inconsistent with provisions of any existing law or collusive or other activities have hindered or restrained free and open bidding or consummation of the sale would encourage or promote speculation in public lands.

(3) The patent will contain a reservation for ditches and canals and be subject to all valid existing rights.

(4) All minerals will be reserved to the United States including the right of ingress or egress for mineral development.

(5) The United States does not, by the terms of this sale, guarantee to any party physical or legal access to the tract of land being sold. None of the tracts offered presently have legal access.

(6) In the event that any of the lands offered for sale are not sold on the date of the sale, they shall continue to be offered for sale at the appraised fair market value on the third Wednesday of each succeeding month after that date until sold or until further notice. Any person wishing to purchase any of these lands after the initial date of sale must present his/her bid at the BLM office shown above accompanied by a certified check, postal money order, bank draft or cashier's check for not less than one-third of the amount bid. All applicable terms and conditions as listed above will continue to apply regardless of when the land is actually sold.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, BLM, 2370 South 2300 West, Salt Lake City, Utah 84119. Any adverse comments will be evaluated by the District Manager 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 Interior.

Dated: February 27, 1985.

Frank W. Snell,

Salt Lake District Manager.

[FR Doc. 85–5432 Filed 3–6–85; 8:45 am]

BILLING CODE 4310-DQ-M

Richfield District Advisory Council; Meeting and Tour

AGENCY: Bureau of Land Management, Interior.

ACTION: Richfield District Advisory Council Meeting and Tour.

SUMMARY: Notice is hereby given, in accordance with 43 CFR Part 1780, that a meeting of the Council will be held on Tuesday, April 2, 1985 at the Plaza Restaurant, 540 East Topaz, Delta, Utah at 9:00 a.m. with the following agenda:

1. Election of Officers.
2. WSA Interim Management Policy.
3. BLM/FS Interchange.
4. Annual Work Plan Review.
5. District Maintenance Policy.
6. Grazing Fee Study.
7. Grazing on Capitol Reef National Park—Jeffery Ranches.
8. Planning Status Update.
9. Piute Tribe Land Management Proposal.
10. Proposed Freemont River Dam Project.
11. Topaz Mountain—State Exchange and Mining Claims.
12. Tabernacle Hill—State Exchange and Mining Claims.
13. Schedule Next Meeting.

The tour will leave Delta, from the Pendray Plaza Motel, 527 East Topaz Boulevard at 7:30 a.m. Points of interest on the tour are Topaz Mountain and the Little Sahara Recreation Area. Those wishing to go on the tour will need to provide their own transportation and lunch.

The tour and meeting are open to the Public. Interested persons may make oral statements to the Council, regarding agenda matters, from 1:00 p.m. to 2:00 p.m. April 2, 1985, or file written statements for the Councils consideration. Anyone wishing to make an oral statement must notify Bert Hart, Public Affairs Officer at 801–896–8221 by March 28, 1985.

Minutes of the meeting will be available 30 days after the meeting at the Richfield District Office, Richfield, Utah.

Donald L. Pendleton,

District Manager.

February 27, 1985.

[FR Doc. 85–5440 Filed 3–6–85; 8:45 am]

BILLING CODE 4310-DQ-M

[C–28257]

Withdrawal of Lands; Proposed Modification of Bureau of Reclamation Missouri Basin Project, CO

February 27, 1985.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that the order which withdrew lands for the Missouri Basin Project be modified to expire in 25 years insofar as it affects 328.1 acres of public land in the State of Colorado. The lands will remain closed to surface entry and mining but have been and will continue to be open to mineral leasing.

DATE: Comments should be received on or before June 5, 1985.

ADDRESS: All comments should be addressed to State Director, Colorado State Office, 2020 Arapahoe Street, Denver, Colorado 80205.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, BLM Colorado State Office, 303–294–7626.

SUMMARY: The Bureau of Reclamation proposes that the existing land withdrawal made by Bureau Order of December 22, 1949, as amended, be modified to expire in 25 years insofar as it affects public lands in the State of Colorado, in accordance with section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

This order currently withdraws 328.1 acres of public land in Colorado. The land is located in T. 4 N., R. 59 W., Sixth Principal Meridian, Morgan County, Colorado.

The purpose of the withdrawal is to protect the Narrows Dam and Reservoir,

Missouri Basin Project, and segregate the land from surface entry and mining, but not from mineral leasing. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the State Director, Colorado State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Robert D. Dinsmore,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 85-5433 Filed 3-6-85; 8:45 am]

BILLING CODE 4310-JB-M

[OR 38278 (WA)]

Realty Action; Exchange of Public and Private Lands in Okanogan and Kittitas Counties, WA

The following described lands have been determined to be suitable for disposal by exchange under the authority of section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T. 36 N., R. 26 E., W.M.

Section 12, SE¼ NE¼

T. 37 N., R. 27 E., W.M.

Section 11, NW¼ SE¼

T. 38 N., R. 27 E., W.M.

Section 19, That portion of the SE¼ SE¼SW¼ Lying within the boundary of MS 1155B, SW¼ SE¼.

Section 30, That portion of the N½ NE¼ NE¼ NW¼ Lying within the boundary of MS 1155B, NW¼ NW¼ except the Lucky Knock and Frozen Mitt lode claims M.S. No. 1155A

comprising 131.89 acreas more of less of public land.

In exchange for all of part of these lands, the United States will acquire the following described lands from Elwin A. Magill and Ruth Helen Magill:

T. 23 N., R. 12 E., W.M.

Section 22, 26 and 27—Transit lode Mining Claim M.S. No. 1080, Giant Lode and Jack Lode Mining Claims M.S. No. 1079A

comprising 59.68 acres more or less of private lands.

The purpose of this exchange is to acquire the non-Federal lands which are within the Alpine Lakes Wilderness area and which the Secretary of Agriculture has been authorized and directed, by the Alpine Lakes Area Management Act of 1976, to acquire. The public interest will be served by completing the exchange.

Any or all of the above described lands may be exchanged provided the values are equal. In the event the values are not equal, either party may equalize the values by the payment of cash. The amount of cash payment may not exceed 25 percent of the value of the lands transferred out of Federal ownership.

Lands to be transferred from the United States will be subject to the reservation of a right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

Publication of this notice segregates the public lands from the operation of all forms of appropriation under the public land laws, including the mining laws, for a period of 2 years from the date of first publication.

Further information concerning this exchange is available at the Mt. Baker-Snoqualmie National Forest office, 1022 First Avenue, Seattle, WA 98104. Phone number is (206) 442-1083.

For a period of 45 days from the date of first publication, interested parties may submit comments to the District Manager, Bureau of Land Management, U.S. Dept. of Interior, East 4217 Main Ave., Spokane, WA 99202.

Dated: February 27, 1985.

Joseph K. Buesing,

District Manager.

[FR Doc. 85-5476 Filed 3-6-85; 8:45 am]

BILLING CODE 4310-33-M

[I-21338]

Realty Action; Exchange of Public Lands in Cassia County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I-21338, Exchange of Public Lands in Cassia County, Idaho.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Legal Description and Acres

T. 13 S., R. 21 E., B.M.,
Sec. 4, E1/2SE¼—80

In exchange for these lands the Federal Government will acquire the following described lands from Michael Cranney:

Legal Description and Acres

T. 13 S., R. 20 & 21 E., B.M.—88.8

Beginning at the corner No. 1 from which the west quarter corner of Section 30 in Township 13 South, Range 21, EBM bears North 11' East 6.07 chains distant; thence North 28°43' East 48.13 chains to corner No. 2; thence South 75.7' East 16.9 chains to the corner No. 3; thence South 32°19' West 64.45 chains to corner No. 4; thence North 59°19' West 5.86 chains to corner No. 5; thence North 59°19' West 6.51 chains to corner No. 6; thence North 28°43' East 11.71 chains to corner No. 1, the place of beginning.

The lands are hereby segregated from appropriation under the public land laws, including the mining laws as provided by 43 CFR 2711.1-2(d). The segregative effect of the NORA shall terminate upon issuance of patent or other document of conveyance to such lands, upon publication in the **Federal Register** of a termination of the segregation, or 270 days from the date of publication, whichever occurs first.

The purpose of this exchange is to allow the United States Forest Service to acquire private lands owned by Mr. Cranney. These lands are valuable for wildlife habitat and recreation. Mr. Cranney, in turn, will be acquiring public lands administered by the Bureau of Land Management. The public interest will be well served by making the exchange which is consistent with local governmental planning and zoning regulations and with Federal programs and planning. The values of the lands to be exchanged are equal.

The lands will be subject to the following reservations when patented:

1. A reservation to the United States for rights-of-way for ditches and canals constructed under the Act of August 30, 1890 (43 U.S.C. 945).

2. All oil and gas rights (43 U.S.C. 1719).

3. All valid existing rights.

Detailed information concerning the exchange, including an environmental analysis and the record of public discussions is available for review at the Burley District Office, 200 S. Oakley Highway, Burley, Idaho 83318.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District

Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager 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.

Dated: January 14, 1985.

John S. Davis,

District Manager.

[FR Doc. 85-5513 Filed 3-6-85; 8:45 am]

BILLING CODE 4310-22-M

Bureau of Reclamation

[INT-FES 85-6]

Narrows Unit, Pick-Sloan Missouri Basin Program; Availability of Final Supplement to the Final Environmental Statement

Pursuant to section 101(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a final supplement to the final environmental statement (INT-FES 76-25) on a potential water storage project that would provide supplemental irrigation water, flood control, recreation, fish and wildlife development and municipal and industrial water supplies on the South Platte River in northeastern Colorado. The final supplement was prepared to update the final environmental statement and analyze the minor modifications that have taken place in project design. Additionally, the final supplement discusses the five issues that in 1977 were deemed in need of further study: (1) Dam safety and reservoir seepage; (2) flood control; (3) recreational water quality; (4) impact on crane habitat in central Nebraska; and (5) ground-water recharge. This document incorporates the comments from the various Federal, State, and local and private entities to the supplement released in July 1988.

Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7624, Bureau of Reclamation, Washington, D.C. 20240, Telephone: (202) 343-4991

Office of Environmental Technical Services, Engineering and Research Center, D-150 Denver Federal Center, Denver, Colorado 80225, Telephone: (303) 236-9336

Regional Director, Bureau of Reclamation, Denver Federal Center, Building 20, P.O. Box 25247, Denver Colorado 80225, Telephone: (303) 236-0688

South Platte Projects Office, Bureau of Reclamation, 955 Wilson Avenue P.O. Box 449, Loveland, Colorado 80539, Telephone: (303) 667-4410.

Single copies of the supplement may be obtained on request to the Chief, Office of Environmental Technical Services, Bureau of Reclamation, or the Regional Director, at the above addresses. Copies also will be available for inspection at the following libraries in the project vicinity:

Weld County Public Library—Greeley, Colorado

Fort Morgan Public Library—Fort Morgan, Colorado

Brush Public Library—Brush, Colorado

Sterling Public Library—Sterling Colorado

Julesburg Public Library—Julesburg, Colorado

Greeley Public Library—Greeley, Colorado

Colorado State University Library—Fort Collins, Colorado

University of Colorado Library—Boulder, Colorado

University of Northern Colorado Library—Greeley, Colorado

University of Denver Library—Denver, Colorado

Morgan County Community College Library—Fort Morgan, Colorado

Northeastern Junior College Library—Sterling, Colorado

Dated: March 4, 1985.

Tom Loomis,

Acting Director, Environmental Project Review.

[FR Doc. 85-5479 Filed 3-6-85; 8:45 am]

BILLING CODE 4310-09-M

Minerals Management Service

Outer Continental Shelf Advisory Board; Policy Committee; Notice and Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, 5 U.S.C. App. 1 and the Office of Management and Budget's Circular No. A-63, Revised.

The Policy Committee of the Outer Continental Shelf (OCS) Advisory Board will meet from 8:00 a.m. to 5:00 p.m., April 10 and 11, 1985, at the Bay View Plaza Holiday Inn, Santa Monica, California (213/399-9344).

The meeting will cover the following principle subjects:

April 10, Morning—California Perspective

8:00

- Air Quality/Resource Issues
- Local Government: Santa Barbara
- Panel: Permitting procedures for offshore development

Afternoon—Proposed 5-Year OCS Program

1:15

- Economic Analysis
- Marine Productivity/Environmental Sensitivity
- Fair Market Value

4:45

- Public Comment

April 11, Morning—Proposed 5-Year OCS Program

8:30

- Leasing Schedule
- Size, Timing and Location

Afternoon

1:30 Minerals Management Service Update

Advisory Board Role

The meeting is open to the public. Upon request, interested parties may make oral or written presentations to the committee. Such requests should be made no later than March 20, 1985, to the OCS Policy Committee, Minerals Management Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Request to make oral statements should be accompanied by a summary of the statement to be made. For more information, contact the Executive Secretary, Michele Tetley at 202/343-9314.

Minutes of the meeting will be available for public inspection and copying 8 weeks after the meeting at the Minerals Management Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Dated: March 1, 1985.

Bruce G. Weetman,

Acting Associate Director for Offshore Minerals Management.

[FR Doc. 85-5425 Filed 3-6-85; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf; Development Operations Coordination Document; ARCO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 3782, Block 174, Eugene Island Area, offshore Louisiana. Proposed plans for the above area

provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Amelia, Louisiana.

DATE: The subject DOCD was deemed submitted on February 27, 1985.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties become effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: February 27, 1985.

John L., Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85–5513 Filed 3–6–85; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Availability of Finding of No Significant Impact for the Land Use Plan/Cultural Landscape Report/Environmental Assessment; Boxley Valley, Buffalo National River, AR

Pursuant to the National Environmental Policy Act of 1969, and Title 40 of the Code of Federal Regulations, the National Park Service has prepared a Finding of No Significant Impact for the Land Use Plan/Cultural Landscape Report/Environmental Assessment, Boxley Valley, Buffalo National River, Searcy, Newton, Baxter and Marion Counties, Arkansas.

Based on public review comments and on management decisions, the preferred Alternative B has been selected as the basis for the final plan. Alternative B best guides future management of lands within Boxley Valley. It is the conclusion of the National Park Service that the selected plan is not a major Federal action that will significantly affect the human environment. Therefore, an environmental impact statement will not be prepared. The National Park Service will proceed with development of a final Land Use Plan/Cultural Landscape Report.

Copies of the Finding of No Significant Impact for the Land Use Plan/Cultural Landscape Report/Environmental Assessment are available from Buffalo National River, Post Office Box 1173, Harrison, Arkansas 72601; and the Southwest Regional Office, National Park Service, Post Office Box 728, Santa Fe, New Mexico 87501, and will be sent upon request.

Dated: February 14, 1985.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 85–5419 Filed 3–6–85; 8:45 am]

BILLING CODE 4310-70-M

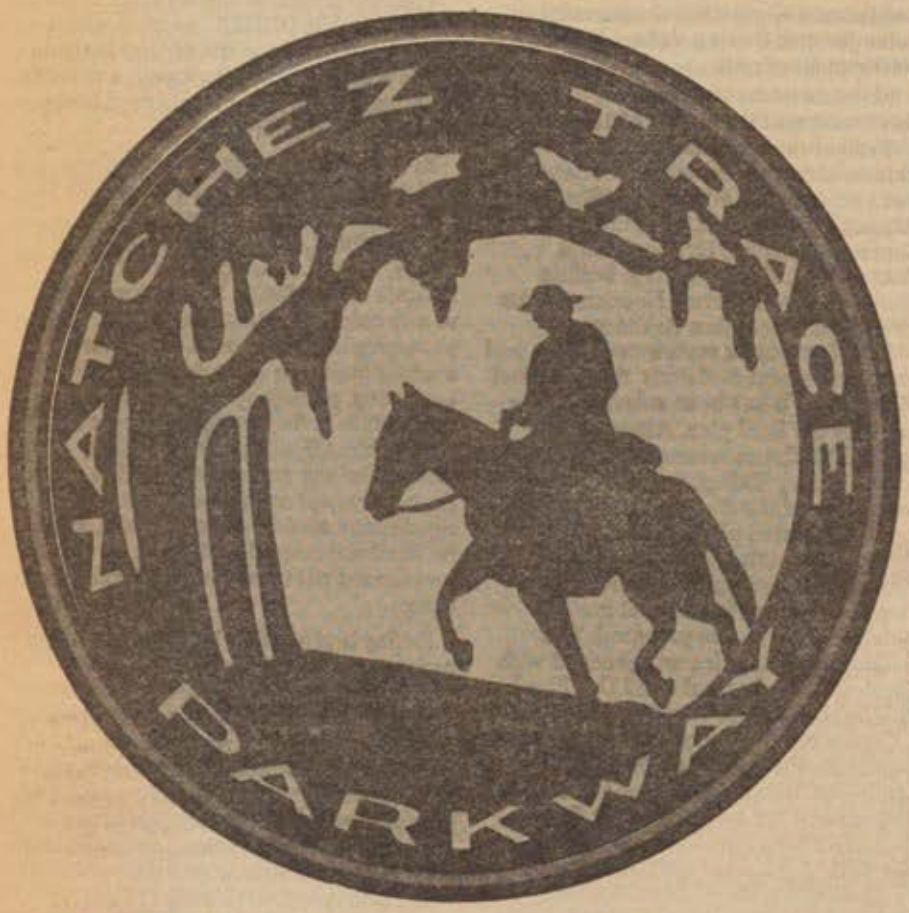
Natchez Trace Parkway; Insignia; Prescription

I hereby prescribe the Natchez Trace Parkway "POSTRIDER" symbol which is depicted below as the official Insignia of the Natchez Trace Parkway, a unit of the National Park System, United States Department of the Interior.

In making this prescription, I give notice that, under section 701 of Title 18 of the United States Code, whoever manufactures, sells, or possesses any badge, identification card, or other insignia of the design herein prescribed, or any colorable imitation thereof, or photographs, prints, or in any other manner makes or executes any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia or any colorable imitation thereof, except as authorized under regulations made pursuant to law, shall be fined not more than $250 or imprisoned not more than six months, or both.

Notice is given that in order to prevent proliferation of the distinctive "POSTRIDER" Insignia and to assure against its use for purposes other than making the parkway route, marking interpretative exhibits and informational literature for parkway visitors and those purposes which, in the determination of the National Park Service, are consistent with the purpose for which the parkway was established, the National Park Service will proceed to secure trademark registration under section 1115 of Title 15 of the United States Code for the Natchez Trace Parkway "POSTRIDER" Insignia.

NATCHEZ TRACE PARKWAY "POSTRIDER" SYMBOL, AS FOLLOWS:



Dated: March 1, 1985.
Russell E. Dickenson,
Director, National Park Service.
[FR Doc. 85-5465 Filed 3-6-85; 8:45 am]
BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-236 (Preliminary and 731-TA-242 (Preliminary)]

Tapered Tubular Steel Transmission Structures From the Republic of Korea

AGENCY: International Trade Commission.

ACTION: Notice of withdrawal of petitions in countervailing duty and antidumping investigations and cancellation of the conference.

SUMMARY: On March 1, 1985, counsel for the petitioners in the subject investigations, namely:

The Tapered Tubular Steel Transmission Structures Section of the National Electrical Manufacturers Association,

C.E. American Pole Structures,
ITT Meyer Industries,
Power Enterprises, Inc., and
Valmont Industries, Inc.,

filed letters with the U.S. Department of Commerce and the U.S. International Trade Commission withdrawing their petitions concerning imports of tapered tubular steel transmission structures from the Republic of Korea. Having received this letter, Commerce did not initiate an investigation as provided for in section 702(c) of the Tariff Act of 1930. Accordingly, the Commission hereby gives notice that the countervailing duty and antidumping investigations, involving imports from the Republic of Korea of tapered tubular steel structures or structural units used to support overhead electrical transmission and distribution lines, or for mounting substation equipment, provided for in items 652.94, 652.96, and 653.00 of the Tariff Schedules of the United States (investigations Nos. 701-TA-236 (Preliminary) and 731-TA-242 (Preliminary)), will not be continued further and the conference, scheduled for March 6, 1985, is therefore cancelled.

EFFECTIVE DATE: March 1, 1985.

FOR FURTHER INFORMATION CONTACT: Bonnie Noreen (202-523-1369), Office of Investigations, U.S. International Trade Commission, 701 E Street, NW., Washington, DC 20436.

This notice is published pursuant to § 207.40 of the Commission's rules of practice and procedure (19 CFR 207.40).

Issued: March 4, 1985.

By order of the Commission.

Kenneth R. Mason,
Secretary.
[FR Doc. 85-5523 Filed 3-6-85; 8:45 am]
BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 84-30]

Clifton Orson Timanus, D.D.S., Humboldt, TN; Hearing

Notice is hereby given that on July 30, 1984, the Drug Enforcement Administration, Department of Justice, issued an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application, executed on August 17, 1983, for registration as a practitioner under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held, commencing at 9:30 a.m. on Wednesday, March 20, 1985, in Room 226, U.S. Bankruptcy Court, Customs House, 701 Broadway, Nashville, Tennessee.

Dated: February 28, 1985.

Francis M. Mullen, Jr.,
Administrator, Drug Enforcement Administration.
[FR Doc. 85-5464 Filed 3-6-85; 8:45 am]
BILLING CODE 4410-09-M

[Docket No. 84-17]

James M. Sornsin, M.D., Detroit, MI, Cullman, AL; Hearing

Notice is hereby given that on July 30, 1984, the Drug Enforcement Administration, Department of Justice, issued to James M. Sornsin, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificates of Registration, AS9115658 and AS1971945, and deny any pending

applications for registration as a practitioner under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held, commencing at 9:30 a.m. on Thursday, March 21, 1985, in Room 226, U.S. Bankruptcy Court, Customs House, 701 Broadway, Nashville, Tennessee.

Dated: February 28, 1985.

Francis M. Mullen, Jr.,

Administrator, Drug Enforcement Administration.

[FR Doc. 85-5463 Filed 3-6-85; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 84-33]

Richard Hinson, d/b/a Palmer Drugs, Palmer, TN; Hearing

Notice is hereby given that on August 7, 1984, the Drug Enforcement Administration, Department of Justice, issued to Richard Hinson, d/b/a Palmer Drugs, an Order To Show Cause as to why the Drug Enforcement Administration should not revoke the DEA Certificate of Registration, AP2842761, and deny any pending applications for registration as a pharmacy under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held, commencing at 9:30 a.m., on Tuesday, March 19, 1985, in Room 226, U.S. Bankruptcy Court, Customs House, 701 Broadway, Nashville, Tennessee.

Dated: February 28, 1985.

Francis M. Mullen, Jr.,

Administrator, Drug Enforcement Administration.

[FR Doc. 85-5462 Filed 3-6-85; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION THE ARTS AND THE HUMANITIES

Ad Hoc Advisory Group on Arts Education; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Ad Hoc Advisory Group on Arts Education to the National Council on the Arts will be held on March 27-28, 1985, from 9:00 a.m.-5:00 p.m. in room M-14 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

This meeting will be open to the public on a space available basis. The topic for discussion will be an assessment of needs in arts education and the development of proposals for appropriate Endowment response.

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 27, 1985.

[FR Doc. 85-5480 Filed 3-6-85; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel (Composers Prescreening 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 Music Advisory Panel (Composers Prescreening Section) to the Naional Council on the Arts will be held on March 19-20, 1985 from 9:30 a.m.-9:00 p.m. in Room MO-7 of the Nancy Hanks Center, 1100 Pennsylvania Ave., N.W., Washington, DC 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 1865, 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, DC 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council & Panel Operations, National Endowment for the Arts.

February 27, 1985.

[FR Doc. 85-5481 Filed 3-6-85; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, FC 405-4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Guide for the Preparation of Applications for Licenses for the Use of Sealed Sources in Gas Chromatography Devices and X-Ray Fluorescence Analyzers" and is intended for Division 10, "General." It is being developed to provide guidance in conformance with the new NRC Form 313 for preparing license applications for the use of byproduct material in gas chromatography devices and x-ray fluorescence analyzers.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by May 10, 1985.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public

Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Silver Spring, MD, this 28th day of February 1985.

For the Nuclear Regulatory Commission.

Denwood F. Ross,

Deputy Director, Office of Nuclear Regulatory Research.

[FR Doc. 85-5510 Filed 3-6-85; 8:45 am]

BILLING CODE 7590-01-M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is completing development of a number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides are in the following five areas: Government Organization, Design, Siting, Operation, and Quality Assurance. All of the codes and most of the proposed safety guides have been completed. The purpose of these codes and guides is to provide guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way: The IAEA receives and collates relevant existing information used by member countries in a specified safety area. Using this collation as a starting point, an IAEA working group of a few experts develops a preliminary draft of a code or safety guide which is then reviewed and modified by an IAEA Technical Review Committee corresponding to the specified area. The draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies as necessary the drafts of all codes and guides prior to their being forwarded to the IAEA Secretariat and thence to the IAEA Member States for comments. Taking into account the comments received from the Member States, the Senior Advisory Group then modifies the draft as necessary to reach agreement before forwarding it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG-D14, "Design for Reactor Core Safety in Nuclear Power Plants," has been developed. The working group, consisting of Mr. V.C. Orpen and Mr. A.C. Whittier from Canada; Mr. F.W. Aisch from the Federal Republic of Germany; Mr. A.F. Goode from the United Kingdom; Mr. S. Saito from Japan; and Mr. B.C. Slifer (Yankee Atomic) from the United States of America, developed the initial draft of this guide from an IAEA collation. This draft was subsequently modified by the IAEA Technical Review Committee for Design and the Senior Advisory Group, and we are now soliciting public comment on a modified draft (Rev. 5, dated July 2, 1984). Comments received by the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by April 1, 1985, will be particularly useful to the U.S. representatives to the Technical Review Committee and the Senior Advisory Group in developing their positions on its adequacy prior to their next IAEA meetings.

Single copies of this draft Safety Guide may be obtained by a written request to the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Washington, D.C., this 1st day of March 1985.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 85-5511 Filed 3-6-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-275]

Pacific Gas and Electric Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. DPR-76 issued to the Pacific Gas and Electric Company for the operation of the Diablo Canyon Nuclear Power Plant, Unit 1 located in San Luis Obispo, California.

In accordance with the licensee's application dated January 30, 1985, the proposed change would (i) revise Diablo Canyon, Unit 1 Technical Specifications, Table 6.2-1, "Minimum Shift Crew Composition," to provide for two unit operation with a common control room to comply with the staffing requirement of 10 CFR 50.54(m)(2) (l), and (ii) revise the Diablo Canyon, Unit 1 Technical Specification 4.8.1.1.2, "Electrical Power Systems, Surveillance Requirements" to add a footnote regarding the testing of Diesel Generator No. 3 which is common to both Units 1 and 2 to avoid unnecessary diesel generator testing and to be in conformance with the guidelines contained in NRC Generic Letter 84-15, "Proposed Staff Actions to Improve and Maintain Diesel Generator Reliability."

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facilities in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The NRC staff proposes to determine that the proposed changes do not involve significant hazards considerations. In this regard, the Commission has provided guidance concerning the application of standards for determining whether or not a signficant hazards consideration exists by providing certain examples (48 FR 14870) of amendments considered not likely to involve significant hazards considerations. Example (vi) relates to a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may in some way reduce a margin of safety, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: For example, a change resulting from the application of a small refinement of a previously used calculational model or design method. Example (i) relates to a purely administrative change to technical specifications: For example, a change to achieve consistency throughout the technical specifications, correction of an

error, or a change in nomenclature. Each of the proposed changes is similar to one of these examples. On this basis, it is proposed that these changes do not involve significant hazards considerations. The following is a description of each of the proposed changes and how each is similar to one of the examples of 48 FR 14870.

1. Proposed Change-Minimum Shift Crew Composition

The proposed change would revise the Diablo Canyon, Unit 1 Technical Specifications, Table 6.2–1, "Minimum Shift Crew Composition" to provide for two-unit operation with a common control room. The current Diablo Canyon, Unit 1 Technical Specifications specify the minimum number of operators of various levels (e.g., Shift Supervisor, Senior Operator License) to be present in the control room at all times during operating or shutdown modes. These minimums, which comply with the requirements of 10 CFR 50.54(m), are based on a single unit being operated from the control room. Upon issuance of an operating license for Diablo Canyon, Unit 2, the licensee has requested to revise the minimum shift crew composition requirements of Diablo Canyon, Unit 1 Technical Specifications to reflect operation of a two-unit facility with a common control room while continuing to comply with the staffing requirements of 10 CFR 50.54(m)(2)(1) and NUREG–0452, Revision 4, "Standard Technical Specifications for Westinghouse Pressured Water Reactors." The current Diablo Canyon, Unit 1 Technical Specifications require the following minimum shift crew composition while in operational modes 1, 2, 3, and 4: One Shift Supervisor (SS), one individual with a Senior Operating License (SOL), one individual with an Operating License (OL), one Auxiliary Operator (AO), and one Shift Technical Advisor (STA). For modes 5 and 6, the current Technical Specifications require the following minimum crew size: One Shift Supervisor (SS), one individual with an Operating License (OL), and one Auxiliary Operation (AO). Thus, a minimum crew size of seven is required for modes 1, 2, 3, and 4 and three for modes 5 and 6. The proposed change for two-unit operation requires the following mimimum crew size: One SS, one SOL, three OLs (at least one of these individuals must be assigned to the designated position for each unit and the third individual being a floater for either unit), and one STA. With both units in modes 5 or 6, the minimum crew size would be one SS, two OLs (one for each unit), and three AOs (one for each unit, with the third individual being a floater for either unit). With one unit in modes 1, 2, 3, or 4 and the other unit in modes 5 or 6, the following minimum crew size composition is required: One SS, one SOL, three OLs (one for each unit with the third individual being a floater between both units), three AOs (one for each unit with the third being a floater between both units), and one STA. Thus, when both units are in modes 1, 2, 3, or 4, the minimum crew size is nine individuals compared to seven individuals currently required for one-unit operation. With both units in modes 5 or 6, the minimum crew size would be six personnel compared to three for the current one-unit operation. It should be noted that the requirements of 10 CFR 50.54(m) do not require that for a two-unit plant the staffing be twice that of a one-unit plant since the change conforms to and satisfies the Commission's regulations and the Standard Review Plan by being consistent with the regulatory guidance provided in NUREG–0452, Revision 4, it is similar to example (vi) of 48 FR 14870. On this basis, the NRC proposes to determine that the change does not involve significant hazards consideration.

2. Proposed Change-Diesel Generator Testing

Diablo Canyon, Units 1 and 2 are provided with five emergency diesel generators. There are three diesel generators currently serving Diablo Canyon, Unit 1 and two which will serve Diablo Canyon, Unit 2. Diesel Generator No. 3 in Diablo Canyon, Unit 1 is designed to be connected in such a manner that it can serve either Diablo Canyon, Unit 1 or Unit 2. The current Diablo Canyon, Unit 1 Technical Specifications requires the same testing of Diesel Generator No. 3 as is required for Diesel Generators Nos. 1 & 2. Upon issuance, a Unit 2 license will require that Diesel Generator No. 3 be tested on a testing schedule consistent with Diablo Canyon, Unit 2. This double requirement will result in unnecesary and potentially harmful testing. To preclude unnecessary testing of Diesel Generator No. 3, a footnote will be added to Surveillance Requirement 4.8.1.1.2 recognizing that the Diesel Generator 3 is common to both units and need not be surveillance tested more frequently than required to satisfy the operability rquirement for the most limiting unit. The change is consistent with the guidance in the NRC Generic Letter 84–15, "Proposed Staff Actions to Improve and Maintain Diesel Generator Reliability" to reduce unnecessary diesel generator testing. This proposed change is similar to example (i) of 48 FR 14870 in that the proposed change is administrative in nature and maintains the existing substantive requirement for testing Diesel Generator No. 3. On this basis, the NRC proposes to determine that the change does not involve a significant hazards consideration.

The above proposed changes to the Technical Specifications are contingent upon issuance of an operating license for Unit 2.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention, Docketing and Service Branch.

By April 8, 1985, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceedings; and (3) the possible effect of any order which may be

entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to G. Knighton: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** Notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to Phillip A. Crane, Esq., Richard F. Locke, Esq., Pacific Gas & Electric Company, P.O. Box 7442, San Francisco, California 94120 and to Bruce Norton, Esq., Norton, Burke, Berry and French, P.O. Box 10569, Phoenix, Arizona 85064.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. The determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Bethesda, Maryland, this 26 day February 1985.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 85-5525 Filed 3-6-85; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Actuarial Advisory Committee With Respect to the Railroad Retirement Accounts; Public Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that the Actuarial Advisory Committee will hold a meeting on April 3, 1985, at the offices of the Chief Actuary and Director of Research of the U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, on the conduct of the 16th Actuarial Valuation of the Railroad Retirement Account. The agenda for this meeting will include a discussion of the results and presentation of the 16th Actuarial Valuation. The text and the tables which constitute the Valuation will have been prepared in draft form for review by the Committee. It is expected that this will be the last meeting of the Committee before publication of the Valuation.

The meeting will be open to the public. Persons wishing to submit written statements or make oral presentations should address their communications or notices to the RRB Actuarial Advisory Committee, c/o Chief Actuary and Director of Research, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

Dated: February 27, 1985.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 85-5488 Filed 3-6-85; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-21799; SR-PSE-85-5]

Self-Regulatory Organizations; Proposed Rule Change by the Pacific Stock Exchange, Inc., Relating to the Procedure for Closing Rotations and the Bid-Ask Differential Rule

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 19, 1985, the Pacific Stock Exchange, Inc. ("PSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is

publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend PSE Rule VI, section 36(b) and 79, respectively, to provide a more detailed procedure for closing rotations, and to clarify the bid-ask differential rule. With respect to section 36(b), the proposed rule change would provide PSE with the ability to use trading rotations in additional, limited situations not permissible under PSE's current rules. In particular, the proposal would permit the use of a trading rotation when a delayed opening/reopening occurs after 12:30 p.m., and when a fast market is declared by two PSE Options Floor Officials, in accordance with guidelines established by PSE in Options Floor Procedure Advice G–9. The decision to employ a trading rotation after 12:30 p.m. would be publicly announced on the trading floor at least 10 minutes prior to the commencement of such rotation. Only one trading rotation may be commenced in any given options class after 1:10 p.m.

As a related matter, when a closing rotation is necessary the PSE Order Book Official would be required to use a single price closing procedure. In addition, the proposed rule change would provide that public customer orders receive the same priority as they do during opening rotations, (*i.e.*, priority over market-makers). The text of the proposed rule change is modeled after a similar rule of the Chicago Board Options Exchange, Inc. ("CBOE") (CBOE Rule 6.2, Commentary .02), and is attached as *Exhibit A*.

Currently, PSE Rule VI, Section 36(b) only authorizes the use of a closing rotation in two situations: if trading in the underlying security either opens or reopens after 12:45 p.m. In addition, the current rule does not specify whether a single price procedure should be used, rather than free trading in each series, or whether customer orders will receive the same priority they enjoy on opening rotations.

In its filing, PSE indicated that it is amending the trading rotation rule to provide for its expanded use, in part, as a result of PSE's recent experience with the existence of a fast market in the overlying options. In addition, PSE indicated that it decided to further amend the trading rotation rule to require the use of a single price procedure and to provide public customer order priority during the extraordinary trading rotations, as well, after it "weighed the interests involved." Finally, PSE indicates that new section 36(b) of Rule VI is consistent with the rules of CBOE and other options exchanges.

With respect to PSE Rule VI, section 79, the proposed rule change would clarify the bid-ask differentials by conforming the language in Commentary .02 to the language in paragraph (b)(1) of that rule. Paragraph (b)(1) of Section 79 used the current "bid" for an options series as the reference point for establishing the bid-ask differential, and defines the maximum bid-ask differential in terms of the bid price (*i.e.*, the difference shall be no more that ¼ of $1 between the bid and the offer for each option contract for which the bid is $.50 or less). For the most part, Commentary .02 of Section 79 repeats the bid-ask differential formula contained in paragraph (b)(1), except that it uses the "last sale" of the option as the reference point to establish the bid-ask differential, instead of the current "bid." To make the Commentary consistent with the Rule, the proposed rule change would delete the "last sale" language from Commentary .02, and leave the current "bid" as the sole reference point in determining the bid-ask differential for an option. The text of new Section 79 of PSE Rule VI is attached as *Exhibit B*.

In July 1984, PSE amended Section 79 to reduce the maximum bid-ask differentials in order to create tighter options markets. However, in its filing, PSE noted that "in a recent effort to circumvent the tighter markets, some market makers have seized upon the 'last sale' language contained in Commentary .02 to lay wider markets in options that trade irregularly." As a result, PSE stated that the Options Floor Trading Committee, on November 13, 1984, directed the PSE staff to clarify the bid-ask differential Rule and Commentary, as described above. PSE also stated that "the clear intent of section 79 is that the current 'bid,' as the best reflection of the existing market, should be the reference point for the bid-ask differential, not a last sale which may be hours or days old."

PSE believes the proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 ("Act") and the rules and regulations thereunder in that the new closing procedure will ensure customer priority when a rotation is used, and the amendment of section 79 will guarantee that the narrower bid-ask differentials can be enforced under all market conditions. Therefore, PSE stated that the proposed rule change is consistent with section 6(b)(5) of the Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect the investing public.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR–PSE–85–5.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the PSE.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

March 1, 1985.

Exhibit A.—Text of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE" or the "Exchange") proposes to amend Rule VI, sections 36(b) and 79 of the Rules of the Board of Governors to provide a more detailed procedure for closing rotations, and to clarify the bid-ask differential rule. (Brackets indicate language to be deleted; arrows indicate new language.)

Trading Rotations

Section 36. No change.

Commentary:

.01 No change.

(a) No change.

(b) Closing Rotations. [The closing rotation, when used, shall be commenced at the close of trading hours of the Exchange with all Order Book Officials proceeding concurrently in the following manner: Taking each class of

option contracts in which he is acting in turn, each Order Book Official should close the one or more series of each class having the nearest expiration; having the most distant expiration, and so forth, until all series have been closed. Except as otherwise provided by the Options Floor Trading Committee, if both puts and calls covering the same underlying security are traded, the Order Book Offical shall determine the order of closing each series of such puts and calls in light of current market conditions, in the manner provided in paragraph (a) for opening rotations.

One trading rotation in any class of option contracts may be completed even though completion of the rotation will result in the effecting of transactions on the Exchange after 1:10 p.m. provided that trading in the underlying security opens or reopens after 12:45 p.m. and promptly thereafter and before 1:10 p.m. the Exchange commences an opening or reopening rotation in the corresponding options class.]

►*Transactions may be effected in a class of options after 1:10 p.m. (San Francisco time) if they occur during a trading rotation. Such a trading rotation may be employed in connection with the opening or reopening of trading in the underlying security after 12:30 p.m. (San Francisco time) or due to the declaration of a "fast market" pursuant to Options Floor Procedure Advice G–9. The decision to employ a trading rotation after 12:30 p.m. shall be publically announced on the trading floor prior to the commencement on the trading floor prior to the commencement of such rotation. No more than one trading rotation may be commenced after 1:10 p.m. If a trading rotation is in progress and Floor Officials determine that a final trading rotation is needed to assure a fair and orderly close, the rotation in progress shall be halted and a final rotation begun as promptly as possible after 1:10 p.m. Any trading rotation conducted after 1:10 p.m. may not begin until ten minutes after news of such rotation is disseminated.*

(1) When a closing rotation is necessary, the Order Book Official shall use a single price closing procedure. In a closing rotation, customer orders will receive the same priority as they do during opening rotations.

(2) Except as otherwise provided by the Options Floor Trading Committee, if both puts and calls covering the same underlying security are traded, the Order Book Official shall determine the order of closing each series of such puts and calls in light of current market conditions, in the manner provided in paragraph (a) for opening rotations.◄

Exhibit B—Obligations of Market Makers

Section 79.
(a) No change.
(b) No change.
(c) No change.
(d) No change.
Comentary:
.01 No change.
.02 [Pursuant to paragraph (b)(1) of this Section, the Options Floor Trading Committee has adoped the following bid-ask differential quidelines: Market Makers shall make bids and/or offers so as to create a differential between the highest bid and the lowest offer in each series of no more than:

¼ When the last sale of the option is $1 or less.

⅜ When the last sale of the option is greater than $1 but does not exceed $5.

½ When the last sale of the option is greater than $5 but does not exceed $10.

¾ When the last sale of the option is greater than $10 but does not exceed $20 exactly.

$1 When the last sale of the option is $20⅛ or more.]

The bid-ask differentials as stated [above] ►in paragraph (b)(1) of this Section◄ shall apply to all options series open for trading in each option class.

.03–.07 No change.

[FR Doc. 5428 Filed 3–6–85; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 21797; SR-NASD-84-31]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

February 28, 1985.

The National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street, N.W., Washington, D.C., 20006, submitted on December 11, 1984 a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b–4 thereunder to modify Schedule D of the NASD By-Laws [1] by providing that an American Depository Receipt ("ADR") registered under section 12(g) of the Act may be included in the National Association of Securities Dealers Automated Quotations Systems ("NASDAQ") if at least 100,000 ADRs have been registered with the Commission.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 21685, January 24, 1985) and by publication in the **Federal Register** (50 FR 5024, February 5, 1985). Although certain ADRs have been eligible for quotation in the NASDAQ System for some time, the NASD states that it became necessary for the NASD to establish a public float requirement for ADRs when the Commission amended Rule 12g3–2 (17 CFR 240.12g3–2) under the Act.[2]

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

John Wheeler,

Secretary.

[FR Doc. 85–5429 Filed 3–6–85; 8:45 am]
BILLING CODE 8010-01-M

[1] Schedule D, NASD By-Laws, *NASD Manual* (CCH) ¶ 1653A.

[2] *See* Securities Exchange Act Release No. 20264 (October 6, 1983), 48 FR 46736 (October 14, 1983).

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Regarding the Application of Certain International Agreements

This notice modifies the determination published in the **Federal Register** of January 4, 1980 (45 FR 1181), as amended by determinations published at 45 FR 18547, 45 FR 36569, 45 FR 63402, 45 FR 85239, 46 FR 24059, 46 FR 40624, 46 FR 46263, 46 FR 48391, 47 FR 16697, 49 FR 47467, and 50 FR 8428.

Under Section 1–103(b) of Executive Order 12188 of January 2, 1980, the functions of the President under section 2(b) of the Trade Agreements Act of 1979 (the Act) and section 701(b) of the Tariff Act of 1930 as amended, are delegated to the United States Trade Representative (the Trade Representative), who shall exercise such authority with the advice of the Trade Policy Committee.

Now, therefore, William E. Brock, United States Trade Representative, in conformance with the provisions of Section 2(b) of the Act, section 701(b) of the Tariff Act of 1930 as amended, and section 1–103(b) of Executive Order

12188, does hereby determine, effective on the date of signature of this Notice that:

With respect to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreements on Tariffs and Trade (Subsidies Code), Indonesia has accepted the obligations of the Agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement.

In accordance with section 702(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1671(b)), as of March 4, 1985, Indonesia is a "country under the Agreement."

William E. Brock,

United States Trade Representative.

March 4, 1985.

[FR Doc. 85-5483 Filed 3-6-85; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 85-012]

Equipment, Construction, and Materials

AGENCY: Coast Guard, DOT.

ACTION: Approval Notice.

SUMMARY: This notice contains a listing of Coast Guard approvals issued between 1 February 1984 and 30 November 1984. These approvals are for safety equipment and materials required by regulation to be used on certain merchant vessels and recreational boats, and also in Outer Continental Shelf activities.

FOR FURTHER INFORMATION CONTACT: Ms. Valarie Williams, Office of Merchant Marine Safety (G-MVI-3/24), Room 1404, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, DC 20593, (202) 426-1444. Normal office hours are between 7 a.m. and 3:30 p.m., Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: Certain regulations in Titles 33 and 46 of the Code of Federal Regulations require that various items of lifesaving, firefighting and other safety equipment and materials used on board merchant vessels and recreational boats, and in Outer Continental Shelf activities be approved by the Commandant, U.S. Coast Guard. This document notifies interested persons that certain approvals have been issued or revised during the period from 1 February 1984 and 30 November 1984. These actions were taken under the procedures in 46 CFR 2.75-1 to 2.75-50.

The statutory authority governing carriage of this equipment is in sections 3306(a), 4102, and 4302(a)(2) of Title 46, U.S.C., section 1333 of Title 43, U.S.C., and section 198 of Title 50, U.S.C. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)).

Most of the items in this list meet specification regulations in 46 CFR Parts 160 to 164. The approvals listed in this document are generally issued for a period of 5 years from the date of issue, unless sooner withdrawn, suspended or terminated.

Life Preserver Kapok

Approval No. 160.002/78/0 Adult, standard Type I PFD, Model No. 3, manufactured by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604 (Supersedes Approval 160.002/78/0 dated 25 October 1979 to show inspection laboratory).

Approval No. 160.002/79/0 Child, standard Type I PFD, Model No. 5, manufactured by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

Approval No. 160.002/102/1, Adult, standard Type I PFD, Model 3, manufactured by Buddy Schoellkopf Products Inc., 4949 Joseph Hardin Dr., Dallas, TX 75236.

Approval No. 160.002/A102/1, Adult, standard Type I PFD, Model 3, manufactured by Red Head Brand Corporation, 4949 Joseph Hardin Dr., Dallas, TX 75236.

Approval No. 160.002/103/1, Child, standard Type I PFD, Model 5, manufactured by Buddy Schoellkopf Products Inc., 4949 Joseph Hardin Dr., Dallas, TX 75236.

Approval No. 160.002/A103/1, Child, standard Type I PFD, Model 5, manufactured by Red Head Brand Corporation, 4949 Joseph Hardin Dr., Dallas, TX 75236.

Approval No. 160.002/128/0, Adult, non-standard Type I PFD, Model No. 8810, manufactured by Kent Sporting Goods, State Route 60, New London, OH 44851.

Approval No. 160.002/129/0, Child, non-standard Type I PFD, Model No. 8800, manufactured by Kent Sporting Goods, State Route 60, New London, OH 44851.

Buoyant Apparatus

Approval No. 160.010/70/2, 48"x 48" x 9", 12-person capacity, box type, manufactured Cal-June, Inc., Jim-Buoy Marine Division, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.010/71/2, 62" x 48" x 9", 18-person capacity, box type, manufactured Cal-June, Inc., Jim-Buoy Marine Division, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.010/72/2, 84" x 48" x 9", 20-person capacity, box type, manufactured Cal-June, Inc., Jim-Buoy Marine Division, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.010/73/2, 51" x 37" x 9", 10-person capacity, rectangular type, manufactured Cal-June, Inc., Jim-Buoy Marine Division, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.010/74/2, 63" x 37" x 9", 12-person capacity, rectangular type, manufactured Cal-June, Inc., Jim-Buoy Marine Division, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.010/75/2, 64" x 48" x 12½", 18-person capacity, rectangular type, manufactured Cal-June, Inc., Jim-Buoy Marine Division, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.010/76/2, 100" x 48" x 12 ½", 22-person capacity, rectangular type, manufactured Cal-June, Inc., Jim-Buoy Marine Division, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.010/77/2, 51" x 37" x 9", 8-person capacity, rectangular type, manufactured Cal-June, Inc., Jim-Buoy Marine Division, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.010/78/2, 63" x 37" x 9, 10-person capacity, rectangular type, manufactured Cal-June, Inc., Jim-Buoy Marine Division, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.010/80/2, 100" x 48" x 12½", 22-person capacity, rectangular type, manufactured Cal-June, Inc., Jim-Buoy Marine Division, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.010/81/0, 45-person capacity inflatable buoyant apparatus, manufactured by Beaufort Air-Sea Equipment Canada, Ltd., 12351 Bridgeport Road, Richmond, B.C. V6V 1J4 Canada.

Approval No. 160.010/82/0, Model KRR-30 buoyant ring 30"OD x 16¾"ID x 8"thick, manufactured by Rescue Ring Inc., 227 N.E. Brumbaugh Ilwaco, WA 78624.

Approval No. 160.010/83/0, Model KRR-26 buoyant ring 26"OD x 8" ID x 8" thick, manufactured by Rescue Ring Inc., 227 N.E. Brumbaugh Ilwaco, WA 78624.

Approval No. 160.010/84/0, 45-person capacity, Viking Type 45 RDV, manufactured by Viking-A/S Nordisk, Gummibadsfabrik, P.O. Box 3060-6700 Esbjerg V, Denmark.

Self-Contained Breathing Apparatus

Approval No. 160.011/60/0, Models 9849–20,-22, 9038–20,-22, -70, -72, 9838–20, -22, -70, -72, and 9848–20, -22, 30-minute, manufactured by U.S. Divers Co., 3323 West Warner Ave., Santa Ana, CA 92702.

Lifeboat Compass

Approval No. 160.014/8/0, Model 73172, Merkur-R compass consisting of Model 2631, manufactured by C. Plath, P.O.B. 60 20 60, Gertigstrasse 48, 2000 Hamburg 60, Federal Republic of Germany.

Lifeboat Winch

Approval No. 160.015/93/2, Type 35G-MKII lifeboat winch, manufactured by Marine Safety Equipment Corp., P.O. Box 465, Farmingdale, NJ 07727.

Approval No. 160.015/105/0, Type M–13 lifeboat winch, manufactured by Marine Safety Equipment Corp., P.O. Box 465, Farmingdale, NJ 07727.

Approval No. 160.015/126/0, Type USW/9.3 lifeboat winch, manufactured by Watercraft America, Inc., P.O. Box 1130, Edgewater, FL 32032.

Approval No. 160.015/143/0, Model CW–100M lifeboat winch, manufactured by Lake Shore, Inc., Iron Mountain, MI 49801.

Chain Ladder Equivalent

Approval No. 160.017/57/0, Comar Debarkation Ladder—synthetic construction with ¼ dacron jacketed orange safety core rope suspension members, manufactured by Coast Marine & Industrial Supply Co., 398 Jefferson St., San Francisco, CA 94133.

Approval No. 160.017/58/0, Appllo Marine ladder—suspension members Poly Plus PD–10, manufactured by Applo Marine Specialties, 3914 Royal St., New Orleans, LA 70117.

Hand Held Red Flare Distress Signal

Approval No. 160.021/22/0, International hand held red flare distress signal, 500 candela, 2 minute burning time, manufactured by Kilgore Corporation, Bradford Rd., Toone, TN 38381–0099.

Floating Orange Smoke Distress Signal

Approval No. 160.022/8/2, Model K–5A floating orange smoke distress signal, manufactured by Kilgore Corporation, Toone, Tennessee 38381.

Emergency Drinking Water

Approval No. 160.026/57/0, 4 oz sterile water in heat sealed foiled envelope, manufactured by ACR Electronics Inc., 3901 N. 29th Ave., Hollywood, FL 33020.

Life Float

Approval No. 160.027/75/2, 50½" x 36½" x 8½" life float, 8-person capacity, manufactured by Cal-June, Inc., Jim-Buoy Marine Division, P.O. Box 9551, N. Hollywood, CA 91609.

Approval No. 160.027/76/2, 63" x 37" x 9" life float, 10-person capacity, manufactured by Cal-June, Inc., Jim-Buoy Marine Division, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.027/77/2, 64" x 48" x 12½" life float, 15-person capacity, manufactured by Cal-June, Inc., Jim-Buoy Marine Division, P.O. Box 9551, N. Hollywood, CA 91609.

Approval No. 160.027/78/2, 100" x 48" x 12½" life float, 22-person capacity, manufactured by Cal-June, Inc., Jim-Buoy Marine Division, P.O. Box 9551, N. Hollywood, CA 91609.

Approval No. 160.027/79/2, 50½" x 36½" x 8½" life float, 6-person capacity, manufactured by Cal-June, Inc., Jim-Buoy Marine Division, P.O. Box 9551, N.Hollywood, CA 91609.

Approval No. 160.027/80/2, 78" x 37" x 9" life float, 12-person capacity, manufactured by Cal-June, Inc., Jim-Buoy Marine Division, P.O. Box 9551, N. Hollywood, CA 91609.

Shoulder Gun Type Line-Throwing Appliance

Approval No. 160.031/7/3, "Safety Line" shoulder gun type line-throwing appliance, manufactured by Safety-Liner Corporation, 5889 Wood Side Drive, Watertown, NY 13601.

Lifeboat Davit

Approval No. 160.032/181/2, Mechanical davit, steel straight boom-sheath screw, Type 22–31, MK III, manufactured by Marine Safety Equipment Corp., Foot of Wyckoff Road, Farmingdale, NJ 07727.

Approval No. 160.032/202/1, Type 26–16 gravity davit, approved for a working load of 16,000 lbs. per set, manufactured by Marine Safety Equipment Corp., Foot of Wyckoff Road, Farmingdale, NJ 07727.

Approval No. 160.032/221/1, Type 24 WOD outrigger-gravity davit, approved working load of 15,680 lbs. per set, manufactured by Watercraft America, Inc., P.O. 1130, Edgewater, FL 32032.

Approval No. 160.032/224/1, Type 21 WOD outrigger-gravity davit, approved for a maximum working load of 11,200 lbs., manufactured by Watercraft America, Inc., P.O. 1130, Edgewater, FL 32032.

Approval No. 160.032/225/1, Type 28 WOD outrigger-gravity davit, approved for a maximum working load of 20,474 lbs., manufactured by Watercraft America, Inc., P.O. 1130, Edgewater, FL 32032.

Approval No. 160.032/227/1, Type 26 WOD outrigger-gravity davit, approved for a maximum working load of 15,866 lbs., manufactured by Watercraft America, Inc., P.O. 1130, Edgewater, FL 32032.

Approval No. 160.032/228/2, Type 28-21 gravity davit, approved for a maximum working load of 21,000 lbs. per set, manufactured by Marine Safety Equipment Corp., P.O. Box 465, Farmingdale, NJ 07727.

Approval No. 160.032/246/1, Type 28 WOD/OFF outrigger gravity davit, Approved for a working load of 20,800 lbs. per set, manufactured by Watercraft America, Inc., P.O. 1130, Edgewater, FL 32032.

Approval No. 160.032/254/0, Type G-195–S gravity davit, approved for a maximum working load of 40,000 lbs. per set, manufactured by Lake Shore Inc., Iron Mountain, Michigan 49801.

Approval No. 160.032/258/0, Type CG–226–2G gravity davit (trackway-type), approved for a maximum working load of 22,600 lbs. per set, manufactured by Lake Shore Inc., P.O. Box 809, 900 West Breitung Ave., Iron Mountain, MI 49801.

Mechanical Disengaging Apparatus (for Lifeboats)

Approval No. 160.033/26/3, Rottmer, size 297 releasing gear, manufactured by Lane Marine Technology Inc., 150 Sullivan Street, Brooklyn, NY 11231.

Approval No. 160.033/64/0, Rottmer type releasing gear, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, CA 92041.

Lifeboat

Approval No. 160.035/91/4, 18.0' x 6.0' x 2.6' steel steel, oar-propelled lifeboat, 13-person capacity, manufatured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231.

Approval No. 160.035/100/2, 24.0' x 7.75' x 3.33' steel, oar-propelled lifeboat, 39-person capacity, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231.

Approval No. 160.035/103/4, 24.0' x 8.0' x 3.5' steel, oar-propelled lifeboat, 40-person capacity, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231.

Approval No. 160.035/174/3, 22.0' x 7.5' x 3.17' steel, motor-propelled lifeboat, 28-person capacity,

manufactured by Marine Safety Equipment Corp., Foot of Wyckoff Road, Farmingdale, NJ 07727.

Approval No. 160.035/285/3, 18.0' x 5.75' x 2.42' aluminum, oar-propelled lifeboat, 12-person capacity, manufactured by Marine Safety Equipment Corp., Foot of Wyckoff Road, Farmingdale, NJ 07727.

Approval No. 160.035/409/0, 26.0' x 9.0' x 3.83' aluminum, oar-propelled 53-person capacity, manufactured by Lane Marine Technology, Inc., Lane Lifeboat Division, 150 Sullivan Street, Brooklyn, NY 11231.

Approval No. 160.035/416/1, 30.0' x 10.0' x 4.33' FRP open lifeboat, hand propelled, 78 persons capacity, manufactured by Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231.

Approval No. 160.035/455/1, 26.0' x 9.0' x 3.8' aluminum motor-propelled, lifeboat 48 persons capacity, manufactured by Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231.

Approval No. 160.035/458/1, 24.0' x 7.75' x 3.33' steel, hand propelled, lifeboat, 39 persons capacity, manufactured by Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231.

Approval No. 160.035/474/6 Model 1401 survival capsule, 11.2' diameter x 3.35' depth 14 persons capacity, manufactured by Whittaker Corporation, Survival Systems Division, 5151 Baltimore Drive, La Mea, CA 92041.

Approval No. 160.035/475/1 ;26.25' x 8.85' x 3.6' fibrous glass reinforced plastic, manufactured by Watercraft America, Inc., P.O. Box 1130, Edgewater, FL 32032.

Approval No. 160.035/487/2, 23.87' x 8.75' x 3.25' fibrous glass reinforced plastic, manufactured by Watercraft America, Inc., P.O. Box 1130, Edgewater, FL 32032.

Approval No. 160.035/508/0, EL/16 totally enclosed lifeboat, 16.6 x 7.0" x 9.6' fibrous glass reinforced plastic, manufactured by Watercraft America, Inc., P.O. Box 1130, Edgewater FL 32032.

Approval No. 160.035/509/1, Model CA 2100, 21 person capacity, manufactured by Whittaker Corporation Survival Systems Division, 5159 Baltimore Drive, La Mesa, CA 92041.

Approval No. 160.035/512/0, FRP open oar-propelled lifeboat, 42 person capacity, manufactured by Harding Safety Inc., P.O. Box 1445, Mobile, AL 36633.

Hand Held, Rocket Propelled, Parachute Red Flare Distress Signal

Approval No. 160.036/11/0, Model Proteus III hand held, rocket propelled red parachte flare, manufactured by Kilgore Corporation, Bradford Road, Toone, TN 38381–0099.

Hand Held Orange Smoke Distress Signal

Approval No. 160.037/20/0, Hand Held Orange Smoke Distress Signal, manufactured by Kilgore Corporation, Bradford Rd., Toone, TN 38381–0099.

Line Throwing Appliance Rocket Type

Approval No. 160.040/8/0, "Lifeline 750" manufactured by Kilgore Corporation, Bradford Rd., Toone, TN 38381–0099.

First Aid Kit

Approval No. 160.041/3/2, First Aid Kit, Model No. 01–16–05, manufactured by North Health Care, 1515 Elmwood Road, Rockford, IL 61101.

Approval No. 160.041/15/0, First Aid Kit, Model No. 01–16–07, plastic container, manufactured by North Health Care, 1515 Elmwood Road, Rockford, IL 61101.

Lifeboat Bilge Pump

Approval No. 160.044/16/0, Size No. 2 lifeboat bilge pump, Henderson P7/L MKV T/A model, manufactured by Watercraft America, Inc., P.O. Box 1130, Edgewater, FL 32032.

Approval No. 160.044/19/0, Size No. 3 lifeboat bilge pump, Henderson Mark V double chamber pump, manufactured by Watercraft America, Inc., P.O. Box 1130, Edgewater, FL 32032.

Approval No. 160.044/20/0, Size No. 2 lifeboat bilge pump, Henderson Mark V single chamber pump, manufactured by Watercraft America, Inc., P.O. Box 1130, Edgewater, FL 32032.

Emergency Provisions for Lifeboat & Liferaft

Approval No. 160.046/11/0, Hermetically sealed foil laminate package, package material meets MIL–B–131F Class II, manufactured by Rubber Fabricators Inc., P.O. Box 248, Apex, NC 27502.

Approval No. 160.046/12/0, Hermetically sealed foil laminate package, foil laminate meets MIL–B–131G, manufactured F & L Packing Corporation, 681 Main Street, Belleville, NJ 07109.

Unicellular Plastic Ring Life Buoys

Approval No. 160.050/48/2, 20 inch, type IV PFD, Model No. GW–20, manufactured by Cal-June Inc., P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.050/50/2, 24 inch, type IV PFD, Model No. GW–24, manufactured by Cal-June Inc., P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.050/60/2, 24 inch, type IV PFD, Model No. GWX–24 manufactured by Cal-June Inc., P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.050/A60/2, 24 inch, type IV PFD, Model GX–24, marketted by Recreonics Corporation, 1635 Expo Lane, Indianapolis, IN 46224.

Approval No. 160.050/61/2, 20 inch type IV PFD, Model No. GWX–20, manufactured by Cal-June Incorporated, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.050/A61/2, 20 inch type IV PFD, Model No. GX–20 marketted by Recreonics Corporation, 1635 Expo Lane, Indianapolis, IN 46224.

Approval No. 160.050/84/0, 20-inch, type IV PFD, manufactured by Plasti-Kraft Corporation, Ozona Insustrial Park, Ozona, FL 33560.

Approval No. 160.005/85/0, 24-inch, type IV PFD, manufactured by Plasti-Kraft Corporation, Ozona Industrial Park, Ozona, FL 33560.

Approval No. 160.050/86/0, 30-inch, type IV PFD, manufactured by Plasti-Kraft Corporation, Ozona Industrial Park, Ozona, FL 33560.

Approval No. 160.050/102/1, 20-inch, type IV PFD, Model No. GOX–20, manufactured by Cal-June Incorporated, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.005/A102/1, 20-inch, type IV PFD, Model No. GX–20, marketted by Recreonics Corporation, 1635 Expo Lane, Indianapolis, IN 46224.

Approval No. 160.050/103/1, 24-inch, type IV PFD, Model No. GOX–24, manufactured by Cal-June Incorporated, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.050/A103/1, 24-inch, type IV PFD, Model No. GX–24, marketed by Recreonics Corporation, 1635 Expo Lane, Indianapolis, IN 46224.

Approval No. 160.050/104/1, 30-inch, type IV PFD, Model No. GX–30, manufactured by Cal-June Incorporated, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.050/A104/1, 30-inch, type IV PFD, Model No. GX–30, marketed by Recreonics Corporation, 1635 Expo Lane, Indianapolis, IN 46224.

Approval No. 160.050/105/1, 20-inch, type IV PFD, Model No. GO–20, manufactured by Cal-June Incorporation, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.050/106/1, 24-inch, type IV PFD, Model No. GO–24, manufactured by Cal-June Incorporated, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.050/107/1, 30-inch, type IV PFD, Model No. G–30,

manufactured by Cal-June Incorporated, P.O. Box 9551, North Hollywood, CA 91609.

Approval No. 160.050/110/0, 20 inches, Type IV PFD, Model A20, manufactured by Coated Marine Products, 10 Foam Forms Place, Waukegan, IL 60085.

Approval No. 160.050/111/0, 24 inches, Type IV PFD, Model A24, manufactured by Coated Marine Products, 10 Foam Forms Place, Waukegan, IL 60085.

Approval No. 160.050/112/0, 30 inches, Type IV PFD, Model A30, manufactured by Coated Marine Products, 10 Foam Forms Place, Waukegan, IL 60085.

Approval No. 160.050/116/1, 30-inch, Type IV PFD, Model No. R-30, manufactured by Cal-June Incorporated, P.O. Box 9551, North Hollywood, CA 91609.

Inflatable Liferaft

Approval No. 160.051/60/3, 20-person, davit-launched inflatable liferaft, Type 20MC MK3, manufactured by B.F. Goodrich Company, Star Route 1, P.O. Box 200, Fenwick, WV 26202.

Approval No. 160.051/71/2, 4-person inflatable liferaft (Circular-Type) with conventional water packets. Manufactured by Switlik Parachute Company, Inc., 1325 E. State Street, Trenton NJ 08607.

Approval No. 160.051/72/2, 4-person SOLAS inflatable liferaft; manufactured by Revere Survival Products, Inc., 605 West 29th Street, New York, New York 10001.

Approval No. 160.051/73/2, 6-person SOLAS inflatable liferaft; manufactured by Revere Survival Products, Inc., 605 West 29th Street, New York, New York 10001.

Approval No. 160.050/74/2, 8-person SOLAS inflatable liferaft; manufactured by Revere Survival Products, Inc., 605 West 29th Street, New York, New York 10001.

Approval No. 160.051/75/2, 10-person SOLAS inflatable liferaft; manufactured by Revere Survival Products, Inc., 605 West 29th Street, New York, New York 10001.

Approval No. 160.051/76/2, 12-person SOLAS inflatable liferaft; manufactured by Revere Survival Products, Inc., 605 West 29th Street, New York, New York 10001.

Approval No. 160.051/77/2, 15-person SOLAS inflatable liferaft; manufactured by Revere Survival Products, Inc., 605 West 29th Street, New York, New York 10001.

Approval No. 160.051/78/3, 20-person SOLAS inflatable liferaft; manufactured by Revere Survival Products, Inc., 605 West 29th Street, New York, New York 10001.

Approval No. 160.051/79/2, 25-person SOLAS inflatable liferaft; manufactured by Revere Survival Products, Inc., 605 West 29th Street, New York, New York 10001.

Approval No. 160.051/80/2, 25-person SOLAS inflatable liferaft (Ocean Service); manufactured by Revere Survival Products, Inc., 605 West 29th Street, New York, New York 10001.

Approval No. 160.051/83/3, 25-person davit-launched inflatable liferaft (Limited Service); manufactured by B.F. Goodrich Company, Star Route 1, P.O. Box 200, Fenwick, WV 26202.

Approval No. 160.051/103/0, 4-person inflatable liferaft (Circular-Type) with toroidal stabilizing device. Manufactured by switlik Parachute Company, Inc., 1325 E. State Street, Trenton NJ 08607.

Approval No. 160.051/109/0, 8-person inflatable liferaft with toroidal stabilizing device. Manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton NJ 08607.

Approval No. 160.051/113/1, 25-person, davit-launched inflatable liferaft, Type 25 MC MK 3A, manufactured by B.F. Goodrich Company, Star Route 1, P.O. Box 200, Fenwick, WV 26202.

Approval No. 160.051/129/0, 25-person davit-launched inflatable liferaft, Type 25 QM with ocean service equipment. Manufactured by Beaufort Air-Sea Equipment Canada, Ltd., 12351 Bridgeport Road, Richmond, B.C. V6V 1J4 Canada.

Work Vest Unicellular Plastic

Approval No. 160.053/37/0, Nonstandard Type V PFD, Model AF 600, manufactured by Paris Southern, P.O. Box 9038, Station A, Greenville, SC 29604.

Approval No. 160.053/43/0, Adult, Type V PFD, Model WV-1, manufactured by Wellington Industries, Inc., P.O. Box 244, Madison, GA 30650.

Approval No. 160.053/59/0, Nonstandard, Type V PFD, Model WV-3, manufactured by Taylortec Inc., 2400 South Range Rd., Hammond, LA 70401.

Approval No. 160.053/60/1, Adult Universal, Type V PFD, Model IWV-224, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 53601.

Approval No. 160.053/65/0, Nonstandard Model S9792, Type V PFD, manufactured by Wellington Puritan, Inc., Wellington Cordage Division, Monticello Highway, Madison, Georgia 30650.

Unicellular Plastic Foam Work Vest

Approval No. 160.055/126/0, Type Adult, Nonstandard Type I PFD, Model ILJ-100, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.055/131/0, Child, Nonstandard Type I PFD, Model ILJ-101, manufactured Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.055/144/0, Child, Type V PFD, Models 1062, 1063, 1064, 1065, manufactured by Wellington Leisure Products, Inc., 30 East Chambers, Forsyth, Georgia 31029.

Approval No. 160.055/145/0, Adult Type V PFD, Models 1062, 1063, 1064, 1065, manufactured by Wellington Leisure Products, Inc., 30 East Chambers, Forsyth, Georgia 31029.

Approval No. 160.0.55/147/0, Adult I PFD, Model No. ALP-1, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, TX 75236.

Approval No. 160.055/148/0, Child, Type I PFD, Model No. CLP-1, manufactured by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, TX 75236.

Approval No. 160.055/149/0, Adult, Type I PFD, Model 8830, manufactured by Kent Sporting Goods, State Route 60, New London, OH 44851.

Approval No. 160.055/150/0, Child, Type I PFD, Model 8280, manufactured by Kent Sporting Goods, State Route 60, New London, OH 44851.

Buoyant Vests

Approval No. 160.060/34/0, Adult, Type II PFD, Model 4156, manufactured by Ero Industries, Inc., 189 West Madison Drive, Chicago, IL 60602.

Approval No. 160.060/35/0, Child Medium, Type II PFD, Model 4161, manufactured by Ero Industries, Inc., 189 West Madison Drive, Chicago, IL 60602.

Approval No. 160.060/36/0, Child Small, Type II PFD, Model 4166, manufactured by Eros Industies, Inc., 189 West Madison Drive, Chicago, IL 60602.

Approval No. 160.060/55/0, Child Small, Type II PFD, Model PPS, manufactured by Atlantic Pacific, P.O. Box 27, Staten Island, NY 10314.

Approval No. 160.060/56/0, Child Medium, Type II PFD, Model PPM, manufactured by Atlantic Pacific, P.O. Box 27, Staten Island, NY 10314.

Approval No. 160.060/57/0, Adult Universal, Type II PFD, Model PPA, manufactured by Atlantic Pacific, P.O. Box 27, Staten Island, NY 10314.

Approval No. 160.060/62/0, Infant-Child Small, Type II PFD, Model No. KS.

manufactured by Ero Industries Inc., 5940 W. Touhy Ave., Chicago, IL 60648.

Hydraulic Release

Approval No. 160.062/1/4, Raftgo Model C hydraulic and manual release for lifesaving equipment; manufactured by Raftgo Hendry Manufacturing Company, 12A Pamaron Way, Navato, CA 94947.

Approval No. 160.062/2/1, Model 404 hydraulic and manual release for lifesaving equipment; manufacured by Arrow Manufacturing, Inc. 12A Pamaron Way, Navato, CA 94947.

Launching Device

Approval No. 160.063/10/0, Model AIW 101 swivel-davit launching device with attached single-drum winch; manufactured by Alexander Industries, Inc., P.O. Box 51886, 1901 Julia Street, New Orleans, LA 70151.

Marine Buoyant Device

Approval No. 160.064/531/1, Adult Small, Type III PFD, Model Nos. SSV–4164, SSV–4165, SSV–4166, SSV–4160, ILV–460, or ILV–465, manufactured by Stearns Manufacturing Co., 30th and Division Streets, P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/532/1, Adult Medium Type III PFD, Model Nos. SSV–4164, SSV–4165, SSV–4166, SSV–4160, ILV–460, or ILV–465, manufactured by Stearns manufacturing Co., 30th and Division Streets, P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/533/1, Adult Large, Type III PFD, Model Nos. SSV–4164, SSV–4165, SSV–4166, SSV–4160, ILV–460, or ILV–465, manufactured by Stearns Manufacturing Co., 30th and Division Streets, P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/534/1, Adult X-Large, Type III PFD, Model Nos. SSV–4164, SSV–4165, SSV–4166, SSV–4160, ILV–460, or ILV–465, manufactured by Stearns Manufacturing Co., 30th and Division Streets, P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/730/0, Adult Medium, Type III PFD, Model Nos. 1010, 1015, 1016, manufactured by Wellington Leisure Products, Inc., 30 East Chambers, Forsyth, GA 31029.

Approval No. 160.064/731/0, Adult Large, Type III PFD, Model Nos. 1010, 1015, 1016, manufactured by Wellington Leisure Products, Inc., 30 East Chambers, Forsyth, GA 31029.

Approval No. 160.064/772/1, Adult Medium, Type III PFD, Model No. 2020, manufactured by Wellington Leisure Products, Inc., 30 East Chambers, Forsyth, GA 31029.

Approval No. 160.064/773/1, Adult Large, Type III PFD, Model No. 2020, manufactured by Wellington Leisure Products, Inc., 30 East Chambers, Forsyth, GA 31029.

Approval No. 160.064/774/1, Adult X-Large, Type III PFD, Model No. 2020, manufactured by Wellington Leisure Products, Inc., 30 East Chambers, Forsyth, GA 31029.

Approval No. 160.064/776/1, Adult XX-Large or Super, Type III PFD, Model Nos. SSV–4164, SSV–4165, SSV–4166, SSV–4160, ILV–460, or OLV–465, manufactured by Stearns Manufacturing Co., 30th and Division Streets, P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1347/0, Adult X-Small, Type III PFD, Model No. 101, manufactured by Ettinger Enterprises, Inc., 5310, Lance Drive, Knoxville, TN 37919.

Approval No. 160.064/1348/0, Adult Small, Type III PFD, Model No. 102, manufactured by Ettinger Enterprises, Inc., 5310, Lance Drive, Knoxville, TN 37919.

Approval No. 160.064/1349/0, Adult Medium, Type III PFD, Model No. 103, manufactured by Ettinger Enterprises, Inc., 5310, Lance Drive, Knoxville, TN 37919.

Approval No. 160.064/1350/0, Adult Large, Type III PFD, Model No. 104, manufactured by Ettinger Enterprises, Inc., 5310, Lance Drive, Knoxville, TN 37919.

Approval No. 160.064/1351/0, Adult X-Large, Type III PFD, Model No. 105, manufactured by Ettinger Enterprises, Inc., 5310, Lance Drive, Knoxville, TN 37919.

Approval No. 160.064/1352/0, Adult XX-Large, Type III PFD, Model No. 106, manufactured by Ettinger Enterprises, Inc., 5310, Lance Drive, Knoxville, TN 37919.

Approval No. 160.064/1394/0, Adult X-Large, Type III PFD, Model Nos. 1010, 1015, 1016, manufactured by Wellington Leisure Products, Inc., 30 East Chambers, Forsyth, GA 31029.

Approval No. 160.064/1460/0, Child, Type III PFD, Model Nos. ANXS or 802, manufactured by The Coleman Co., Inc., P.O. Box 1762, 250 N. St. Francis, Wichita, KS 67201.

Approval No. 160.064/1461/0, Youth Medium, Type III PFD, Model Nos. ANSS, 802, or SKY, manufactured by The Coleman Co., Inc., P.O. Box 1762, 250 N. St. Francis, Wichita, KS 67201.

Approval No. 160.064/1462/0, Adult X-Small, Type III PFD, Model Nos. ANMS or SKXS, manufactured by The Coleman Co., Inc., P.O. Box 1762, 250 N. St. Francis, Wichita, KS 67201.

Approval No. 160.064/1463/0, Adult Small, Type III PFD, Model Nos. ANS or SKS, manufactured by The Coleman Co., Inc., P.O. Box 1762, 250 N. St. Francis, Wichita, KS 67201.

Approval No. 160.064/1464/0, Adult Medium, Type III PFD, Model Nos. ANMS or SKM, manufactured by The Coleman Co., Inc., P.O. Box 1762, 250 N. St. Francis, Wichita, KS 67201.

Approval No. 160.064/1465/0, Adult Large, Type III PFD, Model Nos. ANL or SXL, manufactured by The Coleman Co., Inc., P.O. Box 1762, 250 N. St. Francis, Wichita, KS 67201.

Approval No. 160.064/1466/0, Adult X-Large, Type III PFD, Model Nos. ANXL or SKXL, manufactured by The Coleman Co., Inc., P.O. Box 1762, 250 N. St. Francis, Wichita, KS 67201.

Approval No. 160.064/1547/0, Adult, Type III PFD, Model No. 803, manufactured by Fabrionics, Inc., Rt. 130 South, Camargo, IL 61919.

Approval No. 160.064/1548/0, Adult, Type III PFD, Model No. 1001, manufactured by Fabrionics, Inc., Rt. 130 South, Camargo, IL 61919.

Approval No. 160.064/1563/0, Adult, Type III PFD, Model No. 7780, manufactured by Ero Industries, Inc., 5940 W. Touhy Street, Chicago, IL 60648.

Approval No. 160.064/1564/0, Adult, Type III PFD, Model No. 7790, manufactured by Ero Industries, Inc., 5940 W. Touhy Street, Chicago, IL 60648.

Approval No. 160.064/1565/0, Youth Medium, Type III PFD, Model 114, manufactured by Ettinger Enterprises, Inc., 5310 Lance Drive, Knoxville, TN 37919.

Approval No. 160.064/1566/0, Youth Large, Type III PFD, Model 115, manufactured by Ettinger Enterprises, Inc., 5310 Lance Drive, Knoxville, TN 37919.

Approval No. 160.064/1567/0, Tyke, Type III PFD, Model ED–20, manufactured by Omega Corporation, 266 Border St., East Boston, MA 02128.

Approval No. 160.064/1568/0, Youth, Type III PFB, Model ED–30, manufactured by Omega Corporation, 266 Border St., East Boston, MA 02128.

Approval No. 160.064/1569/0, Adult Small, Type III PFD, Model ED–40, manufactured by Omega Corporation, 266 Border St., East Boston, MA 02128.

Approval No. 160.064/1570/0, Adult Medium, Type III PFD, Model ED–50, manufactured by Omega Corporation, 266 Border St., East Boston, MA 02128.

Approval No. 160.064/1571/0, Adult Large, Type III PFD, Model ED–60, manufactured by Omega Corporation, 266 Border St., East Boston, MA 02128.

Approval No. 160.064/1572/0, Adult X-Large, Type III PFD, Model ED–70, manufactured by Omega Corporation, 266 Border St., East Boston, MA 02128.

Approval No. 160.064/1573/0, Adult XX-Large, Type III PFD, Model ED-80, manufactured by Omega Corporation, 266 Border St., East Boston, MA 02128.

Approval No. 160.064/1592/0, Adult Small, Type III PFD, Model 1010, 1015, 1016, Manufactured by Wellington Leisure Products, Inc., 30 East Chambers, Forsyth, GA 31029.

Approval No. 160.064/1610/0, Adult Small, Type III PFD, Model SSV-111 or SSV-169, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1611/0, Adult Medium, Type III PFD, Model SSV-111 or SSV-169, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1612/0, Adult Large, Type III PFD, Model SSV-111 or SSV-169, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1613/0, Adult X-Large, Type III PFD, Model SSV-111 or SSV-169, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1630/0, Adult Small, Type III PFD, Model SSV-161, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1631/0, Adult Medium, Type III PFD, Model SSV-161, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1632/0, Adult Large, Type III PFD, Model SSV-161, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1633/0, Adult X-Large, Type III PFD, Model SSV-161, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1634/0, Adult Small, Type III PFD, Models FJ45, FJ7045, IFJ-52, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1635/0, Adult Medium, Type III PFD, Models FJ45, FJ7045, IFJ-52, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1636/0, Adult Large, Type III PFD, Models FJ45, FJ7045, IFJ-52, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1637/0, Adult X-Large, Type III PFD, Models FJ45, FJ7045, IFJ-52, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1640/1, Adult Small, Type III PFD, Model SSV-5351, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1641/1, Adult Medium, Type III PFD, Model SSV-5351, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1642/1, Adult Large, Type III PFD, Model SSV-5351, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1643/1, Adult X-Large, Type III PFD, Model SSV-5351, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1645/0, Adult Small, Type III PFD, Model SSV-112, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, MN 56301.

Approval No. 160.064/1696/0, Adult Small, Type III PFD, Model FV-7, FV-8, manufactured by Paris Southern Corp., P.O. Drawer 9038, Station "A", Greenville, SC 29604.

Approval No. 160.064/1697/0, Adult Medium, Type III PFD, Model FV-7, FV-8, manufactured by Paris Southern Corp., P.O. Drawer 9038, Station "A", Greenville, SC 29604.

Approval No. 160.064/1698/0, Adult Large, Type III PFD, Model FV-7, FV-8, manufactured by Paris Southern Corp., P.O. Drawer 9038, Station "A", Greenville, SC 29604.

Approval No. 160.064/1698/0, Adult Large, Type III PFD, Model FV-7, FV-8, manufactured by Paris Southern Corp., P.O. Drawer 9038, Station "A", Greenville, SC 29604.

Approval No. 160.064/1699/0, Adult X-Large, Type III PFD, Model FV-7, FV-8, manufactured by Paris Southern Corp., P.O. Drawer 9038, Station "A", Greenville, SC 29604.

Approval No. 160.064/1928/0, Adult, Type III PFD, Model Universal 300, manufactured by Ettinger Enterprises, Inc., 5310 Lance Drive, Knoxville, TN 37919.

Approval No. 160.064/1960/0, Child Small, Type III PFD, Model 701, manufactured by Casad Mfg. Co., 1015 Brandon Ave., Celina, OH 45822.

Approval No. 160.064/1961/0, Youth, Type III PFD, Model 702, manufactured by Casad Mfg. Co., 1015 Brandon Ave., Celina, OH 45822.

Approval No. 160.064/1962/0, X-Small, Type III PFD, Model 703, manufactured by Casad Mfg. Co., 1015 Brandon Ave., Celina, OH 45822.

Approval No. 160.064/1963/0, Small, Type III PFD, Model 704, manufactured by Casad Mfg. Co., 1015 Brandon Ave., Celina, OH 45822.

Approval No. 160.064/1964/0, Medium, Type III PFD, Model 705, manufactured by Casad Mfg. Co., 1015 Brandon Ave., Celina, OH 45822.

Approval No. 160.064/1965/0, Large, Type III PFD, Model 706, manufactured by Casad Mfg. Co., 1015 Brandon Ave., Celina, OH 45822.

Approval No. 160.064/1966/0, X-Large, Type III PFD, Model 707, manufactured by Casad Mfg. Co., 1015 Brandon Ave., Celina, OH 45822.

Approval No. 160.064/2072/0, X-Small, Type III PFD, Model 751, manufactured by Casad Mfg. Co., 1015 Brandon Ave., Celina, OH 45822.

Approval No. 160.064/2073/0, Small, Type III PFD, Model 752, manufactured by Casad Mfg. Co., 1015 Brandon Ave., Celina, OH 45822.

Approval No. 160.064/2074/0, Medium, Type III PFD, Model 753, manufactured by Casad Mfg. Co., 1015 Brandon Ave., Celina, OH 45822.

Approval No. 160.064/2075/0, Large, Type III PFD, Model 754, manufactured by Casad Mfg. Co., 1015 Brandon Ave., Celina, OH 45822.

Approval No. 160.064/2076/0, X-Large, Type III PFD, Model 755, manufactured by Casad Mfg. Co., 1015 Brandon Ave., Celina, OH 45822.

Approval No. 160.064/2135/0, Adult X-Small, Type III PFD, Model FV-7, FV-8, manufactured by Paris Southern Corp., P.O. Drawer 9038, Station "A", Greenville, SC 29604.

Approval No. 160.064/2136/0, Adult X-Small, Type III PFD, Model 944, manufactured by Continental Canvas Co., 10900 E. Fawcett Ave., S. El Monte, CA 91733.

Approval No. 160.064/2137/0, Adult Small, Type III PFD, Model 944, manufactured by Continental Canvas Co., 10900 E. Fawcett Ave., S. El Monte, CA 91733.

Approval No. 160.064/2138/0, Adult Medium, Type III PFD, Model 944, manufactured by Continental Canvas Co., 10900 E. Fawcett Ave., S. El Monte, CA 91733.

Approval No. 160.064/2139/0, Adult Large, Type III PFD, Model 944, manufactured by Continental Canvas Co., 10900 E. Fawcett Ave., S. El Monte, CA 91733.

Approval No. 160.064/2140/0, Adult X-Large, Type III PFD, Model 944, manufactured by Continental Canvas Co., 10900 E. Fawcett Ave., S. El Monte, CA 91733.

Approval No. 160.064/2141/0, Adult XX-Large, Type III PFD, Model 944, manufactured by Continental Canvas Co., 10900 E. Fawcett Ave., S. El Monte, CA 91733.

Approval No. 160.064/2149/0, Adult Small/Medium, Type III PFD, Model 902/903, manufactured by America's Cup, Inc., P.O. Box 2009, La Puenta, CA 91746-0009.

Approval No. 160.064/2150/0, Adult Large/X-Large, Type III PFD, Model 902/

903, manufactured by America's Cup, Inc., P.O. Box 2009, La Puenta, CA 91746-0009.

Approval No. 160.064/21676/0, Adult X-Small, Type III PFD, Model FV-16, manufactured by Paris Southern Corp., P.O. Drawer 9038, Station "A", Greenville, SC 29604.

Approval No. 160.064/2168/0, Adult Small, Type III PFD, Model FV-16, manufactured by Paris Southern Corp., P.O. Drawer 9038, Station "A", Greenville, SC 29604.

Approval No. 160.064/2169/0, Adult Medium, Type III PFD, Model FV-16, manufactured by Paris Southern Corp., P.O. Drawer 9038, Station "A", Greenville, SC 29604.

Approval No. 160.064/2170/0, Adult Large, Type III PFD, Model FV-16, manufactured by Paris Southern Corp., P.O. Drawer 9038, Station "A", Greenville, SC 29604.

Approval No. 160.064/2171/0, Adult X-Large, Type III PFD, Model FV-16, manufactured by Paris Southern Corp., P.O. Drawer 9038, Station "A", Greenville, SC 29604.

Approval No. 160.064/2235/0, Adult Small/Medium, Type III PFD, Models 1006, 1009, 1041, manufactured by Wellington Leisure Products, Inc., P.O. Box 46, 2600 Industrial St., Leesburg, FL 32784.

Approval No. 160.064/2236/0, Adult Large/X-Large, Type III PFD, Models 1006, 1009, 1041, manufactured by Wellington Leisure Products, Inc., P.O. Box 46, 2600 Industrial St., Leesburg, FL 32784.

Approval No. 160.064/2249/0, Adult Small, Type III PFD, Model BTM-100, manufactured by Southern Plastics Co., Inc., P.O. Box 218, Eufaula, AL 36027.

Approval No. 160.064/2250/0, Adult Medium, Type III PFD, Model BTM-100, manufactured by Southern Plastics Co., Inc., P.O. Box 218, Eufaula, AL 36027.

Approval No. 160.064/2251/0, Adult Large, Type III PFD, Model BTM-100, manufactured by Southern Plastics Co., Inc., P.O. Box 218, Eufaula, AL 36027.

Approval No. 160.064/2252/0, Adult X-Large, Type III PFD, Model BTM-100, manufactured by Southern Plastics Co., Inc., P.O. Box 218, Eufaula, AL 36027.

Approval No. 160.064/2253/0, Adult XX-Large, Type III PFD, Model BTM-100, manufactured by Southern Plastics Co., Inc., P.O. Box 218, Eufaula, AL 36027.

Approval No. 160.064/2254/0, Adult Universal, Type III PFD, Model BTM-100, manufactured by Southern Plastics Co., Inc., P.O. Box 218, Eufaula, AL 36027.

Red Aerial Pyrotechnic Flare

Approval No. 160.066/20/0, Brite Star 12 ga. Red Meteor Flare cartridge for 12 ga. signal pistol —6.7 second burn time. Manufactured by Pyrotechnic Industries Inc., 600 Center Ave., Grand Junction, CO 81501.

Approval No. 160.064/21/0, Brite Star Self Contained Red Meteor Flare —6.5 second burn time. Manufactured by Pyrotechnics Industries Inc., 600 Center Ave., Grand Junction, CO 81501.

Exposure Suit

Approval No. 160.071/2/2, Model 7-01-00, size Adult, universal. Manufactured by BayleySuit, Inc., 900 S. Fortuna Blvd., Fortuna, CA 95540.

Approval No. 160.071/3/2, Model 9450, Exposure Suit, Adult. Manufactured by Fitz-Wright Suits, Ltd., 17919 Roan Place, Surrey, British Columbia V3S 5K1 Canada.

Approval No. 160.071/4/0, Model NT2002, Exposure Suit, Adult. Manufactured by Harvey's Skin Diving Supply Inc., 2505 South 252nd St., Kent, WA 98031.

Approval No. 160.071/6/0, Model 7-01-07 (Sea King). Manufactured by BayleySuit, Inc., 900 S. Fortuna Blvd., Fortuna, CA 95540.

Approval No. 160.071/8/0, Model 7-01-04 (Sea Scout). Manufactured by BayleySuit, Inc., 900 S. Fortuna Blvd., Fortuna, CA 95540.

Approval No. 160.071/10/0, Model E38-001. Manufactured by Narwahl Marine, Ltd., 2 Bluewater Road, Bedford, Nova Scotia B4B 1G7, Canada.

Approval No. 160.071/11/1, Model 41439 "Sea Wolf". Manufactured by Sea Otter Thermal Wear Mfg., 327-5930 No. 6 Road, Richmond, B.C. V6V 1Z1, Canada.

Approval No. 160.071/12/0, Model ISS-590, used either with IFR-591 inflator ring or ISV-001 inflatable vest. Manufactured by Stearns Manufacturing Co., P.O. Box 1498, 30th and Division Sts., St. Cloud, MN 56302.

Approval No. 160.071/16/0, Model IS-2 Exposure Suit, Adult. Manufactured by Mustang Industries, Inc., 3810 Jacombs Rd., Richmond, B.C. V6V 1Y6 Canada.

Approval No. 160.071/18/0, Model ISS-592, used either with IFR-591 inflator ring or ISV-001 inflatable vest. Manufactured by Stearns Manufacturing Co., P.O. Box 1498, 30th and Division Sts., St. Cloud, MN 56302.

Approval No. 160.071/19/0, Model NT2002C, Exposure suit, child/small adult. Manufactured by Harvey's Skin Diving Supply Inc., 2505 South 252nd St., Kent, WA 98031.

Approval No. 160.071/20/0, Model NT2002J, Exposure suit, jumbo (king-size). Manufactured by Harvey's Skin Diving Supply Inc., 2505 South 252nd St., Kent, WA 98031.

Approval No. 160.071/21/0, Model 9700, adult, with removable gloves and boot style legs.

Approval No. 160.071/22/0, Model IS-2, Jumbo (adult oversize). Manufactured by Mustang Industries, Inc., 3810 Jacombs Rd., Richmond, B.C. V6V 1Y6 Canada.

Sound Powered Telephone Systems

Approval No. 161.005/36/3, Type 702019-075, Manufactured by Dynalec Corporation, 87 West Main St., P.O. Box 188, Sodus, NY 14551-0188.

Approval No. 161.005/58/1, 2 circuit, manual reset. Manufactured by Hose-McCann Telephone Co., Inc., 9 Smith Street, Englewood, NJ 07631.

Approval No. 161.005/59/1, 3 circuit, manual reset. Manufactured by Hose-McCann Telephone Co., Inc., 9 Smith Street, Englewood, NJ 07631.

Approval No. 161.005/61/1, single circuit, manual reset. Manufactured by Hose-McCann Telephone Co., Inc., 9 Smith Street, Englewood, NJ 07631.

Approval No. 161.005/95/0, Dwg. No. 901493, sheet 1-3, dated 27 February 1984. Manufactured by Sound Powered Telephone Mfg. Corp., 6270 Dean Parkway, P.O. Box 495, Ontario, New York 14519.

Approval No. 161.005/96/0, Dwg. No. 901414, sheet 1-4, dated 27 February 1984. Manufactured by Sound Powered Telephone Mfg. Corp., 6270 Dean Parkway, P.O. Box 495, Ontario, New York, 14519.

Approval No. 161.005/97/0, Dwg. No. 901410, sheet 1-3, dated 27 February 1984. Manufactured by Sound Powered Telephone Mfg. Corp., 6270 Dean Parkway, P.O. Box 495, Ontario, New York 14519.

Approval No. 161.005/98/0, Model I, 2, 4, 12, 19, and 24 station. Manufactured by Hose-McCann Telephone Co., Inc., 9 Smith Street, Englewood, NJ 07631.

Approval No. 161.005/99/0, Model O, 2 to 24 station. Manufactured by Hose-McCann Telephone Co., Inc., 9 Smith Street, Englewood, NJ 07631.

Approval No. 161.005/100/0, Model F, 2, 8, 19, and 24 station. Manufactured by Hose-McCann Telephone Co., Inc., 9 Smith Street, Englewood, NJ 07631.

Approval No. 161.005/101/0, Headset 4C 100, Headset Jackboxes HJ2 and HJ3. Manufactured by Sound Powered Telephone Mfg. Corp., 6270 Dean Parkway, P.O. Box 495, Ontario, New York 14519.

Electric Hand Flashlight

Approval No. 161.008/21/0, Model No. 95 Electric Hand Flashlight for Merchant Vessels. Manufactured by Fulton Industries Inc., 135 East Linfoot Street, Post Office Box 377, Wauseon, Ohio 43567.

Floating Electric Water Light

Approval No. 161.010/4/2, Model No. 326, Xenon flashtube floating electric water light. Manufactured by The Guest Corporation, 17 Culbro Drive, West Hartford, Conn. 06110.

Approval No. 161.010/14/0, Model SM–2(M), Xenon flashtube magnetic reed switch. Manufactured by ACR Electronics, Inc., 3901 North 29th Ave., Hollywood, FL 33022.

Approval No. 161.010/15/2, Model No. 328, Xenon flashtube floating electric water light with magnetic reed switch. Manufactured by The Guest Corporation, 17 Culbro Drive, West Hartford, Conn. 06110.

Approval No. 161.010/16/0, ACR/L–15(A) floating electric water light. Manufactured by ACR Electronics, Inc., 3901 North 29th Ave., P.O. Box 2148, Hollywood, FL 33022.

Approval No. 161.010/17/0, Model No. SN4 Floating Electric Waterlight. Manufactured by Tek-Lite Inc., P.O. Box 548, 201 Thomas Street, Union Bridge, MD 21791.

Class A EPIRB

Approval No. 161.011/6/0, Model DB–2051. Manufactured by A/S Jotron Elektronikk, 7600 Levanger, Norway.

Approval No. 161.011/10/0, Model ACR/RLB–15. Manufactured by ACR Electronics, Inc., 3901 North 29th Ave., Hollywood, FL 33020.

Personal Flotation Device Light

Approval No. 161.012/1/0, Model ACR/4F Firefly Rescue Lite. Manufactured by ACR Electronics, Inc., 3901 North 29th Ave., Hollywood, FL 33020.

Approval No. 161.012/2/0, Cyanamid Lightstick Personnel Marker Light. Manufactured by American Cyanamid Company, Organic Chemicals Division, Berdan Avenue, Wayne, NJ 07470.

Approval No. 161.012/3/0, ACR/L8–2 Rescue Light. Manufactured by ACR Electronics, Inc., 3901 North 29th Ave., Hollywood, FL 33020.

Approval No. 161.012/10/0, G.T. Price Model D–31 Life Saver Flashlight. Manufactured by ACR Electronics, Inc., 3901 North 29th Ave., Hollywood, FL 33020.

Safety valve (Power Boilers)

Approval No. 162.001/229/0, Style HC–MS–35 carbon steel body pop safety valve. Manufactured by Crosby Valve Division, Geosource Inc., 43 Kendrick Street, Wrentham, MA 02093.

Approval No. 162.001/230/0, Style HC–MS–36 carbon steel body pop safety valve. Manufactured by Crosby Valve Division, Geosource Inc., 43 Kendrick Street, Wrentham, MA 02093.

Approval No. 162.001/235/0, Style HCA–MS–37 alloy steel body pop safety valve. Manufactured by Crosby Valve Division, Geosource Inc., 43 Kendrick Street, Wrentham, MA 02093.

Approval No. 162.001/236/0, Style HCA–MS–38 alloy steel body pop safety valve. Manufactured by Crosby Valve Division, Geosource Inc., 43 Kendrick Street, Wrentham, MA 02093.

Approval No. 162.001/248/0, Style HS–MS–15 carbon steel body pop safety valve. Manufactured by Crosby Valve Division, Geosource Inc., 43 Kendrick Street, Wrentham, MA 02093.

Approval No. 162.001/249/0, Style HS–MS–16 carbon steel body pop safety valve. Manufactured by Crosby Valve Division, Geosource Inc., 43 Kendrick Street, Wrentham, MA 02093.

Approval 162.001/250/0, Style HSA–MS–17 alloy steel (A217) body pop safety valve, Manufactured by Crosby Valve Division, Geosource Inc., 43 Kendrick Street, Wrentham, MA 02093.

Approval 162.001/251/0, Style HS–MS–45 carbon steel body pop safety valve, Manufactured by Crosby Valve Division, Geosource Inc., 43 Kendrick Street, Wrentham, MA 02093.

Approval 162.001/252/0, Style HS–MS–46 carbon steel body pop safety valve, Manufactured by Crosby Valve Division, Geosource Inc., 43 Kendrick Street, Wrentham, MA 02093.

Approval 162.001/253/0, Style HSA–MS–47 alloy steel (A–217) body pop safety valve, Manufactured by Crosby Valve Division, Geosource Inc., 43 Kendrick Street, Wrentham, MA 02093.

Approval 162.001/254/0, Style HSA–MS–48 alloy steel (A–217) body pop safety valve, Manufactured by Crosby Valve Division, Geosource Inc., 43 Kendrick Street, Wrentham, MA 02093.

Approval 162.001/256/0, Style HCB–MS–58 drum pilot actuated safety valve, Manufactured by Crosby Valve Division, Geosource Inc., 43 Kendrick Street, Wrentham, MA 02093.

Approval 162.001/261/1, Types 1541–MF and 1543–MF Safety Valves, Manufactured by Dresser Industries, Industrial Valve and Insturment Division, P.O. Box 1430, Alexandria, LA 71301.

Approval 162.001/283/0, Style HNP–MS–75 ASTM A–216 GR-WCB carbon steel body drum safety valve, Manufactured by Crosby Valve Division, Geosource Inc., 43 Kendrick Street, Wrentham, MA 02093.

Approval No. 162.001/292/0, Style HCP–55–MS carbon steel body pop safety valve, Manufactured by Crosby Valve and Gage Co., 43 Kendrick Street, Wrentham, MA 02093.

Approval No. 162.001/293/0, Style HSB–48–MS carbon steel body pop safety valve, Manufactured by Crosby Valve and Gage Co., 43 Kendrick Street, Wrentham, MA 02093

Safety Valve (Auxiliary Boilers)

Approval No. 162.002/87/0, Types 1541–XMY and 1543–XMY Safety Valves, Manufactured by Dresser Industries, Industrial Valve and Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Safety Valve (Steam Service Not in Excess of 30 PSIG)

Approval No. 162.012/22/1, Types 1541 and 1543 Safety Valves, Manufactured by Dresser Industries, Industrial Valve and Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Approval No. 162.012/28/0, Types 1811–A, consolidated carbon steel body pop safety valve, Manufactured by Dresser Industries, Industrial Valve and Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Pressure Vacuum Relief and Spill Valve

Approval No. 162.017/64/4, Figure No. 100 pressure-vacuum relief valve, Manufactured by Hayward Industrial Products, Inc., 900 Fairmount Avenue, Elizabeth, NJ 07207.

Approval No. 162.017/68/1, Figure No. 240 pressure-vacuum relief valve, Manufactured by Hayward Industrial Products, Inc., 900 Fairmount Avenue, Elizabeth, NJ 07207.

Approval No. 162.017/69/2, Figure No. 250 pressure only or vacuum only relief valve, Manufactured by Hayward Industrial Products, Inc., 900 Fairmount Avenue, Elizabeth, NJ 07207.

Approval No. 162.017/70/1, Style Figure No. 260 pressure only relief valve Manufactured by Hayward Industrial Products, Inc., 900 Fairmount Avenue, Elizabeth, NJ 07207.

Approval No. 162.017/77/1, Figure No. 140 pressure-vacuum relief valve, Manufactured by Hayward Industrial Products, Inc., 900 Fairmount Avenue, Elizabeth, NJ 07207.

Approval No. 162.017/81/0, Figure No. 160 pressure-vacuum relief valve, Manufactured by Hayward Industrial Products, Inc., 900 Fairmount Avenue, Elizabeth, NJ 07207.

Liquefied Compressed Gas Safety Relief Valve

Approval 162.018/36/1, Type 1905, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type. Manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Approval 162.018/37/1, Type 1906, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type. Manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Approval 162.018/38/1, Type 1910, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type. Manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Approval 162.018/39/1, Type 1912, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type. Manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Approval 162.018/42/1, Type 1905–30, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type. Manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Approval 162.018/43/1, Type 1906–30, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type. Manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Approval 162.018/44/1, Type 1910–30, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type. Manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Approval 162.018/45/1, Type 1912–30, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type. Manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Approval 162.018/48/1, Type 1905 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type. Manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Approval 162.018/49/1, Type 1906 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type. Manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Approval 162.018/50/1, Type 1910 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type. Manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Approval 162.018/51/1, Type 1912 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type. Manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Approval 162.018/52/1, Type 1905–30 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type. Manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Approval 162.018/53/1, Type 1906–30 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type. Manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Approval 162.018/54/1, Type 1910–30 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type. Manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Approval 162.018/55/1, Type 1912–30 (Special), safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type. Manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, LA 71301.

Approval No. 162.018/69/0, Type 1005 safety relief valve for liquefied compressed gas service. Manufactured by Midland Manufacturing Corp., 7733 Gross Point Road, P.O. Box 226, Skokie, IL 60076.

Approval No. 162.018/82/0, Series 1900–S Safety Relief Valves, Manufactured by Midland Manufacturing Corp., 7733 Gross Point Road, P.O. Box 226, Skokie, IL 60076.

Approval No. 162.018/83/0, Lonergan DO–20 Series Model DO–20L/S4. Manufactured by J.E. Lonergan Company, 10050 Sandmeyer Lane, Philadelphia, PA 19116.

Approval No. 162.018/84/0, Lonergan DO–30 Series Model DO–30P/4. Manufactured by J.E. Lonergan Company, 10050 Sandmeyer Lane, Philadelphia, PA 19116.

Fixed Fire Extinguishing Systems

Approval No. 162.029/32/0, Model "15 MA" 1.5 lb. Halon 1301 pre-engineering type fire extinguishing systems. Convenience Marine Products, 100 Commerce Avenue, S.W., Grand Rapids, MI 49503.

Approval No. 162.029/33/0, Model "35 MA" 4 lb. Halon 1301 pre-engineered type fire extinguishing systems. Convenience Marine Products, 100 Commerce Avenue, S.W., Grand Rapids, MI 49503.

Approval No. 162.029/34/0, Model "70 MA" 7 lb. Halon 1301 pre-engineered type fire extinguishing systems. Convenience Marine Products, 100 Commerce Avenue, S.W., Grand Rapids, MI 49503.

Approval No. 162.029/35/0, Model "100 MA" 10 lb. Halon 1301 pre-engineered type fire extinguishing systems. Convenience Marine Products, 100 Commerce Avenue, S.W., Grand Rapids, MI 49503.

Approval No. 162.029/36/0, Model "150 MA" 15 lb. Halon 1301 pre-engineered type fire extinguishing systems. Convenience Marine Products, 100 Commerce Avenue, S.W., Grand Rapids, MI 49503.

Approval No. 162.029/37/0, Model "200 MA" 20 lb. Halon 1301 pre-engineered type fire extinguishing systems. Convenience Marine Products, 100 Commerce Avenue, S.W., Grand Rapids, MI 49503.

Approval No. 162.029/38/0, Model "258 MA" 25.8 lb. Halon 1301 pre-engineered type fire extinguishing systems. Convenience Marine Products, 100 Commerce Avenue, S.W., Grand Rapids, MI 49503.

Backfire Flame Arrester for Gasoline Engines

Approval No. 162.041/45/3, Bendix Model No. B175–23. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/46/3, Bendix Model No. B175–24. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/47/3, Bendix Model No. B175–25. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/48/3, Bendix Model No. B175–29. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/49/3, Bendix Model No. B175–30. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/50/3, Bendix Model No. B175–31. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/51/3, Bendix Model No. B175–32. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/52/3, Bendix Model No. B175–22A. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/53/3, Bendix Model No. B175–23A. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/54/3, Bendix Model No. B175–24A. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/55/3, Bendix Model No. B175–25A. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/56/3, Bendix Model No. B175–26A. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/57/3, Bendix Model No. B175–27A. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/59/3, Bendix Model No. B175–29A. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/60/3, Bendix Model No. B175–30A. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/61/3, Bendix Model No. B175–31A. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/62/3, Bendix Model No. B175–32A. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/63/3, Bendix Model No. B175–33A. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/71/3, Bendix Model No. B175–34. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/72/3, Bendix Model No. B175–37. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/73/3, Bendix Model No. B175–34A. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/74/3, Bendix Model No. B175–36A. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/75/3, Bendix Model No. B175–37A. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/94/2, Bendix Model No. B175–39. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/95/2, Bendix Model No. B175–40. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/98/2, Bendix Model No. B175–42. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/106/2, Bendix Model No. B175–44. Manufactured by Facet Enterprises, Inc., Woods Energy, 8150 N. 116th E. Avenue, Owasso, OK 74055.

Approval No. 162.041/168/0, Model 980032 backfire flame arrester. Manufactured by Outboard Marine Corporation, 3145 Central Avenue, Waukegan, IL 60085.

Approval No. 162.041/190/9, Barbron all brass and all aluminum flame arresters. Which consist of 85 models. Manufactured by Barbron Corporation, 14580 Lesure Avenue, Detroit, MI 48227.

Approval No. 162.041/195/2, Facet Type A175–64, A175–68, A175–70, A175–71, backfire flame arrester Manufactured by Facet Enterprises, Inc., Fuel Devices Division, 696 Hart Avenue, Detroit, MI 48214.

Approval No. 162.041/196/1, Facet Type A175–63 backfire flame arrester. Manufactured by Facet Enterprises, Inc., Fuel Devices Division, 696 Hart Avenue, Detroit, MI 48214.

Approval No. 162.041/197/1, Facet Type A175–65, and A175–67 backfire flame arrester. Manufactured by Facet Enterprises, Inc., Fuel Devices Division, 696 Hart Avenue, Detroit, MI 48214.

Approval No. 162.041/198/0, Barbron all brass flame arrester, which consist of 11 models. Manufactured by Barbron Corporation, 14580 Lesure Avenue, Detroit, MI 48227.

Approval No. 162.041/203/0, Barbron Models 912025, 13226895. Manufactured by Barbron Corporation, 14580 Lesure Avenue, Detroit, MI 48227.

Backfire Flame Control, Gasoline Engines; Air and Fuel Induction System

Approval No. 162.042/7/0, Suzuki DT50 powdered for in board application. Manufactured by Sea Crest Inc., 119 N.E. 1st Street, Little Falls, MN 56345.

Oily Water Separators

Approval No. 162.050/1006/0, Sarex Model 5 GPM/OWS 1.14m³/hr. Manufactured by Separation and Recovery Systems, 16901 Armstrong Ave., Irvine, CA 92714.

Approval No. 162.050/1037/1, Model type HSN–0.25 F consisting of a 1st stage parallel plate separator. Manufactured by Heishin Pump Works Co., LTD, 572 Furuta, Hauma-Cho, Kako-Gun Hyogo-Pref, 673–01, Japan.

Approval No. 162.050/1038/1, Model type HSN–0.5 F consisting of a 1st stage parallel plate separator. Manufactured by Heishin Pump Works Co., LTD, 572 Furuta, Hauma-Cho, Kako-Gun Hyogo-Pref, 673–01, Japan.

Approval No. 162.050/1039/1, Model type HSN–1.0 D consisting of a 1st stage parallel plate separator. Manufactured by Heishin Pump Works Co., LTD, 572 Furuta, Hauma-Cho, Kako-Gun Hyogo-Pref, 673–01, Japan.

Approval No. 162.050/1040/1, Model type HSN–2.0 D consisting of a 1st stage parallel plate separator. Manufactured by Heishin Pump Works Co., LTD, 572 Furuta, Hauma-Cho, Kako-Gun Hyogo-Pref, 673–01, Japan.

Approval No. 162.050/1041/1, Model type HSN–3.0 D consisting of a 1st stage parallel plate separator. Manufactured by Heishin Pump Works Co., LTD, 572 Furuta, Hauma-Cho, Kako-Gun Hyogo-Pref, 673–01, Japan.

Approval No. 162.050/1042/1, Model type HSN–5.0 D consisting of a 1st stage parallel plate separator. Manufactured by Heishin Pump Works Co., LTD, 572 Furuta, Hauma-Cho, Kako-Gun Hyogo-Pref, 673–01, Japan.

Approval No. 162.050/1043/1, Model type HSN–10.0 D consisting of a 1st stage parallel plate separator. Manufactured by Heishin Pump Works

Co., LTD, 572 Furuta, Hauma-Cho, Kako-Gun Hyogo-Pref, 673–01, Japan.

Approval No. 162.050/1044/1, Model type HSN–0.25 D consisting of a 1st stage parallel plate separator. Manufactured by Heishin Pump Works Co., LTD, 572 Furuta, Hauma-Cho, Kako-Gun Hyogo-Pref, 673–01, Japan.

Approval No. 162.050/1045/1, Model type HSN–0.5 D consisting of a 1st stage parallel plate separator. Manufactured by Heishin Pump Works Co., LTD, 572 Furuta, Hauma-Cho, Kako-Gun Hyogo-Pref, 673–01, Japan.

Approval No. 162.050/1046/1, Model type HSN–1.0 F consisting of a 1st stage parallel plate separator. Manufactured by Heishin Pump Works Co., LTD, 572 Furuta, Hauma-Cho, Kako-Gun Hyogo-Pref, 673–01, Japan.

Approval No. 162.050/1047/1, Model type HSN–2.0 F consisting of a 1st stage parallel plate separator. Manufactured by Heishin Pump Works Co., LTD, 572 Furuta, Hauma-Cho, Kako-Gun Hyogo-Pref, 673–01, Japan.

Approval No. 162.050/1048/1, Model type HSN–3.0 F consisting of a 1st stage parallel plate separator. Manufactured by Heishin Pump Works Co., LTD, 572 Furuta, Hauma-Cho, Kako-Gun Hyogo-Pref, 673–01, Japan.

Approval No. 162.050/1049/1, Model type HSN–5.0 F consisting of a 1st stage parallel plate separator. Manufactured by Heishin Pump Works Co., LTD, 572 Furuta, Hauma-Cho, Kako-Gun Hyogo-Pref, 673–01, Japan.

Approval No. 162.050/1050/1, Model type HSN–10.0 F consisting of a 1st stage parallel plate separator. Manufactured by Heishin Pump Works Co., LTD, 572 Furuta, Hauma-Cho, Kako-Gun Hyogo-Pref, 673–01, Japan.

Approval No. 162.050/1092/1, Model S1–08 consisting of a single tank with several "zones". Manufactured by Sigma Treatment Systems, Merry Meadows, PD1, Box 70, Chester Springs, PA 19425.

Approval No. 162.050/1107/0, COMYN 1 ton per hour separator. Manufactured by Alexander Esplen & Co., LTD, 107 Duke House, Liverpool L1 4JR, ENGLAND.

Approval No. 162.050/1108/0, COMYN 2.5 ton per hour separator. Manufactured by Alexander Esplen & Co., LTD, 107 Duke House, Liverpool L1 4JR, ENGLAND.

Approval No. 162.050/1109/0, COMYN 5 ton per hour separator. Manufactured by Alexander Esplen & Co., LTD, 107 Duke House, Liverpool L1 4JR, ENGLAND.

Approval No. 162.050/1110/0, Pace™ S–1 Oil Water Separator with primary tank mounted on a steel skid. Manufactured by St. Louis Ship, 611 East Marceau, St. Louis, MO 63111.

Approval No. 162.050/1111/0, Pace™ S–2 Oil Water Separator with primary tank mounted on a steel skid. Manufactured by St. Louis Ship, 611 East Marceau, St. Louis, MO 63111.

Approval No. 162.050/1112/0, Pace™ S–3 Oil Water Separator with primary tank mounted on a steel skid. Manufactured by St. Louis Ship, 611 East Marceau, St. Louis, MO 63111.

Approval No. 162.050/1113/0, Pace™ S–4 Oil Water Separator with primary tank mounted on a steel skid. Manufactured by St. Louis Ship, 611 East Marceau, St. Louis, MO 63111.

Approval No. 162.050/1114/0, Pace™ S–5 Oil Water Separator with primary tank mounted on a steel skid. Manufactured by St. Louis Ship, 611 East Marceau, St. Louis, MO 63111.

Approval No. 162.050/1115/0, Facet Model 3–OWS–300. Manufactured by Facet Enterprises Inc., P.O. Box 50096, Tulsa, Oklahoma 74150.

Approval No. 162.050/1116/0, Facet Model 1–OWS–300. Manufactured by Facet Enterprises Inc., P.O. Box 50096, Tulsa, Oklahoma 74150.

Approval No. 162.050/1117/0, Hamworthy HS 1 T/H oil water separators. Manufactured by Hamworthy Engineering Ltd., Fleets Corner, Poole, Dorset BH 17 7LA, ENGLAND.

Approval No. 162.050/1118/0, Hamworthy HS 2.5 T/H oil water separators. Manufactured by Hamworthy Engineering Ltd., Fleets Corner, Poole, Dorset BH 17 7LA, ENGLAND.

Approval No. 162.050/1119/0, Hamworthy HS 5 T/H oil water separators. Manufactured by Hamworthy Engineering Ltd., Fleets Corner, Poole, Dorset BH 17 7LA, ENGLAND.

Approval No. 162.050/1120/0, Model MSS 1.5, 0.34 M^3/HR. Manufactured by Hyde Products, 810 Sharon Drive, Cleveland, OH 44145.

Approval No. 162.050/1121/0, Model MSS 2.2, 0.5 M^3/HR. Manufactured by Hyde Products, 810 Sharon Drive, Cleveland, OH 44145.

Approval No. 162.050/1122/0, Model MSS 3.0, 0.68 M^3/HR. Manufactured by Hyde Products, 810 Sharon Drive, Cleveland, OH 44145.

Approval No. 162.050/1123/0, Model MSS 4.4, 1.0 M^3/HR. Manufactured by Hyde Products, 810 Sharon Drive, Cleveland, OH 44145.

Approval No. 162.050/1124/0, Model MSS 5.0, 1.13 M^3/HR. Manufactured by Hyde Products, 810 Sharon Drive, Cleveland, OH 44145.

Approval No. 162.050/1125/0, Model MSS 8.8, 2.00 M^3/HR. Manufactured by Hyde Products, 810 Sharon Drive, Cleveland, OH 44145.

Approval No. 162.050/1126/0, Model MSS 10.0, 2.27 M^3/HR. Manufactured by Hyde Products, 810 Sharon Drive, Cleveland, OH 44145.

Approval No. 162.050/1127/0, Model MSS 176, 4.0 M^3/HR. Manufactured by Hyde Products, 810 Sharon Drive, Cleveland, OH 44145.

Approval No. 162.050/1128/0, Model MSS 200, 4.52 M^3/HR. Manufactured by Hyde Products, 810 Sharon Drive, Cleveland, OH 44145.

Approval No. 162.050/1129/0, Red Fox OWS–5. Manufactured by Red Fox Industries, Inc., P.O. Drawer 640, New Iberia, LA 70560.

Approval No. 162.050/1130/0, Facet Model 5–OWS–25. Manufactured by Facet Enterprises Inc., P.O. Box 50096, Tulsa, Oklahoma 74150.

Approval No. 162.050/1131/0, Facet Model OWS–27.5/121. Manufactured by Facet Enterprises Inc., P.O. Box 50096, Tulsa, Oklahoma 74150.

Approval No. 162.050/1132/0, Facet Model OWS–30/132. Manufactured by Facet Enterprises Inc., P.O. Box 50096, Tulsa, Oklahoma 74150.

Approval No. 162.050/1133/0, Nelson Industries 2 stage 2.5 GPM. Manufactured by Nelson Industries, Inc., P.O. Box 428, Stoughton, WI 53589.

Approval No. 162.050/1138/0, Heli-Sep Model 500 2.2GPM. Manufactured by World Water Systems, Inc., 340 E. First Street, P.O. Box 3427, Tustin, CA 92681.

Approval No. 162.050/1139/0, Heli-Sep Model 1000 4.4GPM. Manufactured by World Water Systems, Inc., 340 E. First Street, P.O. Box 3427, Tustin, CA 92681.

Approval No. 162.050/1140/0, Heli-Sep Model 2000 8.8GPM. Manufactured by World Water Systems, Inc., 340 E. First Street, P.O. Box 3427, Tustin, CA 92681.

Approval No. 162.050/1141/0, Heli-Sep Model 2500 11.0GPM. Manufactured by World Water Systems, Inc., 340 E. First Street, P.O. Box 3427, Tustin, CA 92681.

Approval No. 162.050/1142/0, Heli-Sep Model 5000 22.0GPM. Manufactured by World Water Systems, Inc., 340 E. First Street, P.O. Box 3427, Tustin, CA 92681.

Approval No. 162.050/3010/0, Fellow Kogyo Co. LTD bilge alarm model focas 1500A consisting of a sensing unit. Manufactured by Fellow Kogyo Co., LTD, 2–6, 5-Chome, Arakawa, Aradawa-Ku, Tokyo, 16 Japan.

Approval No. 162.050/3013/0, Oil Sentry Bilge Alarm, Model BA–200. Manufactured by Biospherics, Inc., 4928 Wyaconda Rd., Rockville, MD 20852.

Approval No. 162.050/3015/0, Shaban Manufacturing, Inc., Type BA–100 bilge alarm. Manufactured by World Water

Systems, Inc., 340 E. First Street, P.O. Box 3427, Tustin, CA 92681.

Approval No. 162.050/5002/0, Salwico Oil Pollution Monitor. Manufactured by Salen & Wicander Akriebalag, P.O. Box 1122, S–171 22 Solna SWEDEN.

Approval No. 162.050/5010/0, Model ODME–S.663 Cargo Monitor. Manufactured by SERES, RUE ALBERT EINSTEIN, Z.I. d'Aix-les Miles, les Miles CEDEX 13763 FRANCE.

Approval No. 162.050/8014/0, Model BWAM S.646 Bilge Alarm. Manufactured by SERES, RUE ALBERT EINSTEIN, Z.I. d'Aix-les Miles, les Miles CEDEX 13763 FRANCE.

Approval No. 162.050/9006/0, Aqualert, Bilge Monitor. Manufactured by Bull & Roberts, 785 Central Ave., Murray Hill, NJ 07974.

Approval No. 162.050/9007/0, Model ODME–S.663 bilge monitor. Manufactured by SERES, RUE ALBERT EINSTEIN, Z.I. d'Aix-les Miles, les Miles CEDEX 13763 FRANCE.

Oil Water Interface Detector

Approval No. 162.055/8002/0, Model UTI–82, manufactured by Tank Systems A.S., President Haibitz Gate 22, (OSLO2-Norway.

Pilot Hoist

Approval No. 163.002/2/0, Electrically powered pilot hoist models PHL–EE–T and PHL–EE–S. Manufactured by Chuo Kogyo Ltd., No. 80 Yaraicho Shinjuku-Ku, Tokyo, Japan

Pilot Ladder

Approval No. 163.003/13/0, Pilot ladder, wooden steps, bottom four steps molded polyurethane plastic, dacron-polyester polypropylene end rope suspension members. Manufactured by Sidewinder International Ltd., P.O. Drawer 5007, Wilmington, NC 28403.

Approval No. 163.003/12/0, Adonic II Pilot ladder, manufactured by Apollo Marine Specialties, Inc., 3914 Royal St., New Orleans, LA 70117.

Approval No. 164.006/60/0, "Hubbelite" magnesite deck covering. Manufactured by Allegheny Installations, Inc., William Flynn Highway, Route 8, P.O. Box 29, Allison Park, PA 15101.

Approval No. 164.006/61/0, "Insulite I" oxychlorite cement deck covering. E.H. O'Neill Company, Inc., 5515 Belair Road, Baltimore, Md. 21206.

Structural Insulation

Approval No. 164.007/56/0, "FBX CG Felt" mineral wool batt. Manufactured by Fibrex Inc., P.O. Box 1148, Aurora, IL 60507.

Approval No. 164.007/59/0, "Fiberfrax Durablanket" ceramic fiber type. Manufactured by Carborundum Company, Insulation Division, P.O. Box 808, Niagara Falls, NY 14302.

Approval No. 164.007/60/0, "Kaowool Blanket" ceramic fiber type. Manufactured by Babcock & Wilcox, Insulating Product Division, P.O. Box 923, 2102 Old Savannah Road, Augusta, GA 30906.

Approval No. 164.007/61/0, "Sponge with Foil" foil-faced ceramic insulation. Manufactured by Babcock & Wilcox, Insulating Products Division, P.O. Box 923, 2102 Old Savannah Road, Augusta, GA 30906.

Approval No. 164.007/62/0, "Cafcote 280" mineral fiber spray type. Manufactured by United States Mineral Products Co., Stanhope, NJ 07874.

Approval No. 164.007/63/0, "Cafcote 800" mineral fiber spray type. Manufactured by United States Mineral Products Co., Stanhope, NJ 07874.

Bulkhead Panels

Approval No. 164.008/94/1, "Marinite M" asbestos free calcium silicate composite type panel. Manufactured by Johns-Manville Sales Corp., Ken-Caryl Ranch, Denver, CO 80217.

Approval No. 164.008/113/0, "Thermolite 650 SA" bulkhead panels. Manufactured by Asberit, S.A., P.O. Box 716, Rio De Janeiro, Brazil.

Approval No. 164.008/114/0, "Thermax SN" bulkhead panels. Manufactured by Isovolta A.G., Wiener Neudorf, Austria.

Approval No. 164.008/115/0, "Unimet B–1" steel-faced gypsum bulkhead panels. Manufactured by Jamestown Metal Marine Sales, Inc., Corporate Plaza, Suite 400, 4710 Northwest Avenue, Boca Raton, FL 33431.

Approval No. 164.008/116/0, "Unimet B–1" steel-faced gypsum bulkhead panals. Manufactured by Jamestown Metal Marine Sales, Inc., Corporate Plaza, Suite 400, 4710 Northwest Avenue, Boca Raton, FL 33431.

Approval No. 164.008/119/0, "Navalite N" bulkhead panels. Manufactured by Dansk Etermit-Fabrik A/S, Sohngaardsholmsvey 2, P.O. Box 763, DK–9100 Aslborg, DENMARK.

Noncombustible Material

Approval No. 164.009/78/0, "Foster Insulfas Adhesive 81-15", composition type of noncombustible material. Manufactured by H.B. Fuller Company, P.O. Box 625, Springhouse, PA 19477.

Approval No. 164.009/120/1, "Fiberglas Hull Board N3A", fibrous glass insulation board type material. Manufactured by Owens-Corning Fiberglas Corp., 900 17th Street, N.W., Washington, DC 20006.

Approval No. 164.009/163/0, "Thermo-12" pipe and block insulation Manufactured by Johns-Manville Sales Corporation, Denver Co 80217.

Approval No. 164.009/165/2, "Flexible Hull Insulation", fibrous glass type noncombustible material. Manufactured by Owens-Corning Fiberglas Corp., 900 17th Street N.W., Washington, DC 2000[illegible]

Approval No. 164.009/166/0, J.M. N.B.R. 375 Cement, noncombustible material. Manufactured by Johns-Manville Sales Corp., 1600 Wilson Blvd. Suite 705, Arlington, VA 22209.

Approval No. 164.009/167/0, J.M. N.B.R. 460 Cement, noncombustible material. Manufactured by Johns-Manville Sales Corp., 1600 Wilson Blvd. Suite 705, Arlington, VA 22209.

Approval No. 164.009/205/0, No. 703 aluminum foil faced fiberglass insulation type noncombustible material. Manufactured by Hopeman Brother, Inc., P.O. Box 820, Waynesboro, VA 22980.

Approval No. 164.009/206/0, No. 707 aluminum foil faced fiberglass insulation type noncombustible material. Manufactured by Hopeman Brother, Inc., P.O. Box 820, Waynesboro, VA 22980.

Approval No. 164.009/207/0, No. 706 aluminum foil faced fiberglass insulation type noncombustible material. Manufactured by Hopeman Brother, Inc., P.O. Box 820, Waynesboro, VA 22980.

Approval No. 164.009/210/0, "Ecoma 335", mineral wool type noncombustible material. Manufactured by Rockwool Ab, Fack 615, S–541 01 Skovde, Sweden

Approval No. 164.009/212/0, Conwed Type C61, ceramic panels. Manufactured by Conwed corporation, 332 Minnesota Street, P.O. Box 43237, St. Paul, MN 55164.

Approval No. 164.009/2013/0, "Type 850 Snap-on", fiberglass pipe insulation Manufactured by Certain-Teed Product Corp., Old Route 202, Eagle School Rd. Valley Forge, PA 19481.

Approval No. 164.009/214/0, "Elevated Temperature Service Board" fiberglass hullboard. Manufactured by Knauf Fiberglass Gmbh, 240 Elizabeth Street, Selbyville, IN 46176.

Approval No. 164.009/215/0, "Ceramaguard" ceramic ceiling tile. Manufactured by Armstrong World Industries, Inc., 2500 Columbia Avenue Lancaster, PA 17604.

Approval No. 164.009/216/0, ASK Rock Fine Board—N, No. 80 rockwool insulation board. Manufactured by Asahi Asbestos Co., Ltd., 10–6, 7-Chome Ginza, Chuo-Ku, Tokyo 104 Japan.

Approval No. 164.009/265/0, "Utility blanket, NO. 24", fiberglass Blankets

Manufactured by CertainTeed Corporation, P.O. Box 1100, 1400 Union Meeting Blvd., Blue Bell, PA 19422.

Approval No. 164.009/266/0, "High Temperature Blanket, Type II", fiberglass blankets. Manufactured by CertainTeed Corporation, P.O. Box 1100, 1400 Union Meeting Blvd., Blue Bell, PA 19422.

Approval No. 164.009/268/0, Rockwool Marine Pipe Sections 115 and 150, mineral wool pipe covering, Manufactured by Rockwool A/S, DK-2640 Hedehusen, DENMARK.

Approval No. 164.009/269/0, Rockwool Marine Lamella Mat 32/Alu, mineral wool pipe covering. Manufactured by Rockwool A/S, DK-2640 Hedehusen, DENMARK.

Approval No. 164.009/270/0, "Hi-Wool" Types 40 and 50 mineral wool. Manufactured by Keumkang Limited, 485-1, Sinsa-Dong, Kangnam-Ku, Seoul, Korea.

Interior finish

Approval No. 164.012/37/0, Type FR Bk 50 FORMICA laminate. Manufactured by Formica Corporation, 120 E. 4th Street, Cincinnati, OH 45202.

Approval No. 164.012/38/0, "Stkle 332/9466" glass cloth. Manufactured by Owens-Corning Fiberglas Corp., 900 17th Street NW., Washington, DC 20006.

Approval No. 164.012/39/0, Style X-547 and X-630 fabrics. Manufactured by W.S. Libbey Company, #1 Mill Street, Lewiston, Maine 04240.

Approval No. 164.012/40/0, "Melanitto NVA" and "NP" decorative melamine laminates. Manufactured by Nitto Boseki, Co,. Ltd., 8-1, Yaesu 2 Chome, Tokyo, Japan.

Approval No. 164.012/75/0, Type "United Duct Sealer" coating. Manufactured by United Mc Gill Corp., United Steet Metal Div., 2000 East Broadway, Westerville, OH 43081.

Approval No. 164.012/76/0, Style 3732-1261 fiberglass cloth facing. Manufactured by International Multi Services, 162 Hazeltine Ave., Jamestown, NY 14701.

Approval No. 164.012/77/0, Types "Lightweight", "Lightweight T", "Mediumweight", and "Mediumweight T" vinyl wall coverings. Manufactured by General Tire & Rubber Company, P.O. Box 191, Columbus, MS 39701.

Approval No. 164.012/78/0, Type 606 plastic laminate. Manufactured by Ralph Wilson Plastic Co., 600 General Bruce Drive, Temple, Tx 76501-5199.

Approval No No. 164.012/79/0, "590 Lo-Perm" general purpose coating. Manufactured by Marathon Industries, Inc., Delaware Ave and Sylon Blvd., Hainesport, NJ 08036.

Clyude T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

March 4, 1985.

[FR Doc. 85-5505 Filed 3-6-85; 8:45 a.m.]

BILLING CODE 4910-14-M

Federal Highway Administration

Enrironmental Impact Statement; Cocke County, TN

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in Cocke County, Tennessee.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas J. Ptak, Division Administrator, Federal Highway Administration, Federal Building, U.S. Courthouse, 801 Broadway, Suite A-926, Nashville, Tennessee 37203, telephone (615) 251-5394.

SUPPLEMENTAL INFORMATION: The FHWA in cooperation with the Tennessee Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to construct a section of State Route 35 in Cocke County, Tennessee. The proposed imporovement would involve the construction of a two-lane facility on new location generally parelling the existing location from Good Hope Road to the Greene County Line. The proposed improvement would have a length of approximately 9 miles. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demands.

Options under consideration include (1) taking no action; (2) postponement; (3) reduced facility design; and (4) constructing a two-lane roadway on new locaton. New alternatives to either side of the existing facility are under consideration.

Letters describing the proposed action and soliciting comments were sent to appropriate Federal, State and local agencies in 1984. A public hearing will be held at a future date. Public notice will be given of the time and place of this hearing. The draft EIS will be available for public and agency review and comment. These activities are providing input regarding the scope of the EIS.

To insure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and suggestions concerning the proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: February 27, 1985.

Thomas J. Ptak,

Division Administrator, Nashville, Tennessee.

[FR Doc. 85-5470 Filed 3-6-85; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

Petitions for Exemption or Waiver of Compliance; Port Authorities of New York and New Jersey, et al.

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received requests for an exemption from or waiver of compliance with certain requirements of its safety standards. The individual petitions are described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being requested.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number RST-84-21) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before April 22, 1985 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

The individual petitions seeking an exemption or waiver of compliance are as follows:

The Port Authority of New York and New Jersey

(Waiver Petition Docket Number LI–84–6)

The Port Authority of New York and New Jersey (PATH) seeks a waiver of compliance with certain provisions 49 CFR Part 229, Locomotive Safety Standards, for 289 Multiple Operated Electric locomotives.

PATH operates trains in four passenger services between four major terminals and nine intermediate stations in New York and New Jersey 24 hours a day. There are no grade crossings and one-half of the operations is in tunnels below ground level. PATH seeks a permanent waiver of compliance with § 229.115(c). Section 229.115(c) requires "Effective January 1, 1981, all new locomotives capable of being used in road service shall be equipped with a device that detects wheel slip/slide for each powered axle when it is under power. The device shall produce an audible or visual alarm in the cab." PATH does not believe this rule should be applied to its equipment because there is no accident data to support a contention that the rule should apply to MU type locomotives. In addition, there is no extra capacity in the automatic coupler circuits to accommodate a wheel slip/slide train line wire.

PATH also seeks a permanent waiver of compliance with § 229.125(a). Section 229.125(a) requires "Each lead locomotive used in road service shall have a headlight that produces at least 200,000 candela." The maximum attainable speed for PATH cars is approximately 57 mph, with less than 55 mph set for the majority. The cars are light in weight and the stopping distance at 55 mph is approximately 825 feet. Comparable equipment used on other transit operations has headlights with candela ratings of 56,000 to 100,000. PATH has two 100,000 candela headlights and two of 33,000 candela or a total of 266,000 candela. If one 100,000 candela light is inoperative, they want to be able to operate until such time as the headlight could be replaced.

New York Cross Harbor Railroad

(Waiver Petition Docket Number LI–84–7)

The New York Cross Harbor Railroad (NYCH) seeks a waiver of compliance with certain provisions 49 CFR Part 229, Locomotive Safety Standards, for one locomotive.

NYCH operates a locomotive in a confined area within defined terminal yards, some completely fenced. NYCH interchanges freight with Conrail, mainly via carfloat operation. The float bridges rise and fall with the tide, which tears off the end plates while switching between carfloat bridge and land.

Section 229.123 requires "Each lead locomotive shall be equipped with an end plate that extends across both rails, a pilot, or a snowplow. The minimum clearance above the rail of the pilot, snowplow or end plate shall be 3 inches, and the maximum clearance 6 inches."

NYCH seeks a permanent waiver from this provision.

Missouri Pacific Railroad Company

(Waiver Petition Docket Number LI–84–9)

The Missouri Pacific Railroad Company (MP) seeks a waiver of compliance on behalf of Union Carbide Corporation, with certain provisions of 49 CFR 229.23 of the Locomotive Safety Standards for two locomotives.

Union Carbide leases these locomotives from Relco Locomotive, Inc., and has not had any problem performing inspections without a pit. Union Carbide believes the cost to construct a pit is too expensive.

Union Carbide operates over 18.5 miles of track within their facility located in North Seadrift, Texas, and over a connecting segment of MP trackage. There are no communities, cities, towns or villages through which these locomotives operate. Union Carbide primarily performs its own intra-plant switching but does interchange cars with the MP at specified locations. When operating beyond the confines of the plant, these locomotives cross a State highway twice a day.

E. I. Du Pont De Nemours and Company

(Waiver Petition Docket Number SA–84–16)

E. I. Du Pont De Nemours and Company (DuPont) seeks a waiver of compliance with certain provisions of the safety appliance standards 49 CFR Part 231, section 8(b) for 25 aluminum tank cars haviang full length underframes. Section 231.8(b) specifies that cars of this type must have continuous running boards along both sides and ends of the car or two running boards full length, one on each side. The petitioner seeks authority to equip these 25 tank cars with a safety appliance arrangement as set forth in 49 CFR 231.21. Section 231.21 was formulated specifically for tank cars without underframes and does not require running boards. The petitioner states that running boards would serve no useful purpose on these tank cars since train crews no longer use running boards to traverse the train and these walkways are not used by loading or unloading personnel. The petitioner also states that running boards increase construction and maintenance costs and that side safety railings as required in 49 CFR 231.21(e) would provide better safety for personnel at ground level particularly for persons walking near the wheel area.

Issued in Washington, D.C. on March 1, 1985.

J.W. Walsh,

Associate Administrator for Safety.

[FR Doc. 85–5459 Filed 3–6–85; 8:45 am]

BILLING CODE 4910–06–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 1, 1985.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureau(s)), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed under each bureau. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB No.: 1545–0032
Form No.: IRS Forms 941NMI and 941aNMI
Type of Review: Revision
Title: Employer's Quarterly Return, Consolidation Sheet for Schedule A of Form 941NMI, Report of Wages Taxable Under the NMISSRS
Clearance Officer: Garrick Shear (202) 566–6150, Room 5571, 1111 Constitution Avenue, NW., Washington, D.C. 20224
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Office of the Secretary

OMB No.: 1505–0017
Form No.: BC/BC(SA)
Type of Review: Extension
Title: Reporting Bank's Own Claims, and Selected Claims of Broker or Dealer, to "Foreigners," Payable in Dollars
Clearance Officer: Ira Schoen (202) 535–6020, Office of the Secretary, Room 7221, ICC Building, 1201 Constitution Avenue, NW., Washington, D.C. 20220

OMB Reviewer: Judy McIntosh (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Joseph F. Maty,

Departmental Reports, Management Office.

[FR Doc. 85–5427 Filed 3–6–85; 8:45 am]

BILLING CODE 4810–25–M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

ACTION: Modification of Notice.

SUMMARY: The United States Information Agency is modifying a notice found at 50 FR 6423 (February 15, 1985) regarding immunity from judicial seizure for the objects in the exhibit "The Sculpture of India" by expanding the list to include six additional works of art.

EFFECTIVE DATE: The modification is effective on the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: John Lindbury, Office of the General Counsel, United States Information Agency, 301–4th Street, S.W., Washington, D.C. 20547.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation of Authority from the Director, USIA (47 FR 57600, December 27, 1982), I hereby determine that the additional objects in the exhibit "The Sculpture of India" (included in the list[1] filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to a loan agreement between the National Gallery of Art and foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, beginning on or about Mary 3, 1985, to on or about September 2, 1985, and at the Art Institute of Chicago, Chicago, Illinois, beginning on or about October 19, 1985, to on or about January 5, 1986, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: March 4, 1985.

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 85–5530 Filed 3–6–85; 8:45 am]

BILLING CODE 8230–01–M

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

VETERANS ADMINISTRATION

Information Collections Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following information collections under the provisions of the Paperwork Reduction Act (44 U.S.C. ch. 35). These information collections are contained in a final regulation regarding loan guaranty, amending the VA's condominium regulations (38 CFR 36.4356, 36.4357, 36.4358, 36.4359, 36.4360 and 36.4360a), published in the **Federal Register** on February 13, 1985 at 50 FR 5975 to 5982.

ADDRESSES: Copies of the information collections and supporting documents may be obtained from Nancy McCoy, Paperwork Management and Regulations Service (731), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389–2308. Comments and questions about the information collections should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503, (202) 395–7316.

DATES: Comments on the information collections should be directed to the OMB Desk Officer within 50 days of this notice.

Dated: March 1, 1985.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Information Collections Contained in Final Regulations

1. Requesting department: Department of Veterans Benefit, VA.

2. Subject: Information collected from developers of condominium projects to aid VA in determining legality of project under State laws and to determine reasonable value of individual units within the project.

3. Agency form number: Information not collected on form.

4. How often the information will be collected: On occasion.

5. Who will be required or asked to report: Individuals or households, and businesses or other for profit entities.

6. Estimate of the total number of responses: 2,600.

7. Estimate of the total number of hours needed to reply: 2,600.

These information collection requirements are under OMB review pursuant to section 3504(h), Pub. L. 96–511.

[FR Doc. 85–5507 Filed 3–6–85; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 45
Thursday, March 7, 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 ELECTION COMMISSION

DATE AND TIME: Tuesday, March 12, 1985 10:00 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance. Litigation. Audits. Personnel.

DATE AND TIME: Thursday, March 14, 1985, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (Fifth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Eligibility for Candidates to receive Presidential primary matching funds
Draft Advisory Opinion # 1985-7—Robert O. Tiernan and David E. Osterhout, on behalf of Anheuser-Busch Companies, Inc.
Draft Advisory Opinion # 1985-9—James H. Quillan, Member of Congress
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 85-5587 Filed 3-5-85; 2:20 pm]

BILLING CODE 6715-01-M

2

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of March 11, 1985.

A closed meeting will be held on Tuesday, March 12, 1985, at 2:30 p.m. An open meeting will be held on Thursday, March 14, 1985, at 4:00 p.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Commissioner Marinaccio, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, March 12, 1985, at 2:30 p.m., will be:

Formal orders of investigation.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Litigation matter.

The subject matter of the open meeting scheduled for Thursday, March 14, 1984, at 4:00 p.m., will be:

1. Consideration of whether to propose for public comment amendments to rule 6e-2 under the Investment Company Act of 1940. The amendments would conform certain parts of Rule 6e-2, the exemptive rule for insurance company separate accounts issuing scheduled premium variable life insurance, to Rule 6e-3(T), the exemptive rule for separate accounts issuing flexible premium variable life insurance. For further information, please contact Robert E. Plaza at (202) 272-2622.

2. Consideration of whether to propose for public comment (i) new Form N-14 for the registration of securities issued by registered management investment companies and business development companies in business combination transactions and (ii) certain related rules for the filing and processing of the proposed form. For further information, please contact Mary S. Podesta at (202) 272-2107.

3. Consideration of whether to propose for public comment Rule 205-3 under Investment Advisers Act of 1940 which would permit registered investment advisers to charge their clients performance fees under certain conditions. For further information, please contact Forrest R. Foss at (202) 272-7318.

4. Consideration of an application filed by Alleghany Corporation ("Applicant"), requesting an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") temporarily exempting Applicant until June 30, 1985, from most of the provisions of the Act. The Applicant has also requested that, pending final action on its application, the Commission issue an interim temporary order granting the same exemptive relief pending a final determination on the application by the Commission. For further information, please contact Curtis Hilliard at (202) 272-2799.

5. Consideration of whether to declare the Americus Trust for Exxon Shares effective. On June 7, 1984, the Commission published for public comment a release soliciting written comments on issues raised by the Americus Trust. These offerings relate to units of a unit investment trust series whose portfolios would consist of common stock of major industrial issuers, and two separable components of such units. In addition, the Commission will consider whether to approve a proposed rule change of the American Stock Exchange establishing listing standards for Americus Trust type securities. For further information, please contact Joseph V. Del Raso at (202) 272-7317.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Alan Dye at (202) 272-2014.

John Wheeler,

Secretary.

[FR Doc. 85-5585 Filed 3-5-85; 12:21 pm]

BILLING CODE 8010-01-M

3

SECURITIES AND EXCHANGE COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (50 FR 7264 2/21/85.)

STATUS: Closed/open meeting.

PLACE: 450 Fifth Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, February 19, 1985.

CHANGE IN THE MEETING: Additional items/deletion.

A closed meeting scheduled for Tuesday, February 27, 1985, at 10:00 a.m. was changed to 3:30 p.m. and the following additional items were considered.

Regulatory matter regarding financial institution.
Personnel matter.

The following open item was not considered at an open meeting scheduled for Thursday, February 28, 1985, at 2:30 p.m.

Consideration of the General Counsel report on the Commission's Bankruptcy Program.

In December 1983 the Commission considered and adopted a report on the Commission's bankruptcy program prepared by Commissioner Longstreth in which he recommended changes to the Commission's approach to its statutory responsibilities under the Bankruptcy Code to participate in reorganization cases on behalf of public investors. At that time, the Commission directed the General Counsel to prepare a report with recommendations after one year's experience in administering the changed program. The General Counsel's report requests the Commission to adopt a series of guidelines to direct the staff in the exercise of the Commission's statutory responsibilities under the Bankruptcy Code as special advisor to the courts in reorganization cases and its responsibilities under the federal securities laws to enforce those laws against debtors undergoing reorganization. For further information, please contact Michael A. Berman at (202) 272–2498.

Chairman Shad and Commissioners Cox, Marinaccio and Peters determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Kohn at, (202) 272–3195.

John Wheeler,

Secretary.

March 1, 1985.

[FR Doc. 85–5573 Filed 3–5–85; 12:26 pm]

BILLING CODE 8010–01–M

federal register

Thursday
March 7, 1985

Part II

Environmental Protection Agency

40 CFR Part 122

National Pollutant Discharge Elimination System Permit Regulations; Modification of Application Deadline and Testing Requirements for Storm Water Point Sources; Proposed Rules

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 122

[OW-FRL-2779-6]

National Pollutant Discharge Elimination System Permit Regulations; Modification of Application Deadline and Testing Requirements for Storm Water Point Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: On September 26, 1984, the Environmental Protection Agency published final regulations (49 FR 37998) that addressed several issues concerning the National Pollutant Discharge Elimination System (NPDES) program administered under the Clean Water Act. One aspect of those amended rules concerned the regulation of point sources of storm water runoff. The final rule defined the scope of NPDES permit program coverage of storm water discharges and adopted a two-tiered application process for storm water point sources.

The final storm water regulations generated considerable post-promulgation comment. The major concerns raised were the difficulty of complying with the April 26, 1985 deadline for application submittals due to winter weather conditions and the size of the task of identifying, sampling and testing storm water point sources.

Today's proposed rule, in response to these concerns, leaves the substantive coverage of the September 26 regulation intact, but proposes two changes in the application process. First, the deadline for submission of application Form 1 for all storm water point sources is proposed to be extended to December 31, 1985. Second, EPA proposes to eliminate the general requirement for Group I dischargers to submit Form 2C (sampling data), with one exception. That exception is storm water discharges covered by effluent limitations guidelines. In lieu of Form 2C, the narrative required under the existing regulations to be submitted with Form 1 by Group II dischargers will also be required of Group I dischargers. In addition, such dischargers will be required to identify those pollutants that they believe will be present in their discharge. New quantitative testing for these pollutants will not be required. Although the mandatory requirement to submit Form 2C will be deleted, EPA may require submission of storm water sampling data at a later date, following analysis of the submissions required by today's proposal and other data available to the Agency. Finally, the reference to "urbanized areas" has been updated to reflect current Bureau of Census criteria.

These provisions concerning storm water discharges are part of the NPDES regulations which are currently the subject of ongoing litigation in the U.S. Circuit Court of Appeals for the District of Columbia, *NRDC* v. *EPA*, No. 80-1607 and consolidated cases. EPA has requested from the Court a partial remand of the record to eliminate any doubt as to the authority of the Agency to proceed with final rulemaking respecting a rule subject to the Court's jurisdiction. Unless the Court denies this request the Agency will proceed with final rulemaking following completion of the public comment period.

DATES: Comments must be received on or before April 8, 1985.

ADDRESS: Interested persons may submit written comments to: Martha Kirkpatrick, Permits Division (EN-336), Office of Water Enforcement and Permits, U.S. Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Martha Kirkpatrick, Telephone: (202) 426-7010.

SUPPLEMENTARY INFORMATION:

I. Background

EPA has been wrestling with the problem of storm water regulation since 1973. In that year, the Agency published regulations exempting uncontaminated storm water runoff discharges from NPDES permit requirements. Although under the regulations these discharges fell within the definition of a point source, the Agency maintained that it would be more effective and administratively workable to deal with storm water runoff through nonpoint source controls

Shortly thereafter, the Natural Resources Defense Council (NRDC) brought suit in federal District Court challenging EPA's authority under the Clean Water Act to exempt categories authority under the Clean Water Act to exempt categories of point sources from permit requirements. *NRDC* v. *Train*, 396 F. Supp. 1393 (D.D.C. 1975; Aff'd, 568 F.2d. 1369, D.C.Cir. 1977). While recognizing the Agency's substantial discretion to define what constitutes a point source, the Court held that EPA did not have the authority under the Clean Water Act to exempt point source discharges from the NPDES program.

In response to this decision, on March 18, 1976, EPA published final storm water regulations requiring permit applications and NPDES permits for storm water point sources. Minor changes to these rules were made and reflected in the separate storm sewer regulations published on June 7, 1979 at 44 FR 32854 (40 CFR 122.79), republished on May 19, 1980 at 45 FR 33290 (40 CFR 122.57).

The 1980 storm water rules classified three types of storm water discharges as point sources: (1) Separate storm sewers in urbanized areas, (2) conveyances of contaminated storm water runoff from industrial or commercial facilities, and (3) those designated by the Director.

These regulations were challenged in court by a number of industry groups who asserted that most storm water discharges posed no significant environmental danger and thus should not be considered point sources. These groups also challenged the use of the term "contaminated" in the 1980 rules as vague and ambiguous.

After protracted negotiations with industry litigants, EPA agreed to propose a modification to the storm water provisions. The proposal was published on November 18, 1982 at 47 FR 52073, and defined storm water discharges as conveyances of storm water contaminated by process wastes, raw materials, toxics, hazardous pollutants or oil and grease. Thus the scope of coverage was significantly narrowed from the 1980 rule. The proposal also reduced application requirements by establishing two groups of storm water dischargers, and eliminating all testing and identification of pollutants for sources that were less likely to pose significant pollution problems.

The storm water proposal generated considerable comment from industry, trade associations and environmental groups. Industry and trade groups asserted that the proposal did not go far enough in limiting coverage, and continued to maintain that the permit program was an inappropriate means of dealing with storm water runoff. States and environmental groups took the position that the Clean Water Act requires permits for storm water discharges regardless of the level of pollutants. They contended that the proposal went too far in narrowing the scope of coverage in that no data existed to support the elimination of discharges from permit requirements. EPA considered these public comments and published final storm water regulations on September 26, 1984 (49 FR 37998).

II. September 26 Final Rule

The final rule recognized that there are two fundamental NPDES issues regarding storm water: (1) Which storm water discharges are point sources and therefore within the NPDES program, and (2) what is the best way to regulate these sources.

With regard to the first issue, EPA was persuaded by comments on the proposal that there were insufficient data to support a narrowing of coverage for storm water under the NPDES program. The Agency therefore promulgated final regulations that essentially retained the broad scope of the 1976 and 1980 rules. The final rule comported with the legal requirements set by the Clean Water Act and *NRDC* v. *Train*, which mandate the regulation and permitting of point sources that discharge pollutants into waters of the United States. The September 26 rule identified as a point source any storm water discharge that is located in an urbanized area, or discharges from industrial or commercial lands or facilities, or is designated by the Director. Because of concerns that the term "contaminated" as used in the 1980 rules was ambiguous and difficult to apply, the term was deleted. The new regulations rely instead on geographic criteria but result in approximately the same broad coverage.

In the preamble to the September 26 rule, EPA stated that insufficient data were available to justify the proposed exclusions of storm water discharges from coverage as point sources and that available data, especially on urban runoff, supported broad coverage of storm water discharges. Throughout the rulemaking process, no one submitted any data to substantiate claims that there are categories of storm water dischargers that have *de minimis* impacts on the environment and should be excluded from permit requirements. EPA concluded that it may not exclude storm water discharges without some basis; indeed, data available to EPA, such as the Nationwide Urban Runoff Program (NURP) study, indicated existing and potential water quality problems from storm water discharges.

To address the second issue, the regulatory approach, EPA retained in the final rule the two-tiered classification and application requirements set forth in the November 18, 1982 proposal. As provided in the Settlement Agreement with industry challengers, the final regulations set a deadline of six months from their effective date for submission of storm water permit applications. (Due to a technical error, the rule as published stated that March 26, 1985 was the deadline. However, the preamble refers to six months from the effective date of the rule, April 26, 1985, and this is the correct deadline for submission of applications under the existing regulations.) A technical correction to the regulations recognizing the April 26, 1985 deadline was published in the **Federal Register** on February 19, 1985.

The final rule set out two categories of storm water point sources with different application requirements for each. Group I storm water discharges are those subject to effluent limitations guidelines, located in an industrial plant or plant associated area, or designated by the Director. All other storm water point sources are classified as Group II. Group I dischargers were required to complete the full NPDES application: Form 1 plus Form 2C, which requires sampling and testing data. Form 2C data was requested of Group I dischargers so that data on the quality of these discharges could be analyzed and appropriate permitting strategies and requirements developed.

The application requirements were significantly reduced for Group II dischargers. They were required to submit only Form 1 plus a narrative description of the drainage area, the receiving water, and any treatment applied to the discharge. This lessened the burden on the dischargers that EPA believed were less likely to cause significant environmental problems.

Although considerable relief has been provided to Group II storm water point sources by this reduction in application requirements, EPA specifically requests comments on whether it would also be appropriate to postpone the application deadline for Group II storm water point sources until sometime in 1986. Such a postponement, to either June 30, 1986, or December 31, 1986, would allow EPA and the NPDES States to focus their efforts on the Group I point sources, which are more likely to be environmentally significant. Such a postponement clearly would not preclude issuance of a permit in the interim to a Group II point source or group of point sources, where a problem with that discharge or group of discharges is identified.

Because EPA lacked sufficient data on the nature and constituents of these highly diverse point sources, further data collection was considered essential to the development of an effective program of storm water management. The September 26 final rule reflected EPA's decision to gather such data through individual permit applications. Several commenters suggested that storm water runoff be regulated through general permits, and EPA agreed that this may be the best general approach, although individual permits for some dischargers may be necessary in some cases. However, the reason why general permit coverage does not usually require submission of a full Form 1 and Form 2C is because the general permit approach is available only where the Agency already has adequate information on the nature and impacts of the discharges. EPA clearly lacks sufficient information on storm water discharges at this time: therefore, and Agency retained full application requirements for these sources.

III. Reaction to the Final Rule

The final storm water regulations produced considerable post-promulgation comment on both of the central issues in the rulemaking: the scope of coverage and the Agency's strategy for regulating these sources.

With regard to the scope of coverage, some affected dischargers complained that the storm water permit requirements would subject thousands of point sources to the NPDES program for the first time. In fact, as the September 26 final rule indicated, the coverage of storm water point sources under the NPDES program was essentially unchanged by this rulemaking. The new rules simply deleted the term "contaminated" and relied instead on geographic criteria. Since the 1976 rule, pursuant to the *NRDC* v. *Train* decision, these dischargers have been required to obtain permits.

Various litigants, industries and trade associations also claimed that the April 26 deadline would be impossible for many dischargers to meet. One reason given was that many discharges were located in areas where testing during the winter months would not be feasible. It was also argued that the intermittent and unpredictable nature of storm water discharges would result in difficult and time-consuming data gathering because laboratories doing the sampling would have to be on stand-by waiting for a representative rainfall event to test the discharge. Dischargers also claimed that there would be insufficient laboratory facilities to do the required analysis within so short a time period. Finally, some commenters asserted that six months was an insufficient amount of time to locate, identify, sample and test thousands of storm water point sources. They also argued that the magnitude of the task for permit authorities meant that the data would be stale by the time permits were to be issued.

Another complaint about EPA's selected strategy was that it required extensive and costly testing and analysis where the Agency had indicated that EPA and the States would not have the resources needed to act on storm water applications in a timely manner.

The final rule also generated comment from environmental groups, who maintain that the Agency's decisions reflected in the September 26 notice are support by the record and should not be changed without strong justification supported by hard data. They expressed reservations that any change or delay would exacerbate EPA's failure to regulate this important source of pollutants.

IV. EPA Action

EPA's goal is an effectve, manageable and environmentally sound program for regulating storm water discharges. Today's proposed rule would make no changes in the substantive coverage of the September 26 final regulations. As explained earlier and in the September 26 rulemaking, there is currently insufficient information to justify any exclusion of storm water discharges from the point source definition other than those already recognized by the existing rule. Although the discharges from the point sources definition other than Agency has received complaints concerning this aspect of the regulation, there continues to be no basis to justify a change to those regulations. Thus, the issue of scope of coverage is not affected by today's proposal. EPA feels that the scope of its final rule is well-supported and mandated by the Clean Water Act and *NRDC* v. *Train*.

However, while the scope of the program will not change, today's rule proposes to change how storm water discharge permitting will be handled administratively. The final storm water rules established a six-month application deadline both because that was the time frame provided in the NPDES Settlement Agreement and because it is the current amount of time given for renewal applications for existing NPDES dischargers. However, EPA recognizes that many of the practical problems with meeting the deadline raised since promulgation are legitimate.

As recognized in the previous rulemaking, the primary problem EPA has faced in its attempt to implement a workable storm water program has been the lack of adequate data to determine the nature and constituents of these diverse point sources and the appropriate means of regulating them. Thus, further data collection is essential to the development of an effective program of storm water management. Notwithstanding this, EPA believes that the magnitude of post-promulgation comments received indicates that the timing and method of data collection must be revised. The difficulties with data collection and analysis make the six-month deadline difficult and perhaps impossible for some dischargers.

Rather than rely on Form 2C data from all Group I dischargers, the Agency first will assess the Form 1 information from all dischargers, then gather data selectively, as necessary, thus reducing both the drain on limited EPA and State resources and the cost to applicants. Based on its review of the more selective data, the Agency will develop specific permitting strategies, using general permits where appropriate, and individual permits where this cannot be done or is not otherwise appropriate.

To reflect this overall strategy, the first proposed change is to extend the deadline for submissions of storm water applications from April 26, 1985 to December 31, 1985. This extension will give dischargers sufficient time to identify their storm water point sources and prepare applications. It will also allow EPA and States greater opportunity to assimilate the submissions in an orderly fashion. It should also lower the cost for both permitting authorities applicants by spreading the requirements over a longer period of time, and reduce the likelihood of laboratory shortages. Finally, it will eliminate the potential problem of stale data; permitting authorities would be better able to consider more current information when it is time for permits to be issued.

EPA further proposes in today's rulemaking to suspend the present requirement that Group I dischargers submit Form 2C. Instead, Group I dischargers would be required to submit, by the December deadline, the same information as Group II (i.e., Form 1 plus a narrative discription of the drainage area, the receiving waters, and any treatment applied to the discharge). In lieu of Form 2C, data and sampling, today's proposal would require applicants to indicate whether their discharges fall within the Group I or Group II category.

Additionally, for Group I storm water point sources, the Agency is proposing to augment the narrative submission requirement in two ways. First, the Agency is proposing to require that Group I storm water point sources submit any available existing quantitative data on their Group I discharges for the pollutants specified in proposed 40 CFR 122.21(f)(9)(ii). The Agency is proposing that applicants submit available data; it is not proposing that applicants perform new sampling and analysis to satisfy the requirements in proposed § 122.21(f)(9)(ii) and (iii).

Second, the Agency is proposing to require that Group I storm water point sources identify, for each discharge, any pollutants on the list in proposed § 122.21(f)(9)(iii) that the applicant knows or has reason to believe are present in its storm water discharge. An applicant would base its identification of pollutants on factors such as its knowledge of the presence of raw material stockpiles in the drainage area and the potential for pollution of storm water by manufacturing or other plant operations.

In general, a plant at which raw materials are stockpiled in the drainage area would reasonably expect that its discharge would be polluted by that raw material or its constituents. A manufacturer of a fertilizer, such as ammonium nitrate, could reasonably expect ammonia to be present in its discharge as a result of tank car washings, for example. A lead smelter could reasonably expect its discharge to be contaminated with lead as a result of air emissions or contamination of roadways and storage areas by trucks or other material handling equipment (MHE).

The Agency specifically requests comments on this aspect of today's proposal. In particular, comments should be directed to whether pollutants listed in proposed § 122.21(f)(9)(iii) are appropriate for generally assessing storm water discharge quality and to whether other pollutants should be added to the list.

Although the approach set forth here is different from the strategy set forth in the September 26 final rule, the strategy proposed today is also intended to assure reasonably expeditious NPDES permitting for storm water point sources. However, today's proposal reflects a more realistic time frame for action by EPA and the States given other permitting priorities.

In deciding to rely on more selective data than envisioned in the September 26 rule, the Agency is relying in part on commitments from industries and trade associations that they will submit representative quantitiative sampling and analysis data during 1985. A number of industry groups have assured EPA that they will submit such data, and permit applicants are encouraged to voluntarily submit any effluent data they have as early as possible. EPA will be meeting with the representatives of

these and other groups during the comment period on the proposal to work out the specific details of these commitments in writing. This will expedite the Agency's data gathering process and assist the Agency in determining what additional data will be needed, thus minimizing the possibility of a need for broad data submittal requirements in the future.

In the event that the Agency decides to retain the existing requirement that Group I dischargers submit Form 2C or a similar requirement for submission of quantitative data, waiver of such a data submission for categories of Group I dischargers may be considered. The Agency is requesting comments on whether the storm water regulations should include discretionary authority for the Director of the Office of Water Enforcement and Permits to waive the quantitative data submission requirement for a class or category of Group I storm water point sources. Such a provision would require submission of representative quantitative data that accurately characterizes the storm water discharges of that class or category.

This proposed storm water management program anticipates that applications will be prepared and submitted by storm water dischargers during 1985. During this period, EPA will circulate storm water guidance, disigned primarily to assist applicants with such questions a whether their discharges are point sources, whether they fall within the Group I or Group II category, and whether the facility is industrial or commercial.

During 1985 and 1986, EPA will be developing a detailed strategy for implementation of its storm water program. After developing a draft of the strategy, EPA will seek comment from States, municipalities, industry representatives, environmental groups, and other interested parties on this strategy.

As part of its program EPA will engage in some additional data collection before developing general permits. One possibilty is that the Agency will request the submission of sampling data through the use of selective Section 308 letters (Section 308 of the Clean Water Act describes a mechanism whereby the Director may request additional data concerning outfalls). It is likely that data will be requested of selected representative individual dischargers by industry category or other grouping. Precise identification of industry categories that are likely to be addressed first is not possible at this time. This decision will be the result of the analysis of Form 1's and other data received. However, certain categories appear likely to receive data submittal requests relatively early. For example, city-owned separate storm sewers have already been identified as containing significant levels of harmful pollutants. Thus, it is likely that major cities will be among the first to be asked to submit sampling data on their separate storm sewer outfalls. Other likely candidates for early requests for sampling data are those industries subject to an effluent limitations guideline for process wastewater (e.g., chemical and petroleum industries). Permit authorities may require early submittal of sampling data from sources that are already covered by an existing NPDES permit that would have to be modified to cover their storm water outfalls or for those storm water discharges that have been identified as a problem.

During the development of its strategy, EPA will review the Form 1's and any other information that is submitted. Based on this information, the resulting strategy is expected to recommend the use of both general and individual permits, as may be appropriate for specific categories of dischargers.

Priorities for permit issuance will be set according to the relative environmental impact among and within the various categories of storm water discharges and relative to other Agency activities. General permits will begin to be issued after the strategy is announced at the end of 1986.

EPA Regional Offices and States with approved NPDES programs will be assisting in gathering and will be asked to take part in the review of Form 1 information and the collected sampling data. As noted above, the States and Regions are expected to continue calling in storm water permit applications and issuing individual and general permits where problems are identified while the national storm water program is being more fully developed and implemented.

It is also proposed that the definition of "urbanized area" found in the storm water regulations be amended to reflect the most current criteria established by the Bureau of Census, rather than the 1970 designation.

V. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. These proposed revisions generally make the regulations more flexible and less burdensome for affected permittees. These regulations do not satisfy any of the criteria specified in section 1(b) of the Executive Order and, as such, do not constitute major rulemakings. This regulation was submitted to OMB for review.

VI. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* An Information Collection Request document has been prepared by EPA and a copy may be obtained from: Nanette Liepman, Information Management Branch, EPA 401 M Street, SW. (PM-223), Washington, D.C. 20460 or by calling 202/382-2742. Submit comments on these requirements to EPA and: Richard Otis, Office of Information and Regulatory Affairs, OMB, 726 Jackson Place, NW., Washington, D.C. 20503. The final rule will respond to any OMB or public comments on the information collection requirements.

VII. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to prepare a Regulatory Flexibility Analysis to assess the impact of rules on small entities. EPA has determined that this regulation will not have a significant economic impact on a substantial number of small entities. Today's proposed amendments to the regulations generally would make the regulations more flexible and less burdensome for permittees. Accordingly, I hereby certify, pursuant to 5 U.S.C. 605(b), that these proposed amendments will not have significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 122

Administrative practice and procedure, Reporting and recordkeeping requirements, Water pollution control.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: March 3, 1985.

Lee M. Thomas,

Administrator.

For the reasons set out in the preamble, Part 122 of Chapter I of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Subpart B—Permit Application and Special NPDES Program Requirements

1. Section 122.21 is amended by revising paragraphs (c)(2), (f)(7), (f)(9), (g)(10)(i), and (g)(10)(iii) to read as follows:

§ 122.21 Application for a permit (applicable to State NPDES programs, see § 123.25).

* * * * *

(c) * * *

(2) Any existing storm water point source under § 122.26 that does not have an effective permit shall submit an application by December 31, 1985. Any discharger designated under § 122.26(c) shall submit an application within 6 months of notification of its designation.

* * * * *

(f) * * *

(7) A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area. Storm water point sources, as defined in § 122.26(b)(1), are exempt from the requirements of paragraph (f)(7) of this section.

* * * * *

(9) For storm water point sources (as defined in § 122.26(b)(1)):

(i) An identification of whether the discharges are Group I or Group II storm water point sources as defined in §§ 122.26(b)(2) and 122.26(b)(3), and a brief narrative description of the drainage area, including an estimate of the size and nature of the area; the receiving water; any treatment applied to the discharge; and

(ii) For Group I storm water point sources (as defined in 122.26(b)(2)), any available quantitative data on the following pollutants for each storm water discharge:

(A) Oil and grease;

(B) Total organic carbon;

(C) Chemical oxygen demand; and

(D) Any pollutant listed in Appendix D of 40 CFR Part 122; and

(iii) For Group I storm water point sources (as defined in § 122.26(b)(2)), a list for each discharge of any of the following pollutants that the applicant knows or has reason to believe are present in the storm water discharge:

(A) Oil and grease;

(B) Total organic carbon;

(C) Chemical oxygen demand; and

(D) Any pollutant listed in Appendix D of 40 CFR Part 122.

(g) * * *

* * * * *

(10)(i) Storm water point sources (as defined in § 122.26(b)(1)) are exempt from the requirements of paragraphs (f)(7) and (g) of this section, unless the Director requests such information. This paragraph does not apply to storm water dischargers that are within an industry category covered by a guideline which specifically addresses storm water discharges.

* * * * *

(iii) The Director may require additional information under paragraph (g)(13) of this section, and may request any storm water discharger to comply with paragraph (g) of this section.

* * * * *

2. Section 122.26 is amended by revising paragraphs (b)(1)(i) and (b)(3) to read as follows:

§ 122.26 Storm water dischargers (applicable to State NPDES programs, see § 123.25).

* * * * *

(b) * * *

(1) * * *

(i) Is located in an urbanized area as designated by the most current Bureau of Census criteria;

* * * * *

(3) "Group II storm water discharge" means any "storm water point source" not included in paragraph (b)(2) of this section.

* * * * *

[FR Doc. 85-5444 Filed 3-6-85; 8:45 am]

BILLING CODE 6560-50-M

federal register

Thursday
March 7, 1985

Part III

Department of Commerce

Patent and Trademark Office

37 CFR Part 1

Miscellaneous Patent Provisions; Final Rules

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 41269-5018]

Final Rules for Miscellaneous Patent Provisions

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of final rulemaking.

SUMMARY: The Patent and Trademark Office is amending the rules of practice in patent cases, Part I of Title 37, Code of Federal Regulations, to provide rules and procedures for the miscellaneous patent provisions enacted into law by Pub. L. 98-620 and 98-622, on November 8, 1984, in which statutory invention registrations, changes in appeals to the courts, prior art and joint inventor provisions and PCT international application filing and processing procedures were established or amended. The rulemaking provides specific rules and procedures for the new and amended provisions.

EFFECTIVE DATE: May 8, 1985.

FOR FURTHER INFORMATION CONTACT: R. Franklin Burnett by telephone at (703) 557-3054 or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: This rule change is designed primarily to establish a set of rules and procedures for the various requirements of Pub. L. 98-620 and 98-622 concerning appeals to the courts, statutory invention registrations, rejections based on prior art and double patenting, and filing of international applications under the Patent Cooperation Treaty. The proposed rules were published on January 25, 1985 in Volume 50 of the **Federal Register**, pages 3712 through 3725. A public hearing was held on the proposed rule changes on February 8, 1985.

Background Information

Most of the rule changes contained herein are necessary as a result of Pub. L. 98-620 or 98-622, both of which were signed by President Reagan on November 8, 1984. The following is a summary of the purposes of the various statutory amendments.

Amended 35 U.S.C. 103—Unpublished Knowledge of Prior Art

Pub. L. 98-622 changes a complex body of case law which discourages communication among members of research teams working in corporations, universities or other organizations. It amended 35 U.S.C. 103 by adding a new sentence which provides that subject matter developed by another which qualifies as "prior art" only under subsections 102 (f) or (g) of 35 U.S.C. is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. 103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made.

"Prior art" is the existing body of technical information against which the patentability of an invention is judged. Publicly known information is always considered in determining whether an invention would have been obvious. However, under *In re Bass*, 474 F.2d 1276, 177 USPQ 178 (CCPA 1973), and *In re Clemens*, 622 F.2d 1029, 206 USPQ 289 (CCPA 1980), an earlier invention which is not public could have been treated under 35 U.S.C. 102(g), and possibly under 102(f), as prior art with respect to a later invention made by another employee of the same organization.

New technology often is developed by using background scientific or technical information known within an organization but unknown to the public. Pub. L. 98-622, by disqualifying such background information from prior art, encourages communication among members of research teams, and leads to more public dissemination through patents of the results of team research.

The subject matter that is disqualified as prior art under 35 U.S.C. 103 is strictly limited to subject matter that qualifies as prior art only under 35 U.S.C. 102(f) or 102(g). If the subject matter qualifies as prior art under any other subsection—e.g., subsection 102(a), 102(b) or 102(e)—it will not be disqualified as prior art under the amendment to section 103.

The contents of a patent of the same or different ownership as an application, continues to be available as prior art against the application under section 103 by virtue of section 102(e) as of the application filing date of the patent. If subject matter becomes potential prior art under section 102(e) because a patent application is filed on such subject matter before a commonly owned claimed invention is made the subject matter of a later application the two applications may be combined (under amended sections 116 and 120) into a single application and such subject matter (with the abandonment of the two applications) would no longer constitute potential prior art under section 102(e) or under section 103 since it would not be "described in a patent granted on an application for patent by another."

It is important to recognize that the amendment to the law applies only to consideration of prior art for purposes of section 103. It does not apply to or affect subject matter which qualifies as prior art under section 102. A patent applicant urging that subject matter is disqualified has the burden of establishing that it was commonly owned at the time the claimed invention was made.

Pub. L. 98-622 was not intended to permit anyone other than the inventors to be named in a patent application or patent. Also, the amendment was not intended to enable appropriation of the invention of another.

The Patent and Trademark Office has withdrawn the Commissioner's Notice of January 9, 1967, "Double Patenting", 834 O.G. 1615 (Jan. 31, 1967), to the extent that it does not authorize a double patenting rejection where different inventive entities are present. See the Commissioner's Notice of December 11, 1984, "Initial Guidelines Implementing Changes in 35 U.S.C. 103, 116, and 120", 1050 O.G. 316 (January 8, 1985). The Office is reinstituting, in appropriate circumstances, the practice of rejecting claims in commonly owned applications of different inventive entities on the ground of double patenting. See 130 Cong. Rec. H 10527, column 3 (daily ed. Oct. 1, 1984) (statement of Rep. Kastenmeier); *In re Rogers*, 394 F.2d 566, 567 n. 4, 157 USPQ 569, 570 n. 4 (CCPA 1964). This is in accordance with existing case law and prevents an organization from obtaining two or more patents with different expiration dates covering nearly identical subject matter. See *In re Zickendraht*, 319 F.2d 225, 138 USPQ 22 (CCPA 1963) ("The doctrine is well established that claims in different applications need be more than merely different in form or content; and that *patentable distinction* must exist to entitle applicants to a second patent") and *In re Christensen*, 330 F.2d 652, 141 USPQ 295 (CCPA 1964) ("* * * the correct procedure for double patenting cases is to analyze the claims to determine the inventions defined therein, and then decide whether such inventions, as claimed are *patentably distinct* and therefore qualified to be claimed in separate patents"). In accordance with established patent law doctrines, double patenting rejections can be overcome in certain circumstances by disclaiming, pursuant to the existing provisions of 37 CFR 1.321, the terminal portion of the term of the later patent and including in the disclaimer a provision that the patent shall be enforceable only for and during the period the patent is commonly

owned with the application or patent which formed the basis for the rejection, thereby eliminating the problem of extending patent life.

Information learned from or transmitted to persons outside the organization is not disqualified as prior art.

The term "subject matter" will be construed broadly, in the same manner the term is construed in the remainder of section 103. The term "another" as used in section 103 means any inventive entity other than the inventor and would include the inventor and any other persons. The term "developed" is to be read broadly and is not limited by the manner in which the development occurred. The term "commonly owned" means wholly owned by the same person, persons, or organization at the time the invention was made.

Amended 35 U.S.C. 116—Joint Inventor Filing

35 U.S.C. 116 as amended by Pub. L. 98-622 recognizes the realities of modern team research. A research project may include many inventions. Some inventions may have contributions made by individuals who are not involved in other, related inventions.

Amended 35 U.S.C. 116 allows inventors to apply for a patent jointly even though (i) they did not physically work together or at the same time, (ii) each did not make the same type or amount of contribution, or (iii) each did not make a contribution to the subject matter of every claim of the patent. Items (i) and (ii) adopt the rationale stated in decisions such as *Monsanto* v. *Kamp*, 269 F. Supp. 818, 154 USPQ 259 (D.D.C. 1967). Item (iii) adopts the rationale of cases such as *SAB Industrie AB* v. *Bendix Corp.*, 199 USPQ 95 (E.D. Va. 1978).

Like other patent applications, jointly-filed applications are subject to the requirements of 35 U.S.C. 121 that an application be directed to only a single invention. If more than one invention is included in the application, the Patent and Trademark Office may require the application to be restricted to one of the inventions.

In such a case, a "divisional" application complying with 35 U.S.C. 120 would be entitled to the benefit of the earlier filing date of the original application.

It is possible that different claims of an application or patent may have different dates of invention even though the patent covers only one independent and distinct invention within the meaning of 35 U.S.C. 121. When necessary, the Patent and Trademark Office or a court may inquire of the patent applicant or owner concerning the inventors and the invention dates for the subject matter of the various claims.

Amended 35 U.S.C. 120—Benefit of Prior U.S. Application

35 U.S.C. 120 was amended by Pub. L. 98-622 to provide that an application can obtain the benefit of the filing date of an earlier application when not all inventors named in the joint application are the same as those named in the earlier application. This amendment permits greater latitude in filing "divisional" applications. For example, if the previously filed application named inventors A and B as the inventors, a later application by either A or B could be filed during the pendency of the previously filed application and claim benefit of the previously filed application. In order for a claim to be entitled to the benefit of an earlier pending application, the subject matter of the claim of the later application would have to be disclosed in the earlier application.

Similarly, if inventor A filed an application on an invention and during the pendency of that application made an improvement on the subject matter of the application as a joint inventor with inventor B, the joint application filed on behalf of inventors A and B could claim the benefit of A's previously filed sole application to the extent that the later filed joint application contained claims directed solely to A's subject matter which was disclosed in the earlier filed pending application in the manner provided by the first paragraph of section 112 of title 35, U.S.C.

Likewise, an application filed by inventors A and C could claim the benefit of an earlier filed pending application of inventors A and B, to the extent that the requirements of section 120 could be met.

Like other patent applications, jointly-filed applications will continue to be subject to the requirement of 35 U.S.C. 121 that an application be directed to only a single invention. If more than one invention is included in the application, the Patent and Trademark Office may require the application to be restricted to one of the inventions. In such a case, a "divisional" application would be entitled to the benefit of the earlier filing date of the original application.

New 35 U.S.C. 157—Statutory Invention Registration (SIR)

This section which is effective on May 8, 1985, establishes an optional procedure by which an inventor may secure protection which is strictly defensive in nature.

Under current law, there is no simple, practical method by which an inventor can protect his or her ability to exploit the invention without obtaining a patent. The new procedure confers on an inventor the same defensive rights that a patent provides to prevent others from patenting the invention. However, it does not permit the holder to exclude others from making, using or selling the invention.

Due to the fact that a SIR does not grant an exclusive right to an inventor, it is not necessary to subject a SIR to the lengthy examination process required for the granting of a patent. Such an examination is necessary if the SIR is subject to an interference proceeding to determine priority of invention. In all other instances, the Patent and Trademark Office will only review the application for adherence to formal printing and fee payment requirements and to ensure that the requirements of 35 U.S.C. 112 are satisfied.

An applicant desiring to have a SIR published will be required to file a regular complete application for a patent and to execute a request including a waiver of enforcement of patent rights. This waiver of the claimed invention will be effective at the time of publication. The original application can be abandoned in favor of a continuing application for a patent, claiming the filing date of the earlier filed application, by filing an express abandonment of the original application and a timely request or petition to withdraw the request for a SIR prior to publication of the SIR, thereby providing the applicant with flexibility during the pendency period of the application. Until the SIR is published the application remains an application for a patent. However, the holder of a SIR will not be able to file a reissue application to recapture the rights to exclusive use that were waived by the initial publication of the SIR.

The waiver of the right to receive a patent, required of all applicants electing to receive a SIR, applies to those remedies provided for the enforcement of a patent under section 183 and sections 271 through 289 of title 35, U.S.C. The waiver also applies to remedies under other titles of the U.S.C. including sections 1337 and 1337a of title 19, section 2356 of title 22, and section 1498 of title 28. This waiver of enforcement applies only to the claimed subject matter of the SIR and not to any foreign patent arising from an application which might have served as the basis of a priority claim under the Paris Convention for the Protection of Industrial Property. Likewise, the waiver

does not prevent the holder of a SIR from asserting any defenses provided in sections 271 through 289 of title 35, U.S.C. with respect to a charge of infringement of any other patent.

The Commissioner of Patents and Trademarks can refuse to accept the waiver in certain cases. For example, the waiver could not be accepted if the waiver is not a waiver of all the previously mentioned rights. The Commissioner also has discretion, which has not been exercised at this time, to set time limits on the waiver. This would allow the Commissioner to limit the ability of an inventor to keep inventions secret through a series of continuing patent applications followed by a conversion to a SIR.

The waiver of patent rights in the SIR to the subject matter claimed therein may affect the patentability of a claim in other related applications, particularly divisional applications, since the waiver of patent rights would be effective for all inventions claimed in the SIR and would be effective as a waiver of the right of the inventor to obtain a patent on the invention claimed in the same application or any other application, but not in any patent issued before the date the SIR is published. Where an application containing generic claims is published as a SIR, the waiver in that application applies to any other related applications, including divisions, continuations, and continuations-in-part, to the extent that the same invention claimed in the SIR is also claimed in the other related application.

The Patent and Trademark Office will apply standards similar to those which it applies in making determinations of "same invention" double patenting for purposes of determining whether or not a wavier by an inventor to claims in a SIR precludes patenting by the same inventor to subject matter in any other related application.

Therefore, the waiver would preclude patenting of an invention claimed by an inventor in a related application which is the same as the invention claimed by the same inventor in the SIR. When making this determination it is the claimed subject matter of the SIR which is compared to the claimed subject matter of the related application. Where the subject matter claimed in the related application is the same as the subject matter waived in the SIR, i.e., the "same invention" in the double patenting sense, the claims of the related application will be rejected as being precluded by the waiver in the SIR and cannot be overcome by a terminal disclaimer. The limitation of the scope of the waiver to the claimed invention would not affect the application of existing § 1.658(c) should the SIR become involved in an interference. If a divisional application is filed and published as a SIR claiming only a method, publication thereof will not normally effect a waiver on an application for a patent claiming only an apparatus. The waiver in a SIR would not affect any rights in a patent which issued prior to the date of publication of the SIR, but would preclude an already issued patent from being broadened by reissue if the rights to the subject matter to which broadened claims relate have been waived by publication of the SIR. The waiver applies to any rights of the same inventor in any application pending when the SIR is published even if the inventor is a joint applicant in the pending application and was a sole applicant in the application published as a SIR. The waiver would not affect the rights of any other inventor even though those rights are commonly owned by the same person.

The holder of a SIR containing the required waiver will be left without the offensive rights associated with a patent. In other respects a SIR will be the same as a patent, including the application which is published as a SIR serving as the basis for a priority claim in a foreign application under the Paris Convention. A SIR will be treated the same as a U.S. patent for all defensive purposes. The application, and the SIR published therefrom, could become involved in an interference; the SIR would be a "constructive reduction to practice" under 35 U.S.C. 102(g); it will be "prior art" under all applicable sections of 35 U.S.C. 102 including section 102(e); and it will be classified, cross-referenced and placed in the search files, disseminated to foreign patent offices, stored in the Patent and Trademark Office computer tapes, made available in commercial data bases, and announced in the *Official Gazette* of the Patent and Trademark Office. A published SIR is intended to be a fully viable publication for defensive purposes, usable as a reference as of its filing date in the same manner as a patent. A SIR will also serve as a basis to initiate or participate in an interference or priority proceeding under 35 U.S.C. 291 in a manner similar to a patent and can be used as a reference in defense of an infringement suit.

A SIR is based on a regularly filed application for a patent. Therefore, the filing date of the application will be a sufficient basis for a priority claim in a foreign application. Article 4, section A(3) of the Paris Convention states:

> By a regular national filing is meant any filing that is adequate to establish the date on which the application was filed in the country concerned, whatever may be the subsequent fate of the application.

After a SIR is published, markings such as "patent pending" are improper under section 292 of title 35 of the U.S.C.

The SIR will serve as a replacement for the current "defensive publication program" which was established by regulation under 37 CFR 1.139. Although publication under the "defensive publication program" was intended to provide rights similar to those of the SIR, publication under that program has been held not to be available as evidence of prior knowledge as of its filing date under section 102(a) of title 35, U.S.C. (*Ex parte Osmond*, 191 USPQ 334 (P.T.O. Bd. App. 1976).) The use of a "defensive publication" as a reference to prevent a patent from issuing on a subsequent application is therefore limited. A SIR, on the other hand, will have a clear statutory basis in title 35, U.S.C. The SIR will be "prior art" and a "constructive reduction to practice" under section 102(a) and section 102(g), respectively, as of the filing date of the application on which it is based.

A SIR will not be subject to reexamination under sections 302 to 307 of title 35, U.S.C.

The Commissioner is authorized to issue SIRs for defensive purposes, but is not required to do so. The Commissioner has discretion in determining whether or not a SIR should be issued on a particular application. In circumstances where the subject matter is obviously not an invention, is too informal to print, and so forth, the Commissioner has the right to refuse to publish the SIR.

SIRs will be published sooner than patents because no substantive examination will normally be required for SIRs. To the extent that examination is required, it will be conducted in the same manner as in any other patent application. Maintenance fees will not be charged for SIRs.

Since the fees set by the Commissioner for the new SIR procedure under section 157 of title 35, U.S.C. are not established under section 41 (a) or (b) of that title, they are not subject to reduction if the applicant has small entity status.

If the fee for requesting publication is not paid at the time of filing of the waiver of the right to receive a patent, the Commissioner may set a period within which the fee must be paid to prevent abandonment of the application. Such a period would be subject to petitions and fees for extensions of time. If abandonment should occur, the application may be revived.

In the final analysis, the SIR procedures set forth in the law should give inventors defensive protection more cheaply than they could get by obtaining a patent. The procedure will allow the government and the private sector to make inventions public knowledge. Last, the SIR would be particularly useful to those with limited resources such as universities and small businesses, who have a new, less expensive alternative to the traditional patenting of inventions.

Amended 35 U.S.C. 361, 366, 371, 372, and 376—Miscellaneous Provisions Relating to the Applications Under the Patent Cooperation Treaty

Section 361(d) of title 35, U.S.C., was amended effective May 8, 1985, to provide a one-month grace period from the date of filing an international application for payment of the basic international fee and the transmittal and search fees.

Section 366 of title 35, U.S.C., was amended, effective May 8, 1985, to clarify the effect of withdrawal of an international application on claims for the benefit of its filing date. The withdrawal of an international application designating the United States will not deprive an applicant of the right to claim the benefit of the filing date of such an international application in a later filed application, provided the claim for benefit is made before that international application is withdrawn. Stated otherwise, this clarifies that withdrawing the designation of the United States in an international application is comparable to abandoning a national application as far as a claim for an earlier filing date is concerned.

National Stage

As a general proposition, the amendments made to 35 U.S.C. 371 set forth a legislative scheme, effective May 8, 1985, to provide greater flexibility in the Patent and Trademark Office for the handling of international applications. In addition, by relaxing the requirements which international applicants must satisfy by the commencement of the national stage, the amendments give international applicants benefits similar to those given national applications by section 111, 35 U.S.C. as amended by Pub. L. 97–247 with respect to the time for filing the national fee and oath or declaration.

Section 372(b) of title 35, U.S.C., is amended, effective May 8, 1985, to authorize the Commissioner to require a verification of the translation of an international application or any other document pertaining thereto if the application or other document was filed in a language other than English. An authorization for the Commissioner to require verification in appropriate cases is necessary since subsection (c)(2) of section 371 was amended to remove the requirement that the translation be verified in all cases.

Section 372(c) of title 35, U.S.C., was deleted thereby discontinuing the requirement for payment of a special fee to maintain claims in an international application which were not searched by an international searching authority. This deletion was made to place international applications processed in the national stage on the same footing as purely national applications.

Section 376(a) of title 35, U.S.C., was also amended by Pub. L. 98–622 to delete mention of the special fee in order to conform with the amendment of section 372(c).

Discussion of Specific Rules

Section 1.11 is amended as proposed to add a reference to published statutory invention registrations in paragraph (a) to indicate that they are available to the public. The portion of present § 1.11(a) which deals with interferences is transferred to a new paragraph (e) and rewritten.

The amendment to paragraph (b) deletes reference to § 1.139, which is being deleted in favor of the SIR, and inserts language which covers opening to the public defensive publications published under § 1.139 as well as other applications laid open to the public such as the previously published abstracts and abbreviatures.

Section 1.11 is amended as proposed to delete the word "general" before public as unnecessary.

New paragraph (e) of § 1.11 is added to cover the availability to the public of all interferences, including those which involved a statutory invention registration. This paragraph applies to interferences declared under the new rules which became effective on February 11, 1985, 49 FR 48416 (Dec. 12, 1984), as well as the rules formerly in effect. The term "award of priority" is intended to refer to those decisions of the Board of Patent Interferences, or Board of Patent Appeals and Interferences, awarding priority in interferences conducted under the former rules. The term "judgment" refers to judgments entered by the Board of Patent Appeals and Interferences in interferences conducted under the new rules. The language of the proposed rule has been slightly modified for clarity in the final rule.

Section 1.14 is amended as proposed to delete reference to § 1.139 since that section is being removed.

Section 1.17 paragraph (h) is amended as proposed to include the petition fee required by new § 1.295.

Section 1.17 is amended to add new paragraphs (n) and (o) to establish fees for requesting publication of statutory invention registrations. Paragraph (n) establishes a $400.00 fee for requesting publication of a statutory invention registration where no first examiner's action pursuant to § 1.104 has been issued in the application. The amount paid for basic filing fees under § 1.16 (a), (f) or (g) will be credited against this amount. For example, if a $300.00 filing fee was paid, only $100.00 additional would be required for requesting publication of a statutory invention registration.

The addition of paragraph (o) to § 1.17 is similar to the addition of paragraph (n) but establishes a fee for requesting publication of applications, which have received any examiner's action pursuant to § 1.104, as a statutory invention registration. The higher fee of $800.00 set in paragraph (o) is necessary in view of the expenditure of additional Office resources in examining the application prior to the filing of the request for a statutory invention registration.

Section 1.19 is amended as proposed to provide in paragraph (a)(1) a reference to the cost of a printed copy of a statutory invention registration and in paragraph (e) to provide reference to statutory invention registrations listed by subclass.

Section 1.20 is amended as proposed to delete the requirement to pay maintenance fees in all plant patents in view of the amendment in Pub. L. 98–622. Paragraph 1.20(m) is amended as proposed to provide that non-timely payment of maintenance fees may be accepted in patents based on applications filed prior to August 27, 1982, in accordance with Pub. L. 98–622.

Pub. L. 98–622 provides that no maintenance fees are charged for plant patents, regardless of when filed. Without this provision that no maintenance fees be charged for plant patents, plant patent owners whose applications were filed between the dates of enactment of Pub. L. 96–517 and Pub. L. 97–247 (December 12, 1980 to August 27, 1982) would be subject to payment of maintenance fees, while plant patent owners whose applications were filed outside those dates would not be subject to such fees. Pub. L. 98–622 eliminates that inconsistency.

Section 1.45 is amended as proposed to reflect the change made by Pub. L. 98–

622 in 35 U.S.C. 116. The previously existing paragraph is designated as paragraph (a). New paragraph (b) incorporates the wording added to 35 U.S.C. 116 by Pub. L. 98–622. New paragraph (c) indicates that each named inventor listed in an application must have made a contribution, individually or jointly, to the subject matter of at least one claim of the application and that the application will be considered to be a joint application under 35 U.S.C. 116.

Section 1.48 is amended to add new paragraphs (b) and (c). New paragraph (b) provides for deleting the names of persons originally properly included as inventors, but whose invention is no longer being claimed in the application. Such a situation would arise where claims have been amended or deleted because they are unpatentable or as a result of a requirement for restriction of the application to one invention, or for other reasons. Pub. L. 98–622 and § 1.48(b) change the result reached in *Ex parte Lyon*, 146 USPQ 222, 1965 Dec. Comm'r Pat. 362 (Bd. App. 1964). The final rule has fewer requirements than the proposed rule for correction of inventorship in this situation. The proposed rule would have required, in addition to the requirements of the final rule, an oath or declaration by each actual inventor or inventors as required by § 1.63 and the written consent of any assignee. The final rule requires only a petition and fee with the petition including a statement identifying each named inventor who is being deleted and acknowledging that the inventor's invention is no longer being claimed in the application. The amendment would have to be diligently made under paragraph (b).

The final rule adds a paragraph (c) in response to a comment to provide for the situation where an application discloses unclaimed subject matter by an inventor or inventors not named in the application as filed. In such a situation, the application may be amended pursuant to paragraph (a) of § 1.48 to add claims to the subject matter and also to name the correct inventors for the application. The claims would be added by an amendment and, in addition, an amendment pursuant to paragraph (a) of § 1.48 would be required to correct the inventors named in the application. Any claims added to the application must be supported by the disclosure as filed and cannot add new matter.

Section 1.60 is amended to include wording which would permit an application to be filed under this section only if it named as inventors the same or less than all the inventors who were named and signed the oath or declaration in the prior application. This addition is necessary in view of the new provisions of 35 U.S.C. 120, as amended by Pub. L. 98–622, which permit continuing applications to be filed by different inventors. Under § 1.60 additional inventors are not permitted to be named since the oath or declaration from the prior application is relied upon.

Section 1.61 is amended as proposed to incorporate the ability to file the translation, oath or declaration, and national fee after the 20 month deadline set forth in PCT Article 22(1) for entering the national phase in the United States Patent and Trademark Office.

Public Law 98–622 amended 35 U.S.C. 371(a) to provide greater flexibility for the PTO handling international applications. Also, 35 U.S.C. 371(a), by relaxing the requirements which international applicants must satisfy by the commencement of the national stage, gives international applicants benefits similar to those given national applicants under 35 U.S.C. 111 by Pub. L. 97–247 with respect to the time for filing the national fee and oath or declaration.

Paragraph (b) of § 1.61 is amended to delete the 2 month time period to conform with the decision concerning PCT Article 22(2) adopted by the Assembly of the International Patent Cooperation Union (PCT Union) on February 3, 1984. The amendment to the Article took effect on January 1, 1985.

PCT Article 22(2) as amended, reads as follows:

> Where the International Searching Authority makes a declaration, under Article 17(2)(a), that no international search report will be established, the time limit for performing the acts referred to in paragraph (1) of this Article shall be the same as that provided in paragraph (1).

The additional wording to paragraph (b) of § 1.61 sets forth the ability to comply with the requirements for entering the national phase before the Patent and Trademark Office as a Designated Office within 22 months of the priority date. If the national fee or oath or declaration is submitted later than 20 months after the priority date, a surcharge as set in §1.445(a)(5) is required to be paid. If a required English translation of the international application is filed later than 20 months after the priority date, a processing fee as set in §1.445(a)(6) is required to be paid.

New paragraph (c) of § 1.61 provides that any amendments under PCT Article 19 which are not received along with any necessary English translation by the end of 20 months from the priority date will be considered as cancelled. This change is required in view of amended § 371(d) of 35 U.S.C.

Paragraph (d) is added as proposed to § 1.61 in view of § 372(b) of title 35, United States Code, as amended by Pub. L. 98–622, which authorizes the Commissioner to require a verification of the translation of an international application or any other document pertaining thereto if the application or other document was filed in a language other than English. An authorization for the Commissioner to require verification in appropriate cases was necessary since subsection (c)(2) of 35 U.S.C. 371 was amended to remove the requirement that the translation be verified in all cases.

Section 1.62 is amended by revising paragraphs (a), (c), and (h) to include wording which would permit a continuing application to be filed under this section by the same or less than all the same inventors who filed and signed the oath or declaration in the prior application. This addition is necessary in view of the new provisions of 35 U.S.C. 120, as amended by Pub. L. 98–622, which permit continuing applications to be filed by different inventors. Under § 1.62, additional inventors may be added only in applications in which a new oath or declaration is required because additional subject matter is being claimed. Paragraph (h) has been amended to also request applicants to furnish the title of the invention and the names of the applicants in the continuing application to permit the Office to enter this information in its records in the Application Branch.

Section 1.78 is amended to provide in paragraph (a) that the inventorship in the continuing application may be different from the inventorship in the prior copending application and that the prior application must disclose the invention claimed in at least one claim of the later filed application in the manner provided by the first paragraph of 35 U.S.C. 112. The requirement that at least one claim be fully supported in the prior application to be entitled to priority benefit is not new, but is included to serve as a reminder that information such as foreign patenting, publication, or public use or sale in the United States which occurred more than one year prior to the filing date of the later application is available as prior art where the claims of the continuation-in-part application are not fully supported by the disclosure of the parent application so as to be entitled to an earlier effective filing date under 35 U.S.C. 120. See *In re Ruscetta*, 255 F.2d

687, 118 USPQ 101 (CCPA 1958); *In re van Langenhoven*, 458 F.2d 132, 173 USPQ 426 (CCPA 1972), and *Chromalloy American Corp.* v. *Alloy Surfaces Co., Inc.*, 339 F. Supp. 859, 173 USPQ 295 (D. Del. 1972).

Paragraph (c) as amended provides for the reply to an examiner's inquiry as to first inventor of conflicting claims in commonly owned applications or an application and a patent to be either (1) a statement that the inventions were both commonly owned at the time the later invention was made or (2) an indication of the first inventor. Paragraph (c) has been changed from that proposed in response to comments to clarify that common ownership or an obligation of assignment to the same person has to exist at the time the later invention was made. New paragraph (d) provides for making a double patenting rejection where an application claims an invention which is not patentably distinct from an invention claimed in a commonly-owned patent with the same or different inventive entities. An obviousness-type double patenting rejection could be overcome by the assignee by submitting a terminal disclaimer complying with § 1.321(b).

Section 1.101 is amended as proposed to delete reference to applications filed under § 1.139 since this section is being removed.

Section 1.103 is amended as proposed to refer paragraph (d) to a request "for a defensive publication" rather than a request "filed under § 1.139" since § 1.139 is being removed. Paragraph (d) is amended as proposed to also refer to "patent interference proceedings under Subpart E" rather than to "proceedings under § 1.201(b)" since § 1.201(b) has been removed.

Section 1.104 is amended as proposed to add a new paragraph (e) to specify the nature of the showing necessary before the examiner would consider co-pending applications to be owned by, or subject to an obligation of assignment to, the same person for purposes of 35 U.S.C. 102(f)/103, 102(g)/103, and paragraph (d) of § 1.106. The rule permits the necessary showing to be made in different alternative ways. The necessary showing will be considered by the examiner to be present if the application files refer to assignments which are recorded in the Patent and Trademark Office in accordance with § 1.331 as long as the assignments conveyed the entire rights in the applications to the same person or organization. A second alternative which can be used, if assignments have not been recorded, permits the examiner to consider copies of unrecorded assignments filed in each of the applications by the applicants as long as the unrecorded assignments convey the entire rights in the applications to the same person or organization. A third alternative permits an affidavit or declaration to be filed by the common owner stating that there is common ownership and stating facts which explain why the affiant or declarant believes there is common ownership. Under this alternative, sufficient facts will have to be presented in order to enable the examiner to conclude that a prima facie case of common ownership exists. The fourth alternative permits other evidence to be used which would establish common ownership of the applications, e.g., a court decision determining the owner. The terms "person" and "organization" in the rule would include circumstances where the ownership resided in more than one person and/or organization as long as the applications are owned jointly by the same owners. Paragraph (e) also provides that where the common owner is a corporation or other organization an affidavit or declaration averring common ownership may be signed by an official of the corporation or organization who is empowered to act on behalf of the corporation or organization. A mere power of attorney to prosecute a patent application will not make an individual an official of the corporation or organization or empower the individual to act on behalf of the corporation or organization.

The wording of § 1.106(d) amends the rule to reflect the change in 35 U.S.C. 103 and refers to the "entire" rights to the subject matter and the claimed invention to make it clear that the term "commonly owned" means wholly owned by the same person, persons, or organization.

If the person, persons, or organization owned less than 100 percent of the subject matter which would otherwise be prior art to the claimed invention, or less than 100 percent of the claimed invention, then common ownership would not exist. Common ownership requires that the person, persons, or organization own 100 percent of the subject matter and 100 percent of the claimed invention. As long as principal ownership rights to either the subject matter or the claimed invention reside in different persons or organizations common ownership does not exist. A license of the claimed invention to another by the owner where basic ownership rights are retained would not defeat ownership. The requirement for common ownership at the time the claimed invention was made is intended to preclude obtaining ownership of subject matter after the claimed invention was made in order to disqualify that subject matter as prior art against the claimed invention. The question of whether common ownership exists at the time the claimed invention was made is to be determined on the basis of the evidence presented and the facts of the particular case in question. Actual ownership of the subject matter and the claimed invention by the same individual or organization or a legal obligation to assign both the subject matter and the claimed invention to the same individual or organization must be in existence at the time the claimed invention was made in order for the subject matter to be disqualified as prior art. A moral or unenforceable obligation would not evidence common ownership.

The burden of establishing that subject matter is disqualified as prior art under the section is intended to be placed and reside upon the person or persons urging that the subject matter is disqualified. For example, the examiner would normally make what appears to be a proper 35 U.S.C. 102(f)/103 or 102(g)/103 rejection and the burden would be on the patent applicant to establish that subject matter is disqualified as prior art because it was commonly owned at the time the claimed invention was made. To place the burden upon the patent examiner would not be appropriate since evidence as to common ownership at the time the claimed invention was made might not be available to the patent examiner, but such evidence, if it exists, should be readily available to the patent applicant or the patentee.

The invention is made for purposes of the amendment to section 103 when the conception is complete as defined in *Mergenthaler* v. *Scudder*, 11 App. D.C. 264, 1897 C.D. 724 (C.A.D.C. 1897), and *In re Tansel*, 117 USPQ 188 (CCPA 1958).

> The conception of the invention consists in the complete performance of the mental part of the inventive act. All that remains to be accomplished in order to perfect the act or instrument belongs to the department of construction, not invention. It is, therefore, the formation in the mind of the inventor of a definite and permanent idea of the complete and operative invention as it is thereafter to be applied in practice that constitutes an available conception within the meaning of the patent law.
>
> *Mergenthaler* v. *Scudder*, supra, at page 731.

Paragraph (e) of § 1.106 has been added in response to a comment that the rulemaking should leave no doubt as to the standard to be applied in determining the effect of a statutory invention registration waiver in one application on a related application. Paragraph (e) of § 1.106 provides that

the claims in any original application naming an inventor will be rejected as being precluded by a waiver in a published statutory invention registration naming that inventor if the same subject matter is claimed in the application and the statutory invention registration. Paragraph (e) of § 1.106 also provides that the claims in any reissue application naming an inventor will be rejected as being precluded by a waiver in a published statutory invention registration naming that inventor if the reissue application seeks to claim subject matter which was not covered by claims issued in the patent prior to the date of publication of the statutory invention registration and which was the same subject matter waived in the statutory invention registration.

Section 1.108 is amended as proposed to delete the reference to filing a request under § 1.139, which is being removed, and insert in its place a reference to a defensive publication.

A new § 1.110 is added as proposed to allow the examiner or other Office official to make inquiry as to the invention date, inventors and ownership at the time the invention was made when necessary for purposes of an Office proceeding.

Section 1.131 is amended to require that affidavits to overcome a rejection of a claim on a cited patent or publication be by the inventor or inventors of the subject matter of that claim. Section 1.131 has also been amended in response to a comment to permit the person qualified under §§ 1.42, 1.43, or 1.47 to make the required oath or declaration in appropriate circumstances.

Section 1.139 is being removed in view of the new statutory invention registration. The proposed rules made clear the intent to remove this section which established the defensive publication program although the section per se was not published as being removed. The defensive publication program is being replaced by the ability to obtain a statutory invention registration.

Section 1.193 is amended as proposed to change from twenty days to one month the time for filing a reply brief in response to an examiner's answer which raises new points of argument. This amendment is intended to simplify the docketing of this time period and make it consistent with the time period fixed for requesting an oral hearing in § 1.194(b).

Section 1.293 is added to provide who may file a request for a statutory invention registration (SIR) and the requirements of such a request in accordance with 35 U.S.C. 157 added by Pub. L. 98–622. Paragraph (a) of § 1.293 indicates that a request for publication of a statutory invention registration in a complete pending patent application for an original patent may be filed and be signed by the applicant, and any assignee of record, or the attorney or agent of record in the application. Paragraph (b) sets forth the requirements for a request for a statutory invention registration. Such a request must include:

(1) A waiver of the applicant's right to receive a patent. This waiver will become effective upon the date of publication. Therefore, it will be possible to petition to withdraw a request for publication of a statutory invention registration until such time that publication can not be terminated;

(2) Payment of the fee for requesting publication of a statutory invention registration as set forth in § 1.17 (n) or (o). The fee is set at two levels to reflect the amount of resources used by the Patent and Trademark Office;

(3) A statement that the application meets the disclosure requirements of 35 U.S.C. 112. This provision is considered desirable in order to prevent publication of defective and insufficient disclosures; and

(4) A statement that the application complies with the formal requirements of the rules of practice relating to printing. This provision is required in order to provide the printer with drawings and specifications which are suitable for printing in substantially the same format as a patent.

A suggested format for use in filing a request for a statutory invention registration is as follows.

Request for Statutory Invention Registration

Application Serial No. or [ ] Attached hereto
Filed:
Titled:
Applicants:

A. In the above identified patent application, I hereby—

1. request and authorize the Commissioner of Patents and Trademarks to publish the above identified regularly filed patent application as a Statutory Invention Registration. (35 U.S.C. 157)

2. waive the right to receive a United States patent on the same invention claimed in the above identified patent application. These rights, which are waived, include those specified in 35 U.S.C. 183 and 271 through 289 as well as all attributes specified for patents in any other provision of law other than title 35 United States Code. The waiver includes, but is not limited to, the remedies under 19 U.S.C. 1337 and 1337a, 22 U.S.C. 2356 and 28 U.S.C. 1498. (35 U.S.C. 157(c))

3. understand that the above waiver will be effective pursuant to 37 CFR 1.293 upon publication of the Statutory Invention Registration to waive the inventor's right to receive a United States patent on the invention claimed in the Statutory Invention Registration. (37 CFR 1.293(b)(1))

4. state that, in my opinion, the disclosure and claims of the above identified patent application meet the requirements of 35 U.S.C. 112. (37 CFR 1.293(b)(3))

5. state that, in my opinion, the above identified application complies with the requirements for printing as set forth in the Rules of Practice for Patent Cases, 37 CFR Part 1. (37 CFR 1.293(b)(4))

6. enclose the fee set forth in 37 CFR 1.17 (n) or (o) for requesting publication of a Statutory Invention Registration.

[ ] A first examiner's action *has not* been mailed in the above application, 37 CFR 1.17(n)—$400.00 or

[ ] A first examiner's action *has* been mailed in the above application, 37 CFR 1.17(o)—$800.00 $____

	Minus basic filing fee, if previously paid	
	Small entity	Large entity
Basic filing fee for utility patent: Application set forth in 37 CFR 1.16(a)	[ ] $160.00	[ ] $300.00
Basic filing fee for design patent: Application set forth in 37 CFR 1.16(f)	[ ] $62.50	[ ] $125.00
Basic filing fee for plant patent: Application set forth in 37 CFR 1.16(g)	[ ] $100.00	[ ] $200.00

Minus: $____
Amount Due $____

[ ] Amount enclosed by check or money order ____

[ ] Please charge Deposit Account No. ____ in the amount of ____.

[ ] If payment of any additional fee is required for publication of the Statutory Invention Registration, charge such payment to Deposit Account No. ____.

B. For printing on the Statutory Invention Registration from page list below the name[s] of not more than 3 registered patent attorneys or agents OR alternatively, the name of the firm having as a member a registered patent attorney or agent. If no name is listed below, no name will be printed.

C. Name of assignee, if any, for printing on the Statutory Invention Registration

Address (City and State or Country)

State of incorporation, if assignee is a corporation

(signature[s] (37 CFR 1.293(a))
[ ] applicant(s) and any assignee
[ ] attorney or agent of record

Paragraph (c) of § 1.293 is added to define the effects of a waiver filed with

a request for a statutory invention registration. The waiver is effective, upon publication of the SIR, to waive the inventor's right to receive a patent on the invention claimed in the SIR in any application for an original patent which is pending on, or filed after, the date of publication of the SIR. The waiver will affect pending or later applications the inventor filed as a joint inventor with others, but will not affect an application of another person, even if the application and the SIR were commonly owned. The waiver will affect a reissue application of an earlier patent of the inventor only to the extent that the reissue application seeks to enlarge the scope of the claims. Paragraph (c) of § 1.293 has been modified from the proposal by inclusion of a reference to § 1.106(e).

Section 1.294 is added as proposed to provide in paragraph (a) for a review of the request for publication of a statutory invention registration and the patent application to which it is directed. The request will be examined to determine if the requirements of § 1.293 have been met. The application to which the request is directed will be examined to determine (1) if the subject matter of the application is appropriate for publication, (2) if the requirements for publication are met, and (3) if the requirements of 35 U.S.C. 112 and § 1.293 are met. Under 35 U.S.C. 157, the Commissioner is authorized to publish a statutory invention registration, but is not required to do so. Thus, the Commissioner has discretion in determining whether or not a statutory invention registration should be issued on a particular patent. In circumstances where the subject matter was obviously not a patentable invention, was too informal to print, and so forth, the request to publish the statutory invention registration will be refused.

Paragraph (b) of § 1.294 provides for notifying applicant of the results of the examination of the request for publication of the statutory invention registration. Paragraph (c) of § 1.294 provides for the issuances of a notice of the intent to publish a statutory invention registration once the request has been examined and approved.

Section 1.295 is added to provide for the review of a final refusal to publish a statutory invention registration. The review would be by petition to the Commissioner for matters other than those arising from a rejection pursuant to 35 U.S.C. 112 and by appeal for a rejection pursuant to 35 U.S.C. 112. The language of the final rule is slightly different from that proposed to emphasize that the Board either affirms or reverses decisions rather than rejections. Paragraph (a) also differs from the proposal by including, in response to a comment, a provision for requesting return of the petition fee if the necessity for the petition resulted from an error by the Patent and Trademark Office.

Section 1.296 has been modified from the proposal to provide a specific period during which a request for a statutory invention registration may be withdrawn. Under § 1.296, as modified, a request for a statutory invention registration may be withdrawn, at applicant's option, prior to the date of the notice of intent to publish a statutory invention registration issued pursuant to § 1.294(c) by filing a request to withdraw the request for publication of a statutory invention registration. An applicant filing such a request to withdraw may also, under § 1.296, request a refund of any amount paid in excess of the application filing fee and a handling fee of $100.00 which will be retained by the Office. Any request to withdraw the request for publication of a statutory invention registration filed on or after the date of the notice of intent to publish pursuant to § 1.294(c) must be in the form of a petition pursuant to § 1.183 accompanied by the fee set forth in § 1.17(h).

Section 1.297 is added to provide for the publication of the statutory invention registration and of the notice of its publication in the *Official Gazette*. In response to a comment, § 1.297 has been modified so that the statement on the statutory invention registration will specifically state that the statutory invention registration is not a patent.

Sections 1.301, 1.302 and 1.304 are amended as proposed to delete the requirement to give reasons for appeal when filing an appeal to the Court of Appeals for the Federal Circuit in accordance with § 414(a) of Pub. L. 98-620 which amended 35 U.S.C. 142, 143 and 144.

Section 1.378 is amended as proposed to delete from paragraph (a) the limitation that only applications filed on or after August 27, 1982 may have the maintenance fee accepted after expiration of the patent. This change follows the change made by section 404(b) of Pub. L. 98-622.

Section 1.431 is amended as proposed to provide for the later payment directly to the Receiving Office of the basic fee portion of the international fee and the transmittal and search fees within one month of the filing of an international application. The rule follows section 361(d) of title 35, U.S.C. as amended by Pub. L. 98-622, to provide a one-month grace period from the date of filing of an international application for the payment of the basic international fee and the transmittal and search fees.

It should be noted that the designation fees continue to be required by 12 months after the priority date and that no subsequent grace period is provided in the Receiving Office for designation fees.

New paragraphs 1.431 (d) and (e) incorporate into the regulations the provisions of PCT Rule 16 bis. Under these provisions the Receiving Office will charge any unpaid or insufficient fees to a deposit account maintained by the International Bureau. The applicant will then be notified by the International Bureau and be given one month to reimburse the amount charged plus a surcharge of 50%. The surcharge would not be less than 248 Swiss francs or more than 624 Swiss francs under the current fee schedule.

Section 1.445 is amended as proposed to clarify paragraph (a)(4) to clearly indicate that the national fee is credited by an amount of $250 only one time where a $500 search fee has been paid to the Patent and Trademark Office to act as an international searching authority. This is consistent with current practice. The special fee provisions in paragraph (a)(5) are being deleted in view of section 402(g) of Pub. L. 98-622 which deleted the fee in 35 U.S.C. 376(a)(5). The wording of § 1.445(a)(5) sets forth the surcharge required for filing of a national fee or oath or declaration later than 20 months from the priority date. Paragraph (a)(6) of § 1.445 is added to require a fee of $20.00 for filing an English translation of an international application later than 20 months after the priority date. This makes the practice in international applications consistent with that in national applications where a fee of $20.00 is charged under § 1.17(k) for processing an application filed with a specification in a non-English language.

Section 1.446 is amended as proposed to clarify the refund of a portion of the $500 search fee toward payment of the national fee.

Section 1.451 is amended as proposed to correct a rule citation in paragraph (b) and to amend paragraph (c) to provide for supplying a copy of the priority document to the Receiving Office in conformance with revised PCT Rule 17.1.

Section 1.461 is amended as proposed to delete provisions which relate to the applicant transmitting the record copy to the International Bureau. Provisions for such alternative transmittal were deleted from PCT Rule 22, effective

January 1, 1985. Accordingly, since the PCT rules no longer provide for such transmittal, the provisions therefor in the U.S. rules are also being deleted.

Response To Comments on the Rules

Specific comments were received on a number of the proposed rule changes. Six letters submitting written comments were received. Oral testimony was presented by four persons at the public hearing conducted on February 8, 1985 and the oral testimony of two of these persons (representing the American Intellectual Property Law Association and Intellectual Property Owners, Inc.) was supplemented by written statements. All of the written and oral comments were considered in adopting the changes set forth herein. Comments suggesting modifications to the proposed rules appear below with responses thereto.

Comment. One comment suggested that 37 CFR 1.11 be amended to create a waiver of secrecy of an application as of the date of filing of a notice of appeal to the Court of Appeals for the Federal Circuit. The comment suggests that secrecy could be maintained upon request by the appellant in such a situation.

Reply. The change was not published in the proposed rulemaking and is considered to be too substantial a change to be adopted without publication as a proposal to allow public comment. Further, if the suggestion were adopted appellants might simply include a request for secrecy with every notice of appeal.

Comment. One comment suggested that the $120.00 petition fee under § 1.17(h) for review of a refusal to publish a statutory invention registration under § 1.295 be returned to the petitioner if the refusal to publish is found to have occurred only through an administrative error of the PTO.

Reply. This suggestion has been adopted by an additional sentence being added to § 1.295(a).

Comment. Three comments suggested that the proposed fees for a statutory invention registration were too high. One comment suggested the elimination of the fee proposed in § 1.17(o).

Reply. Although lower fees would certainly be preferred by the public, the Office must recover its costs of processing and publishing statutory invention registrations. The two levels of fees permit an applicant whose application has not had a first Office action mailed to pay a minimum amount while those filing a request for a statutory invention registration later would share the average additional costs. The amounts proposed are the current estimates of expected costs and cannot be reduced. This will become apparent when it is realized that about $250.00 of the $400.00 fee which has been established for requesting publication of a statutory invention registration prior to the mailing of the first examiner's action pursuant to §1.104 is the cost of printing the statutory invention registration and does not include in-house publication staff costs. The remainder of the fee is used to cover the administrative processing costs and the limited examination which is required to be given pursuant to 35 U.S.C. 157. The higher fee of $800.00 which has been established is necessary to cover the additional costs to the Office when an applicant requests publication of a statutory invention registration after the Office has begun examination of the application on which the applicant is requesting publication of a statutory invention registration. Since the rules permit the request to be filed at any time during the examination process substantial additional examination costs, including possibly appeal costs, may have been incurred in a particular application prior to the date on which the request for publication is made. Accordingly, the additional $400.00 is required to cover the extra costs to the Office where the applicant belatedly requests publication of a statutory invention registration. Applicants can avoid the higher costs to themselves and the Office by requesting publication of the statutory invention registration in a timely fashion prior to the mailing of the first examiner's action pursuant to § 1.104. The possibility of reducing fees below costs to the Office does not exist since the legislative history of 35 U.S.C. 157 does not reflect any intent that other Office fees or appropriations be used to defer the costs of statutory invention registrations. Further, most of the comments received urged that the fees be set as low as possible, but not below the level necessary to recover costs.

Comment. One comment suggested that the Patent and Trademark Office should investigate less expensive procedures for printing statutory invention registrations to reduce the costs and thereby lower the fees.

Reply. If the registrations are not printed by a system using computer tape, the subject matter of the registrations would not be easily searchable in paper form and would not be fully available for searching under the planned automated "paperless" system. Further, the "section-by-section" analysis submitted for the Record by Representative Kastenmeier during discussion of H.R. 6286 on the floor of the House stated that the statutory invention registration "would be classified and cross-referenced, disseminated to foreign patent offices, stored in the Patent and Trademark Office computer tapes, made available in commercial data bases, and announced in the *Official Gazette* of the PTO." (130 Cong. Rec. H 10526 (1984), column 3). These uses of the statutory invention registrations preclude use of any informal method of printing which would be different from the method used for the printing of patents.

Comment. A number of comments were received concerning § 1.48(b). The comments related to (1) the propriety of the fee required, (2) the incorporation of paragraph (b) into current § 1.48, (3) the inclusion in the rules of a fixed and definite time period to correct inventorship, (4) the inclusion in the rules of a provision to add inventors claiming previously disclosed but unclaimed subject matter, and (5) a suggestion that the change in inventorship be simplified and possibly effected by a statement by applicant's attorney.

Reply. Each comment will be treated separately in order. (1) The fee of $120.00 to accompany a petition for correction of inventorship is considered appropriate since the consideration of such a petition and correction of Office records takes additional resources. Such a fee should also act as a discouragement to grouping marginal inventions and loosely related inventions into the same application. (2) Whether paragraph (b) is made part of § 1.48 or established as a separate rule does not appear to be a substantive matter. Paragraph (b) is being made part of § 1.48 to place all rules relating to correction of inventorship in applications in a single rule. (3) No specific time period for correction of inventorship was indicated in the proposed rules. The rule requires that the correction must be made diligently. Since the examiner will not normally be aware of when inventorship correction is required, the responsibility of making such a correction diligently must rest with the applicant. The time of the correction will vary from case to case. (4) The addition of claims to previously disclosed but unclaimed subject matter of additional inventors is considered to be an error in the application and is therefore corrected under § 1.48(a). A new paragraph (c) has been added to § 1.48 to make this clear. Such a correction must always include a new oath or declaration. (5) The correction of inventorship has been simplified from that proposed. Final § 1.48(b) does not require a new oath or declaration of

each actual inventor or written consent of any assignee as originally proposed. The final rule requires a petition including a statement identifying each named inventor who is being deleted and acknowledging that the inventor's invention is no longer being claimed in the application, and the fee set forth in § 1.17(h). The petition could be signed by applicant's attorney who would then take full responsibility for ensuring that the inventor is not being improperly deleted from the application.

Comment. One comment suggested that proposed § 1.60 and 1.62 should be modified to permit the filing of such continuing applications with different inventive entities from the prior application.

Reply. The procedures under §§ 1.60 and 1.62 were developed to allow continuing applications to be filed without the necessity of again obtaining an inventor's signature to a declaration. The proposed rule wording has been modified in the final rule to permit inventors to be deleted in the continuing application. The addition of inventors is now permitted where a new oath or declaration would be required because of claims in the continuing application being drawn to additional subject matter.

Comment. One comment suggested that §§ 1.77 and 1.78 be modified to change the placement in a patent application of the information regarding cross-reference to related applications. It was suggested to require this information to be placed immediately after the Abstract, following the claims, so that the cross-reference information could be easily removed when filing the application outside the United States.

Reply. These changes were not included in the proposed rulemaking and therefore the public has not had an opportunity to comment on the suggestion. Accordingly, the suggestion has not been adopted.

Comment. One comment suggested that proposed § 1.78(c) be modified to permit a statement that the claimed inventions were subject to an obligation of assignment to the same person at the time the inventions were made.

Reply. The suggestion has been adopted.

Comment. One comment suggested that the application of double patenting rejections to applications of different inventive entities which are commonly owned as set out in proposed § 1.78(d) not be made until the effective date of this rulemaking.

Reply. The Commissioner's Notice of December 11, 1984, "Initial Guidelines Implementing Changes in 35 U.S.C. 103, 116, and 120", 1050 O.G. 316 (January 8, 1985), changed the practice in accordance with the intention of Congress in enacting Public Law 98-622. See 130 Cong. Rec. H 10527, column 3 (daily ed. Oct. 1, 1984) (statement of Rep. Kastenmeier) wherein the following statement appears:

> The Committee expects that the Patent and Trademark Office will reinstitute in appropriate circumstances the practice of rejecting claims in commonly owned applications of different inventive entities on the ground of double patenting. This will be necessary in order to prevent an organization from obtaining two or more patents with different expiration dates covering nearly identical subject matter. In accordance with established patent law doctrines, double patenting rejections can be overcome in certain circumstances by disclaiming the terminal portion of the term of the later patent, thereby eliminating the problem of extending patent life.

Since the provisions of Pub. L. 98-622 became effective on November 8, 1984, it was not appropriate to delay the change in practice.

Comment. One comment suggested that the policy of rejecting commonly-owned applications of different inventive entities on the grounds of double patenting, as set forth in proposed § 1.78(d), was unnecessary in view of 35 U.S.C. 102(e).

Reply. The provisions of 35 U.S.C. 102(e) will not be effective to preclude double patenting in situations where the applicants of the later filed application can use the provisions of 37 CFR 1.131 to antedate the filing date of the earlier filed application or patent. Accordingly, the application of the prohibitions against double patenting is necessary in order to prevent an organization from obtaining two or more patents with different expiration dates covering nearly identical subject matter. See 130 Cong. Rec. H 10527, supra.

Comment. One comment suggested that proposed § 1.78(c) was broader than required by statute and capable of being construed to conflict with proposed § 1.106(d) by referring to common ownership at "the time the inventions were made" rather than at the time the later invention was made.

Reply. The wording of § 1.78(c) has been revised from the proposal to clarify the problem spoken to in the comment.

Comment. One comment suggested that the proposed amendment to § 1.131 not be made so that the "applicant" can make affidavits or declarations to overcome rejections. The comment suggested that the proposed rule provides no remedy in situations where the inventor is dead, insane, legally incapacitated, cannot be reached or refuses to join in the application.

Reply. The final rule has been changed in response to the comment to permit the person qualified under §§ 1.42, 1.43, or 1.47 to make the required oath or declaration in appropriate circumstances.

Comment. Two comments suggested that the scope of the waiver in a statutory invention registration be limited to the subject matter of the claims of the statutory invention registration and not to any obvious modifications thereof. Another comment suggested that the statutory invention registration applicant should be able to waive the right to a patent on all of the subject matter disclosed in the application if he wishes to do so. One comment suggested that the rulemaking should leave no doubt as to the standard to be applied in determining the effect of a statutory invention registration waiver in one application on a related application.

Reply. A new paragraph (e) has been added to § 1.106 to clarify the standard to be applied in determining the effect of a statutory invention registration waiver. The suggestion that the scope of the waiver be limited to the subject matter of the claims of the statutory invention registration and not to any obvious modifications thereof has been adopted.

Comments. Three comments suggested that since a statutory invention registration is prior art as of its effective filing date, the time permitted between the effective filing date and the publication of the statutory invention registration should be limited. Several different approaches were suggested. One comment suggested that there was no problem in this regard. Another comment suggested that the organization is studying the question and will have recommendations in several months.

Reply. The statute makes it clear that the Commissioner is not required to publish a statutory invention registration in response to a request therefor. The case-by-case consideration of requests for publication of a statutory invention registration should safeguard the public without unduly placing limits on patent applicants. The Office will await further recommendations on this question and will observe actual experience prior to placing any time limitations on the use of statutory invention registrations.

Comment. Two comments suggested that § 1.293 be modified to eliminate the requirement for a statement in the request for publication of a statutory invention registration that the application meets the requirements of 35

U.S.C. 112. One of these comments also suggested the elimination of the statement that the application meets formal requirements for printing. One comment suggested that if there is a requirement for a statement in the request for publication of a statutory invention registration that the application meets the requirements of 35 U.S.C. 112, there will not be a great necessity for the Office to spend a lot of time examining the application, although there has to be some examination.

Reply. The reason for the statements in § 1.293 regarding compliance with 35 U.S.C. 112 and the formal requirements for printing as a patent was to reduce the cost of statutory invention registrations to the applicants and to the Office. The level of fees which have been established assumes that applicants will include the statements required by § 1.293 in their requests and that the statements will accurately reflect the condition of the applications to which the requests are directed.

Comment. One comment suggested that the rules should include a fixed and definite time period in which an authorized party can withdraw a statutory invention registration after its approval and before its publication.

Reply. The suggestion has been adopted. Section 1.296 has been modified to permit a request to withdraw the request for publication of a statutory invention registration to be filed at any time prior to the date of the notice of intent to publish the statutory invention registration. After the date of the notice of intent to publish the statutory invention registration, any request to withdraw the request for publication of the statutory invention registration must be in the form of a petition pursuant to § 1.183 accompanied by the fee set forth in § 1.117(h).

Comment. One comment suggested that the statement to be printed on statutory invention registrations as set out in proposed § 1.297(b) be modified to be easily understood by lay people.

Reply. The statement has been modified to specifically state that the statutory invention registration is not a patent.

Environmental, Energy, and Other Considerations

The final rule change will not have a significant impact on the quality of the human environment or conservation of energy resources.

The rule change is in conformity with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354), Executive Order 12291, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

The General Counsel of the Department of Commerce certified to the Small Business Administration that the rule change will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act, Pub. L. 96–354). In fact, the rule change will benefit small entities since the statutory invention registration procedures will provide a new, less expensive alternative to the traditional patenting of inventions in appropriate circumstances. Further, the ability to join multiple inventors in a single application in appropriate circumstances will be of particular benefit to small entities. Other changes, such as the elimination of the reasons for appeal, will also be beneficial to all inventors. See a "section-by-section" analysis submitted for the Record by Representative Kastenmeier during discussion of H.R. 6286 on the floor of the House in which the following statement appears (130 Cong. Rec. H 1057 (1984), column 1):

> Last, the SIR would be particularly useful to those with limited resources such as universities and small businesses, who have a new less expensive alternative to the traditional patenting of inventions.

These rules, therefore, will have no significant adverse economic impact on small entities.

The Patent and Tademark Office has determined that this rule change is not a major rule under Executive Order 12291. The annual effect on the economy will be less than $100 million. There will be no major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions. There will be no 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.

The information collection requirements contained in these rules were submitted to the Office of Management and Budget (OMB) at the time of the proposed rulemaking for review under Section 3504(h) of the Paperwork Reduction Act. OMB has approved the information collection requirements and has assigned OMB control number 0651–0018 thereto.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Authority delegations (government agencies), Conflict of interests, Courts, Inventions and patents, Lawyers.

PART 1—[AMENDED]

Notice is hereby given that pursuant to the authority granted to the Commissioner of Patents and Trademarks by 35 U.S.C. 6, Pub. L. 98–620 and 98–622, the Patent and Trademark Office is amending Title 37 of the Code of Federal Regulations as set forth below.

1. Section 1.11 is amended by revising paragraphs (a) and (b) and adding new paragraph (e) to read as follows:

§ 1.11 Files open to the public.

(a) After a patent has been issued or a statutory invention registration has been published, the specification, drawings and all papers relating to the case in the file of the patent or statutory invention registration are open to inspection by the public, and copies may be obtained upon paying the fee therefor. See § 2.27 for trademark files.

(b) All reissue applications, all applications in which the Office has accepted a request to open the complete application to inspection by the public, and related papers in the application file, are open to inspection by the public, and copies may be furnished upon paying the fee therefor. The filing of reissue applications will be announced in the *Official Gazette*. The announcement shall include at least the filing date, reissue application and original patent numbers, title, class and subclass, name of the inventor, name of the owner of record, name of the attorney or agent of record, and examining group to which the reissue application is assigned.

* * * * *

(e) The file of any interference involving a patent, a statutory invention registration, or an application on which a patent has been issued or which has been published as a statutory invention registration, is open to inspection by the public, and copies may be obtained upon paying the fee therefor, if: (1) the interference has terminated, or (2) an award of priority or judgment has been entered as to all parties and all counts.

2. Section 1.14 is amended by revising paragraph (b) to read as follows:

§ 1.14 Patent applications preserved in secrecy.

* * * * *

(b) Except as provided in § 1.11(b) abandoned applications are likewise not open to public inspection, except that if an application referred to in a U.S. patent, or in an application in which the

applicants has filed an authorization to open the complete application to the public, is abandoned and is available, it may be inspected or copies obtained by any person on written request, without notice to the applicant.

* * * * *

3. Section 1.17 is amended by revising paragraph (h) and by adding new paragraphs (n) and (o) to read as follows:

§ 1.17 Patent application processing fees.

* * * * *

(h) For filing a petition to the Commissioner under a section of this part listed below which refers to this paragraph—$120.00.

Section 1.47—for filing by other than all the inventors or a person not the inventor.

Section 1.48—for correction of inventorship.

Section 1.182—for decision on questions not specifically provided for.

Section 1.183—to suspend the rules.

Section 1.295—for review of refusal to publish a statutory invention registration.

Section 1.377—for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of patent.

Section 1.378(e)—for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in expired patent.

Section 1.644(e)—for petition in an interference.

Section 1.644(f)—for request for reconsideration of a decision on petition in an interference.

Section 1.666(c)—for late filing of interference settlement agreement.

Sections 5.12, 5.13, and 5.14—for expedited handling of foreign filing license.

Section 5.15—for changing the scope of a license.

Section 5.25—for retroactive license.

* * * * *

(n) For requesting publication of a statutory invention registration prior to the mailing of the first examiner's action pursuant to § 1.104—$400.00 reduced by the amount of the application basic filing fee paid.

(o) For requesting publication of a statutory invention registration after the mailing of the first examiner's action pursuant to § 1.104—$800.00 reduced by the amount of the application basic filing fee paid.

4. Section 1.19 is amended by revising paragraphs (a) and (e) to read as follows:

§ 1.19 Document supply fees.

The Patent and Trademark Office will supply copies of the following documents upon payment of the fees indicated:

(a) Uncertified copies of Office documents:

(1) Printed copy of a patent, including a design patent, statutory invention registration, or defensive publication document, except color plant patent—$1.00.

* * * * *

(e) List of patents in subclass:

(1) For list of all United States patents and statutory invention registrations in a subclass, per 100 numbers or fraction thereof—$2.00.

(2) For list of United States patents and statutory invention registrations in a subclass limited by date or number, per 50 numbers or fraction thereof—$2.00

5. Section 1.20 is amended by revising paragraphs (e), (f), (g) and (m) to read as follows:

§ 1.20 Post-issuance fees.

* * * * *

(e) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980 and before August 27, 1982, in force beyond 4 years; the fee is due by three years and six months after the original grant—$200.00.

(f) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980 and before August 27, 1982, in force beyond 8 years; the fee is due by seven years and six months after the original grant—400.00.

(g) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980 and before August 27, 1982, in force beyond 12 years; the fee is due by eleven years and six months after the original grant—600.00.

* * * * *

(m) Surcharge for accepting a maintenance fee after expiration of a patent for non-timely payment of a maintenance fee where the delay in payment is shown to the satisfaction of the Commissioner to have been unavoidable—500.00.

6. Section 1.45 is revised by labeling the existing paragraph as (a) and by adding new paragraphs (b) and (c) to read as follows:

§ 1.45 Joint inventors.

* * * * *

(b) Inventors may apply for a patent jointly even though

(1) They did not physically work together or at the same time,

(2) Each inventor did not make the same type or amount of contribution, or

(3) Each inventor did not make a contribution to the subject matter of every claim of the application.

(c) If multiple inventors are named in an application, each named inventor must have made a contribution, individually or jointly, to the subject matter of at least one claim of the application and the application will be considered to be a joint application under 35 U.S.C. 116.

7. Section 1.48 is amended by labeling the current paragraph as paragraph (a) and by adding new paragraphs (b) and (c) to read as follows:

§ 1.48 Correction of inventorship.

* * * * *

(b) If the correct inventors are named in the application when filed and the prosecution of the application results in the amendment or cancellation of claims so that less than all of the originally named inventors are the actual inventors of the invention being claimed in the application, an amendment shall be filed deleting the names of the person or persons who are not inventors of the invention being claimed. The amendment must be diligently made and shall be accompanied by:

(1) A petition including a statement indentifying each named inventor who is being deleted and acknowledging that the inventor's invention is no longer being claimed in the application, and

(2) The fee set forth in § 1.17(h).

(c) If an application discloses unclaimed subject matter by an inventor or inventors not named in the application, the application may be amended pursuant to paragraph (a) of this section to add claims to the subject matter and name the correct inventors for the application.

(OMB Control No. 0651-0018)

8. Section 1.60 is revised to read as follows:

§ 1.60 Continuation or divisional application for invention disclosed in a prior application.

(a) A continuation or divisional application (filed under the conditions specified in 35 U.S.C. 120 or 121 and § 1.78(a)), naming as inventors the same or less than all the inventors named in a prior application and which discloses and claims only subject matter disclosed in the prior application may be filed as a separate application before the patenting or abandonment of or

termination of proceedings on the prior application.

(b) An applicant may omit signing of the oath or declaration in a continuation or divisional application if (1) the prior application was a complete application as set forth in §1.51(a), (2) applicant files a true copy of the prior complete application as filed including the specification (including claims), drawings, oath or declaration showing the signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application, and (3) the inventors named in the continuation or divisional application are the same or less than all the inventors named in the prior application. The copy of the prior application must be accompanied by a statement that the application papers filed are a true copy of the prior application and that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein. Such statement must be by the applicant or applicant's attorney or agent and must be a verified statement if made by a person not registered to practice before the Patent and Trademark Office. Only amendments reducing the number of claims or adding a reference to the prior application (§ 1.78(a)) will be entered before calculating the filing fee and granting the filing date. If the continuation or divisional application is filed by less than all the inventors named in the prior application a statement must accompany the application when filed requesting deletion of the names of the person or persons who are not inventors of the invention being claimed in the continuation or divisional application.

9. Section 1.61 is amended by revising the section heading and paragraphs (a) and (b) and adding paragraphs (c) and (d) to read as follows:

§ 1.61 Filing of applications in the United States of America as a Designated Office.

(a) To maintain the benefit of the international filing date and obtain an examination as to the patentability of the invention in the United States, the applicant shall furnish to the U.S. Patent and Trademark Office not later than the expiration of 20 months from the priority date: (1) A copy of the international application with any amendments under PCT Article 19, unless it has been previously communicated by the International Bureau or unless it was originally filed in the U.S. Patent and Trademark Office; (2) a translation of the international application and a translation of any amendments under PCT Article 19 into the English language, if originally filed in another language; (3) the national fee (see § 1.445(a)(4)); and (4) an oath or declaration of the inventor (see § 1.70).

(b) If the translation of the international application, oath or declaration, and national fee have not been submitted by the applicant within twenty (20) months from the priority date, such requirements may be met within twenty-two (22) months from the priority date. The payment of the surcharge set forth in § 1.445(a)(5) is required as a condition for accepting the national fee or the oath or declaration later than 20 months after the priority date. The payment of the processing fee set forth in § 1.445(a)(6) is required for acceptance of an English translation later than 20 months after the priority date. Failure to comply with these requirements will result in abandonment of the application. The provisions of § 1.136 do not apply to the 22 month period of this section.

(c) If a copy of the amendments under PCT Article 19 is not communicated by the International Bureau or a copy thereof and any necessary English translation thereof is not received by the end of 20 months from the priority date, such failure will be regarded as cancellation of the amendments under PCT Article 19 in the international application.

(d) Verification of the translation of the international application or any other document pertaining to an international application may be required where it is considered necessary, if the international application or other document was filed in a language other than English.

10. Section 1.62 is amended by revising paragraphs (a), (c) and (h) to read as follows:

§ 1.62 File wrapper continuing procedure.

(a) A continuation, continuation-in-part, or divisional application, which uses the specification, drawings and oath or declaration from a prior complete application (§ 1.51(a)) which is to be abandoned, may be filed before the payment of the issue fee, abandonment of, or termination of proceedings on the prior application. The filing date of an application filed under this section is the date on which a request is filed for an application under this section including identification of the Serial Number, filing date, and applicant's name of the prior complete application. If the continuation, continuation-in-part, or divisional application is filed by less than all the inventors named in the prior application a statement must accompany the application when filed requesting deletion of the names of the person or persons who are not inventors of the invention being claimed in the continuation, continuation-in-part, or divisional application.

* * * * *

(c) In the case of a continuation-in-part application which adds and claims additional disclosure by amendment, an oath or declaration as required by § 1.63 must also be filed. In those situations where a new oath or declaration is required due to additional subject matter being claimed, additional inventors may be named in the continuing application. In a continuation or divisional application which discloses and claims only subject matter disclosed in a prior application, no additional oath or declaration is required and the application must name as inventors the same or less than all the inventors named in the prior application.

* * * * *

(h) The applicant is urged to furnish the following information relating to the prior and continuing applications to the best of his or her ability:

* * * * *

(5) The title of the invention and names of the applicants to be named in the continuing application.

* * * * *

11. Section 1.78 is amended by revising paragraphs (a) and (c) and by adding a new paragraph (d) to read as follows:

§ 1.78 Claiming benefit of earlier filing date and cross references to other applications.

(a) An application may claim an invention disclosed in a prior filed copending national application or international application designating the United States of America. In order for an application to claim the benefit of a prior filed copending national application, the prior application must name as an inventor at least one inventor named in the later filed application and disclose the named inventor's invention claimed in at least one claim of the later filed application in the manner provided by the first paragraph of 35 U.S.C. 112. In addition, the prior application must be (1) complete as set forth in § 1.51, or (2) entitled to a filing date as set forth in § 1.53(b) and include the basic filing fee set forth in § 1.16; or (3) intitled to a filing data as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(1) within the time period set forth in § 1.53(d).

Any application claiming the benefit of a prior filed copending national or international application must contain or be amended to contain in the first sentence of the specification following the title a reference to such prior application, identifying it by serial number and filing date or international application number and international filing date and indicating the relationship of the applications. Cross-references to other related applications may be made when appropriate. (See § 1.14(b)).

* * * * *

(c) Where two or more applications, or an application and a patent naming different inventors and owned by the same party contain conflicting claims, and there is no statement of record indicating that the claimed inventions were commonly owned or subject to an obligation of assignment to the same person at the time the later invention was made, the assignee may be called upon to state whether the claimed inventions were commonly owned or subject to an obligation of assignment to the same person at the time the later invention was made, and if not, indicate which named inventor is the prior inventor. In addition to making said statement, the assignee may also explain why an interference should or should not be declared.

(d) Where an application claims an invention which is not patentably distinct from an invention claimed in a commonly owned patent with the same or a different inventive entity, a double patenting rejection will be made in the application. An obviousness-type double patenting rejection may be obviated by filing a terminal disclaimer in accordance with § 1.321(b).

12. Section 1.101 is amended by revising paragraph (a) to read as follows:

§ 1.101 Order of examination.

(a) Applications filed in the Patent and Trademark Office and accepted as complete applications are assigned for examination to the respective examining groups having the classes of inventions to which the applications relate. Applications shall be taken up for examination by the examiner to whom they have been assigned in the order in which they have filed except for those applications in which examination has been advanced pursuant to § 1.102. International applications which have complied with the requirements of 35 U.S.C. 371(c) will be taken up for action based on the date on which such requirements were met. However, unless a request has been filed under 35 U.S.C. 371(f), no action may be taken prior to 21 months from the priority date.

* * * * *

13. Section 1.103 is amended by revising paragraph (d) to read as follows:

§ 1.103 Suspension of action.

* * * * *

(d) Action on applications in which the Office has accepted a request to publish a defensive publication will be suspended for the entire pendency of these applications except for purposes relating to patent interference proceedings under Subpart E.

14. Section 1.104 is amended by adding a new paragraph (e) immediately following the Note to paragraph (d) to read as follows:

§ 1.104 Nature of examination; examiner's action.

* * * * *

(e) Co-pending applications will be considered by the examiner to be owned by, or subject to an obligation of assignment to, the same person if (1) the application files refer to assignments recorded in the Patent and Trademark Office in accordance with § 1.331 which convey the entire rights in the applications to the same person or organization; or (2) copies of unrecorded assignments which convey the entire rights in the applications to the same person or organization are filed in each of the applications; or (3) an affidavit or declaration by the common owner is filed which states that there is common ownership and states facts which explain why the affiant or declarant believes there is common ownership; or (4) other evidence is submitted which establishes common ownership of the applications. In circumstances where the common owner is a corporation or other organization an affidavit or declaration may be signed by an official of the corporation or organization empowered to act on behalf of the corporation or organization.

15. Section 1.106 is amended by adding new paragraphs (d) and (e) to read as follows:

§ 1.106 Rejection of claims.

* * * * *

(d) Subject matter which is developed by another person which qualifies as prior art only under 35 U.S.C. 102(f) or (g) may be used as prior art under 35 U.S.C. 103 against a claimed invention unless the entire rights to the subject matter and the claimed invention were commonly owned by the same person or organization or subject to an obligation of assignment to the same person or organization at the time the claimed invention was made.

(e) The claims in any original application naming an inventor will be rejected as being precluded by a waiver in a published statutory invention registration naming that inventor if the same subject matter is claimed in the application and the statutory invention registration. The claims in any reissue application naming an inventor will be rejected as being precluded by a waiver in a published statutory invention registration naming that inventor if the reissue application seeks to claim subject matter (1) which was not covered by claims issued in the patent prior to the date of publication of the statutory invention registration and (2) which was the same subject matter waived in the statutory invention registration.

16. Section 1.108 is revised to read as follows:

§ 1.108 Abandoned applications not cited.

Abandoned applications as such will not be cited as references except those which have been opened to inspection by the public following a defensive publication.

17. Section 1.110 is added to read as follows:

§ 1.110 Inventorship and date of invention of the subject matter of individual claims.

When more than one inventor is named in an application or patent, the Patent and Trademark Office, when necessary for purposes of an Office proceeding, may require an applicant, patentee, or owner to identify the inventive entity of the subject matter of each claim in the application or patent. Where appropriate, the invention dates of the subject matter of each claim and the ownership of the subject matter on the date of invention may be required of the applicant, patentee or owner. See also §§ 1.78(c) and (d).

[OMB Control No. 0651-0018]

18. Section 1.131 is amended by revising paragraph (a) to read as follows:

§ 1.131 Affidavit or declaration of prior invention to overcome cited patent or publication.

(a) When any claim of an application or a patent under reexamination is rejected on reference to a domestic patent which substantially shows or describes by does not claim the rejected invention, or on reference to a foreign patent or to a printed publication, and the inventor of the subject matter of the rejected claim, the owner of the patent

under reexamination, or the person qualified under §§ 1.42, 1.43 or 1.47, shall make oath or declaration as to facts showing a completion of the invention in this country before the filing date of the application on which the domestic patent issued, or before the date of the foreign patent, or before the date of the printed publication, then the patent or publication cited shall not bar the grant of a patent to the inventor or the confirmation of the patentability of the claims of the patent, unless the date of such patent or printed publication is more than one year prior to the date on which the inventor's or patent owner's application was filed in this country.

* * * * *

§ 1.39 [Removed]

19. Section 1.139 is removed.

20. Section 1.193 is amended by revising paragraph (b) to read as follows:

§ 1.193 Examiner's answer.

* * * * *

(b) The appellant may file a reply brief directed only to such new points of argument as may be raised in the examiner's answer, within one month from the date of such answer. However, if the examiner's answer states a new ground of rejection appellant may file a reply thereto within two months from the date of such answer; such reply may include any amendment or material appropriate to the new ground.

* * * * *

21. A new § 1.293 is added to read as follows:

§ 1.293 Statutory invention registration.

(a) An applicant for an original patent may request, at any time during the pendency of applicant's pending complete application, that the specification and drawings be published as a statutory invention registration. Any such request must be signed by (1) the applicant and any assignee of record or (2) an attorney or agent of record in the application.

(b) Any request for publication of a statutory invention registration must include the following parts:

(1) A waiver of the applicant's right to receive a patent on the invention claimed effective upon the date of publication of the statutory invention registration;

(2) The required fee for filing a request for publication of a statutory invention registration as provided for in § 1.17 (n) or (o);

(3) A statement that, in the opinion of the requester, the application to which the request is directed meets the requirements of 35 U.S.C. 112; and

(4) A statement that, in the opinion of the requester, the application to which the request is directed complies with the formal requirements of this part for printing as a patent.

(c) A waiver filed with a request for a statutory invention registration will be effective, upon publication of the statutory invention registration, to waive the inventor's right to receive a patent on the invention claimed in the statutory invention registration, in any application for an original patent which is pending on, or filed after, the date of publication of the statutory invention registration. A waiver filed with a request for a statutory invention registration will not affect the rights of any other inventor even if the subject matter of the statutory invention registration and an application of another inventor are commonly owned. A waiver filed with a request for a statutory invention registration will not affect any rights in a patent to the inventor which issued prior to the date of publication of the statutory invention registration unless a reissue application is filed seeking to enlarge the scope of the claims of the patent. See also § 1.106(e).

(OMB Control No. 0651-0018.)

22. A new § 1.294 is added to read as follows:

§ 1.294 Examination of request for publication of a statutory invention registration and patent application to which the request is directed.

(a) Any request for a statutory invention registration will be examined to determine if the requirements of § 1.293 have been met. The application to which the request is directed will be examined to determine (1) if the subject matter of the application is appropriate for publication, (2) if the requirements for publication are met, and (3) if the requirements of 35 U.S.C. 112 and § 1.293 of this part are met.

(b) Applicant will be notified of the results of the examination set forth in paragraph (a) of this section. If the requirements of § 1.293 and this section are not met by the request filed, the notification to applicant will set a period of time within which to comply with the requirements in order to avoid abandonment of the application. If the application does not meet the requirements of 35 U.S.C. 112, the notification to applicant will include a rejection under the appropriate provisions of 35 U.S.C 112. The periods for response established pursuant to this section are subject to the extension of time provisions of § 1.136. After response by the applicant, the application will again be considered for publication of a statutory invention registration. If the requirements of § 1.293 and this section are not timely met, the refusal to publish will be made final. If the requirements of 35 U.S.C. 112 are not met, the rejection pursuant to 35 U.S.C. 112 will be made final.

(c) If the examination pursuant to this section results in approval of the request for a statutory invention registration the applicant will be notified of the intent to publish a statutory invention registration.

23. A new § 1.295 is added to read as follows:

§ 1.295 Review of decision finally refusing to publish a statutory invention registration.

(a) Any requester who is dissatisfied with the final refusal to publish a statutory invention registration for reasons other than compliance with 35 U.S.C. 112 may obtain review of the refusal to publish the statutory invention registration by filing a petition to the Commissioner accompanied by the fee set forth in § 1.17(h) within one month or such other time as is set in the decision refusing publication. Any such petition should comply with the requirements of § 1.181(b). The petition may include a request that the petition fee be refunded if the final refusal to publish a statutory invention registration for reasons other than compliance with 35 U.S.C. 112 is determined to result from an error by the Patent and Trademark Office.

(b) Any requester who is dissatisfied with a decision finally rejecting claims pursuant to 35 U.S.C. 112 may obtain review of the decision by filing an appeal to the Board of Patent Appeals and Interferences pursuant to § 1.191. If the decision rejecting claims pursuant to 35 U.S.C. 112 is reversed, the request for a statutory invention registration will be approved and the registration published if all of the other provisions of § 1.293 and this section are met.

(OMB Control No. 0651-0018.)

24. A new § 1.296 is added to read as follows:

§ 1.296 Withdrawal of request for publication of statutory invention registration.

A request for a statutory invention registration, which has been filed, may be withdrawn prior to the date of the notice of the intent to publish a statutory invention registration issued pursuant to § 1.294(c) by filing a request to withdraw the request for publication of a statutory

invention registration. The request to withdraw may also include a request for a refund of any amount paid in excess of the application filing fee and a handling fee of $100 which will be retained. Any request to withdraw the request for publication of a statutory invention registration filed on or after the date of the notice of intent to publish issued pursuant to § 1.294(c) must be in the form of a petition pursuant to § 1.183 accompanied by the fee set forth in § 1.17(h).

(OMB Control No. 0651-0018.)

25. A new § 1.297 is added to read as follows:

§ 1.297 Publication of statutory invention registration.

(a) If the request for a statutory invention registration is approved the statutory invention registration will be published. The statutory invention registration will be mailed to the requester at the correspondence address as provided for in § 1.33(a). A notice of the publication of each statutory invention registration will be published in the *Official Gazette*.

(b) Each statutory invention registration published will include a statement relating to the attributes of a statutory invention registration. The statement will read as follows:

A statutory invention registration published pursuant to 35 U.S.C. 157 is not a patent but it has all of the attributes specified for patents in title 35, United States Code, except those specified in 35 U.S.C. 183 and sections 271 through 289. A statutory invention registration does not have any of the attributes specified for patents in any other provision of law other than title 35, United States Code. The invention with respect to which a statutory invention registration is published is not a patented invention for purposes of the marking provisions of 35 U.S.C. 292.

26. Section 1.301 is revised to read as follows:

§ 1.301 Appeal to U.S. Court of Appeals for the Federal Circuit.

Any applicant or any owner of a patent involved in a reexamination proceeding dissatisfied with the decision of the Board of Patent Appeals and Interferences, and any party to an interference dissatisfied with the decision of the Board of Patent Appeals and Interferences, may appeal to the U.S. Court of Appeals for the Federal Circuit. The appellant must take the following steps in such an appeal: (a) In the Patent and Trademark Office file a written notice of appeal directed to the Commissioner (see §§ 1.302 and 1.304); and (b) in the Court, file a copy of the notice of appeal and pay the fee for appeal, as provided by the rules of the Court. The certified list of documents and any original or certified copies of such documents required by the Court will be transmitted to the Court by the Patent and Trademark Office.

27. Section 1.302 is revised to read as follows:

§ 1.302 Notice of appeal.

(a) When an appeal is taken to the U.S. Court of Appeals for the Federal Circuit, the appellant shall give notice thereof to the Commissioner within the time specified in § 1.304.

(b) In interferences, the notice must be served as provided in § 1.646.

28. Section 1.304 is amended by revising paragraph (a) to read as follows:

§ 1.304 Time for appeal or civil action.

(a) The time for filing the notice of appeal to the U.S. Court of Appeals for the Federal Circuit (§ 1.302) or for commencing a civil action (§ 1.303) is sixty days from the date of the decision of the Board of Patent Appeals and Interferences. If a request for reconsideration or modification of the decision is filed within the time provided under § 1.197(b) or § 1.658(b), the time for filing an appeal or commencing a civil action shall expire at the end of the sixty-day period or thirty days after action on the request, whichever is later. Except for an appeal from or commencing a civil action after a decision of the Board of Patent Appeals and Interferences in a reexamination proceeding or an interference proceeding, the time periods set forth herein are subject to the provisions of § 1.136. See § 1.550(c) for extensions of time to appeal or commence a civil action in a reexamination proceeding. See § 1.645(a) for extensions of time to appeal or commence a civil action in an interference. An examiner-in-chief, upon a showing of excusable neglect, may extend the time for seeking judicial review of a decision of the Board of Patent Appeals and Interferences in an interference case when a request is untimely filed after expiration of the time prescribed by this section.

* * * * *

29. Section 1.378 is amended by revising the section heading and paragraph (a) to read as follows:

§ 1.378 Acceptance of delayed payment of maintenance fee in expired patent to reinstate patent.

(a) The Commissioner may accept the payment of any maintenance fee due on a patent after expiration of the patent if, upon petition, the delay in payment of the maintenance fee is shown to the satisfaction of the Commissioner to have been unavoidable and if the surcharge required by § 1.20(m) is paid as a condition of accepting payment of the maintenance fee. If the Commissioner accepts payment of the maintenance fee upon petition, the patent shall be considered as not having expired, but will be subject to the conditions set forth in 35 U.S.C. 41(c)(2).

* * * * *

30. Section 1.431 is amended by revising paragraphs (b)(3)(iii) and (c) and by adding new paragraphs (d) and (e) to read as follows:

§ 1.431 International application requirements.

* * * * *

(b) * * *

(3) * * *

(iii) The name of the applicant, as prescribed (note §§ 1.421–1.424);

(c) Payment of the basic portion of the international fee (PCT Rule 15.2) and the transmittal and search fees (§ 1.445) may be made in full at the time the international application papers required by paragraph (b) of this section are deposited or within one month thereafter. Failure to make full payment within one month of the deposit of the international application papers required by paragraph (b) of this section will result in the fees being charged to the International Bureau under the provisions of paragraph (d) of this section and PCT Rule 16 bis.

(d) The United States Receiving Office will charge to the International Bureau in accordance with PCT Rule 16 bis and will consider as having been timely paid:

(1) The transmittal fee, the basic fee portion of the international fee, or the search fee where these fees have not been fully paid by the applicant within one month of the date of deposit of the international application, and

(2) The designation fee, or the amount necessary to cover all the designations made in the request which have not been paid by the applicant within one year from the priority date.

(e) The International Bureau will notify applicant of any amount charged under paragraph (d) of this section and invite the applicant to pay directly to the International Bureau within one month from the date of the notification, the amount charged, augmented by a surcharge of 50%, provided the surcharge will not be less, and will not be more, than the amounts indicated in the Schedule of Fees appended to the PCT Rules. If the payment needed to

cover the transmittal fees, the basic fee, the search fee, one designation fee and the surcharge is not timely made to the International Bureau, the International Bureau will notify the Receiving Office which will declare the international application withdrawn under PCT Article 14(3)(a). If the applicant makes timely payment of the fees referred to in the previous sentence, but the amount paid is not sufficient to cover all the designation fees, the Receiving Office will declare any designation not paid withdrawn under PCT Article 14(3)(b) in accordance with PCT Rule 16 bis. 2(c).

31. Section 1.445 is amended by revising paragraphs (a)(4) and (5) and adding paragraph (a)(6) to read as follows:

§ 1.445 International application filing and processing fees.

(a) * * *

(4) The national fee, that is, the amount set forth as the filing fee under § 1.16 (a) through (d) credited one time only by an amount of $250 where an international search fee of $500.00 has been paid on the corresponding international application to the United States Patent and Trademark Office as an International Searching Authority. Where the amount of the credit is in excess of that required for the national fee, a request for a refund of the excess under § 1.446(b) may be filed at the time of paying the national fee. Only one such credit is permitted based on a single $500.00 international search fee.

(5) Surcharge for filing the national fee or oath or declaration later than 20 months from the priority date—$100.00.

(6) For filing an English translation of an international application later than 20 months after the priority date (§ 1.61(b))—$20.00.

* * * * *

32. Section 1.446 is amended by revising the section heading and paragraph (b) to read as follows:

§ 1.446 Refund of international application filing and processing fees.

* * * * *

(b) Refund of a portion of the search fee toward payment of the national fee may be made one time to the extent set forth in § 1.445(a)(4) if requested at the time of paying the national fee provided that a $500 search fee has been paid.

* * * * *

33. Section 1.451 is amended by revising paragraphs (b) and (c) to read as follows:

§ 1.451 The priority claim and priority document in an international application.

* * * * *

(b) Whenever the priority of an earlier United States national application is claimed in an international application, the applicant may request in a letter of transmittal accompanying the international application upon filing with the United States Receiving Office or in a separate letter filed in the Receiving Office not later than 16 months after the priority date, that the Patent and Trademark Office prepare a certified copy of the national application for transmittal to the International Bureau (PCT Article 8 and PCT Rule 17). The fee for preparing a certified copy is stated in § 1.19 (a)(3) and (b)(1).

(c) If a certified copy of the priority document is not submitted together with the international application on filing, or, if the priority application was filed in the United States and a request and appropriate payment for preparation of such a certified copy do not accompany the international application on filing or are not filed within 16 months of the priority date, the certified copy of the priority document must be furnished by the applicant to the International Bureau of the United States Receiving Office within the time limit specified in PCT Rule 17.1(a).

34. Section 1.461 is amended by deleting paragraph (b) and by revising paragraph (a) to read as follows:

§ 1.461 Procedures for transmittal of record copy to the International Bureau.

(a) Transmittal of the record copy of the international application to the International Bureau shall be made by the United States Receiving Office.

(b) [Reserved]

* * * * *

Dated: February 14, 1985.

Donald J. Quigg,

Acting Commissioner of Patents and Trademarks.

[FR Doc. 85-5466 Filed 3-6-85; 8:45 am]

BILLING CODE 3510-16-M

Federal Register

Thursday
March 7, 1985

Part IV

Environmental Protection Agency

40 CFR Part 80

Regulation of Fuels and Fuel Additives; Gasoline Lead Content; Final Rule and Supplemental Notice of Proposed Rulemaking

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL-2775-3(b)]

Regulation of Fuels and Fuel Additives; Gasoline Lead Content

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action on a portion of the revisions to the gasoline lead content regulations proposed on August 2, 1984 (49 FR 31032). The Agency is promulgating a low-lead standard of 0.10 gram of lead per gallon of leaded gasoline (gplg) effective on January 1, 1986, and an interim standard of 0.50 gplg effective on July 1, 1985. These standards will significantly reduce the adverse health effects that result from the use of lead in gasoline, and will reduce the misuse of leaded gasoline in vehicles designed for unleaded gasoline.

The Agency is not taking final action on the portion of the proposed notice concerning a total ban on the use of lead in gasoline. New information has become available relevant to this subject, and elsewhere in this issue of the **Federal Register** is a notice describing such information and reopening the comment period on this subject.

The Agency is also promulgating other proposed revisions to the gasoline lead content regulations. These revisions include elimination of the inter-refinery averaging provisions effective January 1, 1986, a change to the definition of "unleaded gasoline," and deletion of outdated special small refinery provisions.

DATE: The final actions taken in this notice are effective April 8, 1985.

ADDRESS: Comments and other information relevant to this rulemaking (Docket No. EN-84-05) may be viewed at the Central Docket Section (LE-131), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. The docket is located in the West Tower Lobby of EPA, 401 M Street, SW., Washington, D.C., and may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays. As provided in 40 CFR Part 2, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Richard G. Kozlowski, Director, Field Operations and Support Division (EN-397F), EPA, 401 M Street, SW., Washington, D.C. 20460. Telephone (202) 382-2633.

SUPPLEMENTARY INFORMATION:

I. August 2, 1984, Proposal

On August 2, 1984 (49 FR 31032), EPA proposed several revisions to the gasoline lead content regulations set forth at 40 CFR Part 80. The revisions were proposed under the Agency's authority to regulate fuels and fuel additives under section 211(c) (1) and (2) of the Clean Air Act to protect the public health and welfare and to safeguard the performance of emission control devices in general use. The notice of proposed rulemaking (NPRM) contains a detailed description of the basis and statutory authority for the proposal, the proposed regulatory actions, the expected impacts of the proposed actions (lead usage, health, economic, energy, and use of other fuel additives), and alternative actions considered by the Agency.

The Agency's proposed rulemaking actions were based on three major concerns about the use of lead in gasoline. The first concern related to the use of leaded gasoline in vehicles designed and certified by EPA to use only unleaded gasoline, termed "fuel switching" or "misfueling." This practice is of great concern to the Agency both because it results in greater use of lead in gasoline than previously estimated, and because leaded gasoline poisons catalytic converters and thereby causes very large increases in tailpipe emissions of several pollutants: Hydrocarbons (HC), carbon monoxide (CO), and nitrogen oxides (NO_x). The 1982 EPA motor vehicle emissions tampering survey (the most recent available at the time the NPRM was drafted) estimated a national fuel switching rate of 13.5% of unleaded designed vehicles. The subsequently-released 1983 tampering survey estimates a national fuel switching rate of 16% of such vehicles, indicating a continuing problem. Although the Agency is taking other measures to combat this practice, these did not appear to be adequate to correct this problem.

The Agency's second concern (related to the first) was that lead usage under the current 1.10 gplg standard has been significantly higher than that anticipated at the time that standard was promulgated in 1982. Total lead usage in 1983 was more than 10% higher than that predicted by EPA a year earlier.

The Agency's third concern was the direct impact of the use of lead in gasoline on human health, particularly that of pre-school children. The NPRM contains an extensive review of available information on this subject, including new studies that had become available since the Agency's 1982 rulemaking on gasoline lead. Based on this review, the Agency tentatively concluded that a national health problem still exists with regard to environmental lead, that gasoline lead is a major contributor to lead exposure, that lead emissions should be controlled to the extent possible, and that all reasonable efforts should be taken to reduce lead exposure to the population as rapidly as possible. In addition, the Agency tentatively concluded that there is no health-based reason to continue the use of lead in gasoline, as this is the most readily controlled and most ubiquitous source of lead emissions into the environment. A prudent health objective was therefore considered to be the rapid reduction and eventual end to the use of lead in gasoline.

As a result of these concerns, the NPRM contained two major proposals:

(1) The Agency proposed a lead content standard of 0.10 gplg, effective January 1, 1986. This proposed standard was intended to reduce lead usage as much as possible while providing the minimum amount of lead needed to prevent valve-seat recession in older automobiles, certain trucks, and other vehicles. Since the minimum amount of lead needed to prevent valve-seat recession had not been precisely determined, EPA proposed a standard of 0.10 gplg based primarily on three studies from the late 1960's and early 1970's which found such a lead level adequate to protect against this problem.

The Agency proposed a January 1, 1986, effective date for the 0.10 gplg standard because its analysis using the Department of Energy linear programming model suggested that date is feasible for the industry as a whole and because such a date maximizes the net benefits of the standard, compared to other effective dates for such a standard. The notice stated, however, that if comments led EPA to believe that 1986 is not a feasible date, the Agency would consider alternative compliance schedules for a phased-in approach, such as 0.50 gplg on July 1, 1985, 0.30 gplg on January 1, 1986, 0.20 gplg on January 1, 1987, and 0.10 gplg on January 1, 1988.

The Agency specifically requested comments on the adequacy of the 0.10 gplg standard to protect vehicle engines and on the feasibility of the effective date for the refining industry.

EPA stated that the 0.10 gplg standard was intended to eliminate or drastically reduce fuel switching, since such a standard should result in the production cost of leaded gasoline becoming higher

than that of unleaded gasoline (assuming current octane levels are maintained). If retail prices were to reflect this cost differential, a major incentive for fuel switching (i.e., the lower price of leaded gasoline) would be eliminated. Because such a "price flip" is not certain, the Agency requested comments on various marketing restrictions that could be adopted in conjunction with a low-lead standard in order to eliminate or reduce misfueling.

(2) EPA stated that its overall objective is to end the use of lead as a gasoline additive to prevent unacceptable health effects and misfueling, while at the same time protecting engines designed strictly for the use of leaded fuel. The Agency proposed two alternatives relating to long term gasoline usage: (a) No further regulatory action, based on reliance on likely market trends to eliminate the need for lead; and (b) a ban on the use of lead in gasoline by about 1995, which would assure that such use stops by a specific date. Because of uncertainties concerning this subject, comments were requested on a wide range of related issues.

In addition to these major proposals, the Agency also proposed to:

(3) Prohibit use of the inter-refinery averaging provisions currently in the regulations after January 1, 1986, in order to assure that engines that need lead would receive an adequate amount (for the same purpose, comments were also requested on whether the current quarterly averaging period should be shortened and/or whether a minimum per gallon lead standard should be established);

(4) Amend the definition of "unleaded gasoline" to make clear that it may not include any amount of intentionally-added lead and to lower the allowable contamination level from 0.05 gram per unleaded gallon (gpug) to 0.01 gpug;

(5) Eliminate the small refinery provisions and other obsolete portions of the regulations; and

(6) Make minor changes to the right of entry/inspection, importer, and inter-refinery averaging provisions (effective until January 1, 1986).

The NPRM presented detailed estimates of the impacts of the proposed actions. Total lead usage in gasoline during 1986–94 was predicted to be reduced by 91–94% under a 0.10 gplg standard effective in January 1986, depending on the impact of that standard on fuel switching.

The primary impact of the proposal would be to reduce human exposure to environmental lead, in particular to reduce such exposure of the group most at risk, pre-school children. Over the period 1986 to 1992, the proposed 0.10 gplg standard was estimated to result in an aggregate 280,000 fewer incidences of children exceeding a blood lead level of 30 μg/dl (the current level of undue exposure to lead established by the Centers for Disease Control) and 9.6 million fewer incidences exceedng a level of 15 μg/dl. Emissions of the leaded gasoline additive ethylene dibromide (EDB), a potential human carcinogen, would also be reduced as a result of this proposal. Ambient lead levels in areas not significantly affected by stationary sources could be reduced by as much as 91%, and emissions of HC, CO, and NO_x would be reduced significantly, depending on the extent that misfueling is controlled.

The Agency also attempted to quantify the economic impact of a 0.10 gplg standard effective in 1986 and a no-lead standard effective in 1995. Based on the Department of Energy linear programming model, the cost of the low-lead standard to the refining industry for the period 1986–92 was estimated at $3.4 billion. For this same period, benefits of $10.7 billion were predicted (such benefits relate to reduced vehicle maintenance costs, increased fuel efficiency, reduced misfueling rates, medical cost savings, and improved school performance). The costs and benefits of a lead ban in 1995 were also predicted.

The impact of a low-lead or no-lead standard on the use of other fuel additives was also analyzed in the NPRM. Additives that might replace lead as an octane booster and/or valve lubricant include phosphorus, sodium, MMT, and alcohols. Based on then-available information, the Agency tentatively concluded that a prohibition on the use of lead in gasoline would not cause the use of another fuel or fuel additive that will produce emissions that will endanger the public health or welfare to the same or greater degree than the use of lead.

Finally, the NPRM discussed alternative regulatory or legislative actions that could be taken (including a Federal ban on individual fuel switching and incentives for state/local anti-misfueling programs), and concluded that such actions would be infeasible and/or ineffective compared to the actions proposed.

On August 30 and 31, 1984, the Agency held a public hearing in Arlington, Virginia, to receive oral testimony on the notice of proposed rulemaking. Sixty witnesses (representing large refineries, small refineries, blenders, the lead industry, gasoline marketers, the medical community, environmental groups, owners of older vehicles, motorcyclists, fleet operators, boatowners, and farmer cooperatives) presented testimony at the hearing. In addition, more than 1500 written comments were submitted to the Agency by the close of the comment period on October 1, 1984. All such testimony and written comments have been considered in the development of today's final rulemaking action. A summary of all such testimony and comments has been prepared and placed in the rulemaking docket.

Because of the very large number of comments on the NPRM, this final notice generally discusses in detail only those comments and testimony that resulted in changes from the proposal. EPA's responses to other significant comments appear in a separate document entitled "Responses to Comments on the August 2, 1984, Proposal to Amend the Gasoline Lead Content Regulations" ("Responses to Comments"). This separate document has been included in Docket Number EN–84–05, and is incorporated by reference in this notice. This supplemental document may be reviewed at the EPA Central Docket Section (see the **"ADDRESS"** section above), or a copy may be obtained by writing to Richard Kozlowski at the address listed in the **"FOR FURTHER INFORMATION"** section above.

[On January 4, 1985, the Agency issued a notice of proposed rulemaking that proposed to allow the banking of lead usage rights in conjunction with more stringent gasoline lead content standards. 50 FR 718. The proposal would allow refiners who use less lead in 1985 than allowed under the applicable standards to use additional lead in certain future calendar quarters (i.e., the second quarter of 1985 through the fourth quarter of 1987) in an amount equal to the lead previously not used. The reason for this proposal was the Agency's belief that the banking mechanism would provide an efficient method of reducing total lead levels while allowing the industry greater flexibility in meeting more stringent standards. A public hearing was held on January 15, 1985, concerning this proposal, at which 11 witnesses testified. Written comments on the proposal are due by February 19, 1985. The Agency expects to take final action on this proposal by March 31, 1985.]

II. Today's Actions

A. Low-Lead Standards

EPA is today promulgating a low-lead standard of 0.10 gplg, effective January 1, 1986, and an interim standard of 0.50 gplg, effective July 1, 1985. In EPA's

judgment, these standards will result in significantly greater public health benefits than the Agency's proposal, are feasible for the industry as a whole, and will provide adequate protection for engines that may need a valve lubricant.

1. 0.10 gplg Standard

As noted in Part I of this notice, the Agency proposed the 0.10 gplg standard to be effective on January 1, 1986, based on its tentative conclusions that such an amount of lead would be adequate to protect engines at risk from the problem of valve-seat recession and that such an effective date would be feasible for the refining industry as a whole. A large number of public comments were submitted on these issues. A significant number of commenters cited various reasons in support of the proposed 1986 effective date for the 0.10 gplg standard, including a number of refiners, environmental and health groups, and state and local governments. Others urged that a 0.10 gplg standard be imposed even sooner than 1986. On the other hand, a number of other commenters (including most of the refiners that submitted comments) opposed a 0.10 gplg standard in 1986. Many refiners argued that they could not meet such a deadline. Others (including the lead industry, antique car owners, boaters, motorcyclists, truck fleet operators, farm groups and some vehicle engine manufacturers) argued that a 0.10 gplg standard would not provide enough engine valve protection.

Comments were also received on the Agency's analysis of the health and economic impacts of a 0.10 gplg standard. Such comments argued that EPA's estimates of such impacts were too high, too low, or correct.

Based on a review of these comments, EPA continues to believe that the rationales for the benefits of this standard and the feasibility of its proposed effective date, as set forth at length in the NPRM and related regulatory documents, are correct. In particular, the Agency believes that a January 1, 1986, effective date will not have an unduly adverse impact on a substantial portion of the refining industry, and thus that a later effective date for the 0.10 gplg standard (such as the 1988 date discussed in the NPRM) is not necessary or appropriate in light of the benefits that will be achieved by a 1986 effective date.

The Agency has not been persuaded by comments opposing a 0.10 gplg standard in 1986 that such an effective date is infeasible or unduly costly, or that such an amount of lead is inadequate to protect engine valves. For example, a large number of refiners argued that there will be insufficient capacity to produce adequate supplies of gasoline and still meet a 0.10 gplg standard in 1986. In response to these comments, EPA has performed exhaustive analyses (described in the final regulatory impact analysis (RIA) and other submissions to the docket) that indicate that this standard is feasible in this timeframe. The refining industry is currently operating at only 75 percent of crude capacity and 50 percent of reformer capacity. The Agency believes that use of up to 90 percent of this capacity would be feasible for the industry, but the Agency analysis shows that less than 70 percent of reformer capacity would be needed to meet a 0.10 gplg standard in 1986 with new fluid catalytic cracking (FCC) units (and less than 80 percent without such units). In its analysis, EPA made various pessimistic assumptions that tended to produce conservative capacity estimates. As discussed in detail in the final RIA, only when a number of pessimistic conditions were assumed to occur at the same time did the analysis show that it would be infeasible for the industry to meet the promulgated standard, and then only for the summer months. Since the likelihood of these conditions all occurring at the same time is extremely remote, the Agency believes this standard is feasible for the industry as a whole to meet.

As noted above, another major group of comments was that a 0.10 gplg standard would be inadequate to protect engine valves. After reviewing these comments, the Agency remains convinced that the risk of valve damage at a 0.10 gplg standard are minimal and do not justify a less stringent standard. Because of the factors in addition to gasoline lead levels that are related to valve damage, automobiles and light-duty trucks (LDT's) that operate under relatively mild operating conditions must be analyzed separately from heavy-duty trucks (HDT's) and other engines that may be operated under more severe conditions (i.e., high engine speed and load). For cars and LDT's, the Doelling study and other studies provide a reasonable basis for concluding that there is little risk of valve damage at 0.10 gplg. Also, based on the available data (discussed in detail in the final RIA and the Responses to Comments), EPA has concluded that 0.10 gplg should provide an adequate amount of lead for valve protection for HDT's and other engines (including marine and farm equipment engines). This is particularly true in light of the fact that fuel additive packages would apparently be available to serve as a supplement or substitute to lead as a valve lubricant. Moreover, although there is not enough information to rule out completely the possibility that there will be some unquantifiable risk of some damage to certain engines, there are no specific data clearly demonstrating that more than 0.10 gplg is necessary for valve protection, and the potential risk of valve damage appears to be very small. In any event, that potential risk, even if it were verifiable, would not change EPA's conclusion that 0.10 gplg is the most appropriate standard for achieving the paramount public health goals in this rule—especially in light of the clear and substantial public health risks that would be created by a more lenient standard than 0.10 gplg. Of course, EPA will continue to study the issue of valve lubrication in the context of the supplemental notice of proposed rulemaking published today, and will work closely with users of particular vehicles and engine types designed for leaded gasoline to minimize further the potential risk, if any, of valve damage.

The Agency's detailed responses to all comments on the 0.10 gplg standard (including comments discussed above) are contained in the separate "Responses to Comments" document.

As noted in Part I of this notice, on January 4, 1985, EPA proposed to allow refiners to "bank" lead usage rights in 1985 for use in certain future calendar quarters. Although the Agency believes that the 0.10 gplg standard promulgated today can be met by the industry as a whole under any reasonably foreseeable circumstances, EPA also expects that the banking provisions, if promulgated, would alleviate or eliminate any problems that individual refiners might have in meeting this standard. Moreover, the Agency has modelled the effects of a banking mechanism and believes that such a mechanism would alleviate any feasibility problems for the industry as a whole in even the most extreme cases.

2. 0.50 gplg Standard

As noted in Part I of this notice, the NPRM requested comments on a phased-in 0.10 gplg standard, including a phase-in schedule which began with a 0.50 gplg standard effective on July 1, 1985, and ended with a 0.10 gplg standard effective on January 1, 1988. 49 FR 31040. Several commenters (e.g., U.S. Small Business Administration, the National Cooperative Refiners Association) supported this example phase-in schedule. On the other hand, certain refiners and blenders opposed this schedule, arguing that it would create many of the same disruptions in the industry as they claimed would

occur under a 0.10 gplg standard effective in January 1986. One commenter (Canal Refining) noted that only 12 of 35 refiners surveyed could meet the example alternative schedule. Others (Union Oil and Kern Oil) argued that such a schedule would not help refiners who currently lack sufficient octane capacity, which would be improved only upon the completion of new facilities. Certain refiners and blenders (e.g., Canal, Phillips Petroleum) stated specifically that they would have trouble meeting a 0.50 gplg interim standard in July 1985.

However, a number of commenters recommended that an intermediate 0.50 gplg standard be promulgated effective in 1985, along with a rapidly effective 0.10 gplg standard. Both Ashland Oil and Crown Central Petroleum stated that the refining industry could meet a 0.50 gplg standard effective on January 1, 1985, along with a 0.10 gplg standard beginning on January 1, 1986. Saber Energy urged EPA to adopt a 0.50 gplg standard in early 1985 along with a 0.10 standard on January 1, 1986. Hawaiian Independent Refinery stated that the Agency should seriously consider a 0.50 gplg standard effective as soon as administratively possible, but no later than July 1, 1985, along with a 0.10 gplg standard in 1986. Two environmental groups, the Natural Resources Defense Council (NRDC) and the Environmental Defense Fund (EDF), supported standards of 0.50 gplg on July 1, 1985, and 0.10 gplg on January 1, 1986. The Center for Science in the Public Interest (CSPI) indicated its support for any plan that phases in compliance with a 0.10 gplg standard efective in 1986.[1]

Commenters who supported an interim 0.50 gplg standard effective in 1985 listed various reasons for their support, arguing that: (1) Such a standard would result in benefits for children, the environment, and future generations; (2) it would provide additional net benefits ranging between $174 and $626 million, compared to a 0.10 gplg standard effective in 1986 with no interim standard; (3) such a standard is feasible; (4) there is sufficient underutilized octane capacity in the gasoline refinery and fuel ethanol distillery industries to meet such a standard; and (5) in the absence of such an interim standard, refiners would otherwise wait until the last minute to comply with a 0.10 gplg standard.

After a review of these comments and other information in the record and after an extensive evaluation of the industry's capacity to meet this standard, the Agency is convinced that an interim standard of 0.50 gplg should be made effective on July 1, 1985. The Agency believes that such a standard is clearly feasible for the refining industry as a whole without the need for construction of additional refining equipment. Adequate capacity exists in the industry at present to meet this standard, and individual facilities with insufficient octane capabilities should be able to meet the standard through use of the inter-refinery averaging mechanism and/or trading of high-octane blending components. EPA's analysis indicates that the industry needs little or no lead time to meet a 0.50 gplg standard, that reformer utilization will not be increased significantly (from about 50 percent of capacity currently to about 59 percent), and that even the most pessimistic assumptions about industry capacity do not change these conclusions. The Agency also believes that a 0.50 gplg standard would provide far more lead than is needed to protect engines from valve damage. In addition, although EPA believes that the industry as a whole can meet a 0.50 gplg standard in July 1985, the proposed lead rights banking mechanism would, if promulgated, substantially reduce or eliminate any problem that individual refiners might have in meeting that standard.

Moreover, a 0.50 gplg interim standard would result in significant health benefits (in addition to those resulting from the 0.10 gplg standard) by reducing the number of incidences of children whose blood lead levels exceed various levels. For example, a 0.50 gplg standard effective in mid-1985 would result in 20,000 fewer incidences of children exceeding a blood lead level of 30 μg/dl in that year, and in 64,000 fewer incidences of exceedances of a 25 μg/dl blood lead level, compared to a 1.10 gplg standard. In monetary terms, the benefits of reducing the number of exceedances of the 25 μg/dl blood lead level alone are estimated to be $223 million in 1985.

The Agency's detailed responses to comments opposing an interim 1985 standard are contained in the separate "Responses to Comments" document.

B. No-Lead Standard

As noted in Part I of this notice, the Agency proposed two alternatives relating to long-term gasoline lead usage: (1) No further regulatory action; and (2) a ban on the use of lead in gasoline by about 1995. A large number of public comments were submitted on this portion of the NPRM, including comments on the need for a no-lead standard, the effective date of such a standard, whether alternatives exist to replace lead as a valve lubricant, and the number of vehicles that would require lead for this purpose in both the short and long term.

The Agency is not taking final action on a no-lead standard today. Instead, in a supplemental notice published elsewhere in today's **Federal Register**, EPA is reopening the comment period on the issue of a total ban on the use of lead in gasoline. As explained in detail in that notice, the comment period is being reopened to take comments on new information that has come to the attention of the Agency since publication of the NPRM.

One example is a paper concerning the relationship between blood lead and blood pressure in adults, which is summarized in a September 7, 1984, memorandum to the rulemaking docket (Document No. IV–A–14). This paper concludes that the blood lead level is a statistically significant predictor of blood pressure in adult males, based on an analysis of data from the Second National Health and Nutrition Evaluation Survey (NHANES II). This paper also examines the public health implications of such a relationship using several correlations between blood pressure and the risk of heart attack, stroke, and death based upon long-term cardiovascular epidemiological studies. If this relationship exists, significant numbers of heart attacks, strokes and deaths could be prevented by a no-lead standard.

Another example of recently-developed information relates to the amount of lead needed to prevent valve damage in engines. Subsequent to publication of the NPRM, an EPA contractor discovered the results of experiments by both the U.S. Army and the U.S. Postal Service to convert vehicles (both light-duty and heavy-duty) from the use of leaded to unleaded gasoline. The contractor's report (see Document No. IV–A–12 in the rulemaking docket) indicates that the Army found no significant problems in using all unleaded gasoline at six posts during 1972–5. EPA has learned that, based on these results, since 1976 all of the armed services have been using solely unleaded gasoline wherever available without any special vehicle maintenance or other problems. Similarly, the Postal Service was found

[1] In addition, the January 4, 1985, NPRM concerning the banking mechanism indicated that the Agency was considering a 0.50 gplg interim standard on July 1, 1985, in conjunction with a 0.10 gplg standard on January 1, 1986. 50 FR 718. Most of those who testified at the January 15, 1985, hearing on this proposal presented comments on the feasibility of this schedule.

to have experienced no significant mechanical or operating problems as the result of using unleaded gasoline in its large fleet of 1975 model year heavy-duty trucks that were originally designed to run on leaded gasoline.

All comments on the August 2, 1984, NPRM related to a no-lead standard will be addressed in any final rulemaking on such a standard.

C. Marketing Restrictions

As noted in Part I, the NPRM requested comments on various marketing restrictions that could be adopted in conjunction with a 0.10 gplg standard in order to eliminate or reduce misfueling. The following regulatory actions were identified as being under consideration by the Agency for potential adoption for this purpose:

(1) Focus enforcement efforts against retailers who sell leaded gasoline at a lower price than unleaded gasoline;

(2) Restrict the sale of leaded gasoline to full-serve pumps only;

(3) Require that leaded gasoline be sold at a higher price than unleaded gasoline;

(4) Restrict the sale of leaded gasoline to full-serve pumps unless such gasoline is sold at a higher price than unleaded gasoline; and

(5) Require that leaded gasoline be produced at a specified octane level.

In order to determine the need for such controls, the NPRM also asked for comments on how leaded gasoline produced under a 0.10 gplg standard would be marketed, particularly how it would be priced vis-a-vis unleaded gasoline and what its octane level would be.

A large number of comments were received on this portion of the NPRM, particularly from refiners and petroleum marketing groups. The vast majority of commenters agreed that the production cost of leaded gasoline under a 0.10 gplg standard would be higher than that of unleaded gasoline, at current octane levels. In regard to retail pricing, some refiners stated that such a "cost flip" would result in a "price flip" under which regular leaded gasoline would be priced higher than regular unleaded gasoline. However, the majority of commenters predicted that leaded gasoline might still be sold at a lower retail price than unleaded, or stated that the uncertainties of the marketplace precluded a clear answer on this subject. Commenters from the petroleum industry (refiners and marketers) were generally opposed to the imposition of marketing controls, citing various reasons for such opposition (e.g., cost, impracticality, unfairness). A few refiners and others indicated support for specific regulatory options, particularly price controls and/or a tax to eliminate the current price differential between leaded and unleaded gasoline.

The Agency is taking no action on this portion of the NPRM. Marketing restrictions will continue to be considered in conjunction with the extended comment period on a total ban on the use of lead in gasoline.

D. Inter-Refinery Averaging

The NPRM proposed to prohibit the use of the inter-refinery averaging mechanism after January 1, 1986, in order to assure that engines that may need lead would receive an adequate amount under a 0.10 gplg standard. For the same purpose, comments were also requested on whether the current quarterly averaging period should be shortened and/or whether a "per gallon" minimum lead content standard should be established.

Most refiners and other commenters supported or did not oppose the ending of inter-refinery averaging upon implementation of a 0.10 gplg standard. A few refiners opposed such a restriction, while one environmental group called for its immediate end. All refiners who addressed the issue stated that EPA should not shorten the quarterly averaging period, arguing that this would reduce needed flexibility and increase reporting burdens. Reaction to a "per gallon" minimum standard was mixed, with various such standards proposed by some refiners while others opposed it as unnecessary.

The Agency is eliminating the inter-refinery averaging mechanism as of January 1, 1986, as proposed. Although newly-developed information indicates that lead may not be required to prevent valve-seat recession (see Part II.B of this notice, above), the Agency is seeking additional public comments on this information, whose conclusions may not be applicable to all engines under all operating modes. At this time, therefore, EPA believes it prudent to take this regulatory action in order to assure that engines originally designed to run on leaded gasoline receive approximately 0.10 gram of lead in each gallon, an amount other studies have indicated may be needed for this purpose. The inter-refinery averaging provision would potentially allow the marketing of leaded gasoline containing only trace amounts of lead, and therefore, would not provide such assurance. While refinery flexibility will be reduced to some exent by this action, this is outweighed by the need to prevent potential engine damage. It should be noted that the proposed lead rights banking mechanism, if promulgated, would potentially provide even greater flexibility to refiners than inter-refinery averaging by allowing lead rights generated in one quarter to be used in certain future quarters.

The Agency believes that elimination of the inter-refinery averaging provision will remove the major incentive to produce leaded gasoline with lead levels substantially below 0.10 gplg, and therefore is neither shortening the current quarterly averaging period nor imposing a "per gallon" minimum lead content standard.

E. Other Proposals

The NPRM proposed to amend the definition of "unleaded gasoline" in two ways: (1) To make clear that such gasoline may not include any amount of intentionally-added lead; and (2) to lower the allowable contamination level of such gasoline from 0.05 gram per unleaded gallon (gpug) to 0.01 gpug. Elimination of the small refinery provisions and other obsolete portions of the regulations was also proposed. Finally, the NPRM proposed to make minor changes to the right of entry/inspection, importer, and inter-refinery averaging provisions (while the latter remain in effect).

No comments were received in opposition to the proposal to clarify that "unleaded gasoline" may not include any amount of lead that has been intentionally added during its production, and this proposal is being adopted as proposed. As the result of public comments, however, the Agency is not adopting the other proposed change to the "unleaded gasoline" definition. Commenters have raised valid questions about the availability of an accurate field testing method to detect lead at the 0.01 gpug level. Commenters also noted that EPA's own analysis of unleaded gasoline samples under the current 1.10 gplg standard indicated that 98% of the samples that meet the current 0.05 gpug contamination standard also would meet a 0.01 gpug standard, and that with less allowable lead in leaded gasoline there is likely to be even less unintentional contamination of unleaded gasoline. These comments about the feasibility and necessity of a 0.01 gpug contamination standard have persuaded the Agency not to revise the current standard.

The Agency is adopting the other regulatory changes as proposed, for the reasons outlined in the NPRM. There was no opposition to any of these changes.

III. Impacts of Final Actions

A. Lead Usage

As part of its evaluation of the comments received on the proposed rules, the Agency has reevaluated its estimates of the total amount of lead used in gasoline in the period 1985–94. Projections are made for both the current lead phasedown standard (1.10 gplg) and the regulations promulgated in this notice. A detailed discussion of these projections is contained in the final RIA.

These estimates are provided in the form of a range. Table 1 shows the estimated amount of lead usage based on two assumptions. The highest total lead usage under the regulations promulgated today would occur if the 0.10 gplg and 0.50 gplg standards will have no impact on demand for leaded gasoline, but will simply reduce the amount of lead in each gallon of leaded gasoline. The reduction in gasoline lead for this case during the period 1985–94 would be 82.4 percent, compared to the amount of lead predicted to be used during this period under the current 1.10 gplg standard.

However, the 0.10 gplg standard is also intended to deter or prevent fuel switching. Assuming that this goal is fully achieved, lead usage in gasoline would be reduced over the period 1985 through 1994 by 87.2 percent, compared to the current standard. Table 1 shows the drop in both leaded gasoline demand and lead usage that would occur if fuel switching stopped. If fuel switching were only partly eliminated, the lead usage reduction would be somewhere between 82.4 percent and 87.2 percent. The Agency's best estimate is that the 0.10 gplg standard will reduce fuel switching by about 80 percent.

For the initial period in which only the 0.10 gplg standard will be in effect (1986–94), lead usage in gasoline will be reduced between 90.9 percent and 94.3 percent, compared to a 1.10 gplg standard.

It is possible that under the 0.10 gplg standard the owners of vehicles that currently legally use leaded gasoline, but do not require lead to prevent valve-seat recession problems, will choose to fuel them with unleaded gasoline. Such a scenario is possible because it is expected that the 0.10 gplg standard will increase the production cost of leaded gasoline relative to that of unleaded regular gasoline. If this were to be reflected in retail prices, additional reductions in lead usage would result.

Under the banking regulations proposed by the Agency on January 4, 1985, lead usage during the 1985–7 period would likely be spread out more evenly than the projections in Table 1, although total lead usage for the period would not be expected to change.

TABLE 1.—PROBABLE LEAD USAGE UNDER CURRENT AND PROMULGATED REGULATIONS

Calendar year	Total gasoline (billion gals.)	Leaded demand (billion gallons)		Lead usage expected (billion grams)		
		Current projection [1]	No fuel switching [2]	Existing regs. (1.10 gplg)	Current demand (0.10 gplg) [3]	No fuel switching (0.10 gplg) [3]
1985	100.6	40.2	32.2	44.3	32.2	25.8
1986	100.3	37.5	28.8	41.3	3.8	2.9
1987	100.0	34.9	25.6	38.4	3.5	2.6
1988	99.6	32.4	22.4	35.6	3.2	2.2
1989	99.3	29.8	19.2	32.8	3.0	1.9
1990	99.0	27.8	16.4	30.4	2.8	1.6
1991	99.0	25.3	14.9	27.8	2.5	1.5
1992	98.0	24.7	13.4	27.2	2.5	1.3
1993	99.0	24.0	12.4	26.4	2.4	1.2
1994	99.0	23.3	11.5	25.7	2.3	1.1
Total	994.8	299.7	196.8	329.9	58.2	42.1

[1] Leaded gasoline demand for this case is based on current projections and assumed to be the same under either the existing or proposed regulations.
[2] This case removes the effect of fuel switching from otherwise projected leaded gasoline demand.
[3] 0.50 gplg, July 1–December 31, 1985.

B. Health Impacts

The August 2, 1984 NPRM and accompanying preliminary regulatory impact analysis (RIA) contained detailed discussions of the medical and scientific information available to the Agency concerning the health effects of lead in gasoline. 49 FR 31035–8. A large number of public comments was received concerning this portion of the notice, and EPA's detailed responses to these comments are contained in Part VII of the "Responses to Comments" document. Except as noted in that document and in the final RIA, the Agency reaffirms its findings and conclusions on the health effects of lead in gasoline as set forth in the NPRM.

The NPRM also discussed the health impacts of the regulatory actions proposed in that notice, and contained estimates of the number of children whose blood lead would be reduced from above to below certain blood lead levels. 49 FR 31045–6. Of particular concern in that notice were blood lead levels above 30 micrograms per deciliter (μg/dl) because at that time this was the level established by the Centers for Disease Control (CDC) as indicating an elevated blood lead level. Blood lead levels above 25 μg/dl are now of particular concern because CDC recently redefined "elevated blood lead level" to include this amount of blood lead.

EPA has quantified the health impacts of this final rulemaking in terms of the number of incidences of children whose blood lead levels will be reduced below various blood lead levels as the result of the 0.50 and 0.10 gplg standards promulgated today. EPA's analytical methodology is fully discused in Chapters III and IV of the final RIA that has been prepared in conjunction with this notice.

A 0.50 gplg standard effective on July 1, 1985 (without banking of lead usage rights) would result in 20,000 fewer incidences of children exceeding a blood lead level of 30 μg/dl and 64,000 fewer incidences exceeding a 25 μg/dl level in 1985 (assuming this standard does not reduce misfueling). In 1986, a 0.10 gplg standard without banking (assuming misfueling is reduced by 80 percent) would result in 52,000 fewer incidences of children exceeding a 30 μg/dl blood lead level and 171,000 fewer incidences exceeding a 25 μg/dl level. (If the proposed banking mechanism were promulgated, benefits would likely increase in 1985 when national lead usage would likely be lower than the 1.10 and 0.50 gplg standards, with commensurate decreases in 1986 and 1987 benefits when such lead usage would likely be higher than 0.10 gplg.) The impact on other blood lead levels has also been estimated. For example, a 0.10 gplg standard would result in 1.7 million fewer incidences of children exceeding a blood lead level of 15 μg/dl in 1986, and 1.1 million fewer incidences in 1992. Over the period 1985 to 1992, the 0.10 gplg standard is estimated to result in 300,000 fewer incidences of blood lead exceeding a level of 30 μg/dl, 988,000 fewer incidences of blood lead greater than 25 μg/dl, and 10.2 million fewer incidences of blood lead greater than 15 μg/dl. Table 2 summarizes these impacts, which are very similar to the estimates in the NPRM (except for the 1985 numbers, which were not included

in the earlier notice, but were contained in the preliminary RIA that accompanied it). One reason for the changes in the estimates is that only an 80 percent reduction in misfueling is now assumed to result from the 0.10 gplg standard, while a 100 percent reduction was assumed in the NPRM.

Because the NHANES–II survey from which these estimates were derived only covered children 6 months or older, the values in Table 2 underestimate the health impacts of today's rulemaking by excluding effects on infants and fetuses. In a memorandum in the rulemaking docket (Document No. IV–A–15) and in the final RIA, EPA has calculated for the years 1985 to 1992 the estimated decrease in the number of children exposed in utero to certain blood lead levels. This calculation uses the NHANES–II analysis to determine adult blood lead levels, general population statistics to determine the number of women of childbearing age and the number of annual live births.

In addition to the beneficial health impacts from reducing lead emissions, excess emissions of hydrocarbons (HC), carbon monoxide (CO), and nitrogen oxides (NO_x) that result from misfueling will be reduced to the extent that misfueling is reduced as a result of this action. Part III.C of this notice contains estimates of the reductions in these pollutants expected to result from today's rulemaking, and the final RIA contains a detailed discussion of the health impacts that may be achieved through such a reduction in emissions of these pollutants.

As discussed in the NPRM, emissions of ethylene dibromide (EDB) will also be reduced as a result of this action. Based upon emission factors derived by Sigsby et al. (1982), national motor vehicle tailpipe emissions of EDB in 1986 under the 0.10 gplg standard will be reduced by as much as 94 percent, or 143 metric tons (assuming all misfueling is eliminated). In addition, EPA has calculated that in 1986 motor vehicle evaporative emissions of EDB will be reduced by 34 metric tons and that EDB emissions from the distribution of leaded gasoline will decrease by 8 metric tons, not counting tank leakage and spillage. These calculations are explained in the final RIA.

TABLE 2.—NUMBER OF INCIDENCES OF CHILDREN WHOSE BLOOD LEAD GOES FROM ABOVE TO BELOW THE INDICATED BLOOD LEAD LEVEL

(Thousands of incidences)

Blood lead level	Year							
	1985 [1]	1986 [2]	1987	1988	1989	1990	1991	1992
30 µg/dl	20	52	47	43	39	36	32	31
25 µg/dl	64	171	156	143	129	118	105	102
20 µg/dl	205	561	516	474	432	398	355	346
15 µg/dl	612	1,720	1,593	1,469	1,347	1,244	1,118	1,090

[1] Assumes no impact of 0.50 gplg standard on misfueling.
[2] Assumes 0.10 gplg standard will reduce misfueling by 80 percent in 1986 and subsequent years.

C. Air Quality Impacts

This rulemaking will result in reduced emissions of several motor vehicle pollutants. The reductions in lead usage have been discussed in Part III.A of this notice. As discussed in the NPRM, analysis of ambient lead levels in the past has indicated a close relationship between gasoline lead use reductions and ambient air lead concentrations in areas where lead air quality is not dominated by stationary sources. 49 FR 31046. As a result of today's actions, it is anticipated that there will be a significant improvement in ambient lead air quality, particularly in the areas not dominated by stationary sources of lead. The percentage reduction in ambient lead concentrations could be as high as the percentage reduction in lead use in such areas. Thus, as the result of the 0.10 gplg standard effective in 1986, ambient lead air quality could improve by as much as 90.9 to 94.3 percent starting in that year.

As discussed in the NPRM, misfueling causes significantly increased emissions of HC, CO and NO_x. To the extent that the final rulemaking reduces or prevents misfueling, there will be a reduction in the amount of these excess emissions. A vehicle misfueled to the extent of permanent damage to the catalyst will emit excess emissions throughout its life, and a program which prevented this vehicle from ever misfueling would eliminate the excess future emissions that would otherwise occur. The magnitude of these avoided emissions for the period 1986–92 has been calculated, assuming that 80 percent of the misfueling that would otherwise occur is discontinued under the standard of 0.10 gplg due to the production cost of leaded gasoline exceeding that of unleaded gasoline. In 1985, the standard of 0.50 gplg is assumed to not affect misfueling. Table 3 lists the reductions in excess emissions as the result of the 0.10 gplg standard. These estimates are slightly higher than those listed in the NPRM for two reasons. First, more recent data show higher misfueling rates than those used in the NPRM calculations. Second, EPA has modified the fleet model to reflect newer data indicating that the average lifetimes of vehicles are increasing. These changes are discussed at greater length in the final RIA.

TABLE 3.—REDUCTIONS IN EXCESS EMISSIONS

(Thousands of short tons)

Pollutant	1986	1987	1988	1989	1990	1991	1992
CO	1,692	1,691	1,690	1,705	1,739	1,804	1,866
HC	244	242	242	242	246	256	265
NO_x	75	86	95	104	111	118	126

D. Economic Impact

EPA has estimated both the economic costs and benefits of the final rule. These estimates update the estimates presented at the time the rule was proposed, based on additional data receiving during the comment period. The methods used to make the estimates are discussed in detail in the final RIA, which has been placed in the rulemaking docket. This section provides only a brief summary of the results.

1. Refinery Costs [3]

Reducing the lead content of gasoline will increase the cost of manufacturing gasoline because lead is a relatively inexpensive method of raising octane. As discussed in the NPRM, EPA has used the Department of Energy (DOE) linear programming model of the refining industry to estimate the costs of complying with the rule. That model represents the refining industry in terms of individual processing units, and can find the least-cost method for meeting specified product demands under different lead limits.

Several commenters on the August proposal criticized EPA's use of the DOE model, arguing that it understates costs or overstates the ability of the industry to comply with a 0.10 gplg standard without constructing new equipment. The most common criticism has been that the model over-optimizes, primarily because it fails to incorporate various real-world constraints that limit the ability of refineries to operate at peak

[3] EPA has not quantified the amount of valve damage likely to occur in certain engines under the 0.10 gplg standard. The Agency believes that the risk of such damage is small, as will be the costs of any such damage.

efficiency. Some commenters were particularly critical that the DOE model covers the industry as a whole, and does not model individual refineries separately. (Similar arguments were raised by certain small refiners that challenged EPA's use of this model in the 1982 rulemaking. Use of the model was, however, upheld by the U.S. Court of Appeals. *Small Refiner Lead Phase-Down Task Force* v. *EPA*, 705 F.2d 506, 534–6 (D.C. Cir. 1983)).

EPA does not believe that the use of a national model unrealistically portrays the industry or underestimates costs. Furthermore, it would be infeasible to model individual refineries separately. The refining industry is highly competitive, with most markets in the country tightly interconnected by pipelines and water transportation. These links and the competitive nature of the industry help to ensure that gasoline is manufactured by the lowest-cost producers; the optimization that takes place in the linear programming model imitates these market forces that direct production to the most efficient equipment. EPA also notes that refineries and gasoline marketers frequently engage in trading of blending stocks or final products in an effort to minimize costs.

EPA has considered the comments carefully and has concluded that the use of a model such as the DOE model is the most accurate, practicable method available to estimate costs. As noted in the NPRM, in order to compensate for potential real-world problems the Agency has placed many constraints on the model that limit its ability to use the most efficiency equipment to make gasoline. In response to comments, EPA has added additional constraints and has made more pessimistic input assumptions. EPA also has adjusted the prices of crude oil and other petroleum products in the model to reflect decreases in these prices over the past year. These changes have increased EPA's cost estimates on net by about 6 percent. In addition, the Agency has conducted exhaustive sensitivity analyses with the model, varying many parameter values to test the robustness of the results. The results of these analyses are reported in the final RIA and in submissions to the docket. In brief, they show that a 0.10 gplg standard is feasible in 1986 and a 0.50 gplg standard is feasible in July 1985 for the industry as a whole without new capital equipment, even if (as noted in Part II.A.1 of this notice) several unexpected adverse conditions occur simultaneously.

Table 4 presents EPA's estimates of the year-by-year refining costs of complying with the final rule. These estimates assume that misfueling will continue at its current level through 1985, and then fall to 20 percent of that level starting in 1986 when the 0.10 gplg standard takes effect. The impacts of alternative assumptions about misfueling are examined in the final RIA; they have little impact on estimated costs.

EPA also has examined the impact of the final rule on several categories of small refineries. The results of that analysis are contained in the final regulatory flexibility analysis (RFA), which has also been placed in the docket. They show that per unit costs of complying with the rule will be somewhat higher for smaller refineries, particularly those with less modern equipment.

2. Benefits

EPA has made a careful effort to estimate in monetary terms the benefits of the final rule. These estimates, however, are not complete; they omit certain benefit categories because sufficient data were not available to quantify or monetize some relationships.

Benefits were estimated in three categories: (1) Children's health benefits associated with reduced lead exposure; (2) benefits from reduced emissions of hydrocarbons, nitrogen oxides, and carbon monoxide from misfueled vehicles; and (3) maintenance and fuel economy savings. These three categories of benefits were estimated at the time of proposal. In addition, the final RIA (for informational purposes) contains estimates of the benefits potentially associated with reduced blood pressure that may result from reductions in lead exposure. Because the Agency is not relying on these potential benefits in promulgating this rule, these estimates are not discussed in this notice.

a. *Children's Health Benefits.* EPA has estimated the reductions that the rule will achieve in the numbers of incidences of children whose blood lead levels exceed various blood lead levels. EPA's estimates of those numbers have changed only slightly from those contained in the NPRM, as discussed in Part III.B of this notice. The Agency has significantly revised its estimates of the monetary benefits associated with those reductions, however, based on new information received during the comment period.

The most important change since the proposal is that the CDC has revised downward the blood lead level used to define elevated blood lead level. CDC has also revised downward the erythrocyte protoporphyrin (EP) level used, in conjunction with elevated blood lead level, to define lead toxicity. Formerly, the elevated blood lead level was 30 μg/dl or higher; the new level is 25 μg/dl or higher. The EP level has been reduced from 50 μg/dl to 35 μg/dl. (See the February 8, 1985, issue of CDC's *Morbidity and Mortality Weekly Report.*) The new CDC criteria roughly triple the number of children defined as having lead toxicity. New recommended testing and treatment guidelines also have been published in the *Journal of Pediatrics* (Piomelli et al., "Management of Childhood Lead Poisoning," Vol. 105, No. 4, October 1984). A preprint of this article was placed in the docket prior to the public hearing on the NPRM. Based on the new CDC levels and the new recommended follow-up procedures for children found to have blood lead levels in excess of 25 μg/dl, EPA now estimates a benefit of $900 in reduced medical costs for each child whose blood lead level is brought below 25 μg/dl.

EPA also estimated benefits based on reducing the number of children experiencing difficulty in school due to elevated blood lead levels. Several studies have found adverse cognitive effects in children with elevated blood lead levels. (See August 2, 1984 NPRM (49 FR 31045)). A reanalysis of one of the studies that found effects at relatively low blood lead levels, which was suggested by an EPA expert review panel as part of the Agency's review of the lead ambient standard, has not been completed, and confirms the original finding of cognitive effects. This reanalysis is discussed in the final RIA.

Based on this reduced performance and the new CDC definition of lead toxicity, EPA has assessed benefits based on the assumption that 20 percent of the children with blood lead levels above 25 μg/dl would merit three years of part-time compensatory education. (In the preliminary RIA, EPA assumed that one-third of the children over 30 μg/dl would need such compensatory assistance.) Based on estimates of the cost of such education from the Department of Education, this results in an average benefit of $2600 for each child whose blood lead level is brought below 25 μg/dl. A full description of the Agency's analysis (including the assumptions used) is contained in the final RIA.

b. *Benefits from Reduced Emissions of Conventional Pollutants.* As discussed in Parts III.B and III.C of this notice, catalyst-equipped vehicles that are misfueled generate excess emissions of three pollutants: HC, NO_x, and CO. EPA

believes that the final rule will have a significant impact on these emissions for two reasons. First, it will be more expensive to manufacture regular leaded gasoline (89 octane) under a 0.10 gplg standard than regular unleaded gasoline (87 octane). This change in relative costs should narrow, if not reverse, the retail price differential between leaded and unleaded regular grades of gasoline, and thus reduce the incentive to misfuel. Second, even for those vehicles that continue to be misfueled, it will take substantially longer to destroy the effectiveness of catalysts using 0.10 gplg leaded gasoline than it does with 1.10 gplg leaded gasoline.

EPA has estimated the benefits of reducing emissions of HC, NO_x, and CO from misfueled vehicles using two methods. The first simply values these reductions based on the cost of mobile source emission controls destroyed by misfueling and the quantity of pollutants that are emitted due to such destruction. The second method attempts to measure benefits on the basis of health and welfare effects, e.g., the effects of ozone (formed by HC and NO_x) on agricultural crop losses and on days lost from work due to respiratory symptoms. The final estimate was based on an average of these two methods. It is lower than the estimates made in the NPRM because of changes in the second type of estimates, which are described in the final RIA.

c. *Maintenance and Fuel Economy Benefits.* Lead and its scavengers form corrosive salts in engines and exhaust systems that increase maintenance expenses. Reducing lead in gasoline should reduce these maintenance expenses. Based on several fleet studies that compared maintenance requirements for vehicles using leaded gasoline to those using unleaded gasoline, EPA has made monetary estimates of maintenance benefits for three categories: exhaust system replacements, spark plug replacements, and oil changes.

Several commenters argued that EPA's estimates of maintenance savings in the NPRM were too high because many consumers would not alter their behavior as the lead level of gasoline was reduced. This argument clearly does not apply to the estimate for exhaust systems, because they are replaced when they fail. With respect to spark plug and oil changes, EPA acknowledged in the NPRM that habitual maintenance patterns may not change, but noted that if vehicle owners did not alter spark plug and oil change intervals, they still would reap benefits in the form of better fuel economy (with reduced spark plug fouling) and less engine wear (due to longer maintenance of oil quality with reduced lead). Thus, the maintenance benefit estimates for spark plugs and oil changes should be viewed in part as proxies for these other benefits.

Reducing lead in gasoline also should increase fuel economy, for three reasons: (1) Lead fouls spark plugs; (2) the refining processes used to boost octane with lower lead produce a denser gasoline (i.e., one with a higher energy content per gallon); and (3) in newer cars, lead fouls oxygen sensors and causes excessively rich combustion mixtures that hurt fuel economy. EPA did not estimate any fuel economy benefits in the first category, to avoid possible double counting with the maintenance benefits for spark plugs. It estimated the benefits in the second category based on predicted changes in fuel density from the DOE model and on a Society of Automotive Engineers (SAE) formula relating density to mileage. It estimated the benefits in the third category based on a study that measured excess hydrocarbon emissions (a measure of wasted fuel due to a too-rich air-fuel mixture) in misfueled vehicles equipped with oxygen sensors.

Several commenters criticized EPA for counting fuel economy benefits associated with oxygen sensors because that effect is due to misfueling, not the legitimate use of leaded gasoline. To the extent that the tighter standard reduces misfueling, however, it will yield that benefit. EPA's analysis assumed that a 0.50 gplg standard would not reduce misfueling, but that a 0.10 gplg standard would reduce it by 80 percent. Other commenters criticized EPA for the fuel density estimates, noting that the rule may lead to increased use of alcohols, which have a lower energy content per gallon. EPA's cost estimates, however, account for that fact; in those runs in which the model increased alcohol use, EPA added an appropriate penalty factor to make up for the lower energy content of alcohol.

d. *Summary of Benefit Estimates.* Table 4 presents the year-by-year estimates for the three different benefit categories. As with the estimated costs, these estimates assume that the rule will have no impact on misfueling in 1985, but will reduce it by 80 percent starting in 1986, when the 0.10 gplg standard will apply. The final RIA contains estimates for a broader range of possible assumptions about the impact of the rule on misfueling. They show that the estimated benefits of the rule substantially exceed the costs, whatever the predicted impact of misfueling.

TABLE 4.—ESTIMATED COSTS AND BENEFITS OF FINAL RULE COMPARED TO 1.10 GPLG STANDARD

[Millions of 1983 dollars]

Category	1985	1986	1987	1988	1989	1990	1991	1992
Cost	96	606	558	532	504	471	444	441
Benefits:								
Children's health	223	600	547	502	453	414	369	358
Conventional pollutants	0	222	222	224	226	230	239	248
Maintenance and fuel economy	137	1,101	1,029	931	922	906	926	913
Net benefits[1]	264	1,316	1,241	1,125	1,096	1,079	1,090	1,079

[1] Columns may not add due to rounding.

E. Energy Impacts

Reducing lead in gasoline will require some increase in the operation of downstream refining equipment to manufacture octane formerly produced by lead additives. This will require the use of additional energy to produce the same amount of gasoline at current octane levels. EPA has quantified this increased energy use in refineries, as well as the net change in petroleum imports due to changes in product volumes at the lower lead levels. Some of this additional refinery energy use will be oil, any additional amounts of which would have to be imported, and some may be natural gas, which is generally domestically produced. In making these estimates, EPA has converted both of these types of energy use increases to crude oil-barrel equivalents.

The actual changes in energy use depend on what refiners do to their crude oil purchases. For example, if they increase purchases of crude oils with high gasoline yields, such as Nigerian crude, there might be no net change in energy use because that crude requires less processing than the average type of crude oil. (This crude is more expensive than the average, however, and that would increase the cost of gasoline processing.) Alternatively, refiners could use heavier crude, which requires more than average processing. That would reduce crude costs (per barrel) but would increase the amount of energy

consumed in processing. Either route leads to the higher costs of this final rule estimated elsewhere, but with considerable variation in energy use.

Based on a review of public comments and EPA's analysis of the economic cost of the regulations promulgated today (which makes no allowance for gasoline imports and assumes no switching to better crude oil), the increased energy use will be 56,000 barrels per day (bpd) crude oil equivalent in 1986, decreasing to 49,000 bpd in 1988 and continuing to decrease in later years. This represents about one third of one percent of U.S. oil demand and one fifth of one percent of U.S. oil and natural gas demand in 1984.

F. Alternative Additives

As stated in the August 2, 1984 NPRM, the Agency has considered the possibility that a low-lead standard such as the 0.10 gplg standard promulgated today might (in the absence of further regulatory action) cause the use of other additives as lubricating agents for valves and/or as octane enhancers. 49 FR 31046–7. The Agency believes that under the 0.10 gplg standard, refiners would likely consider other additives for use primarily as an octane enhancer because this standard generally provides an adequate amount of lead for valve lubrication. Included in those additives that might be considered by refiners for this purpose are MMT and alcohols.

The manganese additive MMT may not be added to unleaded gasoline unless a waiver has been granted under section 211(f)(4) of the Act. Although presently there are no restrictions on the use of MMT in leaded gasoline and some is so used, there is no information available at this time to suggest that its use will increase significantly.

Alcohols, particularly ethanol and methanol, are known octane enhancers. The Agency expects that the use of alcohols in gasoline will increase to some extent as the result of a 0.10 gplg standard. The August 2, 1984, NPRM discusses fully the Agency's authority under the Act to control the use of alcohols in unleaded gasoline. See 49 FR 31047. Like MMT, the use of alcohols in unleaded gasoline is allowed only if a waiver has been obtained by the manufacturer under section 211(f)(4) of the Act. As to the use of alcohols in leaded gasoline, any such use would also require registration of the new fuel or fuel additive under section 211(b) of the Act and 40 CFR Part 79. Further, the Agency has broad authority under section 211(c) of the Act to control the use of any such product if, in its judgment, it would cause or contribute to air pollution which may reasonably be anticipated to endanger the public health or welfare. The Agency does not expect the increased use of alcohol in gasoline to be of a magnitude that would compel EPA to use this authority, however.

As noted in Part II.A.1. of this notice, the Agency believes that any risk of engine valve damage will be minimized by the availability of fuel additive packages containing substances that could serve as supplemental valve protectants. Studies have indicated that several such additives may be available. Godfrey and Courtney (1971) have suggested a number of additives that might be usable, including boron oxides, bismuth oxides, ceramic bonded CaF_2, and iron phospahate. Sorem (1971) has suggested a tricresylphosphate additive. Kent and Finnegan (1971), Felt and Kerley (1971), and Giles and Updike (1971) have all indicated that a phosphorus additive will provide lubricating properties. Fuchs (1971) reported that three different additives were as effective as lead in controlling valve-seat recession. The Agency does not expect the use of any of these additives to be of a magnitude comparable to that of lead under a 1.10 gplg standard, nor their emission products to pose a comparable danger to the public health or welfare. If used by gasoline refiners, these additives would be subject to the same controls under section 211 of the Act as alcohols.

The Agency will continue to work with manufacturers and consumers to minimize any risk of valve-seat recession. Besides the work mentioned above, another possibility is simply the sale of small quantities of leaded gasoline as an aftermarket additive. Leaded gasoline sold as a consumer additive would not require a prior waiver from EPA, unlike fuels or additives sold at the pump. Such additives could be used by consumers to provide engine valve lubrication.

It is the Agency's conclusion that the final rule promulgated today will not cause the use of another fuel additive that will produce emissions that will endanger the public health or welfare to the same or greater degree than the use of lead. Should the use of any other alternative additive pose such a danger to the public health, however, this Agency will use its authority under section 211(c) or 211(f) of the Act to prohibit or control its use, as outlined above.

IV. Alternatives Considered

The NPRM discussed two regulatory/legislative actions that have been or could be taken in lieu of the proposed changes to the gasoline lead content standards. These two actions, and the reasons listed in the NPRM for rejecting them, are summarized below.

(1) Incentives for state or local anti-fuel switching programs. The Agency has already issued a document which provides CO and HC emission reduction credits for various types of anti-fuel switching programs that can be included in state implementation plans (SIP's). In addition, the Agency could also require implementation of a national anti-misfueling inspection program.

The NPRM stated that the Agency does not believe either of these approaches would be an effective substitute for stricter lead standards, for several reasons. First, the provision of SIP credits is only likely to encourage anti-misfueling program in certain areas (i.e., those unable to demonstrate attainment of ozone and/or CO standards by 1987), and therefore this policy will not be enough by itself to solve the nationwide fuel switching problem. Second, any anti-misfueling program of the types discussed in the SIP credit document that would be aimed at the nationwide fuel switching problem would likely be expensive and burdensome, since it would necessitate programs to inspect all vehicles in the U.S. and to assure that misfueled vehicles are repaired. Nor would such programs do anything to solve the lead-related health problems caused by the legal use of leaded gasoline. Therefore, the NPRM stated that the Agency does not consider the SIP credit policy to be an adequate substitute for the regulatory program proposed in the NPRM, nor does it consider the requirement of a national anti-misfueling inspection program to be a feasible alternative.

(2) Federal Ban on Fuel Switching by Individuals. Another alternative discussed in the NPRM by the Agency was a Federal ban on fuel switching by individual vehicle owners and operators. Under current regulations only retailers and wholesale purchaser-consumers (and their employees and agents) are liable for the introduction of leaded gasoline into a vehicle designed for unleaded gasoline. Such persons are also liable for causing or allowing the introduction of leaded gasoline into such vehicles, but others (e.g., individual vehicle operators) are not themselves liable for such misfueling.

The NPRM stated that the Agency believes that a direct prohibition on individual fuel switching, coupled with a vigorous enforcement effort, would be effective in reducing the amount of fuel switching. However, the Clean Air Act presently does not clearly authorize such a prohibition, and the Agency

recently asked Congress to amend the Act to specifically prohibit fuel switching by individuals. It is not clear whether such an amendment will be enacted. Even if such authority were clearly available, however, it is unlikely to eliminate this practice entirely, because fuel switching by retailers and others currently liable under the existing regulations occurs today at a significant rate and because enforcement of regulations affecting millions of gasoline refuelings would be difficult. Furthermore, such a ban would not affect the legal use of leaded gasoline or the adverse health impacts caused by lead emissions from such use. Therefore, the NPRM stated that this alternative would not achieve all of the purposes of the proposed rule.

The Agency received a large number of public comments on these and other alternatives to the proposed regulatory actions. Numerous commenters supported the imposition of penalties on individual motorists for fuel switching. In addition, a number of commenters urged expansion of state inspection/maintenance (I/M) programs to detect misfueling as well as tampering with emission control equipment, although others agreed with EPA's analysis that such programs would not be as effective as EPA's proposal.

For the reasons outlined in the NPRM, EPA continues to believe that these two alternatives are not adequate substitutes for the changes made today to the gasoline lead content regulations and those discussed elsewhere in today's **Federal Register**. Public comments supporting these alternatives failed to persuade EPA that it was erroneous in its analysis in the NPRM about the comparative effectiveness of these measures vis-a-vis more stringent gasoline lead standards. Because of the benefits they will produce prior to a complete phaseout of lead in gasoline, the Agency will continue to provide SIP credits for effective state/local anti-misfueling programs and to seek adoption of Clean Air Act amendments that would penalize individual fuel switchers. Responses to comments advocating adoption of these measures as a substitute for changes to the gasoline lead content regulations are contained in the "Responses to Comments" document.

A large number of comments supporting other alternatives to the proposed actions were also received. These alternatives include:

(1) Restrict the sale of devices made to circumvent vehicle fuel filler inlet restrictors (e.g., "emergency" fill hose adaptors);

(2) Conduct a public education campaign to discourage misfueling by vehicle owners and operators;

(3) Require that vehicle fill-pipes be modified so as to make the fuel filler inlet restrictor tamper-proof;

(4) Require on-board canister controls on new vehicles;

(5) Promulgate regional, rather than national, controls on gasoline lead;

(6) Restrict the sale of leaded gasoline (e.g., limit sales to certain locations or certain amounts);

(7) Require lead collection devices on vehicles; and

(8) Make lead available as a separate additive.

While the Agency believes that some of these alternatives (particularly the first two) would have benefits as short-term measures, it does not believe any would be as effective as the regulatory actions taken and discussed today in eliminating the adverse health effects from misfueling and the other adverse health effects of gasoline lead. Responses to comments advocating these and other alternatives are contained in the "Responses to Comments" document.

V. Additional Information

A. Executive Order 12291

Executive Order (E.O.) 12291 requires the preparation of a regulatory impact analysis (RIA) for major rules, defined by the Order as those likely to result in:

(1) An annual adverse effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete in domestic or export markets.

EPA determined that the proposed regulations met the definition of a major rule under E.O. 12291, and prepared a preliminary RIA. That document was placed in the rulemaking docket for public comment at the time of issuance of the NPRM. Comments on the preliminary RIA have been reviewed by the Agency and responses to such comments have been included in the "Responses to Comments" document. Such comments have also been taken into consideration in the preparation of a final RIA, which is also required by E.O. 12291 for major rules. The final RIA, along with this notice of final rulemaking, has been submitted to the Office of Management and Budget (OMB) for review under E.O. 12291. Any comments from OMB and any EPA responses to such comments are available for public inspection at the Central Docket Section, U.S. Environmental Protection Agency, West Tower Lobby, 401 M Street, S.W., Washington, D.C. 20460 (Docket No. EN-84-05). A copy of the final RIA has also been placed in the rulemaking docket.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601-612, requires that Federal agencies examine the impacts of their regulations on small entities. Under 5 U.S.C. 604(a), whenever an agency is required to publish a general notice of proposed rulemaking, it must prepare and make available for public comment an initial regulatory flexibility analysis (RFA). Such an analysis is not required if the head of an agency certifies that a rule will not have a significant economic impact on a substantial number of small entities, pursuant to 5 U.S.C. 605(b). EPA prepared an initial RFA for the proposed regulations, and this initial RFA was placed in the rulemaking docket at that time.

Under 5 U.S.C. 604(a), whenever an agency promulgates a final rule after being required to publish a general notice of proposed rulemaking, it is required to prepare a final RFA, which must include: (1) A statement of the need for the final rule and its objectives; (2) a summary of the issues raised in public comments on the initial RFA, a summary of the agency's assessment of such issues, and a statement of any changes made to the proposed rule as a result of such comments; and (3) a description of each of the significant alternatives to the rule considered by the agency and the reasons for rejection of such alternatives. EPA has prepared a final RFA for this rule, which has been placed in the rulemaking docket.

C. National Academy of Sciences Recommendations

Section 307(d)(3) of the Clean Air Act, 42 U.S.C. 7607(d)(3), requires that rulemaking proceedings under section 211 of the Act, 42 U.S.C. 7545, take into account any pertinent findings, comments, and recommendations by the National Academy of Sciences. Pertinent findings by the National Academy of Sciences are contained in the 1980 report, "Lead in the Human Environment," prepared by the Committee on Lead in the Human Environment of the National Academy of Sciences. The major recommendations in this report pertinent to regulatory controls are the following:

(1) "Efforts to control exposure to lead should proceed, with full acknowledgement of the necessary imprecision of estimates of the costs, risks, and benefits."

(2) "Control strategies should be based on coordinated, integrated measures to reduce exposures from all significant sources."

(3) "Improved institutional mechanisms should be developed to permit a more systematic, consistent approach to the management of lead hazards."

(4) "Expanded and more concerted efforts should be made to identify children at risk and remove sources of lead from their environments. A serious effort should also be made to reduce the 'background' level of exposure of the general population to lead. The most important elements in control strategies include population screening, lead paint removal, reduction of lead emissions from gasoline combustion, and reduction of lead levels in foods."

The Agency has taken these recommendations into account in the development of this regulatory action, which it believes is fully consistent with them. Most significantly, the gasoline lead content standard of 0.10 gplg will reduce by at least 91 percent the lead emissions from gasoline consumption, which adversely affect children and other "at risk" groups in the population.

D. Paperwork Reduction Act

The information collection requirements contained in the rule which this notice amends have been cleared previously by OMB under control number 2000-0041. See 48 FR 13430 (March 31, 1983). The changes to the information requirements made in this notice were submitted to OMB for review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., and were cleared by OMB under control number 2060-0066 on October 18, 1984. The major change in information collection requirements that will result from the regulatory revisions involves the inter-refinery averaging provisions. Since this notice eliminates these provisions starting on January 1, 1986, the amount of time now needed to comply with related reporting requirements will be eliminated. EPA estimates that this change will result in an approximately one-third reduction in the total reporting burden associated with the gasoline lead content regulations.

E. Judicial Review

The final actions described in this notice are made under the authority of sections 211 and 301 of the Clean Air Act and are nationally applicable. Under section 307(b)(1) of the Clean Air Act, judicial review may be sought only in the United States Court of Appeals for the District of Columbia Circuit. Petitions for judicial review must be filed on or before May 6, 1985. Judicial review may not be obtained in subsequent enforcement proceedings.

Lists of Subjects in 40 CFR Part 80

Fuel additives, Gasoline, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

(Secs. 211 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7545 and 7601(a)))

Dated: March 3, 1985.

Lee M. Thomas,

Administrator.

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

For the reasons set out in the preamble, Part 80 of Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 80.2 is amended by revising paragraph (g) and by rescinding, removing and reserving paragraphs (p) and (q), to read as follows:

§ 80.2 Definitions.

* * * * *

(g) "Unleaded gasoline" means gasoline which is produced without the use of any lead additive and which contains not more than 0.05 gram of lead per gallon and not more than 0.005 gram of phosphorus per gallon.

* * * * *

(p)-(q) [Reserved]

* * * * *

2. Section 80.4 is revised to read as follows:

§ 80.4 Right of entry; tests and inspections.

The Administrator or his authorized representative, upon presentation of appropriate credentials, shall have a right to enter upon or through any refinery, retail outlet, wholesale purchaser-consumer facility, the premises or property of any distributor or importer, or any place where gasoline is stored, and shall have the right to make inspections, take samples and conduct tests to determine compliance with the requirements of this part.

3. Section 80.20 is revised to read as follows:

§ 80.20 Controls applicable to gasoline refiners and importers.

(a) *Refiners.* (1) In the production of gasoline at a refinery, a refiner shall not:

(i) Produce leaded gasoline whose average lead content during any calendar quarter ending prior to July 1, 1985, exceeds 1.10 grams of lead per gallon of leaded gasoline.

(ii) Produce leaded gasoline whose average lead content during any calendar quarter beginning on or after July 1, 1985, and ending prior to January 1, 1986, exceeds 0.50 gram of lead per gallon of leaded gasoline.

(iii) Produce leaded gasoline whose average lead content during any calendar quarter beginning on or after January 1, 1986, exceeds 0.10 gram of lead per gallon of leaded gasoline.

(2) Except as provided in paragraph (d)(1) of this section, compliance with the requirements of paragraph (a)(1) (i), (ii) and (iii) of this section shall be determined by dividing the total grams of lead used in the production of leaded gasoline (including the lead in gasoline blending stocks and components used in such production) at a refinery during a calendar quarter by the total gallons of leaded gasoline produced at the refinery in the same calendar quarter.

(3) For each calendar quarter, each refiner shall submit to the Administrator a report which contains the following information for each refinery:

(i) The total grams of lead in the refinery's inventory (including its lead additive inventory and its inventory of gasoline blending stocks and components) on the first day of the calendar quarter;

(ii) The total grams of lead (including lead additives and lead in gasoline blending stocks and components) received by the refinery during the calendar quarter;

(iii) The total grams of lead additives shipped from the refinery during the calendar quarter;

(iv) The total grams of lead in the refinery's inventory (including its lead additive inventory and its inventory of gasoline blending stocks and components) on the last day of the calendar quarter;

(v) The total gallons of leaded gasoline produced by the refinery during the calendar quarter;

(vi) The total gallons of unleaded gasoline produced by the refinery during the calendar quarter;

(vii) The total grams of lead used in the production of leaded gasoline (including lead additives and the lead in gasoline blending stocks and components used in such production) by the refinery during the calendar quarter;

(viii) The average lead content of each gallon of leaded gasoline produced by the refinery during the calendar quarter;

(ix) The total grams of lead used in the production of products other than gasoline by the refinery during the calendar quarter, by type of product;

(x) The total gallons of products other than gasoline in which lead was used that were produced by the refinery during the calendar quarter, by type of product; and

(xi) If any of the products listed in paragraph (a)(3)(x) were sold or otherwise transferred to another refinery during the calendar quarter, the total gallons of each product so transferred, the total grams of lead in each product so transferred, the name and address of the refinery to which the transfer was made, and the date of such transfer.

Reports shall be submitted within 15 days after the close of the calendar quarter on forms prescribed by the Administrator.

(b) [Reserved]

(c) *Importers.* (1)(i) No importer shall sell or offer for sale leaded gasoline which has been imported into the United States and whose average lead content during any calendar quarter ending prior to July 1, 1985, exceeds 1.10 grams of lead per gallon of such gasoline.

(ii) No importer shall sell or offer for sale leaded gasoline which has been imported into the United States and whose average lead content during any calendar quarter beginning on or after July 1, 1985, and ending prior to January 1, 1986, exceeds 0.50 gram of lead per gallon of such gasoline.

(iii) No importer shall sell or offer for sale leaded gasoline whose average lead content during any calendar quarter beginning on or after January 1, 1986, exceeds 0.10 grams of lead per gallon of such gasoline.

(2) Except as provided in paragraph (d)(1) of this section, compliance with the requirements of paragraphs (c)(1) (i), (ii), and (iii) shall be determined by calculating:

(i) The lead content of each shipment of imported leaded gasoline sold by the importer during a calendar quarter, determined by the performance by the importer of the test for lead in gasoline set forth in Appendix B of this part upon a representative sample of gasoline in the shipment;

(ii) The total gallons of leaded gasoline in each such shipment;

(iii) The total grams of lead in each such shipment, determined by multiplying the lead content of the shipment by the total gallons of leaded gasoline in the shipment;

(iv) The total grams of lead in all such shipments sold during the calendar quarter;

(v) The total gallons of leaded gasoline in all such shipments sold during the calendar quarter;

(vi) The average lead content of all imported leaded gasoline sold during the calendar quarter, determined by dividing the total in paragraph (c)(2)(iv) by the total in paragraph (c)(2)(v).

(3) For each calendar quarter, each importer who sells imported leaded gasoline or imported gasoline blending stocks or components shall submit to the Administrator a report which contains the following information:

(i) The information described in paragraphs (c)(2) (i) through (vi) of this section;

(ii) The lead content of each shipment of imported gasoline blending stocks or components sold by the importer during the calendar quarter, determined by performance by the importer of the test for lead in gasoline set forth in Appendix B of this Part upon a representative sample of gasoline blending stocks or components in the shipment;

(iii) The total gallons of gasoline blending stocks or components in each such shipment;

(iv) The total grams of lead in each such shipment, determined by multiplying the lead content of the shipment by the total gallons of gasoline blending stocks or components in the shipment;

(v) For each shipment of imported leaded gasoline or imported gasoline blending stocks or components sold during the calendar quarter: name and address of importer; date and place of entry; and vessel or carrier number (where applicable); and

(vi) For each shipment of imported leaded gasoline blending stocks or components sold during the calendar quarter: the name and address of the refinery or the other person to which the sale was made; the total gallons of product sold; the total grams of lead in the product sold; and the date of such sale.

Reports shall be submitted within 15 calendar days after the close of the calendar quarter on forms prescribed by the Administrator.

(4) Any importer who adds lead to gasoline or gasoline blending stocks or components during a calendar quarter shall also submit a report pursuant to paragraph (a)(3) of this section.

(d) *Inter-refinery averaging.* (1) As an alternative means of demonstrating compliance with the requirements of paragraph (a)(1)(i), (i)(1)(ii), (c)(1)(i), or (c)(1)(ii) of this section, one or more refiners may demonstrate such compliance by constructively allocating lead usage between or among two or more refineries in any manner agreed upon by the refiner(s), so long as:

(i) The average constructive lead content of leaded gasoline produced in a calendar quarter by each refinery does not exceed the lead content standard applicable to such calendar quarter (as prescribed in paragraph (a)(1)(i), (a)(1)(ii), (c)(1)(i), or (c)(1)(ii) of this section);

(ii) The total amount of lead usage in a calendar quarter by all such refineries, as constructively allocated and reported, is equal to the total amount of lead actually used in the calendar quarter by all such refineries;

(iii) The actual or constructive lead content of gasoline produced by each refinery does not exceed any applicable state statutory or regulatory standards; and

(iv) The constructive allocation agreement is made no later than the final day of the calendar quarter in which the lead allocated is actually used.

(2) Any refiner who demonstrates compliance with the requirements of this section pursuant to paragraph (d)(1) of this section shall submit to the Administrator, as an additional part of the report required by paragraph (a)(3) or paragraph (c)(3) of this section, the following information:

(i) The total grams of lead actually used by the reporting refinery during the calendar quarter and constructively allocated to another refinery, and the name and address of such other refinery (for each such constructive allocation);

(ii) The total grams of lead actually used by another refinery during the calendar quarter and constructively allocated to the reporting refinery, and the name and address of such other refinery (for each such constructive allocation);

(iii) The total grams of lead constructively used in the production of leaded gasoline by the reporting refinery during the calendar quarter, as determined by performing the following calculations upon the total grams of lead actually used by the reporting refinery during the calendar quarter: (A) Subtracting the total grams of lead indicated in paragraph (d)(2)(i) of this section, and (B) Adding the total grams of lead indicated in paragraph (d)(2)(ii) of this section; and

(iv) The constructive average lead content of leaded gasoline produced by the reporting refinery during the calendar quarter, as determined by dividing the total grams of lead indicated in paragraph (d)(2)(iii) of this section by the total gallons of leaded

gasoline produced by the reporting refinery during the calendar quarter; and

(v) When compliance is demonstrated pursuant to paragraph (d)(1) by more than one refiner, each such report shall also include supporting documentation adequate to show the agreement of all such refiners to the constructive allocation of lead usage stated in the report.

(3) For purposes of paragraphs (d)(1) and (d)(2) of this section, the total amount of imported leaded gasoline sold during a calendar quarter by each importer shall be treated as the output of a single refinery, and each importer shall be treated as a refiner.

(4) The provisions of paragraphs (d)(1), (d)(2), and (d)(3) of this section shall not be applicable during any calendar quarter beginning on or after January 1, 1986.

[FR Doc. 85-5443 Filed 3-6-85; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL-2775-3(a)]

Regulation of Fuels and Fuel Additives; Gasoline Lead Content

AGENCY: Environmental Protection Agency (EPA).

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: On August 2, 1984, EPA requested comments on alternative approaches to the long-term use of lead in gasoline. 49 FR 31032. In that action EPA discussed the possibility of regulatory action banning the use of leaded gasoline if significant usage of leaded gasoline would otherwise continue. The Agency is today requesting public comments on additional information relevant to the issue of a total ban on the use of lead in gasoline. Based upon this additional information and comments received on the August 2 notice, the Agency is now considering a range of alternatives on this issue, ranging from no regulatory action to a ban in 1995 to a ban effective as early as January 1, 1988.

The additional information on which comments are requested includes a study that indicates a relationship exists between blood lead and blood pressure for adult males. Because this and previous studies have indicated a relationship between high blood pressure and the incidence of heart attacks, strokes, and deaths, a ban on lead in gasoline could result in a significant decrease in the number of incidences of these serious illnesses and in the number of deaths, as well as other types of benefits. It would also eliminate the practice of misfueling. Other information recently received by EPA, which indicates that engines designed to run on leaded gasoline may not need lead to prevent engine valve damage, also would support an early ban on the use of lead in gasoline.

Elsewhere in this issue of the **Federal Register**, EPA is taking final action on other proposed revisions to the gasoline lead content regulations.

DATES: A public hearing will be held in order to provide an opportunity for oral presentations of data, views, or arguments concerning the optional revisions to the gasoline lead content regulations discussed in this notice. The date(s) for this hearing will be announced in a later issue of the **Federal Register**.

The date by which written comments on this notice must be received at the location listed below will also be announced in a later issue of the **Federal Register**. This date will be at least 30 days after the date of the public hearing.

ADDRESSES: The location of the public hearing will also be announced in a later issue of the **Federal Register**. Written comments should be sent to Docket No. EN–84–05, Central Docket Section (LE–131), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. The docket is located in the West Tower Lobby of EPA at the above street address, and may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays. As provided in 40 CFR Part 2, a reasonable fee may be charged for photocopying. This is the same docket as that of the August 2, 1984, notice of proposed rulemaking (NPRM) on revisions to the gasoline lead content regulations. Resubmittal of previously-submitted comments on a total ban on the use of lead in gasoline is not necessary, as all such comments on that portion of the August 2, 1984, NPRM will be considered in development of a final rule. Commenters are therefore encouraged to submit comments only on the new aspects of a total ban discussed in this notice.

FOR FURTHER INFORMATION CONTACT: Richard G. Kozlowski, Director, Field Operations and Support Division (EN–397F), EPA, 401 M Street, SW., Washington, D.C. 20460. Telephone (202) 382–2633.

SUPPLEMENTARY INFORMATION:

I. Background

On August 2, 1984 (49 FR 31032), EPA proposed several revisions to the gasoline lead content regulations set forth at 40 CFR Part 80. This notice of proposed rulemaking (NPRM) contained two major proposals. First, the Agency proposed a short-term lead content standard of 0.10 gram of lead per gallon of leaded gasoline (gplg), effective January 1, 1986 (this notice also stated that EPA was considering alternative phasedown schedules, including one beginning with a 0.50 gplg standard in July 1985). Second, the Agency proposed two approaches related to the goal of long-term elimination of lead use in gasoline: (1) No further regulatory action, based on reliance of likely market trends to eliminate the need for such a use of lead; and (2) a ban on the use of lead in gasoline by about 1955, which would assure that such use stops by a specific date. Other, minor regulatory revisions were also proposed.

Elsewhere in today's **Federal Register**, EPA is taking final action on short-term gasoline lead content standards and on the proposed minor regulatory revisions. That notice of final rulemaking (NFRM) contains a detailed summary of the August 2, 1984, NPRM, and the public comments received in response to those portions of the NPRM. This notice requests additional comments on long-term gasoline lead use.

II. Statutory Authority

Section 211(c)(1) of the Clean Air Act, 42 U.S.C. 7545(c)(1), confers broad authority on the Administrator to "control or prohibit the manufacture . . . or sale" of any fuel or fuel additive whose emission products cause, or contribute to, "air pollution which may be reasonably anticipated to endanger the public health or welfare" or which "will impair to a significant degree the performance of any emission control device or system . . . in general use . . ."

EPA's authority to control usage of lead as an additive in gasoline under section 211(c)(1)(A) to protect public health is well-established, and prior regulations significantly curtailing lead additive usage have been upheld in court. *Ethyl Corp.* v. *EPA*, 541 F.2d 1 (D.C. Cir.) (en banc), cert. denied, 426 U.S. 941 (1976); *Small Refiner Lead Phase-Down Task Force* ("*SRTF*") v. *EPA*, 705 F.2d 506 (D.C. Cir. 1983). On issues related to the health effects of gasoline lead, the Court in the latter case concluded:

> In summary, the demonstrated connection between gasoline lead and blood lead, the demonstrated health effects from levels of 30 μg/dl or above, and the significant risk of adverse health effects from blood lead levels as low as 10–15 μg/dl would justify EPA in banning lead from gasoline entirely.
>
> 705 F.2d at 531.

In deciding whether to restrict fuel additives such as lead under section 211(c)(1)(A), the Administrator is required by section 211(c)(2)(A) to "consider" all relevant scientific and medical evidence available to him. The Agency has considered all such information in preparing this supplemental notice, as described in Part III of this notice.

Similarly, before restricting an additive under section 211(c)(1)(B)—to prevent damage to emission control systems—the Administrator is required by section 211(c)(2)(B) to consider available scientific and economic data, including a cost-benefit analysis comparing emission control devices that are (or will be) in general use that require such protection to those that do not. The Agency has considered these data in a supplement to the preliminary

regulatory impact analysis (RIA) that has been placed in the rulemaking docket (see Part VI.A of this notice). Since EPA has determined that there are not (and will not be in the foreseeable future) any emission control devices in general use for gasoline-powered vehicles that do not require protection from lead contamination, the cost-benefit analysis called for in section 211(c)(2)(B) cannot be performed.

In addition, if requested by a manufacturer of motor vehicles, engines, fuels or fuel additives, the Administrator must hold a public hearing on the regulations proposed under section 211(c)(1)(B), and publish his findings with respect to the issues he is required to consider under this provision at the time of promulgation of final regulations. As indicated above, EPA will hold a public hearing on the proposed regulations, and findings on the required issues will be made at the time of final rulemaking.

Finally, before prohibiting use of any fuel additive altogether, the Administrator is required by section 211(c)(2)(C) to find that such a prohibition will not result in the use of other fuel additives that will endger the public health or welfare to the same or greater degree than the additive being prohibited. EPA has evaluated this issue in Part V.E. of this notice.

Comments by interested parties on the findings that must be made and on the information that must be considered under these provisions are requested.

III. Information on Possible Ban of Lead in Gasoline

A. Information Discussed in 8/2/84 NPRM

The August 2, 1984, NPRM contains a detailed description of the information on which the regulatory actions proposed in that notice were based. 49 FR 31034–8. This information was of three general types: (1) Information from EPA's 1982 motor vehicle tampering survey indicating that the practice of using leaded gasoline in vehicles designed to use only unleaded gasoline ("misfueling" or "fuel switching") is a widespread and persistent problem nationwide; (2) information from reports submitted to EPA by refiners and importers indicating that gasoline lead usage is higher than was predicted by the Agency at the time of its 1982 promulgation of revised gasoline lead regulations; (3) information from a variety of sources concerning the adverse health effects of lead in general and gasoline lead in particular.

In addition, there are three types of information developed or brought to the attention of the Agency since the publication of the NPRM that merit additional review and comment, and these are described below.

B. Newly Developed Information

1. *Blood Lead/Blood Pressure Relationship.* Staff members from the Centers for Disease Control (CDC), EPA, and the University of Michigan recently completed a paper concerning the relationship between blood lead and blood pressure for adults, based on an analysis of data obtained in the Second National Health and Nutrition Evaluation Survey (NHANES II). This paper (Pirkle et al. 1985) has been published in the February 1985 issue of the *American Journal of Epidemiology*, which was issued on January 16, 1985. A summary of its conclusions was placed in the rulemaking docket on September 7, 1984 (Document No. IV–A–14).

The authors found that blood lead levels were a statistically significant predictor of blood pressure in adult males. This relationship held not only when blood lead was evaluated in a regression with all known factors previously established as correlated with blood pressure, but also when tested against 89 additional variables representing linear and non-linear functions of every dietary and serologic variable on the NHANES II survey.[1] Family history of hypertension, recreational exercise, work-related exercise, blood pressure medication, and recent weight loss were also considered, but did not affect the size or strength of the relationship. Included in the analysis were variables that, while not significant at the 5% level of significance (p-value), were significant at the 15% level, and every possible combination of such variables was considered. All such combinations (255) were added to the variables that were statistically significant and a regression was performed on each one. The range of variation of the coefficient of the log of blood lead varied by only ±10% from the value obtained when only significant variables were included, and the highest p-value for lead was still less than .01. Age and age-squared were also forced into the regressions, although in the age group analyzed (40-59 year-old men) blood pressure is independent of age. Since blood lead levels correlated with age, this approach reduced both the coefficient and significance level of lead. Although these parameters were reduced, they were still highly significant at $p < .008$ and $p < .003$ for diastolic and systolic blood pressure, respectively. Following are two tables showing the regression coefficients obtained in this analysis. (Chapter V of the final regulatory impact analysis (RIA) that accompanies the notice of final rulemaking (NFRM) on lead phasedown published today contains regression tables with additional variables.)

TABLE 1.—REGRESSION OF DIASTOLIC BLOOD PRESSURE IN 40- TO 59-YEAR-OLD WHITE MALES

Variables	Coefficient	T-Statistic	Probability
Age	0.2768	0.17	0.8636
Age ^{2}	−0.0014	0.10	0.9321
Body Mass Index	1.131	8.55	0.0001
Log (blood lead)	3.954	2.85	0.0080
Dietary Potassium	−0.0018	4.92	0.0001
Hemoglobin	1.548	3.90	0.0005
Albumin	3.587	2.50	0.0179
Log (dietary vitamin C)	1.838	4.66	0.0001

TABLE 2.—REGRESSION OF SYSTOLIC BLOOD PRESSURE IN 40- TO 59-YEAR OLD WHITE MALES

Variables	Coefficient	T-statistic	Probability
Age	1.311	0.57	0.5720
Age ^{2}	−0.0068	0.30	0.7706
Body Mass Index	1.736	9.42	0.0001
Log (blood lead)	8.436	3.24	0.0028
Albumin	7.068	2.50	0.0178
Log (dietary vitamin C)	2.411	3.84	0.0005
Log (dietary riboflavin)	−5.509	3.07	0.004
Log (dietary oleicacid)	3.992	2.49	0.0183
Log (serum vitamin C)	−3.472	2.47	0.0184

The paper by Pirkle et al. (1985) cites several other studies that have suggested a relationship between blood pressure and blood lead levels in humans (Beevers et al. 1976; Kromhout and Couland 1984; Batuman et al. 1983). In addition, experiments on rats are cited that confirm that moderate doses of lead can increase blood pressure and that the effect is restricted to males (Victery et al. 1982; Perry et al. 1979). The rat experiments also suggest a pathway: lead interfering with nerve signals to the muscles around the arteries that control blood pressure (Webb et al. 1981).[2]

[1] Another recently published study (Harlan et al. 1985) analyzed NHANES II data and found blood lead related to blood pressure for males aged 12–74 (both white and black), after controlling for age, age-squared, body mass index, race, alcohol consumption, socio-economic factors, and all nutritional variables suspected of being involved in blood pressure.

[2] In addition to the studies cited in the paper, other published studies examining whether there exists a significant relationship between blood lead and blood pressure include: Morgan 1976; Richet et al. 1966; Dingwell-Fordyce and Lane 1963; Moreau et al. 1982; Ramirez-Cervantes et al. 1978; Fouts and Page 1942; and Pocock et al. 1984. Other animal studies include: Perry and Kerlanger 1979; and Kopp 1980.

The paper by Pirkle et al. (1985) further states that the above data suggest that the relationship between blood lead and blood pressure is causal. Moreover, specific analysis by the authors to determine whether there is a lower threshold below which lead has no effect on blood pressure showed that the data was best fit with a blood lead threshold of zero.

The paper also examines the public health implications of this relationship using several established correlations between blood pressure and the risk of heart attacks, strokes, and deaths, based upon long-term cardiovascular epidemiological studies. The principal study used by the authors, which was important in establishing cholesterol as a major factor in the risk of heart disease, was the Framingham Study, specifically Section 28 (McGee 1973), 30 (Shurtleff 1974), and 31 (McGee and Gordon 1976). Extensive analyses of data have indicated the probabilities of such coronary events as a function of several variables, including blood pressure. In the 1970's, the National Institutes of Health funded the Pooling Project, which combined the Framingham data with data from five other long-term studies to improve the accuracy of the risk coefficients. The Pooling Project analyzed the occurrence of serious heart attacks (myocardial infarctions) in white men who entered the study at ages 40–59 and who were followed for at least 10 years. The stroke regressions in the Pirkle et al. paper, also based on a 10-year follow-up, were taken from the Framingham study, as were the estimates of deaths. In order to predict health outcomes, the paper also restricted its blood pressure regressions to data on white men aged 40–59.

The regression of the relationship between blood lead and blood pressure was used by one of the authors of the Pirkle et al. (1985) paper to predict changes in blood pressure that would occur as the result of the regulations proposed by EPA on August 2, 1984, to lower the gasoline lead content standard to 0.10 gplg. The Framingham and Pooling Project coefficients of the risks of heart attacks, strokes, and deaths as a function of blood pressure were used by the author to predict the health outcomes. The September 7, 1984, memorandum referred to above contains estimates of such health outcomes, specifically the reductions in the number of heart attacks (myocardial infarctions), strokes, and deaths of white males aged 40–59 predicted to result from promulgation of a 0.10 gplg standard. The memorandum also estimates the reductions in the number of cases of hypertension (high blood pressure) in all makes aged 40–59 predicted to result from promulgation of such a standard. In addition, the memorandum presents estimates of the monetized benefits of avoiding these heart attacks, strokes, deaths, and cases of hypertension.

EPA has completed a preliminary review of the blood lead/blood pressure paper described above through the convening of both EPA and non-EPA experts in biostatistics, epidemiology, and cardiovascular disease to critique statistical and other aspects of the health effects analyses contained in the paper. Reviewers received a detailed briefing by the authors concerning their analyses and examined the manuscript submitted for publication. Written comments were submitted by each of the reviewers, and copies of these comments have been placed in the rulemaking document. In general, the reviewers viewed the reported analyses and findings favorably. Some indicated that independent study results from other investigations currently in preparation for publication also find significant associations between blood lead levels and increased blood pressure.

2. *1983 Tampering Survey.* In August 1984 (after the NPRM was issued), EPA published the results of its 1983 tampering survey. (These results have been placed in the rulemaking docket—see Document No. IV–A–26.) As part of the survey, vehicles were inspected for three indicators of fuel switching: (1) The removal of the vehicle's filler inlet restrictor; (2) the presence of leaded gasoline in the tank; and (3) the detection of lead deposits on the tailpipe by a lead sensitive "Plumbtesmo" test paper. EPA considers a vehicle to be misfueled if any of these indicators is observed.

The survey was conducted in six urban areas, two of which had vehicle emission inspection/maintenance (I/M) programs (Denver, Colorado and Phoenix, Arizona) at the time of the survey, and three of which did not (Houston, Texas; Cook County (Chicago), Illinois; and Sedgwick County (Wichita), Kansas). The sixth areas (Los Angeles, California) did not begin a full I/M program until March 1984, but had a change-of-ownership I/M program for several years. Because of this history and the unique California motor vehicle emission control program, Los Angeles was not considered as either an I/M or non-I/M area, but data from this area were included in the calculation of overall fuel switching and tampering rates. The fuel switching rates found by the 1983 survey were 12% in the non-I/M areas, 17% in the I/M areas, 5% in Los Angeles, and 14% (on a non-weighted basis) for all areas (all percentages were rounded to the nearest whole number). Adjusting the fuel switching rates to account for the relative percentages of vehicles in I/M and non-I/M areas results in an estimated national fuel switching rate of 16% of unleaded-designed vehicles.

The 1983 tampering survey indicates that fuel switching continues to be widespread and persistent, despite Agency efforts to combat this problem through vigorous enforcement of current regulations, the allowance of state implementation plan credits for state/local anti-misfueling programs, and a widespread multi-media public information compaign. In fact, the 1983 survey indicates a higher misfueling rate than the 13.5% rate found in the 1982 survey. The misfueling rate in the two I/M areas surveyed in 1983 was about double that found in the five I/M areas surveyed in 1982 (12% v. 6.2%), and the gap between the I/M and non-I/M rates was significantly less in 1983 than in 1982 (5% v. 8.9%). Although only two I/M areas were surveyed in 1983, this data tends to indicate that I/M programs are not a full solution to the misfueling problem.

3. *Experience of In-Use Engines with Unleaded Gasoline.* The August 2, 1984, NPRM analyzes information available to the Agency at that time on the amount of lead needed to protect certain engines from valve-seat recession. 49 FR 31039. Relying primarily on three laboratory studies conducted between 1969 and 1971, EPA proposed a 0.10 gplg standard on the basis that such a standard would provide the minimum amount of lead needed to protect against this problem.

Subsequently, several large-scale sources of data on the comparative effects of leaded and unleaded gasoline have been brought to the attention of the Agency. While most of the data previously reviewed by the Agency were limited to light-duty passenger cars, one study conducted by the U.S. Army included a wide variety of light-duty and heavy-duty vehicles and other equipment. In addition, recent data on valve and valve-seat repair records for heavy-duty trucks using unleaded gasoline were provided by the U.S. Postal Service. Each of these studies is discussed below. Taken together, these data indicate that valve-seat recession in actual service may not be as much of a problem as the results of certain laboratory studies would indicate. The Army and Post Office information was mentioned during the hearing held on

the NPRM on August 30 and 31, 1984, and was submitted to the docket prior to the close of the comment period on the NPRM.

In the middle and late 1960's, Ethyl Corporation carried out an extensive five-year study of leaded versus unleaded gasoline use (Wintringham et al. 1972). This study included 64 matched pairs of vehicles owned and driven by Ethyl Corporation employees. One vehicle in each pair used leaded gasoline, the other used unleaded exclusively. The cars averaged more than 15,000 miles per year (an average of 78,749 miles per car during the five years for the unleaded group). At that time, speed limits on the interstate highway system were 65 or 70 miles per hour. Despite these factors, only four unleaded vehicles (six percent) required cylinder-head replacements due to valve-seat recession (one vehicle required two replacements). One vehicle in the leaded group also required a new cylinder head during the same period. On the other hand, the absence of lead showed a beneficial effect in reducing the amount of valve-related maintenance—only six vehicles in the unleaded group required valve jobs, compared with sixteen vehicles using leaded gasoline.

Three other studies on automobiles carried out at about the same time gave similar results. Gray and Azhari (1972) reported the results of a small fleet test and a panel survey, neither of which indicated any particular problems with valve-seat recession. Overall, engine repair costs for the unleaded group were lower than for the leaded group, exactly the opposite of what would have been expected if valve-seat recession were widespread. However, no details of repair records were provided, so the data must be interpreted cautiously. Crouse and others (1971) provided data on four cars used in a comparison of leaded and unleaded gasoline effects on lubricants. The cars were operated on a more or less normal schedule, involving home-to-work driving on weekdays and turnpike driving on weekends. Three cars completed 50,000 miles successfully on this schedule; the fourth suffered from valve-seat recession and had to be dropped from the test after 34,000 miles. All of these cars operated exclusively on unleaded gasoline. The researchers found that preconditioning on leaded gasoline at least doubled the mileage obtained in another test fleet (operated in very severe patrol service) before valve recession became a problem. Schwochert (1969) operated an experimental catalyst-equipped car for 50,000 miles on unleaded gasoline in the EMA mileage accumulation cycle. Valve-seat recession in this cycle did not exceed 0.02 inches, which is not significant. Subsequent operation in a very high-speed cycle (70 to 90 MPH) destroyed the valve seats in less than 12,000 miles.

All of the tests discussed above dealt with light-duty vehicles. There is reason to suspect that heavy-duty vehicles, since they often have lower power-to-weight ratios and higher RPM at highway speeds, might suffer more severely from valve-seat recession with unleaded gasoline. These concerns are also applicable to a wide range of farm, construction, and industrial equipment, much of which operates at higher average power ratings and RPM than heavy-duty vehicles. It is very relevant, therefore, that the largest and most wide-ranging fleet test available included a number of such vehicles. This was conducted by the U.S. Army, involved some 7,600 vehicles, and lasted for three years. It is documented in a series of reports by the Army Fuels and Lubricants Research Laboratory (Moffit 1972; Russel and Tosh 1973; Tosh et al. 1975; Tosh 1976). A copy of the final report on this testing program (Tosh 1976) was placed in the rulemaking docket on September 17, 1984.

The Army tests involved the conversion of vehicles at six posts entirely to unleaded gasoline. Four of the posts were in the study for three years; two more were added for the final years. A total of 2,800 light and heavy-duty commercial (i.e., civilian-type) vehicles were involved, along with 4073 tactical vehicles (jeeps and off-road trucks) and 682 combat vehicles (armored personnel carriers and tank retrievers). In addtion, numerous items of motorized equipment such as generators, pumps, road-graders, tractors, cranes, rollers, and compressors were included. The heavy-duty civilian vehicles included at least 244 heavy trucks and truck-tractors, some of which dated from the 1940's, and 75 buses. Given the age and the broad assortment of vehicles involved, it seems likely that many of these vehicles did not have hardened valve seats (one of the methods used to reduce valve-seat recession). This was certainly true of the light-duty cars and trucks included in the test, as well as for the jeeps. However, the armored personnel carriers were equipped with hard valve-seat inserts, as (presumably) were many of the tactical trucks and the later-model heavy-duty commercial vehicles. Based on the year-by-year reports of the individual Army bases, the average mileage accumulation for civilian vehicles was over 10,000 miles per year per vehicle and was up to 18,000 miles per year for one base for one year.

The results of this test found no untoward maintenance problems that could be attributed to the use of unleaded gasoline. Overall, an engine failure rate of 0.5 percent was experienced. This rate was stated as being comparable to the Army's experience with leaded gasoline. Only three cases of valve-seat recession were reported, all in light-duty vehicles.

The conclusions of the Army study were as follows:

> From the evaluation results, it can be concluded that commercial, tactical and combat vehicles, and all other equipment used in this program can operate satisfactorily during their normal day-to-day activities without any fuel economy penalties and with no apparent increase in vehicle maintenance or operating costs *so long as unleaded gasoline meeting VV-G-00169A Federal specification is used.*

(Tosh 1976, at p. 34 (emphasis in original)). The Federal specification cited is essentially that for present-day commercial unleaded gasoline.

Subsequent to this test, all the armed services converted completely to unleaded gasoline wherever it was available. No special vehicle maintenence or other problems were experienced during this conversion, according to a recent communication with Army personnel.

Data provided by the U.S. Postal Service indicate very similar results for trucks in medium-heavy duty service (this is the typical service classification for gasoline heavy-duty trucks). The Postal Service has operated some 1,562 1975-model year Ford heavy-duty trucks on unleaded gasoline since 1980. These trucks were originally purchased in 1975, and travel approximately 50,000 miles per year on average. By 1980, most of them were on their second or third engine rebuild or replacement, so that there were a wide variety of engine Mileages—from zero to about 100,000 miles—represented in the fleet. So far as is known, all of the new and rebuilt engines in the fleet used hard valve inserts.

In the approximately 3½ years since switching to unleaded gasoline, the Postal Service has recorded 69 instances of valve problems (a valve failure rate of 4.4 percent) and 18 cases of valve seat problems (a failure rate of 1.2 percent), while operating these trucks for an average mileage of approximately 175,000 miles each on unleaded gasoline (this would normally include at least one full engine rebuild). By comparison, Ford has indicated that its warranty

data for the same types of engines—presumably run primarily on leaded gasoline—showed comparable valve and cylinder-head failure rates. No separate date distinguishing valve seat failures from other cylinder-head problems were available. It appears from these data, however, that the valve and cylinder/head (including valve-seat) failure rates with unleaded gasoline are not significantly different from those with leaded gasoline. The Postal Service has reportedly experienced no significant mechanical or operating problems as a result of using unleaded gasoline in its fleet.

IV. Request for Additional Comments

The Agency is today requesting comments on the additional information about health effects, misfueling, and the need for lead in engines, as discussed in Part III of this notice. The information suggests that: (1) The adverse health consequences of gasoline lead usage may be significantly greater than previously believed; (2) misfueling continues to be a serious problem nationwide; and (3) the need for lead as an engine valve lubricant may not be as great as previously believed. Therefore, EPA is considering a range of options on the long-term use of lead in gasoline, including those discussed in the August 2, 1984, NPRM, as well as a total ban on such a use of lead, perhaps as early as January 1, 1988.

A summary of public comments on the August 2, 1984, NPRM has been placed in the rulemaking docket. Responses to comments on issues related to today's final rulemaking are contained in another document in the docket, "Responses to Comments on the August 2, 1984, Proposal to Amend the Gasoline Lead Content Regulations" ("Responses to Comments"). In addition, EPA is requesting comments on the following aspects of the major issues discussed above, raised by commenters on the NPRM.

A. Health Effects

At the time of the August 2, 1984, NPRM, health information available to the Agency related primarily to the adverse effects of gasoline lead on young children. Based on that data, EPA stated,

> [I]t is the opinion of the Agency that there is no health-based reason to continue the use of lead in gasoline, as this is the most readily controlled and most ubiquitous source of lead emissions into the environment. A prudent health objective is the rapid reduction and eventual end to the use of lead in gasoline.

49 FR 31038. The Agency also stated that its overall goal is to end the use of lead as a gasoline additive in order to prevent such adverse health effects and to eliminate the misfueling problem, and requested public comments on the need for this goal. 49 FR 31041.

EPA received a number of comments on the August 2, 1984 NPRM generally supporting its analysis of the health effects of gasoline lead and its goal of eventually eliminating the use of lead in gasoline. Commenters in support of this goal included medical experts, environmental and health groups, state and local government agencies, refiners, and others. Such commenters supported various time frames for eliminating lead from gasoline, ranging from immediately to the 1995 date set forth in the NPRM. Some of these commenters also pointed out additional adverse effects of gasoline lead, including those related to unborn children and adults of childbearing years. Some other commenters (e.g., Ethyl and Dupont Corps.) did dispute the Agency's health effects analysis, suggesting that there was no demonstrated correlation between lead in gasoline and adverse health effects. (For details, see chapters II and VII for the summary of public comments.) The Agency specifically requests comments on these health issues as they relate to a total ban on leaded gasoline and the timing of such a ban.

B. Misfueling

Another type of information developed since the August 2, 1984, NPRM is information indicating that misfueling continues to be a serious problem nationwide, as discussed in Part III. B.2 of this notice. Several commenters on the NPRM, including at least two state agencies, stated that EPA's estimates of misfueling may be too low. In addition, as discussed in Part II.C of today's notice of final rulemaking (published elsewhere in this issue of the **Federal Register**), The Agency is disturbed by the number of comments on the August 2, 1984, NPRM that predicted that leaded gasoline produced under a 0.10 gplg standard might still be sold at a lower retail price than unleaded gasoline, or which stated that the uncertainties of the market place prevent accurate predictions on this subject. Since the relatively low price of leaded gasoline is a major incentive for misfueling, absent a ban on the use of lead in gasoline or an equally effective solution, the practice of misfueling might well continue at significant rates. Misfueling, as well as proper use of leaded gasoline, contributes to levels of lead usage which have caused the Agency to consider a total ban on leaded gasoline. The Agency solicits additional comments on the misfueling problem and/or other solutions to this problem, including the types of marketing restrictions discussed in the August 2, 1984, NPRM. 49 FR 31040–1.

C. Engine Protection

1. *Lead As A Valve-Seat Protectant.* The August 2, 1984, NPRM stated that EPA's goal of ending the use of lead in gasoline should be accomplished while protecting engines designed strictly for the use of leaded gasoline. That NPRM solicited comments on a broad range of issues related to a ban, including the amount of lead needed as a valve lubricant and the availability of alternative additives for this purpose. 49 FR 31041–2. Several commenters argued that the proposed short-term 0.10 gplg standard would provide more valve protection than is probably needed. Some commenters suggested that the real world experience of leaded-designed vehicles running on unleaded gasoline suggests that a minimum amount of lead is not needed in gasoline. One commenter also pointed out that Amoco has sold unleaded gasoline for years with no apparent adverse impact on vehicles using that fuel. The same commenter noted that while the amount of damage caused by the lack of lead is unsubstantiated, the damage that lead causes to such engine components as valves and pistons is known. Another commenter pointed to laboratory studies which show that load and speed, not gasoline composition, cause premature valve damage.

One commenter also cited the Army and Postal Service studies described in Part III.C.3 of this notice as examples of in-use experiences that did not support the theory that widespread valve damage would result from the use of no-lead or low-lead gasoline. These studies are the most extensive in-use experiments known to EPA that involve the use of unleaded gasoline in vehicles designed for leaded fuel. These two studies are also of particular relevance because they included heavy-duty vehicles, the engines of which are generally considered to be more susceptible to valve damage because of the way in which they are often operated (high speed and heavy load). Along with certain in-use experiments with light-duty vehicles that are also described in Part III.C.3, these studies indicate that valve damage in actual use may not be as much of a problem as previously believed.

On the other hand, the elimination of lead from gasoline would likely result in engine benefits. Use of unleaded gasoline could reduce valve problems due to deposit buildup and overheating.

would all but eliminate engine rusting, and would greatly decrease corrosive wear. This would extend engine life and reduce repair costs. Reduced oil thickening as the result of the use of unleaded gasoline, combined with the reduced corrosion and wear, would allow a significant extension of oil drain periods. Unleaded gasoline would extend significantly the service lives of spark plugs and exhaust systems, and would nearly eliminate exhaust system corrosion in warm climates. The economic value of these and other benefits of a ban is discussed in Part V.D.2 of this notice.

2. *Other Additives/Engine Changes.* Even if lead is not needed in gasoline to protect most engines, valve-seat recession might still be a problem with some groups of engines that are used under severe operating conditions (high-power, high-RPM). For these engines, there are several possible approaches to eliminating this problem, including the use of other fuel and lubricating oil additives. Such fuel additives include phosphorus, manganese (both presently regulated in unleaded gasoline), and three unidentified compounds tested by Lubrizol Corporation in the early 1970's. Oil additives that could have a significant effect on valve-seat recession include sulfate ash, zinc, sodium, and magnesium. These alternative fuel and oil additives are discussed in Part V.E of this notice. There are also engine modifications that could be made to alleviate valve problems, including pinning valves to prevent rotation, substitution of lower-force valve springs, and changing the valve-seat angle. See Kent and Finnigan (1971), Giles and Updike (1971), and Fuchs (1971). Some problems also could be addressed by the use of a special grade of off-highway gasoline or by supplying the needed additives (including lead) in oil or in fuel supplements.

The Agency will continue to work with manufacturers and consumers to minimize any risk of valve-seat recession. Besides the work mentioned above, another possibility is simply the sale of small quantities of leaded gasoline as an aftermarket additive. Leaded gasoline sold as a consumer additive would not require a prior waiver from EPA, unlike fuels or additives sold at the pump. Such additives could be used by consumers to provide engine valve lubrication.

The Agency specifically seeks information and comments on the feasibility of other additives and engine changes that would protect valves.

D. Refinery Capacity

The Agency has done extensive analysis on refinery capacity (see the supplement to the preliminary RIA that accompanies this notice) and believes that a ban effective as early as 1988 would allow refiners adequate time to prepare for the production of unleaded gasoline only. Refiners would have almost three years from the date of this notice to plan and construct isomerization units and any other petroleum processing equipment needed to produce unleaded gasoline, and to obtain any environmental permits needed to construct and/or operate this equipment. A number of commenters on the August 2, 1984, NPRM, including several refiners and petroleum marketers, supported, or stated that they did not oppose, a ban on lead in gasoline at an earlier date than the 1995 date discussed in that NPRM. Among the several commenters whose comments supported an effective date of 1988 or earlier was at least one refiner which stated that presently available refinery capacity is sufficient to produce adequate amounts of unleaded gasoline and that a total ban on the production of leaded gasoline could be implemented by the industry within 90 days of a final rule.

The Agency requests comments on the relevant information discussed in this notice and in the August 2, 1984, NPRM, as well as on the regulatory implications of such information. Comments on the feasibility of a total ban on the use of lead in gasoline as early as January 1, 1988,[3] are specifically requested. Comments are requested on how much prior notice the refining industry would need before a ban would become effective. Comments are also requested on the availability by that date of alternative additives or of alternative methods of making lead additives avialable, or on other solutions such as engine modifications, should it appear that some engines will need a valve lubricant.

V. Impacts of Total Ban on Lead in Gasoline

A. Health Impacts

The primary health impact of a total ban on gasoline lead would be to reduce human exposure to environmental lead, in particular the exposure of the group most at risk, pre-school and unborn children. In the notice of final rulemaking published elsewhere today, EPA quantified the health benefits of going from a 1.10 gplg standard to a 0.10 gplg standard in 1986. A total ban would result in additional health benefits as the result of going from a 0.10 gplg standard to a no lead standard.

EPA has quantified the health impacts of a ban in terms of the net change in the number of incidences of children exceeding various blood lead levels as the result of going from a 0.10 gplg standard to a ban. EPA's analytical methodology is fully discussed in chapters II and IV of the final RIA that accompanies today's final rulemaking. Blood lead levels above 30 micrograms per deciliter (μg/dl) have been of particular concern because this was the elevated blood lead level established by the Centers for Disease Control (CDC) in 1978. CDC recently announced that it is redefining "elevated blood lead level" to include levels of 25 μg/dl and higher (see February 8, 1985, issue of CDC's *Morbidity and Mortality Weekly Report*). Therefore, EPA has also examined the impacts of a ban on reductions in blood lead from above to below 25 μg/dl.

A no-lead standard effective on January 1, 1988 would, relative to a 0.10 gplg standard in 1988, result in 2000 fewer incidences of children exceeding a blood lead level of 30 μg/dl and 7000 fewer incidences exceeding a 25 μg/dl level in 1988. The impact on other blood lead levels has also been estimated. These impacts are presented in Table 3.

TABLE 3.—NUMBER OF INCIDENCES OF CHILDREN WHOSE BLOOD LEAD GOES FROM ABOVE TO BELOW THE INDICATED BLOOD LEAD LEVEL [1]

Blood lead level	Year				
	1988	1989	1990	1991	1992
30 μg/dl	2,000	2,000	1,000	1,000	0
25 μg/dl	7,000	7,000	6,000	6,000	5,000
20 μg/dl	26,000	22,000	19,000	18,000	16,000
15 μg/dl	83,000	72,000	65,000	58,000	54,000

[1] This table assumes that under a 0.10 gplg standard there will be an 80% reduction in the mistueling rate. This reduction is based on the assumption that no reductions in mistueling are achieved under a 0.50 gplg standard, but that mistueling declines linearly from that level to a no-lead level. For a further discussion, see chapter VIII of the final RIA that accompanies today's final rulemaking.

Based on the analysis of the relationship between blood lead and blood pressure discussed in Part III.B.1 of this notice, EPA has estimated the reduction in case of hypertension and other cardiovascular diseases expected to occur as the result of a total ban on lead in gasoline. In preparing these estimates, EPA first estimated the distribution of blood lead levels at various gasoline lead levels. Next, using the regression coefficients from the

[3] If such a ban were promulgated, the applicable date in the following proposed regulatory provisions set forth in the August 2, 1984, NPRM would be changed from "January 1, 1995" to "January 1, 1988": 40 CFR 80.20(a)(1)(ii), (a)(1)(iii), (a)(3), (c)(1)(ii), (c)(1)(iii), and (c)(3).

model relating blood pressure to blood lead levels, the number of cases of hypertension (i.e., diastolic blood pressure of 90 millimeters mecury or higher) were calculated at various gasoline lead levels. Using the risk coefficients from the Framingham and Pooling Project studies, the number of myocardial infarctions (heart attacks), strokes, and deaths were calculated. A full discussion of this analysis is found in chapter V of the final RIA prepared for today's final rulemaking action. Table 4 lists the reductions in the number of cases of each health effect estimated to occur as the result of going from a 0.10 gplg standard to a total ban, assuming such a ban is effective in 1988. Note that estimates are for white males aged 40–59, only. This group is slightly more than half of all males above 40.

In addition to the beneficial health impacts from reducing lead emissions, excess emissions of HC, CO, and NO_x that result from misfueling would be reduced to the extent that misfueling is reduced as a result of this action (see Part V.B.3 of this notice). The final RIA accompanying today's final rule contains a detailed discussion of the adverse health impacts estimated to be averted through such a reduction in the emissions of these pollutants.

TABLE 4.—REDUCTIONS IN NUMBER OF ADVERSE ADULT HEALTH EFFECTS [1]

Health effect	Year				
	1988	1989	1990	1991	1992
Hypertension	123,427	110,411	98,906	91,403	86,081
Myocardial infarctions	402	360	322	298	281
Strokes	84	75	67	62	58
Deaths	387	346	310	286	270

[1] This table assumes that under a 0.10 gplg standard there will be an 80% reduction in the misfueling rate.

B. Other Environmental Impacts

In the notice of final rulemaking published elsewhere in this issue of the **Federal Register**, EPA quantified the environmental benefits of going from a 1.10 gplg standard to a 0.10 gplg standard reductions in emissions of several motor vehicle pollutants: lead, ethylene dibromide, hydrocarbons, carbon monoxide, and nitrogen oxides.

1. *Lead.* A total ban would obviously reduce motor vehicle lead emissions to zero. As discussed in the August 2, 1984, NPRM, analysis of ambient lead levels in the past has indicated a close relationship between reductions in ambient air lead concentrations and gasoline lead use reductions in areas where lead air quality is impacted primarily by mobile sources. 49 FR 31046. The no-lead standard would also eliminate any residual misfueling. This would provide additional positive environmental impact. The net reduction in lead in the environment from changing the 0.10 gplg standard to a zero lead standard would be 2240 tons in 1988 if there is no misfueling at a 0.10 gplg standard, and 2440 tons in 1988 if 20% misfueling occurred at the 0.10 gplg level.

2. *Ethylene Dibromide.* Emissions of ethylene dibromide (EDB), a potential human carcinogen, would also be reduced as a result of a total ban on lead gasoline. EDB is used as a lead scavenger in leaded gasoline to prevent a build-up of lead deposits in engines and exhaust systems. Based upon emission factors derived by Sigsby et al. (1982), 1988 national motor vehicle tailpipe emissions of EDB under a lead ban, relative to a 0.10 gplg standard in 1988, would be reduced by 10.6 metric tons (assuming misfueling is reduced by 80% under a 0.10 gplg standard). In addition, EPA has calculated that motor vehicle evaporative emissions of EDB would be reduced by 2.5 metric tons and that EDB emissions from the distribution of leaded gasoline would decrease by 0.5 metric tons. Total emissions of EDB would decrease by 13.6 metric tons (not counting tank leakage and spillage). These calculations are explained in the final RIA for the final rulemaking.

3. *Other Pollutants.* Reductions in emissions of hydrocarbons (HC), nitrogen oxides (NO_x), and carbon monoxide (CO) that result from the ban would be primarily due to reductions in misfueling. Misfueling alters the efficiency of the catalytic converter, and can result in total deactivation of this pollution control equipment. A total ban would eliminate all misfueling, and thereby eliminate excess emissions that would otherwise occur from misfueling under a 0.10 gplg standard. The final RIA that accompanies today's final rulemaking discusses EPA's methodology for calculating such avoided emissions. In making estimates concerning the impact of a total ban, the Agency has assumed that the 0.10 gplg standard promulgated today will reduce misfueling by 80% (compared to a 1.10 gplg standard), and that a total lead ban will eliminate the remaining misfueling. Table 5 estimates the net emission reductions that would be achieved in going from a 0.10 gplg standard to a no-lead standard.

TABLE 5.—REDUCTIONS IN EXCESS EMISSIONS

[Thousands of tons]

Pollutant	1988	1989	1990	1991	1992
CO	424	426	435	451	467
HC	61	61	62	64	66
NO_x	24	26	28	29	30

C. Economic Impact

The Agency is considering a broad range of alternatives for the elimination of lead from gasoline (including no action at all), and has considered the economic impact of these options. EPA has estimated the costs and benefits of banning all lead in gasoline starting in 1988. These estimates are based on the same methods used to analyze the economic impacts of the short-term low lead standards being promulgated today elsewhere in this issue of the **Federal Register**. The results are summarized below, and further details may be found in the supplement to the preliminary RIA that accompanies this notice.

1. *Refinery Costs of a Ban.* The primary cost of banning lead in gasoline would be the extra refining costs needed to replace the octane provided by 0.10 gplg of lead in leaded gasoline. EPA has estimated these costs using the Department of Energy's linear programming model of the refining industry. As described in the August 2, 1984, NPRM (49 FR 31043) and in the final RIA that accompanies today's final rulemaking, this model has been used by EPA and by DOE to estimate the costs of various regulations affecting refineries. The model finds the mix of refinery inputs and processing that minimizes the cost of meeting product demands. EPA also has imposed various constraints on the model to ensure that it does not achieve unrealistically high degrees of optimization.

The annual costs of a ban depend in part on how much misfueling is eliminated by the 0.10 gplg standard that will apply starting on January 1, 1986. Table 6 presents cost estimates for a ban assuming that the 0.10 gplg standard will eliminate 80 percent of the misfueling that would occur under a 1.10 gplg standard (and that a ban would eliminate the remaining misfueling). The supplement to the preliminary RIA contains cost estimates based on alternative assumptions about misfueling. These estimates cover only the incremental costs of the ban relative to the 0.10 gplg rule that would otherwise apply in those years.

In reaching a final decision on whether to promulgate a ban, EPA also will consider the cost of potential damage to engines that may need lead to prevent valve-seat recession. As discussed elswhere in this notice, EPA is soliciting comments on the likelihood of such damage under normal operating conditions and on alternative ways of dealing with any problem areas.

2. *Benefits of a Ban.* EPA also has estimated the value of the benefits that

would result from banning lead in gasoline in 1988. These benefits fall into four categories: (1) Children's health and cognitive effects associated with exposure to lead; (2) health and welfare effects associated with excess emissions from vehicles misfueled with leaded gasoline; (3) fuel economy and vehicle maintenance benefits; and (4) blood-pressure-related health effects associated with lead. In calculating the first three types of benefits, the same methods have been used as were used to estimate the impact of the final rule establishing a gasoline lead content standard of 0.10 gplg. For a summary of these methods, see the notice of final rulemaking published elsewhere in this issue of the **Federal Register**. Additional details are provided in the final RIA prepared in conjunction with that notice.

The estimates of blood-pressure-related health benefits are based on the analysis of the relationship between blood lead and blood pressure discussed in Part III.B.1 of this notice, which showed a significant relationship between blood lead and blood pressure in adult males. This analysis has been used to predict the effect of a ban on the number of cases of hypertension among men aged 40 to 59 and the number of myocardial infarctions, strokes, and deaths among white males in that age range. (The analysis was restricted to white males in that age range because the most reliable estimates of the impact of blood pressure on cardiovascular risk are based on large epidemiological studies that included few nonwhites.)

EPA's estimates of the monetary benefits associated with reduced blood pressure are comprised of several components. Based on estimates of the cost of medical treatment and lost wages, a benefit of $220 was used per case of hypertension avoided. For myocradial infarctions and strokes, benefits were based on lost wages (excluding fatal heart attacks and strokes) and medical expenses; they totaled $60,000 per myocardial infarction and $44,000 per stroke.

Placing a monetary value on the reductions in mortality risks (i.e., deaths from myocardial infarctions, strokes, and other causes related to blood pressure) predicted to result from a ban is an inherently difficult and imprecise task. Most benefit-cost analysts agree that the appropriate measure to use is the willingness to pay of individuals to reduce risks to themselves and their families, but there is little agreement as to the correct empirical measure. Many studies have examined this issue, based on the implicit values revealed by individuals in accepting tradeoffs between job risks and wages, or in other choices involving dollars and risk. A recent survey of the literature for EPA found that the estimates from such studies ranged from $400,000 to $7 million per statistical life saved. In preparing EPA's benefit estimates, a value from the lower end of that range, $1 million, was used. Additional details on the calculation of blood-pressure-related health benefits are contained in the final RIA.

EPA's estimates of benefits depend on how much misfueling is eliminated under a 0.10 gplg standard. The estimates presented in Table 6 are based on the assumption that the 0.10 gplg standard will eliminate 80 percent of misfueling. Estimates based on other assumptions are presented in the supplement to the preliminary RIA.

These monetized estimates of benefits are incomplete. Several omissions deserve particular notice: (1) The blood-pressure-related estimates cover only males aged 40–59 and, for myocardial infarctions, strokes, and deaths, only whites; (2) the estimated benefits for both children and adults do not ascribe any monetary value to reduced pain and suffering associated with disease; (3) no monetized benefits have been ascribed to reductions in blood levels of children who remain above the expected CDC toxicity level of 25 ug/dl; and (4) the direct benefit estimates for conventional pollutants from misfueled vehicles do not include any benefits for reductions in emissions of nitrogen oxides and carbon monoxide. Because of these limitations, and others, it is likely that the benefits of a ban have been understated substantially.

TABLE 6.—COSTS AND BENEFITS OF 1988 BAN

[Millions of 1983 dollars]

Category	Year				
	1988	1989	1990	1991	1992
Cost	149	131	114	99	88
Benefits:					
Children's health	23	23	20	20	17
Conventional pollutants	56	56	58	60	62
Maintenance and fuel economy	115	96	89	65	67
Blood-pressure-related	442	395	354	327	309
Net benefits [1]	486	442	407	373	366

[1] Columns may not add due to rounding.

D. Energy Impact

Because many of the alternatives to lead for boosting octane require additional processing of gasoline components, a total ban on lead in gasoline would result in increased use of energy. This reflects the fact that energy is expended in the course of operating this processing equipment. Compared to energy use under a 0.10 gplg standard, a ban on the use of lead in gasoline would increase national energy use by the equivalent of approximately 9000 barrels per day of crude oil in 1988, less than 0.1% of current crude oil usage in the United States. The cost of the use of this energy is included in EPA's cost estimates and, compared to the benefits that would result from such a ban, this increase is not considered significant.

E. Impact of Use of Alternative Additives

To prohibit the use of fuel additive under section 211(c) of the Act, section 211(c)(2)(C) requires the Administrator to find that such a prohibition will not cause the use of another fuel or fuel additive that will produce emissions that will endanger the public health or welfare to the same or greater degree than the fuel additive to be banned. Accordingly, the Agency has considered the possibility that a total ban on the use of lead in gasoline as early as 1988 might (in the absence of further regulatory action) cause the use of other additives as lubricating agents for valves and/or as octane enhancers.

Under a total ban on the use of lead in gasoline, refiners might consider use of other additives to serve as an engine valve lubricant and/or to increase the octane of gasoline. Refiners might consider the use of substances such as phosphorus, sodium or MMT for the purpose of lubrication. To increase the octane of gasoline, refiners might consider the increased use of MMT and/or alcohols. The Agency believes that some or all of these substances might be considered for use by refiners, but at this time cannot accurately predict which substances might be so considered, or in what quantities. The Agency specifically requests comments on these issues, and will make a finding under section 211(c)(2)(C) after considering these comments if a ban is promulgated.

However, the Agency has broad authority under section 211 of the Act to limit the use of additives in gasoline. Generally, a waiver must be obtained under section 211(f)(4) of the Act for the use of any fuel additive in unleaded gasoline unless it is "substantially similar" to an additive used in the certification of 1975 or later model year vehicles under section 206 of the Act, 42 U.S.C. 7525. EPA's revised interpretation

of "substantially similar" was published in the **Federal Register** on July 28, 1981, at 46 FR 38582.

Since under a total ban all gasoline will be unleaded, no new additive can be developed and used before first going through the section 211(f) waiver process unless it is substantially similar to a previously-approved fuel. Those fuel or fuel additives for which waivers have already been granted may be restricted, however, since any attempt to increase the concentration of any such fuel or fuel additive generally would be prohibited without a new waiver application to the Agency.

In addition, the Agency has authority under section 211(c) of the Act to control or prohibit the use of fuels or fuel additives, as discussed in Part II of this notice, if those fuels or additives pose risks to the public health or to emission control devices. Therefore, the Agency does not expect that a ban on lead in gasoline would cause the use of other fuels or fuel additives whose emissions would endanger the public health or welfare to the same or greater degree than lead.

VI. Additional Information

A. Executive Order 12291

Executive Order (E.O.) 12291 requires the preparation of a regulatory impact analysis for major rules, defined by the Order as those likely to result in:

(1) An annual adverse effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) 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.

EPA has determined that a ban would meet the definition of a major rule under E.O. 12291, and has prepared a supplement to the preliminary regulatory impact analysis (RIA) prepared in conjunction with the August 2, 1984, NPRM. The supplement includes information on a ban effective January 1, 1988. That document, along with this supplemental notice, has been submitted to the Office of Management and Budget (OMB) for review under E.O. 12291. Any comments from OMB and any EPA responses to such comments are available for public inspection at the Central Docket Section, U.S. Environmental Protection Agency, West Tower Lobby, 401 M Street, SW., Washington, D.C. 20460 (Docket No. EN-84-05). A copy of the supplement to the preliminary RIA has also been placed in the rulemaking docket.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601-612, requires that Federal agencies examine the impacts of their regulations on small entities. Under 5 U.S.C. 604(a), whenever an agency is required to publish a general notice of proposed rulemaking, it must prepare and make available for public comment an initial regulatory flexibility analysis (RFA). Such an analysis is not required if the head of an agency certifies that a rule will not have a significant economic impact on a substantial number of small entities, pursuant to 5 U.S.C. 605(b). EPA has prepared a supplement to the initial RFA prepared in conjunction with the August 2, 1984, NPRM. The supplement includes information relevant to the regulatory options described in this notice, and a copy of the supplement has been placed in the rulemaking docket.

C. National Academy of Sciences Recommendations

Section 307(d)(3) of the Clean Air Act, 42 U.S.C. 7607(d)(3), requires that rulemaking proceedings under section 211 of the Act, 42 U.S.C. 7545, take into account any pertinent findings, comments, and recommendations by the National Academy of Sciences. Pertinent findings by the National Academy of Sciences are contained in the 1980 report, "Lead in the Human Environment," prepared by the Committee on Lead in the Human Environment of the National Academy of Sciences. The major recommendations in this report pertinent to regulatory controls are the following:

(1) "Efforts to control exposure to lead should proceed, with full acknowledgment of the necessary imprecision of estimates of the costs, risks, and benefits."

(2) "Control strategies should be based on coordinated, integrated measures to reduce exposures from all significant sources."

(3) "Improved institutional mechanisms should be developed to permit a more systematic, consistent approach to the management of lead hazards."

(4) "Expanded and more concerted efforts should be made to identify children at risk and remove sources of lead from their environments. A serious effort should also be made to reduce the 'background' level of exposure of the general population to lead. The most important elements in control strategies include population screening, lead paint removal, reduction of lead emissions from gasoline combustion, and reduction of lead levels in foods."

The Agency has taken these recommendations into account in the development of this supplemental notice and believes this notice is fully consistent with them.

D. Paperwork Reduction Act

The information collection requirements that would result from a ban such as that discussed in this notice would be less than those cleared previously by OMB under control number 2000-0041. See 48 FR 13430 (March 31, 1983). Any such changes to the information collection requirements that would result from a ban will be submitted to OMB for review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. The impact of a total ban on lead in gasoline effective on January 1, 1988, would be the elimination of most, if not all, reporting requirements after January 15, 1988.

List of Subjects in 40 CFR Part 80

Fuel additives, Gasoline, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

(Secs. 211 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7545 and 7601(a))

Dated: March 3, 1985.

Lee M. Thomas,

Administrator.

[FR Doc. 85-5442 Filed 3-6-85; 8:45 am]

BILLING CODE 6560-50-M

federal register

Thursday
March 7, 1985

Part V

Office of Management and Budget

Budget Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report six new deferrals of budget authority for 1985 totaling $58,900,000 and four revised deferrals now totaling $110,566,481. The deferrals affect the Departments of Agriculture, Health and Human Services, Justice, and Labor.

The details of these deferrals are contained in the attached report.

Ronald Reagan.

The White House,
March 1, 1985.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(In thousands of dollars)

DEFERRAL #	ITEM	BUDGET AUTHORITY
	Department of Agriculture	
	Soil Conservation Service	
D85-59	Watershed and flood prevention operations...	8,365
	Forest Service	
D85-4A	Timber salvage sales.....	13,175
D85-5A	Expenses, brush disposal.....	77,913
	Department of Health and Human Services	
	Social Security Administration	
	Limitation on administrative expenses	
D85-9A	(construction).....	15,712
	Department of Justice	
	Office of Justice Programs	
D85-60	Justice assistance.....	13,026
	Department of Labor	
	Employment and Training Administration	
D85-61	Program administration.....	162
	State unemployment insurance and	
D85-34A	employment service operations.....	3,767
D85-62		37,000
D85-63	Unemployment trust fund.....	119
	Pension Benefit Guaranty Corporation	
D85-64	Pension benefit guaranty fund.....	228
	Total, deferrals.....	169,466

SUMMARY OF SPECIAL MESSAGES
FOR FY 1985
(In thousands of dollars)

	RESCISSIONS	DEFERRALS
Seventh special message:		
New items.....	---	58,900
Revisions to previous special messages.....	---	25,758
Effects of seventh special message.....	---	84,658
Amounts from previous special messages that are changed by this message (changes noted above).....	---	84,809
Subtotal, rescissions and deferrals.....	---	169,466
Amounts from previous special messages that are not changed by this message.....	1,805,913	14,553,149
Total amount proposed to date in all special messages.....	1,805,913	14,722,615

Deferral No: D85-59

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Agriculture Bureau: Soil Conservation Service	New budget authority..... $ 182,300,000 (P.L. 98-473) Other budgetary resources 50,946,859 Total budgetary resources 233,246,859
Appropriation title and symbol: Watershed and Flood Prevention Operations 1/ 12X1072	Amount to be deferred: Part of year $ 8,365,000 Entire year ____
OMB identification code: 12-1072-0-1-301 Grant program: [X] Yes [ ] No	Legal authority (in addition to sec. 1013): [ ] Antideficiency Act [ ] Other ____
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-Year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: This program provides for cooperation between the Federal Government and States and their political subdivisions in installing works of improvement to reduce damage from floodwater, sediment, and erosion; for the conservation, development, utilization, and disposal of water; and for the conservation and proper utilization of land. The deferred funds were provided for technical and financial assistance to sponsors of projects authorized under P. L. 566 in carrying out works of improvement to protect, develop and utilize the land and water resources in small watersheds (under 250,000 acres). These amounts are deferred until Congress has completed action on a proposal to transfer them to the Conservation operations account of the Soil Conservation Service to be used to meet increased pay costs.

Estimated Program Effect: This action will reduce funds available for technical and financial assistance to projects already under construction in 1985.

Outlay Effect (in thousands of dollars):

1985 Outlay Estimate Without Deferral	1985 Outlay Estimate With Deferral	Outlay Savings 1985	1986	1987	1988	1989	1990
280,310	277,810	2,500	3,800	2,065	---	---	---

1/ This account was the subject of a deferral in 1984 (D84-49). It is also the subject of a rescission proposal (R85-34).

Supplementary Report

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D85-4 transmitted to Congress on October 1, 1984.

This increases by $3,470,917 the previous deferral of $9,703,710 in the Department of Agriculture's Forest Service Timber salvage sales account, resulting in a total deferral of $13,174,627. The additional funds can be deferred because more unobligated funds were available at the end of 1984 than previously anticipated.

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Department of Agriculture
Bureau:
Forest Service
Appropriation title and symbol:
Timber salvage sales 1/
12X5204

OMB Identification code:
11-9922-0-2-302
Grant program:
[ ] Yes [X] No

Type of account or fund:
[ ] Annual
[ ] Multiple-year _____ (expiration date)
[X] No-Year

New budget authority..... $ 16,055,000
(P.L. 94-588; 16 U.S.C. 472a(b))
Other budgetary resources * 21,946,627
Total budgetary resources * 38,001,627

Amount to be deferred:
Part of year $_____
Entire year * 13,174,627

Legal authority (in addition to sec. 1013):
[X] Antideficiency Act
[ ] Other_____

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other_____

Justification: *The Timber salvage sales fund was established under the provisions of the National Forest Management Act of 1976 so that immediate action can take place to harvest dead and dying trees when required by market conditions or catastrophes (such as the Mount St. Helens volcanic eruption). Fees are paid by purchasers of dead, damaged, insect-infested or down timber to finance subsequent timber salvage sales. Contingency reserves are established under the provisions of the Antideficiency Act (31 U.S.C. 1512) because of the time lag between the deposit of receipts in one year and the expenditure of funds for sales operations in subsequent years.

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1984 (D84-2).

* Revised from previous report.

Supplementary Report

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D85-5 transmitted to Congress on October 1, 1984.

This increases by $22,062,759 the previous deferral of $55,850,019 in the Department of Agriculture's Forest Service Expenses, brush disposal account, resulting in a total deferral of $77,912,778. The additional funds can be deferred because more unobligated funds were available at the end of 1984 than previously anticipated.

Deferral No: *D85-5A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... $ 41,822,000 (P.L. 16 U.S.C. 490)
Bureau: Forest Service	Other budgetary resources * 77,927,778
Appropriation title and symbol: Expenses, brush disposal 1/ 12X5206	Total budgetary resources *119,749,778
	Amount to be deferred: Part of year $ ____ Entire year * 77,912,778
OMB identification code: 12-9922-0-2-302	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-Year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: *Fees are paid by purchasers of National Forest timber reflecting the estimated expenses of the Forest Service for disposing of brush and other debris resulting from timber cutting operations. Much of the brush disposal work for which fees are collected cannot be done in the same year because harvesting is not completed or due to seasonal weather conditions. In addition, extra fire protection by the Forest Service may be required for three to five years after the timber harvest. The Forest Service plans for a stable year-to-year program which will require $41.8 million in 1985. A contingency reserve has been established for future expenses under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1984 (D84-3).

* Revised from previous report.

Supplementary Report

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D85-9 transmitted to Congress on October 1, 1984.

This increases by $224,195 the previous deferral of $15,487,881 in the Department of Health and Human Services' Social Security Administration Limitation on administrative expenses (construction) account, resulting in a total deferral of $15,712,076. The additional resources can be deferred as a result of updated Social Security Administration and General Services Administration projections of 1985 obligations for headquarters and field construction projects and because more unobligated funds were available at the end of 1984 than previously anticipated.

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Health and Human Svcs	New budget authority..... $ (P.L.)
Bureau: Social Security Administration	Other budgetary resources *41,450,381
Appropriation title and symbol: Limitation on Administrative Expenses (Construction) 75X8704	Total budgetary resources *41,450,381
OMB Identification code: 75-8007-0-7-571	Amount to be deferred: Part of year $ Entire year *15,712,076
Grant program: [ ] Yes [X] No	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other
Type of account or fund: [ ] Annual [ ] Multiple-year (expiration date) [X] No-Year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justifications: *This account provides funding for construction and renovation of the Social Security Administration's (SSA) headquarters and field office buildings. This deferral represents the amounts provided in past years which SSA will not need in 1985 to carry out its current plans in this account. The deferred amount is a result of changes to prior year construction plans, revised SSA and General Services Administration obligation projections, and the difference between estimated and actual 1984 carryover resources. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1984 (D84-10A). A separate limitation in this same account is also the subject of a deferral (D85-44).

* Revised from previous report.

Deferral No: D85-60

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Department of Justice
Bureau:
Office of Justice Programs
Appropriation title and symbol:
Justice Assistance
15X0401

OMB Identification code:
15-0401-0-1-754
Grant program: [X] Yes [ ] No

Type of account or fund:
[ ] Annual
[ ] Multiple-year _____ (expiration date)
[X] No-Year

New budget authority..... $ 145,551,000
(P.L. 98-411)
Other budgetary resources 103,657,827
Total budgetary resources 249,208,827

Amount to be deferred:
Part of year $ 13,026,000
Entire year _____

Legal authority (in addition to sec. 1013):
[ ] Antideficiency Act
[ ] Other _____

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other _____

Justification: The Justice Assistance appropriation provides for activities authorized by the Juvenile Justice and Delinquency Prevention Act, Missing Children's Assistance Act, and Justice Assistance Act. Unobligated balances from Juvenile justice activities are deferred pending Congressional action on two proposed supplementals: one transferring $12,226,000 to United States Attorneys and Marshals Salaries and expenses account to support costs associated with the establishment of 85 new judgeships, and a second of $800,000 to provide initial funding for Emergency Federal Law Enforcement Assistance.

Estimated Program Effect: None

Outlay Effect (in thousands of dollars):

1985 Outlay Estimate		Outlay Savings					
Without Deferral	With Deferral	1985	1986	1987	1988	1989	1990
208,151	202,854	5,297	6,210	719	---	---	---

Deferral No: D85-61

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Department of Labor
Bureau:
Employment and Training Admin.
Appropriation title and symbol:
Program administration 1/
1650172

OMB Identification code:
16-0172-0-1-504
Grant program: [ ] Yes [X] No

Type of account or fund:
[X] Annual
[ ] Multiple-year _____ (expiration date)
[ ] No-Year

New budget authority..... $ 67,625,000
(P.L. 98-619)
Other budgetary resources 45,294,000
Total budgetary resources 112,919,000

Amount to be deferred:
Part of year $ 162,000
Entire year _____

Legal authority (in addition to sec. 1013):
[X] Antideficiency Act
[ ] Other _____

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other _____

Justification: This account funds the expenses of administering the programs of the Employment and Training Administration. In addition to general funds, the 1985 appropriation authorizes the expenditure of $45,200,000 from the Employment Security Administration account of the Unemployment Trust Fund for Federal administrative expenses of running the program. A supplemental has been proposed to reduce this limitation by $162,000 to effect savings in congressionally specified management categories pursuant to section 2901 of the Deficit Reduction Act of 1984. These funds are deferred pending Congressional action on that proposal and pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect (in thousands of dollars):

1985 Outlay Estimate Without Deferral	1985 Outlay Estimate With Deferral	Outlay Savings 1985	1986	1987	1988	1989	1990
45,200 2/	45,038 2/	162 2/	---	---	---	---	---

1/ This account is also the subject of a rescission proposal (R85-163A).

2/ Trust Fund portion only.

Supplementary Report

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D85-34 transmitted to Congress on November 29, 1984.

The amount withheld in the previous deferral of $3,767,000 is not affected by this revised deferral. The justification has been updated to reflect the transmittal to Congress of a proposal to delete the deferred funds.

Deferral No: *D85-34A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
U.S. Department of Labor
Bureau:
Employment and Training Admin.
Appropriation title and symbol:
State Unemployment Insurance and Employment Service Operations
1650179
OMB Identification code:
16-0179-0-1-999
Grant program: [X] Yes [ ] No

Type of account or fund:
[X] Annual
[ ] Multiple-year _____ (expiration date)
[ ] No-Year

New budget authority..... $ *1,300,000
(P.L. 98-619)
Other budgetary resources *1,635,867,000
Total budgetary resources 1,637,167,000

Amount to be deferred:
Part of year $ 3,767,000
Entire year _____

Legal authority (in addition to sec. 1013):
[ ] Antideficiency Act
[ ] Other _____

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other _____

Justification: *The State Unemployment Insurance and Employment Service Operations appropriation provides for State grants for payment of salaries and expenses of State Unemployment Insurance and Employment Services staff and for related operations. The deferred amount was provided by the Congress to be available for amortization payments to five States which had independent retirement plans in their State Employment Service agencies prior to 1980. The financing of basic Employment Service grants and management flexibility provided to States under Section 6 of the Wagner-Peyser Act as amended result in sufficient amounts to meet all retirement plan needs in the five States without the additional $3.767 million. Therefore, the amount is deferred pending Congressional action on the Administration proposal to delete the earmarked additional financing.

Estimated Program Effect: None

Outlay Effect* (in thousands of dollars):

1985 Outlay Estimate Without Deferral	1985 Outlay Estimate With Deferral	Outlay Savings 1985	1986	1987	1988	1989	1990
1/	1/	3,767	---	---	---	---	---

* Revised from a previous report.

1/ Outlays are included within the totals for the Unemployment trust fund.

Deferral No: D85-62

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
U.S. Department of Labor
Bureau:
Employment and Training Admin.
Appropriation title and symbol:
State Unemployment Insurance and Employment Service Operations
165/60179
OMB identification code:
16-0179-0-1-999
Grant program:
[X] Yes [ ] No

Type of account or fund:
[ ] Annual
[X] Multiple-year June 30, 1986 (expiration date)
[ ] No-Year

New budget authority..... $ 22,200,000
(P.L. 98-619)
Other budgetary resources 755,198,000
Total budgetary resources 777,198,000

Amount to be deferred:
Part of year $
Entire year 37,000,000

Legal authority (in addition to sec. 1013):
[ ] Antideficiency Act
[ ] Other

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other

Justification: The State Unemployment Insurance and Employment Service Operations appropriation provides for State grants for payment of salaries and expenses of State Unemployment Insurance and Employment Services staff and for related operations. The amount deferred was provided for the Employment Service for the 1985 program year beginning July 1, 1985, but is not necessary to maintain the operations of the Employment Service. The remaining amount, the same as provided for the 1984 program year, already represents an increase of more than 14% over comparable 1983 State Employment Service grants. This increase, equivalent to 7% per year, compares to inflation rates of less than 4% over each of the last two years. The Wagner-Peyser Act, as amended, gives States great flexibility in the use of these grants to provide employment services, particularly in comparison to the relative inflexibility that characterized the grants prior to 1985. The management and program flexibility now afforded the States in the use of the formula grants should offset any inflation needs the States may experience. Therefore the amount is deferred pending Congressional action on the Administration proposal to delete this unnecessary funding.

Estimated Program Effect: None

Outlay Effect (in thousands of dollars):

1985 Outlay Estimate Without Deferral	1985 Outlay Estimate With Deferral	Outlay Savings 1985	1986	1987	1988	1989	1990
1/	1/	9,250	27,750	---	---	---	---

1/ Outlays are included within the totals for the Unemployment trust fund.

Deferral No: D85-63

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
U.S. Department of Labor
Bureau:
Employment and Training Admin.
Appropriation title and symbol:
Unemployment Trust Fund
(Veterans employment and training)
1658042
OMB identification code:
20-8042-0-7-999
Grant program:
[X] Yes [ ] No

Type of account or fund:
[X] Annual
[ ] Multiple-year _____ (expiration date)
[ ] No-Year

New budget authority..... (P.L. 98-619) $ 122,172,000
Other budgetary resources _____
Total budgetary resources 122,172,000
Amount to be deferred:
Part of year $ 119,000
Entire year _____
Legal authority (in addition to sec. 1013):
[X] Antideficiency Act
[ ] Other _____

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other _____

Justification: The Assistant Secretary for Veterans Employment and Training appropriation provides resources for grants to state agencies for the payment of salaries and expenses necessary for the administration of the Disabled Veterans Outreach Program and the Local Veterans Employment Representative program. Additionally, funds are appropriated for Federal salaries and expenses for staff assigned to implement the goals of the Assistant Secretary. A supplemental has been proposed to reduce these resources by $119,000 to effect savings in congressionally specified management categories pursuant to section 2901 of the Deficit Reduction Act of 1984. Funds are deferred pending congressional action on that proposal pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect (in thousands of dollars):

1985 Outlay Estimate Without Deferral	1985 Outlay Estimate With Deferral	Outlay Savings 1985	1986	1987	1988	1989	1990
122,172	122,053	119	---	---	---	---	---

Deferral No: D85-64

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
U.S. Department of Labor
Bureau:
Pension Benefit Guaranty Corporation
Appropriation title and symbol:
Pension Benefit Guaranty Corporation
16X4204
OMB identification code:
16-4204-0-3-601
Grant program:
[ ] Yes [X] No

Type of account or fund:
[ ] Annual
[ ] Multiple-year _____ (expiration date)
[X] No-Year

New budget authority..... (P.L. _____) $ _____
Other budgetary resources 592,078,000
Total budgetary resources 592,078,000
Amount to be deferred:
Part of year $ _____
Entire year 228,000
Legal authority (in addition to sec. 1013):
[X] Antideficiency Act
[ ] Other _____

Type of budget authority:
[ ] Appropriation
[ ] Contract authority
[X] Other Public Enterprise Fund

Justification: The Pension Benefit Guaranty Corporation is a self-financing, wholly owned Government corporation which provides pension insurance for single and multi-employer plans. The Department of Labor Appropriation Act of 1985 provides for a limitation on administrative expenses of $33,057,000. A supplemental has been proposed to reduce the limitation by $228,000 to effect savings in congressionally specified management categories pursuant to section 2901 of the Deficit Reduction Act of 1984. Funds are deferred pending congressional action on that proposal pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect (in thousands of dollars):

1985 Outlay Estimate Without Deferral	1985 Outlay Estimate With Deferral	Outlay Savings 1985	1986	1987	1988	1989	1990
-12,136	-12,364	228	---	---	---	---	---

[FR Doc. 85-5484 Filed 3-6-85 8:45 am]
BILLING CODE 3110-01-C

Reader Aids

Federal Register

Vol. 50, No. 45

Thursday, March 7, 1985

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

Subscriptions (public)	202-783-3238
Problems with subscriptions	275-3054
Subscriptions (Federal agencies)	523-5240
Single copies, back copies of FR	783-3238
Magnetic tapes of FR, CFR volumes	275-2867
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual 523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MARCH

8317-8572 1
8573-8702 4
8703-8988 5
8989-9260 6
9261-9420 7

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
12193 8991
12295 8991
12351 8991
12409 8991
12463 8991
12506 8991

Administrative Orders:

Memorandums:
September 6, 1973 (Superseded by Memorandum of February 27, 1985) 8953
February 27, 1985 8953

Proclamations:
5306 8989

5 CFR

Ch. XIV 8993
293 8993
294 8993

7 CFR

226 8573
301 9261
318 8317
319 ..... 8703, 8704
448 9263
910 8317
1062 8318
1807 8581
1822 8581
1902 8581
1930 8581
1944 8581
1951 8581
1955 8581
1965 8581

Proposed Rules:
989 9037
1007 9038
1011 9038
1046 9038
1093 9038
1097 9038
1098 9038
1102 9038
1108 9038

8 CFR

103 8319

10 CFR

1 8605
53 8605

12 CFR

202 8707
205 8707
213 8708
226 8708
407 8606
701 8708
741 8708

Proposed Rules:
226 8737

14 CFR

39 8319-8321
71 ..... 9250, 9252
91 9252
103 9252
105 9252

Proposed Rules:
23 8948
39 8337-8339
71 ..... 8340, 8738, 8739, 9039, 9040
303 8341

17 CFR

239 9267

Proposed Rules:
1 8639
230 9281
275 8740

18 CFR

Proposed Rules:
154 8639
155 8639
156 8639
157 8639
284 8639
410 9284

19 CFR

6 8710
12 8710
18 8710
19 8710
141 8710
143 8710
144 8710
146 8710

20 CFR

404 8726
416 8726
630 8323
631 8323
652 8323

Proposed Rules:
200 ..... 8341, 9285

21 CFR

10 8993
12 8993
13 8993
14 8993
20 8993

25 ... 8993
58 ... 8993
184 ... 8997
201 ... 8993
207 ... 8993
211 ... 8993
225 ... 8993
291 ... 8993
310 ... 8993
312 ... 8993
320 ... 8993
330 ... 8993
361 ... 8993
429 ... 8993
430 ... 8993
431 ... 8993
436 ... 9267
561 ... 8999
573 ... 8606
600 ... 9000
606 ... 9000
610 ... 9000
620 ... 9000
630 ... 9000
640 ... 9000
660 ... 9000
864 ... 8729

Proposed Rules:
341 ... 9040
357 ... 9040
600 ... 8743
660 ... 8743

23 CFR

Proposed Rules:
658 ... 8342

24 CFR

1 ... 9268
17 ... 9268
35 ... 9268
42 ... 9268
50 ... 9268
51 ... 9268
108 ... 9268
200 ... 9268
201 ... 9268
390 ... 9268
600 ... 9268
880 ... 9268
882 ... 9268
883 ... 9268
885 ... 9268
886 ... 9268
888 ... 9268
905 ... 9268
960 ... 9269
1710 ... 9268
2700 ... 9268
3280 ... 9268
3500 ... 9268

Proposed Rules:
1800 ... 9040

26 CFR

1 ... 9269

Proposed Rules:
1 ... 8749

27 CFR

3 ... 8456
5 ... 8456
13 ... 8456
19 ... 8456, 9152
20 ... 9152
21 ... 9152
22 ... 9152
30 ... 8456
170 ... 8456, 9152
194 ... 8456
195 ... 8456
196 ... 8456
197 ... 8456
200 ... 8456, 9152
211 ... 8456, 9152
213 ... 8456, 9152
231 ... 8456
240 ... 8456
245 ... 8456
250 ... 8456, 9152
251 ... 8456, 9152
252 ... 8456, 9152

28 CFR

0 ... 8606, 8607
42 ... 8608

29 CFR

20 ... 8608
1691 ... 8608

30 CFR

917 ... 8608

Proposed Rules:
904 ... 9286
943 ... 9287

31 CFR

51 ... 8610, 8612

32 CFR

199 ... 8729
721 ... 9000

33 CFR

126 ... 8612
160 ... 8612

Proposed Rules:
110 ... 8640
117 ... 9288, 9289
140 ... 9290
141 ... 9290
142 ... 9290
143 ... 9290
144 ... 9290
145 ... 9290
146 ... 9290

36 CFR

Proposed Rules:
223 ... 8344, 9302

37 CFR

1 ... 9368
201 ... 9270

39 CFR

601 ... 9015

Proposed Rules:
111 ... 8345, 9051

40 CFR

52 ... 8614, 8616
60 ... 8323, 8324, 8620
61 ... 8620
80 ... 9386
228 ... 9273
775 ... 8621

Proposed Rules:
52 ... 8346, 8749, 8751, 9052
60 ... 9055, 9057
80 ... 9400
81 ... 8751
86 ... 9204
122 ... 9362

41 CFR

Ch. 101 ... 8622

Proposed Rules:
105-64 ... 8641

43 CFR

4 ... 8325
3400 ... 8626
3410 ... 8626
3420 ... 8626
3430 ... 8626
3450 ... 8626
3460 ... 8626
3470 ... 8626

Public Land Order:
6588 ... 9279

46 CFR

153 ... 8730
154 ... 8730

47 CFR

Ch. I ... 8627, 9016
64 ... 9033
73 ... 8325-8335, 8628, 8634, 9033-9035
74 ... 9035

Proposed Rules:
2 ... 9059, 9060, 9292
15 ... 9059
22 ... 9059
25 ... 9059
64 ... 9060
73 ... 8347, 9060-9074
76 ... 9076
90 ... 9059, 9060, 9293
97 ... 8348

48 CFR

Ch. 29 ... 8914

Proposed Rules:
Ch. 5 ... 9293
31 ... 8752

49 CFR

1 ... 9036
25 ... 8955
173 ... 8635
1152 ... 8566

Proposed Rules:
25 ... 8987
215 ... 9293
571 ... 9294
1171 ... 9298

50 CFR

21 ... 8636
91 ... 9279
611 ... 8335
651 ... 8735

Proposed Rules:
17 ... 9083-9095, 9300
26 ... 9300
33 ... 8752
671 ... 8348
677 ... 8348

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List February 14, 1985