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Federal Register

Friday
March 22, 1985

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Environmental Protection Agency

Aviation Safety
Federal Aviation Administration

Communications Common Carriers
Federal Communications Commission

Crop Insurance
Federal Crop Insurance Corporation

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

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Animal and Plant Health Inspection Service

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 508]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 275,000 cartons during the period March 24–30, 1985. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

DATES: Effective for the period March 24–30, 1985.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C., 20250 telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been revised under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administration Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on March 19, 1985, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the lemon demand pattern continues to improve on larger sizes, but remains easy on smaller sizes of fruit.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.808 is added as follows:

§ 910.808 Lemon regulation 508.

The quantity of lemons grown in California and Arizona which may be handled during the period March 24, 1985, through March 30, 1985, is established at 275,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 20, 1985.

John J. Gardner,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 85–7012 Filed 3–21–85; 8:45 am]

BILLING CODE 3410–02–M

Rural Electrification Administration

7 CFR Part 1772

Public Information; REA Bulletin 345–65, REA Specification for Shield Bonding Connectors, PE–33

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA hereby amends 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications, by issuing a revised Bulletin 345–65, REA Specification for Shield Bonding Connectors, PE–33. This revision incorporates a section on shield bonding connectors specifically designed for installation on filled buried service wire. The former standard did not cover the requirements for buried service wire shield bonding connectors. Including the new section in PE–33 provides REA telephone borrowers with a more suitable and less costly connector for use on buried service wire. Presently, shield bonding connectors for large size cables are used on small diameter buried service wires making a satisfactory installation difficult and requiring much more time to complete. Manufacturers of shield bonding connectors and all REA borrowers are impacted in the REA's requirements will reflect state of the art technology and will thus permit the construction of the best, most cost-effective facilities possible.

EFFECTIVE DATE: March 22, 1985. The incorporation by reference of the publication listed in the regulation is approved by the Director of the Federal Register as of March 22, 1985.

FOR FURTHER INFORMATION CONTACT: C.F. Buster, Jr., Acting Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Washington, DC 20250, telephone (202) 382–8663. The Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby amends 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and

Specifications, by issuing a revised Bulletin 345–65, REA Specification for Shield Bonding Connectors, PE–33. This action has been reviewed in accordance with Executive Order 12291, Federal Regulation. The action will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; (3) result in significant adverse effects on competition, employment, investment or productivity and therefore has been determined to be "not major". This action does not fall within the scope of the Regulatory Flexibility Act. This program is listed in the Catalog of Federal Domestic Assistance as 10.851, Rural Telephone Loans and Loan Guarantees and 10.852, Rural Telephone Bank Loans.

A limited number of copies of the document are available upon request from the address indicated above.

Background

The earlier edition of REA's Specification for Shield Bonding Connectors, PE–33, did not address those designed specifically for use on filled buried service wire. As a result, connectors meeting that specification were ill suited for this use and a satisfactory installation was difficult and required excessive time to complete. A number of manufacturers produce shield bonding connectors which are designed for this use and which will permit an acceptable installation at a significantly lower cost in time and materials. The revised specification recognizes this state of the art technology and permits its applications on the systems of REA borrowers.

REA published a Notice of Proposed Rulemaking in the **Federal Register** on November 20, 1984, Volume 49, No. 225, page 45754. There were no comments as a result of the proposal.

List of Subjects in 7 CFR Part 1772

Loan programs—communications, Telecommunications.

PART 1772—[AMENDED]

In view of the above, REA hereby amends 7 CFR Part 1772, Section 1772.97 is amended by revising the entry 345–65 to read as follows:

§ 1772.97 Incorporation by reference of telephone standards and specifications.

* * * * *

REA Bulletin No.	Specification No.	Date last issued	Title or standard or specification
345–65	PE–65	Mar. 22, 1985	Specification for shield bonding connectors.

* * * * *

(7 U.S.C. 901 et. seq.)

Dated: March 5, 1985.

Harold V. Hunter,

Administrator.

[FR Doc. 85–6850 Filed 3–21–85; 8:45 am]

BILLING CODE 3410–15–M

Farmers Home Administration

7 CFR Parts 1910, 1924, 1941, 1945, 1951, 1955 and 1980

Implementation of Emergency Agricultural Credit Act of 1984

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: This action amends Farmers Home Administration (FmHA) regulations regarding Operating (OL) loan limits, repayment periods of consolidated, rescheduled and reamortized loans, interest rates, adjacent county designations for Emergency (EM) loans, farm assets security values for EM loans, extension of EM termination dates for filing applications and various other changes. The intended effect of this action is to amend FmHA regulations to implement the provisions of the Emergency Agricultural Credit Act of 1984.

EFFECTIVE DATE: March 22, 1985.

FOR FURTHER INFORMATION CONTACT: Chester Bailey, Emergency Loan Officer, Emergency Division, Farmers Home Administration, USDA, Room 5424–S, Washington, D.C. 20250, telephone (202) 382–1642 and Edward Yaxley, Senior Loan Officer, Farm Real Estate and Production Division, Farmers Home Administration, USDA, Room 5442–S, Washington, D.C. 20250, telephone (202) 447–3646.

SUPPLEMENTARY INFORMATION:

Classification

This final action has been reviewed under USDA procedures established by Departmental Regulation 1512–1, which implements Executive Order 12291, and it has been determined to be nonmajor, because there is no substantial change from practices under existing rules and no annual effect on the economy of $100 million or more; or a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign based enterprise in domestic or export markets.

Programs Affected

These changes affect the following FmHA programs as listed in the Catalog of Federal Domestic Assistance: 10.404—Emergency Loans, 10.406—Farm Operating Loans, 10.407—Farm Ownership Loans, and 10.428—Economic Emergency Loans.

Intergovernmental Consultation

Intergovernmental Consultation should be carried out in accordance with 7 CFR Part 3015 Subpart V, "Intergovernmental Review of Department of Agriculture Programs and Activities." For affected programs see FmHA Instruction 1940–J, available in any FmHA office.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Background

On April 23, 1984, (49 FR 16983) the FmHA published in the **Federal Register** an interim rule to amend 7 CFR Parts 1910, 1924, 1941, 1945, 1951, 1955, and 1980 to incorporate these statutory changes: Current Operating (OL) Loan limits are $100,000 for insured and $200,000 for guaranteed OL loans. This Act increases these levels to $200,000 and $400,000 respectively.

The Act also amends the terms for consolidation and rescheduling of existing loans to FmHA borrowers. This covers OL and EM loans. In addition, this Act specifically sets the interest rates FmHA will charge borrowers when their Operating, Farm Ownership, Soil and Water (SW), Recreation Loans (RL), and EM loans are deferred, consolidated, rescheduled or

reamortized. Implementation of this Act will provide for the rescheduling of OL loans and EM loans made for operating purposes for up to 15 years from the date of the original note. It will also provide for using the interest rate on the original loan or the current FmHA loan rate, whichever is lower.

The Act only affects loans made for farming operating purposes for rescheduling for up to 15 years. Therefore, loans made solely for recreation or nonfarm enterprise purposes will not be rescheduled under this provision. Also, the Act does not include EE loans. However, previous statutory authorities allow FmHA to administratively adopt the provisions of the Act for the rescheduling of such loans. Therefore, to avoid confusion and provide uniformity, FmHA is changing its regulations to incorporate the provisions of the Act in the rescheduling of these loans.

The Act provides that farmers suffering losses from a disaster occurring after May 30, 1983, who are in counties contiguous to a county in which a natural disaster has occurred may also apply for EM loans.

For disasters occurring after May 30, 1983 the Act provides that farm asset values will be determined by the value of the assets on the day before the governor of the state requests assistance for the disaster or the value of the assets one year before such date. This Act extends the period for filing applications from the previous six-month period to eight months from the date of the designation.

Interested persons were given 30 days to submit comments, suggestions or objections to the interim amendments. One comment was received concerning the limited resource provision of the amendment. One of the commentor's concerns was that more than 80 percent of operating and farm ownership funds would be used for regular loans and less than 20 percent of the funds would be available for limited resource funds. To be sure that at least 20 percent of the funds were available, an Administrative Notice Number 1010 (1940) dated April 18, 1984, was issued by the Administrator of FmHA which directed the FmHA Finance Office to control the obligating of funds to meet the 20 percent requirement of the Act. For fiscal year 1984, 22.1 percent of operating loan funds and 36.4 percent of farm ownership funds were used for limited resource loans. We are not making any revisions to the interim regulations because the Administrative Notice addressed the writer's concerns.

The writer also made a number of comments about aspects of the limited resource program which were not the subject of these amendments. We will keep these comments in mind when we make future changes to the limited resource regulations.

List of Subjects

7 CFR Part 1910

Credit Loan program—Agriculture

7 CFR Part 1924

Agriculture, Construction and Repair, Loan programs—Agriculture

7 CFR Part 1941

Crops, Livestock, Loan programs—Agriculture, Rural areas

7 CFR Part 1945

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7 CFR Part 1951

Account servicing, Credit, Loan programs—Agriculture Mortgages

7 CFR Part 1955

Government acquired property, Sale of government acquired property

7 CFR Part 1980

Agriculture Loan programs—Agriculture

Accordingly, the Interim rule published in the **Federal Register** of April 23, 1984, (49 FR 16983) is adopted as a final rule without change.

Authority: 7 U.S.C. 1989; sec. 209(c), Title II of Pub. L. 95-334, as amended by Pub. L. 96-220 and Pub. L. 97-98, and as affected by Pub. L. 93-370; 7 CFR 2.23; 7 CFR 2.70.

Dated: December 24, 1984.

Neal Sox Johnson,

Acting Administrator.

[FR Doc. 85-6825 Filed 3-21-85; 8:45 am]

BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 84-021]

Brucellosis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the brucellosis regulations by providing a mechanism whereby "certified brucellosis-free herds" of cattle can be converted to "qualified herds" if a federal quarantine is established. This action is warranted in order to delete unnecessary restrictions that otherwise would be imposed on the interstate movement from quarantined areas of cattle from "certified brucellosis-free" herds.

EFFECTIVE DATE: April 22, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas J. Holt, Cattle Diseases Staff, VS, APHIS, USDA, Room 817, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8711.

SUPPLEMENTARY INFORMATION:

Background

The brucellosis regulations (contained in 9 CFR Part 78) regulate the interstate movement of certain animals, including cattle, from both quarantined and nonquarantined areas.

On December 6, 1983, a document was published in the **Federal Register** (48 FR 54640-54642) which proposed to amend the brucellosis regulations (1) to provide criteria to allow "certified brucellosis-free herds" (referred to below as "certified herds") to be converted to "qualified herds" in those cases when areas in which such herds are located are designated as quarantined areas, and thereby allow such cattle to be moved interstate from quarantined areas, in accordance with the provisions of cattle from "qualified herds"; (2) to correct a previous mistake and thereby clarify that steers and spayed heifers of any age may be moved interstate from any area without restrictions under the regulations; (3) to correct a previous mistake and thereby provide that the two official negative tests for brucellosis required as a basis for designating a herd of cattle or bison as a "qualified herd" be performed not less than 90 days nor more than 150 days apart; (4) to correct certain references; and (5) to make other nonsubstantive changes for purposes of clarity.

The document of December 6, 1983, invited the submission of written comments on or before February 6, 1984. Three comments were received.

Two of the commenters expressed support for the proposed rule without change. The other commenter expressed support for allowing "certified herds" to be converted to "qualified herds," but asserted that the procedures for converting "certified herds" to "qualified herds" "imply another needless and probably time-consuming administrative procedure that appears to go beyond the need and intent stated by the proposed rule." No changes are made based on this comment. The minimum requirements for designation as a "certified herd" are not the same as the minimum requirements for

designation as a "qualified herd." Further, it has been determined that the proposed procedures for converting "certified herds" to "qualified herds" should be adopted as proposed. In this regard, the Department reaffirms the following rationale stated in the proposal (48 FR 54640):

It has been determined that herds of cattle designated as "certified herds" would pose a risk of carrying brucellosis no greater than that of a "qualified herd" if the "certified herd" had been subjected to a herd blood test and found free of brucellosis within 120 days prior to or after the establishment of the quarantine. Therefore, it is proposed to amend the regulations to allow "certified herds" of cattle so tested and found free of brucellosis within 120 days prior to or after the establishment of the quarantine to be converted to "qualified herds."

Miscellaneous

This final rule also contains nonsubstantive changes for purposes of clarity.

Executive Order 12291 and Regulatory Flexibility Act

This final rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." The Department has determined that this rule will not have an annual effect on the economy of $100 million or more; will not cause any significant increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

There are approximately 15,000 "certified herds" of cattle in the entire United States, compared with a total of approximately 1,700,000 herds of all types of cattle. Only a very small portion of these "certified herds" are located in any one State. Currently, no States are subject to a federal quarantine. However, if a federal quarantine were imposed on a State, or a portion thereof, it appears that only an insignificant number of owners of "certified herds" would convert their herds to "qualified herds."

Under these circumstances, Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

Alternatives

Consideration was given whether or not to establish a mechanism whereby "certified herds" of cattle could be converted to "qualified herds" if a federal quarantine is established. Such a mechanism is adopted because it will allow the deletion of unnecessary restrictions on the interstate movement from quarantined areas of cattle from "certified herds."

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

PART 78—BRUCELLOSIS

Accordingly, 9 CFR Part 78 is amended as set forth below:

1. In § 78.1, paragraph (nn) is revised to read as follows:

§ 78.1 Definitions.

* * * * *

(nn) *Qualified herd.* (1) Any herd of cattle or bison in a quarantined area which is not known to be affected with brucellosis and which has been subjected to two consecutive official tests for brucellosis and found negative. The first of these two official tests of the herd shall be conducted not more than 240 days nor less than 120 days prior to the date of classification as a qualified herd. The second official test may not be conducted less than 90 days nor more than 150 days after the first test. Additionally, the second test must be within 120 days of the date of classification as a qualified herd. Certified brucellosis-free herds may qualify for classification as qualified herds by having a negative herd blood test 120 days prior to or after the establishment of a quarantine. (2) In order to remain a qualified herd, a herd must be subjected to successive requalifying official tests and found negative on each test. Each such requalifying test shall be conducted not more than 120 days from the date of the preceding official test. All cattle or bison added to a qualified herd must have been included in the preceding two official tests to qualify as cattle or bison from the qualified herd.

* * * * *

2. In § 78.12a, paragraph (a) is revised to read as follows:

§ 78.12a Cattle from quarantined areas.

* * * * *

(a) *Steers and spayed heifers.* Steers and spayed heifers may be moved interstate without restriction.

* * * * *

3. Section 78.12a is amended as follows: The references in paragraphs (d)(1), (d)(2), and (d)(3) to "§ 78.1(u)" are amended to refer to "§ 78.1(n)"; the reference in paragraph (d)(1) to "§ 78.8(b)" is amended to refer to "§ 78.8(a)"; the reference in paragraph (d)(2) to "§ 78.8(a)" is amended to refer to "§ 78.8(b)"; and the reference in footnote 4 in paragraph (e) to "§ 78.1(o)" is amended to refer to "§ 78.1(nn)".

§ 78.17 [Amended]

4. In § 78.17 the reference to "§ 78.1(u)" is amended to refer to "§ 78.1(n)".

Authority: Secs. 4, 5, 6, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115, 120, 121, 125, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 19th day of March 1985.

K.R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 85–6878 Filed 3–21–85; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 301

[Docket No. 50217–5017]

Duty-Free Entry of Scientific Instruments; Instruments and Apparatus for Educational and Scientific Institutions

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: In the existing regulations, public or private nonprofit institutions established for educational or scientific purposes wishing to make duty-free entry of a scientific instrument under tariff item 851.60 are required to make application on Form ITA–338P in seven copies.

In order to reduce the burden on applicants, we are amending the regulations to require only five copies of Form ITA–338P. We are also making conforming amendments.

DATE: March 22, 1985.

FOR FURTHER INFORMATION CONTACT: Frank Creel, (202) 377–1660.

SUPPLEMENTARY INFORMATION: We are amending Part 301, Chapter III of Title 15 of the Code of Federal Regulations relating to our responsibilities under the Educational, Scientific, and Cultural

Materials Importation Act of 1966 (the "Act"; Pub. L. 89–651; 80 Stat. 897).

The amendments are for the purpose of reducing the paperwork required of the applicant institution seeking duty-free entry of scientific instruments and are thus in keeping with the Paperwork Reduction Act of 1980. The information collection is made under OMB approval number 0625–0037.

Inasmuch as these amendments are less burdensome and raise no issue upon which comments would serve any useful purpose, prior notice of rulemaking, effective date provisions, and public procedure thereon are unnecessary pursuant to the Administrative Procedure Act provisions of 5 U.S.C. 553. Since a general notice of proposed rulemaking is not required, the Regulatory Flexibility Act does not apply.

In accordance with Executive Order 12291 dated February 17, 1981, the Department of Commerce has determined that these rules do not constitute a "major rule" as defined by section 1(b) of the Order. They are not likely to result in:

(1) Annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices in either the public or private sector; or

(3) Significant adverse impact on the domestic economy or on the ability of U.S. enterprises to compete with foreign enterprises.

List of Subjects in 15 CFR Part 301

Imports, Customs duties and inspection, Educational facilities, Nonprofit organizations, Administrative practice and procedure, Scientific equipment.

PART 301—[AMENDED]

For reasons set forth above, the following amendments of Part 301 are made:

1. Section 301.3 is amended by revising paragraphs (b), (d), and so much of paragraph (f) as is set forth below.

§ 301.3 Application for duty-free entry of scientific instruments.

* * * * *

(b) *Application forms.* Applications must be made on form ITA–338P which may be obtained from the Statutory Import Programs Staff, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, or from the various District Offices of the U.S. Department of Commerce. (Approved by the Office of Management and Budget under control number 0625–0037.)

* * * * *

(d) Five copies of the form, including relevant supporting documents, must be submitted. One copy of the form shall be signed in the original by the person in the applicant institution under whose direction and control the foreign instrument will be used and who is familiar with the intended uses of the instrument. The remaining four copies of the form may be copies of the original. Attachments should be fully identified and referenced to the question(s) on the form to which they relate.

* * * * *

(f) Failure to answer completely all questions on the form in accordance with the instructions on the form or to supply the requisite number of copies of the form and supporting documents may result in delays * * *

2. In § 301.4, the first two sentences of paragraph (b) are revised to read as follows:

§ 301.4 Processing of applications by the Department of the Treasury (U.S. Customs Service).

* * * * *

(b) *Forwarding of applications to the Department of Commerce.* If the Commissioner finds the application to be within the scope of the Act and these regulations, the Commissioner shall (1) assign a number to the application and (2) forward one copy to the Secretary of the Department of Health and Human Services [HHS], and two copies, including the one that has been signed in the original, to the Director. The Commissioner shall retain one copy and return the remaining copy to the applicant stamped "Accepted for Transmittal to the Department of Commerce."

* * * * *

3. Section 301.5 is amended by revising the second sentence in paragraph (a)(2) and so much of the fourth sentence of paragraph (a)(3) as is shown below, to read as follows:

§ 301.5 Processing of applications by the Department of Commerce.

(a) * * *

(2) * * * Supplemental information/material requested under this provision shall be supplied to the Director in two copies within 20 days of the date of the request and shall be subject to the certification contained in Question 11 of the form. * * *

(3) *Requirement for presentation of views (comments) by interested persons.* * * * In order to be considered, comments and related attachments must be submitted to the Director in duplicate * * *

(Pub. L. 89–651; 80 Stat. 897)

John L. Evans,

Deputy to the Deputy Assistant Secretary for Import Administration.

February 13, 1985.

[FR Doc. 85–6855 Filed 3–21–85; 8:45 am]

BILLING CODE 3510–DS–M

RAILROAD RETIREMENT BOARD

20 CFR Part 227

Computation of Railroad Retirement Act Annuities

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board hereby adopts new Part 227 of its regulations, which explains how to compute a supplemental annuity as provided under section 2(b)(1) of the Railroad Retirement Act of 1974.

EFFECTIVE DATE: March 22, 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 751–4935).

SUPPLEMENTARY INFORMATION: The Board hereby adds new Part 227, Computing Supplemental Annuities.

This change in the Board's regulations was published in the **Federal Register** as a proposed rule on September 7, 1983, and public comments were requested for a 60-day period. 48 FR 40390. The Board received no comments from the public on the proposed rule. The Board also published in the September 7, 1983 **Federal Register** a proposed new Part 225, Computation of Annuity; however, that proposed rule requires revision to conform to current law.

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no Regulatory Impact Analysis is required. In addition, this part does not impose any requirement for the collection of information within the meaning of the Paperwork Reduction Act of 1980.

List of Subjects in 20 CFR Part 227

Retirement Railroad retirement, Railroad employees, Pensions, Employee benefit plans, Annuities.

Title 20 CFR Chapter II is amended by adding a new Part 227, reading as follows:

PART 227—COMPUTING SUPPLEMENTAL ANNUITIES

Sec.
227.1 Introduction.
227.2 Initial supplemental annuity rate.
227.3 Reduction for railroad retirement family maximum.
227.4 Reduction for employer pension.
227.5 Employer tax credits.

Authority: 45 U.S.C. 231b and 45 U.S.C. 231f.

§ 227.1 Introduction.

This part explains how to compute a supplemental annuity. A supplemental annuity is payable to an employee who meets the requirements in § 216.12 of this chapter.

§ 227.2 Initial supplemental annuity rate.

The supplemental annuity rate, before reduction for the railroad retirement family maximum or any private pension, is $23 for an employee's first 25 years of service plus $4 for each added year of service up to 30 years. The highest supplemental annuity rate is $43 for an employee with 30 or more years of service.

§ 227.3 Reduction for railroad retirement family maximum.

If the railroad retirement family maximum applies, and the reduction amount is higher than the spouse tier II rate, as shown in Part 225 of this chapter, the initial supplemental annuity rate from § 227.2 is reduced by the smaller of—

(a) The difference between the total railroad retirement maximum reduction amount and the reduction in the spouse annuity; or

(b) The total supplemental annuity rate from § 227.2.

§ 227.4 Reduction for employer pension.

(a) *General.* The supplemental annuity for each month is reduced by the amount of any private pension the employee is receiving for that month based on the contributions of a railroad employer. This reduction is applied to the supplemental annuity amount after any reduction for railroad retirement family maximum. Private pension is explained in § 216.14 of this chapter.

(b) *Private pension reduced for supplemental annuity.* If the employer reduces the private pension for the employee's entitlement to the supplemental annuity, the reduced pension amount is subtracted from the supplemental annuity. However, the reduction in the supplemental annuity can be no greater than the difference between the supplemental annuity amount, after any reduction for railroad retirement family maximum, and the amount the private pension is reduced for the supplemental annuity. This guarantees that the sum of the reduced supplemental annuity and the reduced employer pension is not less than the amount of the full employer pension.

Example: The full employer pension is $80. This is reduced by $35 because of the employee's entitlement to a supplemental annuity. The initial supplemental annuity rate is $43.

Full employer pension	$80
Reduction for supplemental annuity	−35
Reduced pension amount	45
Supplemental annuity	43
Reduced pension amount	−45
	0
Guarantee amount:	
Supplemental annuity	43
Reduction in private pension	−36
	8
Supplemental annuity	43
Reduction in private pension	−8
Reduced supplemental annuity	35

The reduced supplemental annuity amount is $35. This amount plus the reduced employer pension of $45 equals $80, the full amount of the employer pension.

(c) *Part of private pension based on employee contributions.* If the employer pension is based on both employer and employee contributions, a special formula is used to determine the amount to be subtracted from the supplemental annuity. The Board first computes the pension amount the employee's contributions could have purchased from a private insurance company. That amount is subtracted from the total employer pension. The result is the pension amount used to reduce the supplemental annuity.

§ 227.5 Employer tax credits.

Employers are entitled to tax credits if they pay non-negotiated pensions to former employees whose supplemental annuities are reduced because of the pensions. Non-negotiated pensions are paid under pension plans that are not established by collective bargaining agreements. The tax credits for each month equal the sum of the reductions for employer pensions in the supplemental annuities of all former employees for that month. The Board sends a report of total tax credits to each employer after the end of each calendar quarter. The credits are applied to the man-hour supplemental annuity tax the employer pays the Internal Revenue Service under section 3221 of the Railroad Retirement Tax Act.

Dated: March 12, 1985.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 85-6811 Filed 3-21-85; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

Metal and Nonmetal Fire Prevention and Control Standards; Public Meetings

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of public meetings.

SUMMARY: The Mine Safety and Health Administration (MSHA) will hold two public meetings to answer questions about the Agency's new fire prevention and control safety standards which become effective on April 15, 1985.

DATES: The public meetings will be held on April 9, 1985 in Denver, Colorado and April 12, 1985 in Pittsburgh, Pennsylvania. Each meeting will begin at 9:00 a.m.

ADDRESSES: The public meetings will be held at the following locations:

1. April 9, 1985—U.S. Post Office; Main Office Building, Room 467; 1823 Stout Street; Denver, Colorado 80202.

2. April 12, 1985—U.S. Bureau of Mines Auditorium; 4800 Forbes Avenue; Pittsburgh, Pennsylvania 15213.

FOR FURTHER INFORMATION CONTACT: Frank Delimba, Chief, Division of Safety, Metal and Nonmetal Mine Safety and Health, (MSHA), phone (703) 235-8647.

SUPPLEMENTARY INFORMATION: On January 29, 1985, MSHA published a final rule in the **Federal Register** (50 FR 4022) revising its safety standards for fire prevention and control at metal and nonmetal mines. These standards will take effect on April 15, 1985. The final rule changed several provisions in the existing standards to accommodate advances in mining technology. In addition, alternative methods of compliance were provided for many standards. In response to requests from the mining community, MSHA has scheduled two public meetings to provide individuals with an opportunity to informally discuss the revised standards with representatives of the Agency. Each meeting is scheduled to begin at 9:00 a.m., local time.

Dated: March 18, 1985.

David A. Zegeer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 85-6881 Filed 3-21-85; 8:45 am]

BILLING CODE 4510-43-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS CALIFORNIA (CGN 36) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS without interfering with its special function as a naval cruiser. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: February 15, 1985.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, U.S. Navy Admiralty Counsel, Office of the Judge Advocate General Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400 Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605 and Executive Order 11964, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS CALIFORNIA (CGN 36) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, and Annex I, section 3(a), pertaining to the horizontal distance between the forward and aft masthead lights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the ship. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

Table Five of § 706.2 is amended by adding the following naval ship to the list of vessels therein to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Forward masthead light not required; height above hull. Annex I, sec. 2(a)(i), (ii), (c), (d)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light not less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained
USS CALIFORNIA	CGN 36						x	x	26.2

Authority: Executive Order 11964; 33 U.S.C. 1605.

Dated: February 15, 1985.

James F. Goodrich,

Acting Secretary of the Navy.

[FR Doc. 85-6727 Filed 3-21-85; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 160

[CGD 84-039]

Radioactive Materials

Correction

In FR Doc. 85-5176 beginning on page 8612 in the issue of Monday, March 4, 1985, make the following corrections:

§ 160.203 [Corrected]

On page 8614, first column, in amendatory instruction number 4, "§ 126.203" should read "§ 160.203" also in the section heading, "§ 126.203" should read "§ 160.203".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-5-FRL-2802-4]

Designations of Areas for Air Quality Planning Process; Attainment Status Designations; Indiana

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: USEPA approves the State of Indiana's request to change the Total Suspended Particulates (TSP) designation for a portion of Clark County (Jeffersonville Township) from primary nonattainment to secondary nonattainment. The rest of the county will remain attainment. Additionally, USEPA approves the State's request to change the TSP designation for a portion of Dubois County (Bainbridge Township) from primary nonattainment to secondary nonattainment. The rest of the county will remain attainment. These revisions are based on requests from the State of Indiana to redesignate these areas and on the supporting data the State submitted, which includes evidence of implemented control measures.

EFFECTIVE DATE: This final rulemaking becomes effective on April 22, 1985.

ADDRESSES: Copies of the redesignation request, technical support documents and the supporting air quality data are available at the following addresses:

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR–26), 230 S. Dearborn Street, Chicago, Illinois 60604

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

FOR FURTHER INFORMATION CONTACT: Anne E. Tenner, (312) 886–6036.

SUPPLEMENTARY INFORMATION: Under Section 107(d) of the Act, the Administrator of USEPA has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for each area of Indiana. See 40 CFR 81.315. These area designations may be revised whenever the data warrant.

The current designations for TSP in Clark and Dubois Counties, Indiana, are codified at 40 CFR Part 81.315 (1984) as:

Clark—Primary Nonattainment:
Jeffersonville Township
Attainment: Remainder of the County
Dubois—Primary Nonattainment:
Bainbridge Township
Attainment: Remainder of the County.

On April 14, 1983, the State of Indiana requested USEPA to revise the TSP designations of Clark and Dubois Counties. Additional technical information was submitted on July 27, 1983. On September 2, 1983, USEPA notified the State of Indiana that it had not sufficiently supported its redesignation requests and, therefore, they were not approvable. On February 16, 1984, the State submitted revised redesignation requests and additional technical support. Additional technical support was submitted to USEPA on April 13, 1984, and May 16, 1984.

Further discussion of each county is described below:

Clark County—(Jeffersonville Township)

Indiana requested that Jeffersonville Township be redesignated from primary nonattainment to secondary nonattainment. To support the redesignation request, the State submitted ambient air quality data collected at three monitors in Clark County, Indiana, during the period 1982–1983 and a dispersion modeling analysis. No violations of the primary TSP NAAQS were measured during this period. One site, however, recorded violations of the secondary 24-hour TSP NAAQS in 1983. These consisted of four exceedances of the standard. Therefore, the monitored data indicated attainment of the primary TSP NAAQS, but nonattainment of the secondary TSP NAAQS. The dispersion modeling submitted by the State also indicated attainment of the primary TSP NAAQS, but nonattainment of the secondary TSP NAAQS in Jeffersonville Township. The technical data are discussed in more detail in the technical support document which is available at USEPA's Region V office.

On September 24, 1984 (49 FR 37431), USEPA proposed to approve the State of Indiana's request. A detailed discussion of USEPA's action can be found in the notice of proposed rulemaking and the technical support document which is available at USEPA's Region V office.

There were no public comments received by the Agency on this proposal. Based on available technical support from the State, USEPA approves the redesignation of Jeffersonville Township in Clark County from primary to secondary nonattainment for TSP. The remainder of the County will remain designated attainment.

Dubois County—(Bainbridge Township)

To support the redesignation request, the State submitted ambient air quality data collected at the one monitor in Dubois County and a dispersion modeling analysis. During the period 1982–1983, there were no violations of the primary TSP NAAQS. In 1983, however, there was one violation (two exceedances) of the secondary 24-hour TSP NAAQS recorded at the one monitor.

The State requested USEPA to discount one of the two secondary exceedances (March 1, 1983) and, thereby, remove the violation. USEPA reviewed the State's request and determined that there was no basis for ignoring this datum for redesignation purposes. As a result, USEPA considers both of the 1983 exceedances to be a valid, and the secondary 24-hour TSP NAAQS has not been met in Bainbridge Township.

As a result of this recent monitored violation, on September 24, 1984 (40 FR 37431), USEPA proposed to disapprove the State's request to change the TSP designation for a portion of Dubois County (Bainbridge Township) from primary nonattainment to attainment. However, USEPA also proposed that, if the State requested that USEPA redesignate the area to secondary nonattainment, USEPA would do so. A detailed discussion on USEPA's action can be found in the notice of proposed rulemaking and technical support document which is available at USEPA's Region V office.

In response to this action, only the State commented. On September 11, 1984, it formally requested that Dubois County (Bainbridge Township) be designated as secondary nonattainment for TSP. As a result, USEPA approves the redesignation of Dubois County (Bainbridge Township) to secondary nonattainment for TSP.

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

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

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107(d) of the Act, as amended (42 U.S.C. 7407))

Dated: March 15, 1985.

Lee M. Thomas,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section § 81.315 is amended by revising the Clark and Dubois County designations in the Indiana Table for Total Suspended Particulates (TSP) as follows:

§ 81.315 Indiana.

INDIANA—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Clark County:				
Jeffersonville Township		X		
Remainder of Clark County				X
* * *	*	*	*	*
Dubois County:				
Bainbridge Township		X		
Remainder of Dubois County				X
* * *	*	*	*	*

[FR Doc. 85–6772 Filed 3–21–85; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6593

[C-8840]

Colorado; Public Land Order 6141, Correction: Powersite Restoration No. 678; Partial and Total Revocation of Powersites Reserve Nos. 27, 50, 254, and 495; Release of Section 24 Restriction on Certain Patented Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct Public Land Order No. 6141, as amended, by correcting the Powersite Restoration Number to 743, including Powersite Reserve No. 43 in the heading, and identifying the orders affected and the actions taken which were inadvertently omitted from paragraphs two and three.

EFFECTIVE DATE: March 22, 1985.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, BLM Colorado State Office, 2020 Arapahoe Street, Denver, Colorado 80205, 303–294–7626.

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

Public Land Order No. 6141 of February 5, 1982, 47 FR 6854, 6855 (February 17, 1982), as corrected by Public Land Order No. 6296 of July 15, 1982, 47 FR 31692 (July 22, 1982), is hereby corrected as follows:

The heading is corrected to read as follows: "Powersite Restoration No. 743; Partial and Total Revocation of Powersite Reserve Nos. 27, 43, 50, 254, and 495."

The first sentence in paragraph No. 2 is corrected to read as follows: "The Executive Order of July 2, 1910, creating Power Site Reserve Nos. 27, 43, and 50, is hereby revoked insofar as it affects the following described national forest system lands:"

The first two sentences in paragraph No. 3 are corrected to read as follows: "The Executive Order of July 2, 1910, creating Power Site Reserve Nos. 27, 43, and 50, and Executive Order of March 22, 1912, are hereby revoked insofar as they affect the following described lands which have been patented subject to Section 24 of the Federal Power Act of June 10, 1920, 16 U.S.C. 818."

Dated: March 13, 1985.

Robert N. Broadbent,

Assistant Secretary of the Interior.

[FR Doc. 85-6807 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6594

[ORE-016675]

Oregon; Public Land Order No. 3923, Correction Revocation of Powersite Reserve No. 591, as Amended

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct the error in the heading of Public Land Order No. 3923 of February 2, 1966.

EFFECTIVE DATE: April 20, 1985.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, (Telephone 503–231–6905).

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

The heading in Public Land Order No. 3923 of February 2, 1966, in FR Doc. 66-1368, published on pages 2547 and 2548, in the issue of February 9, 1966, is hereby corrected as follows:

In the heading, on page 2547, which reads "Revocation of" is corrected to read "Restoration of."

Robert N. Broadbent,

Assistant Secretary of the Interior.

March 14, 1985.

[FR Doc. 85-6835 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6595

[I-010828, I-15301]

Modification of Stock Driveway Withdrawals as Amended; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order estabishes 20-year terms for three orders that withdrew approximately 22,132 acres of public land for a stock driveway purposes. The lands will remain closed to surface entry, but open to mining and mineral leasing.

EFFECTIVE DATE: March 22, 1985.

FOR FURTHER INFORMATION CONTACT: Nick Kleng, BLM, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, 208–334–1736.

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

1. Public Land Order No. 2634 dated March 20, 1962, a Secretarial Order dated August 17, 1921, and a Bureau of Land Management Order dated August 18, 1955, as amended, are hereby modified to expire 20 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. The lands aggregate 22,132 acres in Cassia, and Twin Falls Counties.

Dated: March 14, 1985.

Robert N. Broadbent,

Assistant Secretary of the Interior.

[FR Doc. 85-6806 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 83-1096]

Selection From Among Mutually Exclusive Competing Applications Using Random Selection or Lotteries Instead of Comparative Hearings; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a Report and Order that appeared at page 23628 in the **Federal Register** on June 7, 1984, 49 FR 23628, concerning the Selection From Among Mutually Exclusive Competing Applications Using Random Selection or Lotteries Instead of Comparative Hearings.

FOR FURTHER INFORMATION CONTACT: Larry Krevor, Mobile Services Division, (202) 632-6450.

Erratum

In the Matter of Amendment of the Commission Rules to Allow the Selection from Among Mutually Exclusive Competing Applications Using Random Selection or Lotteries Instead of Comparative Hearings. (CC Docket No. 83-1096).

Released: March 13, 1985.

1. Section 22.902 of *Report and Order*, CC Docket No. 83-1096, FCC 84-150, released May 24, 1984 [49 FR 23628 (June 7, 1984)] should be corrected as set forth below:

§ 22.902 [Corrected]

In FR Doc. 84-15404, § 22.902(b) [47 CFR 22.902], should read as follows:

* * * * *

(b) For cellular systems the assignment of frequencies will be divided into two blocks. Assignments will be made from the frequencies listed for Cellular Systems A and B. Common carriers not also engaged in the business of affording public landline message telephone service will be assigned frequencies from Cellular System A, and common carriers also engaged directly or indirectly in the business of affording public landline message telephone service will be assigned frequencies from Cellular System B in those general areas in which they provide such landline service; except that, in the final cellular application phase for any initially unapplied for or unlicensed area, either within or without a Metropolitan Statistical Area (MSA) or New England County Metropolitan Area (NECMA), a cellular applicant may apply for either frequency block and the applicant shall indicate in its application which it prefers to be assigned.

(1) Cellular System A:333 frequency pairs with 30 kHz channel spacing. The first mobile frequency will be 825.030 MHz, followed by 825.060 MHz and proceed to 834.990 MHz. Base station frequencies will begin with 870.030 MHz, followed by 870.060 MHz and proceed to 879.990 MHz.

(2) Second Cellular System B:333 frequency pairs with 30 kHz channel spacing. The first mobile frequency will be 835.020 MHz followed by 835.050 MHz and proceed to 844.980 MHz. Base station frequencies will begin with 880.020 MHz followed by 880.050 MHz and proceed to 889.980 MHz.

* * * * *

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-6579 Filed 3-21-85; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81-19, Notice No. 2]

Federal Motor Vehicle Safety Standards; Lamps, Devices and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Termination of rulemaking.

SUMMARY: This notice announces termination of rulemaking with respect to amending the Federal motor vehicle lighting standard to reduce the minimum effective projected luminous lens area from 12 square inches to 8 square inches on those multiple compartment stop lamps and turn signal lamps which are mounted on vehicles whose overall width is 80 inches or more. A proposed amendment of Motor Vehicle Safety Standard No. 108 was published on October 22, 1981 (46 FR 51793). Comments to the docket and research published since the proposal indicate that the present requirement should be retained.

FOR FURTHER INFORMATION CONTACT: Kevin Cavey, Office of Rulemaking, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 426-1253).

SUPPLEMENTARY INFORMATION: In implementation of a grant of a petition for rulemaking submitted by Truck Lite Company, on October 22, 1981 the agency published a notice of proposed rulemaking to amend Federal Motor Vehicle Safety Standard No. 108 in a manner which would reduce the minimum effective projected luminous lens area from 12 square inches to 8 square inches, on multiple compartment stop lamps and turn signal lamps which are mounted on vehicles whose overall width in 80 inches or more.

Specifically, Standard No. 108 specifies, for vehicles whose overall width is less than 80 inches, that if multiple compartment lamps are used to meet photometric requirements for stop and turn signal lamps the effective projected luminous lens area for each compartment or lamp shall be at least 3½ square inches provided the combined area is at least 8 square inches. However, if a lamp with multiple compartments less than 22 inches apart is mounted on a vehicle which is 80 inches or more in overall width, the lamp must have an effective luminous lens area of at least 12 square inches for each compartment. The maximum and minimum photometric requirements for the two sizes of lamps are identical so that there appeared to be no reduction in safety. Truck Lite argued that there would be cost savings in the nature of 5%.

The notice elicited responses from four vehicle manufacturers (Ford Motor Co., Chrysler Corporation, General Motors Corporation, and Volkswagen of America, Inc.), five equipment suppliers (Truck Lite, R.E. Dietz Co., Dominion Auto, Grote Manufacturing Co., and Abex Corp.), and one trade organization (Truck Safety Equipment Institute). The vehicle manufacturers generally supported the proposal, though suggesting that the agency delay final action until its study of truck conspicuity was completed. Except for Truck Lite, the lamp manufacturers opposed the proposal. In the opinion of the opponents, the different configurations between vehicles over and under 80 inches in overall width support different lighting systems. The larger vehicles need the additional lamps (clearance and identification) and the larger size lamps that the Standard currently requires them to have. They argued that because of the reduced size of the lamps, there would be a greater likelihood of increased accidents due to decreased conspicuity. Further, they questioned the claimed cost savings, saying that extensive retooling would be required to take advantage of the new requirement.

Since the issuance of the Notice, several studies have appeared which

support maintenance of the current distinction in lamp sizes. These reports include "Evaluation of Brake Lamp Photometrics" by the Office of Vehicle Research, NHTSA (1983), "Improved Commercial Vehicle Conspicuity and Signaling Systems" by Vector Enterprises (1982), and "Effects of Area and Intensity on the Performance of Red Signal Lamps" by the SAE Lighting Committee (1981). These reports are available in the docket for perusal by interested persons. The Vector study showed that the minimum lens area of stop lamps for large vehicles should not be less than the current 12 square inches. The two other studies showed that the attention-getting quality of red rear lamps is dependent on both lens area and intensity.

Based on the above discussion, the agency has concluded not to adopt an amendment of the nature proposed in 1981, and announces that rulemaking on this subject has been concluded.

List of Subjects in 49 CFR Part 571

Motor vehicle safety.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on March 18, 1985.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 85–6838 Filed 3–21–85; 8:45 am]

BILLING CODE 4910–59–M

Proposed Rules

Federal Register
Vol. 50, No. 56
Friday, March 22, 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.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 400

[Docket. No. 1673S]

General Administrative Regulations; Individual Yield Coverage Plan (IYCP) Insurance

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to revise and reissue the Individual Yield Coverage Plan Insurance Regulations (7 CFR Part 400, Subpart B), effective for the 1985 and succeeding crop years. The intended effect of this rule is to comply with the provisions of Departmental Regulation 1512–1 with regard to review of regulations issued by FCIC for need, currency, clarity, and effectiveness. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

DATE: Comment date: Written comments, data, and opinions on this proposed rule must be submitted not later than May 21, 1985, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, Room 4096—South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Room 4096 South Agriculture Building, Washington, D.C. 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation No. 1512–1 (December 15, 1983). 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 October 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 (February 17, 1981), 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 proposed 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.

Other than minor changes in language and format, the proposed changes in the IYCP Regulations are as follows:

1. Section 400.15 has been changed to reflect the crops covered under the Individual Yield Coverage Plan (IYCP) for the 1985 and succeeding crop years (Barley, Dry Beans, Flax, Malting Barley, Oats, Rye, Soybeans, Sunflowers, and Wheat); deleting Corn, Grain Sorghum, Cotton, and Rice which are covered under the provisions of the Actual Production History (APH) program for the 1985 and succeeding crop years.

2. Section 400.16(a) has been deleted and a new section (a) added which clarifies the meaning of production which is unharvested.

3. Section 400.16(d) has been redesignated as subsection (e) and a new section (d) has been added to reflect an average yield for the producer under the provisions of IYCP.

4. Section 400.16(e) has been redesignated as subsection (h).

5. Section 400.16(f) has been deleted and a new section (f) added to define "established farm yield" and identify where such yield could be found.

6. Section 400.16(g) has been redesignated as subsection (j) and a new section (g) provides clarification and change from Statistical Reporting Service (SRS) yield as adjusted, to FCIC Adjusted Yield to eliminate confusion.

7. Section 400.16(h) has been redesignated as subsection (k).

8. Section 400.16(i) has been redesignated as subsection (m) and a new section (i) now contains the definition of "Indexed Yield" to clarify the term since ASCS uses the term "index yield."

9. Section 400.16(j) has been deleted.

10. Section 400.16(k) has been redesignated as subsection (n) and a new section (k) added to contain provisions of the former § 400.16(h).

11. Section 400.16(l) has been added to define "producer's yield index" and clarifies how the producer's yield index is determined.

FCIC is seeking public comment on this proposed rule for 60 days after publication in the **Federal Register**. All comments made pursuant to this rule will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 400

Crop insurance, Individual yield coverage plan.

Proposed 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 proposes to revise and reissue Subpart B, 7 CFR Part 400—General Administrative Regulations—Individual Yield Coverage Plan (IYCP), effective for the 1985 and succeeding crop years, to read as follows:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

Subpart B—Individual Yield Coverage Plan Regulations for the 1985 and Succeeding Crop Years

Sec.

400.15 Availability of Individual Yield Coverage Plan.
400.16 Definitions.
400.17 Yield certification and acceptability.
400.18 Responsibilities.
400.19 Qualifications for Individual Yield Coverage Plan.
400.20 Modifications through individual certification of yield (Individual Certified Yield Plan—ICYP).
400.21 OMB control numbers.

Authority: Sec. 508, Pub. L. 75-450, 52 Stat. 73, as amended (7 U.S.C. 1508).

§ 400.15 Availability of Individual Yield Coverage Plan.

Individual Yield Coverage Plan (IYCP) shall be offered under the provisions contained in the following regulations:

7 CFR Part 418.....Wheat Crop Insurance
7 CFR Part 419.....Barley Crop Insurance
7 CFR Part 423.....Flax Crop Insurance
7 CFR Part 427.....Oat Crop Insurance
7 CFR Part 428.....Sunflower Crop Insurance
7 CFR Part 429.....Rye Crop Insurance
7 CFR Part 431.....Soybean Crop Insurance
7 CFR Part 433.....Dry Bean Crop Insurance

within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended (7 U.S.C 1501 *et seq.*), only on those crops identified in this section and in those areas where the actuarial table provides that IYCP is available. (IYCP is available only on those crops and in those areas where the Corporation's actual Production History Program has not been implemented. The Actual Production History form will be used for both programs). All provisions of the applicable standard insurance contract for the crop apply, except those provisions which are in conflict with this subpart. Cropland acreage, which is defined as "new ground acreage" by the actuarial table or by the policy, will not be eligible for IYCP. Crops covered under the provisions of the Combined Crop Insurance policy will not be eligible for IYCP.

§ 400.16 Definitions.

In addition to the definitions contained in the crop insurance contract, the following definitions, for the purposes of Individual Yield Coverage Plan, are applicable:

(a) "Appraised Production" means production that was unharvested but reflected yield potential for the crop at the time of the appraisal. Appraisals will be determined by ASCS or FCIC.

(b) "Area Average Yield" is the average yield determined by FCIC upon which the guarantee is based for the insured crop, area, type, and practice and is the average for the area over the base period. It is contained in the actuarial table.

(c) "Area Coverage Plan" is the coverage and rate assigned by the FCIC Actuarial Division for homogeneous areas and producers.

(d) "Average Yield" is the average of the recorded and/or indexed yields for the 10-year base period, dropping the highest and lowest yield in the 10-year period, including a combination of a minimum of the three most recent year's recorded yields and indexed yields for the remaining years.

(e) "Base Period" means the 10-year period immediately preceding the crop year for which the yield is to be established.

(f) "Established Farm Yield" is the yield as shown on the Official Farm Record card (ASCS-156) on file in the county ASCS office.

(g) "FCIC Adjusted Yield" is production information derived by the Statistical Report Service on a county, crop, and practice basis modified by FCIC for factors necessary to conform to sound actuarial practices.

(h) "Individual Yield Certification" is the appraised result of the examination of the insured's records of planted acreage and production certified by the county Agricultural Stabilization and Conservation Service (ASCS) office.

(i) "Indexed Yield" means an appraised yield established for a year in which recorded (actual) yields are not available. It is determined by multiplying the FCIC adjusted yield, for each crop year (for which records of acreage and production are not available), by the producer's yield index.

(j) "IYCP" is the Individual Yield Coverage Plan.

(k) "ICYP" is the Individual Certified Yield Plan within IYCP (7 CFR 400.20).

(l) "Producer's Yield Index" is the Producer's recorded yield divided by the county FCIC adjusted yield, for the same crop years.

(m) "Recorded Yield" is the yield that is based on the producer's records of planted acreage and production certified by ASCS.

(n) "Yield Index" is the result obtained by dividing the total of the producer's recorded yields for the years FCIC adjusted yields are available by the total FCIC adjusted yields for those same years.

§ 400.17 Yield certification and acceptability.

The insured shall request Form FCIC 19A (APH) (Actual Production History) and shall provide records of acreage and production to the county ASCS office. The request and records must be submitted at least 15 days prior to the acreage reporting date for the crop in the county. The ASCS office will examine the insured's records and, if acceptable, record the actual yield obtained from the records, determine the relationship of such yields to the FCIC adjusted yield for the same years, and apply the yield index to the area average yield for those years for which the producer does not have acceptable records.

§ 400.18 Responsibilities.

(a) The insured is solely responsible for the timely submission of Form FCIC 19A (APH) to the service office after its completion by the ASCS office.

(b) The service office is responsible for the explanation of the Individual Yield Coverage Plan (IYCP) to the insured, and upon receipt of Form FCIC 19A (APH) is responsible for determining that the form is completed correctly.

§ 400.19 Qualifications for Individual Yield Coverage Plan.

The Insured may elect to substitute the IYCP Yield for the Area Average Yield.

(a) For the producer to qualify for IYCP for any crop year, the completed Form FCIC 19A (APH) must be received in the Crop Insurance Service office not later than the acreage reporting date for the crop and the year.

(b) For a crop to qualify for IYCP, a minimum of 3 years of records of planted acreage and production, under the control of either the landlord or tenant, must be provided to ASCS for all units and be certified by ASCS. Records for up to 10 continuous years shall be used where such records are available and the same farming practices are followed for that period of time. There can be no break in continuity from the most recent crop year through preceding crop years. A year in which no acreage was planted to the crop on the unit or in which a different practice was followed will not be considered a break in continuity.

(c) Either the landlord's or tenant operator's records may qualify either party for the same IYCP guarantee. If a conflict exists between the records of the landlord and the tenant operator, the Corporation will determine which records will be used.

(d) If an insured wishes to obtain an IYCP yield on land newly added to production for the insured, the insured must comply with the provisions of this

paragraph. If the IYCP yield being requested is for an ASCS program crop and if the added land has an ASCS established yield for that crop of 90 percent or more of the ASCS established yield of the unit to which the land is to be added or of the nearest unit then: when land without satisfactory records is added to a unit with satisfactory records, the IYCP average yield will be that of the unit to which the land was added; and when land without satisfactory records is added as a separate unit, the IYCP average yield will be that of the closest unit of the same crop and practice. When the ASCS established farm yields on the added land are less than 90 percent of the program yields on the existing units the IYCP yields will be the area average yield.

(e) When the yield being requested on land being added is for a crop for which the added land does not have an ASCS established farm yield, the ASCS established farm yield for the crop with the largest ASCS base acreage on the added land will be compared to determine if the 90-percent ratio is achieved. If the land is being added to a unit and there is no ASCS established farm yield on either the added land or the units or both to compare, the IYCP yield will be the area average yield. If the land is being added as a separate unit, and the nearest unit has no ASCS established farm yield to compare to the added unit, the next nearest unit will be used. If no comparable yields are available on any unit, the yield of the added unit will be the area average yield.

(f) If a producer disposes of his entire operation and begins operation on completely different units, the new units will be compared to the old units in accordance with (d) and (e) above for adding new units.

(g) When land is being added but less than 3 continuous years of acceptable records are available, the acceptable production and acreage records will be used for the years they are available and paragraphs (d) and (e) of this section will be used for the years when adequate records are not available.

(h) When participation in IYCP is continuous, ASCS certification under this part for up to 10 years, dropping the highest and lowest yield in the 10-year period, will be used in calculating the IYCP average yield. When an insured has previously participated in IYCP he must have at least the most recent three years records of production acceptable to ASCS. These records and all records previously certified by ASCS up to 10 years, will be used to ascertain the new yield.

(i) The premium shall be contained in the actuarial table and will be the same as applicable under the Area Coverage Plan.

§ 400.20 Modifications through individual certification of yield. (Individual Certified Yield Plan.)

(a) In addition to the provisions contained in §§ 400.15, through 400.19 of this Part, producers who customarily feed crop production to livestock or poultry, and who are unable to provide adequate records sufficient to become eligible for the IYCP Plan, will be considered for eligibility for the Individual Certified Yield Plan (ICYP) in certain counties, as announced by the Manager, FCIC.

(b) To qualify for this Plan, producers must agree to the conditions contained herein and provide information to the county ASCS office including but not limited to, the following:

(1) Satisfactory acreage and yield records for at least the most recent crop year.

(2) Acreage and yield records for the prior crop years even though such records may be incomplete.

(3) Feeding records, fertilization and liming records, soil conservation methods used, land tillage practices, insecticide and herbicide records, planting pattern and population data, and equipment adequacy information as available.

(4) Certification of acreage and yield data for the previous 2nd and 3rd years when written records are unavailable.

(5) Agreement to disregard to the extent required by FCIC any unit division guideline provisions of the crop insurance policy.

(6) Records of acreage and yield for each future year that the insurance is in force. (Failure to provide such records in accordance with the provisions of §§ 400.17 and 400.19 will result in insurance being based on the area coverage plan.)

(7) Agreement to convert to the IYC Plan for determining yields as soon as 3 consecutive years acreage and yield records are available.

(8) Producer certified yields will be reviewed by FCIC and may be adjusted by the Corporation prior to the final yield determination by ASCS.

(9) The producer may request FCIC to assist in establishing satisfactory acreage and yield information through field appraisals of potential production, bin measurements, etc. FCIC will determine if any evidence offered by the producer is relevant to the determination of yield on the unit.

(10) The producer must request the certified yield plan in accordance with the provisions of §§ 400.17 and 400.19 from the county ASCS office.

(11) The premium per care shall be the production guarantee per acre under this plan times the applicable price election, times the applicable premium rate for the crop insured, times any applicable premium adjustment factor.

§ 400.21 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR 400) 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.

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

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Edward Hews,

Acting Manager.

Dated: March 15, 1985.

[FR Doc. 85–6799 Filed 3–21–85; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 981

Handling of Almonds Grown in California; Administrative Rules and Regulations Governing Crediting for Marketing Promotion

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: Notice is hereby given of a proposal to change three paragraphs of the creditable marketing promotion provisions of the administrative rules and regulations established under the Federal marketing order for California almonds. The changes are designed to provide handlers with more flexibility in promoting the sale of California almonds.

DATE: Comments must be received by April 11, 1985.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, Room 2069, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be available for public inspection in the office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5053.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

The proposal is to revise § 981.441 (b)(c)(3)(ii), and (c)(3)(iii) of Subpart—Administrative Rules and Regulations (7 CFR 981.401-981.474; 49 FR 19798; and 40788). Section 981.441 is issued under 981.41 of the marketing agreement and Order No. 981 (7 CFR Part 981), both as amended, regulating the handling of almonds grown in California and hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal is based on two unanimous recommendations of the Almond Board of California, hereinafter referred to as the "Board", which works with USDA in administering the order.

Section 981.41 of the order provides that the Board, with the approval of the Secretary, may allow handlers to receive credit for their direct marketing promotion expenditures, including paid advertising, against their pro rata expense assessment obligations for such activities. Section 981.441 prescribes the rules and regulations which handlers must follow to obtain such credit.

Section 981.441(b) currently provides that in order for a handler to receive credit, his/her paid advertisements must be published, broadcast, or displayed, and his/her other marketing promotion activities must be conducted, during the year for which credit is requested, except that a handler may expend a maximum of 20 percent of his/her total creditable advertising and promotion obligation (as of the June redetermination report) for advertisements published, broadcast, or displayed and other marketing promotion activities conducted, during the subsequent July 1-December 31 period. A handler utilizing this extension of time must certify to the Board, at the time of the June 30 redetermination, his/her planned expenditures during the extension period and must file any required documentation with the Board no later than the following January 31.

The Board now believes that the 20 percent limit on credit for paid advertising and other marketing promotion activities during the July 1-December 31 extension period is too restrictive and proposed that this limit be increased to 40 percent. A handler's pro rata expenses assessment obligation for a particular crop year may not match his/her advertising and promotion needs for that year. Thus, it is desirable to allow a greater portion of a handler's creditable advertising to be carried over from one crop year to the next so that handlers can more effectively utilize their promotion funds.

Section 981.441(c)(3)(ii) provides that for an advertisement resulting from joint participation by a handler and a manufacturer or seller of a complementary commodity or product, and including the brands of both, credit shall be granted for the lesser of 50 percent of the total allowable payment to the advertising medium, or 50 percent of the handler's actual payment. The Board recommends that this credit also be granted when the advertisement, in lieu of the handler's brand, includes a generic reference to California almonds. This change would give handlers additional flexibility in promoting the sale of almonds and is similar to the authority in § 981.441(c)(3)(i)(A), which allows handlers 100 percent credit for their payments to an advertising medium for a generic advertisement which is solely intended to advertise California almonds.

Section 981.441(c)(3)(iii) provides that for an advertisement resulting from joint participation by a handler and manufacturers or sellers of two complementary commodities or products and including the brands of all three, credit shall be granted for one-third of the total allowable payment to the advertising medium, or one-third of the handler's actual payment, whichever is less. It is proposed that this credit also be granted when the advertisement, in lieu of the handler's brand, includes a generic reference to California almonds. This proposed change conforms to the proposed change in § 981.441(c)(3)(ii). Although the Board did not recommend this change, it appears this was an oversight.

List of Subjects in 7 CFR Part 981

Marketing agreements and orders, Almonds, California.

PART 981—[AMENDED]

§ 981.441 [Amended]

Therefore, § 981.441 of Subpart—Administrative Rules and Regulations (7 CFR 981.401-981.474; 49 FR 19798; and 40788) is changed as follows:

1. Section 981.441(b) is amended by changing "20 percent" to "40 percent."

2. Section 981.441(c)(3)(ii) is revised to read as follows:

* * * * *

(c) * * *

(3) * * *

(ii) For an advertisement resulting from joint participation by a handler and a manufacturer or seller of a complementary commodity or product, and including the brand of the manufacturer or seller and either the handler's brand or a generic advertisement of California almonds, the credit shall be 50 percent of the total allowable payment to the advertising medium pursuant to paragraph (c)(1) of this section or 50 percent of the handler's actual payment thereof, whichever is less.

* * * * *

3. Section 981.441(c)(3)(iii) is revised to read as follows:

* * * * *

(c) * * *

(3) * * *

(iii) For an advertisement resulting from joint participation by a handler and manufacturers or sellers of two complementary commodities or products, and including the brands of the two manufacturers or sellers and either the handler's brand or a generic advertisement of California almonds, the credit shall be the lesser of one-third of the total allowable payment to the advertising medium pursuant to paragraph (c)(1) of the section, or one-third of the handler's actual payment.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 18, 1985.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 85-6826 Filed 3-21-85; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-ANE-24]

Airworthiness Directives; Hartzell ( )HC-( )( )(X,V) Series Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require inspection or replacement of certain blade clamp assemblies on Hartzell [ ]HC-[ ][ ](X,V) series propellers at next overhaul or by January 1, 1986. The proposed AD is needed to prevent failure of certain propeller blade clamp assemblies which could result in blade separation and severe unbalance.

DATES: Comments must be received on or before May 21, 1985.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Office of Regional Counsel, Attn: Rules Docket No. 84-ANE-24, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803.

Comments may be inspected at Room 311 weekdays, except federal holidays, between 8:00 a.m. and 4:30 p.m.

The applicable service document may be obtained from Hartzell Propeller Products Division, TRW Aircraft Components Group, 350 Washington Ave., Piqua, Ohio 45356.

A copy of the service document is contained in the Rules Docket at the above FAA address.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Alpiser, Chicago Aircraft Certification Office, ACE-140C, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7130.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of the proposed AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 84-ANE-24." The postcard will be date/time stamped and returned to the commenter.

The FAA has determined that certain Hartzell Propeller Part Number C-3-( ) blade clamp assemblies are susceptible to cracks in either the grease fitting hole or in the area of the inner bearing support housing radius which can result in possible blade loss. Since this condition is likely to exist or develop on other blade clamp assemblies of the same type design, the proposed AD would require inspection or replacement of certain blade clamp assemblies.

Blade clamp assemblies with serial numbers ranging from 0 through D5293, generally produced prior to 1959 and having a grease fitting hole located approximately one-half inch from the clamp parting line, must be removed from service. Blade clamp assemblies with serial numbers ranging from D5294 through K6336, generally produced between 1959 and 1980 and having a grease fitting hole located approximately one inch from the clamp parting line, must be inspected for defects and removed from service if defects are observed. Clamp assemblies on which no serial numbers are readable or which have mismatched serial numbers on each clamp half must be removed from service. A 5 year malfunction or defect computer run shows that there were 20 reports of blade clamp failures of which at least 3 resulted in blade separation. Hartzell Propeller has issued Service Bulletins Nos. 126B and 127B and Instruction No. 159A to address the corrective action described in this document. It is estimated that an average of 2.5 manhours per blade clamp assembly will be required to comply with this AD. The cost of a replacement blade clamp assembly is approximately $500. Therefore, the cost to replace the clamp on a two blade propeller will approximate $500 per blade × 2 + $35/hr. × 5 hrs. labor = $1175 per propeller. The cost to inspect and reuse the blade clamp assemblies on a two blade propeller will approximate $35/hr. × 5 hrs. labor = $175 per propeller. It is estimated that 5,000 two-blade propellers will require replacement making the total cost for the fleet approximately $5,875,000. Because clamp assemblies manufactured since 1959 only require inspection, it is unlikely that a fleet operator would have more than one or two propellers that require clamp replacement. Additionally, compliance with this AD is a one-time cost, and any additional cost associated with blade clamp replacement would be part of normal maintenance. Therefore, the FAA has determined that this proposed AD will not have a significant economic impact on a substantial number of small entities.

Conclusion

As described in **SUPPLEMENTARY INFORMATION**, the FAA has determined that this proposed document only involves a proposed regulation which is not considered to be major under Executive Order 12291, or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Therefore I certify that this is not a "major rule" under Executive Order 12291; is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and, if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Propellers, Air Transportation, Aircraft, Aviation safety.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD:

Hartzell Propeller Products Division: Applies to all Hartzell Model [ ]HC-[ ][ ](X,V) series propellers with Hartzell Part Number C-3-[ ] blade clamp assemblies.

Compliance is required at next overhaul or by January 1, 1986, whichever occurs first.

To prevent propeller blade clamp failure, accomplish the following:

(a) Replace all propeller blade clamp assemblies which have serial numbers ranging from 0 through D5293 with airworthy clamp assemblies.

(b) Replace all propeller blade clamp assemblies which have mismatching serial

numbers on each clamp half or which have unreadable serial numbers with airworthy clamp assemblies.

(c) Magnaflux inspect all blade clamp assemblies which have serial numbers ranging from D5294 through K6333 in accordance with Hartzell Service Instruction No. 159A dated February 1, 1985, or FAA approved equivalent. Replace all defective clamp assemblies with airworthy clamp assemblies.

Note.—Blade clamp assemblies with serial numbers subsequent to K6336 are not affected by this AD.

Aircraft may be ferried in accordance with the provisions of Federal Aviation Regulations 21.197 and 21.199 to a base where the AD can be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Chicago Aircraft Certification Office, ACE-140C, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7130.

The FAA will request the permission of the **Federal Register** to incorporate by reference the manufacturer's service information identified and described in this document.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85)

Issued in Burlington, Massachusettes, on March 8, 1985.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 85-6872 Filed 3-21-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

34 CFR Part 251

Indian Education Program—Formula Grants to Local Educational Agencies and Tribal Schools

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations governing the Indian Education Program—Formula Grants to Local Educational Agencies and Tribal Schools. These regulations are being amended to implement recent changes made by Pub. L. 98-396 to the maintenance of effort requirement contained in the authority statute.

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

ADDRESS: Comments should be addressed to Adrion Baird, Chief, Support Services Branch, Indian Education Programs, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 2177, FOB-6), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Adrion Baird. Telephone: (202) 732-1890.

SUPPLEMENTARY INFORMATION: The proposed regulations would amend the regulations in 34 CFR Part 251 which implement section 306(b)(2) of Part A of the Indian Education Act of 1972 (Title IV of Pub. L. 92-318, the Education Amendments of 1972, as amended). Section 306(b)(2) previously prohibited the payment of Part A formula grant funds to a local educational agency (LEA) unless the cognizant State educational agency (SEA) found that the applicant LEA maintained 100 percent of combined fiscal effort of the LEA and State, as determined in accordance with regulatory requirements. Pub. L. 98-396 amended Section 306(b)(2) of the Act by (1) reducing from 100 percent to 90 percent the combined fiscal effort that must be maintained by the LEA; and (2) providing authority for the Secretary to waive that requirement for exceptional circumstances for one year only.

The proposed regulations reflect the statutory reduction in the maintenance of effort requirement from 100 percent to 90 percent (§§ 251.40(a)) and restate the Secretary's authority to waive the requirement under exceptional circumstances for one year only (§ 251.41(a)). In addition, the proposed regulations: (1) clarify how the level of maintenance of effort is to be determined (§ 251.40); (2) add the Secretary's criteria for consideration of a waiver of maintenance of effort (§ 251.41(c)); and (3) establish a maintenance of effort standard to be applied to LEAs in the funding year immediately following their receipt of a waiver (§ 251.42(a)) or a denial of a waiver (§ 251.42(b)). The Secretary considers those provisions of the proposed regulations that are not specifically mandated by statute to be necessary for the efficient administration of the program and for equitable treatment of all LEAs that seek funding under this program.

The proposed regulations also revise § 251.40 in its entirely for assistance to the reader.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities.

The small entities affected by the regulations are local educational agencies. To the extent that the regulations affect States or State agencies they will not have an impact on small entities. States and State agenices are not considered small entities under the Act.

Substantive changes in the regulations include a reduction in the maintenance of effort requirement and criteria for waiver of the requirement.

The reduction in the maintenance of effort requirement in the regulations implements a statutory change. Criteria for waiver of the maintenance of effort requirement will not affect a significant number of small entities.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order 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.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Paperwork Reduction Act of 1980

These proposed regulations do not contain any new information collection requirements under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

The Secretary particularly invites public comments on the proposed standard for determining an LEA's level of maintenance of effort for funding in the year following the year for which a waiver was granted (§ 251.42(a)). The application of the standard might result in the LEA's failure to maintain effort for a second year and, therefore, denial of a grant. In proposing this standard, the Secretary believes an LEA that has enjoyed the benefits of a waiver reasonably may be expected to attain, by the following year, at least 90 percent of the standard it failed to meet for the year in which the waiver was granted. Commenters may wish to propose alternative standards for the Secretary's consideration.

The Secretary also invites comments on whether LEAs that have been denied waivers and grants should be treated the next year the same as LEAs applying for the first time (§ 251.42(b)). The Secretary believes that holding LEAs to the prior year standard, which they were unable to meet, could amount to a double penalty and would therefore be inequitable. Commenters may wish to propose alternative standards for determining maintenance of effort in these cases for the Secretary's consideration.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 2177, FOB–6, 400 Maryland Avenue, S.W., Washington, D.C., between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

List of Subjects in 34 CFR Part 251

Education, Elementary and secondary education, Grant programs—education, Grant programs—Indians, Indians—education.

Citation of Legal Authority

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

(Catalog of Federal Domestic Assistance No. 84.060, Indian Education—Formula Grants to Local Educational Agencies and Tribal School)

Dated: March 18, 1985.

William J. Bennett,

Secretary of Education.

The Secretary proposes to amend Part 251 of Title 34 of the Code of Federal Regulations as follows:

PART 251—FORMULA GRANTS—LOCAL EDUCATIONAL AGENCIES AND TRIBAL SCHOOLS

1. Section 251.40 is revised to read as follows:

§ 251.40 What is the maintenance of effort requirement?

(a) Subject to the granting of a waiver under § 251.41, the Secretary does not make payments to an LEA for any fiscal year unless the appropriate SEA finds that the combined fiscal effort of that LEA and the State with respect to the provision of free public education by that LEA for the preceding fiscal year was not less than 90 percent of the combined fiscal effort for that purpose for the second preceding fiscal year.

(b) For purposes of determining maintenance of effort, the "preceding fiscal year" means the Federal fiscal year or the 12-month fiscal period most commonly used in a State for official reporting purposes prior to the beginning of the Federal fiscal year in which funds are awarded.

Example: For funds awarded in fiscal year 1985 for expenditure by LEAs during the 1985–86 school year, if a State is using the Federal fiscal year, the "preceding fiscal year" is fiscal year 1984 (which began on October 1, 1983). The "second preceding fiscal year" is fiscal year 1983 (which began on October 1, 1982). If a State is using a fiscal year that begins on July 1, the "preceding fiscal year" is the 12-mongh fisçal period ending on June 30, 1984. The "second preceding fiscal year" is the 12-month fiscal period ending on June 30, 1983.

(c)(1) For the purpose of making the finding described in paragraph (a) of this section, an SEA may compute combined fiscal effort on the basis of either aggregate expenditures or per pupil expenditure.

(2)(i) As used in this section, "aggregate expenditures" means expenditures by the LEA and the State for free public education provided by that LEA.

(ii) The term includes expenditures for administration, instruction, attendance, health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student activities.

(iii) The term does not include expenditures for community services, capital outlay and debt service, or any expenditures from funds granted under Federal programs of assistance.

(3) As used in this section, "per pupil expenditure" means aggregate expenditures divided by the number of pupils in average daily attendance at the LEA's schools—as determined in accordance with State law—during the fiscal year for which the computation is made.

(20 U.S.C. 241ee(b)(2))

2. A new § 251.41 is added to Subpart E to read as follows:

§ 251.41 When may the Secretary grant a waiver of the maintenance of effort requirement?

(a) The Secretary may grant a waiver, for one year only, of the maintenance of effort requirement in § 251.40, if the Secretary determines that the LEA's failure to meet that requirement is due to exceptional circumstances.

(b) An LEA may ask the Secretary to grant a waiver of the maintenance of effort requirement by submitting a request for a waiver that includes a description of the circumstances that the LEA considers to be exceptional.

(c)(1) Exceptional circumstances include but are not limited to—

(i) A natural disaster; or

(ii) A precipitious and unforeseen decline in the financial resources of the LEA.

(2) The Secretary does not consider tax initiatives or referenda to be exceptional circumstances.

(d) If the Secretary grants a waiver under paragraph (a) of this section, the affected LEA may receive its full allocation of formula grant funds.

(20 U.S.C. 241ee(b)(2))

3. A new § 251.42 is added to Subpart E to read as follows:

§ 251.42 What is the effect of a waiver or denial of a waiver on determination of an LEA's maintenance of effort in the following year?

(a) To meet the maintenance of effort requirement for the fiscal year following the fiscal year for which a waiver was granted, the LEA's combined fiscal effort for the preceding fiscal year must be at least 18 percent of the level of the third preceding fiscal year.

Example: An LEA was granted a waiver in fiscal year 1985 because its fiscal effort in the preceding fiscal year (1984) was less than 90 percent of its fiscal effort in the second preceding fiscal year (1983) due to exceptional circumstances. In determining maintenance of effort for purpose of funding in fiscal year 1986, the LEA's combine fiscal effort for the preceding fiscal year (1985) must be at least 81 percent (90 percent of 90 percent) of its fiscal effort in the third preceding fiscal year (1983).

(b) To meet the maintenance of effort requirement for the fiscal year following the fiscal year for which a waiver was denied, the LEA's combined fiscal effort for the preceding fiscal year must be at least 90 percent of the fiscal effort in the second preceding fiscal year.

Example: An LEA is denied a waiver, and grant, in fiscal year 1985 because its fiscal effort in the preceding fiscal year (1984) was less than 90 percent of its fiscal effort in the second preceding fiscal year (1983) and the Secretary determined that the circumstances were not exceptional. To meet the maintenance of effort required for funding in 1986, the LEA's combined fiscal effort for the preceding fiscal year (1985) must be at least 90 percent of the actual fiscal effort in the second preceding fiscal year (1984).

(20 U.S.C. 241ee(b)(2))

[FR Doc. 85-6870 Filed 3-21-85; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[FRL-2802-7]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Nonconformance Penalties for Heavy-Duty Engines and Heavy-Duty Vehicles, Including Light-Duty Trucks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This is a notice that EPA is cancelling the public hearing on proposed rules (50 FR 9204, March 6, 1985) concerning nonconformance penalties for heavy-duty engines and heavy-duty vehicles, including light-duty trucks, and that EPA is extending the comment period on the proposed rules from April 5, 1985 to April 24, 1985, as requested by a commenter. EPA is also announcing that the sections entitled "Annual Adjustments" and "NCP Formula" in the preamble of the proposal (50 FR 9213) contain typographical errors; however, the corresponding sections in the regulatory language of the proposal (50 FR 9224) are correct.

The hearing was scheduled to take place, if requested, on March 25, 1985, beginning at 9:00 a.m. in the conference room at the EPA Motor Vehicle Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI, 48105. The hearing is being cancelled because it was not requested by March 18, 1985, as required by the proposal (50 FR 9204). (One commenter did request a hearing, but that request was subsequently withdrawn.)

DATES: All comments on the nonconformance penalty proposal (50 FR 9204, March 6, 1985) should be received on or before April 24, 1985.

ADDRESSES: Send written comments to: Public Docket EN-85-02, Central Docket Section (A-130), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. If possible, a copy of the written comments should be submitted to the EPA contact listed below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Montgomery, Manufacturers Operations Division (EN-340F), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, Telephone: (202) 382-2500.

Dated: March 19, 1985.

Charles L. Elkins,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 85-6782 Filed 3-21-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 418

Newlands Reclamation Project, Nevada; Truckee River Storage Project, Nevada; and Washoe Reclamation Project, Nevada-California (Truckee and Carson River Basins, California-Nevada); Pyramid Lake Indian Reservation, NV; Stillwater Area, Nevada

AGENCY: Bureau of Reclamation, Interior.

ACTION: Proposed rule.

SUMMARY: The proposed rule will amend 43 CFR 418 to include revised procedures for operation, management and control of the Truckee and Carson Rivers for the Newlands Project. The existing rules were promulgated in 1967, but excess diversion of Truckee River water under those rules has depleted flows on the lower Truckee River and into Pyramid Lake. The depleted flows have adversely impacted the threatened and endangered fishery species in Pyramid Lake. The proposed rule will enable the implementation of new operating criteria and procedures for the Newlands Project that will limit diversions of Truckee River water while ensuring that all water users on the Newlands Project receive the amount of water to which they are legally entitled.

DATES: Comments should be submitted to the Bureau of Reclamation on or before April 22, 1985.

ADDRESS: Submit comments to: David G. Houston, Regional Director, Mid-Pacific Region, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: James Moore, Regional Supervisor of Water and Power Resources Management, Mid-Pacific Regional Office, Telephone (916) 484-4201.

SUPPLEMENTARY INFORMATION:

Classification

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) The proposed rule will not affect the economy, competition, employment or productivity of the Newlands Project area. The proposed rule revises existing procedures for project operation and management, but all project water users will continue to receive the amount of water to which they are legally entitled.

Regulatory Analysis

Not required for this rulemaking.

Environmental Impact Statement

The proposed regulation in itself will not significantly affect the environment. The implementation of operating criteria and procedures (OCAP) for the Newlands Project that would occur in accordance with the amended 43 CFR Part 418 would require an environmental assessment. The Bureau of Reclamation has prepared such an environmental assessment, a Notice of Availability was published in the **Federal Register** on February 12, 1985 (Vol. 50, No. 29, pages 5934-5947).

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed rule to the location identified in the Addresses section of this preamble. Comments must be received on or before 30 days after publication in the **Federal Register.**

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. 3501 *et seq.*

The existing rules in 43 CFR Part 418 were promulgated in 1967, under the authority of the Reclamation Act of 1902 (32 Stat. 388) and 43 U.S.C. 373. Those rules permitted excess diversions from the Truckee River for the Newlands Project, which reduced flows in the lower portion of the Truckee River and into Pyramid Lake. Threatened and endangered fish species in Pyramid Lake were adversely impacted by the reduced inflows. Numerous court cases over water rights resulted from the controversy, many of which are still pending. The proposed amendments of 43 CFR Part 418 will enable the Secretary of the Interior to limit Truckee River diversions for the Newlands Project, thus making additional water

available for the fisheries. The Secretary will also be able to ensure that project water users receive the water supply to which they are legally entitled. The proposed rule will thus enable the Newlands Project to be operated as effectively as possible to meet the needs of all water user entities and the Pyramid Lake Tribe.

List of Subjects in 43 CFR Part 418

Fisheries, Indians—lands, Irrigation, Reclamation, Water pollution control, Water resources, Water supply.

The revised 43 CFR Part 418 would read as follows:

PART 418—NEWLANDS RECLAMATION PROJECT, NEVADA, TRUCKEE RIVER STORAGE PROJECT, NEVADA, AND WASHOE RECLAMATION PROJECT, NEVADA-CALIFORNIA (TRUCKEE AND CARSON RIVER BASINS, CALIFORNIA-NEVADA); PYRAMID LAKE INDIAN RESERVATION, NEVADA, STILLWATER AREA, NEVADA

Sec.

418.1 Statement of considerations leading to the proposed adoption of general operating criteria and principles relating to the captioned stream systems.
418.2 Definitions.
418.3 Procedures for operation, management and control of the Truckee and Carson Rivers in regard to exercise of water rights of the United States.
418.4 District's operation of the irrigation works.
418.5 Water rights.
418.6 Operating criteria.

Authority: Sec. 10, 32 Stat. 388, et seq . . . U.S.C. 373.

§ 418.1 Statement of considerations leading to the proposed adoption of general operating criteria and principles relating to the captioned stream systems.

(a) Under authority of the Act of Congress approved June 17, 1902 (32 Stat. 388), commonly known as the Reclamation Act, and acts amendatory thereof or supplementary thereto, including the Washoe Project Act of August 1, 1956 (70 Stat. 775), as amended by the Act of August 21, 1958 (72 Stat. 705), the Secretary of the Interior is charged with responsibility for the management of the water supplies available to the Newlands Project, Nevada, to the Truckee River Storage Project, Nevada, and to the Washoe Project, California-Nevada. He is also required to provide for the construction, operation and maintenance of the authorized facilities and to provide for the proper management and administration of such facilities as well as of project lands and services.

(b) Under the Constitution and various acts of Congress, the United States is trustee for the Indians and in that status it is obligated to protect and preserve the rights and interests of the Pyramid Lake Tribe of Indians in the Truckee River and in Pyramid Lake. This trust responsibility is vested in the Secretary of the Interior. It is in the national interest that the fishery resource of Pyramid Lake be restored, that agricultural use be developed, and that the water inflow to the Lake be such as to allow realization of the great potential thereof, including recreation. The regulations in this part set forth Departmental controls to limit diversions for the Newlands Project from the Truckee River within decreed rights, and thereby make additional water available for delivery to Pyramid Lake.

(c) The Secretary is charged by law with the protection and conservation of migratory birds, and with maintaining the integrity of the refuge system developed pursuant to the Migratory Bird Treaty Act (16 U.S.C. 703–711), and the Migratory Bird Conservation Act (16 U.S.C. 715–715r). The lower Carson River Basin is within a major division of the Pacific Flyway and provides part of the refuge system.

(d) The area of the Truckee and the Carson River Basins is one of short water supply and its continuously subject to increasing competitive demands.

(e) The rules and regulations in this part are formulated and issued by reason of the foregoing considerations and they have been developed within the framework of agreements, decrees, understandings, and obligations of the United States or to which the United States is a party. The rules and regulations in this part will be revised as experience indicates the need.

§ 418.2 Definitions.

As used in this part:

(a) "Truckee River Decree" means the decree entered in the action entitled "United States v. Orr Water Ditch Co. et al.," in the U.S. District Court, Nevada, Equity No. A-3.

(b) "Carson River Decree" means the decree entered in the action entitled "United States v. Alpine Land and Reservoir Co. et al.," in U.S. District Court, Nevada (Equity No. D-183).

(c) "Irrigation works" means the works of the United States constructed for the primary purpose of irrigating the lands of the Newlands Project within the boundaries of the Truckee-Carson Irrigation District, and including Derby Dam, Lake Tahoe Dam, the Truckee Canal, Lahontan Dam and Reservoir, Carson Diversion Dam, T Canal, V Canal, and all other canals, turnouts, pumping plants and works necessary to irrigate and drain project lands.

§ 418.3 Procedures for operation, management and control of the Truckee and Carson Rivers in regard to exercise of water rights of the United States.

In order to make the most efficient use of the available water: Periodically, the Regional Director of the Bureau of Reclamation, after consultation with the Area Director of the Bureau of Indian Affairs and the Regional Director of the Fish and Wildlife Service, shall recommend changes in the operating criteria and procedures consistent with the guidelines set forth herein for the approval of the Secretary of coordinated operation and control of the Truckee and Carson Rivers in regard to the exercise of water rights of the United States, so as to (a) comply with all of the terms and provisions of the Truckee River Decree and the Carson River Decree; and (6) maximize the use of the flows of the Carson River in satisfaction of Newlands Project's water entitlement and minimize the diversion of flows of the Truckee River for District use in order to make available to Pyramid Lake as much water as possible.

§ 418.4 District's Operation of the irrigation works.

(a) The operation of the irrigation works, including the diversion of water, shall be in compliance with all of the terms and provisions of the Truckee River Decree and the Carson River Decree, the rules and regulations in this part, and the operation criteria and procedures adopted by the Secretary.

(b) It is determined that a water supply of not more than 406,000 acre-feet from both Truckee and Carson Rivers, if available, may be diverted in any year to irrigate Project irrigable lands.

(c) It is further determined in regard to the operation and control of the Truckee and Carson Rivers that the quantity of water, if available, to be diverted for the Project may be determined by operating criteria and procedures made in accordance with the standards set forth in § 418.3.

(d) The Project's water supply noted in paragraph (b) and (c) of this section shall be measured at the gaging station below Lahontan Dam and at diversion points along the Truckee Canal. Measurements shall be made by the Project Operation through facilities and by methods satisfactory to the Secretary of the Interior or his representative and shall be compiled on a water-year basis

extending from October 1 to September 30.

(e) All water passing the gaging station below Lahontan Dam shall be charged against the Project's yearly supply of not more than four hundred and six thousand (406,000) acre-feet, excepting uncontrollable spillage from Lahontan Reservoir, and further excepting precautionary drawdown of the Reservoir to create space for storing flood waters from the Carson River basin, provided such drawdown is neither stored downstream in Project facilities nor used on the Project for irrigation.

(f) The United States may temporarily store part of the Project's supply in upstream facilities provided that water so stored which is within the Project landowner's entitlement shall be credited to the Project and shall be released to the Project at its request. At any one time, the sum of the storage in Lahontan Reservoir and the total related creditable storage upstream shall not exceed the present storage capacity of Lahontan Reservoir, which is here defined a two hundred and ninety thousand (290,000) acre-feet, plus, however, in the event of such storage upstream, an additional amount equal to anticipated losses in transmission downstream to the Project. In addition, the Project Operator may store in Project reservoirs downstream of Lahontan Reservoir a quantity of water presently estimated to be 35,000 acre-feet.

(g) Deliveries of water from the Truckee Canal into Lahontan Reservoir (when water is available and the Project is entitled to it) shall be permitted only so long as the total storage credited to Lahontan Reservoir in that reservoir and in upstream facilities, at any one time, is not more than two hundred and ninety thousand (290,000) acre-feet plus an amount equal to anticipated losses in transmission downstream from storage reservoir to Lahontan Reservoir.

(h) Hydropower generation at Lahontan and V canal power plants shall be incidental only to releases or diversions of water for beneficial consumptive uses, except that power may be generated from water that would otherwise constitute uncontrollable spill or precautionary drawdown.

§ 418.5 Water rights.

The regulations in this part prescribe water uses within existing rights. The regulations in this part do not, in any way, change, amend, modify, abandon, diminish, or extend existing rights.

§ 418.6 Operating criteria.

Starting in 1985, operating criteria and procedures will be published for each water-year. Those rules shall supersede all previous rules and regulations regarding operation of the Newlands Project.

Dated: March 12, 1985.

Robert N. Broadbent,

Assistant Secretary of the Interior.

[FR Doc. 85-6733 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-09-M

Bureau of Land Management

43 CFR Part 3160

Onshore Oil and Gas Operations

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to propose rulemaking.

SUMMARY: The Bureau of Land Management is considering revising provisions of 43 CFR Part 3160 added by a final rulemaking published in the **Federal Register** on September 21, 1984 (49 FR 37356), to implement the Federal Oil and Gas Royalty Management Act of 1982. These provisions, which became effective on October 22, 1984, have been the subject of several public meetings during January and February 1985. In response to concerns identified during those meetings, the Bureau of Land Management invites both written and oral comments on the need for and extent of changes to the regulations as well as on the development of a list of potential violations that are described in 43 CFR 3163.4-1(d). During this rulemaking process, the Bureau will operate under policy guidance restricting the exercise of certain discretionary actions.

DATES: Comments should be submitted by May 21, 1985.

Comments will be accepted until the time a proposed rulemaking is published in the **Federal Register**. Comments postmarked or received after the above date may be considered as part of the decisionmaking process in preparing a proposed rulemaking.

ADDRESS: Comments should be submitted to: Director (140), Bureau of Land Management, Main Interior Bldg., Room 5555, 1800 C Street, N.W., Washington, D.C. 20240.

Anyone wishing to arrange for the submission of oral comments, contact either:

Frank Salwerowicz, (303) 294-7136

or

Gene Daniels, (406) 657-6291

or

Tom Leshendok, (702) 784-5676

or

Ken Moyers, (303) 231-3360

All comments, both written and summaries of the oral comments, will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Frank Salwerowicz, (303) 294-7136, (FTS) 564-7136.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management has become aware, through public meetings and written comments presented at those meetings, of recommendations regarding the inspection and enforcement program for onshore oil and gas operations. The comments at these public meetings have been made by the petroleum industry, some Indian tribes and other government agencies. The Bureau of Land Management is requesting additional participation in reviewing and possibly amending the existing regulations from the petroleum industry, Indian tribes, State Governments, other Federal agencies, public interest groups and all other interested individuals. It is the intent of the Bureau to more clearly define the operational requirements of the Federal Oil and Gas Royalty Management Act. While the necessary in-depth analysis of these regulations is occurring, the Bureau, through the exercise of its delegated discretionary authority, is taking interim actions to: (1) Suspend the use of the assessment for noncompliance provisions of 43 CFR 3163.3 (c) through (j), except where actual loss or damage can be ascertained; (2) suspend the application of administrative penalties under 43 CFR 3163.4-1(a) except for failure to abate major violations that are required to be corrected in less than 20 days and which have the immediate potential to affect public health and safety, cause significant environmental damage, affect production or royalty accountability, and those where drilling or other operations are conducted without prior approval; and (3) delay processing of inspection and enforcement assessments for the period October 22, 1984, to January 4, 1985, pending a ruling from the Comptroller General regarding the Bureau's request to retroactively apply a "cap" on all Bureau assessments. In addition, the Bureau is issuing clarifying administrative instructions on: (1) the criteria to be used in determining whether a given violation should be considered as one

"knowingly or willfully" committed pursuant to 43 CFR 3163.4–1(b); (2) the requirement for fifth business day notification of new or resumed production pursuant to 43 CFR 3162.4–1(c); and (3) the technical and procedural review provisions of 43 CFR 3165.3. The Bureau will continue to ensure compliance with the provisions of 43 CFR Part 3160 during this process, using all authorized steps at its disposal.

J. Steven Griles,

Deputy Assistant Secretary of the Interior.

March 19, 1985.

[FR Doc. 85–6913 Filed 3–21–85; 8:45 am]

BILLING CODE 4310–84–M

LEGAL SERVICES CORPORATION

45 CFR Part 1601

By-Laws of the Legal Services Corporation

AGENCY: Legal Services Corporation.

ACTION: Proposed rule; amendment.

SUMMARY: On January 4, 1985, the Legal Services Corporation republished, for comment, the By-Laws which had become effective on May 19, 1984. As a result of the comments received, the Corporation's Board of Directors voted to amend the By-Laws on March 8, 1985. The amendments make two major changes to the By-Laws and six minor or technical changes to the By-Laws. The major changes regard the scheduling of meetings, the use of telephonic participation in meetings and special meetings, and emergency proceedings. Six minor changes have been made, including the term of Directors, compensation of Directors and the President of the Corporation, general notice of meetings, executive sessions, and public participation in meetings of the Board.

DATES: Comment must be submitted on or before April 22, 1985.

ADDRESSES: Comments should be mailed to: Office of General Counsel, Legal Services Corporation, 733 15th Street, N.W., Suite 601, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Richard N. Bagenstos, Acting Deputy General Counsel, (202) 272–4010.

SUPPLEMENTARY INFORMATION: Due to comments received by the Legal Services Corporation since September, 1984, the Board of Directors, after due deliberation, decided to republish the Corporation's By-Laws that had become effective on May 19, 1984. The By-Laws are republished for comment on January 4, 1985, at 50 FR 495. Comments were received and considered. On March 8, 1985, the Board, acting upon recommendations of its Operations and Regulations Committee, approved amendments of the By-Laws. The exact amendments are noted below on a section-by-section basis. Because substantive changes in the By-Laws have been proposed, the amendments to the proposed regulations are being published for further comment.

Section 1601.8(c).

The expiration date of Directors' terms has been amended. The date July 13, 1984, following the words "the terms of six Directors of the Board shall expire" is changed to July 13, 1987. This change is technical in nature. It recognizes that the date July 13, 1984, has passed and that Directors were not confirmed to fill vacant seats.

Section 1601.14 Compensation.

The proposed amendment adds language that recognizes the fact, that, presently, compensation of Directors is restricted by language in the appropriations acts under which the Corporation has been funded in recent years. The amendment further recognizes that future appropriations acts or authorizing acts may also contain restrictions on compensation of Directors not contained in the Legal Services Corporation Act of 1974, as amended.

Section 1601.15 Meetings.

Three additions have been made, one technical and two substantive.

The technical addition adds the letter "s" to the word "agree" in the first sentence. This change reflects the proper English form of verbs following singular subjects.

Two new sentences have been added to § 1601.15(b). These sentences allow the Board, by majority vote, to reschedule a meeting in advance of the scheduled date of the meeting noticed. Notice of such a change must be mailed to each Director at least twenty-one days before the rescheduled date or telegraphed at least fifteen days before such rescheduled date. The notice must specify the place, date, and hour of the rescheduled meeting.

A new paragraph (c) has been added to § 1601.15. This new paragraph allows Directors to participate in meetings by way of conference telephone if a quorum of the Directors are physically present at the meeting. Participation under this section must be by telephone conference call or by any means of communication by which all members of the board may hear one another and by which interested members of the public are able to hear and identify all persons participating in the meeting.

This section allows telephonic participation in all meetings. However, the safeguard of a physically present quorum is added to prevent possible abuse.

Section 1601.16 Special Meetings.

The first sentence of this section has been deleted. The deletion reflects the addition of § 1601.15(c). Because of that addition, the first sentence of § 1601.16 is no longer necessary.

Section 1601.19(c).

The amendment provides that general notice of meetings must also be sent to program directors. This addition reflects the Corporation's present practice and is in response to comments received. It ensures that programs will receive timely notice of meetings.

Section 1601.22 Public Meetings; Executive Sessions.

The words "to close a meeting or any portion of a meeting" in the first sentence has been replaced with the words "that consideration of a specific matter should be closed". This change is made in response to comments received by the Corporation regarding executive sessions. The change clarifies that consideration of specific matters may be closed under the Government in the Sunshine Act.

Section 1601.23 Public Participation.

Two additions have been made. The sentence "The Board welcomes written and other communications from members of the public," has been added to the beginning of the section. The word "Other" has been added to the beginning of the last sentence of the section. Both changes respond to comments received and reflect the Board's desire to have public input at its meetings. The second change recognizes the Chairman's ability to allow members of the public to address the Board even if they have not been able to request to do so in writing.

Section 1601.24 Emergency Proceedings.

This section has been entirely rewritten. Comments received expressed the opinion that the section, as originally passed, violated the Government in the Sunshine Act. Several commentators recommended the removal of disrupting members of the public if the disruption prevents the Board from conducting its business. The proposed amendment is the result of a combination of alternatives offered to

the Board. The revised section allows the Board, by majority vote, to give the Chairman or presiding officer the authority to have disrupting members of the public removed from the meeting if in the opinion of the Chairman, the Directors are rendered incapable of conducting a meeting by the acts or conduct of such members of the public present.

This proposed amendment gives the Board the ability to conduct its business free of disruption while still obeying the letter and the spirit of the Government in the Sunshine Act.

Section 1601.38 Compensation.

The words "Except as otherwise provided by Pub. L. 98–166 or subsequent legislation," have been added to the beginning of the section. This addition recognizes the additional restrictions on compensation of the President of the Corporation placed by the appropriations acts under which the Corporation has been operating and that future legislation may contain further restrictions not contained in the Legal Services Corporation Act of 1974, as amended.

List of Subjects in 45 CFR Part 1601

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

PART 1601—[AMENDED]

For the reasons set out above, 45 CFR Part 1601 is proposed to be amended as follows:

§ 1601.8 [Amended]

1. Paragraph (c) of § 1601.8 is amended by removing the numeral "1984" after "the terms of six Directors of the Board shall expire on July 13," and inserting in its place the numeral "1987".

§ 1601.14 [Amended]

2. Section 1601.14 is amended by inserting the words "Except to the extent Legal Services Corporation is restricted by Pub. L. 98–166 and 98–411 of subsequent appropriation or authorizing acts," at the beginning of the section before the words "Directors shall be entitled".

§ 1601.15 [Amended]

3. Paragraph (b) of § 1601.15 is amended by adding the letter "s" to the word "agree" following the words "Directors of the Board" in the first sentence.

4. Paragraph (b) of § 1601.15 is further amended by inserting the sentences "In the event a majority of the members of the Board agrees to reschedule a meeting to a date in advance of the scheduled date for such meeting, notice of such rescheduling shall be mailed to each Director at least twenty-one days before the rescheduled date for such meeting or shall be telegraphed or delivered at least fifteen days before such rescheduled date. Every such notice shall specify the place, date, and hour of the rescheduled meeting." after the last sentence of paragraph (b).

5. Section 1601.15 is further amended by adding a new paragraph (c) which reads as follows:

* * * * *

(c) If a quorum of the Directors are physically present at a meeting of the Board, other Directors may participate in a meeting of the Board by means of conference telephone or by any means of communication by which all persons participating in the meeting are able to hear one another and by which interested members of the public are able to hear and identify all persons participating in the meetings.

§ 1601.16 [Amended]

6. Section 1601.16 is amended by removing in its entirety the first sentence of the section.

§ 1601.19 [Amended]

7. Paragraph (c) of § 1601.19 is amended by inserting the words "and the program director" before the words "of every recipient." in the second sentence.

§ 1601.22 [Amended]

8. Section 1601.22 is amended by removing the words "to close a meeting or any portion of a meeting" before the words "to public observation" is the first sentence and inserting in their place the words "that consideration of a specific matter should be closed".

§ 1601.23 [Amended]

9. Section 1601.23 is amended by inserting the sentence "The Board welcomes written and other communication from members of the public." at the beginning of the section.

10. Section 1601.23 is further amended by inserting the word "Other" before the word "Member" in the last sentence of the section and by replacing the capital "M" in "Member" with a lower case "m".

11. Section 1601.24 is revised to read as follows:

§ 1601.24 Emergency proceedings.

If, in the opinion of the Chairman, the Directors are rendered incapable of conducting a meeting by the acts or conduct of any members of the public present at the meeting, the Directors may thereupon determine by a recorded vote of the majority of the number of Directors present at the meeting that the Chairman or presiding officer of the Board shall have the authority to have such members of the public who are responsible for such acts or conduct removed from the meeting.

§ 1601.38 [Amended]

12. Section 1601.38 is amended by replacing the initial capital "T" with a lower case "t" and inserting the words "Except as otherwise provided by Pub. L. 98–166, 98–411 or subsequent legislation," at the beginning of the section.

Dated: March 19, 1985.

Richard N. Bagenstos,

Acting Deputy General Counsel.

[FR Doc. 85–6852 Filed 3–21–85; 8:45 am]

BILLING CODE 6820–35–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 85–25; RM–4735; FCC 85–55]

Domestic Public Cellular Radio Telecommunications Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Cellular Customer Equipment is not presently required to have a convenient means for the user to select operation on frequency Block A or Block B. This situation may stifle competition between wireline and non-wireline cellular carriers. In response to a petition for rulemaking, the Notice proposes several alternative solutions to this problem. Interested members of the public are invited to submit comments.

DATES: Comments are due by April 22, 1985 and replies by May 7, 1985.

ADDRESS: Secretary's Office, Room 202, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kelly Cameron, (202) 632–6450.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 22

Mobile radio service.

Notice of Proposed Rulemaking

In the Matter of Amendment of Part 22 of the Commission's Rules Relative to the Domestic Public Cellular Radio

Telecommunications Service; CC Docket No. 85-25, RM-4735.

Adopted: January 31, 1985.
Released: February 12, 1985.

By the Commission.

Background

1. The Law Offices of Matthew L. Leibowitz, P.A. and Arthur K. Peters, P.E., Consulting Engineers (petitioners) have filed a Petition for Rulemaking requesting that the Commission require that all cellular customer equipment be equipped to permit subscriber selection of operation on either frequency Block A or Block B. Several parties have filed comments in support of the petition. The commenters have urged us to adopt the petitioners' proposal or an alternative solution, such as giving subscribers or resellers a proprietary interest in cellular telephone numbers or requiring that telephone numbers be programmable by the subscriber.[1] We recognize that, because of the early wireline entry into most markets, the widespread use of cellular customer equipment that does not permit subscriber selection of frequency Block A or Block B could have a serious anti-competitive effect in both the local and roamer markets. Accordingly, we are adopting this Notice of Proposed Rulemaking which proposes alternative methods for addressing this problem. We request that interested parties submit comments on the extent of the competitive threat and how best to address it.[2]

2. Petitioners note that the Commission has sought the expeditious initiation of cellular service to the public as part of a national telecommunications system. At the same time, the Commission has sought to foster a competitive market, featuring diversity of technology, service and price, by licensing two facilities-based competitors in each market. Therefore, petitioners point out, the Commission required all cellular mobile units to be able to operate over the entire 40 MHz of spectrum allocated to cellular (*i.e.*, Block A and Block B) "in order to insure full coverage in all markets and compatibility on a nationwide basis." *Cellular Communications Systems*, 86 FCC 2d 469, 482 (1982). Further, all mobile, portable and base stations are required to conform with compatibility specifications approved by the Commission.[3] This compatibility standard included a requirement that "[a] means must be provided within the mobile station to identify the preferred system as either System A or System B."[4]

3. Based upon this regulatory background, petitioners contend that a mobile subscriber should have complete freedom to select operation on Block A or Block B and further that this selection should be a simple matter.[5] However, petitioners assert that several major manufacturers are designing and selling equipment that prevents easy selection of the frequency block.[6] Typically, petitioners contend, this is done by installing a programmable read-only memory (PROM) in the mobile unit. The PROM would provide for service only on the preferred frequency block unless service on that block were totally unavailable.[7] The subscriber would be able to select operation on the other frequency block only by bringing the mobile unit to a cellular service center for reprogramming.

4. Petitioners contend that this method of selection presents several problems. First, they note that competition for existing subscribers will be stifled by any device that inhibits easy selection of a frequency block. This will exacerbate the competitive disadvantage of the second carrier to enter the market, because the early subscribers will typically have mobile units programmed for the frequency block of the first carrier. In addition, petitioners contend that competition between local carriers for roamers will be eliminated. The petitioners argue that, absent easy frequency block selection, the resale of cellular service by a non-wireline applicant is unlikely to ameliorate the wireline head-start, because the reseller's customers would not be able to convert readily to the non-wireline system when it became operational. Petitioners also point out that a carrier would have a substantial economic incentive to offer or encourage the use of PROM-oriented mobiles in order to prevent subscribers from leaving its system. This incentive would apply equally to both carriers once both systems become operational.

Discussion

We tentatively find that automatic (*i.e.*, PROM-controlled) band selection, without a convenient method for customer selection of frequency block, could tend to lessen competition between wireline and non-wireline carriers within a market both for local subscribers [8] and for roamer subscribers. We solicit comment on whether automatic band selection provides any countervailing public benefit.

6. Petitioners argue that automatic band selection exacerbates the "head-start problem." We recognize that in most markets, the wireline carrier begins service before the non-wireline carrier.[9] However, absent a

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[1] A list of the commenting parties is attached as Appendix C. None of the commenters opposed the petition. Several of the Regional Bell Cellular Companies (RBCCs) have filed comments in a related proceeding, *Policy and Rules Concerning the Furnishing of Customer Premises Equipment, Enhanced Services and Cellular Communications Services by the Bell Operating Companies*, Notice of Proposed Rule Making, CC Docket No. 84-637, FCC 84-271, released June 26, 1984 arguing that if an A/B switch requirement (or some similar requirement) is adopted it should be of general application. We will consider in this proceeding whether to impose an A/B Switch requirement on cellular system operators affiliated with RBCCs, in addition to considering the more general relief proposed by petitioners.

Two of the commenting parties, Chase/Post Cellular Systems (Chase/Post) and MCI Cellular Telephone Company (MCI) have suggested that a further barrier to competition exists. Chase/Post urges us to propose that local telephone companies be required to give proprietary interest in cellular telephone numbers to subscribers and resellers rather than to the local cellular carrier. Chase/Post argues that a subscriber that has spent money advertising a particular telephone number will be unlikely to switch to a different carrier if in so doing it must relinquish its telephone number. Similarly, MCI suggests that we require that telephone numbers be programmable by the customer at the control head or handset. This would obviate the need for the customer to have a technicial program a new telephone number into his cellular unit upon switching to a new carrier. We invite public comment on the necessity or desirability of adopting one of these suggestions.

[2] In particular, we request that commenting parties address themselves to the question of the cost to subscribers of switching carriers where this requires reprogramming the unit as well as the additional cost, if any, to subscribers and manufacturers of switchable units.

[3] Cellular System Mobile Station—Land Station Compatability Specification, OST Bulletin No. 53 (April 1981), *Published as* Appendix D to *Cellular Communications Systems*, 86 FCC 2d at 576-640.

[4] Id. at Section 2.3.10 ("Preferred-System Selection"), 86 FCC 2d at 594.

[5] Petitioners suggest the use of an A/B switch as one possible mechanism to allow easy selection.

[6] Petitioners confirmed this finding by a survey of manufacturers including OKI, Stromberg-Carlson, General Electric, Motorola, E.F. Johnson, Harris, Western Electric and NEC. The results of this survey have not been submitted to the Commission.

[7] Thus, a subscriber receiving service on Block B could only receive service on Block A under unusual circumstances, for example, when roaming in an area in which service in unavailable on Block B.

[8] This would appear to be so at least in the case of subscribers who purchase their equipment rather than leasing it. *See* n. 10, *infra*.

[9] To date, there have been only three non-wireline carriers that have begun service before their wireline competitors. Wireline carriers have been granted operating authority in 34 markets while non-wirelines have been licensed in only eight. An additional 55 wireline carriers and 43 non-wirelines have been granted construction permits, all of these in the 90 largest markets. It is unclear whether the wireline headstart will continue in subsequent markets in view of the Commission's adoption of a random selection procedure for awarding cellular authorizations in markets below the top thirty.

Continued

particularized showing that early entry by a wireline carrier would not be in the public interest, it is our goal to ensure that the public receives service as expeditiously as possible.

7. We are concerned, however, that, once both carriers have entered the market, PROM-controlled band selection will discourage cellular customers from choosing a cellular carrier on the basis of service area, quality of service, cost and similar factors, due to the inconvenience and expense of changing from one system to the other.[10] Moreover, automatic band selection may deprive roamers of any choice of carriers, thereby eliminating competition between carriers for roamers using this type of unit. This is because a subscriber to wireline service, for example, will have preferred access to wireline service in other markets when roaming because the subscriber's mobile unit will automatically tune to the wireline frequency block. This roamer would be unable to use non-wireline service if a wireline carrier were operating.[11]

8. As petitioners have observed, each carrier will have an economic incentive to prevent its subscribers from changing to the other. We prefer that carriers attempt to retain their subscribers by offering superior service, rather than by holding them hostage by offering, or encouraging the use of, cellular customer equipment featuring automatic band selection. We believe that competition between carriers will ensure that the public receives the best service.

9. In a fully competitive, free market, consumers would be able to choose cellular units that contain options that are important to them; consumers desiring ease of carrier selection would thus buy units with a mechanism for subscriber selection of carrier. Because of the existence of a substantial wireline headstart in many areas, however, the competitive nature of the market may have been skewed. When wireline carriers are licensed well before non-wireline carriers, consumers may not be aware that they will later be able to choose another carrier or that their choice of equipment may hamper their ability to use cellular systems on the other frequency block.[12] Wireline carriers' equipment distribution entities and the sales agents for wireline cellular carriers, who are responsible for many of the early equipment sales under a headstart, have a disincentive to promote the sale or lease of equipment with the subscriber selection option. As a result, the temporary competitive imbalance caused by the headstart may have prolonged effects on consumers' freedom of choice. Because of this consequence of a wireline headstart, we are considering several ways to enhance consumers' freedom to choose carriers.

10. One method to mitigate the effects of the headstart would be to require that all cellular customer equipment be designed with an easy means for subscriber selection of operations on either frequency Block A or Block B.[13] Under this alternative we would require that all cellular mobile units sold or leased after a specified date[14] be so equipped.[15] However, two disadvantages to this approach prevent us from giving it our unqualified endorsement. First, we believe that, to the extent possible, decisions concerning the types of features to be offered to the public should be decided by marketplace forces. If the cost of a particular feature, such as the one proposed by petitioners, outweighs its value to consumers, then there is no reason for this Commission to dictate to consumers that they must purchase it. If, on the other hand, the value to consumers of this feature is very great, then public demand will force manufacturers to supply this feature. In such a case, cellular customer equipment that does not permit easy selection of the frequency block may disappear from the market, thereby obviating the need for regulatory action.[16]

11. The second problem with the solution urged by petitioners is that it appears unfairly to place the burden of remedial action on manufacturers when the benefit of the present situation is being enjoyed by wireline c. llular carriers. Therefore, in order to address this problem, we are taking two steps. We are considering, as a less intrusive alternative, requiring any equipment distribution entity affiliated with a wireline carrier, and any sales agent acting for a wireline carrier or its affiliates, to offer for sale or lease only equipment with a subscriber selection mechanism.[17] This is our preferred means of dealing with this problem, which will, it is hoped, be of temporary duration.[18] A less universally applicable variation on this approach, which could serve many of the same goals, would be to impose the requirement of offering only subscriber-selection units on distribution entities and sales agents affiliated with the operations of the Regional Bell Cellular Companies.

12. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before April 22, 1985, and reply comments on or before May 7, 1985. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a written summary indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 239) of the Federal

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Cellular Lottery Selection, 58 RR 2d, 8, (1984). A Petition for Declaratory Ruling filed by Ameritech Mobile Communications, Inc., which requests that we abolish our headstart doctrine, is currently pending before the Commission.

[10] The inconvenience may be minimal for a subscriber leasing equipment rather than purchasing it because his decision to change would probably require him to terminate his lease with the service provider in any event.

[11] It may be that our concern in this area is overstated if roamer service is predominantly offered under agreements between home carriers rather than by individual subscriber selection. Parties should comment on the degree to which an inability to select between roaming systems imposes costs on consumers or hinders competition.

[12] We note that one means of mitigating this effect of the wireline headstart might be to require wireline carriers and/or equipment distributors to inform consumers of the eventual entry of a second carrier and the potential advantages of switchable cellular units.

[13] We invite comment as to whether any particular method of subscriber selection should be required or prohibited (*e.g.*, switch, keypad or programming).

[14] Comments are sought on when such a regulation should be made effective.

[15] The proposed rule is set forth in Appendix A.

[16] *See* n. 2, *supra*.

[17] The proposed rule is set forth in Appendix B. This proposed rule does not include resellers of the wireline carrier's service because resellers are generally not under the control of the carrier. In addition, resellers may have different interests and incentives than the carrier. This is most obviously so in the case of an eventual non-wireline carrier that resells the wireline carrier's service.

[18] We request comments on whether any requirement imposed on wireline carriers should terminate automatically on either a set date or some fixed period after entry of a non-wireline carrier into a market.

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

13. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

Regulatory Flexibility Act—Initial Analysis

14. *Reasons for Action and Objective.* These rules are being proposed to promote competition in the cellular radio marketplace and to provide service to the public in the most efficient, expeditious manner possible.

15. *Legal Basis.* The authority for this rulemaking is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

16. *Small Entities Affected and Potential Impact.* We are unaware of any small entities that would be directly affected by these rules. Subscribers to this service range in size from single individuals to multi-million dollar corporations. Small entities will not be adversely affected economically by these rules. We believe these rules will probably benefit small entities by promoting competition in both the local and roamer markets for cellular service.

17. *Relevant Federal Rules Which Overlap, Duplicate or Conflict with this action.* None.

18. *Reporting, Record-keeping and Compliance Requirements.* This rulemaking does not involve any additional reporting requirements.

19. *Alternatives that would lessen impact.* None.

20. It is ordered that a copy of this Notice of Proposed Rulemaking shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

PART 22—[AMENDED]

47 CFR Part 22 is amended as follows:

1. In § 22.902, paragraph (e) is revised to read as follows:

§ 22.902 Frequencies.

* * * * *

(e) All customer equipment must initially be capable of communicating on the 666 channels specified in paragraphs (b) (1) and (2) of this rule section, with a convenient means for the user to select operation on Block A or Block B.

Appendix B

47 CFR Part 22 is amended as follows:

1. In § 22.902, paragraph (b)(2)(i) is added to read as follows:

§ 22.902 Frequencies.

(b) * * *

(2) * * *

(i) No carrier operating a cellular system on frequency Block B, pursuant to subsection (b)(2) of this section, nor any subsidiary, affiliate, related company, or agent of such carrier, shall offer to the public, for sale or for lease, any cellular customer equipment that does not have a convenient means for the user to select operation on Block A or Block B.

* * * * *

Appendix C

List of Commenting Parties

American Mobile Communications
Charisma Communications
Chase/Post Cellular Systems
Gencom, Inc. *et al.*
Jubon Engineering, Inc.
MCI Cellular Telephone Company
Telocator Network of America

[FR Doc. 85-4623 Filed 3-21-85; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 14 and 52

Federal Acquisition Regulation (FAR); Acceptable Evidence in Establishing the Date of Mailing of a Late Bid or Proposal

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering a revision of Federal Acquisition Regulation (FAR) 14.304-1 and the related solicitation provisions concerning acceptable evidence in establishing the date of mailing of a late bid or proposal sent by certified or registered mail.

DATE: Comments on the proposed revisions should be submitted in writing to the FAR Secretariat at the address shown below on or before May 21, 1985, to be considered in the formulation of the final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, Attn: FAR Secretariat (VR), 18th and F Streets, NW, Room 4041, Washington, DC 20405.

Please cite FAR Case No. 85-16 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Roger M. Schwartz, Director, FAR Secretariat, (202) 523-4755.

SUPPLEMENTARY INFORMATION: FAR 14.304-1(b) and the related solicitation provision at 52.214-7 state that the only acceptable evidence to establish the date of mailing of a late bid, modification, or withdrawal sent either by registered or certified mail is a U.S. or Canadian Postal Service postmark on the wrapper or on the original receipt from the U.S. or Canadian Postal Service.

As a result of problems that have been encountered, it has become apparent that the requirement for a Postal Service postmark on either the wrapper or postal receipt (rather than on both) creates a situation where the potential exists for bidders to manipulate the bidding system to their own advantage. Concerns on this

subject have been expressed by the General Accounting Office, the Office of Federal Procurement Policy, and members of Congress, all of whom advocate adoption of the "double bull's-eye" late bid rule, i.e., that the only acceptable evidence to establish the date of mailing of a late bid, modification, or withdrawal sent either by registered or certified mail is a U.S. or Canadian Postal Service postmark on both the envelope or wrapper and on the original receipt from the U.S. or Canadian Postal Service.

Accordingly, the proposed change revises FAR 14.304–1(b) and the related solicitation provision at 52.214–7 to incorporate the "double bulls-eye" late bid rule, and makes a corresponding revision in the solicitation provision at 52.215–10, which pertains to late submissions, modifications, and withdrawals of proposals.

Roger M. Schwartz,
Director, FAR Secretariat.
Dated: March 18, 1985.

List of Subjects in 48 CFR Parts 14 and 52

Government procurement.

Therefore, it is proposed that 48 CFR Parts 14 and 52 be amended as follows:

1. The Authority for Parts 14 and 52 is:

Authority: 40 U.S.C. 486(c); Chapter 137, 10 U.S.C.; 42 U.S.C. 2453(c).

PART 14—SEALED BIDDING

2. Section 14.304–1 is amended by revising the first sentence of paragraph (b) to read as follows:

14.304–1 General.

* * * * *

(b) The only acceptable evidence to establish the date of mailing of a late bid, modification, or withdrawal sent either by registered or certified mail is a U.S. or Canadian Postal Service postmark on both the envelope or wrapper and on the original receipt from the U.S. or Canadian Postal Service.* * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 52.214–7 is amended by inserting a colon in the first sentence of the introductory text following the word "provision" and removing the remainder of the paragraph; by removing the date in the title of the solicitation provision and inserting in its place the date (JUL 1985); and by revising the first sentence in paragraph (c) of the provision to read as follows:

52.214–7 Late Submissions, Modifications, and Withdrawals of Bids.

* * * * *

(c) The only acceptable evidence to establish the date of mailing of a late bid, modification, or withdrawal sent either by registered or certified mail is the U.S. or Canadian Postal Service postmark on both the envelope or wrapper and on the original receipt from the U.S. or Canadian Postal Service.* * *

* * * * *

4. Section 52.215–10 is amended by inserting a colon in the introductory text following the word "provision" and removing the remainder of the sentence; by removing the date in the title of the solicitation provision and inserting in its place the date (JUL 1985); and by revising the first sentence in paragraph (d) of the provision to read as follows:

52.215–10 Late Submissions, Modifications, and Withdrawals of Proposals.

* * * * *

(d) The only acceptable evidence to establish the date of mailing of a late proposal or modification sent either by registered or certified mail is the U.S. or Canadian Postal Service postmark on both the envelope or wrapper and on the original receipt from the U.S. or Canadian Postal Service.* * *

* * * * *

[FR Doc. 85–6797 Filed 3–21–85; 8:45 am]
BILLING CODE 6820–61–M

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48 CFR Part 52

Federal Acquisition Regulation (FAR); Definition of Women-Owned Small Businesses

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering a revision of the Federal Acquisition Regulation (FAR) in 52.219–13, Utilization of Women-Owned Small Businesses.

DATE: Comments on the proposed revision should be submitted in writing to the FAR Secretariat at the address shown below on or before May 21, 1985, to be considered in the formulation of the final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, Attn: FAR Secretariat (VR), 18th and F Streets, NW., Room 4041, Washington, D.C. 20405.

Please cite FAR Case No. 85–14 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Roger M. Schwartz, Director, FAR Secretariat, (202) 523–4755.

SUPPLEMENTARY INFORMATION: The proposed revision amends the contract clause at FAR 52.219–13, Utilization of Women-Owned Small Businesses, to define "small business concern", to expand the definition of "women-owned small businesses" to include the criterion that women-owned small businesses are small business concerns, and to specify that the contractor, acting in good faith, may rely on written representatives by its subcontractors regarding their status as women-owned small businesses.

Dated: March 18, 1985.

Roger M. Schwartz
Director, FAR Secretariat.

List of Subjects in 48 CFR Part 52

Government procurement.

Therefore, it is proposed that 48 CFR Part 52 be amended as follows:

1. The Authority for Part 52 is:

Authority: 40 U.S.C. 486(c); Chapter 137, 10 U.S.C.; 42 U.S.C. 2453(c).

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

2. Section 52.219–13 is amended by removing in the title of the clause the date "(APR 1984)" and inserting in its place the date "(JUN 1985)"; by revising in paragraph (a) of the clause the definition of "women-owned small businesses"; by adding in the clause a definition of "Small business concern", following the definition of "Operate"; and by adding paragraph (d) in the clause as follows:

§ 52.219–13 Utilization of Women-Owned Small Businesses.

* * * * *

(a) "Women-owned small businesses," as used in this clause, means businesses that are at least 51 percent owned by women who are United States citizens and who also control and operate the business and that are small business concerns.

* * * * *

"Small business concern," as used in this clause, means a concern including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria and size standards in 13 CFR Part 121.

* * * * *

(d) The Contractor acting in good faith may rely on written representations by its subcontractors regarding their status as women-owned small businesses.

* * * * *

[FR Doc. 85–6796 Filed 3–21–85; 8:45 am]
BILLING CODE 6820–61–M

Notices

Federal Register
Vol. 50, No. 56
Friday, March 22, 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.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Interpreters in Courts of the United States; Announcement of Spanish/English Certification Examination

AGENCY: Administrative Office of the United States Courts.

ACTION: Notice of Spanish/English Certification Examination for Court Interpreters.

SUMMARY: The Director of the Administrative Office of the United States Courts announces that the agency will conduct the written portion of the certification examination for individuals who desire to be certified to serve as Spanish/English interpreters in courts of the United States in accordance with the Court Interpreters Act, Pub. L. No. 95-539, 92 Stat. 2040 (1978) (28 U.S.C. 1827). To sit for the examination, an individual must file a written application.

DATES: The agency will administer the written portion of the examination June 1, 1985, at 9:30 a.m. The deadline for filing of applications is 4:00 p.m. on April 26, 1985. The oral portion will be administered in August/September 1985.

Testing Sites

Applicants may sit for the written examination at any of the locations identified below. Applicants must identify the city for taking both the written and oral portions. For 1985, oral examination sites are limited to: Phoenix, AZ; Los Angeles and San Francisco, CA; Washington, DC; Miami, FL; Atlanta, GA; Chicago, IL; New Orleans, LA; Boston, MA; Albuquerque, NM; Manhattan, NY; San Juan, PR; and Houston, TX.

Written Testing Sites

Arizona: Phoenix, Tuscon
California: Fresno, Los Angeles, Monterey, Sacramento, San Diego, San Francisco
Connecticut: Hartford
District of Columbia
Florida: Miami, Orlando, West Palm Beach
Georgia: Atlanta
Illinois: Chicago
Louisiana: New Orleans
Maryland: Baltimore
Massachusetts: Boston
Nevada: Las Vegas, Reno
New Jersey: Newark, Trenton
New Mexico: Albuquerque, Las Cruces, Santa Fe
New York: Manhattan
Pureto Rico: San Juan
Texas: Brownsville, Corpus Christi, Dallas, Fort Worth, Houston, Laredo, San Antonio
Utah: Salt Lake City
Washington: Seattle

Filing

To make application for the examination *write* the following information:

1. Name.
2. Mailing address (please include zip code).
3. Date of birth.
4. Work and home telephone numbers.
5. Social security number.
6. City where you wish to take the written examination and city where you wish to take the oral examination.
7. Any special arrangements that should be made due to physical disability or keeping of the Sabbath.

There is a $25.00 application fee which should be sent with the above information. Checks should be made payable to the University of Arizona Federal Court Project. Applicants will then receive an admission form to the written examination and the specific location of the examination site. Applications without payment will not be processed.

Mailed applications with the above information *must be received not later than 4:00 p.m. on April 26, 1985.* Mail the application to: Dr. Roseann Duenas Gonzalez, Director, Federal Court Interpreters Certification Project, College of Arts and Sciences—Modern Language Bldg., University of Arizona, Tucson, Arizona 85721, Telephone: (602) 621-3687.

FOR FURTHER INFORMATION CONTACT: Dr. Roseann Gonzalez.

SUPPLEMENTARY INFORMATION:

I. Background

The Director of the Administrative Office of the United States Courts (AOUSC) is responsible for the establishment of a program to facilitte the use of interpreters in courts of the United States. He must prescribe, determine, and certify the qualifications of persons who may serve as certified interpreters in billingual proceedings and proceedings involving the hearing impaired. 28 U.S.C. 1827(b). Whenever an interpreter is required for a person in any criminal or civil action initiated by the United States, the presiding judicial officer must utilize the services of a certified interpreter, unless no certified interpreter is reasonably available.

The AOUSC will provide the courts with a roster of certified court interpreters selected on the basis of the successful completion of written and oral examinations in English and a foreign language.

II. This Examination

This examination will be a comprehensive writen and oral examination for billingual proficiency in Spanish and English, developed and administered under contract by the University of Arizona.

The written portion of the examination does not necessarily require the special knowledge of court vocabulary. Each applicant who completes successfully the written portion will be eligible for the oral examination. Successful applicants will receive notice of the time and place of the oral portion of the examination.

The oral portion of the examination will test, in simulated settings, the applicant's ability for (1) Interpret precisely from Spanish to English, in consecutive, simultaneous, and summary modes; (2) interpret from English to Spanish in consecutive, simultaneous, and summary modes; and (3) perform sight interpretation. The oral portion of the examination does not necessarily require previous experience in court interpreting.

III. Qualifications

There are no formal educational requirements fo certification, either in languages or interpreting. However, the difficulty of the examination is at the college degree level of proficiency. Successful completion of the oral

portion of the examination normally would require prior training or professional experience in simultaneous, consecutive, and summary interpreting.

IV. Duties

Successful completion of the examination will not necessarily lead to full-time employment. Interpreters satisfy most court needs as independent contractors. However, where full-time interpreter are needed, only certified interpreters will be eligible for appointment.

As the federal courts require full-time salaried interpreters, these interpreters will be chosen from the eligibility lists. The annual salary range is JSP-10 and JSP-11 ($24,011-$34,292) for full-time salaried interpreters. For certified interpreters who provide services as independent contractors, the fee is $175 per days.

Court interpreters perform all or some of the following duties: (1) Interpret verbatim in simultaneous, consecutive, or summary mode a foreign language into English, and vice verse, at arraignments, preliminary hearings, pretrial hearings, trials, and other court proceedings; (2) transcribe from electronic sound recordings; and (3) translate technical, medical, and legal documents and correspondence for introduction as evidence.

Issued at Washington, D.C., on March 14, 1985.

Joseph F. Spaniol, Jr.,

Deputy Director.

[FR Doc. 85-6795 Filed 3-21-85; 8:45 am]

BILLING CODE 2210-01-M

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Findings of No Significant Impact; Grand Forks County Legal Drain No. 4, Flood Prevention RC&D Measure, ND

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 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Grand Forks County Legal Drain #4 RC&D Measure, Grand Forks County, North Dakota.

FOR FURTHER INFORMATION CONTACT: August J. Dornbusch, Jr., State Conservationist, Soil Conservation Service, Third Street and Rosser Avenue, Bismarck, North Dakota, 58502, Telephone 701-255-4011 ext. 421.

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, August J. Dornbusch, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concern is a plan for flood prevention. The planned works of improvement include 3,150 feet of channel improvement repair and one reinforced concrete chute spillway with a straight inlet and SAF outlet. Riprap will be used around the chute spillway and provide additional erosion protection. Excavated material from the channel downstream of the concrete chute will be used to build the embankment for the chute spillway and to fill the existing channel to the planned elevation upstream of the spillway. The channel, embankment and other disturbed areas will be fertilized and seeded.

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 August J. Dornbusch, Jr.

No Administrative action on implementation of proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. State and local review procedures for federal and federally assisted programs and projects are applicable)

Dated: March 15, 1985.

August J. Dornbusch, Jr.,

State Conservationist.

[FR Doc. 85-6815 Filed 3-21-85; 8:45 am]

BILLING CODE 3410-16-M

North Canton School Critical Area Treatment RC&D Measure; Finding of No Significant 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, the U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the North Canton School Critical Area Treatment, RC&D Measure, Haywood County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, Room 544, 310 New Bern Avenue, Federal Building, Raleigh, North Carolina 27611, Telephone (919) 755-4210.

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, Mr. Coy A. Garrett, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to treat critical eroding areas at North Canton School with vegetative and structural measures.

The Notice of 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 Mr. Coy A. Garrett.

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 Assistance Program No. 10.901, Resource Conservation and Development Program. Executive Order 12372, "Intergovernmental Review of Federal Programs" is applicable)

Dated: March 4, 1985.

Coy A. Garrett,

State Conservationist.

[FR Doc. 85-6823 Filed 3-21-85; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Census
Title: Structure Questionnaire
Form Number: Agency—DB–2800; OMB—None
Type of Request: New collection
Burden: 617 respondents; 103 reporting hours
Needs and Uses: The information is needed to improve the success of the 1980 Census and will be used to test new procedures for processing Census data more efficiently and to improve the data for housing units in multi-unit structures.
Affected Public: Individuals or households
Frequency: One time
Respondent's Obligation: Mandatory
OMB Desk Officer: Timothy Sprehe, 395–4814.

Agency: Bureau of Census
Title: Liesure Activities Survey (LAS)
Form Number: Agency—Las–1, 2, 3, and 13; OMB—N/A
Type of Request: New
Burden: 17,280 respondents; 2,550 reporting hours
Needs and Uses: The LAS provides annual measures of participation in selected liesure activities. Arts organizations use these data to make policy decisions based on such things as current demand, potential audience, and hour to best serve the needs of their constituent population.
Affected Public: Individuals or households
Frequency: Monthly
Respondent's Olbigation: Voluntary
OMB Desk Officer: Timothy Sprehe, 395–4814.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 337–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to Timothy Sprehe, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: March 18, 1985.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 85–6862 Filed 3–21–85; 8:45 am]

BILLING CODE 3510–CW–M

International Trade Administration

[C–351–501]

Initiation of a Countervailing Duty Investigation; Fuel Ethanol From Brazil

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Brazil of fuel ethanol, as described in the "Scope of the Investigation" section of this notice, receive benefits which constitute subsidies within the meaning of the countervailing duty law. The petition also alleges that "critical circumstances" exist within the meaning of section 703(e)(1) of the Act. We are notifying the U.S. International Trade Commission (ITC) of this action, so that it may determine whether imports of the subject merchandise from Brazil materially injure, or threaten material injury to, a U.S. industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before April 11, 1985, and we will make our preliminary determination on or before May 21, 1985.

EFFECTIVE DATE: March 22, 1985.

FOR FURTHER INFORMATION CONTACT: Alain Letort, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone: (202) 377–5050.

SUPPLEMENTARY INFORMATION:

Petition

On February 25, 1985, we received a petition in proper form from the Ad Hoc Committee of Domestic Fuel Ethanol Producers, filed on behalf of the fuel ethanol industry in the United States. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Brazil of fuel ethanol receive subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act). In addition, the petition alleges that "critical circumstances" exist within the meaning of section 703(e)(1) of the Act. Since Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act, Title VII of the Act applies to this investigation, and the ITC is required to determine whether imports of the subject merchandise from Brazil materially injure, or threaten material injury to, a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation, and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on fuel ethanol from Brazil, and we have found that the petition meets these requirements. Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Brazil of fuel ethanol, as described in the "Scope of the Investigation" section of this notice, receive subsidies.

Scope of the Investigation

The product covered by this investigation is fuel-grade ethyl alcohol, also called fuel ethanol, for use as a motor fuel additive, which is currently classified in the *Tariff Schedules of the United States (TSUS)* under item number 427.8800. Ethanol, when imported to be used as a fuel or in producing a fuel, is subject to additional duties under TSUS item number 901.50.

Most fuel ethanol in the United States is derived from alcohol fermented from agricultural feedstocks that contain sugar or starch, although fuel ethanol can be synthesized from petroleum or natural gas. The vast majority of U.S. fuel ethanol is produced from corn by either a dry- or wet-milling process. By contrast, almost all Brazilian fuel ethanol producers use sugar cane as their feedstock. Corn-derived fuel ethanol is interchangeable with fuel ethanol derived from sugar cane; indeed, it is purchased by the same customers for identical uses.

Ethanol is used as a fuel additive to boost the octane content of gasoline, thereby reducing engine pinging and knocking, as well as engine run-on when the engine is shut off. The addition of fuel ethanol to gasoline allows gasoline to be refined to a lower octane level, which increases gasoline production per barrel of petroleum.

Allegations of Subsidies

The petition alleges that manufacturers, producers, or exporters in Brazil of fuel ethanol receive benefits under the following programs which constitute subsidies:

• Incentives for Distilleries:
—Proalcool Industrial Credit
—Research and Development Assistance
—Government Equity Infusions and Capital Assistance
—PETROBRAS Storage Assistance
—PETROBRAS Preferential Payment Terms

• Incentives for Cooperatives and Distributors:
—Preferential Financing
—Government Debt and Equity Infusions in PETROBRAS

• Regional Development Programs:
—Cost Equalization Program
—SUDENE

• Working Capital Financing for Exports:

Preferential Financing for Trading Companies;

Export Financing Under the CIc-CREGE 14-11 Circular;

• Financing for Storage of Exports in Bonded Warehouses;
• PROEX Export Financing;
• Resolution 68 Financing;
• IPI Export Credit Premium;
• Accelerated Depreciation;
• BEFIEX;
• Income Tax Exemptions for Export Earnings; and
• CIEX.

Upstream Subsidy Allegation

The petition alleges that Brazilian producers, manufacturers, and exporters of fuel ethanol receive the following "upstream subsidies" through the purchase of subsidized sugar cane, which is by far the major input in fuel ethanol in Brazil:

• Incentives for Sugar Cane Production:
—Proalcool Agricultural Credit
—Research and Development Assistance

• Regional Development Programs:
—Sugar Cane Plantation Roads
—Research and Development Programs.

Petitioner further alleges that upstream subsidies on sugar cane bestow a competitive benefit on fuel ethanol and have a significant effect in lowering the cost of producing fuel ethanol. Because the petition failed to quantify the amount of subsidy bestowed on sugar cane producers and to specify how much of that subsidy is passed through to ethanol producers, there is no basis on which to evaluate the competitive benefit allegedly bestowed on fuel ethanol or the effect of such benefit on the cost of producing fuel ethanol. Therefore, we find the petition does not provide "reasonable grounds," within the meaning of section 771A of the Act, to believe or suspect that upstream subsidies are being bestowed on fuel ethanol, and are excluding such alleged subsidies from the scope of this investigation.

Allegation of Critical Circumstances

Petitioner alleges that critical circumstances exist with respect to imports of fuel ethanol from Brazil. Petitioner claims that fuel ethanol benefits from export subsidies that are inconsistent with the Agreement (the Subsidies Code), and that imports have been massive over a relatively short period.

Notification of ITC

Section 702(d) of the Act requires us to notify the ITC of this action, and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information in our files. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by April 11, 1985, whether there is a reasonable indication that imports of fuel ethanol from Brazil are causing material injury, or threaten material injury, to a United States industry. If the ITC determination is negative, the investigation will end; otherwise, it will continue according to statutory procedures.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

March 18, 1985.

[FR Doc. 85-6876 Filed 3-21-85; 8:45 am]

BILLING CODE 3510-05-M

[C-351-408]

Preliminary Affirmative Countervailing Duty Determination; Iron Ore Pellets From Brazil

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Brazil of certain types of iron ore pellets. The estimated net subsidy is 5.15 percent *ad valorem*.

We have notified the United States International Trade Commission (ITC) of our determination. We are directing the U.S. Customs Service to suspend liquidation of all entries of iron ore pellets from Brazil that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, and to require a cash deposit or bond on entries of these products in the amount equal to the estimated net subsidy.

If this investigation proceeds normally, we will make our final determination by May 29, 1985.

EFFECTIVE DATE: March 22, 1985.

FOR FURTHER INFORMATION CONTACT: Loc Nguyen or Peggy Clarke, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone: (202) 377-0167 (Nguyen) or (202) 377-2786 (Clarke).

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is reason to believe or suspect that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Brazil of iron ore pellets. For purposes of this investigation, the following programs are found to confer subsidies:

• Income Tax Exemption for Export Earning; and
• Mineral Tax Incentives.

We determine the estimated net subsidy to be 5.15 percent *ad valorem*.

Case History

On December 20, 1984, we received a petition from The Cleveland-Cliffs Iron Company, Oglebay Norton Company, Picklands Mather & Company, and the United Steelworkers of America on behalf of the U.S. iron ore pellets industry. In compliance with the filing requirements of § 355.26 of our regulations (19 CFR 355.26), the petition alleged that manufacturers, producers, or exporters in Brazil of iron ore pellets directly or indirectly receive benefits which constitute subsidies within the meaning of section 701 of the Act, and

that these imports materially injure or threaten material injury to a U.S. industry.

We found that the petition contained sufficient grounds upon which to initiate a countervailing duty investigation, and on January 9, 1985, we initiated such an investigation (50 FR 2322). We stated that we expected to issue a preliminary determination by March 15, 1985.

Since Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the ITC of our initiation. On February 4, 1985, the ITC determined that there is a reasonable indication that these imports materially injure or threaten material injury to a U.S. industry (50 FR 5286).

We presented a questionnaire concerning the allegations to the government of Brazil in Washington, D.C., on January 25, 1985. On February 27, 1985, we received a response to the questionnaire.

There is only one known producer and exporter in Brazil of iron ore pellets to the United States, Companhia Vale do Rio Doce (CVRD), for which we have received information from the government of Brazil.

Scope of the Investigation

The product covered by this investigation is iron ore pellets. Iron ore pellets are defined, for purposes of this proceeding, as fine particles of iron oxide, hardened by heating and formed into balls of ⅜" to ⅝" for use in blast furnaces to obtain pig iron, as currently provided for in item 601.2450 of the Tariff Schedules of the United States, Annotated (TSUSA).

Pellets for use in electric furnaces and containing not over three percent by weight of silica are excluded. In our initiation notice, we had inadvertently included TSUSA item 601.2430. This item covers iron ore, not concentrated and not sintered. Iron ore pellets do not fall into this TSUSA item. Therefore, this item should not have been included in the scope.

Analysis of Programs

Throughout this notice, we refer to certain general principles applied to the facts of the current investigation. These principles are described in the "Subsidies Appendix" attached to the notice of "Cold-Rolled-Carbon Steel Flat-Rolled Products from Argentina; Final Affirmative Countervailing Duty Determination and Countervailing Duty Order," which was published in the April 26, 1984, issue of the Federal Register (49 FR 18006).

Consistent with our practice in preliminary determinations, where a response to an allegation denies the existence of a program, receipt of benefits under a program, or eligibility of a company or industry under a program, and the Department has no persuasive evidence showing that the response is incorrect, we accept the response for purposes of the preliminary determination. All such responses are subject to verification. If the response cannot be supportd at verification, and the program is otherwise countervailable, the program will be considered a subsidy in the final determination. In its response, the government of Brazil provided data for the applicable period, including financial statements and debt information for Companhia Vale do Rio Doce (CVRD).

For purposes of this preliminary determination, the period for which we are measuring subsidization ("the review period") is calendar year 1984.

Based upon our analysis of the petition and the responses to our questionnaire, we preliminarily determine the following:

I. Programs Determined To Confer Subsidies

We preliminarily determine that subsidies are being provided to manufacturers, producers, or exporters in Brazil of iron ore pellets under the following programs:

A. Income Tax Exemption for Export Earnings

Under Decree-Laws 1158 and 1721, exporters of iron ore pellets are eligible for an exemption from income tax on a portion of profits attributable to export revenue.

Because this exemption is tied to exports and is not available for domestic sales, we preliminarily determine it to be countervailable. CVRD took an exemption from income tax payable in 1984 on a portion of export profits earned in 1983. We multiplied that portion by the nominal corporate tax rate, and allocated the benefit over the total value of 1984 exports to calculate a preliminary subsidy rate of 0.65 percent *ad valorem*.

B. Minerals Tax Incentives

Decree-Law No. 1038, as amended by Decree-Law No. 1172 and Decree No. 66694, establishes a tax on minerals ("I.U.M."). Iron ore pellets are subject to this tax. The tax for iron ore pellets sold domestically is 15 percent of the ex-mine price plus the value-added from marginal processing for transport (this includes pelletizing). The tax for exported iron ore pellets is 7.5 percent. This 7.5 precent tax is charged on 60 percent of the f.o.b. price which the government claims closely approximates the ex-mine price. Payment of the I.U.M. exempts the firm from all other taxes except the income tax and all charges for the use of public services. This exemption includes social security taxes and property taxes.

Because the I.U.M. exempts the firms from direct taxes and because the tax rate is lower for export than for domestic sales, we preliminarily determine this program to be countervailable. To find the benefit we took the difference between the domestic sales rate and the foreign sales rate, 7.5 percent, and multiplied by 60 percent. We preliminarily find the benefit to be 4.50 percent *ad valorem*.

II. Programs Determined Not to Confer A Subsidy

A. Depletion Allowance

Petitioners allege that the 20 percent depletion allowance for mineral projects grantd by Decree-law 1096 and extended by Decree-Law 1779 confers a subsidy on the manufacturers and producers of iron ore pellets.

In its response, the government of Brazil states that any firm owning a mine is eligible for the depletion allowance. The firm has the option of taking a depletion allowance equal to the greater of:

1. The percentage of the total reserves extracted during the tax year times the original value of the mine; or

2. Twenty percent of the ex-mine value of the minerals extracted during the tax year.

In the past, we have found that depreciation allowances, *per se*, are not countervailable. Because the depletion allowance on minerals in Brazil is part of the normal tax practice and because there is no indication that it favors exports over domestic products, we preliminarily determine this program not to be countervailable.

B. BNDES/FINAME Loans

Petitioners allege that loans received from the National Economic and Social Development Bank (BNDES) and its subsidiary, the Special Agency of Industrial Financing (FINAME), confer a subsidy on the manufacturers and producers of iron ore pellets. In support of this allegation petitioners argue that iron ore pellet producers, as part of the metallurgy sector, received a disproportionate share of BNDES and FINAME loans.

In earlier determinatins, we have found BNDES and FINAME loans to be provided to more than a specific industry or group of industries, and hence not countervailable (see, for example, Final Affirmative Countervailing Duty Determination: Certain Carbon Steel Products from Brazil, 49 FR 17938). Information received in this case supports our earlier conclusion. For example, in the period 1978–84, the BNDES system, including BNDES and FINAME, provided loans to the industrial, agricultural, and energy sectors.

We have also examined whether the metallurgy sector has received a disproportionate share of the loans made by the BNDES system. Going back as far as 1975, we have found that the metallurgy sector accounts for 4.3 percent, on average, of BNDES loans to the industrial sector. Further, industrial financing as a share of the BNDES portfolio has been declining over much of this period. Therefore, we conclude that the metallurgy sector has not received a disproportionate share of the BNDES system loans.

Because BNDES/FINAME loans are provided to more than a specific industry or group of industries and there is no evidence of *de facto* selectivity in application, we find that these loans do not confer a benefit on producers of iron ore pellets in Brazil.

Petitioners' allegation that metallurgy receives a disproportionate share of financing was based on comparison of the share of loans to that sector with that sector's contribution to manufacturing output. We have used a similar analysis elsewhere (Final Affirmative Countervailing Duty Determination: Oil Country Tubular Goods from Korea, 49 FR 46776.). Nevertheless, there have been some questions raised about certain aspects of this comparison, in particular, whether the comparison of share of loans to share of GNP is the appropriate one. We invite interested parties to submit comments on these issues.

III. Programs Determined Not To Be Used

We preliminarily determine that manufacturers, producers or exporters in Brazil of iron ore pellets did not use the following programs listed in our notice of initiation.

A. (IPI) Export Credit Premium

Petitioners allege that under the Portaria Ministerial No. 78, as amended by Portaria Ministerial No. 252, exporters of iron ore pellets receive a cash reimbursement from the government of Brazil based on the "adjusted" f.o.b price of the exported merchandise.

The government of Brazil states in its response that producers of iron ore pellets are not eligible for the IPI credit premium. Accordingly, we preliminarily determine that this program was not used by the producers of the product under investigation.

B. Financing for Storage of Export Merchandise Program: Resolution 330 of the Banco Central do Brasil

Resolution 330 provides financing for up to 80 percent of the value of the merchandise placed in a specified bonded warehouse and destined for export. The government of Brazil states in its response that CVRD was not eligible for this program because Resolution 330 is applicable only to certain "manufactured" products listed by the Ministry of Finance. Therefore, we preliminarily determine that this program was not used.

C. FINEX Export-Financing Program: Resolution 68

Resolution 68 states that the Department of Foreign Commerce of the Banco do Brasil, S.A. (CACEX) may draw upon the resources of the Fundo de Financiamento à Exportaçao (FINEX) to extend dollar-denominated loans to foreign buyers of Brazilian goods and cruzeiro-denominated loans to exporters. Financing is granted on a transaction-by-transaction basis.

In its response, the government of Brazil states that the respondent was not eligible for this kind of financing because it is provided only with respect to "manufactured" products. Therefore, we preliminarily determine that this program was not used by the producers of the product under investigation.

D. The CDI Program: Exemption of IPI Tax and Customs Duties on Imported Equipment

Article 13 of Decree Law No. 1137 granted duty-free treatment and an exemption from the IPI tax on certain imported machinery under appropriate circumstances. Accelerated depreciation was also granted on domestic machinery. This legislation was amended by Article 9 of Decree Law No. 1428 of December 2, 1975, which reduced the maximum benefit on imported machinery to an exemption of 80 percent of the customs duties and 80 percent of the IPI tax. The accelerated depreciation for domestic equipment continued.

The government of Brazil states in its response that CVRD did not receive any benefits under this program during the review period. Therefore, we preliminarily determine that this program was not used by the producers of the product under investigation during review period.

E. The BEFIEX Program: Decree-Laws 77065 and 1219

The Comissao para a Concessao de Beneficios Fiscais a Programas Especiais de Exportaçao (Commission for the Granting of Fiscal Benefits to Special Export Programs, or BEFIEX) grants at least three categories of benefits to Brazilian exporters:

- Under Decree-Law 77065, BEFIEX may reduce by 70 to 90 percent import duties and the IPI tax on the importation of machinery, equipment, apparatus, instruments accessories and tools necessary for special export programs approved by the Ministry of Industry and Trade, and may reduce by 50 percent import duties and the IPI tax on imports of components, raw materials and intermediary products;
- Under article 13 of Decree No. 1219, BEFIEX may extend the carry-forward period for tax losses from 4 to 6 years; and
- Under article 14 of the same decree, BEFIEX may allow special amortization of pre-operational expenses related to approved projects.

In its response, the government of Brazil states that the respondent did not participate in this program. Accordingly, we preliminarily determine that this program was not used during the review period.

F. The CIEX Program: Tax Reductions on Export-Production Equipment: Decree-Law 1428

Decree-Law 1428 authorized the Comissao para Incentives à Exportaçao (Commission for Export Incentives, or CIEX) to reduce import taxes and the IPI tax up to 10 percent on certain equipment for use in export production. In its response, the government of Brazil states that CVRD did not receive any benefits under this program. Accordingly, we preliminarily determine that this program was not used by the producers of the product under investigation during the review period.

G. Accelerated Depreciation of Equipment: Decree Law 1137

Pursuant to Decree Law 1137, any company which purchases Brazilian-made capital equipment and has an expansion project approved by the CDI may depreciate this equipment at twice the rate normally permitted under Brazilian tax laws. According to the government of Brazil, CVRD did not participate in this program during the review period. We preliminarily

determine that this program was not used.

H. Working Capital Financing for Exports: Resolutions 674 and 882/950

Petitioners allege that the government of Brazil provides preferential short-term financing for working capital to companies with qualifying export performance. In its response, the government of Brazil states that the respondent was not eligible for this kind of financing since such financing is only authorized for certain "manufactured" products. Therefore, we preliminarily determine this program not to be used.

I. Export Financing Under CIC–CREGE 14–11 Circular

Under its CIC-CREGE 14–11 circular ("14–11"), the Banco do Brasil provides 180- and 360-day cruzero loans for export financing for manufactured products. In its response, the government of Brazil states that the respondent was not eligible for this kind of financing, since such financing is only authorized for certain "manufactured" products. Therefore, we preliminarily determine this program not to be used.

J. The PROEX Program: Export Promotion Credit

Petitioners allege that short-term credits for exports were established under the Programa de Financiamento a Producao para a Exportacao (PROEX), previously referred to as the Apoio a Exportacao program. In its response, the government of Brazil states that CVRD is not eligible for and did not receive any loans under this program. Accordingly, we preliminarily determine this program not to be used.

K. Tax Deduction for Financial Transactions Related to the Recuperation of Capital Expended in Prospecting Mineral Deposits: Decree 58400

According to the government of Brazil, this program is available only to individual taxpayers. Furthermore, this program is no longer in effect. Therefore, we preliminarily determine this program not to be used.

L. Carajas Mine Incentives

Petitioners allege that iron ore pellet producers and exporters benefit from several programs relating to the Carajas Mine.

In its response, the government of Brazil states that the Carajas Mine will produce only natural iron ore, not pellets. Since our investigation deals only with iron ore pellets, we determine that these incentives do not provide benefits to the production or exportation of iron ore pellets.

IV. Programs for Which Additional Information is Needed

A. ICM State Tax Incentives

Petitioners allege that CVRD receives a rebate from the ICM state value-added tax similar to the IPI export credit premium. In our final affirmative countervailing duty determination on carbon steel plate from Brazil (48 FR 2568), the Department found that the state value-added tax export credit premium was eliminated in 1979. However, CVRD's annual report lists a "state tax (ICM) incentive received" in its statement of Stockholder's Investment. Therefore, we will seek further information during verification in order to make a decision concerning this program in our final determination.

B. Subsidy Reserve and Tax Incentive Reserves

The balance sheet in CVRD's annual report for 1983 lists two capital reserves as a "subsidy reserve" and a "tax incentives reserve." We believe that these two reserves should be investigated to determine the source of the funds allocated to them. Therefore, we will seek more information during verification in order to make a decision concerning this program in our final determination.

C. Government Loan Guarantees

Petitioners allege that the Brazilian government guarantees long-term loans in foreign currency on terms that are inconsistent with commercial considerations and, therefore, these guarantees are countervailable.

According to the response, CVRD has not received any government-guaranteed loans since 1974. However, some 1973 and 1974 government guaranteed loans are still outstanding. Since we have no information on commercial guarantee rates and other factors affecting guarantees during that period, we will seek more information during verification in order to make a decision concerning this program in our final determination.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of iron ore pellets from Brazil which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register** and to require a cash deposit or bond for each such entry of this merchandise at 5.15 percent *ad valorem*. This suspension will remain in effect until further notice.

Preliminary Negative Determination of Critical Circumstances

Petitioners allege that critical circumstances exist within the meaning of section 703(e)(1) of the Act, with respect to iron ore pellets from Brazil. In determining whether critical circumstances exist, we examine whether there is a reasonable basis to believe or suspect that:

(a) The alleged subsidy is inconsistent with the Agreement, and

(b) There have been massive imports of the subject merchandise over a relatively short period.

In this case, information on the record does not indicate that imports of the merchandise under investigation were massive over a relatively short period within the meaning of section 703(e)(1) of the Tariff Act of 1930. Therefore, we preliminarily determine that critical circumstances do not exist with respect to iron ore pellets from Brazil.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose much information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports materially injure or threaten material injury to a U.S. industry 120 days after the Department makes its preliminary affirmative determination or 45 days after its final affirmative determination, whichever is latest.

Public Comment

In accordance with § 355.35 of our regulations, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination at 2:00 p.m. on April 17, 1985, at the U.S. Department of Commerce, Room 1414, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, room B–099, at the above address within 10 days of the publication of this notice.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, at least 10 copies of pre-hearings briefs must be submitted to the Deputy Assistant Secretary by April 9, 1985. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.34, within 30 days of publication of this notice, at the above address and in at least 10 copies.

This notice is published pursuant to section 703(f) of the Act (19 U.S.C. 1671(f)).

C. Christopher Parlin,

Acting Deputy Assistant Secretary for Import Administration.

March 15, 1985.

[FR Doc. 85-6875 Filed 3-21-85; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Financial Assistance Application Announcements; South Carolina

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first 11 months is estimated at $171,417 for the project performance of 08/01/85 to 06/30/86. The MBDC will operate in the Columbia, South Carolina Metropolitan Statistical Area (MSA). The first year cost for $145,704 in Federal funds and a minimum of $25,713 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services. The Project Number is 04-10-85009-01 for the Columbia, South Carolina MSA.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organization, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

CLOSING DATE: The closing date for applications is April 30, 1985. Applications must be postmarked on or before April 30, 1985.

ADDRESS: Atlanta Regional Office, 1371 Peachtree Street NE., Suite 505, Atlanta, Georgia 30309, (404) 881-4091

FOR FURTHER INFORMATION CONTACT: Carlton L. Eccles, Regional Director, Atlanta Regional Office.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

A pre-application conference to assist all interested applicants will be held at the U.S. Department of Commerce, Minority Business Development Agency, 1371 Peachtree Street NE., Suite 505, Atlanta, Georgia, Monday, April 15, 1985 at 9:00 a.m.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: March 15, 1985.

Carlton L. Eccles,

Regional Director, Atlanta Regional Office.

[FR Doc. 85-6853 Filed 3-21-85; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcements; North Carolina

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first 11 months is estimated at $171,417 for the project performance of 08/01/85 to 06/30/86. The MBDC will operate in the Fayetteville, North Carolina Metropolitan Statistical Area (MSA). The first year cost for $145,704 in Federal funds and a minimum of $25,713 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services. The Project Number is 04-10-85022-01 for the Fayetteville, North Carolina MSA.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organization, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

CLOSING DATE: The closing date for applications is April 30, 1985. Applications must be postmarked on or before April 30, 1985.

ADDRESS: Atlanta Regional Office, 1371 Peachtree Street NE., Suite 505, Atlanta, Georgia 30309, (404) 881–4091.

FOR FURTHER INFORMATION CONTACT: Carlton L. Eccles, Regional Director, Atlanta Regional Office.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

A pre-application conference to assist all interested applicants will be held at the U.S. Department of Commerce, Minority Business Development Agency, 1371 Peachtree Street NE., Suite 505, Atlanta, Georgia, Monday, April 15, 1985 at 9:00 a.m.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: March 15, 1985.

Carlton L. Eccles,

Regional Director, Atlanta Regional Office.

[FR Doc. 85–6854 Filed 3–21–85; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

Western Pacific Fishery Management Council; Public Meeting

The Western Pacific Fishery Management Council's Pelagic Species Plan Development Team will convene a public meeting on March 20, 1985, at 9 a.m., in the conference room of the NMFS Honolulu Laboratory, 2570 Dole Street, Honolulu, HI, to discuss the draft Pelagic Species Fishery Management Plan. For further information, contact Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop St., Room 1405, Honolulu, HI 96813; telephone: (808) 523–1368 or FTS (808) 645–8923.

Dated: March 18, 1985.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 85–6769 Filed 3–21–85; 8:45 am]

BILLING CODE 3510–22–M

North Pacific Fishery Management Council; Public Meeting

The North Pacific Fishery Management Council will convene a public meeting in Anchorage, AK, March 27–29, 1985, at 9 a.m., on March 27, at the Captain Cook Hotel. The agenda includes a review of proposed amendments to the Magnuson Fishery Conservation and Management Act, and consideration of any foreign fishing permits submitted for joint ventures and direct allocations.

The Council will review and approve for public review the 1985 amendment packages and decisions documents for the Gulf of Alaska and Bering Sea/Aleutians Islands groundfish fishery management plans (FMPs). Final Council action on the amendments will be taken in May after a public comment period. The Council will also discuss and reconsider its February 1985 apportionment of the sablefish optimum yield to domestic annual processing trawl fisheries.

Also on the agenda is a Council review of decisions made by the Alaska Board of Fisheries on king and Tanner crab management for 1985 to determine whether amendments to the Council's FMPs are required for consistency between federal and state regulations.

The Council's Scientific and Statistical Committee will convene a public meeting March 25, 1985, at 1:30 p.m. at the Captain Cook Hotel. The Advisory Panel also will convene a public meeting on March 25, at 1:30 p.m. at the hotel with an orientation for new members and will continue with regular agenda items on March 26. Other plan team and workgroup meetings may be held on short notice during the week. For further information, contact Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 274–4563.

Dated: March 19, 1985.

Roland Finch, Director,

Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 85–6887 Filed 3–21–85; 8:45 am]

BILLING CODE 3510–22–M

Taking and Importing of Marine Mammals; Proposed Modification to Permit No. 393 (P277A); Dr. Richard H. Lambertsen

Notice is hereby given that Dr. Richard H. Lambertsen, Department of Physiological Sciences, College of Veterinary Medicine, Box J–144, J. Hillis Miller Health Center, University of Florida, Gainesville, Florida 32610, has requested a modification of Permit No. 393 issued on September 13, 1982 (47 FR 41413) under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the regulations governing the taking and importing of marine mammals (50 CFR Part 216) and the regulations governing endangered species permits (50 CFR Part 217–222).

The Permit Holder is requesting to include the Pacific Ocean stock of humpback whales *(Megaptera novaeangliae)* in the study and be authorized to import biopsy material taken from humpback whales in coastal Mexican waters. Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of the modification request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this modification request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C 20235 within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular modification request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in the modification are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802;

Regional Director, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930;

Regional Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, N.E., BIN C15700, Seattle, Washington 98115;

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, Southwest Region National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 15, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85-6888 Filed 3-21-85; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Bilateral Textile Consultations With the Government of the Republic of Indonesia To Review Trade in Category 648 (Man-Made Fiber Trousers for Women, Girls and Infants)

March 21, 1985.

On February 28, 1985, the Government of the United States requested consultations with the Government of the Republic of Indonesia with respect to man-made fiber trouser for women, girls, and infants in Category 648. This request was made on the basis of the agreement, as amended, between the Governments of the United States and the Republic of Indonesia relating to trade in Cotton, Wool and Man-Made Fiber Textiles and Textiles Products of October 13 and November 9, 1982.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations between the two governments, CITA, pursuant to the agreement, as amended, may establish a prorated specific limit of 361,751 dozen for the entry and withdrawal from warehouse for consumption of textile products in Category 648, produced or manufactured in Indonesia and exported to the United States during the period which began on February 28, 1985 and extends through the end of the agreement year, June 30, 1985. The limit may be adjusted to include prorated swing and carryforward.

The Government of the United States has decided, pending agreement on a mutually satisfactory solution, to control imports in this category during the 90-day consultation period (February 28, 1985–May 28, 1985) at a level of 313,181 dozen. In the event the limit established for the ninety-day period is exceeded, such excess amount, if allowed to enter, may be charged to the level established for the period which began on February 28, 1985 and extends through June 30, 1985.

A summary market statement for this category follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1985).

Anyone wishing to comment or provide data or information regarding the treatment of Category 648 under the Bilaterial Cotton, Wool and Man-made Fiber Textile Agreement with the Government of the Republic of Indonesia, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation, of Textile Agreements, Room H-3100, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Ronald I. Levin,

Acting Chairman, Committee for the Implementation for Textile Agreements.

Indonesia—Market Statement

Category 648—Women's, Girls' and Infants (WGI) MMF Trousers, Slacks and Shorts

February 1985.

Category 648 imports from Indonesia quintupled in 1984 to 956,607 dozen. This is on top of a four-fold increase the previous year when imports rose to 180,848 dozen from 44,639 dozen in 1982. Indonesia is the third largest supplier of WGI MMF trousers etc., and accounted for half of the total Category 648 import increase in 1984. This is a sharp and substantial increase in imports which, if continued, creates a real threat of market disruption. Imports from the two larger suppliers are restrained.

Domestic production reached 21,641,000 dozen in 1983 and U.S. producers supplied 73 percent of the market. The import-to-production ratio was 37.1 percent. Data indicate that production did not increase in 1984 and probably declined. For example, women's trouser cuttings were off 12 percent in 1984. Category 648 imports, on the other hand, reached a record high in 1984 of 9,502,964 dozen, up 18 percent from 1983. Given the import increase, even if production remains at 1983 levels, the U.S. producer's market share will drop 69 percent.

Imports have increased three of the four years since 1980. The U.S. producer's share of the Category 648 market declined in each of the years that imports increased. Imports in 1984 were 60 percent higher than 1980 levels and the import-to-production ratio was 37.1 percent, compared with 32.0 percent in 1980.

Forty-five percent of these imports from Indonesia are entered under TSUSA No. 383.8160—WGI knit shorts; 22 percent under 383.9065—WGI woven shorts; and 12 percent under 383.2250—Girls' and Infants' trousers. These garments are imported at landed duty-paid values below prices for comparable trousers, slacks and shorts.

March 21, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 13 and November 9, 1982, as amended, between the Governments of the United States and the Republic of Indonesia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on March 27, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 648 produced or manufactured in Indonesia and exported during the ninety-day period which began on February 28, 1985 and extends through May 28, 1985, in excess of 313,181 dozen.[1]

Textile products in Category 648 which have been exported to the United States prior to February 28, 1985 shall not be subject to this directive.

Textile products in Category 648 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

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[1] The level has not been adjusted to reflect any imports exported after February 27, 1985.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1985).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-7036 Filed 3-21-85; 9:43 am]

BILLING CODE 3510-DR-M

Request for Public Comment on Bilateral Textile Consultations on Man-Made Fiber Braided Handbags, Luggage and Flat Goods in Category 670 pt. From Taiwan

March 20, 1985.

On February 28, 1985, the American Institute in Taiwan, under section 204 of the Agracultural Act of 1956, as amended (7 U.S.C. 1854), requested the Coordination Council for North American Affairs in Taiwan to enter into consultations concerning exports to the United States of man-made fiber braided handbags, luggage and flat goods in Category 670 pt., classified in T.S.U.S.A. numbers 706.3410, 706.3420 and 706.3430, produced or manufactured in Taiwan.

The purpose of this notice is to advise that, if no solution is agreed upon in consultations, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of these products, produced or manufactured in Taiwan and exported to the United States during the twelve-month period which began on February 28, 1985 and extends through February 27, 1986 at a level of 3,641,138 pounds.

A summary market statement concerning this category follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of man-made fiber handbags, luggage and flat foods in Category 670 pt. is invited to sumbit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, Intertnational Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of consultations is not yet certain, it is requested that comments be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Ronald I. Levin,

Action Chairman, Committee for the Implementation of Textile Agreements.

Taiwan—Market Statement

Category 670 Pt: Man-Made Fiber Braided Luggage, Handbags and Flatgoods; TSUSA No. 706.3400

February 1985.

U.S. imports in TSUSA No. 706.3400 from Taiwan were 3.6 million pounds during 1984, nearly three times the quantity imported a year earlier. This was a sharp and substantial increase in imports of items for which the U.S. domestic market has been adversely affected by imports. Taiwan was the largest supplier of TSUSA No. 706.3400, accounting for 62% of the total imports during 1984.

In 1984 these products entered the United States in TSUSA Number 706.3400. In 1985, these products are entered in TSUSA numbers 706.3410, 706.3420 and 706.3430.

Imports under TSUSA No. 706.3400 from Taiwan increased sharply after the U.S. and Taiwan agreed upon a level of trade for non-braided luggage. According to the U.S. Customs Service, the increase in imports under this TSUSA Number was due to an increase in braided luggage. These additional imports of luggage circumvented the agreed level with Taiwan which was designed to prevent further market disruption.

Domestic production of man-made fiber luggage is measured by the fabric consumed by the luggage producing establishments. The fabric consumed by these establishments declined from 27.3 million pounds in 1981 to 24.4 million pounds in 1983. Imports of fabric from all sources contained in the man-made fiber non-braided luggage, assuming one-half the total weight as fabric, increased from 20.3 million pounds in 1981 to 71.3 million pounds in 1984. Imports continued to expand in 1984 in spite of agreements reached with the two major suppliers which control imports of non-braided luggage. In addition to the imports of non-braided luggage, there were substantial increases of imports of braided luggage under TSUSA No. 706.3400. However, it is not possible to determine precisely the quantity since luggage imports are not identified under this number.

The U.S. producer's share of the market for man-made fiber luggage declined drastically in recent years. The 1983 share, at 33.5%, was just over one-half the 1981 share of 57.4 percent. The sharp and substantial import increase in 1984 has resulted in a further decline in market share. The ratio of imports to domestic production increased from 74.2% in 1981 to 198.4% in 1983. Imports during 1984 were 71.8 million pounds, nearly three times the 1983 production level. If imports of braided luggage were included in the import levels, the U.S. producer's market share would be less and the ratio of imports to production would be higher.

[FR Doc. 85-7035 Filed 3-21-85; 9:43 am]

BILLING CODE 3510-DR-M

Requesting Public Comment on Bilateral Textile Consultations With the Government of Turkey on Category 313 (Cotton Sheeting)

March 21, 1985.

On February 28, 1985, the United States Government, under Article 3 of the Arrangement Regarding International Trade in Textiles, requested the Government of Turkey to enter into consultations concerning exports to the United States of cotton sheeting in Category 313, produced or manufactured in Turkey.

The purpose of this notice is to advise that, if no solution is agreed upon in further consultations between the two governments within sixty days of the date of delivery of the aforementioned note, entry and withdrawal from warehouse for consumption of cotton textiles in Category 313, produced or manufactured in Turkey and exported to the United States during the twelve-month period which began on February 28, 1985 may be restrained at 12,713,472 square yards.

A summary market statement follows this notice.

Anyone wishing to comment or

provide data or information regarding the treatment of Category 313 is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Turkey—Market Statement

Category 313—Cotton Sheeting

February 1985.

U.S. imports of Category 313 from Turkey totalled 14.7 million square yards for the year ending December 1984, a substantial increase over the 355,000 square yards imported a year earlier. There were no imports of Category 313 from Turkey in 1982; however, it is now the tenth largest supplier.

The domestic industry producing cotton sheeting fabric is adversely affected by imports. While the market expanded in early 1984 as the U.S. economy improved, the U.S. producer's share of the market for domestically produced and imported sheeting declined. Despite a strong first quarter showing, domestic production was relatively flat for January-September, reflecting the 8 percent decline in second and third quarter production. This downturn coincided with a substantial loss of market share for domestic producers, from 50.4 percent in January-September 1983 to 41.4 percent in 1984.

Total imports of cotton sheeting fabric increased 28.2 percent, from 320.5 million square yards in 1983 to 410.6 million square yards in 1984. 1984 was the first time that imports of cotton sheeting surpassed domestic production.

The import to production ratio of Category 313 increase from 94.8 percent in January-September 1984 to 138.1 percent in January-September 1984.

[FR Doc. 85-7037 Filed 3-21-85; 9:43 am]

BILLING CODE 3510-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

Toxicological Advisory Board; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting: Toxicological Advisory Board.

SUMMARY: The Toxicological Advisory Board will meet on Tuesday, April 9, 1985, from 8:30 a.m. to approximately 2:00 p.m. The meeting, which is open to the public, will be in Room 456 at 5401 Westbard Avenue, Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Dr. Fred Marozzi, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6477.

SUPPLEMENTARY INFORMATION: The Toxicological Advisory Board is a nine-member advisory committee which advises the Commission on precautionary labeling for acutely toxic household substances and on instructions for first-aid treatment labeling. In addition, the Board reviews labeling requirements that have been issued under the Federal Hazardous Substances Act and recommends revisions it considers appropriate. The Toxicological Advisory Board was established on May 9, 1979, under the authority of 15 U.S.C. 1275, and shall terminate on May 9, 1985.

The following topics will be discussed at the meeting of the Toxicological Advisory Board on April 9, 1985, in the order listed:

1. The Consumer Product Safety Commission's staff will brief the Board on the Commission's decisions with respect to implementation of the recommendations in the Board's Final Report.

2. The staff will attempt to resolve, with the help of the Board, minor inconsistencies in some of the labels contained in the appendix to the Board's Final Report.

3. The Board will be asked to consider some reasonable alternative for the induction of emesis when the toxicity of the substance dictates rapid removal and syrup of ipecac and medical advice are not immediately available.

The meeting is open to the public; however, space is limited. Interested persons who wish to make oral or written presentations to the Board on the subjects described above should notify Dr. Fred Marozzi, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, D.C., telephone (301) 492-6477, by March 29, 1985. The notification should state: The name, address, and phone number of the individual who will make an oral presentation or submit a written presentation; the person, company, group, or industry on whose behalf the presentation will be made; the subject matter of the presentation; and the approximate time requested for an oral presentation or the number of pages required for a written presentation. Time permitting, such presentations, and possibly other oral statements from the audience to members of the Board, may be allowed by the presiding officer.

Persons who submit requests to make presentations by March 29, 1985, as described above, will be notified before the meeting of the presiding officer's decision concerning their request.

Dated: March 18, 1985.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 85-6824 Filed 3-21-85; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Special Operations; Meetings

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Special Operations will meet in closed session on 24–25 April 1985 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will receive classified briefings on Special Operations.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. II, (1982)), it has ben determined that this DSB Panel 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 19, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85-6886 Filed 3-21-85; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Education Appeal Board Hearings; Acceptance of Application for Review

AGENCY: Department of Education.

ACTION: Notice of application for review accepted for hearing by Education Appeal Board.

FOR FURTHER INFORMATION CONTACT: Orman W. Ketcham, Acting Chairman, Education Appeal Board, 400 Maryland Avenue SW. (Room 1065, FOB-6), Washington, D.C. 20202. Telephone: (202) 245-7835.

SUPPLEMENTARY INFORMATION: Under sections 451 through 454 of the General Education Provisions Act (20 U.S.C. 1234 *et seq.*), the Education Appeal Board (the Board) has authority to conduct (1) audit appeal hearings, (2) withholding, termination, and cease and desist hearings initiated by the Secretary of Education, and (3) other proceedings designated by the Secretary as being within the jurisdiction of the Board.

The Secretary has designated the Board as having jurisdiction over appeal proceedings related to final audit determinations, the withholding or termination of funds, and cease and desist actions for most programs administered by the Department of Education (ED). The Secretary also has designated the Board as having jurisdiction to conduct hearings concerning most ED administered programs that involve (a) a determination that a grant is void, (b) the disapproval of a request for permission to incur an expenditure during the term of a grant, or (c) determinations regarding cost allocation plans or special rates negotiated with specified grantees. Final regulations governing Board jurisdiction and procedures were published in the **Federal Register** on May 19, 1981 at 46 FR 27304 (34 CFR Part 78).

Application Accepted

On February 22, 1985, the Education Appeal Board accepted an application for review of the final audit determination in Audit Control No. 06-30008 from the Texas Education Agency. The appeal of the final audit determination in Audit Control No. 06-30008 was docketed at 3-(178)-85.

The Texas Education Agency requested review of a final audit determination issued by the Assistance Management and Procurement Service. The underlying audit reviewed costs charged to Federal grant awards during fiscal years 1980 and 1981 by the Houston Education Service Center.

Direct costs were disallowed because of inadequate documentation and improper allocation of costs. Indirect costs were disallowed because other costs were erroneously characterized as direct or indirect costs.

The Department requests a refund of $8,713. The Texas Education Agency disputes this liability.

This appeal has been consolidated with an earlier appeal arising from the same audit which is docketed at 38-(170)-84. Notice of acceptance of the earlier appeal is published at 50 FR 2328 (January 16, 1985).

Intervention

Section 78.43 of the final regulations establishing procedures for the Education Appeal Board provides that an interested person, group, or agency, may upon application to the Board Chairman, intervene in appeals before the Education Appeal Board.

An application to intervene must indicate to the satisfaction of the Board Chairman or, as appropriate, the Panel Chairperson, that the potential intervenor has an interest in, and information relevant to, the specific issues raised in the appeal. If an application to intervene is approved, the intervenor becomes a party to the proceedings.

These applications to intervene, or questions, should be addressed to Orman W. Ketcham, Acting Chairman, Education Appeal Board, 400 Maryland Avenue SW. (Room 1065, FOB-6), Washington, D.C. 20202. Telephone: (202) 245-7835.

(20 U.S.C. 1234)

(Catalog of Federal Domestic Assistance No. not applicable)

Dated: March 19, 1985.

A. Wayne Roberts,

Deputy Under Secretary, Intergovernmental and Interagency Affairs.

[FR Doc. 85-6871 Filed 3-21-85; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Atomic Energy; Proposed Subsequent Arrangement; EURATOM

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S-EU-840, to the Netherlands Energy Research Foundation, Petten, the Netherlands, 2.5 grams of plutonium-239, for use as standard reference material.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: March 19, 1985.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 85-6904 Filed 3-21-85; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-85-001; OFP Case No. 63205-9264-20-24]

Powerplant and Industrial Fuel Use; Gilroy Foods, Inc.

AGENCY: Ecomomic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption and availability of certification by Gilroy Energy Company, Inc.

SUMMARY: On January 24, 1985, Gilroy Energy Company, Inc. (Gilroy), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for a proposed electric powerplant to be located at the Gilroy Foods, Inc. (Gilroy Foods), plant, Gilroy, California, from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules governing the cogeneration exemption were revised on June 25, 1982 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503.37.

The proposed powerplant for which the petition was filed is an approximately 115 MW (net) combined cycle cogeneration facility consisting of (1) a gas turbine generator, (2) a waste heat recovery steam generator, and (3) a steam extraction turbine generator. The plant will burn natural gas or No. 2 fuel oil. It is expected that virtually all of the net annual electric power produced by the cogenerator will be sold to Pacific Gas & Electric Company (PG&E), making the cogeneration facility an electric powerplant pursuant to the definitions contained in 10 CFR 500.2. The facility will produce approximately 80,000 lbs. of steam per hour which will supply Gilroy Food's needs. Gilroy will operate the facility.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR 501.3 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E-190, Washington, D.C. 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register**.

DATE: Written comments are due on or before May 6, 1985. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-007, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585.

Docket No. ERA-FC-85-001 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

George G. Blackmore, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA-073L, Washington, D.C. 20585, Phone (202) 252-1774.

Steven E. Ferguson, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-6947.

SUPPLEMENTARY INFORMATION: Gilroy proposes to install a cogeneration system at Gilroy Foods, Gilroy, California, which will (1) generate electrical power for sale to PG&E, and (2) produce steam to meet the Gilroy Foods' processing requirements. The proposed cogeneration system will be operated by Gilroy. The system will consist of a gas turbine generator which will produce electric power, a waste heat recovery system, and an extraction steam turbine which will produce steam and additional electric power for sale to PG&E.

The cogeneration facility is classified as an electric powerplant under FUA because more than 50 percent of its net annual electric generation will be sold.

Section 212(c) of the Act and 10 CFR 503.37 provide for a permanent cogeneration exemption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), Gilroy has certified to ERA that:

1. The oil or gas to be consumed by the congeneration facility will be less than that which would otherwise be consumed in the absence of the proposed powerplant, where the calculation of savings is in accordance with 10 CFR 503.37(b); and

2. The use of a mixture of petroleum or natural gas and an alternate fuel in the cogeneration facility, for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible.

In accordance with the evidentiary requirements of § 503.37(c) (and in addition to the certifications discussed above), Gilroy has included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under 10 CFR 503.13.

In processing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR Part 1500 *et seq.*; and DOE's guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as practicable. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

The acceptance of the petition by ERA does not constitute a determination that Gilroy is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, D.C., on March 14, 1985.

Robert L. Davies,

Director, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-6901 Filed 3-21-85; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-85-002; OFP Case No. 55118-9263-20-24]

Powerplant and Industrial Fuel Use; General Electric

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Acceptance of Petition for Exemption and Availability of Certification by General Electric.

SUMMARY: On January 7, 1985, General Electric (GE) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for the proposed facility located in Texas City, Texas, from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules governing the cogeneration

exemption were revised on June 25, 1982 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503.37.

The facility will be located on land belonging to Monsanto's chemical plant in Texas City, Galveston County, Texas. The proposed facility is a gas turbine, heat recovery steam generator (HRSG) and an extraction condensing steam turbine-generator installation which will supply steam to Monsanto's processes. It is anticipated that the power generated by the facility will be sold to a utility in Texas and may be wheeled from the facility to this purchaser.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination, and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request the ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification, as well as other documents and supporting materials on this proceeding, is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E-190, Washington, D.C. 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any extension, together with a statement of reasons therefor, would be published in the **Federal Register**.

DATES: Written comments are due on or before May 6, 1985. A request for a public hearing must be made within this same 45-period.

ADDRESSES: Fifteen copies of writtern comments or a request for a public hearing shall be submitted to: Office of Fuels Programs, Room GA-073, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585 (Attn: Frank Duchaine).

Docket No. ERA-FC 85-002 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Frank Duchaine, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA-073-D, Washington, D.C. 20585, Telephone (202) 252-1649

Steven E. Ferguson, Office of General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone (202) 252-6947.

SUPPLEMENTARY INFORMATION: The cogeneration plant system will consist of four gas turbine-generators coupled to four supplementary-fired HRSGs and also a single shaft tandem compound single automatic extraction/admission double flow low pressure section condensing steam turbine-generator. Steam supply to Monsanto's processes during peak (emergency) demand periods approaches 1.4×10^6 pph.

Plant size and the number of gas turbine/HRSG units is determined by continuity of steam flow to Monsanto's processes. With all cogeneration plant systems operating and the HRSGs unfired, the normal process steam demands are easily met and the available steam not required by the processes is used to generate electrical power via the steam turbine-generator. By curtailing steam flow to the steam turbine-generator, 10^6 pph steam can be delivered to processes with the HRSGs unfired. By curtailing steam flow to the steam turbine-generator and firing the four HRSGs, the peak steam demand of 1.4×10^6 pph can be supplied by the cogeneration plant

The cogeneration facility is classified as an electric power plant under FUA because more than 50 percent of its net annual electric generation will be sold.

Section 212(c) of the Act and 10 CFR 503.37 provide for a permanent cogeneration exemption from the prohibitions of Title II of FUA.

In accordance with the requirements of § 503.37(a)(1), GE has certified to ERA that:

1. The oil or gas to be consumed by the congeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility, where the calculation of savings is in accordance with 10 CFR 503.37(b); and

2. The use of a mixture of oil or natural gas and an alternate fuel for the cogeneration facility, for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible. In accordance with the evidentiary requirements of § 503.37(c) (and in addition to the certifications discussed above), GE has included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under 10 CFR 503.13.

In processing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR Part 1500 *et seq.*; and DOE's guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as possible. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

The acceptance of the petition by ERA does not constitute a determination that GE is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, D.C., on March 6, 1985.

Robert L. Davies,

Director, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-6902 Filed 3-21-85; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-84-014; OFP Case No. 67047-9250-21-24]

Powerplant and Industrial Fuel Use; Sunlaw Energy Corp.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Extension of Decision Period on Petition for Exemption by Sunlaw Energy Corporation Facility in Vernon, California.

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby extends by one hundred and twenty (120) days to June 26, 1985, the Decision Period within which to either grant or deny the request for a permanent congeneration exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act") filed by Sunlaw Energy Corporation (Sunlaw) for its

proposed combine cycle congeneration factility in Vernon, California.

Section 501.68(a)(2) of 10 CFR Part 501—Administrative Procedures and Sanctions, Subpart F—allows for the extension of the decision period on an exemption petition to a date certain by publishing such notice in the **Federal Register** and stating the reasons for such extension.

This extension by ERA of the decision to grant or deny the petition is necessary because of uncertainties which have arisen regarding the control technology which will be required for the electric powerplant in order to meet California emission standards. Sunlaw will attempt to resolve these issues during the extension period.

Issued in Washington, D.C., on March 5, 1985.

Robert L. Davies,

Director, Coal & Eletricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-6803 Filed 3-21-85; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER85-337-000, et al.]

Electric Rate and Corporate Regulation Filings; American Electric Power Service Corporation, et al.

Take notice that the following filings have been made with the Commission:

1. American Electric Power Service Corporation

[Docket No. ER85-337-000]

March 14, 1985.

Take notice that on March 4, 1985, American Electric Power Service Corporation (AEP) on behalf of its affiliate Indiana & Michigan Electric Company (I&ME) Modification No. 16 dated January 1, 1985 to the Interconnection Agreement dated June 1, 1968 between the Central Illinois Public Service Company (CIPS) and I&ME. The Commission has previously designated his Agreement as I&ME's Rate Schedule FERC No. 67 and CIPS's Rate Schedule FERC No. 62.

AEP states the section 1 and section 2 of Modification No. 16 provides for an increase in the transmission demand rate for Short Term Power when I&ME is the supplying party to $0.46 per kilowatt per week and to $0.092 per kilowatt per day. Section 3 increases the Limited Term Power transmission demand rate when I&ME is the supplying party to $2.00 per kilowatt per month. The proposed rates included in this Modification No. 16 for Short Term and Limited Term Power are similar to the rates for Transmission Service provided by the AEP System which have been filed and accepted for filing by the Commission and are the same as the rates which have been filed with the Commission on behalf of I&ME. AEP requests an effective date of April 15, 1985, which will allow AEP to offer similar services at similar rates to operating subsidiaries as established in previous AEP filings, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Michigan Public Service Commission, Public Service Commission of Indiana, and Illinois Commerce Commission.

Comment date: March 27, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. Central Illinois Public Service Company

[Docket No. ER85-350-000]

March 18, 1985.

Take notice that on March 8, 1985, Central Illinois Public Service Company (Central Illinois) tendered for filing a Letter Agreement dated October 23, 1984, modifying the Interconneciton Agreement dated November 1, 1969, between Tennessee Valley Authority and Illinois Power Company, Union Electric Company and Central Illinois.

Central Illinois states that the Letter Agreement provides for a modification in the treatment of charges for certain facilities at TVA's Shawnee Substation, namely the 345 Kv ractor.

Central Illinois requests an effective date of January 1, 1985, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon Illinois Power Company, Union Electric Company, Tennessee Valley Authority and the Illinois Commerce Commission. A copy of the Letter Agreement has been sent to the Missouri Public Service Commission.

Comment date: April 3, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. Idaho Power Company

[Docket No. ER85-349-000]

March 18, 1985

Take notice that on March 8, 1985, Idaho Power Company (Idaho) tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during January, 1985, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company, Supplement 39
Sierra Pacific Power Company, Supplement 35
Portland General Electric Company, Supplement 32
Southern California Edison Company, Supplement 26
San Diego Gas & Electric Company, Supplement 21
Washington Water Power Company, Supplement 27
Los Angeles Water & Power Company, Supplement 22
City of Burbank, Supplement 20
City of Glendale, Supplement 21
Pacific Gas and Electric Company, Supplement 7

Comment date: April 3, 1985, in accordance with Standard Paragraph E at the end of this notice.

4. Iowa-Illinois Gas and Electric Company

[Docket No. ER85-343-000]

March 15, 1985.

Take notice that on March 5, 1985, Iowa-Illinois Gas and Electric Company (Iowa-Illinois) tendered for filing an Assignment for Capacity Schedule date February 21, 1985, between Iowa-Illinois, Iowa Power and Light Company, Iowa Public Service Company, Central Iowa Power Cooperative, Interstate Power Company, City of Tipton, Iowa, City of Harlan, Iowa, and City of Wavely, Iowa (parties to the Louisa Transmission Operating Agreement, as amended designated as Iowa-Illinois' Rate Schedule FERC No. 52, as supplemented), and the City of Geneseo, Illinois (Geneseo), proposed effective on the consummation of a purchase by Geneseo of a one-half percent undivided ownership interest in Louisa Generating Station from the existing undivided interest of Iowa-Illinois pursuant to a Purchase and Sale Agreement between them.

Iowa-Illinois requests waiver of the notice requirements so as to permit an effective date of the Geneseo Assignment for Capacity Schedule as of the consummation of the purchase by Geneseo of its interest in Louisa Generating Station. The other jurisdictional parties concur in this request in their respective Certificate of Concurrence included in the filing.

Iowa-Illinois states the Geneseo Assignments for Cacacity Schedule, made pursuant to Article IV, and in the form of Exhibit II, of the Louisa

Transmission Operating Agreement, provides Geneseo with a scheduling path, utilizing the line segment of Louisa Transmission from Substation 93 to Substation 39, for Geneseo's generation share from Louisa Generating Station, and that no new facilities are required to effectuate the arrangement.

Iowa-Illinois requests waiver of the Commission's notice requirements to permit the assignment to become effective on the consummation of the purchase of Geneseo of its interest in Louisa Generation Station.

Iowa-Illinois States a copy of the filing has been mailed to each of the respective parties, the Iowa Satate Commerce Commission, the Illinois Commerce Commission, the Minnesota Public Utilities Company and the South Dakota Public Utilities Commission.

Comment date: March 27, 1985, in accordance with Standard Paragraph E at the end of this notice.

5. Montaup Electric Company

[Docket No. ER85-345-000]

March 18, 1985.

Take notice that on March 6, 1985, Montaup Electric Company (Montaup) tendered for filing a notice of cancellation of Rate Schedule FERC No. 66 and Supplement No. 1, and Rate Schedule FERC No. 73 and Supplement No. 1.

Montaup requests an effective date of May 6, 1985.

According to Montaup copies of the filing have been served upon Hingham Municipal Lighting Plant, Massachusetts Minicipal Wholesale Electric Company, Massachusetts Department of Public Utilities, and the Newport Electric Corporation.

Comment date: April 2, 1985, in accordance with Standard Paragraph E at the end of this notice.

6. Otter Tail Power Company

[Docket No. ER85-348-000]

Take notice that on March 8, 1985, Otter Tail Power Company (Otter Tail) tendered for filing an initial Service Schedule A, which is proposed to become effective May 1, 1985.

Otter Tail states that the filing provides for Otter Tail to sell and Northern States Power Company to purchase 50 MW of Schedule A MAPP Participation Power for summer season of 1985, commencing May 1 and continuing through October 31, 1985. Both parties also request an option of an additional 40 MW if agreeable under the same terms.

Copies of the filing have been served upon Northern States Power Company.

Comment date: April 3, 1985, in accordance with Standard Paragraph E at the end of this notice.

7. Public Service Company of New Mexico

[Docket No. ER85-351-000]

March 18, 1985.

Take notice that on March 8, 1985, the Public Service Company of New Mexico (PNM) tendered for filing a Notice of Cancellation of Supplement Nos. 2, 19, 32 and 35 of Public Service Company of New Mexico Rate Schedule FPC No. 31.

PNM requests an effective date of December 31, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served upon Plains Electric Generation and Transmission Cooperative, Inc. and the New Mexico Public Service Commission.

Comment date: April 3, 1985, in accordance with Standard Paragraph E at the end of this notice.

8. Puget Sound Power & Light Company

[Docket No. ER85-347-000]

March 18, 1985.

Take notice that on March 8, 1985, Puget Sound Power & Light Company (Puget) tendered for filing as an iniital rate schedule, a Letter Agreement Between Puget and the City of Seattle Department of Lighting (Seattle).

Puget states that the Agreement sets forth the terms and conditions under which Puget has agreed to accept 74,400 Mwh of storage energy from Seattle in December 1984, and return the same amount of energy to Seattle in February and March 1985.

Puget requests an effective date of December 1, 1984, and therefore requests waiver of the Commission's notice requirements.

A copy of the filing has been sent to the City of Seattle.

Comment date: April 3, 1985, in accordance with Standard Paragraph E at the end of this notice.

9. The Washington Water Power Company

[Docket No. ER85-321-000]

March 18, 1985.

Take notice that on February 25, 1985, the Washington Water Power Company (Washington) submitted for filing a Certificate of Concurrence in lieu of filing a Notice of Concellation of Washington's FPC No. 76 which is also Pacific's Rate Schedule FPC No. 112.

Comment date: April 11, 1985, in accordance with Standard Paragraph E at the end of this notice.

10. Yankee Atomic Electric Company

[Docket No. ER84-654-002]

March 18, 1985.

Take notice that on March 5, 1985, Yankee Atomic Electric Company (Yankee) submitted for filing a compliance filing pursuant to the Commission's Order dated February 1, 1985.

Yankee states that as ordered by the Commission its Power Contract Amendments (1) implements the treatment of CWIP mandated by § 35.26 of the Commission's Rules of Practice and Procedure and (2) reflects the inclusion of its proposed decommissioning charge and indicates the specific amounts allocated to each wholesale customer.

Comment date: April 1, 1985, in accordance with Standard Paragraph H at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

H. Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before the comment date. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-6897 Filed 3-21-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8747-000, et al.]

Hydroelectric Applications (Power Resources Development Corp.), et al.; Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1 a. Type of Application: Preliminary Permit.

b. Project No.: 8747-000.

c. Date Filed: November 29, 1984.

d. Applicant: Power Resources Development Corporation.

e. Name of Project: Sullivan Island.

f. Location: Oswegatchie River in St. Lawrence County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Roger P. Swanson, President, Power Resources Development Corporation, 66 East Fourth Street, Oswego, New York 13126.

i. Comment Date: May 17, 1985.

j. Description of Project: The proposed project would consist of Option #1 or Option #2.

Option #1 would consist of: (a) A new 12-foot-high, 125-foot-long concrete dam (north) and a new 15-foot-high, 75-foot-long concrete dam (south); (2) a reservoir with a surface area of 100 acres, no usable storage capacity, and a normal water surface elevation of 610 feet m.s.l.; (3) a new intake structure located at the south dam; (4) a new powerhouse located at the south dam containing two generating units with a capacity of 1,350 kW each for a total installed capacity of 2,700 kW; (5) a new 15.5-foot-deep, 45-foot-wide, 45.9-foot-long tailrace (6) a new transmission line, 700 feet long; and (7) appurtenant facilities.

Option #2 would consist of the same as Option #1 except that: (1) The south dam would be located 500 feet upstream from the proposed location in Option #1; with (2) a 500-foot-long penstock which would connect the proposed intake structure at the south dam to; (3) the proposed powerhouse which would be in the same location as Option #1. No tailrace would be proposed.

The Applicant estimates the average annual generation would be 12,300,000 kWh.

k. Purpose of Project: Project power would be sold to Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 4 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $22,000.

2 a. Type of Application: Preliminary Permit.

b. Project No.: 8911-000.

c. Date Filed: January 31, 1985.

d. Applicant: Burlington Energy Associates.

e. Name of Project: Burlington Water Power (Lock & Dam No. 18).

f. Location: on the Mississippi River in Des Moines County, Iowa.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r)

h. Contact Person: Mr. George M. Waldow, 512 Sunrise Circle, Muscatine, Iowa 52761

i. Comment Date: May 17, 1985.

j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers Lock and Dam No. 18 and would consist of: (1) A proposed intake channel; (2) a new powerhouse structure in a 250-foot section of the existing overflow embankment. The powerhouse will contain five turbine-generator units with a total installed capacity of 17.5 MW; (3) a proposed tailrace channel; (4) a proposed substation; (5) approximately 4,000 feet of new transmission line at 69 kV; and (6) appurtenant facilities. Applicant estimates that the average annual energy generation would be 98,000 MWH.

k. Purpose of Project: The proposed market for the generated energy would be investors owned Iowa utilities. An alternative market would be the Illinois Municipal Electric Agency.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope of Studies under permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would range from $200,000 to $500,000.

3 a. Type of Application: Preliminary Permit.

b. Project No.: 8697-000.

c. Date Filed: November 1, 1984.

d. Applicant: Herkimer Associates.

e. Name of Project: Erie Barge Canal Lock E-18.

f. Location: Mohawk Barge Canal, Herkimer County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Joel Kirk Rector, Herkimer Associates, 8 Peabody Terrace #32, Cambridge, Massachusetts 02138.

i. Comment Date: May 17, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing 12-foot-high, 100-foot-long concrete and steel movable dam; (2) a reservoir with a surface area of 420 acres, a storage capacity of 2,200 acre-feet, and a normal water surface elevation of 383.3 feet m.s.l.; (3) a new intake structure 500 feet upstream of the dam; (4) a new powerhouse containing one generating unit with a capacity of 1,640 kW; (5) a new 850-foot-long tailrace; (6) a new transmission line, 2,640 feet long; and (7) appurtenant facilities. The Applicant estimates the average annual generation would be 14,962,000 kWh. The existing dam is owned by the New York State Department of Transportation.

k. Purpose of Project: Project power would be sold to Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $125,000.

4 a. Type of Application: Preliminary Permit.

b. Project No.: 8760-000.

c. Date Filed: December 3, 1984.

d. Applicant: Colorado Carbon Corporation.

e. Name of Project: Skaguay.

f. Location: West Beaver Creek, Teller and Fremont Counties, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Eric R. Jacobson, Box 2162, Grand Junction, Colorado 81502.

i. Comment Date: May 17, 1985.

j. Description of Project: The proposed project would consist of: (1) The existing Skaguay Dam and Reservoir, which is owned by the Colorado Division of Wildlife, consisting of a 500-foot-long rock fill about 80 feet high and impounding a reservoir area of 260 acres and having 6,500 acre-feet of storage; (2) an existing penstock which would be rehabilitated, about 5 miles long and varying in diameter from 2½ to 5 feet; (3) an existing powerhouse which would be rehabilitated, containing 10 generating units with a total capacity of 2,400 kW; (4) a proposed, 7-mile-long 22-kV transmission line; and (5) appurtenant facilities. Portions of the project would be located on U.S. lands administered by the Bureau of Land Management. The project's estimated average annual generation of 20,000,000 kWh would be sold to a nearby utility.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, D2.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $30,000.

5 a. Type of Application: Preliminary Permit.

b. Project No.: 8921–000.

c. Date Filed: February 1, 1985.

d. Applicant: Independence Electric Corporation.

e. Name of Project: Frost Shoals Hydroelectric Project.

f. Location: On the Broad River in Richland, Fairfield & Newberry Counties, South Carolina.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. G. William Miller, President, Independence Electric Corporation, 919—18th Street, N.W., Suite 750, Washington, D.C. 20006.

i. Comment Date: May 13, 1985.

j. Description of Project: The proposed project would be owned and operated by the Applicant and would consist of: (1) A proposed earth dam, which would be 1,500 feet long and 80 feet high, containing a 610-foot-long, concrete spillway; (2) a proposed reservoir with a surface area of 9,180 acres at power pool elevation of 220 feet m.s.l.; (3) a proposed powerhouse containing two generating units rated at 20 MW each. The powerhouse would be located in the existing river bed and would be an integral part of the earth dam; (4) a proposed tailrace; (5) a proposed 115-KV, one-mile-long transmission line; and (6) appurtenant facilities.

The estimated average annual energy output for the project would be 178,000,000 kWh.

Construction of the proposed project would inundate approximately 350 acres of the Harrison State Forest and about 1,600 acres of land at the lower end of the Little River. Approximately 12 miles of the Southern Railway tracks would need to be relocated and 3 miles of State Highway 215 would need to be reconstructed at a higher elevation.

k. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $50,000.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.

6 a. Type of Application: Major License.

b. Project No.: 7327–002.

c. Date Filed: September 20, 1984.

d. Applicant: Greenfields Irrigation District and Turnbull Partners, Ltd.

e. Name of Project: Turnbull Drops Water Power Project.

f. Location: On the U.S. Bureau of Reclamation's (Bureau) Spring Valley Canal in Tenton County, Montana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. William S. Fowler, Mitex Incorporated, 91 Newbury Street, Boston, Massachusetts 02116.

i. Comment Date: May 13, 1985.

j. Description of Project: The proposed project would utilize the existing Bureau Spring Valley Canal and would contain two power developments. The Upper Development would consist of: (1) An intake structure to be located in the existing concrete transition of the chute drop at station 581 + 00; (2) an 1100-foot-long, 108-inch-diameter penstock; (3) a concrete powerhouse containing one generating unit with a rated capacity of 3,848 kW at a head of 97 feet; (4) a tailrace discharging into the canal; (5) a switchyard adjacent to the powerhouse; and (6) a 1-mile-long, 69-kV transmission line.

The Lower Development would consist of: (1) An intake structure to be located in the existing concrete transition of the chute drop at station 667 + 00; (2) a 2340-foot-long, 108-inch-diameter penstock; (3) a concrete powerhouse containing one generating unit with a rated capacity of 5,760 kW at a head of 146 feet; (4) a tailrace discharging into the canal; (5) a switchyard adjacent to the powerhouse; and (6) a 2-mile-long, 69-kV transmission line.

The project transmission lines would be connected to the existing 69-kV Augusta transmission line owned by the Sun River Electric Cooperative, Inc. The Applicant estimates that the average annual energy production would be 27.2 million kWh. The cost to construct the project would be $13.75 million in 1985 dollars.

k. Purpose of Project: The project power would be sold to Montana Power Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B and C.

7 a. Type of Application: Conduit Exemption.

b. Project No.: 8828–000.

c. Date Filed: December 26, 1984.

d. Applicant: The Metropolitan Water District of Southern California.

e. Name of Project: Valley View Power Plant Project.

f. Location: On the Applicant's water distribution system, that gets its water from the Colorado River, in the City of Yorba Linda, in Orange County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Gary M. Snyder, Principal Engineer, The Metropolitan Water District of Southern California, P.O. Box 54153, Terminal Annex, Los Angeles, California 90054.

i. Comment Date: April 26, 1985.

j. Description of Project: The proposed project would be located on the Applicant's existing Valley View Penstock, part of its water distribution system, utilizing energy that is currently wasted through an energy dissipator. The project would consist of a powerhouse, to contain a single generating umit with a rated capacity of 4,100 kW operating under a head of 421 feet. A 100-foot-long tap line would

connect the project with the existing Southern California Edison Company's (SCE) 66-kV transmission line at the site.

k. Purpose of Project: The project's estimated annual generation of 13.6 million KWh will be sold to SCE.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C & D3b.

8 a. Type of Application: Exemption (5MW or less).

b. Project No.: 8242–001.

c. Date Filed: December 4, 1984.

d. Applicant: Worcester Hydro Company.

e. Name of Project: Ladd's Mill.

f. Location: On the North Branch of the Winooski River in Washington County, Vermont.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708.

h. Contact Person: Mr. John H. Stuart, P.O. Box 367, Essex Center, Vermont 05451.

i. Comment Date: April 26, 1985.

j. Description of Project: The proposed project would consist of: (1) The Existing 21-foot-high, 80-foot-long, concrete gravity dam; (2) the proposed re-installatión of twelve-inch-high flashboards; (3) an existing 7.7-acre reservoir which would be increased to 8.5 acres with the installation of the twelve-inch-high flashborads, thereby increasing the storage capacity from the existing 56.9 acre-feet to 67.6 acre-feet; (4) the proposed installation of two 85.5-kW generating units for a total installed capacity of 171-kW; (5) the proposed reconditioning of the existing 70-foot-long tailrace channel; (6) the proposed construction of a small control building to house the turbine controls; and (7) appurtenant facilities.

The Applicant estimates the average annual energy production to be 735,000 kWh. The Applicant intends to sell the elecricity produced to a Vermont utility.

k. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a.

1. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

9 a. Type of Application: Preliminary permits.

b. Project No.: 8750–000.

c. Date Filed: November 29, 1984.

d. Applicant: Great Western Power and Light, Inc.

e. Name of Project: Bitch Creek.

f. Location: On Bitch Creek in Teton County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Mike Graham, President, Great Western Power, 484 East 300 North, Manti, Utah 84642.

I. Comment Date: May 13, 1985.

j. Description of Project: The proposed project would consist of: (1) A 5-foot-high, concrete dam at an elevation of 5,740 feet; (2) a 40-inch-diameter, 5,200-foot-long buried penstock; (3) a powerhouse containing two generating units with a combined rated capacity of 350 KW operating under a head of 80 feet; and (4) a 4,000-foot-long, 13,8-kV transmission line tying into an existing Fall Electric Company power line.

The total average annual energy production would be 2,936,000 KWh.

A preliminary pemrit, if issued, does not authorize construction. The Applicant seeks a 36 month permit to study the feasibility of constructing and operating the project. No new access road will be needed for the purpose of conducting these studies. The estimated cost for conducting these studies is $125,000.

k. Purpose of Project: Project power will be sold to local municipalities or to the local power company.

l. This notice also consists of the following standard paragraphs: A6, A7, & A9, B, C, and D2.

10 a. Type of Application: 5MW or less Exemption.

b. Project No.: 4739–002.

c. Date Filed: November 16, 1984.

d. Applicant: Mac Hydro Power Company, Incorporated.

e. Name of Project: East of Stuart Fork Creek Hydroelectic.

f. Location: On East Fork of Stuart Fork Creek, near town of Weaverville, within the Shasta-Trinity National Forest, in Trinity County, California.

g. Filed Pursuant to: Section 408 of the Federal Energy Security Act, 16 U.S.C. 2705 and 2708 *as amended.*

h. Contact Person: Mr. H. L. "Pete" Childers, President, Mac Hydro Power Company, Incorporated, 9200 Shanley Lane, Auburn, California 95603.

i. Comment Date: April 22, 1985.

j. Description of Project: The proposed project would consist of: (1) A drop structure in the south bank of East Fork of Stuart Fork Creek at elevation 3,850 feet; (2) a 24-inch-diameter, 5,200-foot-long pipeline/penstock; (3) a powerhouse containing one generating unit with a rated capacity of 910 kW; and (4) a 2.5-mile-long, 12.5-kV transmission line from the powerhouse to an existing Pacific Gas and Electric Company (PG&E) transmission line. The Applicant estimates the average annual energy generation at 6.5 million KWh to be sold to PG&E.

k. This notice also consists of the following standard pragraphs: A9, B, C and D3(a).

l. Exemption for Small Hydroelectric Power Project under 5MW Capacity—any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Committee, on or before the specific comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant dsiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectic exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 60 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

m. This application has been accepted for filing as of February 28, 1983, the submittal date of the Applicant's originally accepted exemption application pursuant to the Eagle Power Company, et. al., 28 FERC ¶ 61,061, issued July 18, 1984.

11 a. Type of Application: Minor License.

b. Project No.: 6987–001.

c. Date Filed: November 15, 1984.

d. Applicant: Mr. Roy F. Fulton.

e. Name of Project: North Fork Yager Creek.

f. Location: On North Fork Yager Creek in Humboldt County, California.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Roy F. Fulton, Route 2, Box 33A, Eureka, California 95501.

i. Comment Date: May 17, 1985.

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high concrete diversion dam at elevation 1,200 feet; (2) a 60-inch-diameter, 1,000-foot-long penstock; (3) a powerhouse to contain a single generating unit with a rated capacity of 1,500 kW operating under a head of 95 feet; and (4) a 115-kV, 1,700-foot long transmission line will connect the project with an existing Pacific Gas and

Electric Company (PG&E) line north of the powerhouse.

k. Purpose of Project: The project's estimated 2.9 million kWh of annual energy will be sold to PG&E.

l. This notice also consists of the following standard paragraphs: A9, B, C & D1.

m. License or Conduit Exemption—Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 60 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

This provision is subject to the following exception: If an application described in this notice was filed by the preliminary permittee during the term of the permit, a small hydroelectric exemption application may be filed by the permittee only (license and conduit exemption applications are not affected by this restriction).

n. This application has been accepted for filing as of January 10, 1983, the submittal date of the Applicant's originally accepted exemption application pursuant to Eagle Power Company, *et. al.*, 28 FERC ¶ 61.061, issued July 18, 1984.

12 a. Type of Application: Minor License.

b. Project No: 6451–002.

c. Date Filed: December 17, 1984.

d. Applicant: Thornton N. Snider.

e. Name of Project: San Antonio Creek Hydroelectric Project.

f. Location: On San Antonio Creek, near town of Sheep Ranch, in Calaveras County, California.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Thornton N. Snider, P.O. Box 670, Turlock, California 95380.

i. Comment Date: May 17, 1985.

j. Description of Project: The proposed project would consist of: (1) A 4.5–foot-high, 96-foot-long diversion dam at elevation 2,650 feet; (2) a 24-inch-diameter, 5,500-foot-long steel penstock; (3) a powerhouse containing one generating unit with a rated capacity of 400 kW operating under a head of 398 feet; and (4) a 1-mile-long, 12-kV transmission line from the powerhouse to connect to an existing Pacific Gas and Electric Company (PG&E) transmission line. The Applicant estimates the average annual energy generation at 1.24 million kWh to be sold to PG&E. The project cost has been estimated to be about $690,000. The Applicant does not propose any recreational facilities as a part of the project.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

13 a. Type of Application: Preliminary Permit.

b. Project No: 8668–000.

c. Date Filed: October 15, 1984.

d. Applicant: Small Hydro East.

e. Name of Project: Millsfield Pond Brook.

f. Location: Millsfield Pond Brook in Coos County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. James D. Sysko, Small Hydro East, Star Route 240, Bethel, Maine 04217.

i. Comment Date: May 17, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing natural pond at elevation of 1,580 feet m.s.l. using no dam; (2) a new concrete intake structure; (3) an 18-inch-diameter, 2,500-foot-long PVC penstock; (4) a new powerhouse containing one generating unit with a capacity of 100 kW; (5) a new transmission line, 3,000 feet long; and (6) appurtenant facilities. The Applicant estimates the average annual generation would be 613,000 kWh.

k. Purpose of Project: Project power would be sold to the Public Service Company of New Hampshire.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $6,000.

14 a. Type of application: Preliminary Permit.

b. Project No: 8892–000.

c. Date Filed: January 28, 1985.

d. Applicant: Hydro Power Development.

e. Name of Project: Clearwater.

f. Location: In Clearwater National Forest, on the Little North Fork of Clearwater River, in Clearwater County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Bobby L. Cox, Hydro Power Development, Inc., P.O. Box 1926, Colorado Springs, Colorado 80901.

i. Comment Date: May 13, 1985.

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high diversion dam at elevation 2,100 feet; (2) a 23,000-foot-long canal or flume; (3) three 405-foot-long, 48-inch-diameter steel penstocks; (4) a powerhouse containing three generating units with a combined capacity of 14,700 kW and an average annual generation of 86,000,000 kWh; and (5) a 19-mile-long transmission line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $350,000. No new roads would be constructed during the feasibility study. Test borings would be made.

k. Purpose of Project: The project power would be sold to either Idaho Power and Light or Washington Water Power Company.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

15 a. Type of Application: Minor License.

b. Project No.: 7930–001.

c. Date Filed: October 3, 1984.

d. Applicant: Larry Hensley.

e. Name of Project: Fry Creek.

f. Location: On Fry Creek, a tributary of the South Fork American River, near Kyburz, in El Dorado County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Larry Hensley, 9240 Central Avenue, Orangevale, California 95662, (916) 988–2164.

i. Comment Date: May 17, 1985.

j. Description of Project: The proposed project would consist of: (1) A 2-foot-high, 15-foot-wide concrete diversion dam across Fry Creek at elevation 4,040 feet msl; (2) a 6-inch-diameter, 2,500-foot-long steel penstock; (3) a powerhouse located at elevation 3,640 feet msl containing a single Pelton turbine-generator unit with a rated capacity of 30 kW and producing an estimated average annual generation of 0.13 GWh; (4) a 6-inch-diameter, 30-foot-long steel pipe tailrace; and (5) a 200-

foot-long, 440-volt transmission line to interconnect the project to an existing Pacific Gas and Electric Company (PG&E) line. Project power would be sold to PG&E. The project would occupy less than 1 acre of Eldorado National Forest lands. No recreational facilities are proposed by the Applicant.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

l. This application has been accepted for filing as of December 20, 1983, the submittal date of the Applicant's originally accepted exemption application pursuant to Snowbird, Ltd. *et. al.*, 28 FERC ¶61,062, issued July 18, 1984.

16 a. Type of Application: Preliminary Permit.

b. Project No.: 6938–000.

c. Date Filed: February 7, 1985.

d. Applicant: Chilco, Incorporated.

e. Name of Project: Mule Creek Project.

f. Location: On Mule Creek, near Weaverville, within Shasta-Trinity National Forest, in Trinity County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. H.L. "Pete" Childers, 9200 Shanley Lane, Auburn, California 95603.

i. Comment Date: May 13, 1985.

j. Description of Project: The proposed project would consist of: (1) A 4-foot-high, 20-foot-long diversion dam at elevation 2,800 feet; (2) a 24-inch-diameter, 3,500-foot-long diversion conduit; (3) a 24-inch-diameter, 2,000-foot-long steel penstock; (4) a powerhouse with a total installed capacity of 710 kW operating under a head of 350 feet; and (5) a 500-foot-long, 12.5-kV transmission line connected to an existing Pacific Gas and Electric Company (PG&E) transmission line. The Applicant estimates the average annual energy generation at 4.3 million KWh to be sold to PG&E.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of an 18-month preliminary permit to conduct technical, environmental and economic studies, and also prepare in FERC license application at an estimated cost of $30,000.

k. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.

17 a. Type of Application: Preliminary Permit.

b. Project No.: P–8691–000.

c. Date Filed: October 29, 1984.

d. Applicant: City of Iowa City.

e. Name of Project: Coralville Milldam.

f. Location: In Johnson County, on the Iowa River.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Thomas M. Hayden P.E., Shive-Hattery Engineers, P.O. Box 4438, Davenport, Iowa 52808.

i. Comment Date: April 26, 1985.

j. Competing Application: Project No. 8690, Date Filed October 29, 1984.

k. Description of Project: The proposed project would consist of: (1) An existing earthfill and concrete dam 14 feet high and 200 feet long including a spillway at elevation 640 feet m.s.l. owned by the Johnson County Conservation Board; (2) a reservoir of negligible size and storage capacity; (3) a proposed intake channel approximately 100 feet wide and 250 feet long; (4) a proposed powerhouse approximately 70 feet wide, 30 feet high and 60 feet long containing five submersible turbine/generators each with a rated capacity of 200 kW; (5) a proposed tailrace channel 600 feet long and 140 feet wide; (6) a new transmission line; and (7) appurtenant facilities. The estimated average annual energy produced by the project would be 5,100,000 kWh operating under a net hydraulic head of 12 feet. Project power would be sold to the City of Iowa City.

l. This notice also consists of the following standard paragraphs: A8, B, C, D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 18 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $15,000.

18 a. Type of Application: Preliminary Permit.

b. Project No.: 8752–000.

c. Date Filed: November 29, 1984.

d. Applicant: Great Western Power & Light, Inc.

e. Name of Project: Mill Creek Middle Project.

f. Location: On Mill Creek in Salt Lake County, Utah.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Mike Graham, President, G.W.P. 484 East 300 North Manti, Utah 84642.

i. Comment Date: May 17, 1985.

j. Description of Project: The proposed project would be located on an abandoned site of the Utah Power & Light Co. (UP&L) would be entirely within the Wasatch National Forest, and would consist of: (1) A new diversion structure on Mill Creek; (2) a new buried pipeline penstock, 18 inches in diameter and about 8,750 feet long; (3) a new powerhouse, at the same site of the former one, to contain 3 turbine-generator units rated at 250 kW each for a total rated capacity of 750 kW; (4) a tailrace returning flow to Mill Creek; (5) a new 1,000-foot-long transmission line connecting to an existing UP&L line; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 5,136,000 kWh.

k. Purpose of Project: Project energy would be sold to local municipalities or to the local power company.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C & D2.

m. Proposed Scope of Studies under Permit: A preliminary permit if issued, does not authorize construction. Applicant seeks issuance of a preliminary period for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $35,000.

19 a. Type of Application: New License (Under 5 MW).

b. Project No.: 2343–002.

c. Date Filed: December 17, 1984.

d. Applicant: The Potomac Edison Company.

e. Name of Project: Millville.

f. Location: On the Shenandoah River in Jefferson County, West Virginia.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: R.A. Mycoff, Executive Director, Operating, Allegheny Power Service Corporation, 800 Cabin Hill Drive, Greenburg, Pennsylvania 15601.

i. Comment Date: May 13, 1985.

j. Description of Project: The existing run-of-river project consists of: (1) The 12-foot-high and 800-foot-long concrete and stone dam with a crest elevation of 323.8 feet msl; (2) 3.5-foot-high flashboards; (3) a reservoir with a surface area of 104 acres; (4) a 1,600-foot-long concrete headrace; (5) a powerhouse with 3 turbine-generator units with a total rated capacity of 2,840

kW; (6) a tailrace; (7) a 2.4-kV and 1,006-foot-long transmission line; and (8) other appurtenances. The project generates an average of 13,658,000 kWh annually.

k. Purpose of Project: Project energy is integrated into the Potomac Edison Company system.

l. This notice also consists of the following standard paragraphs: B, C, and D1.

20 a. Type of Application: Exemption (5MW or Less).

b. Project No: 8449–000.

c. Date Filed: July 19, 1984.

d. Applicant: Steven D. Atwill & Susan Atwill.

e. Name of Project: Bernardston Grain Mill.

f. Location: On the Fall River in Franklin County, Massachusetts.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708.

h. Contact Person: Mr. Steven D. Atwill, River Road, Bernardston, Massachusetts 01337.

i. Comment Date: April 26, 1985.

j. Description of Project: The proposed project would consist of: (1) The existing 20-foot-high, 100-foot-long stone masonry dam with a spillway crest elevation of 320 feet msl; (2) an existing reservoir with a surface area of 2 acres and a gross storage capacity of 23 acre-feet; (3) a proposed 4-foot-diameter, 80-foot-long penstock; (4) two proposed, pad-mounted, submersible turbine-generator units, one rated at 25 kW and the other 55 kW; (5) a proposed, 100-foot-long transmission line; and (6) appurtenant facilities.

The Applicant estimates that the hydroelectric generating units will produce 300,000 kWh annually and the Applicant intends to sell the power to Western Massachusetts Electric Company.

k. This notice consists of the following standard paragraphs: A1, A9, B, C, D3a.

l. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

20 a.Type of Application: 5–MW Exemption.

b. Project No: 8412–000.

c. Date Filed: July 5, 1984.

d. Applicant: Ronald W. Denney & Kathryn C. Denney.

e. Name of Project: Coiner Mill.

f. Location: On the South River in Augusta County, Virginia.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2709.

h. Contact Person: Ronald W. & Kathryn C. Denney, Route 1, Box 18, Waynesboro, Virginia 22980.

i. Comment Date: April 26, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing 5-foot-high, 156-foot-long concrete gravity dam at elevation 1,251 feet m.s.l. owned by Ronald W. and Kathryn C. Denney to be renovated; (2) an existing 1.5-acre reservoir with a storage capacity of 10 acre-feet at elevation 1,256 m.s.l.; (3) an existing millrace 24 feet wide, 6 feet deep and 1,109 feet long; (4) an existing mill used as a powerhouse to be renovated to contain two new turbine/generators with a total rated capacity of 4 kW; (5) an existing 378-foot-long tailrace; (6) an existing single phase transmission line 350 feet long; and (7) appurtenant facilities. The estimated average annual energy produced by the project would be 225,000 kilowatt hours operating under a net hydraulic head of 8 feet. Project power will be sold to the Virginia Electric and Power Company.

k. This notice consists of the following standard paragraphs: A1, A9, B, C, D3a.

l. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

a. Type of Application: Amendment of License.

b. Project No.: 2216–001.

c. Date Filed: November 29, 1984.

d. Application: Power Authority of the State of New York.

e. Name of Project: Niagara.

f. Location: On the Niagara River in the Towns of Lewiston and Niagara, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Stephen L. Baum, General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019.

i. Comment Date: April 29, 1985.

j. Description of Project: The license for the Niagara Project was issued on January 30, 1958, and consists of two intake structures at the Niagara River, two water supply conduits, a forebay, the Lewiston Pump-Generating Plant with a rated generating capacity of 240 MW and the Lewiston Reservoir, the Robert Moses Plant with a rated capacity of 1,950 MW, and other associated facilities. The forebay serves as the tailrace for the Lewiston Pump-Generating Plant and the headwater for the Robert Moses Plant. The Licensee proposes: (1) A new intake/outlet structure at the Lewiston Reservoir; (2) new 27.5-foot-diameter and approximately 900-foot-long concrete-lined tunnel; (3) 3 new 20-MW pump turbine units in a common trench; (4) a new intake/outlet structure; (5) a new 200-foot-wide and 120-foot-long tailrace channel connecting the intake/outlet structure with the forebay; (6) two new intake structures at the northside of the forebay; (7) two new penstocks about 600 feet long that would vary in diameter from 28.5 feet at the upper end to 24 feet at the turbines; (8) two new turbine-generator units with a rated capacity of 225 MW each, installed in individual concrete-lined silos; (9) two new draft tube tunnels discharging into a horseshoe-shaped 38-foot-diameter and 1,620-foot-long tailrace tunnel to discharge into the Niagara River about 750 feet downstream from the Robert Moses Plant; (10) a new 345-kV transmission line; and (11) other appurtenances. The Licensee estimates that this expansion would generate an additional 17 GWh per year.

k. Purpose of Project: The additional project energy would be sold to Licensee's customers.

l. This notice also consists of the following standard paragraphs: B and C.

23 a. Type of Application: Exemption (5 MW or less).

b. Project No: 8741–000.

c. Date Filed: November 27, 1984.

d. Applicant: Dallas County Hydro Company.

e. Name of Project: Redfield Dam Hydro Project.

f. Location: On the Middle Raccoon River in Redfield, Dallas County, Iowa.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708.

h. Contact Person: Mr. Rex J. Harvey, 811 First Street, P.O. Box H, Redfield, Iowa 50223.

i. Comment Date: April 29, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing concrete gravity dam approximately 11[illegible] feet long and 9 feet high inclusive of 12-inch flashboards; (2) an existing 5-acre reservoir having a storage capacity of [illegible] acre-feet at an elevation of 910 feet m.s.l; (3) a proposed powerhouse integral with the dam, located at the eastside of the river, housing two 49-kW generators for a total installed capacity of 98 kW; (4) a proposed 4.16-kV or equivalent transmission line approximately 120 feet long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy would be 557 MWh. The Applicant has a valid and current 25 year lease with the City of Redfield, the

owners of the dam and appurtenant facilities, for the development of this hydroelectric project.

k. Purpose of Project: The Applicant proposes to sell all the generated power to Iowa Electric Light and Power Company.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

24 a. Type of Application: Exemption (5 MW or less).

b. Project No: 8656-000.

c. Date Filed: October 9, 1984.

d. Applicant: William K. Fay.

e. Name of Project: Bannister Mill Dam Project.

f. Location: On the Sewall Brook in Worcester County, Massachusetts.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Mr. William K. Fay, P.O. Box 55, Boylston, Massachusetts 01505.

i. Comment Date: April 24, 1985.

j. Description of Project: The proposed project would consist of: (1) A partially breached 8-foot-high stone gravity dam to be reconstructed to its historic elevation of 395.0 feet m.s.l. with; (2) a 5.5-acre reservoir which would impound 20 acre-feet of gross storage; (3) a new intake structure; (4) a new power-house which would contain one generating unit with a capacity of 4 kW; (5) a new transmission line, 6 feet long; and (6) appurtenant facilities.

The dam and appurtenant facilities are owned by William K. Fay. The Applicant estimates the average annual energy production to be 11,200 kWh.

k. Purpose of Project: The Applicant intends to personally use in its house the total output generated.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

25 a. Type of Application: Preliminary Permit.

b. Project No: 8460-000.

c. Date Filed: July 23, 1984.

d. Applicant: Contoocook Valley Paper Company, Inc.

e. Name of Project: West Hennicker.

f. Location: Contoocook River in Merrimack County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Ms. Mary Fletcher, Contoocook Valley Paper Company, Inc., P.O. Box 434, Milford, New Hampshire 03031.

i. Comment Date: April 24, 1985.

j. Competing Application: Project No. 8351. Date Filed: June 6, 1984 Notice expires: March 1, 1985.

k. Description of Project: The proposed project would consist of: (1) An existing 12-foot-high, 202-foot-long dam owned by Contoocook Valley Paper Company, Inc. at crest elevation 490 feet NGVD; (2) an existing reservoir with an impoundment of 5-acres; (3) a new powerhouse containing a generating unit with a rated capacity of 1,400-kW; and (4) a new 250-foot-long transmission line tying into the existing Public Service Company of New Hampshire system. The Applicant estimates a 3,400,000 kWh average annual energy production.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24-months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $22,000.

m. This notice also consists of the following standard paragraphs: A8, A9, B, C, and D2.

26 a. Type of Application: Conduit Exemption.

b. Project No: 7885-001.

c. Date Filed: October 2, 1984.

d. Applicant: Fisheries Development Company.

e. Name of Project: Fisheries Development.

f. Location: On a canal offshoot of Billingsley Creek, in Gooding County, Idaho.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Nyal Hoffman, Fisheries Development Company, Rt. 1, Filer, Idaho 83328.

i. Comment Date: April 29, 1985.

j. Description of Project: The proposed project would consist of adding a powerhouse to the canal that conveys water from two trout rearing raceways to Billingsley Creek. The powerhouse would contain three generating units with a combined capacity of 308 kW and an average annual generating of 2 million kilowatt hours. A 300-foot-long transmission line would also be constructed.

k. Purpose of Project: The project power would be sold to Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D3b.

Competing Applications

A1. Exemption for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, or or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A2. Exemption for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license or conduit exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit and small hydroelectric

exemption will not be accepted in response to this notice.

A3. License or Conduit Exemption—Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

This provision is subject to the following exception: if an application described in this notice was filed by the preliminary permittee during the term of the permit, a small hydroelectric exemption application may be filed by the permittee only (license and conduit exemption applications are not affected by this restriction).

A4. License or Conduit Exemption—Public notice of the filing of the initial license, small hydroelectric exemption or conduit exemption application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing application for license, conduit exemption, small hydroelectric exemption, or preliminary permit; or notices of intent to file competing applications, must be filed in response to and in compliance with the public notice of the initial license, small hydroelectric exemption or conduit exemption application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit: Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30 days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A competing preliminary permit application must conform with 18 CFR 4.33 (a) and (d).

A6. Preliminary Permit: No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or where there are proposed major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application. Submission of a timely notice on intent allows an interested person to file the competing preliminary permit application no later than 60 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.33 (a) and (d).

A7. Preliminary Permit—Except as provided in the following paragraph, any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a license, conduit exemption, or small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) A preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33 (a) and (d).

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications on notices of intent. Any competing preliminary permit application, or notice of intent to file a competing preliminary permit application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing preliminary permit applications or notices of intent to file a preliminary permit may be filed in response to this notice.

Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) A preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33 (a) and (d).

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions To Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in

response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statues. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–6898 Filed 3–21–85; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 7409–001]

Surrender of Preliminary Permit; Fairview City Corp.

March 19, 1985.

Take notice that Fairview City Corporation, Permittee for the proposed Cottonwood Creek Project No. 7409, has requested that its preliminary permit be terminated. The preliminary permit was issued on July 17, 1984, and would have expired on December 31, 1985. The project would have been located on Cottonwood Creek in Sanpete County, Utah. The Permittee states it has found that to continue the project would not be in the best interest of the City.

The Permittee filed the request on January 28, 1985, and the preliminary permit for Project No. 7409 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 384.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–6905 Filed 3–21–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. QF85–264–000, et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.; Frito-Lay Inc., et al.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission:

1. Frito-Lay Inc.

[Docket No. QF85–264–000]

March 19, 1985.

On February 28, 1985, Frito-Lay Inc. (Applicant) of Frito-Lay Tower, P.O. Box 35034, Exchange Park, Dallas, Texas 75235 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 proposed topping cycle cogeneration facility will be located in the Frito-Lay Salty Snack Food Plant, Kern County, California. The facility, to be constructed by Bechtel, Inc. and operated by the applicant, will consist, in part, of a Detroit Allison 501–KH gas turbine/generator. The maximum power production capacity will be 6050 kW. The operation of the gas turbine will be based upon the Cheng Cycle Series 7 system. The thermal energy output will be used to meet the facility's processing

requirements. The facility's electric energy output will be sold to Pacific Gas & Electric Co. and used by the applicant. The primary source of energy will be natural gas.

2. Alternative Energy Associates (Brighton Dam)

[Docket No. QF85-268-000]

March 19, 1985.

On February 28, 1985, Alternative Energy Associates (Applicant) of c/o Synergics, Inc., 410 Severn Avenue, Suite 409, Annapolis, Maryland 21403 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 400 kilowatt hydroelectric facility (P. 3633) will be located on the Patuxent River near the town of Laurel in Montgomery County, Maryland.

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. Foster Wheeler Martinez, Inc.

[Docket No. QF85-302-000]

March 18, 1985.

On March 11, 1985, Foster Wheeler Martinez, Inc. (Applicant) of 110 South Orange Avenue, Livingston, New Jersey 07039 submitted for filing an application for certification of a facility as a qualifying 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 in Martinez, California. The facility will contain two combustion turbine-generators, two heat recovery boilers, and a single steam turbine-generator. The extracted steam from the turbine will be used in the Avon refinery of Tosco Corporation and/or sludge-drying processes. The primary energy source will be refinery by-product gas, natural gas or mixture of such gases. The net electric power production of the facility will vary from 89.3 MW to 99.9 MW depending on the application of the output steam. Installation of the facility is expected to begin on June 1, 1985 with startup date of January 1, 1987.

4. Hershey Foods Corporation

[Docket No. QF85-250-000]

March 19, 1985.

On February 19, 1985, Hershey Foods Corporation (Applicant), P.O. Box 810, Hershey, Pennsylvania 17033, 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.

Topping-cycle cogeneration facility will be located at 1400 Yosemite Avenue, Oakdale, California 95361. The facility will contain a combustion turbine-generator and a heat recovery boiler. The gas turbine will operate on the Cheng cycle. The steam will be used for process purposes in the adjacent chocolate plant. The electric power production capacity of the facility will be 6 MW. The primary energy source will be natural gas. Operation of the facility is expected to begin in November 1985. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

5. Ormesa Geothermal

[Docket No. QF85-269-000]

March 19, 1985.

On February 28, 1985, Ormesa Geothermal (Applicant) of 500 Dermody Way, Sparks, Nevada 89431 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 facility will be located at East Mesa KGRA, Imperial County, California. The primary energy source will be geothermal resources. The electric power production capacity will be 20 megawatts. The applicant has no planned usage of natural gas, oil or coal.

6. Pacific Lighting Energy Systems (City of Burbank)

[Docket No. QF85-286-000]

March 19, 1985.

On March 6, 1985, Pacific Lighting Energy Systems (Applicant) of 6055 East Washington Boulevard, Suite 600, City of Commerce, California 90040 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 small power production facility is located in the City of Burbank, Los Angeles County, California. The facility will produce electric power using biomethane in the form of landfill gas. The power production capacity of the facility will be 500 kW.

7. Pacific Lighting Energy Systems (Refugio Ranch)

[Docket No. QF85-285-000]

March 19, 1985.

On March 6, 1985, Pacific Lighting Energy Systems, (Applicant) of 6055 East Washington Boulevard, Suite 600, City of Commerce, California 90040 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 small power production facility is located on Refugio Ranch in Santa Cruz County, California. The facility will produce electric power using biomethane in the form of landfill gas. The power production capacity of the facility will be 800 kW.

8. Schaffner Power Company

[Docket No. QF85-282-000]

March 19, 1985.

On March 4, 1985, Schaffner Power Company (Applicant) of Route 1, Box 33, Salmon, Idaho 83467 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 0.5 megawatt hydroelectric facility (P. 8438) is located near West Fork of Sandy Creek in Lemhi County, Idaho.

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.

9. Pinetree Power, Inc.

[Docket No. QF85-270-000]

March 19, 1985.

On March 1, 1985, Pinetree Power, Inc. of RFD #1, Box 210, Barnstead, New Hampshire 03218 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 proposed small power production facility will be located in Bethlehem, New Hampshire. The facility will consist in part, of a boiler and a 15 MW steam turbine/generator. The primary fuel will be waste in the form of wood chips, bark, and fines.

10. Scott Wood, Inc.

[Docket No. QF85-246-000]

March 19, 1985.

On February 14, 1985, Scott Wood, Inc. (Applicant) of Route 3, Box 1, Amelia, Virginia 23002 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 proposed small power production facility will be located in Amelia Court House, Virginia and will consist of a Terry steam/turbine generator driven by a Lambien boiler. The electric power production capacity of the facility will be approximately 1300 kW. The primary energy source will be waste in the form of wood sawdust.

11. Wind Energy Development Corp.

[Docket No. QF85-272-000]

March 19, 1985.

On March 4, 1985, Wind Energy Development Corporation (Applicant) of 1512 Faure Street, Urb. Villa Canales, Rio Piedras, Puerto Rico 00927 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 proposed small power production facility will be located one mile off-shore from San Juan, Puerto Rico. The facility will consist of a 250 kW wind turbine/generator installed on a 100 foot vessel. The wind generated electrical energy will be transmitted to the mainland by submarine cable.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 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. 85-6899 Filed 3-21-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-1-4-002]

Proposed Change in Rates; Granite State Gas Transmission, Inc.

March 19, 1985.

Take notice that on March 8, 1985, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021 tendered for filing with the Commission the following revised tariff sheets in its FERC Gas Tariff, First Revised Volume No. 1 containing changes in rates for effectiveness on January 1, 1985:

Substitute Ninth Revised Sheet No. 7
First Revised Sheet No. 7-A

According to Granite State, its rate adjustments reflect (1) a redution in the cost of gas purchased from Tennessee Gas Pipeline Corporation, a Division of Tenneco Inc. (Tennessee) attributable reductions that Tennessee has filed in accordance with a Commission order applicable to the rates that Granite State previously filed for effectiveness on January 1, 1985 and (2) a reduction in a transportation charge filed by Texas Eastern Transmission Corporation (Texas Eastern) in its Rate Schedule FTS, effective January 1, 1985, for a firm transportation service that Texas Eastern provides Granite State for gas purchased from Consolidated Gas Transmission Corporation.

Granite State further states that its rates are applicable to wholesale sales to its two affiliated distribution company customers: Bay State Gas Company and Northern Utilities, Inc.

According, to Granite State, copies of the filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 27, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-6906 Filed 3-21-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-2-4-000 and TA85-2-4-001; Docket No. RP85-118-000]

Proposed Change in Rates and Tariff Provisions; Granite State Gas Transmission, Inc.

March 19, 1985.

Take notice that on March 14, 1985, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021 tendered for filing with the Commission the following revised tariff sheets in its FERC Gas Tariff, First Revised Volume No. 1 containing changes in rates and tariff provisions for effectiveness on April 1, 1985:

Tenth Revised Sheet No. 7
Second Revised Sheet No. 70
Second Revised Sheet No. 75

According to Granite State, the revised rates on Tenth Revised Sheet No. 7 reflect the effect on its purchase gas costs of a recently renegotiated contract between Boundary Gas, Inc. and TransCanada PipeLines Limited (TransCanada). Granite State is one of the four Firm Initial Service purchasers from Boundary Gas under the settlement in Phase 1 of the boundary Gas proceedings at Docket Nos. CP81-107-000, *et. al.*, 26 FERC ¶ 61,114 (1984). Boundary Gas purchases its entire supply of gas from TransCanada at the U.S.-Canadian border near Niagara Falls, Ontario, and immediately resells the gas to the four FIS customers at cost from TransCanada, plus a charge of $.024 for management audit fees, escrow expense and the GRI surcharge. Granite State is authorized to purchase 9,814 Mcf a day from Boundary Gas and this supply is part of the supply that Granite State resells to its affiliated distribution

company customer, Bay State Gas Company (Bay State).

Granite State further states that its initial purchases from Boundary Gas commenced November 1, 1984 at a rate of $4.40 per Mcf, adjusted for Btu content, plus the $.024 additional charge. The $4.40 rate reflected the rate that Boundary Gas paid TransCanada when initial deliveries commenced.

According to Granite State, Boundary Gas and TransCanada have renegotiated their contract to provide for a rate containing demand and commodity components. The revised contract provides for a monthly demand charge equal to the product of $28.8958 and the daily contract quantity ($.95 per MMBtu at 100 percent load factor) and a commodity charge of $2.35 per MMBtu, effective April 1, 1985. Granite State states that Boundary Gas has filed the revised rate for resales to the FIS customers with the Commission for effectiveness on April 1, 1985.

Granite State proposes to track the effect of the revised Boundary Gas–TransCanada contract in its rates under Rate Schedule CD–1 for sales to Bay State effective April 1, 1985. According to Granite State, the revised rate results in a reduction of $3,881,498 annually in its rates for sales to Bay State. Granite State requests waiver of the thirty-day notice period and any other waivers of the Commission's Regulations to permit its revised rates to become effective on April 1, 1985.

Granite State further states that the revision of the Boundary Gas rate into demand and commodity components also require changes in Section XIX, the Purchased Gas Cost Rate Adjustment provision in the General Terms and Conditions of its tariff to include the Boundary Gas demand charge in calculating annual demand cost changes and in calculating the monthly deviations from demand charges reflected in current rates to determine proper debits and/or credits to Account 191. The proposed changes in Section XIX are contained on Second Revised Sheet Nos. 70 and 75 in the instant filing.

According to Granite State, copies of the filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 285.211, 385.214). All such motions or protests should be filed on or before March 27, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–6907 Filed 3–21–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP84–13–001]

Changes in Tariff; Michigan Consolidated Gas Co., Interstate Storage Division

March 19, 1985.

Take notice that on March 11, 1985, Michigan Consolidated Gas Company—Interstate Storage Division (ISD), in accordance with the provisions of a letter order issued January 11, 1985 by the Commission approving the Stipulation and Agreement in the above captioned docket, submits for filing the following tariff sheets to its FERC Gas Tariff.

ISD states that the following tariff sheets reflect the settlement rates and are filed in compliance with the Commission's order to be effective April 21, 1984:

	Rate schedule
Original Volume No. 1	
Fifth Revised Sheet Nos. 63 & 64	X–7
Fifth Revised Sheet Nos. 87 & 94	X–9
Fifth Revised Sheet Nos. 110 & 111	X–11
Fifth Revised Sheet Nos. 132 & 139	X–13
Fifth Revised Sheet Nos. 155 & 162	X–15
Eighth Revised Sheet No. 192	X–19
Sixth Revised Sheet No. 193	X–19
Seventh Revised Sheet No. 216	X–20
Sixth Revised Sheet No. 217	X–20
Fourth Revised Sheet No. 240	X–21
Fifth Revised Sheet No. 241	X–21
Original Volume No. 2	
Fourth Revised Sheet Nos. 6 & 7	X–23
Fourth Revised Sheet No. 29	X–24
Sixth Revised Sheet No. 30	X–24
Fourth Revised Sheet Nos. 51 & 52	X–25
Fourth Revised Sheet Nos. 73 & 74	X–26
Fourth Revised Sheet No. 96	X–27
Fourth Revised Sheet Nos. 117 & 118	X–28
Third Revised Sheet No. 154	X–30
Original Volume No. 3	
First Revised Sheet Nos. 1 through 38	S–1, S–2, S–3, S–4, S–5, S–6, S–7 and T–1

Copies of the filing are being served on all of ISD's customers and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 27, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–6908 Filed 3–21–85; 8:45 am—

BILLING CODE 6717–01–M

[Docket Nos. ST85–357–000, et al.]

Self-Implementing Transactions; Natural Gas Pipeline Company of America, et al.

March 19, 1985.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" inidcates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and

section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

An "F (157)" indicates transportation by an interstate pipeline for an end-user pursuant to § 157.209 of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G (LT)" or "G (LS)" indicates transportation, sales or assignments by a local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G (LT)" or "G (HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "C/F (157)" indicates intrastate pipeline transportation which is incidental to a transportation by an interstate pipeline to an end-user pursuant to a blanket certificate under 18 CFR 157.209. Similarly, a "G/F (157)" indicates such transportation performed by a Hinshaw Pipeline or distributor.

Any person desiring to be heard or to make any protests with reference to a transaction reflected in this notice should on or before April 5, 1985, 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 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a 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.

Kenneth F. Plumb,

Secretary.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBtu)
ST85-357	Natural Gas Pipeline Co. of America	South Jersey Gas Co., *et al*	01-02-85	B		
ST85-358	Northern Natural Gas Co	Valero Transmission Co	01-02-85	B		
ST85-359	Tennessee Gas Pipeline Co	Producer's Gas Co	01-02-85	D		
ST85-360	Delhi Gas Pipeline Corp	Dayton Power and Light Co	01-02-85	D		
ST85-361	Delhi Gas Pipeline Corp	Washington Gas Light Co	01-02-85	D		
ST85-362	Delhi Gas Pipeline Corp	Texas Eastern Transmission Corp	01-02-85	C		
ST85-363	Delhi Gas Pipeline Corp	Northern Natural Gas Co	01-03-85	C		
ST85-364	Tennessee Gas Pipeline Co	Natural Gas Pipeline Co. of America	01-03-85	G		
ST85-365	Tennessee Gas Pipeline Co	Natural Gas Pipeline Co. of America	01-03-85	G		
ST85-366	Tennessee Gas Pipeline Co	Longhorn Pipeline Co	01-03-85	B		
ST85-367	Transcontinental Gas Pipe Line Corp	Pittsburgh Plate Glass	01-03-85	F(157)		
ST85-368	Columbia Gulf Transmission Co	Celanese Corp	01-04-85	F(157)		
ST85-369	Columbia Gulf Transmission Co	Wheeling-Pittsburgh Steel Corp	01-04-85	F(157)		
ST85-370	Columbia Gas Transmission Corp	Celanese Corp	01-04-85	F(157)		
ST85-371	Columbia Gas Transmission Corp	Manville Service Corp	01-04-85	F(157)		
ST85-372	Columbia Gas Transmission Corp	Wheeling-Pittsburgh Steel Corp	01-04-85	F(157)		
ST85-373	Michigan Gas Storage Co	Motor Wheel Corp	01-04-85	F(157)		
ST85-374	Naches Pipeline System	Spindletop Gas Distribution System	01-04-85	C		
ST85-375	Louisiana Resources Co	Texas Gas Transmission Corp	01-04-85	C	06-03-85	8.00
ST85-376	Faustina Pipe Line Co	Transcontinental Gas Pipe Line Corp	01-04-85	G(HT)	06-03-85	0.00
ST85-377	Delhi Gas Pipeline Corp	Columbia Gas Transmission Corp	01-04-85	C		
ST85-378	Valero Transmission Co	Texas Eastern Transmission Corp	01-08-85	C		
ST85-379	National Fuel Gas Supply Corp	McInnes Steel Co	12-28-84	F(157)		
ST85-380	Mississippi River Transmission Corp	Spindletop Gas Distribution System	01-07-85	B		
ST85-381	Northern Natural Gas Co	Western Farmer's Electric Coop	01-08-85	B		
ST85-382	Columbia Gulf Transmission Co	Elizabethtown Gas Co., *et al*	01-08-85	B		
ST85-383	Kentucky West Virginia Gas Co	Bethlehem Mines Corp	11-20-84	F(157)		
ST85-384	Kentucky West Virginia Gas Co	PPG Industries, Inc	11-20-84	F(157)		
ST85-385	Producer's Gas Co	El Paso Natural Gas Co	01-08-85	C		
ST85-386	Panhandle Eastern Pipe Line Co	RMI Co	01-09-85	F(157)		
ST85-387	Panhandle Eastern Pipe Line Co	Cantor Plains Industries, Inc	01-07-85	F(157)		
ST85-388	Tennessee Gas Pipeline Co	National Railroad Passenger Corp	01-04-85	F(157)		
ST85-389	Monterey Pipeline Co	Humble Gas System, Inc	01-04-85	C		
ST85-390	Trunkline Gas Co	Louisiana Gas System, Inc	01-07-85	B		
ST85-391	Consolidated Gas Transmission Corp	Mobay Chemical Corp	10-22-84	F(157)		
ST85-392	Cabot Pipeline Corp	El Paso Natural Gas Co	01-04-85	G(HS)	06-03-85	60.00
ST85-393	Panhandle Eastern Pipe Line Co	Laurens-Pierce	01-09-85	F(157)		
ST85-394	Western Gas Corp	United Gas Pipe Line Co	01-09-85	C		
ST85-395	Oklahoma Natural Gas Co	Natural Gas Pipeline Co. of America	01-09-85	C	06-06-85	2[illegible]32
ST85-396	Tennessee Gas Pipeline Co	Mountaineer Gas Co	01-10-85	B		
ST85-397	Delhi Gas Pipeline Corp	Baltimore Gas and Electric Co	01-11-85	D		
ST85-398	Delhi Gas Pipeline Corp	Washington Gas Light Co	01-11-85	C		
ST85-399	Columbia Gulf Transmission Co	Commonwealth Gas Pipeline Corp	01-10-85	B		
ST85-400	Delhi Gas Pipeline Corp	Columbia Gas Transmission Corp	01-10-85	C		
ST85-401	Columbia Gulf Transmission Co	Jeannette Sheet Glass Corp., Inc	01-10-85	F(157)		
ST85-402	Columbia Gas Transmission Corp	Jeanette Sheet Glass Corp., Inc	01-10-85	F(157)		
ST85-403	Columbia Gas Transmission Corp	Wayne-Tex, Inc	01-10-85	F(157)		
ST85-404	Columbia Gas Transmission Corp	Commonwealth Gas Pipeline Corp	01-10-85	B		
ST85-405	Northwest Central Pipeline Corp	Cincinnati Gas and Electric Co	01-10-85	B		
ST85-406	El Paso Natural Gas Co	West Texas Gas, Inc	01-10-85	B		
ST85-407	Northern Natural Gas Co	Northern Petrochemical Co	01-10-85	F(157)		
ST85-408	Panhandle Eastern Pipeline Co	Northwest Pipeline Corp	01-15-85	G		
ST85-409	Sea Robin Pipeline Co	United Gas Pipeline Co	01-11-85	G		
ST85-410	ANR Pipeline Co	Natural Gas Pipeline Co of America	01-11-85	G		
ST85-411	ANR Pipeline Co	Western Farmers Electric Coop	01-11-85	B		
ST85-412	ANR Pipeline Co	Creole Gas Pipeline Corp	01-11-85	B		
ST85-413	ANR Pipeline Co	Lynchburg Gas Co	01-11-85	B		
ST85-414	Houston Pipe Line Co	Baltimore Gas and Electric Co	01-11-85	C		
ST85-415	El Paso Natural Gas Co	Southern California Gas Co	01-15-85	B		
ST85-416	Transcontinental Gas Pipe Line Corp	Longhorn Pipeline Co	01-11-85	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBtu)
ST85-417	Panhandle Eastern Pipe Line Co	Getty Gas Gathering, Inc	01-11-85	B		
ST85-418	Texas Gas Transmission Corp	E.I. du Pont de Nemours Co	01-11-85	F(157)		
ST85-419	Texas Gas Transmission Corp	E.I. du Pont de Nemours Co	01-11-85	F(157)		
ST85-420	Transcontinental Gas Pipe Line Corp	Mid Louisiana Gas Co	01-11-85	G		
ST85-421	Natural Gas Pipeline Co. of America	High Plains Natural Gas Co	01-11-85	B		
ST85-422	Natural Gas Pipeline Co. of America	Texas Gas Transmission Corp	01-11-85	G		
ST85-423	Texas Eastern Transmission Corp	Brooklyn Union Gas Co	01-14-85	B		
ST85-424	Texas Eastern Transmission Corp	Jersey Central Power and Light Co	01-14-85	F(157)		
ST85-425	Natural Gas Pipeline Co. of America	Shenandoah Gas Co., *et al*	01-14-85	B, G		
ST85-426	Natural Gas Pipeline Co. of America	Mississippi River Transmission Corp	01-14-85	G		
ST85-427	Natural Gas Pipeline Co. of America	LTV Steel Co	01-14-85	F(157)		
ST85-428	Granite State Gas Transmission, Inc	Northern Utilities, Inc	01-14-85	B		
ST85-429	ANR Pipeline Co	City of Salem, IL	01-15-85	B		
ST85-430	ANR Pipeline Co	High Plains Natural Gas Co	01-15-85	B		
ST85-431	Tennessee Gas Pipeline Co	Washington Gas Light Co	01-14-85	B		
ST85-432	ANR Pipeline Co	United Gas Pipe Line Co	01-15-85	G		
ST85-433	Panhandle Eastern Pipe Line Co	Lauhoff Grain Co	01-15-85	F(157)		
ST85-434	Consolidated Gas Transmission Corp	Peoples Natural Gas Co	01-16-85	B		
ST85-435	Texas Eastern Transmission Corp	United Gas Pipe Line Co	01-16-85	G		
ST85-436	Transcontinental Gas Pipe Line Corp	Valero Industrial Gas Co	01-17-85	B		
ST85-437	Transcontinental Gas Pipe Line Corp	United Cities Gas Co	01-17-85	B		
ST85-438	Transcontinental Gas Pipe Line Corp	Valero Industrial Gas Co	01-17-85	B		
ST85-439	Algonquin Gas Transmission Co	Commonwealth Gas Co	01-15-85	B		
ST85-440	Transcontinental Gas Pipe Line Corp	Faustina Pipe Line Co	01-17-85	B		
ST85-441	Transcontinental Gas Pipe Line Corp	Public Service Electric and Gas Co	01-17-85	B		
ST85-442	Transcontinental Gas Pipe Line Corp	Elizabethtown Gas Co	01-17-85	B		
ST85-443	Transcontinental Gas Pipe Line Corp	Bridgeline Gas Distribution Co	01-17-85	B		
ST85-444	Columbia Gas Transmission Corp	Bethlehem Steel Corp	01-17-85	F(157)		
ST85-445	Columbia Gas Transmission Corp	Bethlehem Steel Corp	01-17-85	F(157)		
ST85-446	Columbia Gas Transmission Corp	Carbonaire Co., Inc	01-17-85	F(157)		
ST85-447	Columbia Gulf Transmission Co	Bethlehem Steel Corp	01-17-85	F(157)		
ST85-448	Columbia Gulf Transmission Co	Bethlehem Steel Corp	01-17-85	F(157)		
ST85-449	Columbia Gulf Transmission Co	Carbonaire Co., Inc	01-17-85	F(157)		
ST85-450	Cabot Pipeline Corp	Westar Transmission Co	01-17-85	G(HS)	06-16-85	60.00
ST85-451	Colorado Interstate Gas Co	Faustina Pipe Line Co	01-18-85	B		
ST85-452	Lone Star Gas Co	Texas Eastern Transmission Corp	01-18-85	C		
ST85-453	Northern Natural Gas Co	UGI Corp	01-16-85	B		
ST85-454	GHR Pipeline Corp	Natural Gas Pipeline Co. of America	01-17-85	C		
ST85-455	National Fuel Gas Supply Corp	McInnes Steel Co	01-22-85	F(157)		
ST85-456	Columbia Gulf Transmission Co	Natural Gas Pipeline Co. of America	01-22-85	G		
ST85-457	United Gas Pipe Line Co	Vista Transmission Corp	01-22-85	B		
ST85-458	United Gas Pipe Line Co	Texas Eastern Transmission Corp	01-22-85	G		
ST85-459	Panhandle Gas Co	Southern California Gas Co	01-22-85	D		
ST85-460	Oasis Pipe Line Co	Southern California Gas Co	01-22-85	C		
ST85-461	Houston Pipe Line Co	Southern California Gas Co	01-22-85	C		
ST85-462	Tennessee Gas Pipeline Co	Columbia Gas Transmission Corp	01-22-85	G		
ST85-463	Natural Gas Pipeline Co. of America	American Pipeline Co	01-22-85	B		
ST85-464	Trunkline Gas Co	Consolidated Gas Transmission Corp	01-23-85	G		
ST85-465	ANR Pipeline Co	MAPCO Fractionator, Inc	01-23-85	F(157)		
ST85-466	Arkansas Louisiana Gas Co	Brockway, Inc	01-23-85	F(157)		
ST85-467	Arkansas Louisiana Gas Co	Internat'l Mineral & Chemical Corp	01-23-85	F(157)		
ST85-468	Gulf Southern Pipeline Co	Clark-Mobile Countries Gas District	01-24-85	G(HS)		
ST85-469	Llano, Inc	Transwestern Pipeline Co	01-18-85	D	06-17-85	10.20
ST85-470	Transcontinental Gas Pipe Line Corp	Eastern Shore Natural Gas Co	01-24-85	G		
ST85-471	Gulf South Pipeline Co	Philadelphia Electric Co	01-24-85	G(HS)		
ST85-472	Houston Pipe Line Co	Industrial Natural Gas Co	01-24-85	C		
ST85-473	Transcontinental Gas Pipe Line Corp	City of Lawrenceville, GA	01-24-85	B		
ST85-474	Transcontinental Gas Pipe Line Corp	B. F. Goodrich	01-24-85	F(157)		
ST85-475	Gulf South Pipeline Co	Public Service Electric & Gas Co	01-25-85	G(HS)		
ST85-476	Natural Gas Pipeline Co. of America	Kelly Food Products, Inc	01-25-85	F(157)		
ST85-477	Northwest Central Pipeline Corp	Northwest Pipeline Corp	01-28-85	G		
ST85-478	Kansas Power and Light Co	Natural Gas Pipeline Co. of America	01-28-85	G(HT)		
ST85-479	Natural Gas Pipeline Co. of America	City of Salem, IL	01-28-85	B		
ST85-480	Southern Gas Pipeline Co	Texas Eastern Transmission Corp	01-28-85	C		
ST85-481	Columbia Gulf Transmission Co	Jersey Central Power & Light Co	01-25-85	F(157)		
ST85-482	Columbia Gulf Transmission Co	Ohio State University	01-25-85	F(157)		
ST85-483	Columbia Gas Transmission Corp	Monsanto Co	01-30-85	F(157)		
ST85-484	Columbia Gas Transmission Corp	Owens-Illinois, Inc	01-25-85	F(157)		
ST85-485	Columbia Gas Transmission Corp	Ohio State University	01-25-85	F(157)		
ST85-486	Columbia Gulf Transmission Co	Owens-Illinois, Inc	01-25-85	F(157)		
ST85-487	Columbia Gas Transmission Corp	Ashland Oil, Inc	01-25-85	F9157)		
ST85-488	Columbia Gas Transmission Corp	Jersey Central Power & Light Co	01-25-85	F(157)		
ST85-489	Columbia Gas Transmission Corp	SCM Corp	01-25-85	F(157)		
ST85-490	Columbia Gulf Transmission Co	Monsanto Co	01-25-85	F(157)		
ST85-491	Columbia Gulf Transmission Co	SCM Corp	01-25-85	F(157)		
ST85-492	Michigan Consolidated Gas Co	Florida Gas Transmission Co	01-28-85	G(HS)		
ST85-493	Southern Natural Gas Co	Dow Intrastate Gas Co	01-29-85	B		
ST85-494	Columbia Gulf Transmission Co	Louisiana Intrastate Gas Corp	01-29-85	B		
ST85-495	Tennessee Gas Pipeline Co	Columbia Gas Transmission Corp	01-29-85	G		
ST85-496	Oasis Pipe Line Co	El Paso Natural Gas Co	01-29-85	C		
ST85-497	Panhandle Gas Co	El Paso Natural Gas Co	01-29-85	D		
ST85-498	Houston Pipe Line Co	El Paso Natural Gas Co	01-29-85	C		
ST85-499	Texas Gas Transmission Corp	Ohio State University	01-29-85	F(157)		
ST85-500	Columbia Gulf Transmission Co	United Gas Pipe Line Co	01-29-85	G		
ST85-501	Channel Industries Gas Co	Texas Eastern Transmission Corp	01-30-85	C		
ST85-502	Texas Eastern Transmission Corp	Philadelphia Gas Works	01-30-85	B		
ST85-503	Transcontinental Gas Pipe Line Corp	Carbonaire Co	01-30-85	F(157)		
ST85-504	National Fuel Gas Supply Corp	Penidrick Laundry, Inc	01-31-85	F(157)		
ST85-505	Michigan Gas Storage Co	Allied Paper, Inc	01-31-85	F(157)		
ST85-506	Michigan Gas Storage Co	James River, Inc	01-31-85	F(157)		
ST85-507	Michigan Gas Storage Co	General Motors Corp	01-31-85	F(157)		
ST85-508	Trunkline Gas Co	Entex, Inc	01-31-85	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBtu)
ST85-509	Superior Offshore Pipeline Co	LGS Intrastate, Inc	01-31-85	B		
ST85-511	SNG Intrastate Pipeline Inc	Galaxy Energies, Inc	01-31-85	C	06-30-95	15.00
ST85-513	Gulf South Pipeline Co	Florida Gas Transmission Co	01-30-85	G(HS)		
ST85-514	United Gas Pipe Line Co	American Cynamid Co	01-30-85	F(157)		
ST85-515	United Gas Pipe Line Co	Southern Natural Gas Co	01-30-85	G		
ST85-516	Kansas Power and Light Co	Northern Natural Gas Co	01-31-85	G(HT)		
ST85-517	Natural Gas Pipeline Co. of America	Tennessee Gas Pipeline Co	01-31-85	G		
ST84-1305	Transcontinental Gas Pipe Line Corp	Elizabethtown Gas Co	05-16-84	B		

[1] The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.
[2] The intrastate pipeline has sought Commission approval of its transportation rate pursuant to § 284.123(b)(2) of the Commission's Regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 85-6909 Filed 3-21-85; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 8553-001]

Surrender of Preliminary Permit; Pine Crest Hydro Limited

March 19, 1985.

Take notice that Pine Crest Hyro Limited, Permittee for the proposed Pine Crest Hydroelectric Project No. 8553, has requested that its preliminary permit be terminated. The preliminary permit was issued on February 6, 1985, and would have expired on July 31, 1986. The project would have been located on Beaver Creek in Menedocino County, California. The Permitte states that a perliminary permit study found that the project would not be economically feasible to develop at this time.

The Permittee filed the request on February 12, 1985, and the preliminary permit for Project No. 8553 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,
Secretary.

[FR Doc. 85-6910 Filed 3-21-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA85-3-17-000 and TA85-3-17-001]

Proposed Changes in FERC Gas Tariff; Texas Eastern Transmission Corp.

March 19, 1985.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on March 14, 1985 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, six copies each of the following tariff sheets:

Second Revised Seventy-second Revised Sheet No. 14 (3 pages)
Seventy-second Revised Sheet No. 14A
Seventy-second Revised Sheet No. 14B
Seventy-second Revised Sheet No. 14C
Seventy-second Revised Sheet No. 14D

The above tariff sheets are being issued to reflect in Texas Eastern's rates the impact of Texas Eastern's exercise of "market out" provisions in certain of its gas purchase contracts to $3.00 per MMBtu plus taxes effective March 1, 1985. The calculation of the projected unit cost of gas from Texas Eastern's February 1, 1985 PGA filing has been revised to reflect the prices resulting from the excercise of the market out provisions for those certain gas purchase contracts. The resulting reduced projected unit cost of gas has been compared to the Docket No. RP84-108 base average gas cost from Texas Eastern's motion filing of February 7, 1985. These reduced rates are reflected on the above tariff sheets. The rate reduction equates to 5.65 cents per dth in the commodity component of Texas Eastern's rates.

The proposed effective date of the above tariff sheets is March 1, 1985, coincident with the effectiveness of Texas Eastern's exercise of market out provisions.

Texas Eastern has requested waiver of its tariff and any of the Commission's regulations that the Commission may deem necessary to accept the above tariff sheets to be effective on March 1, 1985, in light of the rate reduction involved.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 27, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 85-6911 Filed 3-21-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA85-2-29-003]

Proposed Changes in FERC Gas Tariff; Transcontinental Gas Pipe Line Corp.

March 19, 1985.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on March 14, 1985, tendered for filing Second Substitute Thirty-Third Revised Sheet No. 12 and Second Substitute Thirty-Fourth Revised Sheet No. 12 to its FERC Gas Tariff Second Revised Volume No. 1. The proposed effective dates of these sheets are February 13, 1985 and March 1, 1985, respectively. The revised tariff sheets reflect a revision to the storage "tracking" rate increase filed on February 26, 1985 in accordance with section 26 of Transco's General Terms and Conditions. Section 26 provides for, among other things, changes in rates for storage service rendered under Transco's Rate Schedule S-2 to reflect changes in charges by Texas Eastern's Rate Schedule X-28.

As a result of Texas Eastern's filing of February 28, 1985 in Docket No RP84-108, proposed effective February 13, 1985 Transco will increase its demand charge and demand charge adjustment in Rate Schedule S-2 in order to flow through to Transco's customers an increase of approximately $72,000 in Texas Eastern's X-28 demand charge from the amount included in Transco's filing of February 26, 1985.

Transco states that copies of the filing are being mailed to each of its customers and interested State Commissions.

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 Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 andd 385.214). All such motions or protests should be filed on or before March 27, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-6912 Filed 3-21-85; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Availability of Report; Completing the Intertie

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Availability of Report Completing the Intertie.

SUMMARY: In the 1983 Energy and Water Appropriations Bill (H.R. 7145) the House Committee on Appropriations (Report Number 97-850 dated September 21, 1982), directed that the Western Area Power Administration (Western) "should expedite work on the previously approved high voltage direct-current transmission line between Celilo Substation at the Dalles Dam and Mead Substation at Hoover Dam." In response to this direction, Western's Boulder City Area Office undertook a study of the technical and financial merits of constructing the remaining high voltage transmission system of the Pacific Northwest-Pacific Southwest Intertie (Intertie) as authorized by Congress under Pub. L. 88-552 (78 Stat. 756) dated August 31, 1964.

The report, entitled "Completing the Intertie," was prepared by Salt River Project Agricultural Improvement and Power District under the direction of Western. The report addresses the issues involved in determining the merits of finishing construction of the Intertie, recommends modifications to the original plans necessary to accommodate long-range forecasts of resources and loads, encourages participation by others, and outlines a three-phase implementation program. The report is a two-volume set with Volume one providing a report summary of the detailed information presented in Volume Two. The report is available to all interested parties upon request.

Interested parties may contact Mr. Thomas Carter, Assistant Area Manager for Power Marketing, at the address shown below.

ADDRESS: Inquiries shall be directed to: Mr. Thomas V. Carter, Assistant Area Manager for Power Marketing, Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, NV 89005, (702) 293-8855.

Issued in Golden, Colorado, March 11, 1985.

William H. Clagett,

Acting Administrator

[FR Doc. 85-6662 Filed 3-21-85; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59184B; FRL-2801-3]

Certain Chemicals; Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of two applications for test marketing exemptions (TMEs) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-85-22 and TME-85-23. The test marketing conditions are described below.

EFFECTIVE DATE: March 15, 1985.

FOR FURTHER INFORMATION CONTACT: Daniel Dickson, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611C, 401 M St. SW., Washington, DC. 20460, (202-382-3380).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permits them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury.

EPA hereby approves TME-85-22 and TME-85-23. EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the TME applications, and for the time period and restrictions (if any) sepcified below, will not present any unreasonable risk of injury to health or the environment. Production volumes, use, and the number of customers must not exceed that specified in the applications. All other conditions and restrictions described in this notice must be met.

The following additional restrictions apply. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME. In addition, the Company shall maintain the following records until five years after the dates they are created and shall make them available for inspection or copying in accordance with section 11 of TSCA.

1. The applicant must maintain records of the quantity of the TME substances produced and must make these records available to EPA upon request.

2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

3. The applicant must maintain a copy of the bill of lading that accompanies each shipment of the TME substance.

T85-22

Date of Receipt: February 12, 1985.

Notice of Receipt: February 22, 1985 (50 FR 7383).

Applicant: Confidential.

Chemical: (G) Brominated Unsaturated Polyester Resin.

Use: (G) Building Materials.

Production Volume: Confidential.

Number of Customers: Confidential.

Worker Exposure: Confidential.

Test Marketing Period: Six months.

Commencing on: March 15, 1985.

Risk Assessment: EPA identified no significant health or environmental concerns. Therefore, the test market substance will not present any unreasonable risk of injury to health or the environment.

Public Comments: None.

T85-23

Date of Receipt: February 12, 1985.

Notice of Receipt: February 22, 1985 (50 FR 7383).

Applicant: Confidential.

Chemical: (G) Unsaturated Polyester Resin.

Use: (G) Intermediate Polymer.
Production Volume: Confidential.
Number of Customers: Confidential.
Worker Exposure: Confidential.
Test Marketing Period: Six months.
Commencing on: March 15, 1985.
Risk Assessment: EPA identified no significant health or environmental concerns. Therefore, the test market substance will not present any unreasonable risk of injury to health or the environment.
Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: March 15, 1985

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 85-6781 Filed 3-21-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59184A; FRL-2801-4]

Certain Chemical; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-85-21. The test marketing conditions are described below.

EFFECTIVE DATE: March 15, 1985.

FOR FURTHER INFORMATION CONTACT: Charlotte White, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611B, 401 M St. SW., Washington, DC. 20460, (202) 475-8992.

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME-85-21. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. The production volume, use and the number of customers must not exceed that specified in the application.

The following additional restrictions apply to TME-85-21. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME. In addition, the Company shall maintain the following records until five years after the dates they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. The applicant must maintain records of the quantity of the TME substance produced and must make these records available to EPA upon request.

2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

TME 85-21

Date of Receipt: February 8, 1985.
Notice of Receipt: February 22, 1984 (50 FR 7383).
Applicant: Confidential.
Chemical: (G) Modified polyether.
Use: (G) Binder constituent for an industrial coating having an open, non-dispersive use.
Production Volume: 8,000 kilograms.
Number of Customers: Four.
Worker Exposure: Confidential.
Test Marketing Period: Six months.
Commencing on: March 15, 1985.
Risk Assessment: EPA identified no significant health or environmental concerns. Therefore, the test market substance will not present any unreasonable risk of injury to health or the environment.
Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: March 15, 1985.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 85-6780 Filed 3-21-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51563; FRL-2802-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of fifteen PMNs and provides a summary of each.

DATES: Close of Review Period:

P 85-647—June 4, 1985.

P 85-648, 85-649, 85-650 and 85-651—June 5, 1985.

P 85-652 and 85-653—June 8, 1985.

P 85-654, 85-655, 85-656, 85-657, 85-658 and 85-659—June 9, 1985.

P 85-660 and 85-661—June 10, 1985.

Written comments by:

P 85-647—May 5, 1985.

P 85-648, 85-649, 85-650 and 85-651—May 6, 1985.

P 85-652 and 85-653—May 9, 1985.

P 85-654, 85-655, 85-656, 85-657, 85-658 and 85-659—May 10, 1985.

P 85-660 and 85-661—May 11, 1985.

ADDRESS: Written comments, identified by the document control number "[OPTS-51563]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street SW., Washington, DC 20460 (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street SW., Washington, DC 20460 (202-382-3725).

SUPPLEMENTARY INFORMATION:

A nonsubstantive change in the prefixes is being initiated for information published under sections 5(d)(2) and 5(h)(6) of the Toxic Substances Control Act (TSCA). The notices will contain essentially the same information but the prefixes to the specific number assignment will appear in an abbreviated form. Prefixes under the modified format will use the letters "P" (PMN), "T" (TMEA) and "Y" (POLYMER EXEMPTION). The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

P 85-647

Manufacturer. Confidential.

Chemical. (G) Trisubstituted naphthalenecarboxamide.

Use/Production. (G) Contained in use in an article. Prod. range: 800-1,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 16 workers, up to 3.0 hrs/da, up to 4 da/yr.

Environmental Release/Disposal. 0 to 9 kg/batch released to water. Disposal by navigable waterway with less than or 9 kg/batch by biological treatment system and less than 2 kg/batch incinerated.

P 85-648

Manufacturer. Pennwalt Corporation.

Chemical. (G) Isopropylidene-bis-(1,1-dimethylproply) derivative.

Use/Production. (G) Polymerization initiator, curing agent, polymer modifier. Prod. range: Confidential.

Toxicity Data. Ames Test: Non-mutagenic.

Exposure. Confidential.

Environmental Release/Disposal. No release. Disposal by plant wastewater treatment facility.

P 85-649

Manufacturer. Confidential.

Chemical. (G) Sulfurized alkyl phenol.

Use/Production. (G) Lubricant additive. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 85-650

Importer. Fairmount Chemical Company, Inc.

Chemical. (G) Mixed amine/alkane spiropolycarboxylate octaesters.

Use/Import. (G) Product to be used as light stabilizer for plastics. Import range: Confidential.

Toxicity Data. Acute oral: 1,900 mg/kg; Ames Test: Nonmutagenic.

Exposure. Confidential.

Environmental Release/Disposal. No data submitted.

P 85-651.

Importer. Fairmount Chemical Company, Inc.

Chemical. (G) Mixed amine/alkane spiropolycarboxylate octaesters.

Use/Import. (G) Product to be used as light stabilizer for plastics. Import range: Confidential.

Toxicity Data. Acute oral: 1,500 mg/kg; Ames Test: Nonmutagenic.

Exposure. Confidential.

Environmental Release/Disposal. No data submitted.

P 85-652

Manufacturer. Owens-Corning Fiberglas Corporation.

Chemical. (G) Reacted epoxy resin.

Use/Production. (G) Size ingredient. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: a total of 2-10 workers, up to 24 hrs/da, up to 350 da/yr.

Environmental Release/Disposal. Release to air and water. Disposal by POTW, incineration and on-site treatment plant.

P 85-653

Manufacturer. Confidential.

Chemical. (G) Organomagnesium compound.

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal, a total of 24 workers based on 3 shifts of operators and 6 laboratory workers involved in analyses.

Environmental Release/Disposal. 0.5 kg/batch incinerated with disposal in a landfill.

P85-654

Manufacturer. Confidential.

Chemical. (G) Halogenated organo-metal complex.

Use/Production. (S) catalyst. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, total of 7 workers, up to 24 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. No release.

P 85-655

Manufacturer. Confidential.

Chemical. (G) Quaternary ammonium humate.

Use/Production. (S) Fluid loss control agent in oil-based muds used in drilling for oil and gas. Prod. range: Confidential.

Toxicity Data. Confidential.

Exposure. Manufacture: dermal and inhalation, a total of 1 worker.

Environmental Release/Disposal. No release to air, water and land.

P 85-656

Importer. EM Industries.

Chemical. (G) Cyanobiphenyl, alkyl cyclohexane carboxylic acid.

Use/Import. (G) Functional chemical to manufacture electro-optical devices (contained use). Import range: 5-210 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames Test: Not mutagenic.

Exposure. Processing: Dermal, a total of 20-50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release.

P 85-657

Importer. EM Industries.

Chemical. (G) Cyano-alkylterphenyl.

Use/Import. (G) Functional chemical to manufacture electro-optical devices (contained use). Import range: 5-140 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames Test: Not mutagenic.

Exposure. Processing: Dermal, a total of 20-50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release.

P 85-658

Importer. EM Industries.

Chemical. (G) Cyanobiphenyl, alkylbenzoic acid.

Use/Import. (G) Functional chemical to manufacture electro-optical devices (contained use). Import range: 5-140 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames Test: Not mutagenic.

Exposure. Processing: Dermal, a total of 20-50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release.

P 85-659

Importer. EM Industries.

Chemical. (G) Cyano napthyl, alkyl cyclohexane carboxylic acid.

Use/Import. (G) Functional chemical to manufacture electro-optical devices

(contained use). Import range: 5–210 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Ames Test: Not mutagenic.

Exposure. Processing: Dermal, a total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release.

P 85–660

Importer. Confidential.

Chemical. (G) Fatty acids, esters with alkanolamine, alkoxylated.

Use/Import. (G) Dissolving pulp additive. Import range: Confidential.

Toxicity Data. Acute oral: >5.0 g/kg; Irritation: Skin—Slight to well-defined, Eye—Temporary irritant; Ames test: Not mutagnenic; Skin sensitization: No evidence.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 85–661

Manufacturer. Ethyl Corporation.

Chemical. (G) Alkylthiophenol.

Use/Production. (G) Chemical intermediates/antioxidant/uv stabilizer. Prod. range: Confidential.

Toxicity Data. Acute oral: 1,705 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Mild, Eye—Severe; Ames Test: Non-genotoxic; Culture/DNA repair test: Non-genotoxic.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. Confidential.

Dated: March 18, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 85–6774 Filed 3–21–85; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59708; FRL–2802–2]

Certain Chemicals; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices area discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of five such PMNs and provides a summary of each.

DATES: Close of Review Period:

Y 85–29—March 28, 1985.

Y 85–30—March 30, 1985.

Y 85–31, 85–32 and 85–33—April 1, 1985.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–611, 401 M Street SW., Washington, DC 20460 (202–382–3725).

SUPPLEMENTARY INFORMATION: A nonsubstantive change in the prefixes is being initiated for information published under sections 5(d)(2) and 5(h)(6) of TSCA. The notices will contain essentially the same information but the prefixes to the specific number assignment will appear in an abbreviated form. Prefixes under the modified format will use the letters "Y" (POLYMER EXEMPTION), "P" (PMN) and "T" (TMEA). The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room E–107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 85–29

Manufacturer. Confidential.

Chemical. (G) Modified rosin ester.

Use/Production. (S) Industrial heat set web offset printing inks. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: Dermal and inhalation, 4 workers.

Environmental Release/Disposal. Less than 0.2 kg/batch released to water with less than 8 kg/batch to land. Disposal by publicly owned treatment works (POTW) and sanitary landfill.

Y 85–30

Manufacturer. Confidential.

Chemical. (G) Acrylic polymer.

Use/Production. (G) Dispersant. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 85–31

Importer. The Goodyear Tire and Rubber Company.

Chemical. (G) Styrene acrylate t-thiol polymer.

Use/Import. (S) Industrial and commercial polymeric plasticizer for use in paints. Import range: 20,000–100,000 kg/yr.

Toxicity Data. Acute oral: >6,700 mg/kg; Irritation: Skin—Irritant; Ames Test: Non-mutagenic.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 85–32

Manufacturer. Amoco Chemicals Corporation.

Chemical. (G) Terpolyamide (polymer).

Use/Production. (G) Polymer sold for manufacture into injection molded parts and/or extruded film and fiber. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 85–33

Manufacturer. Amoco Chemicals Corporation.

Chemical. (G) Copolyamide (polymer).

Use/Production. (G) Polymer sold for manufacture into injection molded parts and/or extruded film and fiber. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Dated: March 18, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 85–6775 Filed 3–21–85; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59187; FRL–2802–1]

Certain Chemicals; Test Marketing Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing

exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for an exemption, provides a summary, and requestrs comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by: April 8, 1985.

ADDRESS: Written comments, identified by the document control number "[OPTS-59187]" and the specific TME number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Room. E-4201, 401 M Street SW., Washington, DC 20460 (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Room. E-611, 401 M Street SW., Washington, DC. 20460 (202-382-3725).

SUPPLEMENTARY INFORMATION: A nonsubstantive change in the prefixes is being initiated for information published under sections 5(d)(2) and 5(h)(6) of the Toxic Substances Control Act (TSCA). The notices will contain essentially the same information but the prefixes to the specific number assignment will appear in an abbreviated form. Prefixes under the modified format will use the letters "T" (TMEA), "P" (PMN) and "Y" (POLYMER EXEMPTION). The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

T 85-29

Close of Review Period. April 21, 1985.
Manufacturer. Confidential.
Chemical. (G) Sodium salt of a lower alkylol sulfonic acid.
Use/Production. (G) Metal finishing. Prod. range: <1,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

T 85-30

Close of Review Period. April 25, 1985.
Manufacturer. Confidential.
Chemical. (G) Halogenated organo-metal complex.
Use/Production. (S) Catalyst. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: Dermal, a total of 7 workers, up to 24 hrs/da, up to 20 da/yr.
Environmental Release/Disposal. No release.

Dated: March 18, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 85-6776 Filed 3-21-85; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2802-5]

Environmental Impact Statements; Availability

RESPONSIBLE AGENCY: Office of Federal Activities, General Information, (202) 382-5073 or (202) 382-5075. Availability of Environmental Impact Statements filed March 11, 1985 through March 15, 1985 Pursuant to 40 CFR 1506.9.

EIS No. 850095, Final, FHW, OR, Salmon River Highway Widening, East McMinnville Interchange to Airport Road, Yamhill County, Due: April 22, 1985, Contact: Dale Wilken, (503) 399-5749.

EIS No. 850096, Final, OSM, TN, Tennessee Federal Program, Surface Coal Mining Operations, Comprehensive Impacts, Permits, Due: April 22, 1985, Contact: Mark Boster, (202) 343-5854.

EIS No. 850097, DSuppl, COE, AL, Upper Mobile Harbor Dredged Material Disposal, Maintenance Dredging, Long Range Disposal Plan, Due: May 6, 1985, Contact: Lawrence Green, (205) 690-2511.

EIS No. 850098, Final, FHW, KS, Southern Arterial Construction, Fort Riley Blvd/KS-18 to Tuttle Creek Blvd/US 24, Riley County, Due: April 22, 1985, Contact: Martin Convisser, (202) 426-4357.

EIS No. 850099, Darft, MMS, AK, 1986 Norton Basin, Outer Continental Shelf (OCS) Oil and Gas Sale No. 100, Lease Offering, Bering Sea, Due: May 6, 1985, Contact: Richard Miller, (202) 343-6264.

EIS No. 850100, Final, FHW, CA, I-5 Improvement, Lakehead Undercrossing to Shotgun Creek, Shasta County, Due: April 22, 1985, Contact: David Eyres, (916) 440-3541.

EIS No. 850101, Draft, MMS, CA, Point Pedernales Field Offshore Oil and Gas Outer Continental Shelf Development Projects, Approval, Central Santa Maria Basin, Santa Barbara County, Due: May 6, 1985, Contact: Donna Brewer, (213) 688-4480.

EIS No. 850102, DSuppl, COE, FL, Canaveral Harbor West Basin and Approach Channel Navigation Improvement, Fish and Wildlife Mitigation Plans, Brevard County, Due: May 6, 1985, Contact: Dr. Jonathan Moulding, (904) 791-2288.

EIS No. 850103, Final, NPS, AK, Denali National Park and Preserve, Kantishna Hills and Dunkle Areas, Mineral Leasing Program, Due: April 22, 1985, Contact: Linda Nebel, (907) 271-4196.

EIS No. 850104, Final, USCG, REG, 46 U.S.C. 3705(C) and 3706(D) Regulations, Pollution Prevention, Amendment to the Port and Tanker Safety Act of 1978, Due: April 22, 1985, Contact: Jeffrey G. Lantaz, (202) 426-4431.

Amended Notices

EIS No. 850067, DSuppl, COE, AL, GA, Alabama-Coosa Rivers Navigation Channel, Operation and Maintenance, Due: April 15, 1985, Contact: Michael Eubanks, (205) 694-3861, Published FR 3-1-85—Incorrect phone number.

EIS No. 850065, Draft, UMT, CA, San Diego East Urban Corridor Transportation Improvement, San Diego County, Due: April 18, 1985, Published FR 2-22-85, Review extended.

Dated: March 19, 1985.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 85-6896 Filed 3-21-85; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2802-6]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared March 4, 1985 through March 8, 1985 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5075/76. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated October 19, 1984 (49 FR 41108).

Draft EISs

ERP No. D-AFS-G82003-NM, Rating LO, Western Spruce Budworm Mgmt. Program, Carson Natl Forest, NM. Summary: EPA has not identified any potential environmental impacts requiring substantive changes to the proposal.

ERP No. DS-FHW-J40096-MT, Rating LO, Reserve Street Construction, US 93 to South 3rd Street, MT. Summary: EPA does not believe the activities described in the draft supplement will violate any EPA environmental standards.

ERP No. D-SCS-L36098-ID, Rating EC2, Little Lost River Flood Prevention Plan, ID. Summary: EPA requested that the FEIS examine the feasibility of screening the diversion structure in order to avoid annual losses of fish in the dewatered section of the river. EPA also urged that the mitigation plan be implemented as quickly as possible, since initial stages of project construction have already begun on an emergency basis.

ERP No. D-USN-K10008-NV, Rating EO2, Fallon Naval Air Station, Supersonic Operations Area, Designation and Strike Warfare Center, Establishment, NV. Summary: EPA identified significant impacts resulting from water quality conditions and noise impacts. EPA requested that more information be provided concerning impacts of sustained supersonic operations on human health and sensitive sites.

Final EISs

ERP No. FS-FHW-D40208-VA, I-664 Bridge-Tunnel Complex Construction, Crossing Hampton Roads, Connecting Hampton and Newport News to Suffolk, VA. Summary: EPA expressed no objection to further development of the project provided hydraulic dredging is used at all areas above 60 feet (except at the small boat harbor and at the two dredge access channels), and provided the monitoring level for overflow turbidity is established at 150 mg/1 at 200 meters.

ERP No. F-FHW-K40101-CA, CA-1/ Pacific Coast Highway Improvement, CA-73/MacArthur Blvd. to CA-55/ Newport Blvd., CA. Summary: EPA had no comments on the FEIS, but did request a copy of the Record of Decision when it is issued.

Amended Notice

ERP No. DS-AFS-A82112-00, Gypsy Moth Suppression and Eradication Program, US. The status was incorrectly published as a Draft EIS in the 3/1/85 FR. The correct Status is Draft Supplement.

Dated: March 19, 1985.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 85-6895 Filed 3-21-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

[No: 85-188]

Periodic Reports Required of Savings Institutions, Sections A, B, C, D, E, F, G, H, I, and K

Date: March 19, 1985.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The public is advised that the Federal Home Loan Bank Board has submitted a revised information collection request, "Periodic Reports Required of Savings Institutions, Sections A, B, C, D, E, F, G, H, I, and K", to the Office of Management and Budget for expedited approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Comments: Comments on the information collection request are welcome and should be submitted within 10 days of publication of this notice in the **Federal Register.** Comments regarding the paperwork-burden aspects of the request should be directed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington D.C. 20503, Attention: Desk Officer for the Federal Home Loan Bank Board.

The Board would appreciate commenters sending copies of their comments to the Board.

Requests for copies of the proposed information collection request and supporting documentation are obtainable at the Board address given below:

Director, Information Services Section, Office of Secretariat, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, Phone: 202-377-6933

FOR FURTHER INFORMATION CONTACT: Richard Pickering, Office of Policy and Economic Research. Phone: 202-377-6770.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 85-6874 Filed 3-21-85; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Citicorp, et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 11, 1985.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp,* New York, New York; to engage *de novo* in the provision to others of data processing and data transmission services, facilities (including data processing and data transmission hardware, software, documentation or operating personnel), data bases, or access to such services,

facilities, or data bases by any technological means, as permitted by § 225.25(b)(7) of Regulation Y.

B. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *CVB Financial Corp.*, Chino, California; to engage *de novo* through its subsidiary, Community Trust Deed Services, Colton, California, in servicing real estate loans for its own account or for the account of others and purchasing loans secured by second trust deeds from businesses or individuals.

Board of Governors of the Federal Reserve System, March 18, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-6785 Filed 3-21-85; 8:45 am]

BILLING CODE 6210-01-M

C & P Bank Corporation of Pensacola, 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 April 12, 1985.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *C & P Bank Corporation of Pensacola*, Pensacola, Florida; to acquire 100 percent of the voting shares or assets of Gulfside National Bank, Gulf Breeze, Florida.

2. *Summerville/Trion Bancshares, Inc.*, Trion, Georgia; to become a bank holding company by acquiring 80 percent of the voting shares of First National Bank of Chattooga County, Trion, Georgia.

B. Federal Reserve Bank of Chicago (Franklin D. Dryer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Associate Banc-Corp.*, Green Bay, Wisconsin; to acquire 100 percent of the voting shares or assets of State Bank of De Pere, De Pere, Wisconsin.

2. *First Wisconsin Corporation*, Milwaukee, Wisconsin; to acquire 100 percent of the voting shares or assets of First Bank of Grantsburg, Grantsburg, Wisconsin.

3. *Sidell Bancorp, Inc.*, Sidell, Illinois; to become a bank holding company by acquiring 91.26 percent of the voting shares of Sidell State Bank, Sidell, Illinois.

Board of Governors of the Federal Reserve System, March 18, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-6786 Filed 3-21-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

1985 Contribution and Benefit Base Under Pre-1977 Amendment Law

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Determination of the "Old-Law" Social Security Contribution and Benefit Base.

SUMMARY: The Social Security Amendments of 1977 set the contribution and benefit base at $22,900 for 1979, $25,900 for 1980 and $29,700 for 1981. After 1981, the base increases as average wage levels rise. The contribution and benefit base is the maximum annual amount of earnings that is subject to Social Security taxes and is creditable toward Social Security benefits. The 1977 amendments also provide for separate annual determinations of the contribution and benefit base that would have been in effect under old law (pre-1977 law). The "old-law" base is used by the Railroad Retirement program, the Pension Benefit Guaranty Corporation, and by Social Security. This notice specifies that the amount for 1985 under pre-1977 law is $29,700.

FOR FURTHER INFORMATION CONTACT: Clare M. Albrecht, Office of the Actuary, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-3882.

SUPPLEMENTARY INFORMATION: The Social Security Amendments of 1977 (Pub. L. 95-216) changed the contribution and benefit base, which is the maximum annual amount of earnings on which Social Security taxes are paid and a person's Social Security benefits are figured. Section 230(c) of the Social Security Act specifies the contribution and benefit base for 1979, 1980, and 1981 and a computation formula to use for years after 1981. Using this computation formula, we determined the contribution and benefit base to be $39,600 for 1985. We published this information in the **Federal Register** on October 31, 1984 (49 FR 43775).

"Old-Law" Contribution and Benefit Base

The "old-law" contribution and benefit base is the base that would have been effective in each year after 1977 under the Social Security Act before the enactment of the 1977 amendments. The base is computed under section 230 of the Social Security Act as it read prior to the 1977 amendments.

Computation

We would determine the "old-law" contribution and benefit base for 1985 by multiplying the corresponding 1984 base by the ratio of average wages reported for 1983, $15,239.24, to average wages reported for 1982, $14,531.34 or 1.0487154. We previously explained in the **Federal Register** how we computed these average wages (October 31, 1984 at 49 FR 43775).

Multiplying the "old-law" 1984 contribution and benefit base of $28,200 by the above ratio results in the amount of $29,573.77, which must be rounded to the nearest multiple of $300. Theredore, we determine the "old-law" base for 1985 to be $29,700.

Railroad Retirement Uses

The Railroad Retirement program will use the 1985 "old-law" base of $29,700 to determine:

(1) Employee and employer tax liability under sections 3201(a) and 3221(a) of the Internal Revenue Code of 1954;

(2) The portion of the employee representative tax liability under section 3211(a) of the Internal Revenue Code of 1954 which results from the application of the 13.75 percent rate specified in that section; and

(3) Average monthly compensation under section 3(j) of the Railroad Retirement Act of 1974, but not annuity amounts determined under sections 3(a) or 3(f)(3) of that act.

These uses are stated in section 230(c) of the Social Security Act.

Employee Retirement Income Security Act (ERISA) Use

Under section 230(d) of the Social Security Act, ERISA will use the 1985 "old-law" base of $29,700 to determine the maximum pension benefit guaranteed by the Pension Benefit Guaranty Corporation for pension benefit plans terminating in 1985.

Social Security Uses

Social Security will use the "old-law" base to determine a "year of coverage" in computing:

(1) Special minimum Social Security benefits payable under section 215(a) of the Social Security Act to workers with many years of low earnings; and

(2) Beginning in 1986, benefits, as provided under section 215 (a) and (d) of the Social Security Act as amended by Pub. L. 98-21, for persons receiving pensions based on employment not covered under section 210.

If, in 1985, a worker's earnings amount to at least 25 percent of the "old-law" base of $29,700, we will credit the worker with a "year of coverage" for 1985.

(Catalog of Federal Domestic Assistance Program Nos. 13.803, Social Security-Retirement Insurance; 57.001, Social Security Insurance for Railroad Workers)

Dated: March 18, 1985.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 85-6843 Filed 3-21-85; 8:45 am]

BILLING CODE 4190-11-M

Health Policy; Applications for Grants

Pursuant to section 1110A of the Social Security Act, the Assistant Secretary for Planning and Evaluation (hereafter the Assistant Secretary) is seeking applications for research in the area of health policy.

A. Type of Application Requested

This announcement seeks applications for projects to develop and conduct a program of research and analysis pertaining to geographic variations in health care expenditures. In particular, the Department is interested in the decomposition of geographic variation into factors that permit a more complete understanding of such variation than current evidence permits. The Department wishes to advance knowledge of the sources underlying geographic variation emphasizing an assessment of the extent to which specific factors are endogenous to decisions made within the health care sector or exogenous to such decisions. The Departments' interest in this topic includes both the general population and the population of medicare beneficiaries.

The following paragraphs explain the area of interest in greater detail. Applications should be for projects that will address the issues discussed below; other issues may also be included if they are clearly demonstrated to be relevant to the general area of interest.

1. Background

In a combined intramural and extramural effort, the Health Policy Office of the Assistant Secretary has performed some preliminary analyses of geographic variation in hospital costs. Under a contract with SysteMetrics, Inc., state and SMSA variations in per capita hospital costs were analyzed using the 1981 AHA Annual Survey of Hospitals and other data. Although this work was exploratory, it provided some preliminary indications that a decomposition of geographic variation is feasible.

A brief description of the work completed by SysteMetrics follows as an example of the type of project that the Assistant Secretary is interested in funding. Grantee may propose an analysis of geographic variation using the same conceptual framework or alternatively, develop models structured on some other conceptual basis.

The following definitional relationship provided the conceptual framework for the analyses carried out by SysteMetrics:

$$\frac{\text{Costs}}{\text{Capita}} = \frac{\text{Illness}}{\text{Capita}} \times \frac{\text{Utilization}}{\text{Illiness}} \times \frac{\text{Inputs}}{\text{Utilization}} \times \frac{\text{Costs}}{\text{Input}}$$

Illness per capita and input prices (cost per input) might be viewed as beyond hospital control, but utilization (per illness) and intensity (inputs per utilization) are subject to hospital control. SysteMetrics was asked to estimate the relative contributions of each of the four conceptual variables to variations in hospital costs per capita.

The paradigm shown above was tested using standard multiple regression techniques. The results yield strong indications that a substantial portion of geographic variation is due to factors under the control of providers (hospitals in this case). A large amount of multicollinearity among the explanatory variables was observed, however, especially between the variables representing factors outside hospitals' control and between those within their control. Thus, the struture of the model together with the choice of proxy variables make it difficult to accurately estimate the relative contributions of these factors.

2. Critical Elements

There are several critical elements that are most relevant to the program of research solicited. These are briefly discussed below and references to the above example are made, where appropriate, to illustrate each element.

a. *Knowledge of Research.* Grantee must demonstrate knowledge of past and current research relating to variations in health care expenditues due to geographic location as well as other factors (2,3,4).—In addition, grantee must demonstrate familiarity with empirical studies of variation in specific measures of health care utilization. This would include research on variation in hospital use (e.g., admission rates, lengths of stay, etc.) (5,6) and rates of surgery (7,8).

b. *Type of Health Care Expenditure to be Analyzed.* It is desirable that the type(s) of health care expenditure(s) selected for analysis insure a high degree of applicability of the results to current policies and programs of the Department.

The presentation of SysteMetrics' work above is not meant to suggest that hospital costs per capita is the only variable of interest to the Department. However, expenditures for hospital care accounted for 47 percent of total personal health expenditures in 1983. Furthermore, geographic variation in hospital costs will be an important issue with respect to refinements and extensions of the Prospective Payment System (PPS) as well as other health policy developments. Regional variation in the costs of physician services (accounting for other 22 percent of personal health care expenditures) promises to be another important issue as the Department considers the advisability and feasibility of integrating physician payment into PPS. Applicants are encouraged to include a discussion that carefully specifies the

appropriateness of the type of health care expenditure proposed for analysis. The Department is especially interested in analysis relevant to the use of inpatient hospital services by the Medicare beneficiary population. Of particular pertinence would be assessment of the effects on variation of payments based on diagnostic related groups (DRGs). Is there evidence, for example, that national DRGs will modify past patterns of geographic variation for the Medicare population? If movement toward the DRG-specific limits is observed for the Medicare population, does it also extend to the general population?

c. *Sources of Data.* A variety of potential data sources already exist that may be useful for this research effort. The example presented above used AHA survey data, National Hospital Discharge Survey data and the Health Interview Survey, among others. Additional sources might include the Area Resource File (ARF), HCFA's patient billings (PATBILL) and related data files, and the Current Population Survey (CPS).

Each of the above data sets has limitations and it is not expected that any one data set will be sufficient to carry out this research effort. The Grantee should specify the relevant source of available data (including others not mentioned here), evaluate the limitations of each, and propose a data based best suited for this project.

d. *Level of Data Aggregation.* The level of aggregation (e.g., states and SMSAs as in the above example) is an important consideration in the analysis of per capita expenditures. For example, aggregating into excessively large areas might tend to oversimplify and mask relationships reducing the variance between areas, and would certainly reduce the number of observations. Alternatively, an analysis where areas are disaggregated too finely might result in imprecise estimates of per capita expenditures, and the large number of areas resulting may diminish the usefulness for health care policy development.

The Grantee should propose a level (or levels) of aggregation with justification that address the problems mentioned above as well as any other appropriate considerations. On such consideration is the issue of border-crossing: What is the effect of patients travelling across borders to receive care on the aggregate measures of utilization? How does the effect differ for different levels of aggregation?

e. *Model Specification.* Decomposing the variation of health care expenditures into component factors can be accomplished using a variety of models; the SysteMetrics model is but one example. Multicollinearity is especially troublesome in this context because it exacerbates the problem of distinguishing the contribution to explaining variation in the dependent variable due to one class of independent variables from another class. Grantee should carefully explain how these relative contributions will be conceptually and empirically distinguished

Applicants are encouraged to explore alternative model specifications and propose one (or more) that could adequately decompose the variation of health care expenditures. Established statistical methodologies are preferred to new methodological development. However, an adequate level of sophistication is required to "solve" the technical problems mentioned above (e.g., multicollinearity).

3. Potential Users

Potential users of the research include Federal and State health policy makers involved in the evaluation and development of health care reimbursement systems. Hospital administrators, health insurance planners, and employers providing health insurance to employees at multiple sites would find this information useful in evaluating practice patterns, setting of insurance rates, and benefit structuring.

4. Types of Projects Excluded

In consideration of the intent of this announcement, applications concentrating primarily on small areas variations of health care expenditures (e.g., Griffith et al.,[8] and Wennberg and Gittelsohn[9]) will not be considered for funding. These would include studies directed toward the examination of particular States, thereby limiting the generalizability to national policy-making.[9, 90]

In addition, this announcement seeks empirical results of the analysis of geographic variation of health care expenditures using existing data. Applications that are *limited* to theoretical development or include new data collection efforts will not be considered.

5. Content and Organization of the Application

The application must begin with a cover sheet followed by the required application forms and an abstract (of not more than two pages) of the application. Failure to include the abstract may result in delays in processing the application. Each application should include the model to be analyzed, the data sources to be used, the methodologies proposed to test the model, and the policy issue(s) which the reseach will help illuminate. Resumes of staff should be included, as should a full budget and schedule of tasks for the proposed projects.

B. Applicable Regulations

1. "Grant Programs Administered by the Office of the Assistant Secretary for Planning and Evaluation" (45 CFR Part 63), which was published in the Code of Federal Regulations on October 1, 1980.

2. "Administration of Grants" (45 CFR Part 74).

C. Effective Data and Duration.

1. The grant award pursuant to this announcement is expected to be made on or about May 15, 1985.

2. In order to avoid unnecessary delays in the preparation and receipt of applications, this notice is effective immediately. The closing dates for applications are specified in Section F and G below.

3. Applicants may present a work plan and budget covering an eighteen month to two year period.

D. Statement of Funds Available

1. A total of $400,000 in FY 1985 funds has been set aside for one or more grants to be awarded as a result of this announcement. Organizations submitting applications may propose a project at a dollar range which they feel appropriate for the project proposed.

2. Nothing in this application should be construed as committing the Assistant Secretary to dividing available funds among all qualified applicants or to make any award.

E. Cost Sharing

Non-profit organizations submitting an application in response to this announcement must share costs of the project. This may be in the form of institutional or individual cost sharing. Which ever method is proposed, that method must be stated in Block 12 of Standard Form 424 and/ or specified in the budget section of the application.

F. Application Processing

1. Applications will be initially screened for relevance to the needs defined in section A (as well as additional areas of interest persuasively shown to be relevant by the grantee). If judged relevant, the application will then be reviewed by a government review panel, possibly augmented by outside experts. *Three (3) copies* of each application are required. Applicants are

encouraged to send an additional *seven (7) copies* of their application to ease processsing, but applicants will not be penalized if these extra copies are not included.

2. Applications will be judged as to eligibility, quality, and relevance, according to the criteria set forth in item 5.

3. An unacceptable rating on any individual criterion may render the application unacceptable. Consequently, applicants should take care to ensure that all criteria are fully addressed in the application.

4. Applications should be as brief and concise as is consistent with the information requirements of the reviewers. Applications should be limited to *25* doublespaced typed pages, exclusive of forms, abstract, resumes, and proposed budget; they should neither be unduly elaborate nor contain voluminous supporting documentation.

5. *Criteria for Evaluation.* Evaluation of applications will employ the following criteria. The relative weights are shown in parentheses.

a. The potential usefulness of the objectives and anticipated results of the proposed project for providing individuals and organizations concerned with the issues discussed in Section A above with improved bases for making decisions about these issues. (20 points.)

b. The potential usefulness of the proposed project for the advancement of scientific knowledge. (15 points.)

c. The clarity of statement of objectives, methods, and anticipated results. (15 points.)

d. The appropriateness and soundness of methodology, including research design, statistical techniques, modeling strategies, choice of data, and other procedures. (30 points.)

e. The qualifications and experience of personnel. (20 points.)

G. Applications Sent by Mail

Applications may be sent by either the U.S. Postal Service or a commercial carrier. Applications sent by U.S. Postal Service will be considered to be received on time by the Grants Officer if the application was sent by first class, registered or certified mail not later than April 30, 1985, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service. Applications sent by a commercial carrier will be considered to be received on time by the Grants Officer if sent not later than April 30, 1985 as evidenced by a receipt from the commercial carrier.

H. Hand-Delivered Applications

An application to be hand-delivered must be taken to the Grants Officer at the address listed at the end of this announcement. Hand-delivered applications will be accepted daily between 9:00 a.m. and 4:30 p.m., Washington, D.C., time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after close-of-business on April 30, 1985.

I. Disposition of Applications

1. *Approval, disapproval, or deferral.* On the basis of the review of the application, the Assistant Secretary will either (a) approve the application whole or in part; (b) disapprove the application; or (c) defer action on the application for such reasons as lack of funds or a need for further review.

2. *Notification of disposition.* The Assistant Secretary will notify the applicants of the disposition of their application. A signed notification of grant award will be issued to the contact person listed in block 4 of the application to notify the applicant of the approved application.

J. Application Instructions and Forms

Copies of applications should be submitted to: Grants Officer, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, 200 Independence Avenue, S.W., Room 457F, Hubert H. Humphrey Building, Washington, D.C. 20201, Phone (202) 245-1794. Questions concerning the preceding information should be submitted to the Grants Officer at the same address. Neither questions nor requests for applications should be submitted after April 8, 1985. Copies of the paper by the original contractor *An Analysis of Geographic Variation in Hospital Expenditures*, 60 pp., SysteMetrics, Inc., is available on request from the Grants Officer.

K. Federal Domestic Assistance Catalog

This announcement is not listed in the Federal Domestic Assistance Catalog.

L. This program is not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs" nor its implementing regulations at 45 CFR Part 100.

Dated: March 18, 1985.

Robert B. Helms,

Acting Assistant Secretary for Planning and Evaluation.

[FR Doc. 85-6842 Filed 3-21-85; 8:45 am]

BILLING CODE 4150-04-M

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on March 15, 1985.

Public Health Service

Health Resources and Services Administration

Subject: Application to Participate in the Health Professions Capitation Program—Reinstatement (0915-0089).

Respondents: Health Professions Schools.

Office of the Assistant Secretary for Health

Subject: NCHS Application for Technical Assistance—Extension (0937-0124).

Respondents: Individuals, state/local governments.

OMB Desk Officer: Fay S. Iudicello.

Food and Drug Administration

Subject: Quick Response Survey V (Aspirin Labeling Study).

Respondents: Individuals.

OMB Desk Officer: Bruce Artim.

Social Security Administration

Subject: Application for Benefits Under the Switzerland-U.S. International Social Security Agreement—SSA-4231—Revision (0906-0188).

Respondents: Individuals.

Subject: Direct Application Data Entry-Screens and Output Documents—New.

Respondents: Individuals.

OMB Desk Officer: Robert J. Fishman.

Health Care Financing Administration

Subject: Statement of Reimbursable Costs-Alcoholism Demonstration—HCFA-1480-B—Extension—(0938-0271).

Respondents: Non-profit institutions.

Subject: Financial Statement of Debtor HCFA-379—Extension—(0938-0270).

Respondents: Physicians and Medical Equipment Suppliers.

Subject: Report of Peer Review Organization (PRO) Review Activity—HCFA-516—New.

Respondents: Businesses or other for-profit.

Subject: Quarterly Acute Care General Hospital Report Summary and the Quarterly Speciality Hospital Review Reporting Summary—HCFA-510 and HCFA-511—New.

Respondents: Small businesses or organizations.

Subject: Identification of Extension Units of OPT/OSP Providers Extension—(0938-0273).

Respondents: Small businesses or organizations.

Subject: Admission and Quality Objective Progress Reports—HCFA-512 and HCFA 513—New.

Respondents: Businesses or other for-profit.

Subject: Medicaid State Agency Third Party Liability Inventory Form—HCFA-464—New.

Respondents: State/local governments.

Subject: Section 2405.3 of the Provider Reimbursement Manual on Adjustment for Indirect Cost of Medical Education—HCFA-R-68—New.

Respondents: Businesses or other for-profit.

Subject: 42 CFR 412.118(d) on Hours Worked by Interns and Residents BERC-279F PPS Rates FY 1985—HCFA-R-64—New.

Respondents: Businesses or other for-profit.

Subject: Information Collection Requirements in 42 CFR 405.460 Exemptions to Cost Limits—HCFA-R-41—Reinstatement—(0938-0331).

Respondents: Small businesses or organizations.

OMB Desk Officer: Fay S. Iudicello.

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, ATTN: (name of OMB Desk Officer).

Agency Forms Withdrawn from the Office of Management and Budget Clearance Process.

The Department of Health and Human Services has withdrawn the following information collection packages previously submitted to OMB for approval under the Paperwork Reduction Act.

Subject: Information Collection Requirements in HSQ-108-F, Peer Review Organization Assumption of Responsibilities 42 CFR 405.472, 431.630, 456.654, 466.70, 466.72, 466.74, 466.78, 466.80, and 466.94—(HCFA-R-71) New.

Reference: Federal Register/Volume 50, No. 51/Page 10544/Friday, March 15, 1985.

Subject: Information Collection Requirements in HSQ-109-F, Peer Review Organization Sanctions 42 CFR 474.36(b), 474.38 (a, b, and c), 474.39 (a and b) and 474.40 (a and b)—(HCFA-R-65) New.

Reference: **Federal Register**/Volume 50, No. 51/Page 10545/Friday, March 15, 1985.

Subject: Information Collection Requirements in HSQ-111-F Peer Review Organization Reconsideration and Appeals 42 CFR 473.18 (a and b), 473.34 (a and b), 473.36 (a and b) and 473.42(a)—(HCFA-R-72) New.

Reference: **Federal Register**/Volume 50, No. 51/Page 10545/Friday, March 15, 1985.

Dated: March 19, 1985.

Wallace O. Keene,

Acting Deputy Assistance Secretary for Management Analysis and Systems.

[FR Doc. 85-6884 Filed 3-21-85; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

Advisory Committees

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meetings: The following advisory committee meetings are announced:

Anesthetic and Life Support Drugs Advisory Committee

Date, time, and place. April 10 and 11, 9 a.m., Conference Rm. 6, Bldg. 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, April 10, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 3 p.m.; closed presentation of data and closed committee discussion, 3:15 p.m. to 5:15 p.m.; open committee discussion, April 11, 9 a.m. to 2:30 p.m.; James P. Hannan, Center for Drugs and Biologics (HFN-160), Food and Drug Administration, 5600 Fishers Lane, Rockville MD 20857, 301-443-3500.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the field of anesthesiology and surgery.

Agenda—Open public hearing. Interested persons asking to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee's contact person.

Open committee discussion. The committee will discuss: (1) Continuous use of intrathecal morphine sulfate; (2) recommended revisions of "Guidelines for the Clinical Evaluation of Local Anesthetics"; (3) Forane (isoflurane) hepatoxicity—clinical evidence; (4) safety and efficacy of 93 percent oxygen; (5) local versus general anesthesia for chemonucleolysis; and (6) adverse reactions with bupivacaine used during retrobulbar block.

Closed presentation of data/closed committee deliberations. The committee will hear trade secret or confidential commercial information relevant to transdermal drug administration systems and an investigational new drug exemption, IND 25,398. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Radiologic Devices Panel

Date, time, and place. April 15, 9 a.m., Rm. 416, 12720 Twinbrook Parkway, Rockville, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 11 a.m.; closed committee deliberations, 11 a.m. to 12 m.; open committee discussion, 1 p.m. to 4:30 p.m.; Robert Phillips, Center for Devices and Radiological Health (HFZ-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7514.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentation should notify the contact person before April 8, and submit a brief statement of the general nature of the evidence or argument they wish to present, the names and addresses of proposed participants, and

an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval applications for RF/Microwave Hyperthermia Devices.

Closed committee deliberations. The committee may discuss trade secret or confidential commercial information in premarket approval applications for RF/Microwave Hyperthermia Devices. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Blood Products Advisory Committee

Date, time, and place. April 24, 8:30 a.m., Conference Rm. 10, Bldg. 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m.; unless public participation does not last that long; open committee discussion, 9:30 a.m. to 2 p.m.; closed presentation of data and closed committee discussion, 2 p.m. to 5 p.m.; Isaac F. Roubein, Center for Drugs and Biologics (HFN–32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4696.

General function of the committee. The committee reviews and evaluates available data on the safety, effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases and on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee contact person.

Open committee discussion. The committee will hear and discuss the following topics: (1) The current status of acquired immunodeficiency syndrome (AIDS) and related blood issues including implementation of the antibody test to Human T-Lymphotropic virus Type III (HTLV III); (2) alanine aminotransferase (ALT) testing of source plasma donors; and (3) donor deferral policy related to transfusion associated hepatitis.

Closed presentation of data/closed committee deliberations. The committee will hear trade secret or confidential commercial information relevant to a premarket approval application for a new medical device (plasma/cell separator). This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings. This guideline was published in the **Federal Register** of April 13, 1984 (49 FR 14723). These procedures are primarily intended to expedite media access to FDA's public proceedings, including hearings before a public advisory committee conducted pursuant to Part 14 of the agency's regulations. Under this guideline, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including the presentation of participants at a public hearing. Accordingly, all interested persons are directed to the guideline, as well as the **Federal Register** notice announcing issuance of the guideline, for a more complete explanation of the guideline's effect on public hearings.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305) Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evalution of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general

preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigtional or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: March 18, 1985.

Joseph P. Hile,

Acting Commissioner for Food and Drugs.

[FR Doc. 85-6864 Filed 3-21-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83V-0426]

Availability of Approved Variance for Equine Laser Model No. 1001 and PSL Laser Model No. 1002

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a variance from the performance standard for laser products has been approved by FDA's Center for Devices and Radiological Health (CDRH) for the Equine Laser Model No. 1001 and the PSL Laser (human application) Model No. 1002 manufactured by Pain Suppression Labs, Inc. The Equine Laser Model No. 1001 is intended for use in pain control, reduction of edema, and healing enhancement. The PSL Laser currently is being evaluated for use in pain reduction in humans.

DATES: The variance for both laser products became effective November 13, 1984. The variance for the PSL Laser Model 1002 will be terminated after the manufacture of 10 units or upon completion of the approved clinical investigations on human subjects, whichever occurs first. The variance for the Equine Laser Model 1001 shall terminate on November 13, 1989.

ADDRESS: Except for information regarded by law or regulation as confidential, the application and all correspondence on the application have been placed on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

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

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), CDRH has granted Pain Suppression Labs, Inc., 559 River Dr., Elmwood Park, NJ 07407, a variance from § 1040.10(f)(6) (21 CFR 1040.10(f)(6)) of the performance standard for laser products as it applies to the Equine Laser Model 1001 and PSL Laser Model 1002. Additionally, the approved variance relieves the applicant from the requirements of § 1040.11(a) (1) and (2) of the same performance standard as it applies to the PSL Laser Model No. 1002.

The specific requirements of the standard for which a variance has been granted pertain to: (1) The provisions of § 1040.10(f)(6) that otherwise would require the Equine Laser Model 1001 and PSL Laser Model 1002 to be equipped with beam attenuators to reduce the laser radiation output to below Class I limits; and (2) the provisions of § 1040.11(a) (1) and (2) requiring that the manufacturer incorporate in the PSL Laser Model 1002 (i) a means for the measurement of the level of that laser radiation intended for irradiation of the human body, and (ii) instructions specifying a procedure and schedule for calibration of the measurement system. All other provisions of the performance standard remain applicable to the products.

CDRH has determined that: (1) The requirement of § 1040.10(f)(6) is not appropriate for either laser product, (2) the requirements of § 1040.11(a) (1) and (2) are not appropriate for the PSL Laser Model 1002, and (3) suitable means of radiation safety and protection are provided by constraints on the physical and optical design. Therefore, on November 13, 1984, CDRH approved the requested variance by letter to the manufacturer from the Deputy Director of CDRH.

So that the products may show evidence of the variance approved for the manufacturer, the products shall bear on the certification label required by § 1010.2(a) a variance number, which is the FDA docket number appearing in the heading of this notice, and the effective date of the variance.

Except for information regarded as confidential under 42 U.S.C. 263i(e) or 21 CFR 1010.4(c)(4), the application and all correspondence on the application have been placed on public display under Docket No. 83V-0426 in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.86).

Dated: March 15, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85-6790 Filed 3-21-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket Nos. 84V-0035 et al.]

Availability of Approved Variances for Sunlamp Products

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that variances from the performance standard for sunlamp products have been approved by FDA's Center for Devices and Radiological Health (CDRH), for certain specified sunlamps and sunlamp products manufactured or imported by seven organizations. The intended use of the products is to produce ultraviolet radiation for tanning the skin.

DATES: The effective dates and termination dates of the variances are listed in the table below.

ADDRESS: The applications and all correspondence on the applications have been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Room. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

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

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health

and Safety Act of 1968 (42 U.S.C. 263f), CDRH has granted each of the seven organizations listed in the table below, a variance from certain requirements of the performance standard for sunlamp products (21 CFR 1040.20). Approval has been granted for the listed products to vary as specified from that portion of § 1040.20(c)(2)(ii) requiring the maximum timer interval for a sunlamp product to be 10 minutes or less. All other provisions of § 1040.20 remain applicable to the listed sunlamp products and ultraviolet lamps.

Each of the variances for the nominally ultraviolet-A (UVA) sunlamp products permits the listed manufacturer or importer to introduce into commerce sunlamp products that have less than 5 percent of their ultraviolet radiation at wavelengths shorter than 320 nanometers. CDRH's experience with this kind of sunlamp product indicates that the relatively lengthy exposure recommended by the manufacturer does not result in severe acute skin burns or corneal injury. Therefore, the time interval requirement of § 1040.20(c)(2)(ii) is not appropriate for these UVA products. Even though the skin hazard is reduced, there is still a need to wear protective eyewear to eliminate the unnecessary risk to chemically sensitized lenses or, of cornea damage, or of long-term development of lens opacities.

CDRH has determined that suitable or alternate means of radiation protection are provided by (i) constraints on the physical and optical design of the products and (ii) warnings in the user manual and on the products. Therefore, on the effective dates specified in the table below, CDRH approved the requested variances by a letter to each manufacturer or importer from the Deputy Director of CDRH.

So that the product may show evidence of the variance approved for the manufacturer or importer of that product, each product shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) a variance number, which is the FDA docket number appearing in the table below, and the effective date of the variance as specified in the table below.

Docket No.	Organization granted the variance	Sunlamp product	Effective date/termination date
84V-0035 (amendment)	Tan Body Sun Systems, Mfg. Inc., 1423 Prospect Street, Flint, Michigan 48503.	UVA sunlamp products manufactured by Tan Body Sun Systems, Mfg. Inc.	Dec. 11, 1984–Mar. 19, 1989.
84V-0359	Aztech Industries, Inc., 5335 S.W. 42nd, Portland, Oregon 97221.	UVA suntanning products manufactured by Aztech Industries, Inc.	Dec. 5, 1984–Dec. 5, 1989.
84V-0363	Jetsun International Corp., Division Solaire, 83, Rue Michel Ange, 75016 Paris, France.	UVA sunlamp products manufactured by Jetsun International Corp.	Dec. 19, 1984–Dec. 19, 1989.
84V-0374	Sunworld Manufacturers, 200 Community Drive, Lake Success, New York 11021.	UVA sunlamp products manufactured by Sunworld Manufacturers.	Dec. 12, 1984–Dec. 12, 1989.
84V-0381	National Biological Corp., 1532 Enterprise Parkway, Twinsburg, Ohio 44087.	UVA sunlamp products manufactured by National Biological Corp.	Dec. 14, 1984–Dec. 14, 1989.
84V-0389	Scandinavian SunTan, Inc., 825 Third Avenue, 40th Floor, New York, New York 10022.	UVA sunlamp products manufactured by Scandinavian SunTan, Inc.	Dec. 24, 1984–Dec. 24, 1989.
84V-0394	Welt Industries, Inc., 175 North Glenn Court, Atlanta, Georgia 30342.	UVA sunlamp products manufactured by Welt Industries, Inc.	Dec. 24, 1984–Dec. 24, 1989.

In accordance with § 1010.4, the applications and all correspondence on the applications have been placed on public display under the designated docket numbers in the Dockets Management Branch (address above), and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices Radiological Health (21 CFR 5.86).

Dated: March 13, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85-6789 Filed 3-21-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85M-0054]

Barnes-Hind, Inc., Premarket Approval of HYDROCURVE II® Bifocal (Bufilcon A) Soft (Hydrophilic) Contact Lens

AGENCY: Food and Drug Administration; HHS.

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application by Barnes-Hind, Inc., Sunnyvale, CA, for premarket approval, under the Medical Device Amendments of 1976, of the HYDROCURVE II® Bifocal (bufilcon A) Soft (Hydrophilic) Contact Lens. After reviewing the recommendation of the Ophthalmic Devices Panel (formerly the Ophthalmic Device Station of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel), FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by April 2, 1985.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard E. Lippman, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: On June 13, 1983, Barnes-Hind, Inc., Sunnyvale, CA 94086, submitted to CDRH a supplemental application for premarket approval of the HYDROCURVE II® Bifocal (bufilcon A) Soft (Hydrophilic) Contact Lens. The device is a hemispherical lens that ranges in distance powers from −12.00 diopters (D) to +8.00 D in 0.25 D steps and near additions of +1.00 to +2.50 D. It is indicated for daily wear correction of visual acuity in not-aphakic presbyopic persons with nondiseased eyes that are myopic, hyperopic, or emmetropic. The lens may be worn by persons who may exhibit up to 2.00 D of astigamatism that does not interfere with visual acuity. It is to be disinfected using either thermal (heat) or chemical (not heat) lens care systems. On November 18, 1983, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed the application and recommended approval of it. On January 28, 1985, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), contact lenses made of polymers other than

polymethylmethacrylate (PMMA) and solutions for use with such lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), contact lenses made of polymers other than PMMA and solutions for use with such lenses are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the Federal Register of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of contact lenses made of polymers other than PMMA or solutions for use with such lenses comply with the records and reports provisions of Subpart D in Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which CDRH based its approval is on file with the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Richard E. Lippman (HFZ–460), address above.

The labeling of the HYDROCURVE II® Bifocal (bufilcon A) Soft (Hydrophilic) Contact Lens states that the lens is to be used only with certain solutions for disinfection and other purposes. This restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that CDRH approves for use with approved contact lenses made of polymers other than PMMA. A lens manufacturer that fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever CDRH publishes a notice in the Federal Register of CDRH's approval of a new solution for use with an approved lens, the applicant shall correct its labeling to refer to the new solution at the next printing or at any other time CDRH prescribes by letter to the applicant.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 22, 1985, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: March 15, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85–6788 Filed 3–21–85; 8:45 am]

BILLING CODE 4160–01–M

Decton® White Powder; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by Burroughs Wellcome Co., Willcome Animal Health Division, for Decton® White Powder (dequalinium chloride and urea) for treating wounds on dogs, cats, cattle, and horses. The sponsor requested the withdrawal of approval.

EFFECTIVE DATE: April 1, 1985.

FOR FURTHER INFORMATION CONTACT: John Augsburg, Center for Veterinary Medicine (HFV–216), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1846.

SUPPLEMENTARY INFORMATION: Wellcome Animal Health Division, Burroughs Wellcome Co., 2000 South 11th St., Kansas City, KS 66103, is sponsor of NADA 12–257 for Decton® White Powder (dequalinium chloride and urea) as an antispetic, proteolytic surface wound dressing on dogs, cats, cattle, and horses. The application was originally approved on June 3, 1960. In a letter dated October 24, 1984, the firm requested withdrawal of approval of the NADA because the drug is no longer being marketed. Approval of this NADA has not been codified in the Code of Federal Regulations.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.84) and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 12–257 for Decton® White Powder (dequalinium chloride and urea) is hereby withdrawn, effective April 1, 1985.

Dated: March 18, 1985.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 85–6793 Filed 3–21–85; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 85M-0055]

Precision-Cosmet Co., Inc.; Premarket Approval of SATURN II™ (Synergicon A) Rigid Center/Soft Hydrophilic Skirt Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Precision-Cosmet Co., Inc., Minnetonka, MN, for premarket approval, under the Medical Device Amendments of 1976, of the SATURN II™ (synergicon A) Rigid Center/Soft Hydrophilic Skirt Contact Lens. After reviewing the recommendation of the Ophthalmic Devices Panel formerly the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel), FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by April 22, 1985.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard E. Lippman, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: On February 8, 1984, Precision-Cosmet Co., Inc., Minnetonka, MN 55343, submitted to CDRH an application for premarket approval of the SATURN II™ (synergicon A) Rigid Center/Soft Hydrophilic Skirt Contact Lens. The device is indicated for daily wear by individuals with nondiseased, not-aphakic, myopic eyes that require spherical correction in the power range from 0.00 (plano) to −13.00 diopters (D). The eyes may exhibit astigmatism not in excess of 4.00 D which does not interfere with visual acuity. The SATURN II™ (synergicon A) Rigid Center/Soft Hydrophilic Skirt Contact Lens is to be disinfected using a chemical (not heat) disinfection system only. On April 17, 1984, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On January 16, 1985, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), contact lenses made of polymers other than polymethylmethacrylate (PMMA) and solutions for use with such contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), contact lenses made of polymers other than PMMA and solutions for use with such lenses are now regulated as class III device (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of contact lenses made of polymers other than PMMA or solutions for use with such lenses comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310), until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which CDRH based its approval is on file with the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved final labelng is available for public inspection at CDRH—contact Richard E. Lippman (HFZ-460), address above.

The labeling of the approved contact lens states that the lenses are to be used only with certain solutions for disinfection and other purposes. This restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that CDRH approves for use with approved contact lenses made of polymers other than PMMA. An applicant who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lense under section 515(e)(1)(F) of the act (21 U.S.C. 360(e)(F)). Accordingly, whenever CDRH publishes a notice in the **Federal Register** of CFRH's approval of a new solution for use with an approved lens, the applicant shall correct its labeling to refer to the new solution at the next printing or at any other time CDRH prescribes by letter to the applicant.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360(e)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations of a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 22, 1985, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: March 15, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85-6792 Filed 3-21-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85M-0037]

Syntex Ophthalmics, Inc.; Premarket Approval of SYNSOFT ® (Polymacon) Bifocal Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Syntex Ophthalmics, Inc., Phoenix, AZ for premarket approval, under the Medical Device Amendments of 1976, of the SYNSOF ® (polymacon) Bifocal Contact Lens. After reviewing the recommendation of the Ophthalmic Devices Panel (formerly the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental devices Panel), FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by April 22, 1985.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard E. Lippman, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: On February 21, 1984, Syntex Ophthalmics Inc., Phoenix, AZ 85069-9600, submitted to CDRH an application for premarket approval of the SYNSOFT ® (polymacon) Bifocal Contact Lens. The device is indicated for daily wear for the improvement of visual acuity in individuals with nondiseased, not-apkakic, presbyopic eyes the require spherical correction in the power range from −6.00 to +4.00 diopters (D) and the require refractive add for near correction up to 2.50 D. The eyes may exhibit astigmatism not in excess of 2.00 D which does not interfere with visual acuity. the SYNSOFT ® (polymacon) Bifocal Contact Lens is to be disinfected using either a heat (thermal) or a chemical (not heat) disinfection system. On April 17, 1984, the application was reviewed by the Ophthalmic Devices Panel, an FDA advisory committee, with recommended approval of the application. On January 4, 1985, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), contact lenses made of polymers other than polymethylmethacrylate (PMMA) and solutions for use with such contact lenses were regulated as new drugs. Because the amendments broadened the defintion of the term "device" is section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) 21 U.S.C. 321(h)), contact lenses made of polymers other the PMMA and solutions for use with such lenses are now regulated as class III medical devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of contact lenses made of polymers other than PMMA or solutions for use with such lenses comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310), until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which CDRH based its approval is on file with the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Richard E. Lippman (HFZ-460), address above.

The labeling of the approved contact lens states that the lenses are to be used only with certain solutions for disinfection and other purposes. This restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that CDRH approves for use with approved contact lenses made of polymers other than PMMA. A lens manufacturer who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C 360e(e)(1)(F)). Accordingly, whenever CDRH publishes a notice in the **Federal Register** of CDRH's approval of a new solution for use with an approved lens, the applicant shall correct its labeling to refer to the new solution at the next printing or at any other time CDRH prescribes by letter to the applicant.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 22, 1985, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: March 15, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85–6791 Filed 3–21–85; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Information Regarding Requirements for Health Maintenance Organizations

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice; information regarding requirements for qualified health maintenance organizations.

SUMMARY: This notice amends information relating to the requirements for federally qualified health maintenance organizations (HMOs) that was published in the **Federal Register** on April 29, 1980. The amendment deletes the requirement for a cancellation clause in contracts between an HMO and another party performing the HMO's marketing activities.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Associate Director for Health Maintenance Organizations, Bureau of Health Maintenance Organizations and Resources Development, Room 9–05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4106.

SUPPLEMENTARY INFORMATION: On Tuesday, April 29, 1980, the Director of the Department's Office of Health Maintenance Organizations (OHMO) published a number of interpretive rulings in the **Federal Register** (45 FR 28654–63). The interpretive rulings responded to questions posed by HMOs and others relating to the requirements for federally qualified HMOs as set out in Title XIII of the Public Health Service Act and its implementing regulations at 42 CFR Part 110, Subpart A. The April 29 notice also stated that the rulings would be subject to updating.

Upon review of the following such interpretive ruling, we have determined that the portion in italics should be deleted.

"Q. Is it allowable for an HMO to contract with another party to direct the performance of the HMO's marketing functions?

A. Yes. An HMO is allowed to enter into a contract with another party which undertakes marketing activities on the HMO's behalf; however, such *contract must specify that the HMO retains the right to terminate the agreement and implement, at any time, its own marketing activities to any groups or individuals it proposes to serve.* Further, the contract must assure that performance by the contractor under the contract will not be inconsistent with the HMO's compliance with its assurances and applicable requirements, such as the one for full and fair disclosure to members prior to enrollment." (Emphasis added.)

Although the two parties to the marketing contract may certainly agree that a cancellation clause is appropriate, its inclusion is a business matter between the HMO and the contractor and should, therefore, not be prescribed by the Federal Government. Such a determination is consistent with the final rulemaking published in the February 14, 1985 **Federal Register** (50 FR 6171–76) which, among other changes, deleted that section of the HMO regulations that required HMOs to include certain provisions in their contracts with medical groups, individual practice associations, and health professionals.

Accordingly, the interpretive ruling is amended to read as follows.

Q. Is it allowable for an HMO to contract with an other party to direct the performance of the HMO's marketing functions?

A. Yes. An HMO is allowed to enter into a contract with another party which undertakes marketing activities on the HMO's behalf; however, such contract must assure that performance by the contractor under the contract will not be inconsistent with the HMO's compliance with its assurances and applicable requirements, such as the one for full and fair disclosure to members prior to enrollment.

Dated: March 17, 1985.

Robert Graham,

Administrator, Health Resources and Services Administration.

[FR Doc. 85–6794 Filed 3–21–85; 8:45 am]

BILLING CODE 4160–16–M

Office of Child Support Enforcement

Delegations of Child Support Enforcement Program Authorities

Notice is hereby given that, pursuant to the authorities for the Child Support Enforcement Amendments of 1984, Pub. L. 98–378, section 9 of the Parental Kidnapping Prevention Act of 1980, Pub. L. 96–611, and certain organizational realignments of program administration functions within the Department, the Secretary has approved the following delegations of authority to the Director, OCSE:

I. Pursuant to section 466 of the Social Security Act (the Act), as amended, authority to specify data and estimates pertaining to caseloads, processing times, administrative costs and average support collections which the State is required to produce to request an exemption from the requirement to enact any of the laws or use the procedures required.

II. Pursuant to section 466 of the Act, authority to exempt a State, upon its request for an exemption from the requirement to enact any of the laws or use the procedures required under section 466 of the Act from the requirement to enact the law or use the procedures involved, or to exempt one or more political subdivisions of the State from these requirements, based on the effectiveness and efficiency of the State Child Support Enforcement program.

Conditions

(a) Authority to exempt one or more political subdivisions within a State is limited to the requirement under which *expedited processes* are in effect for obtaining and enforcing support orders and, at State option, establishing paternity, and must be based on the effectiveness and timeliness of support order issuance and enforcement within the political subdivision.

(b) Exemptions granted are subject to continuing review and termination of the exemptions should circumstances change.

III. Pursuant to section 15 of Pub. L. 98–378, authority to determine, at the request of any State on the basis of information submitted by the State and such other information as may be available, if a State shall not be required to establish a State Commission.

Conditions

(a) A State shall not be required to establish a State Commission:

(i) If the State has placed in effect and is implementing objective standards for the determination and enforcement of child support obligations;

(ii) If the State has established within five years prior to the enactment of Pub. L. 98–378 a commission or council with substantially the same functions as the State Commissions provided for under section 15 of Pub. L. 98–378; or

(iii) If the State is making satisfactory progress toward fully effective child support enforcement and will continue to do so.

IV. Pursuant to section 452(a)(4) of the Act, authority to determine, for the purposes of the penalty provision of section 403(h) of the Act, whether the actual operation of State programs for locating absent parents, establishing paternity and obtaining child support substantially complies with the requirements of Part D of title IV of the Act, based upon audits of such programs undertaken in accordance with section 452(a)(4) of the Act not less often than once every 3 years (or not less often than annually in the case of any State to which a reduction is being applied under section 403(h)(1), or which is operating under a corrective action plan in accordance with section 403(h)(2) of the Act).

Conditions

(a) Authority to make the final decision that the penalty provision of section 403(h) of the Act will be imposed upon a State and to determine the amount of the penalty is reserved for the Director, Office of Child Support Enforcement, after consultation with the Secretary.

(b) A State which is not in full compliance with the requirements of sections 402(a)(27), 452(a)(4) and 403(h) of the Act shall be determined to be in substantial compliance if it is determined that any noncompliance is of a technical nature which does not adversely affect the performance of the State Child Support Enforcement program.

V. Pursuant to section 403(h)(2) of the Act, authority to determine whether or not to suspend the penalty or to end a penalty suspension.

Conditions

(a) The penalty shall be suspended if:

(i) The State submits a corrective action plan (within a period specified in regulations) which contains steps necessary to achieve substantial compliance within an appropriate time period;

(ii) The corrective action plan (and any amendments thereto) is approved; and

(iii) The corrective action plan (and any amendments thereto) is being fully implemented by the State and the State is progressing in accordance with the timetable contained in the plan to achieve substantial compliance.

(b) A suspension of the penalty shall continue until such time as it is determined that:

(i) The State has achieved substantial compliance;

(ii) The State is no longer implementing its corrective action plan; or

(iii) The State is implementing or has implemented its corrective action plan but has failed to achieve substantial compliance within the appropriate time period.

VI. Pursuant to section 458 of the Act, authority to estimate the amounts of the incentive payments to be made to the various States at or before the beginning of each fiscal year, to make such payments on a quarterly basis, and to determine whether such amounts should be reduced or increased to the extent of any overpayments or underpayments determined to have been made under section 458 of the Act to the States involved for prior periods and with respect to which adjustment has not already been made.

Conditions

(a) If one or more political subdivisions of the State participate in the costs of carrying out activities under the State plan during any period, each such subdivision shall be entitled to receive an appropriate share of any incentive payment made to the State for such period, taking into account the efficiency and effectiveness of the activities carried out under the State plan by the political subdivision.

VII. Pursuant to sections 455(e) and 1115 of the Act, authority to appoint panelists to review grant applications concerning demonstration projects which involve programs for locating absent parents, establishing paternity and obtaining child support.

VIII. Pursuant to sections 455(e) and 1115 of the Act, authority to direct the competitive review of grant applications concerning demonstration projects which involve programs for locating absent parents, establishing paternity and obtaining child support.

IX. Pursuant to sections 455(e) and 1115 of the Act, authority to administer and implement demonstration projects which involve programs for locating absent parents, establishing paternity and obtaining child support.

Conditions

(a) Where all or any part of an experimental, pilot or demonstration project is wholly financed with Federal funds made available under section 1115 of the Act, without any State, local, or other non-Federal financial participation, that project must be personally approved by the Secretary or Under Secretary of HHS.

(b) The project:

(i) Must be designed to improve the financial well-being of children or otherwise improve the operation of the child support program;

(ii) May not permit modifications in the child support program which would have the effect of disadvantaging children in need of support; and

(iii) Must not result in increased cost to the Federal Government under the program of aid to families with dependent children.

X. Pursuant to section 1115 of the Act, authority to approve grant awards and perform related grants management functions for cooperative demonstration projects which involve programs for locating absent parents, establishing paternity and obtaining child support.

Conditions

(a) Where all or any part of an experimental, pilot or demonstration project is wholly financed with Federal funds made available under section 1115 of the Act, without any State, local, or other non-Federal financial participation, that project must be personally approved by the Secretary or Under Secretary of HHS.

XI. Pursuant to section 1115 of the Act, authority to waive, and review waivers of compliance with State plan requirements under the Child Support Enforcement program to enable States to carry out experimental, pilot or demonstration projects.

Conditions

(a) Where all or any part of an experimental, pilot or demonstration project is wholly financed with Federal funds made available under section 1115 of the Act, without any State, local, or other non-Federal financial participation, that project must be personally approved by the Secretary or Under Secretary of HHS.

XII. Pursuant to section 455(e) of the Act, authority to waive any of the requirements of Part D of title IV of the Act that relate to the special project grants to States to promote improvements in interstate enforcement.

XIII. Pursuant to section 455(e) of the Act, authority to determine the terms and conditions a State must meet in order to qualify for a special project grant to promote improvements in interstate enforcement.

XIV. Pursuant to section 455(e) of the Act, authority to approve special project grants to States to promote improvements in interstate enforcement.

Conditions

(a) The project must be likely to be of significant assistance in improving interstate enforcement.

XV. Pursuant to section 463 of the Act, authority to sign agreements with States for use of the Federal Parent Locator Service in connection with the enforcement or determination of child custody and in cases of parental kidnaping of a child.

XVI. The delegations contained in Authorities I, III, IV and VI–XIV may be redelegated.

XVII. The delegations specified in Authorities I–XV above were approved by the Secretary on February 4, 1985. The Secretary also affirmed and ratified any actions taken by the Director, OCSE, prior to the effective date of the approved delegations.

John J. O'Shaughnessy,

Assistant Secretary for Management and Budget.

March 14, 1985.

[FR Doc. 85-6885 Filed 3-21-85; 8:45 am]

BILLING CODE 4190-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Advisory Committee for Exceptional Children, To Investigate the Unmet Needs of Handicapped Indian Children; Meeting

This notice is published in accordance of authority delegated by the Secretary of the Interior to the Assistant Secretary of Indian Affairs by 209 DM 8.

In accordance with Section 612(7) of Pub. L. 94-142 as amended by Section 5(a) of Pub. L. 94-142, Education of the Handicapped Act, the Bureau of Indian Affairs Advisory Committee for Exceptional Children will meet on March 28, 29, & 30, 1985 in Tucson, Arizona at the Smugglers Inn, 6350 E. Speedway.

The purpose of the meeting will be to investigate the unmet needs of handicapped Indian children, to discuss the special application process for the Bureau of Indian Affairs' Special Education Program, review and revise the Charter and plan for the next fiscal year.

The meeting is open to the public. Any member of the public can file a written statement concerning the matters discussed with the Bureau of Indian Affairs, Branch of Exceptional Education, 1951 Constitution Avenue, N.W., Code 523, Washington, D.C. 20245, within 30 days after the meeting.

Any additional information about the meeting can be obtained from Ms. Marie J. Emery, Bureau of Indian Affairs, Main Interior Building, Room 4644, telephone number (202) 343-6675.

Thedore C. Krenzke,

Acting Duty Assistant Secretary—Indian Affairs.

March 14, 1985.

[FR Doc. 6977 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-02-M

Irrigation Operation and Maintenance Charges; Water Charges and Related Information on the Wapato Irrigation Project, WA

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of Interior to the Assistant Secretary—Indian Affairs in 230 DM 1 and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Section 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 171.1(e).

On January 11, 1985, in 50 FR 1637, there was published a notice of proposed assessment rates and related provisions on the Wapato Irrigation Project for Calendar Year 1985 and subsequent years until further notice. These assessment rates were proposed pursuant to the authority contained in the Acts of August 1, 1914, (38 Stat. 583), and March 7, 1928, (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments, views or arguments regarding the proposed rates and related provisions. During this period no comments, suggestions, or objections were submitted. Therefore, the assessment rates and related provisions as set forth below are adopted effective 30 days after date of initial publication in the **Federal Register.**

Wapato Irrigation Project—General

Administration

The Wapato Irrigation Project, which consists of the Ahtanum Unit, Toppenish-Simcoe Unit, and Wapato-Satus Unit within the Yakima Indian Reservation, Washington, is administered by the Bureau of Indian Affairs. The Project Engineer of the Wapato Irrigation Project is the Officer-in-Charge and is fully authorized to carry out and enforce the regulations, either directly or through employees designated by him. The general regulations are contained in Part 171, Operation and Maintenance, Title 25—Indians, Code of Federal Regulations (42 FR 30362, June 14, 1977).

Irrigation Season

Water will be available for irrigation purposes from April 1 to September 30 each year. These dates may be varied as much as 20 days when weather conditions and the necessity for doing maintenance work warrants doing so.

Request for Water Delivery and Changes

Requests for water delivery and changes will be made at least 24 hours in advance. Not more than one change will be made per day. Changes will be made only during the ditchrider's regular tour. Pump shut-down, regardless of duration, without the required notice will result in the delivery being closed and locked. Repeated violations of this rule will result in strict enforcement of rotation schedules. Water users will change their sprinkler lines without shutting off more than one-half of their lines at one time. Sudden and unexpected changes in ditch flow results in operating difficulties and waste of water.

Time for Payment of Water Charges

The assessments fixed by these regulations shall become due April 1 of each year and are payable on or before that date. To all charges assessed against lands in patent in fee ownership, and those paid by lessees of Indian lands direct to the project office, remaining unpaid on July 1 following the due date, there shall be added a penalty of one and one-half percent for each month, or fraction thereof, from the due date until the charges are paid.

Charges for Special Services

Charges will be collected for various special services requested by the general public, water users and other organizations during the Calendar Year 1985 and subsequent years until further notice, as detailed below:

(1) Requests for Irrigation Accounts and Status Reports, Per Report	$15.00
(2) Requests for Verification of Account Delinquency Status, Per Report	$10.00
(3) Requests for Splitting of Operation and Maintenance Bills (in addition to minimum billing fee) Per Bill	$10.00
(4) Requests for Billing of Operation and Maintenance to Other than Owner or Lessee of Record (in addition to minimum billing fee), Per Bill	$10.00

(5) Requests for Other Special Services Similar to the above, when appropriate, Per Report.....$10.00
(6) Requests for elimination of lands from the Project. In the event that the elimination is approved, a portion of the fee will be used to pay the Yakima County Recording Fee.....($10.00).

Ahtanum Unit

Charges

(a) The operation and maintenance rate on lands of the Ahtanum Irrigation Unit for the Calendar Year 1985 and subsequent years until further notice, is fixed at $7.00 per acre per annum for land to which water can be delivered from the project works.

(b) In addition to the foregoing charges there shall be collected a billing charge of $5 for each tract of land for which operation and maintenance bills are prepared. The bill issued for any tract will, therefore, be the basic rate per acre times the number of acres plus $5. A one acre charge shall be levied on all tracts of less than one acre.

Toppenish-Simcoe Unit

(a) The operation and maintenance rate for the lands under the Toppenish-Simcoe Irrigation Unit for the Calendar Year 1985 and subsequent years until further notice, is fixed at $7.00 per acre per annum for land for which an application for water is approved by the Project Engineer.

(b) In addition to the foregoing charges there shall be collected a billing charge of $5 for each tract of land for which operation and maintenance bills are prepared. The bill issued for any tract will, therefore, be the basic rate per acre times the number of acres plus $5. A one acre charge shall be levied on all tracts of less than one acre.

Wapato-Satus Unit

Charges

(a) The basic operation and maintenance rates on assessable lands under the Wapato-Satus Unit are fixed for the Calendar Year 1985 and subsequent years until further notice as follows:

(1) Minimum charge for all tracts.....$24.00
(2) Basic rate upon all farm units or tracts for each assessable acre except Additional Works lands.....$24.00
(3) Rate per assessable acre for all lands with a storage water rights, known as "B" lands, in addition to other charges per acre.....$2.20
(4) Basic rate upon all farm units or tracts for each assessable acre of Additonal Works Land.....$25.00

(b) In addition to the foregoing charges there shall be collected a billing charge of $5 for each tract of land for which operation and maintenance bills are prepared. The billl issued for any tract will, therefore, be the basic rate per acre times the number of acres plus $5. A one acre charge be levied against all tracts of less than one acre.

Assesssable Lands

The assessable lands of the Wapato-Satus Unit are classified under these regulations as follows:

(a) All Indian trust (A or B) land designated as assessable by the Secretary of the Interior, except land which has never been cultivated if in the opinion of the Project Engineer the cost of preparing such land for irrigation is so high as to preclude its being leased at this time for agricultural purposes.

(b) All Indian trust (A and B) land not designated as assessable by the Secretary of the Interior for which application for water is pending or on which assessments had been charged the preceding year.

(c) All patent in fee land covered by a water right contract, except on land that because of inadequate drainage is no longer productive. The adequacy of the drainage is determined by the Project Engineer.

(d) At the discretion of Project Engineer and upon the payment of charges, patent in fee land for which an application for a water right or modification of a water contract is pending.

Stanley Speakes,
Area Director.

[FR Doc. 85-6812 Filed 3-21-85; 8:45 am]
BILLING CODE 4310-02-M

Wind River Irrigation Project, Wyoming; Annual Operation and Maintenance Charges and Related Information

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Public notice.

SUMMARY: This notice sets forth changes to the operation and maintenance charges and related information applicable to presently assessable lands located within the diminished portion of the Wind River Irrigation Project, Wyoming, south of the Big Wind River. The annual assessment rate for operation and maintenance is being changed from $9.33 per acre to $10.90 per acre for the assessable area under constructed works south of the Big Wind River to properly reflect the actual costs for labor, materials, equipment and services. This notice does not change the per acre assessment rate of $13.30 and related information for presently assessable lands located within the ceded Wind River Irrigation Project north of the Big Wind River (LeClair Irrigation Project) established by notice published in the Federal Register April 28, 1983 (48 FR 19233).

EFFECTIVE DATE: April 1, 1985.

FOR FURTHER INFORMATION CONTACT: L.W. Collier, Superintendent, Wind River Agency, Fort Washakie, Wyoming 82514, telephone number (307) 255-8301.

SUPPLEMENTARY INFORMATION: This notice is issued pursuant to 25 CFR 171.1 under authority delegated to the Assistant Secretary for Indian Affairs and the Deputy Assistant Secretary-Indian Affairs by the Secretary of the Interior in 209 DM 8. This authority is vested in the Secretary of the Interior by 5 U.S.C. 301 and 25 U.S.C. 2 and 385. The current operation and maintenance charge was established by notice published in the Federal Register June 13, 1984 (49 FR 24450). A Public Notice declaring the intent to raise the operation and maintenance assessment rate to not more than $11.00 per acre was published in three local newspapers and placed in several of the post offices and other public buildings throughout the reservation. The Project Engineer presented the need to raise the irrigation operation and maintenance rate at a meeting with the Crowheart (Upper Wind Unit) waterusers on January 8, 1985; the waterusers of the Johnstown, Little Wind and Lefthand Units of the project on January 10, 1985; and the Joint Business Council of the Shoshone and Arapahoe Tribes on January 23, 1985.

Interested persons were given 30 days, from the posting date of the Public Notice to submit written comments regarding the proposed operation and maintenance rate. This 30 day period ended January 15, 1985. No written comments were received from any wateruser during the 30 day period. The Joint Business Council was not able to meet with the Project Engineer and Superintendent until after January 15, 1985. However, the Superintendent delayed the decision to set the operation and maintenance rate until the Joint Business Council heard the reasons for the proposal to raise the O&M. Action of the Council was to oppose the increase and request a freeze of the rate at $9.33 per acre, the 1984 rate, and to send a resolution to that effect to the Wyoming Congressional Delegation. This is Resolution No. 5632.

Serious consideration was given to the Council's request to hold the operation and maintenance assessment at the 1984 rate of $9.33 per acre. To do

this, it would be necessary to expend part of the Project's reserve fund late in fiscal year 1985 to make up for the deficiency in collections at the $9.33 rate. Advice from the Billings Area Office was that such use of the reserve fund would be counter to the purpose of maintaining it. The reserve is to be used as insurance against major damage which might occur to the Project facilities; insurance against some other financial calamity of the Project; or as a source of money to make major equipment purchases, with the provision that the reserve be reimbursed to its initial level. The reserve is not to be used to ease the burdens of the farming and ranching community during their current financial crisis, or as a fund to make up for deficient collections.

By March 6, 1985, no further comments were received from the Tribes or no comments were received from any one of the members of the Congressional Delegation.

On March 6, 1985 the operation and maintenance rate was set at $10.90 per acre.

Subsequently, Public Notices setting the rate at $10.90 were sent to three local newspapers and posted in several public buildings throughout the Wind River Reservation.

In accordance with the above, the annual operation and maintenance charges for presently assessable lands within the diminished portion of the Wind River Irrigation Project, Wyoming, south of the Big Wind River, for calendar year 1985, and subsequent years until further notice, are hereby fixed at $10.90 per acre. The annual operation and maintenance assessment for 1985, and all subsequent years, shall be due April 1.

To all charges assessed against lands in non-Indian ownership and Indian lands under lease to non-Indian lessees, which are not paid on or before July 1, of each year, following the due date, there shall be added a penalty of one-half of one percent per month or fraction thereof, from the due date, as long as long as the delinquency continues. No water shall be delivered until such charges have been paid; except that Indian water users who are financially unable to pay the assessment on the due date may be furnished water, provided the Superintendent of the reservation certifies to the Project Manager of other official in charge of the project that such Indian is not financially able to pay the assessment or has made satisfactory arrangement to pay the assessment from proceeds of crops or from other sources.

Penalty interest charges shall not be assessed against lands owned by an Indian water user, nor against Indian lands under lease to an Indian lessee.

L.W. Collier,

Superintendent, Wind River Agency.

[FR Doc. 85-6808 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Burley District Advisory Council and Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting and agenda for a joint Burley District advisory Council and Grazing Advisory Board.

SUMMARY: Notice is given that both the Burley District Advisory Council and Grazing Advisory Board will meet on April 24, 1985.

The meeting will convene at 10:00 a.m. in the Conference Room of the Bureau of Land Management Office at 200 South Oakley Highway, Burley, Idaho.

Agenda item for the meeting is:

1. Grazing fee study report. (A recommendation will be solicited from the Council/Board.)

Information items:

1. BLM/FS Interchange study;
2. Grazing subleasing regulation;
3. Tracking of costs involving rangeland improvement funds (8100 fund).

The meeting is open to the public. Interested persons may make oral statements to the Council/Board beginning at 11:00 a.m. or they may file written statements for the Council's/Board's consideration. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Detailed minutes of the Council/Board meeting will be maintained in the District Office and will be available for public inspection during regular business hours (7:45 a.m. to 4:30 p.m. Monday through Friday) within 30 days following the meeting.

DATE: April 24, 1985.

ADDRESS: Bureau of Land Management, Burley District Office, Route 3, Box 1, Burley, Idaho 83318.

FOR FURTHER INFORMATION CONTACT: John Davis, Burley District Manager, (208) 678-5514.

Dated: March 15, 1985.

John S. Davis,

District Manager.

[FR Doc. 85-6836 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-22-M

California Desert District Advisory Council; Meeting Advances Schedule—1985 and 1986

AGENCY: Bureau of Land Management, Interior.

ACTION: California Desert District Advisory Council Meeting Advance Schedule 1985 and 1986.

SUMMARY: The purpose of this notice is to provide dates and locations where the California Desert District Advisory Council will meet in 1985 and 1986, and is published in accordance with Pub. L. 92-463 and 94-579.

The California Desert District Advsiory Council to the Desert District Manager Bureau of Land Managment, U.S. Department of the Interior, has met once in in 1985, on February 14 and 15 in San Bernardino, California, and will meet in 1985 as follows, subject to fluctuation dependent on budget and subject matter availability:

1985:

May 16-17-18: Ridgecrest, California
November 14-15-16: Needles, California

For planning purposes, the following 1986 schedule is proposed:

1986:

February 27-28: Death Valley, California
May 15-16: Anaheim, California
November 13-14-15: Palm Springs, California

Specific agendas, field trips, etc., will be determined later. Specific meeting notices will be filed in advance of each meeting. The Advisory Council has discussed and recommended the above dates and locations.

FOR CURRENT INFORMATION AND MEETING CONFIRMATIONS: Contact the California Desert District Public Affairs Office, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507 (714) 351-6383.

Dated: March 14, 1985.

Gerald E. Hillier,

District Manager.

[FR Doc. 85-6800 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-40-M

Casper District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Casper District Advisory Council Meeting.

SUMMARY: The Casper District Advisory Council will meet on April 30, 1985, in the conference room of the Bureau of

Land Management's (BLM) Casper District Office in Casper, Wyoming. The meeting will begin at 10:00 a.m.

The meeting agenda will include briefings and updates on the Forest Service/BLM Interchange, wild horses, the Platte River and Buffalo Resource Area Management Plans, and cooperative management agreements, grazing fees, FOGRMA; and comments from the public. Other topics may be considered as suggested by council members or the public.

Meetings are open to the public. Persons interested in addressing the council should contact Runore Wycoff at the number below in advance of the meeting. Proceedings of the meeting will be available within 30 days after the meeting.

DATE: April 30, 1985 at 10:00 a.m.

ADDRESS: Bureau of Land Management, Casper District Office, 951 North Poplar Street, Casper, Wyoming.

FOR FURTHER INFORMATION CONTACT: Runore Wycoff, Bureau of Land Management, 951 North Poplar Street, Casper, Wyoming 82601, (307) 261-5557.

Dated: March 14, 1985.

James W. Monroe,

District Manager.

[FR Doc. 85-6805 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-22-M

Idaho Falls District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Meeting of the Idaho Falls District Grazing Advisory Board and Advisory Council.

SUMMARY: The Idaho Falls District Grazing Advisory Board and Advisory Council will meet Monday, April 15, 1985. Notice of this meeting is in accordance with Pub. L. 92-463. The meeting will begin at 9 a.m. at the Idaho Falls BLM Office, 940 Lincoln Road in Idaho Falls. The meeting is open to the public; public comments on agenda items will be accepted from 11:00 to 11:45 a.m.

Agenda items for the meeting include:

1. Idaho Falls District activities update.
2. Grazing Fee Study.
3. Bureau of Land Management/U.S. Forest Service Interchange Program.

Summary minutes of the meeting will be kept in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:30 p.m.) within 30 days after the meeting.

FOR FURTHER INFORMATION CONTACT: O'dell A. Frandsen, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401; Telephone: (208) 529-1020.

O'dell A. Frandsen,

District Manager.

March 14, 1985.

[FR Doc. 85-6827 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-85-M

[C-38383-C]

Realty Action—Direct Sale of Public Land in Montrose County, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action C-38383-C. Direct sale of public land to Gary Voth.

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 of $3,000.

New Mexico Principal Meridian, Colorado

T. 47 N., R. 9 W.,
Sec. 2: Lot 16, containing 2.69 acres.

The lands described are hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action.

The parcel is being offered by direct sale to Mr. Voth because he had relied upon an erroneous survey and constructed a garage, part of a well pumphouse and part of a leach field on public land. This sale is consistent with the land use plan for the area.

The sale will occur after June 1, 1985, but not later than August 1, 1985. The sale date will be the day Mr. Voth submits 20% or more of the appraised value of the land. Following receipt of the 20%, Mr. Voth will have 180 days within which to submit the remaining 80% of the appraised value.

Additionally, Mr. Voth will be required to file an application for the mineral estate of the parcel, except the oil, gas and coal which will be reserved to the United States. This application must be filed with the Montrose District Office within 30 days of the sale date, and be accompanied with a $50.00 filing fee.

The patent issued for this land will contain a reservation to the United States of rights-of-way for the construction of ditches and canals (26 Stat. 391; 43 U.S.C. 945); a reservation of the oil, gas and coal reserves; a reservation of a road right-of-way documented in case file C-39211; and be subject to valid existing rights. Detailed information regarding this sale, including the planning documents and Environmental Assessment, is available for review in the Montrose District Office.

DATE: For a period of 45 days from the date of the publication of this Notice in the **Federal Register**, interested parties may submit comments to the District Manager, Montrose District Office.

ADDRESS: Comments should be sent to: Montrose District Manager, Bureau of Land Management, 2465 South Townsend, Montrose, Colorado 81401.

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.

Paul W. Arrasmith,

Montrose District Manager.

March 14, 1985.

[FR Doc. 85-6828 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-JB-M

Area Closure; Butte District, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Amend the existing yearlong ORV closure on the 40-acre Culver Pond tract to additionally restrict foot travel from October 1 to July 15.

SUMMARY: This notice expands the closure of a 40-acre Public Land tract to include travel by foot as well as vehicles from October 1 to July 15 to protect an active bald eagle breeding territory and winter roost. The tract is located in T14S, R1E, Sec. 8 SE¼SE¼ immediately adjacent to Red Lock Lakes National Wildlife Refuge. This additional closure on BLM land coincides with an identical closure proposed for adjacent refuge lands.

The limited designation will allow administrative access during the closure period only for crucial management actions, such as eagle banding or authorized livestock grazing.

Area closure will remain in effect until further notice.

This action is being pursued in accordance with 43 CFR Part 8364, 43 CFR 8343.1, and to meet the requirements of the Endangered Species Act of 1973 as amended.

ADDRESS: Harry R. Cosgriffe, Area Manager, Dillon Resource Area, P.O. Box 1048, Dillon, MT 59725.

Jack A. McIntosh,

District Manager.

[FR Doc. 85-6830 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-DN-M

Emergency Area Closure; Butte District, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Emergency area closure, closed to all vehicles year long, except for administrative access.

SUMMARY: This notice closes an area on Dixon Mountain in the Tendoy Mountains, southwestern Montana, to all vehicle use year long, except for administrative access (43 CFR 8341.2). The purpose of the closure is to provide habitat security for reintroduced bighorn sheep. The emergency closure is effective immediately on the following lands, and will remain in effect until the 1984 Interagency Travel Plan for southwestern Montana is revised.

T13S R9W PMM

Sec. 7: S½NW¼, SW¼, SW¼SE¼;
Sec. 18: All except S½SE¼;
Sec. 19: W½;
Sec. 30: That portion lying north of Sheep Creek road.

T13S R10W PMM

Sec. 15, 21, 22, 25, 26, 27;
Sec. 28: All except NW¼;
Sec. 29: SE¼.

And those portions of Sec. 33, 34, 35, 36 lying north of the Sheep Creek-Muddy Creek roads.

T14S R10W PMM

Those portions of Sec. 2, 3, 4 lying north of the Sheep Creek-Muddy Creek roads.

ADDRESS: Harry R. Cosgriffe, Area Manager, Dillon Resource Area, P.O. Box 1048, Dillon, MT 59725.

Jack A. McIntosh,

District Manager.

[FR Doc. 85-6829 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-DN-M

California Desert Plan; Intent for 1985 Amendment

AGENCY: Bureau of Land Management, Interior.

SUMMARY: Notice is hereby given that the Bureau of Land Management is initiating the 1985 Review of the California Desert Conservation Area Plan in accordance with the amendment procedures outlined in Chapter 7 of the Plan. The purpose of this review is to consider the need for possible amendments to the Plan based on requests from individuals, public and private organizations, and the Bureau's own observations.

DATE: Proposed amendments are being accepted from the public until April 30, 1985.

FOR FURTHER INFORMATION CONTACT: Gerald E. Hillier, District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507.

SUPPLEMENTARY INFORMATION: Requests for amendments or changes in the California Desert Plan are now being accepted from public agencies, interested individuals, and organizations. Supporting rationale should be provided for each proposed change. Requests will be considered in light of the following criteria:

(1) Is the proposed amendment based on new data not considered when the Plan was developed?

(2) Does the information represent a change in legal or regulatory mandate?

(3) Is the supporting detail sufficient and the problem clearly stated so that the request can be considered?

(4) Does the information represent a formal change in State or local government or agency plans?

The California Desert District Advisory Council will review the suggested amendments at its public meeting on May 16-17, 1985 in Ridgecrest, California. This meeting will serve as a scoping meeting for the environmental document to be prepared on the amendments.

Please send your comments and proposals to the following address: 1985 Plan Amendments, Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, CA 92507; (714) 351-6428.

Dated: March 14, 1985.

Gerald E. Hillier,

District Manager.

[FR Doc. 85-6856 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-40-M

Dickinson District Advisory Council; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of meeting.

SUMMARY: The BLM Dickinson District Advisory Council will meet April 25, 1985, from 8:30 a.m. to approximately 4:00 p.m. Mountain Time.

ADDRESS: The meeting will be held in the Community Room of the Gate City Building, 204 Sims Street, Dickinson, North Dakota.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include the following:

1. Administrative interchange of land and mineral responsibility between the Bureau of Land Management and the Forest Service;

2. Issue identification for the statewide North Dakota Resource Management Plan;

3. Completion of the Final North Dakota Grazing Environmental Impact Statement with the subsequent Range Program Summary and Record of Decision.

The public will be given the opportunity to make oral statements before the council. In addition, the public may send written statements to the Dickinson District Manager to be presented to the Council.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Reed Smith, Dickinson District Manager, P.O. Box 1229, Dickinson, North Dakota 58602.

William F. Krech,

Acting District Manager.

[FR Doc. 85-6860 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-DN-M

[M-21943]

Montana; Partial Termination of Proposed Withdrawal and Reservation of Lands

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice.

SUMMARY: This notice partially revokes proposed withdrawal insofar as it affects 30 acres of land for Lincoln Gulch Historical Site. This action will restore the lands to the United States mining laws. The lands have been and will remain open to applications and offers under the mineral leasing law.

EFFECTIVE DATE: April 22, 1985.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM, Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406-657-6090.

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

1. Notice of an application for withdrawal and reservation of lands was published as **Federal Register**

Document No. 37-127 on page 12980 of the issue of June 30, 1972, and republished as Federal Register Document No. 42-183 pages 47595 of the issue of September 21, 1977. The Forest Service has cancelled its application insofar as it affects the following described lands:

Principal Meridian

T. 14 N., R. 9 W.,
Sec. 8, E½SW¼NW¼ and NW¼SW¼ SE¼.

The area described contains 30 acres in Lewis and Clark County.

2. At 10 a.m. on March 22, 1985, the public lands will be open to location and entry under the mining laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with federal law. The Bureal of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

3. At 10 a.m. on March 22, 1985, the lands described in Paragraph 1 shall be open to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law.

March 13, 1985.

Marvin LeNoue,

Associate State Director.

[FR Doc. 85-6831 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-DN

[OR-36355]

Oregon; Proposed Withdrawal and Reservation of Land and Opportunity for Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management has filed an application to withdraw 1,062.72 acres of public lands for administrative site purposes. This notice closes the lands to surface entry and mining, but not mineral leasing, pending final action on the application.

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

SUPPLEMENTARY INFORMATION: On March 13, 1985, a petition was approved allowing the Bureau of Land Management, U.S. Department of the Interior, to file application Serial No. OR 36355 to withdraw the following described public lands from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights:

Willamette Meridian

Burns Junction Administrative Site

T. 32 S., R. 39 E.,
Sec. 12, S½N½NE¼SE¼, S½NE¼SE¼, NE¼NW¼SE¼SE¼, and NE¼SE¼S E¼.
T. 32 S., R. 40 E.,
Sec. 7, S½N½ and S½ of Lot 3, N½, N½S½, SE¼SW¼, and S½SE¼ of Lot 4, S½NE¼SW¼, SE¼SW¼, NE¼NE¼SE¼, S½N½SE¼, and S½SE¼;
Sec. 8, NW¼NE¼, W½NE¼SW¼NE¼, W½SW¼NE¼, S½NE¼NE¼NW¼, S½NE¼NW¼, NE¼SW¼NW¼, S½SW¼NW¼ , SE¼NW¼, N½NE¼S W¼, SW¼NE¼SW¼, W½SE¼N E¼SW¼, W½SW¼, and W½W½S E¼SW¼;
Sec. 17, SW¼NE¼SW¼NE¼, W½SW¼N E¼, SE¼SW¼NE¼, W½NE¼NW¼, W½SE¼NE¼NW¼, SE¼SE¼N E¼NW¼, NW¼NW¼, N½SW¼NW¼, N½S½SW¼NW¼, SE¼NW¼, and N½N½NW¼SE¼;
Sec. 18, NE¼NE¼ of Lot 1, SE¼NE¼, and SE¼ of Lot 2, and E½ and E½W½ of Lot 3, N½NE¼, N½S½NE¼, N½S½S ½NE¼, E½NW¼, N½NE¼SW¼, SW¼NE¼SW¼, and NW¼SE¼N E¼SW¼.

The areas described aggregate 1,062.72 acres in Malheur County, Oregon.

The purpose of the proposed withdrawal is to protect the Bureau of Land Management Burns Junction Administrative Site located adjacent to U.S. Highway 95 about 45 miles west of Jordan Valley, Oregon. The administrative site also includes a fire guard station and an airfield.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. If the State Director, Bureau of Land Management, determines that a public meeting will be held, the time and place will be announced.

The application will be processed in accordance with the regulations set forth in Title 43 CFR Part 2300.

For a period of two years from the date of publication of this notice in the Federal Register, the lands will be segregated as specified above unless the application is rejected or the withdrawal is approved prior to that date. The temporary uses which will be permitted during the segregative period are leases, licenses, permits, and disposal of mineral or vegetative resources other than under the mining laws.

Dated: March 14, 1985.

Robert E. Mollohan,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 85-6832 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-33-M

[A-20346-A]

Realty Action: Exchange of Public Lands, Pinal County, AZ

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

BLM proposes to exchange public land with the State of Arizona in order to achieve more efficient management of the public land through consolidation of ownership.

The following public land is being considered for disposal by exchange pusuant to section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

Gila and Salt River Meridian, Arizona

T. 3 S., R. 7 E.,
Sec. 4, E½SW¼SE¼;
Sec. 5, SE¼SW¼;
Sec. 8, E½NW¼, SW¼NW¼, SW¼NW¼ W½SW¼;
Sec. 14, SW¼SW¼;
Sec. 17, NW¼NW¼;
Sec. 22, NE¼, E½SE¼;
Sec. 23, N½, SW¼, NW¼SE¼;
Sec. 24, W½NW¼, SE¼NW¼.

Containing 1220 acres, more or less.

Final determination on disposal will await completion of an environmental analysis.

In accordance with the regulations of 43 CFR 2201.(b), publication of this Notice will segregate the public lands, as described in this Notice, from appropriation under the public lands laws, including the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

The segregation of the above-described lands shall terminate upon

issuance of a document conveying such lands or upon publication in the Federal Register of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Dated: March 4, 1985.

Marlyn V. Jones,

District Manager.

[FR Doc. 85-6798 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-32-M

[A20633]

Public Lands; Proposed Classification Decision; Pinal County, AR

Pinal County Board of Supervisors proposes to develop a county regional park on public land in the Santan Mountains area of Pinal County. The land being considered is legally described as;

Gila and Salt River Meridian, Arizona

Township 3 S., Range 7 E.,
Sec. 4, S½SW¼, W½SW¼SE¼;
Sec. 8, E½, E½SW¼;
Sec. 9, S½NE¼, W½, SE¼;
Sec. 10, W½NE¼, W½;
Sec. 16, N½;
Sec. 17, E½, E½NW¼;
Sec. 18, SE¼SE¼;
Sec. 19, Lots 2, 3, 4, E½, SE¼NW¼, E½SW¼;
Sec. 20, E½E½, S½SW¼;
Sec. 21, All;
Sec. 22, SW¼, W½SE¼;
Sec. 27, W½NW¼;
Sec. 28, All;
Sec. 29, All;
Sec. 30, All;
Sec. 31, All;
Sec. 32, All;
Sec. 33, N½NE¼, NW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 34, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 35, All;
Sec. 36, Lots 7-12, SE¼.

Aggregating 8878.98 acres, more or less.

The land has been examined and found suitable for recreation and public purposes under the provisions of the Recreation and Public Purposes Act (R&PP) of June 14, 1926, as amended (44 Stat. 741; 43 U.S.C. 869; 869-4) and the regulations contained in 43 CFR Part 2740 and 43 CFR Part 2912. The land is properly classified for lease or patent for these purposes under the R&PP Act as stated in 43 CFR 2430.4(a)(c).

This classification is consistent with the criteria of 43 CFR 2410.1 (a-d) which requires that (a) the lands are physically suitable for the purposes for which they are classified; (b) all present and potential uses and users of the land were taken into consideration in the classification; (c) the land classification is consistent with state and local government programs; and (d) the land classification is consistent with current federal programs and policies.

Publication of this proposed classification in the Federal Register segregates the land for a period of two years from appropriations under the public lands laws, including location under the mining laws, but not from applications under the mineral leasing laws or the Recreation and Public Purposes Act.

This proposed classification decision relates only to land classification. The merits of Pinal Counties proposed plans for a county regional park and any other R&PP applications will be evaluated and a determination to approve or disapprove the applications will be made at a later date.

For a period of 60 days, interested parties may submit comments to the Phoenix District Manager, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Dated: March 13, 1985.

Marlyn V. Jones,

District Manager.

[FR Doc. 85-6802 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-32-M

Realty Action—Non-Competitive Sale of Public Land; in Crawford County, AR

AGENCY: Bureau of land Management, Interior.

ACTION: Notice of Realty Action: Non-Competitive Sale of Public Land in Crawford County, Arkansas.

SUMMARY: The following described lands have been examined and identified as suitable for 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.

5th Principle Meridian Arkansas

T. 11N., R.31W.,
Sec. 24: NE¼ NE¼ (40.00 acres).

This land is being offered by direct sale to Ms. Carla Jane Blair, at no less than the appraised fair market value. The direct sale will allow the Bureau to resolve an inadvertent unauthorized use and to protect the applicant's (Carla J. Blair) equities.

It has been determined that direct sale to Ms. Blair is in the public's best interest and that it is consistent with land use plans prepared by the Bureau for land in the area.

The patent will be subject to all valid existing rights and reservation of Publication of this Notice will segregate the subject land from all appropriation under the public land laws; but not the mineral leasing laws. This segregation will terminate upon issuance of patent, or 270 days from the date of this Notice or upon publication of a Notice of Termination. Detailed information concerning the sale, including the environmental assessment and land report, is available for reveiw at the BLM office listed below.

For a period of 45 days after the date of issuance of this notice, the public and interested parties may submit comments to the District Manager, Jackson District Office, P.O. 11348, Jackson, Mississippi 29213. Comments will be evaluated by the District Manager, who may vacate or modify this Realty Action. In the absence of any action by the District Manager this Realty Action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Douglas Jones, (601) 960-4405.

Donald L. Libbey,

District Manager.

[FR Doc. 85-6834 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-GJ-M

Realty Action Direct Sale of Public Lands in Jefferson, and Fremont Counties, ID

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Realty Action, Direct Sale of Public Lands in Jefferson, and Fremont Counties. Competitive Sale of Public Lands in Bingham and Power Counties, Idaho.

Direct Sale Summary: The following lands have been examined and identified for disposal under section 203(a) of the Federal Land Policy and Management Act of 1976. The lands will be offered using direct sale procedures to the individuals listed as "preference purchasers" below at no less than the appraised fair market value. Failure to these individuals to accept the offer and submit the required amount by June 4, 1985, shall constitute a waiver of this preference consideration. These parcels would then be offered at competitive sale on the subsequent sale dates. The reservation and conditions applicable to all lands when patented are ditches and canals (43 U.S.C. 945) and all valid existing rights and reservations of record. Other reservations and

conditions are listed with each tract description as follows:

Tract	Legal description	Acres	Preference purchaser
I-21372	T. 5 N., R. 34 E., B.M. Sec. 3: NW¼SW¼.	40	Blaine Larson.
Reservation: Oil and Gas Mineral Estate			
I-21373	T. 8 N., R. 36 E., B.M. Sec. 13: SW¼SE¼.	40	Glen Munns.
Reservation: Oil and Gas Mineral Estate			
I-21374	T. 8 N., R. 37 E., B.M. Sec. 21: NW¼NE¼, N½NW¼, SW¼SE¼.	160	Roland (Von Walker)
Reservation: Oil and Gas Mineral Estate			
I-21378	T. 7 N., R. 36 E., B.M. Sec. 3: Lot 3	39.76	Golden Linford.
Reservation: All Mineral Estates			
I-19726	T. 5 S., R. 29 E., B.M. Sec. 23: NE¼SW¼.	40	G&M Farms.
Reservation: Oil and Gas Mineral Estate			

The Owner of any authorized improvements on the above described tracts shall be given 120 days from the date patent is issued to remove these improvements if he has not been declared the purchaser of the lands sold. The prospective purchaser may also compensate the owner of such improvements and submit proof of compensation to the authorized officer.

Competitive Sale Summary

Based on public support land use plans,the following lands have been examined and identified for disposal under section 203(a) of the Federal Land Policy and Management Act of 1976, for no less than appraised fair market value (FMV). All competitive sale parcels will be subject to the following reservations: ditches and canals, oil and gas mineral estate, valid existing rights and reservations of record.

Tract	Legal description	Acres
I-19726	T. 6 S., R. 30 E., B.M. Sec. 6: Lot 1	52.24
I-19727	T. 1 N., R. 32 E., B.M. Sec. 27: SW¼SE¼	40
I-21381	T. 4 S., R. 33 E., B.M. Sec. 28: NE¼NE¼	40
I-21382	T. 4 S., R. 31 E., B.M. Sec. 31: NW¼NE¼	40

Direct Sale Tracts

The fair market value appraisal for each tract will be available in the Idaho Falls District Office after April 15, 1985. Identified preference purchasers, adjoining landowners and other interested parties will be notified of the appraised values after that date. Procedures for those tracts identified for direct sale require that the identified preference purchaser submit a deposit of 30 percent of the full sale price to the District Office by June 4, 1985. In addition, purchasers of tracts I-21372, I-21373, I-21374 and I-19728 will be required to deposit a $50 non-refundable filing fee to process the conveyance of all minerals, except oil and gas. Failure to do so will result in disqualification.

Competitive Sale Tracts

Sealed bids only are solicited for each tract offered. Acceptable bids must meet the FMV or higher and include a deposit of 30 percent of the full price bid. In addition, a bid will constitute an application for conveyance of all minerals, except oil and gas. The declared high bidder will be required to deposit a $50 non-refundable filing fee to process the conveyance. Failure to do so will result in disqualification as high bidder. Fair market value appraisals will be available after April 15, 1985.

Upon publication in the Federal Register the tracts are segregated from all forms of appropriation under the public land laws including the mining laws, but excepting the mineral leasing laws as provided by 43 CFR 2711.1–2(a), for a period of 270 days, or until patent is issued.

DATES AND ADDRESSES: Bids should be submitted to the District Manager, Idaho Falls District, 940 Lincoln Road, Idaho Falls, Idaho 83401 prior to the sale time. Bids will be opened on June 4, 1985, at 1 p.m. in the District Office at the above address. Any unsold parcels will be reoffered for sale beginning July 2, 1985 at 1 p.m. and continuing thereafter on July 9, 16, 23 and 30 at 1 p.m. If no qualifying bids are received by the July 30, 1985 date, the sales will be cancelled. All bids will be opened at the Idaho Falls District Office.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning reservations, conditions, terms, appraised price, bidding procedures and other items should be obtained by contacting Bruce Bash or Scott Powers, realty specialists at the above address or by calling (208) 529–1020 during office hours.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager at the above address.

Dated: March 14, 1985.

O'dell A. Frandsen,

District Manager.

[FR Doc. 85-6833 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-85-M

[N-41048]

Realty Action; Exchange of Private and Public Lands in Washoe and Clark Counties, NV; Supplement

March 11, 1985.

This Notice of Realty Action supplements the Notice of November 21, 1984 (published 12/7/84, FR Vol. 49, No. 237, pg. 47939, pertaining to the exchange of public lands under Pub. L. 94–579) by identifying reservations to the United States and valid existing rights which will be contained in the exchange patent.

Patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All oil and gas, sodium and potassium leaseable mineral deposits shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals. A more detailed description of this reservation, which will be incorporated in the patent document, is available for review at the Las Vegas District Office, 4765 Vegas Drive, P.O. Box 26569, Las Vegas, Nevada 89126.

And will be subject to:

1. Those rights for water pipeline purposes which have been granted to the Las Vegas Valley Water District, its successor or assigns, by Permit No. N-24656, under the Act of October 21, 1976, 90 Stat. 2776.

2. Those rights for communication line purposes which have been granted to Central Telephone Company, its successors or assigns, by Permit No(s). N-5238, N-6445 and N-7338, under the Act of February 15, 1901, 31 Stat. 790.

3. Those rights for for powerline purposes which have been granted to Nevada Power Company, its successors or assigns, by Permit No(s). N-6042 and N-7663, under the Act of February 15, 1901, 31 Stat. 790.

4. Those rights for powerline purposes which have been granted to Nevada Power Company, its successors or assigns, by Permit No(s). N-12417 and N-12570, under the Act of March 4, 1911, 36 Stat. 1253.

5. Those rights for communication line purposes which have been granted to

Central Telephone Company, its successors or assigns by Permit No(s). N-12419 and Nev-065716, under the Act of March 4, 1911, 36 Stat. 1253.

6. Those rights for communication line/powerline purposes which have been granted to Central Telephone Company and Nevada Power Company, their successors or assigns, by Permit No(s). N-18560 and N-32352, under the Act of October 21, 1976, 90 Stat. 2776.

7. Those rights for access road and utility purposes which have been granted to Clark County Department of Public Works, its successors or assigns, by Permit No. N-24205, under the Act of October 21, 1976, 90 Stat. 2776.

8. Easements for streets, roads and public utilities in accordance with the Clark County Department of Public Works Transportation Plan.

Further information concerning the exchange is available for review at the Bureau of Land Management, Las Vegas District Office, 4765 Vegas Drive, P.O. Box 26569, Las Vegas, Nevada 89126.

Dated: March 11, 1985.

Kemp Conn,

District Manager.

[FR Doc. 85-6801 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-HC-M

[Docket No. W-86201 and W-88630]

Realty Action, Competitive Sale of Public Lands in Crook and Weston Counties, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Competitive Sale of Public Land Parcels in Crook and Weston Counties, Wyoming.

SUMMARY: The Bureau of Land Management has determined that the land described below is suitable for public sale and will accept bids on these lands. BLM is required to receive fair market value for the land sold and any bid for less than fair market value will be rejected. The BLM may accept or reject any and all offers, or withdraw any land or interest on the land for sale if the sale would not be consistent with the Federal Land Policy and Management Act (FLPMA) of 1976, or other applicable law.

The sale will be open to competitive bidding, and any qualified bidder may submit a bid. Detailed bidding instructions, sale dates, and other sale details are available on request from the BLM, Newcastle Resource Area, 1501 Highway 16 Bypass, Newcastle Wyoming 82701 (Phone 307-746-4453). Failure to submit a bid in accordance with these detailed instructions may result in rejection of the bid.

PARCELS

Serial No.	Legal description	Acreage	Appraised value
W-86201	T. 56 N., R. 66 W., 6th P.M., Sec. 9, Lot 1.	9.29	$1,400
W-88630	T. 47 N., R. 61 W., 6th P.M., Sec. 26, SW¼NW¼.	40.00	11,000

The lands described are hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action.

Specific patent reservations include a reservation for ditches and canals, a reservation of all minerals to the United States, and a grazing reservation to Lauris L. Tysdal. In addition, the patent will be subject to Lauris L. Tysdal's grazing improvement, a highway right-of-way, and oil and gas leases. A detailed description of these reservations is available from the above address.

For a period of 45 days from the date of this notice, interested parties may submit comments to the district Manager, Casper District Office, 951 North Poplar, Casper, Wyoming 82601. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: March 13, 1985.

James W. Monroe,

Casper District Manager.

[FR Doc. 85-6803 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-22-M

[W-86199, W-86200, W-86206, W-86211]

Realty Action, Modified Sale of Public Lands in Crook County, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Modified Competitive Sale of Public Land Parcels in Crook County, Wyoming.

SUMMARY: The Bureau of Land Management has determined that the land described below is suitable for public sale and will accept bids on these lands. BLM is required to receive fair market value for the land sold and any bid for less than fair market value will be rejected. The BLM may accept or reject any and all offers, or withdraw any land or interest on the land for sale if the sale would not be consistent with FLPMA or other applicable law.

Detailed bidding instructions and other sale details are available on request at BLM, Newcastle Resource Area, 1501 Highway 16 Bypass, Newcastle, Wyoming 82701 (phone (307) 746-4453). Failure to submit a bid in accordance with these detailed instructions may result in rejection of the bid.

PARCELS

Serial No.	Legal description	Acreage	Appraised value
W-86199	T. 55 N., R. 66 W., 6th P.M., sec. 16, lots 5 and 6.	10.82	$250
W-86200	T. 55 N., R. 66 W., 6th P.M., sec. 16, lots 3 and 4.	36.75	5,150
W-86206	T. 55 N., R. 64 W., 6th P.M., sec. 6, lot 13.	42.15	7,400
W-86211	T. 55 N., R. 64 W., 6th P.M., sec. 6, lot 16.	42.49	7,650

The lands described are hereby segregated for appropriation under public land laws, including the mining laws, pending disposition of this action.

The sale will be conducted by modified competitive bidding, and each parcel will be offered by a sealed bid process to adjoining landowners. The apparent high bidder will be required to submit evidence of adjoining landownership before the high bid can be accepted. If any parcels fail to sell, the land will be reoffered for sale under a competitive bidding process.

The patent for all parcels will include a reservation for ditches and canals, and all minerals will be reserved to the United States. Parcels W-86199, W-86200, W-86206, and W-86211 will be subject to exising oil and gas leases. Parcel W-86206 is subject to Ruth E. Davidson's grazing use and Parcel W-86200 is subject to Adam R. Neiman's grazing improvements. Parcel W-86211 is subject to Eddie Gantz's grazing improvements. A detailed description of these reservations is available from the above address.

For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the District Manager, Casper District Office, 951 North Poplar, Casper, Wyoming 82601. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: March 13, 1985.

James W. Monroe,

District Manager, Casper.

[FR Doc. 85-6804 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-22-M

Fish and Wildlife Service

Intent To Prepare a Master Plan With Environmental Impact Statement for the Chincoteague National Wildlife Refuge, VA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Service intends to initiate a comprehensive planning process for the purpose of developing a Master Plan for the Chincoteague National Wildlife Refuge. An Environmental Impact Statement (EIS) will be prepared during the planning process. This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public issues to be considered in the plan development. Comments and participation in this scoping process are solicited.

Background Information

The Chincoteague National Wildlife Refuge was established as a unit of the National Wildlife Refuge System in 1943. It consists of 9,931 acres located within Worcester County, Maryland and Accomack County, Virginia on the Delmarva Peninsula. The refuge is located on Assateague Island which stretches for about 33 miles along the coast of Virginia and Maryland. The refuge area represents one of the last major undeveloped barrier island ecosystems on the Northwestern Atlantic seaboard. A portion of the Assateague Island National Seashore is included within the boundary of the refuge. Chincoteague NWR hosts approximately 1.5 million people a year and is the most highly visited refuge in Region 5. The proximity of the refuge to the metropolitan areas of Washington, DC, Baltimore, Philadelphia, and Norfolk will continue to stimulate public use demand. The impacts from overcrowding, traffic congestion, loss of wildlife habitat, and increased use pressures on the refuge necessitates, in part at least, this master planning effort.

The refuge master plan is to be a comprehensive land use and facilities development plan that will clearly set forth long-term objectives for resource management and public use of the refuge. An interdisciplinary planning team comprised of staff from the refuge and the Regional Office in Newton Corner, Massachusetts, has been established to carry out the planning process. The process will include a data inventory and resource mapping phase, an analysis of land suitability to support potential uses, and evaluation of alternative ways to allocate refuge lands to potential uses in a manner consistent with the overall objectives of the National Wildlife Refuge System and the purpose for which the refuge was established.

Public involvement will be an essential component of the planning process. As a public resource management agency, the Service will make every effort to insure that attitudes, interests and desires of local, regional and national groups are considered in the planning process. Public participation will include personal contact with individuals, user groups, agencies, etc., and workshop sessions and meetings.

Scoping sessions and workshops will be held to identify issues and problems that should be considered in the planning process. Time and location of meetings will be announced at least one month in advance. If your agency or organization is interested in participating, please contact the individual at the end of this announcement.

In order to obtain public input as early as possible in the planning process, a general mailing to solicit public comments will be conducted during the Spring of 1985. Persons, representatives of organizations and agency representatives who have suggestions regarding problems and issues that should be considered in the planning process and/or wish to be on the mailing list are invited to contact the Service. Written comments should be addressed to: Mr. Dennis Holland, Manager, Chincoteague National Wildlife Refuge, Box 62, Chincoteague, Virginia 23336.

The planning process and environmental review of the master plan will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969 as amended (42 CFR Parts 1500-1506), other appropriate Federal regulations, and Service procedures for compliance with those regulations.

It is estimated that the Draft EIS will be available for the public by April or May of 1986.

FOR FURTHER INFORMATION CONTACT: Gib Chase, U.S. Fish and Wildlife Service, One Gateway Center, suite 700, Newton Corner, Massachusetts 02158, telephone No. (617) 965-5100, extension 278, or FTS 829-9278.

William C. Ashe,

Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 85-6813 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-55-M

Pipeline Rights-of-Way Applications; Texas

Notice is hereby given that under Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (37 Stat. 576), that Mantaray Transmission Company has applied for a right-of-way permit to construct, operate, and maintain a 36-inch natural gas pipeline across the Matagorda Island State Park and Wildlife Management Area of the Aransas National Wildlife Refuge in Calhoun County, Texas.

This proposed pipeline will transport natural gas from offshore (Matagorda Island Blocks 622, 623, 624, and 568) to onshore and thereby into intrastate commerce. It is necessary to cross refuge lands to get onshore, to minimize pipeline length, and to minimize environmental disturbances by following an area previously disturbed in the building of the abandoned Air Force Base.

The proposed pipeline will start from the Gulf of Mexico, Matagorda Island Block 622; cross Matagorda Island, along side an existing road east of the abandoned Air Force Base; Espiritu Santo Bay; Dewberry Island; Shoalwater Bay; and the Intercoastal waterway; before coming onshore in Calhoun County, Texas.

The purpose of this notice is to inform the public that the United States Fish and Wildlife Service will be proceeding with consideration of whether this application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so within thirty (30) days by sending their comments, with their name and address, to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Public Notice.

DATES: Comments must be submitted on or before April 22, 1985.

ADDRESSES: All written comments are to be submitted to: Regional Director, U.S. Fish and Wildlife Service (RE), P.O. Box 1306, Albuquerque, New Mexico 87103.

FOR FURTHER INFORMATION CONTACT: Mr. William B. Fisher, Realty Specialist, Division and Realty, U.S. Fish and Wildlife Service, 500 Gold Avenue SW., Albuquerque, New Mexico 87103, Telephone: (505) 766–2174.

Michael J. Spear,
Regional Director.

[FR Doc. 85–6810 Filed 3–21–85; 8:45 am]
BILLING CODE 4310–55–M

Minerals Management Service

Howell Petroleum Corp.; Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Howell Petroleum Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OSG–G 4909, Block 64, Main Pass Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on March 11, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0876.

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 became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: March 12, 1985.

John L. Rankin,
Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85–6829 Filed 3–21–85; 8:45 am]
BILLING CODE 4310–MR–M

Samedan Oil Corp.; Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Samedan Oil Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 5669, Block 18, West Delta Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on March 13, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Govert; Minerals Management Service; Gulf of Mexico OCS Regional; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0876 .

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 became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: March 14, 1985.

John L. Rankin,
Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85–6821 Filed 3–21–85; 8:45 am]
BILLING CODE 4310–MR–M

Outer Continental Shelf Oil and Gas Leasing Program; Mid-1986 Through Mid-1991; Inquiry

AGENCY: Minerals Management Service, Interior.

ACTION: Request for Comments on the Draft Proposed 5-Year Outer Continental Shelf (OSC) Oil and Gas Leasing Program for Mid-1986 through Mid-1991.

SUMMARY: The Secretary of the Interior has just transmitted to the Governors of the affected coastal States and to the heads of affected Federal Agencies for review and comment the Draft Proposed 5-Year OCS Oil and Gas Leasing Program, prepared pursuant to section 18 of the OCS Lands act, as amended. That transmission is a formal but early step on the approximately 2-year process of analysis and consultation required for development of a new 5-year OSC oil and gas leasing program. The process was begun in July 1984 with letters to coastal State Governors and affected Federal Agencies and a **Federal Register** Notice (49 FR 28332, July 11, 1984) requesting initial comments and information on development of the new 5-year program. The Draft Proposed Program consists of a preliminary schedule of sales including presale milestones for the period July 1986 through June 1991 and a selection of leasing policies. These policies concern the configuration of OCS planning areas, the size of sales as determined by the presale process, and the means of assuring the receipt of fair market value for lands leased and rights conveyed. A Notice of intent to prepare an environmental impact statement (EIS) also appears in today's **Federal Register**. This Notice seeks public comments on the schedule and policies selected as the Draft Proposed Program. The responses to this Notice will be considered for the Secretarial decision on the adoption of a Proposed 5-Year OCS Oil and Gas Leasing Program planned for release in the summer of 1985. That release will be followed by a further 90-day comment period and further evaluation.

DATES: Comments must be received by May 20, 1985.

ADDRESSES: Comments should be submitted to the Deputy Associate Director for Offshore Leasing, Minerals Management Service (MMS), Mail Stop 641, 12203 Sunrise Valley Drive, Reston, Virginia 22091. Hand deliveries to the Department of the Interior may be made to Room 2525, 18th & C Streets NW., Washington, D.C. 20240. Envelopes or packages should be marked "Comments on the Draft Proposed 5-Year OCS

Leasing Program." If any privileged or proprietary information which the respondent wishes to be treated as confidential is attached to comments, the envelope or package should be marked "Contains confidential information."

FOR FURTHER INFORMATION CONTACT: Telephone contact may be made with Chris Oynes, Chief, Offshore Leasing Management Division, MMS, at (202) 343-6906, or Paul Stang, Chief, Branch of Program Development and Planning, MMS, at (202) 343-1072.

Author: Robert Samuels, Branch of Program Development and Planning, MMS.

SUPPLEMENTARY INFORMATION: The Department of the Interior (DOI) has developed the Draft Proposed Program within the framework of section 18 of the OCS Lands Act, as amended. Section 18 requires that the 5-year program be designed to meet national energy needs. Thus, one objective of the program is to allow all parties to plan for OCS leasing activities while providing sufficient flexibility to meet national energy needs.

Pursuant to section 18, the schedule and policies selected for the Draft Proposed Program were based on a consideration of a number of factors specified by the act and provide "to the maximum extent practicable, a proper balance between the potential for environmental damage, the potential for the discovery of oil and gas, and the potential for adverse impact on the coastal zone."

The preliminary decisions made for the Draft Proposed Program are described below. This is the first of several steps in the development of the new program. The proposals which comprise the Draft Proposed Program will be reviewed at the later program development stages: the Proposed Program, schedule for release in the summer of 1985; the Proposed Final Program, planned for the spring of 1986; and final approval. Secretarial approval of a final new 5-Year OSC Oil and Gas Leasing Program will follow appropriate consultation and a 60-day notification period before Congress.

Maps and a table showing the planning areas and their geographic boundaries appear at the end of this Notice along with Figure 1 which depicts the leasing schedule selected for the Draft Proposed Program.

1. Planning Area Boundaries for the Draft Proposed Program

In the July 1984 **Federal Register** Notice requesting comments on the development of the new program, 24 OCS planning areas were depicted. The Draft Proposed Program selection revises the July 1984 description by establishing outer boundaries for planning areas and reconfiguring the OCS into 26 planning areas.

This reconfiguration has two parts: the division of the South Atlantic into two areas (South Atlantic and Straits of Florida) to allow a more concentrated review of those areas under the provisions of section 18; and the reconfiguration of planning areas offshore California from two to three to allow a more concentrated section 18 review of those areas as well as to respond to public comments.

The key factor in the reconfiguration of the areas offshore California is that there are discoveries in the basin on both the south and west sides of Santa Barbara County. It will thus be better for planning and administrative purposes to treat them together for the scheduling of lease sales and analyzing in a single EIS potential impacts on air quality, transportation of oil and gas, and other environmental factors. The other four basins offshore California are divided equally, i.e., two and two, to form the new Central and new Northern California planning areas.

In addition to the above reconfiguration of planning areas, outer boundaries have been selected. The outer boundaries of the Washington-Oregon and Northern California areas are being set at 128° W. longitude so as to encompass the area of hydrocarbon potential in those regions. In the Beaufort Sea, Official Protraction Diagram NS 7-8 is being added so as to include that area for consideration for leasing in the new program.

2. The Leasing Schedule for the Draft Proposed Program

Over the period mid-1986 through mid-1991, the Draft Proposed Program provides for 33 standard sales, 5 frontier exploration sales, and 5 supplemental sales.

This contrasts with the current program (as approved in July 1982), which provided for 40 standard sales and 1 reoffering sale. The new draft schedule proposes the continuation of annual sales in the two highest-value, highest-interest areas: the Central and Western Gulf of Mexico. It proposes triennial sales in 15 other areas. This triennial pacing of sales contrasts with the biennial pace in the current 5-year program. Other features of the proposed schedule are described below.

The first OCS sale in 27 years is proposed for 1991 offshore Washington and Oregon given the value of that area's resources and industry interest. The schedule also proposes the first sale in Hope Basin, offshore Alaska, also in 1991. The sales for these areas are proposed late in the 5-year period to allow time for the necessary environmental studies to be performed.

a. The Base Schedule

The base schedule proposes 33 standard sales in 17 planning areas. The 11 sales numbered in Figure 1 are sales carried over from the current to the new program.

b. Frontier Exploration Sales Offshore Alaska

Five frontier exploration sales have been proposed offshore Alaska to increase the flexibility of the schedule to respond to changes in prices and other economic conditions or improved geologic and geophysical data. These five sales are proposed for the Gulf of Alaska (1988), Cook Inlet (1989), Shumagin (1990), Hope Basin (1991), and Kodiak (1991). The 1987 Shumagin sale, Sale 86, is carried over from the current schedule as a standard sale. In these frontier areas, the assessment of oil and gas resources is incomplete, and at this time, industry interest appears low.

These frontier exploration sales will include an additional presale step: a Request for Interest scheduled for 4 months prior to the Call for Information and Nominations. Responses to each Request will be used to help determine whether the approximately 2-year sale process should proceed in those areas. The annual review of the program under section 18(e) will also be used to determine whether to proceed with these sales.

c. Supplemental Sales

The schedule also includes an annual sale for a limited number of selected blocks in areas other than the Central and Western Gulf of Mexico: drainage and development blocks; and blocks on which bids were rejected in the preceding calendar year. These sales will provide for: (1) The expeditious offering of blocks in which serious industry interest can reasonably be anticipated; (2) orderly development of OCS resources (increasing the potential for actual development and reducing the time necessary to bring new fields into production); and (3) minimization of costs of delay. These blocks will only be offered after compliance with the requirements of the National Environmental Policy Act, the OCS Lands act, and other applicable statutes. The environmental assessment documentation for each of these sales would be released at approximately the

same time as the Proposed Notice of Sale. If it is determined that an EIS is required for one of these sales, revised presale milestones will be issued.

d. Areas in Which no Sales Are Proposed in the Draft Proposed Program

The schedule proposes no sales in St. Matthew-Hall, Aleutian Arc, Aleutian Basin, and Bowers Basin so as to concentrate management resources on other areas with higher resource potential and industry interest. Comments are requested on this part of the proposal in the final section of this Notice. No sale has been scheduled for the Straits of Florida since this area has not yet been analyzed as a separate planning area. Section 18 analysis of and comments on the Straits of Florida as a new planning area will be available for the decision on the Proposed Program.

e. Flexibility Provision

The DOI must plan for an unknown future with limited information. Changes in the world energy market as well as exploration results in frontier areas can dramatically affect the demand for offshore leases. The statutory requirement to develop "a schedule of proposed lease sales indicating, as precisely as possible, the size, timing, and location of leasing which [the Secretary] determines will best meet national energy needs for the 5-year period following its approval . . ." must be applied with due recognition that what will be known tomorrow may well be very different from what is known today.

To comply fully with the statutory requirement to meet national energy needs over the 5 years of the program, the schedule should have the flexibility to respond to changing conditions. Thus, the new program includes a provision to accelerate sales in areas of higher value and/or higher interest (but not so as to increase the total number of sales in any planning area in the approved program). The areas where such acceleration would be considered include: Southern California; Eastern Gulf of Mexico; Central California; Northern California; Navarin Basin; Beaufort Sea; North Aleutian Basin; and St. George Basin. Specific guidelines for the implementation of the acceleration provision will be developed for the Proposed Program and available for public comment before final approval of the program.

Such a provision would be used only if warranted by changes in economic conditions (for example, substantially higher oil price expectations such as might result from a serious oil supply disruption) or geologic data (such as could come from major new discoveries). The question of whether to accelerate a sale in an area would be made on a sale-by-sale basis, as part of the required annual review of the program under section 18(e). No new sales would be added to the program in any planning area under this provision.

4. Size of Lease Sales

It is proposed that the size of lease sales be determined by a presale process which results in the offering of promising acreage. Promising acreage is that which is reasonably determined to be likely to lead to exploration and/or development of oil and gas resources. That determination will be made by means of a consultative process which will provide for the early resolution of conflicts based on information and nominations obtained from affected Federal Agencies, State and local governments, the public, and potential bidders, as well as Minerals Management Service analysis.

The offering of promising acreage will give effect to DOI's desire to make available for lease areas of hydrocarbon potential as identified by industry and MMS, while remaining cognizant of the particular circumstances relevant to each sale. The various OCS areas and the adjacent onshore regions vary significantly in terms of exploration and development history, onshore support capability, and possible multiple-use conflicts. In preparing for leasing activity, regional differences will be taken into account on a case-by-case, sale-by-sale basis, and the emphasis will be on consultation, and, wherever possible, consensus.

5. Assurance of Receipt of Fair Market Value in the Draft Proposed Program

Section 18(a)(4) provides that leasing activities are to be conducted so as to assure receipt of fair market value for lands leased and rights conveyed. The policy option selected for the Draft Proposed Program maintains current procedures for assuring the receipt of fair market value. In 1984, a number of adjustments were made to improve fair market value procedures based upon evaluations of these procedures conducted by MMS independent of the formulation of the new leasing program. The policy option selected also provides for a review under the auspices of the development of the new 5-year program of the question of whether the minimum bid level should be changed either in general or on a variable basis for different planning areas.

Information requested

This Notice has been prepared to obtain public views on the above proposals. Comments may be submitted on any topic related to the new 5-year program.

Comments are requested on the following specific topics:

(1) The proposed configuration of planning area boundaries.

(2) The appropriateness of the number of proposed sales and the interval between proposed sales.

(3) The appropriateness of the location of proposed sales.

(4) The proposed presale process.

(5) The proposed means of pursuing flexibility in the new program in light of uncertainty over future oil and gas prices and national energy needs.

(6) Whether considerations such as the following concerning the level of the minimum bid would warrant varying the current minimum bid level of $150 per acre on a nationwide or planning area basis: (1) Changes in economic conditions such as oil prices; or (2) potential effects on the number of tracts leased or the rate of exploration and development.

(7) Whether the tract size limit of 5,760 acres ought to be expanded; and whether enlargement of the maximum tract size is an alternative which would achieve effects comparable to varying the minimum bid. Under section 8(b)(1) of the OCS Lands Act, the Secretary of the Interior has the authority to enlrge the maximum tract size if necessary to comprise a reasonable economic production unit.

(8) Whether there are subareas within planning areas which should be subject to special considerations, either in the presale planning process for each sale or, more generally, within the 5-year program itself, and what those considerations should be.

Industry respondents in particular are requested to rank all planning areas of the OCS which now number 26 instead of 24. In order to encourage the frankest response, each respondent's ranking, upon request, will be deemed to be privileged or proprietary information to be treated as confidential for a period of 2 years after receipt by MMS. Confidential treatment of information is authorized under section 18(g) of the OCS Lands Act. In order that only rankings be treated as confidential, they should be submitted as an attachment to the other comments a respondent submits. While each ranking attachment will be treated as confidential information for a period of 2 years, statistical summaries of rankings

prepared by MMS, the names of respondents submitting rankings, and comments other than rankings will not be treated as confidential information.

Separate rankings are requested for: (i) Hydrocarbon potential; and (ii) exploration and development interest. Both rankings should be based on estimates of resources expected to be unleased as of mid-1986. Industry respondents are also asked to indicate those areas in which they have intentions to operate or serious interest in operating so that their rankings can be interpreted most usefully by MMS.

The following maps and Table 1 depict and describe the planning area boundaries selected as part of the Draft Proposed Program. Figure 1 depicts the leasing schedule selected for the Draft Proposed Program.

Dated: March 19, 1985.

William D. Bettenberg,

Director, Minerals Management Service

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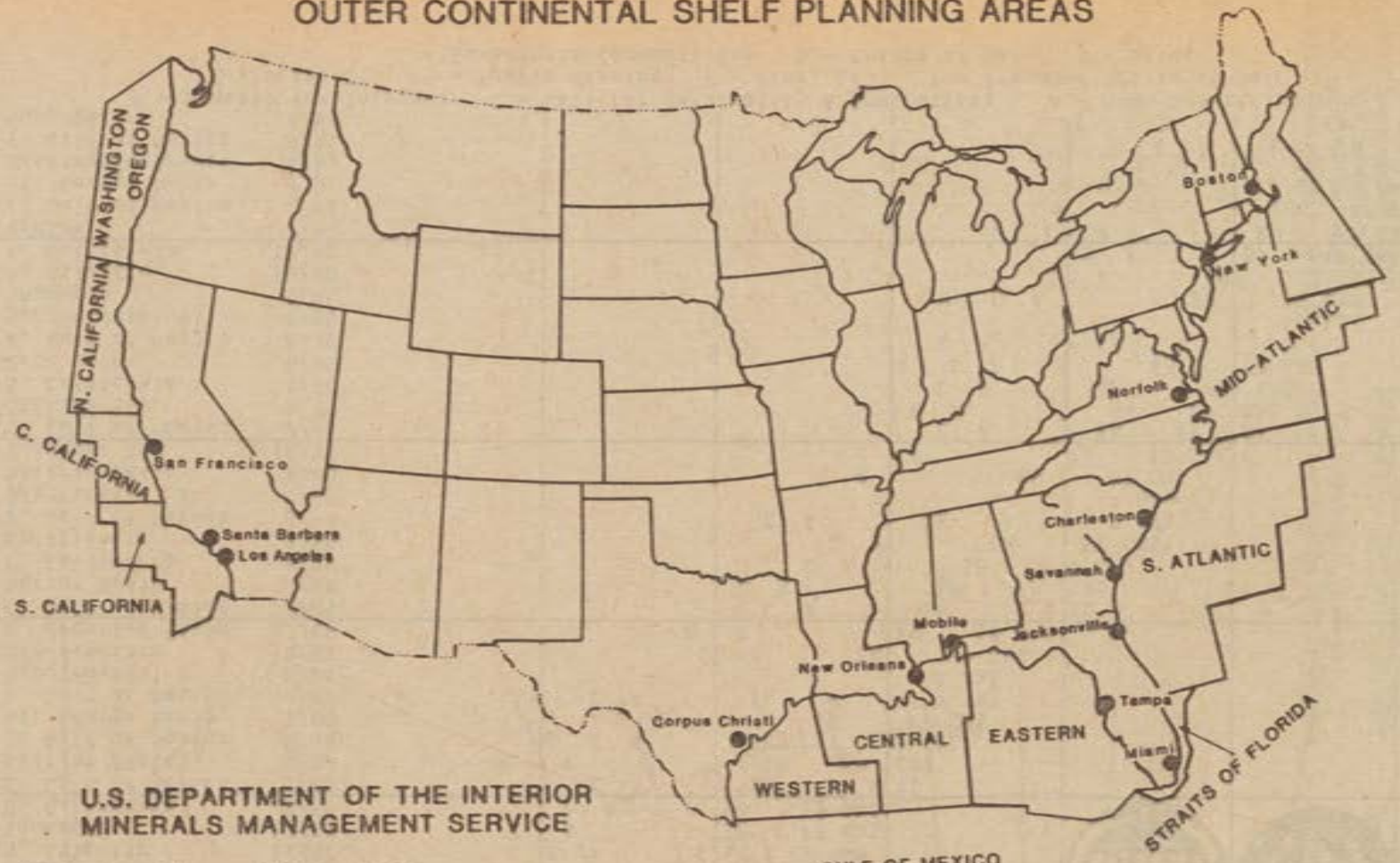
Figure 1
DRAFT PROPOSED PROGRAM

MARCH 1985

SALE	AREA	PROPOSED DATE	1985 J F M A M J J A S O N D	1986 J F M A M J J A S O N D	1987 J F M A M J J A S O N D	1988 J F M A M J J A S O N D	1989 J F M A M J J A S O N D	1990 J F M A M J J A S O N D	1991 J F M A M J
105	W. Gulf of Mexico	7/86	EH F	P G NS					
	Supplemental 1	8/86		P GNS					
107	Navarin Basin	9/86	EH	FP GNS					
97	Beaufort Sea	12/86	A EH	FP G NS					
95	S. California	4/87	C A	EH FP	GNS				
110	C. Gulf of Mexico	4/87	C A	EH FP	GNS				
109	Chukchi Sea	5/87	C A	EH F	P GNS				
	W. Gulf of Mexico	8/87	C A	EH F	P GNS				
	Supplemental 2	8/87			P GNS				
96	N. Atlantic	11/87		C A E	H FP GNS				
86	Shumagin	12/87	C	A	EH FP GNS				
91	N. California	12/87		C A	EH FP GNS				
	C. Gulf of Mexico	2/88		C A	EH FP G	NS			
	Gulf of Alaska	3/88	R	C A	EH FP	GNS			
	E. Gulf of Mexico	5/88		C A	EH F	P GNS			
101	St. George Basin	7/88		C A	EH	FP GNS			
	W. Gulf of Mexico	8/88		C A	EH F	P GNS			
	Supplemental 3	8/88				P GNS			
	Mid-Atlantic	10/88		C	A EH	FP GNS			
	N. Aleutian Basin	12/88		C	A	EH FP GNS			
	C. Gulf of Mexico	2/89			C A	EH FP G	NS		
	Norton Basin	3/89			C A	EH FP	GNS		
	C. California	5/89			C A	EH F	P GNS		
108	S. Atlantic	7/89			C A	EH	FP GNS		
	W. Gulf of Mexico	8/89			C A	EH F	P GNS		
	Supplemental 4	8/89					P GNS		
	Navarin Basin	9/89			C A	EH	FP GNS		
	Beaufort Sea	12/89			C	A	EH FP GNS		
	C. Gulf of Mexico	2/90				C A	EH FP G	NS	
	Chukchi Sea	3/90				C A	EH FP	GNS	
	S. California	4/90				C A	EH FP	GNS	
	Cook Inlet	6/90				R C A	EH	FP GNS	
	W. Gulf of Mexico	8/90				C A	EH F	P GNS	
	Supplemental 5	8/90						P GNS	
	Shumagin	9/90				R C A	EH	FP GNS	
	N. Atlantic	10/90				C	A EH	FP GNS	
	N. California	12/90					C A	EH FP GNS	
	Kodiak	1/91				R C	A	EH FP GN	S
	C. Gulf of Mexico	2/91					C A	EH FP G	NS
	St. George Basin	4/91					C A	EH FP	GNS
	Washington-Oregon	4/91					C A	EH FP	GNS
	E. Gulf of Mexico	5/91					C A	EH F	P GNS
	Hope Basin	6/91					R C A	EH	FP GNS

R - Request for Interest C - Call for Information & Nominations A - Area Identification
E - Draft EIS H - Public Hearing F - Final EIS P - Proposed Notice of Sale
G - Governor's Comments Due N - Notice of Sale S - Sale

Map 1



Maritime boundaries and limits depicted on the maps, and divisions shown between planning areas, are for initial planning purposes only and do not prejudice or affect United States jurisdiction in any way.

Map 2

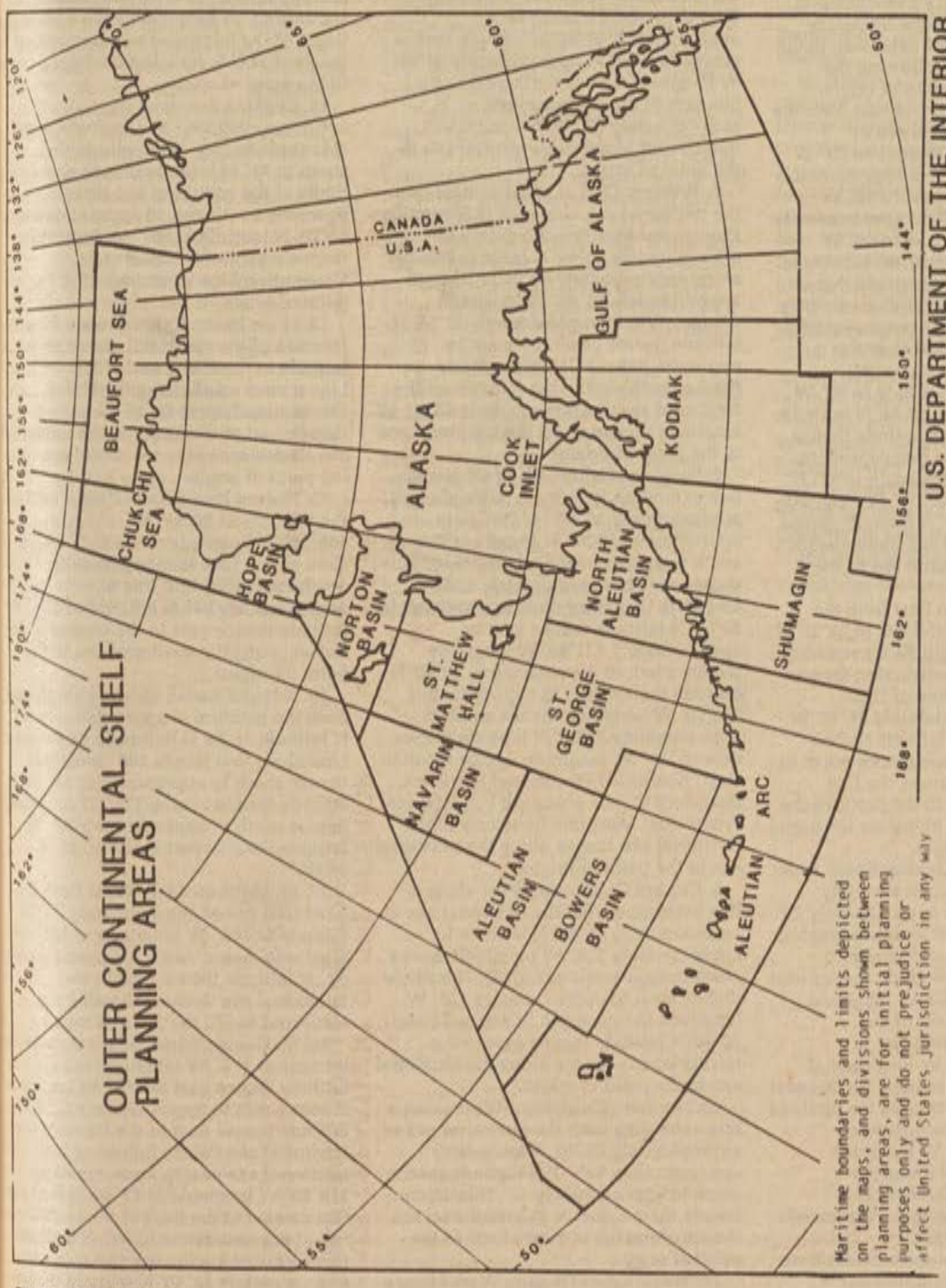


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Table 1—Description of Planning Areas

1. North Atlantic: Extends south from the juncture of the territorial sea at 71° W longitude to 39° N latitude thence east to the juncture of an extension of the U.S.-Canada Maritime Boundary thence north along that extension to the territorial sea thence following the territorial sea to the point of origin.

2. Mid-Atlantic: Extends east from the juncture of the territorial sea at approximately 35° N latitude to 70° W longitude thence north to approximately 37° N latitude thence east to 68° W longitude thence north to approximately 38° N latitude thence east to 66° W longitude thence north to 39° N latitude thence west to 71° W longitude thence north to the territorial sea thence along the territorial sea to the point of origin.

3. South Atlantic: East from the juncture of the territorial sea at approximately 35° N latitude to 70° W longitude thence south to 34° N latitude thence west to 72° W longitude thence south to 32° N latitude thence west to 74° W longitude, thence south to 31° N latitude thence west to 78° W longitude thence south to 28°17′ N latitude thence west to the territorial sea limits thence north along the territorial sea to the point of origin.

4. Straits of Florida: East from the juncture of the territorial sea at 28°17′ N latitude to 78° W longitude thence south to the limits of U.S. jurisdiction thence southwest along the line of U.S. jurisdiction to approximately 81°13′ W longitude at 23°55′ N latitude thence west to 83° W longitude thence north to the territorial sea abutting the Dry Tortugas thence east to the limits of the territorial sea thence along the territorial sea to the point of origin.

5. Eastern Gulf of Mexico: South from the territorial sea at approximately 87°45′ W longitude to approximately 29° N latitude thence west to approximately 87°55′ W longitude thence south to approximately 26° N latitude thence east to approximately 85°55′ W longitude thence south to the limit of U.S. jurisdiction thence southeast to approximately 83°55′ W longitude at approximately 24° N latitude thence east to 83° W longitude thence to the limits of the territorial sea thence east to approximately 82°25′ W longitude thence north and east along the territorial sea to the limits of U.S. jurisdiction thence along the territorial sea to the point of origin.

6. Central Gulf of Mexico: South from the territorial sea at approximately 87°45′ W longitude to approximately 29° N latitude thence west to approximately 87°55′ W longitude thence south to approximately 26° N latitude thence west to approximately 91°55′ W longitude, except that between approximately 88°23′ W longitude and 91°05′ W longitude the boundary is the U.S.-Mexico Provisional Maritime Boundary, thence north to approximately 27°55′ N latitude thence generally west to approximately 93°25′ W longitude thence northwest to the juncture of the territorial sea at approximately 93°50′ W longitude thence east along the territorial sea to the point of origin.

7. Western Gulf of Mexico: East from the territorial sea along the U.S.-Mexico Provisional Maritime Boundary to approximately 25°45′ N latitude thence along approximately 26° N latitude to approximately 91°55′ W longitude thence north to approximately 27°55′ N latitude thence generally west to approximately 93°25′ W longitude thence northwest to the juncture of the territorial sea at approximately 93°50′ W longitude thence along the territorial sea to the point of origin.

8. Southern California: West along a line extending from the territorial sea at approximately 35°47′ N latitude to approximately 124° W longitude thence south to approximately 34°58′ N latitude thence east to approximately 122° W longitude thence south to approximately 32°55′ N latitude thence east to approximately 121°40′ W longitude thence south to approximately 32°40′ N latitude thence east to approximately 120°20′ W longitude thence south to approximately 32°10′ N latitude thence east to 120° W longitude thence south to the U.S.-Mexico Provisional Maritime Boundary thence along the U.S.-Mexico Provisional Maritime Boundary to the territorial sea thence along the territorial sea to the point of origin.

9. Central California: West along a line extending from the territorial sea at approximately 35°47′ N latitude to approximately 124° W longitude thence north to approximately 37°59′ N latitude thence west to approximately 126° W longitude thence north to approximately 38°46′ N latitude thence east to the territorial sea thence along the territorial sea to the point of origin.

10. Northern California: West along a line extending from the territorial sea at approximately 38°46′ N latitude to approximately 128° W longitude thence north to approximately 42° N latitude thence thence east to the territorial sea thence along the territorial sea to the point of origin.

11. Washington-Oregon: West along a line extending from the territorial sea at approximately 42° N latitude to 128° W longitude thence north to the limits of U.S. jurisdiction thence east to the territorial sea thence along the territorial sea to the point of origin.

12. Beaufort Sea: West from the juncture of U.S. jurisdiction at 73° N latitude to 162° W longitude thence south to 71° N latitude thence east to the limits of the territorial sea thence east to the limit of U.S. jurisdiction thence north to the point of origin.

13. Chukchi Sea: East from approximately 169° W longitude at 73° N latitude to 162° W longitude thence south to 71° N latitude thence east to the limits of the territorial sea thence generally southwest to approximately 68°20′ N latitude at 167° W longitude thence west to the U.S.-Russia Convention Line thence north to the point of origin.

14. Hope Basin: Extends west from the juncture of the territorial sea at 68°20′ N latitude to the U.S.-Russia Convention Line thence south along the U.S.-Russia Convention Line to 65°35′ N latitude thence east to the limits of the territorial sea thence along the territorial sea to the point of origin.

15. Norton Basin: Extending west from the juncture of 65°35′ N latitude at 168°15′ W longitude to the U.S.-Russia Convention Line thence generally southwest along that line to approximately 63° N latitude at 175° W latitude thence east to the territorial sea thence along the territorial sea to the point of origin.

16. Navarin Basin: Extends southwest from the juncture of approximately 63° N latitude at the U.S.-Russia Convention Line along that line to 180° longitude thence south to approximately 58° N latitude thence east to 174° W longitude thence north to approximately 63° N latitude thence west to the point of origin.

17. St. Matthew-Hall: West from the territorial sea at approximately 63° N latitude at 165° W longitude to 174° W longitude thence south to approximately 59° N latitude thence east to the territorial sea thence following the territorial sea to the point of origin.

18. St. George Basin: South from 59° N latitude at 174° W longitude to 56° N latitude thence east to 171° W longitude thence south to approximately 52°35′ N latitude thence east to the limits of the territorial sea thence following the territorial sea east to approximately 170°30′ W longitude at 52°40′ N latitude thence east to the limit of the territorial sea at approximately 52°46′ N latitude thence following the territorial sea to approximately 52°48′ N latitude thence east to the limit of the territorial sea thence northeast to 165° W longitude thence north to 59° N latitude thence west to the point of origin.

19. North Aleutian Basin: West from 161°52′ W longitude at approximately 59° N latitude to 165° W longitude thence south to the intersection with the territorial sea thence following the territorial sea to the point of origin.

20. Shumagin: Extends south from a point at approximately 54°30′ N latitude and 165° W longitude to 50° N latitude thence east to 159° W longitude thence north to 51° N latitude thence east to 156° W longitude thence north to 57° N latitude thence west to the territorial sea thence southwest along the territorial sea to the point of origin.

21. Cook Inlet: Extends east from approximately 56°57′ N latitude at 156°25′ W longitude to the intersection with the territorial sea thence generally northeast along the territorial sea to approximately 152°27′ W longitude thence north to the territorial sea thence around the territorial sea to approximately 59° N latitude at 152° W longitude thence north to the territorial sea thence following the territorial sea to the point of origin.

22. Kodiak: Extends east from 57° N latitude at 156° W longitude to the territorial sea thence generally northeast along the territorial sea to approximately 152°27′ W longitude thence north to the territorial sea thence around the territorial sea to approximately 59° N latitude thence east to 148° W longitude thence south to 58° N latitude thence east to 147° W longitude thence south to 53° N latitude thence west to 150° W longitude thence south to 52° N latitude thence west to 156° W longitude thence north to the point of origin.

23. Gulf of Alaska: Extends south from approximately 151°55′ W longitude at 59°05′ N latitude to the territorial sea at approximately 59° N latitude thence east to 148° W longitude thence south to 58° N latitude thence east to 147° W longitude thence south to 53° N latitude thence east to 141° W longitude thence generally northeast along the fishery conservation line to the territorial sea thence along the territorial sea to the point of origin.

24. Aleutian Basin: East from the juncture of approximately 56° N latitude at the U.S.-Russia Convention Line to 174° W longitude thence north to approximately 58° N latitude thence west to 180° longitude thence north to the juncture of the U.S.-Russia convention line thence along that line to the point of origin.

25. Bowers Basin: East from the juncture of approximately 56° N latitude at the U.S. Russia Convention line to 171° W longitude thence south to approximately 53° N latitude thence west to 174° E longitude thence north to approximately 54° N latitude thence west to the U.S.-Russia Convention Line thence along that line to the point of origin.

26. Aleutian Arc: East from the juncture of the U.S.-Russia Convention Line at approximately 54° N latitude to 174° E longitude thence south to approximately 53° N latitude thence east to 171° W longitude thence south to approximately 52°35′ N latitude thence east to the limits of the territorial sea thence following the territorial sea east to approximately 170°30′ W longitude at 52°40′ N latitude thence east to the limit of the territorial sea at approximately 52°46′ N latitude thence following the territorial sea to approximately 52°48′ N latitude thence east to the limit of the territorial sea thence northeast to 165° W longitude thence south to approximately 50° N latitude thence west to approximately 167° E longitude thence north to the U.S.-Russia Convention Line thence along that line to the point of origin.

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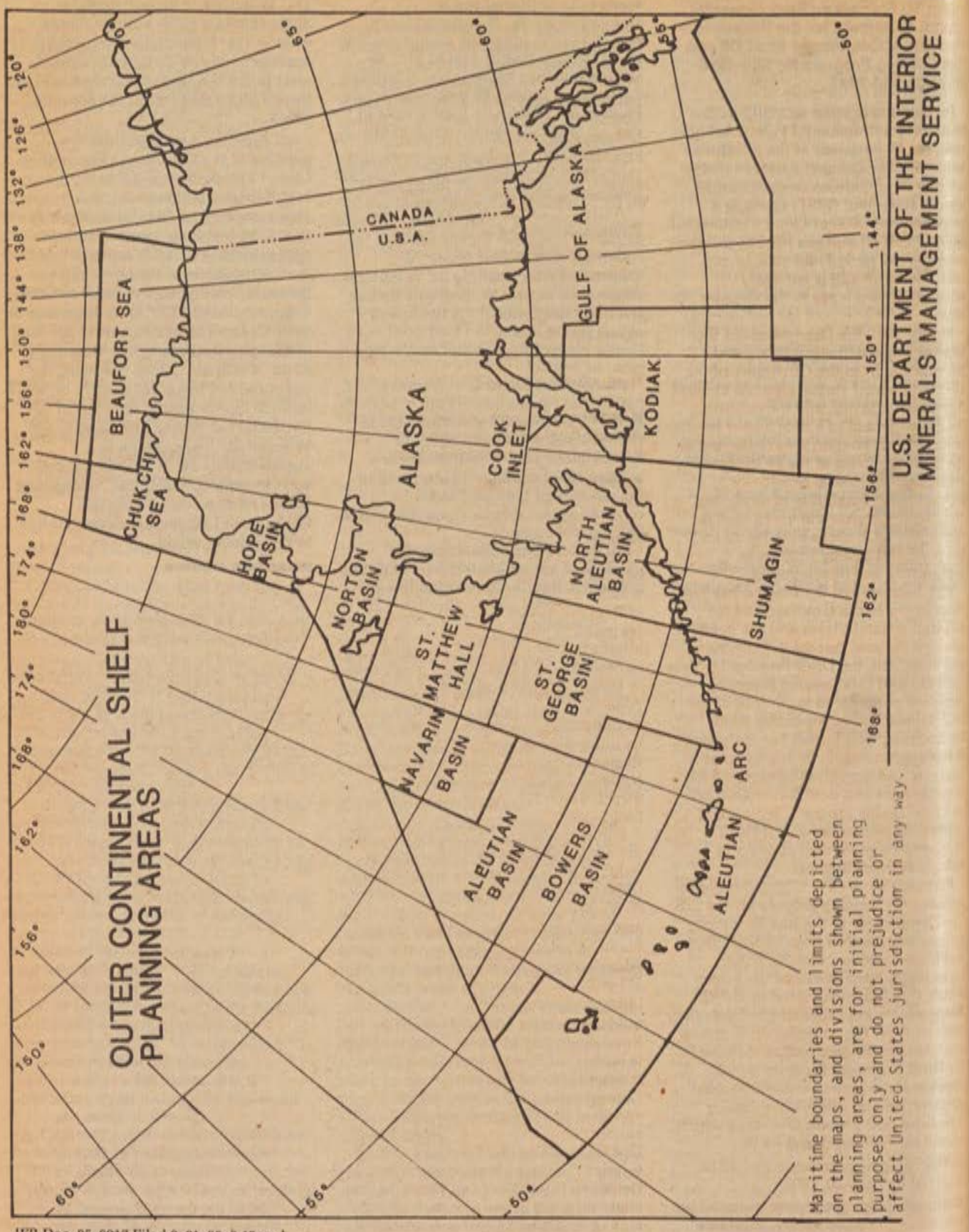

[FR Doc. 85-6917 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-MR-C

Intent To Prepare an Environmental Impact Statement for the Proposed 5-Year Outer Continental Shelf Oil and Gas Leasing Program for Mid-1986 Through Mid-1991

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior's Minerals Management Service (MMS) intends to prepare an environmental impact statement (EIS) regarding a proposed new 5-Year Outer Continental Shelf (OCS) oil and gas leasing program covering the period mid-1986 to mid-1991. The draft EIS is currently scheduled for release in the summer of 1985.

In July 1984, the Department of the Interior requested suggestions and information from the Governors of the affected coastal states, affected Federal Agencies, industry, and the public on the development of a new 5-year leasing program. Information was requested on the characteristics of the OCS planning areas, environmental sensitivity, technological feasibility of exploring and developing certain areas, and the ranking of OCS areas both by oil and gas potential and by interest in exploration and development.

The Secretary of the Interior has just transmitted to the Governors of the affected coastal States and the heads of affected Federal Agencies, for review and comment, the Draft Proposed 5-Year OCS Oil and Gas Leasing Program, prepared pursuant to section 18 of the OCS Lands Act, as amended. That transmission is a formal but early step in the approximately 2-year process of analysis and consultation required for development of a new 5-year OCS oil and gas leasing program. A Notice requesting comments on the Draft Proposed Program also appears in today's **Federal Register.**

Pursuant to 40 CFR 1501.7, this Notice initiates the scoping process for the EIS. The Department of the Interior hereby solicits information from Federal, State, and local agencies, and the public regarding alternatives and the issues which should be evaluated in the EIS. Respondents are requested to focus their comments on the environmental issues attendant to the proposal as defined in the Draft Proposed Program which appears elsewhere in today's **Federal Register**, and on alternative leasing schedules and presale processes which should be evaluated in the EIS.

DATES: Scoping comments should be received by May 20, 1985.

ADDRESS: Scoping comments should be submitted to Daniel Henry, Minerals Management Service, Mail Stop 644, 12203 Sunrise Valley Drive, Reston, Virginia 22091. Hand deliveries to the Department of the Interior may be made to Room 2516, 18th & C Streets, N.W., Washington, D.C. 20240. Envelopes or packages should be marked "Scoping Comments on the Proposed 5-Year Leasing Program EIS."

FOR FURTHER INFORMATION CONTACT: Daniel Henry, Branch of Environmental Evaluation, MMS, at (202) 343-6264.

Author: Daniel Henry, Branch of Environmental Evaluation, MMS.

Dated: March 19, 1985.

William D. Bettenberg,

Director, Minerals Management Service.

[FR Doc. 85-6918 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Kantishna Hills and Dunkle Mine Study, Alaska; Availability of Final Environmental Impact Statement

SUMMARY: This notice announces the availability of a final environmental impact statement (EIS) for the Kantishna Hills and Dunkle Mine study in Alaska. This notice also announces the beginning of the 30-day waiting period, which commences with the publication of the EPA notice. This final EIS was prepared to analyze the impacts of alternative strategies for managing mineral development in two study areas in Denali National Park and Preserve, Alaska.

ADDRESSES: Copies of the final EIS may be obtained from Roger Contor, Regional Director, Attn: Linda Nebel, National Park Service, 2525 Gambell Street, Room 107, Anchorage, Alaska 99503-2892.

Public reading copies of the final EIS are available for review at: Office of Public Affairs, National Park Service, Dept. of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Linda Nebel, Chief, Division of Planning, Alaska Regional Office (telephone: 907-271-4637) in Anchorage, Alaska (address given above).

SUPPLEMENTARY INFORMATION: The Kantishna Hills and Dunkle Mine study is mandated by section 202(3)(b) of the Alaska National Interest Lands Conservation Act of 1980, which specified that the study would be conducted jointly by the Alaska Land Use Council and the Secretary of the Interior. The two study areas lie within Denali National Park and Preserve. The study presents seven alternatives for managing mineral development in the two study areas, ranging from the elimination of all mining in the study areas to removing the study areas from the national park and National Park Service administration. The preferred alternative, as selected by the Alaska Land Use Council, is the implementation of a mineral leasing program in the Kantishna Hills and continuation of *status quo* management in the Dunkle Mine study area.

A draft EIS on the study was released to the public in May of 1983, and a 60-day comment period was established, and subsequently extended to 90 days in response to public requests. Public meetings were conducted in Anchorage, Fairbanks, Healy and Kantishna, Alaska. Approximately 210 people attended the public meetings, and a total of 96 written comments were received. The final EIS contains a summary of the comments made at the public meetings and also contains the letters with comments that are substantive in terms of the content of the draft EIS.

Dated: January 21, 1985.

Roger Contor,

Regional Director, Alaska Region.

[FR Doc. 85-6749 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-70-M

Intention To Negotiate Concession Contact; Swan Tavern Antiques

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Swan Tavern Antiques authorizing it to continue to provide Antique services for the public at Colonial National Historical Park, Virginia for a period of five (5) years from January 1, 1986, through December 31, 1990.

This contract has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1985, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. As defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Colonial National Historical Part, Yorktown, VA 23690, for information as to the requirements of the proposed contract.

Dated: March 7, 1985.

R. B. Smith,

Regional Director, Acting Mid-Atlantic Region, National Park Service.

[FR Doc. 85-6861 Filed 3-21-85; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Commonwealth Petroleum Co., et al.; Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorprate hauling operations as authorized in 49 U.S.C. 10524 (b).

1. Parent corporation and address of principal office: Commonwealth Petroleum Company, Suite 104, 200 Techae Center Drive, Milford, Ohio 45150.

2. Wholly owned subsidiaries which will participate in the operations, and states of incorporation:

(i) Northern Indiana LP Gas, Inc.—Indiana

(ii) Northern Virginia LP Gas, Inc.—Virginia

1. The parent corporation and address of its principal office is: W. R. Grace & Co., Grace Plaza, 1114 Avenue of the Americas, New York, NY 10036.

2. Wholly-owned subsidiaries which are participating in the operations and their state(s) of incorporation:

(a) Amargosa Pipeline Corporation (Del.)
(b) American Carry Products Corp. (Cal.)
(c) Amicon Corporation (Mass.)
(d) Amicon Export Corp. (Del.)
(e) Amicon Far East, Ltd. (Del.)
(f) Annie's Santa Fe of Kansas, Inc. (Kan.)
(g) Antilles Chemical Company (Del.)
(h) Arrow Inter-America Corporation (W. Va.)
(j) Axial Basin Coal Corporation (Del.)
(k) Beckett Golf Club, Inc. (N.J.)
(l) Berry Gas Company (Okla.)
(m) Booker Drilling Company, Inc. (La.)
(n) Camillus Acres, Inc. (N.Y.)
(o) Caribe Nitrogen Corporation (R.P.)
(r) Coalgrace, Inc. (Del.)
(s) Creative Food 'N Fun Company (Del.)
(t) Creative Restaurant Concepts, Inc. (Del.)
(u) Darex Puerto Rico, Inc. (Del.)
(v) Davison Specialty Chemical Co. (Del.)
(w) Daylin-Summit, Inc. (N.Y.)
(x) Dearborn Chemical Company (Del.)
(y) Devcoa Incorporated (Fla.)
(z) Dewey and Almy Company (Mass.)
(aa) De zaan, Incorporated (N.Y.)
(ab) Diner's Rendezvous, Inc. (MO.)
(ac) Diversified Reetaurant Services, Inc. (Del.)
(ad) Drilling Mud, Inc. (Del.)
(ae) Duncan, Lagnese and Associates, Incorporated (Pa.)
(af) Ecarg, Inc. (N.J.)
(ag) Ecotrol, Inc. (Del.)
(ah) ELF Aviation, Inc. (Del.)
(ai) E L Liquidating Corp. (Ohio)
(aj) Elson T. Killam Associates, Inc. (N.J.)
(ak) El Torito /Milwaukee, Inc. (Wisc.)
(al) Emerson & Cuming, Inc. (Del.)
(am) Fred P. Ott's/Madison, Inc. (Wisc.)
(an) Gilbert/Robinson, Inc (Del.)
(ao) Gloucester New Communities Company, Inc. (N.J.)
(ap) GPC Marketing Company. (Del.)
(aq) GPC Transporter, Inc. (Del.)
(ar) Grace A-B Inc. (Del.)
(as) Grace ASC Corp. (Del.)
(at) Grace Chemical Company of Cuba. (Ill.)
(au) Grace Communications, Inc. (Del.)
(av) Grace & Co. Central America. (Del.)
(aw) Grace Distribution Services, Inc. (Del.)
(ax) Grace Drilling Company. (Del.)
(ay) Grace H-G Inc. (Del.)
(az) Grace Industrial Chemicals, Inc. (Del.)
(ba) Grace Natural Resources Corp. (Del.)
(bb) Grace Oil Corporation (Italy) (Del.)
(bc) Grace Oxo-Alcohols, Inc. (N.J.)
(bd) Grace PAR Corporation. (Del.)
(be) Grace Petroleum Corporation (Del.)
(bf) Grace Petroleum China Incorporated (Del.)
(bg) Grace Petroleum Libya Incorporated (Del.)
(bh) Grace REC Corp. (Del.)
(bi) Grace Restaurant Company (Del.)
(bj) Grace Retail Corporation (Del.)
(bk) Grace TEC Corporation (Del.)
(bl) Grace Technology Marketing Services, Inc. (Del.)
(bm) Grace Ventures Corp. (Del.)
(bn) Gracoal, Inc. (Del.)
(bo) W. R. Grace Capital Corporation (N.Y.)
(bp) W. R. Grace Credit Corp. (Del.)
(bq) W. R. Grace Land Corporation (N.Y.)
(br) W. R. Grace Properties, Inc. (N.Y.)
(bs) G/R Texas Enterprises, Inc. (TX.)
(bt) G/R of Penn., Inc. (Pa.)
(bu) GRC Ice Cream Company (Del.)
(bv) Hanover Square Corporation (Del.)
(bw) Herman's Sporting Goods, Inc. (Del.)
(bx) Homco International, Inc. (Del.)
(by) Houlihan's/Arizona, Inc. (AZ.)
(bz) Houlihan's/Bergen County, Inc. (N.J.)
(ca) Houlihan's/Boston, Inc. (MA.)
(cb) Houlihan's/Cupertino, Inc. (CA.)
(cc) Houlihan's/D.C., Inc. (DC.)
(cd) Houlihan's/Encino, Inc. (CA.)
(ce) Houlihan's/Florida, Inc. (FL.)
(cf) Houlihan's Inc. (LA.)
(cg) Houlihan's/Long Beach, Inc. (CA.)
(ch) Houlihan's/Maryland, Inc. (MD.)
(ci) Houlihan's/Milwaukee, Inc. (WI.)
(cj) Houlihan's of California, Inc. (Cal.)
(ck) Houlihan's of Indianapolis, Inc. (Ind.)
(cl) Houlihan's/San Francisco, Inc. (Cal.)
(cm) J. B. Robinson Jewelers, Incorporated (Del.)
(cn) Jefferson 4740 Corporation (MO.)
(co) Joe Gilbert Restaurants, Inc. (MO.)
(cp) jojos Restaurants, Inc. (Cal.)
(cq) jojos Restaurants of Glendale, Inc. (WI.)
(cr) jojos Restaurants of Indiana, Inc. (Ind.)
(cs) jojos Restaurants of Layton, Inc. (Wisc.)
(ct) jojos Restaurants of Wisconsin, Inc. (Wisc.)
(cu) jojos Restaurants of Northridge (Wisc)
(cv) K. C. Stadium Concessions, Inc. (MO.)
(cw) Killam-Dearborn Environmental Engineers, Inc.
(cx) Leather Bottle No. 1, Inc. (MO.)
(cy) Liquor Lounges, Inc. (MO.)
(cz) LKS Enterprises, Inc. (Cal.)
(da) May's Restaurants, Inc. (MO.)
(db) M-B Food Distributing Company, Inc. (Cal.)
(dc) Metaramics (Cal.)
(dd) Midwest Restaurants, Inc. (MO.)
(de) Mount Bundey Mining, Inc. (Del.)

(df) New American Restaurant Corp. (Del.)
(dg) NRG Eastern Coal Development, Inc. (Del.)
(dh) Ochoa Fertilizer Co., Inc. (P.R.)
(di) Offshore Fisheries, Inc. (Mass.)
(dj) Ole's, Inc. (Cal.)
(dk) Ole's Distribution, Inc. (Cal.)
(dl) Ole's Nevada, Inc. (Nev.)
(dm) One Hundred West Corp. (MO.)
(dn) One Hundred West of St. Louis, Inc. (MO.)
(do) Penn 4743 Corp. (MO.)
(dp) Petit IV, Ltd. (MO.)
(dq) Plaza 3 Restaurants Corporation (MO.)
(dr) Process Evaluation and Development Corporation (Del.)
(ds) Red Steer, Inc. (MO.)
(dt) Rent-It Inc. (Texas)
(du) Restaurant Supply, Inc. (MO.)
(dv) Ridgewood Chemical Corporation (Del.)
(dw) Ridgewood Phosphate Corporation (Del.)
(dx) Sam Wilson's/Kansas, Inc. (Kan.)
(dy) Seven Hanover Square Corp. (N.Y.)
(dz) Sheplers Catalog Sales, Inc. (Kansas)
(ea) Sheplers, Inc. (Kansas)
(eb) Sourgasco II Corp. (Del.)
(ec) Southern Oil, Resin & Fiberglass, Inc. (Fla.)
(ed) Standard TransPipe Corp. (Del.)
(ee) Standard TransPipe (Virginia) Inc. (Va.)
(ef) StanTrans, Inc. (Del.)
(eg) Stopover Restraurants, Inc. (MO.)
(eh) Support Terminal Services, Inc. (Del.)
(ei) Ven-Tech One, Inc. (Del.)
(ej) Water Street Corporation (Del.)
(ek) Woodward Chemicals Corporation (Del.)
(el) Woolwich Sewer Company, Inc. (N.J.)
(em) Woolwich Water Company, Inc. (N.J.)
(en) W. R. C. Technical Ventures, Inc. (Del.)

1. Parent Corporation and address of principal office: Emaral Corp., 116 Worcester Road, North Grafton, Massachusetts 01536.

2. Wholly-owned subsidiares, which will participate in the operations, and States of incorporation:

(a) E.L. Dauphinais, Inc., a Massachusetts corporation.
(b) Sutton Sand and Realty Corp., a Massachusetts corporation.
(c) Palmer Ready Mix Concrete, Inc., a Massachusetts corporation.
(d) DeFalco Concrete Corp., a Massachusetts corporation.
(e) D.D. Ruxton Co., Inc., a Massachusetts corporation.
(f) Grafton Transit Mix, a Massachusetts corporation.
(g) Concrete Service, Inc., a Massachusetts corporation.
(h) Construction Servcie, Inc., a Massachusetts corporation.
(i) No. Wilbraham Sand and Gravel and Concrete Co., Inc., a Massachusetts corporation and a wholly-owned subsidiary of E.L. Dauphinais, Inc.

1. Parent corporation and address of principal office: Loewengart Corporation, 209 Oregon Street, P.O. Box 300, Mercersburg, PA 17236.

2. Wholly-owned subsidiaries which will participate in the operations, and states of incorporation:

(i) Loewengart & Co., Inc., a New York corporation
(ii) Allied Leather Corporation, a New Hampshire corporation
(iii) FLC Company, Inc., a New Hampshire corporation

1. Parent corporation and address of principal office: Minstar, Inc., A Minnesota Corporation, 1215 Marshall Street, N.E., Minneapolis, MN 55413.

2. Wholly-owned subsidiaries which will participate in the operations, and state(s) of incorporation:

(i) Wellcraft Marine Corp., A Florida Corporation, 8151 Bradenton Road, Sarasota, Florida 33580
(ii) Aegis Corporation, A Delaware Corporation, 1215 Marshall St., N.E., Minneapolis, MN 55413
(iii) Lund-American, Inc., A Minnesota Corporation, P.O. Box 1350, Great Lakes, MN 56501
(iv) California Yachts, Inc., A California Corporation, 1402 Morgan Circle, Tustin, CA 92680
(v) Long Mile Rubber Company, A Delaware Corporation, 5550 LBJ-Freeway, Suite 200, Dallas, TX 75240
(vi) Cherco Compressors, Inc., A Texas Corporation, 21 FRJ-Drive, Longview, TX 75607

1. Parent corporation and address of principal office: Warner-Lambert, 201 Tabor Road, Morris Plains, NJ 07950.

2. Wholly owned subsidiaries which will participate in the operations, and state(s) of incorporation:

(i) American Chicle—Delaware
(ii) Deseret International Sales Corporation—Utah
(iii) Hall Brothers, LMTD—United Kingdom
(iv) Imed Corporation—Delaware
(v) P. D. Co., Inc.—Delaware
(vi) Parke-Davis & Company—Michigan
(vii) Tetra Werke Dr. rer nat Baensch GMBH—Germany
(viii) Warner-Lambert Canada, Inc.—Canada
(ix) Warner-Lambert Technologies, Inc.—Texas

James H. Bayne,
Secretary.

[FR Doc. 85-6840, Filed 3-21-85; 8:45 am]
BILLING CODE 7035-01-M

Release of Waybill Data for Use in a Disaggregate Fresh Fruit and Vegetable Transportation Model

The Commission has received a request from a doctoral candidate at Georgetown University, Washington, DC, for rate data from the Commission's 1982 and 1983 Waybill Sample tape in order to estimate a disaggregate fresh fruit and vegetable transportation model. Specifically, the data needed are 1982 and 1983 monthly average revenue per ton and average tons per shipment from the State of Oregon to Chicago and to New York for the following fruits and vegetables according to 5 digit Standard Transportation Commodity Codes:

Apples
Broccoli
Cantaloups
Carrots
Cauliflower
Celery
Lemons
Lettuce
Dry Onions
Green Onions
Oranges
Pears
Plums
Potatoes
Tomatoes

The Commission requires rail carriers to file waybill sample information if in any of the past three years, they terminated on their lines at least: (1) 4,500 revenue carloads or (2) 5 percent of revenue carloads in any one State (49 CFR Part 1244). From this waybill information, the Commission has developed a Public Use Waybill File that has satisfied the majority of all our waybill data requests while protecting the confidentiality of proprietary data submitted by the railroads. However, if confidential waybill data are requested, as in this case, we will consider releasing the data only after certain protective conditions are met and public notice is given. More specifically, under the Commission's current policy for handling waybill requests, we will not release any confidential waybill data until after: (1) Certain requirements designed to protect the data's confidentiality are agreed to by the requesting party and (2) public notice is provided so affected parties have an

opportunity to object. (48 FR 40328, September 6, 1983).

Accordingly, if any parties object to this request, they should file their objections within 14 calendar days of the date of this notice. They should also include all grounds for objection to the full or partial disclosure of the requested data. The Commission's Director of the Office of Transportation Analysis will consider these objections in determining whether to release the requested waybill data. Any parties who filed objections will be timely notified of the Director's decision.

Contact: Elaine K. Kaiser, (202) 275-0907.

James H. Bayne,

Secretary.

[FR Doc. 85-6839 Filed 3-21-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to Clean Air Act; Lamotte Trucking and Salvage and 87 Elm Street Associates

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on March 4, 1985, a proposed consent decree in *United States v. William Lamotte d/b/a Lamotte Trucking and Salvage and 87 Elm Street Associates*, C.A. 85-141-D was lodged with the United States District Court for the District of New Hampshire. The complaint filed by the United States alleged violations of the Clean Air Act and the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos by both defendants. The complaint sought injunctive relief to require the defendants to comply with the Clean Air Act and the NESHAP for asbestos and civil penalties for past violations. The consent decree relates only to defendant 87 Elm Street Associates, which owned a building that was demolished in a manner that did not comply with the asbestos NESHAP. The decree requires defendant 87 Elm Street Associates to comply with the Clean Air Act and the NESHAP for asbestos in the future and imposes a $33,000 civil penalty for past violations of the Act and standards. The decree does not release defendant Lamotte.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. William Lamotte d/b/a Lamotte Trucking and Salvage and 87 Elm Street Associates*, Department of Justice Reference 90-5-2-1-755.

The proposed consent decree may be examined at the Office of the United States Attorney, Federal Building, 55 Pleasant Street, Concord, New Hampshire 03301 and at the Region I Office of the Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203. Copies of the proposed consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1535, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. When requesting a copy, please refer to *United States v. William Lamotte d/b/a Lamotte Trucking and Salvage and 87 Elm Street Associates*, Department of Justice Reference 90-5-2-1-755.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-6816 Filed 3-21-85; 8:45 am]

BILLING CODE 4401-10-M

Lodging of Consent Decree Pursuant to Clean Water Act; Hamilton County, Ohio, et al.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Order in *United States v. Board of County Commissioners of Hamilton County Ohio, the City of Cincinnati, and the State of Ohio*, Civil Action No. C-1-85-693, was lodged with the United States District Court for the Southern District of Ohio. The proposed Consent Order establishes a compliance schedule for bringing the Mill Creek Sewage Treatment Plant of the Metropolitan Sewer of District of Greater Cincinnati into compliance with the final effluent limitations of the plant's National Pollutant Discharge Elimination System Permit under the Clean Water Act.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Order. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Board of County Commissioners of Hamilton County Ohio et al.*, D.J. reference #90-5-1-6-341.

The proposed Consent Order may be examined at the office of the United States Attorney, 220 U.S. Post Office and Courthouse, 5th and Walnut Streets, Cincinnati, Ohio 45202, at the Region V office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, 9th Street and Pennsylvania Avenue N.W., Washington, D.C. 20530. A copy of the proposed Consent Order may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $2.00 payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-6817 Filed 3-21-85; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-85-1]

ASARCO Inc., Application for Permanent Variance

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces the application of ASARCO Incorporated for permanent variance from the standards prescribed in 29 CFR 1910.1018(e)(3)(ii) and 29 CFR 1910.1025(d)(6)(iii) concerning the requirements of the inorganic arsenic and lead standards for frequency of exposure monitoring.

DATES: The last date for interested persons to submit comments is April 22, 1985. The last date for affected employers and employees to request a hearing is April 22, 1985.

ADDRESSES: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3656, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, at the

above address, Telephone: (202) 523–7193

or the following Regional and Area Offices:

U.S. Department of Labor—OSHA, 555 Griffin Square Building, Room 602, Dallas, Texas 75202

U.S. Department of Labor—OSHA, 611 East 6th Street, Room 303, Austin, Texas 78701

U.S. Department of Labor—OSHA, 911 Walnut Street, Room 406, Kansas City, Missouri 64106

U.S. Department of Labor—OSHA, Overland—Wolf Building, Room 100, 6910 Pacific Street, Omaha, Nebraska 68106

U.S. Department of Labor—OSHA, 4300 Goodfellow Boulevard—Building 105E, St. Louis, Missouri 63120

U.S. Department of Labor—OSHA, Federal Building, Room 1554, 1961 Stout Street, Denver, Colorado 80294

U.S. Department of Labor—OSHA, Petroleum Building, Suite 210, 2812 1st Avenue North, Billings, Montana 59101

Notice of Application

Notice is hereby given the ASARCO Incorporated, 3422 South 700 West, Salt Lake City, Utah 84119, has made application pursuant to selction 6(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.1018(e)(3)(ii) and 29 CFR 1910.1025(d)(6)(iii), frequency of exposure monitoring.

The addresses of the places of employment that will be affected by the application are as follows:

Glover Plant, Post Office Box 7, Glover, Missouri 63646

East Helena Plant, East Helena, Montana 59635

Omaha Plant, Fifth and Doyle Streets, Omaha, Nebraska 68102

El Paso Plant, Post Office Box 1111, El Paso, Texas 79999

The applicant certifies that employees who would be affected by the variance have been notified of the applicant by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as those required by 29 CFR 1910.1018(e)(3)(ii) and by 29 CFR 1910.1025(d)(6)(iii) which state, in part, that if the original or subsequent exposure monitoring reveals that employee exposure is above the premissible exposure limit the employer shall repeat monitoring or a quarterly basis.

The requirements for frequency of exposure monitoring are very similar in both the inorganic arsenic and the lead standards. 29 CFR 1910.1018(e)(3)(ii) states that if the initial monitoring, as required, or subsequent monitoring reveals employee exposure to be above the permissible exposure limit (for inorganic arsenic), the employer shall repeat monitoring at least quarterly. 29 CFR 1910.1025(d)(6)(iii) stipulates that if the initial monitoring reveals that employee exposure is above the permissible exposure limit (for lead), the employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in paragraph (d)(6)(ii), i.e., at least six months, except as otherwise provided in paragraph (d)(7) of this section, i.e., additional monitoring requirements.

The applicant points out that quarterly personal monitoring, as required by the standard, has been carried out for about five years. As a result, a large body of data has gathered which indicates that exposures are trending downward in a relatively consistent path. Because of this, the applicant believes that additional quarterly monitoring will provide little additional information—though it takes substantial skilled industrial hygiene resources.

The applicant proposes that it engage in extensive source monitoring which it is not required to do by the standard. It believes that this source monitoring, by identifying the specific sources of lead and arsenic in greater detail, will gather data more useful to reducing employee exposures than continuous quarterly monitoring. In addition, the applicant proposes to repeat personal monitoring annually to assure that data on personal exposures does not become out of date, to check on trends, and to assure that individual employee exposures are known.

The applicant contends that the additional data gathered through the source monitoring it proposes will add more to employee protection than the loss of information resulting from reducing personal monitoring from quarterly to annually. Therefore, it meets the requirements for a permanent 6(d) variance by "providing employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard."

The applicant believes that routine quarterly monitoring does not provide as much useful information regarding sources of employee exposures as would a monitoring program designed to identify such sources. A source monitoring program as proposed in this variance application would primarily entail evaluating the work assignments in each job classification to determine the various tasks performed during the shift and sampling each task to determine its contribution to the overall lead or arsenic exposure according to the applicant. Other types of monitoring such as area sampling or tape sampler monitoring could be used as appropriate. The applicant states further that any alternative method will be documented in the schedule prepared for each plant location or in the departmental reports to be submitted as part of this variance. All monitoring schedules and results will be reviewed and approved by a certified Industrial Hygienist.

Additionally, the applicant states that it has conducted quarterly monitoring since 1978 and does not disagree with quarterly monitoring if there are little historical data. This monitoring has provided a sizable detabase from which to make decisions regarding engineering controls, work practices and respiratory protection. The level and range of concentrations of lead and arsenic are well established and has shown a significant reduction according to the applicant. In addition, the health of ASARCO employees continues to be monitored by the applicant's ongoing medical program. However, continuing a regimen of routine quarterly monitoring does not provide any additional information that would be of assistance in making decisions about further engineering controls, work practices or other protective measures asserts the applicant. Furthermore, task oriented sampling as proposed in this request is already required, for some job classifications or work areas, under the lead and arsenic tripartite agreements. This variance request, according to the applicant, expands upon the task-oriented sampling programs in the tripartite agreements. This sampling technique is very labor intensive. There are insufficient manpower resources within ASARCO to do extensive task-oriented exposure monitoring and also fulfill the obligations for quarterly monitoring currently imposed by the lead and arsenic standards. This is true

because task-oriented sampling limits the number of employees that can be monitored at one time to only a few employees and, in some cases, only one, states the applicant. The applicant cites, as an example, some of the work assignments in the job classification "furnaceman" in the Blast Furnace Department. His job duties include punching tuyeres three times per shift, changing lead pots nine to 13 times per shift, furnace tending duties and cleanup activities. In order to fully evaluate the contribution of each of these tasks to the overall exposure, the person conducting the monitoring would need to be present during the entire shift so that filters could be changed each time the job duties changed. Under the current quarterly monitoring requirements, however, a large number of exposures of employees can be evaluated at the same time by putting out sampling equipment at the start of the shift and collecting it at the end of the shift with little or no observation of potential sources of exposure.

The applicant asserts that the practices and methods proposed in this application will provide employment as safe as that presently required by the OSHA lead and arsenic standards because previous years of quarterly monitoring have already identified those areas and job classifications which exceed the permissible exposure limits set by OSHA. Respiratory protection and medical monitoring are currently required for job classifications and areas so identified, and will be continued, such that each employee's health is adequately protected. This source monitoring program will, in fact, benefit employees more, since it will allow the identification of sources of exposure and the implementation, where feasible, of engineering controls and/or work practice measures to lower exposure levels even further.

The applicant states further that excluded from the source monitoring survey are all supervisory and maintenance job classifications. These jobs are highly variable in their duties which makes it difficult to relate exposures to routine tasks. There may be other specific job classifications which may be excluded and these will be specifically listed in the sampling schedule for each plant. Any excluded job classifications will be evaluated on an annual basis.

The applicant states that the following steps will be used in evaluating the sources of exposure for each job classification:

A. Each covered job classification will be divided into its major component tasks, indicating the nature of each task and where it is performed. Nothing in this variance request will prohibit management from allocating or assigning the enumerated tasks as required to achieve its objectives.

B. Each major task for each such job classification will be evaluated such that full shift exposures as well as the contribution from each task can be calculated. Other sampling methods may be used in place of or as a supplement to task sampling. If other sampling methods are used, they will be documented in the schedule for each plant or in the reports referred to in section H.

C. Day shift samples only will be collected unless there is reason to believe, based on previous monitoring, that substantial differences occur on other shifts.

D. Samples will be collected on 37 mm MCEF membrane filters with pore size of 0.8 micrometer at a flow rate of approximately two liter per minute using a calibrated personal sampling pump.

E. Analysis will be performed in ASARCO's AIHA accredited laboratory using NIOSH method P&CAM 173 for lead and P&CAM 140 for arsenic.

F. Sampling will be conducted for a minimum of three shifts in order to identify contributing sources. Additional shifts will be evaluated only in the event that the results are highly variable such that specific sources cannot be identified from the results. Any changes from this sampling strategy will be identified and the parties involved will be advised in the report referred to in Section H.

G. Appropriate notes will be taken during the sampling period regarding operating conditions, specific tasks performed during each portion of the shift and any unusual conditions.

H. A summary of source sampling results will be prepared at the completion of sampling in each department. This summary will be provided to plant management and to OSHA and the United Steelworkers of America as a part of the tripartite agreement. Such a report will identify sources of exposure to lead and arsenic unlike the current quarterly monitoring reports attached to the tripartite agreements which only generate numbers. As as result of these findings, further efforts will be made, where feasible, to reduce employee exposure to lead and arsenic. A final report will be prepared at the completion of the initial source survey and provided to the parties of the tripartite agreement.

I. Each employee will be advised of the results of sampling by the posting of a notice in the work area showing eight-hour weighed average results. This notice will be posted no later than five days after the results are received by the plant. Any affected employee can have access to the results of monitoring conducted for his job classification. Additionally, lead and arsenic training programs will be modified to include the results of task-oriented sampling as it relates to specific work practices that employees should use for their protection.

The applicant states further that each department and job classification will be evaluated such that those with the highest lead/arsenic exposures or those designated in the tripartite agreements will be evaluated first.

According to the applicant, if major changes are made in engineering controls, personnel or operating conditions that would result in a significant change in exposure, the job classifications affected will be reevaluated using protocol outlined above. Other changes in conditions will be evaluated as appropriate.

All job classification on all shifts will be monitored annually in addition to the source survey described in this variance requirement. This annual monitoring will be completed within one year of the date of approval of this variance and annually thereafter. The annual sampling will be conducted at least six months after the previous annual samples and not later than 12 months.

In summary, the applicant contends that task-oriented sampling will be advantageous because it will provide useful information regarding sources of employee exposures to lead and arsenic, improve the lead and arsenic training programs and make better use of limited resources. In addition, better employee relations will result since employees will be required to wear sampling equipment less. This will result in more cooperation from employees in complying with OSHA regulations.

All interested persons, including employers and employees who believe they would be affected by the grant or denial of the application for variance are invited to submit written data, views, and arguments relating to the pertinent application no later than April 22, 1985. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than April 22, 1985, in conformance with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Variance Determination at the above address.

Signed at Washington, D.C., this 14th day of March 1985.

Robert A. Rowland,

Assistant Secretary of Labor.

[FR Doc. 85-6900 Filed 3-21-85; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Social/Cultural Anthropology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Social/Cultural Anthropology.

Date and Time: April 9 & 10, 1985, 9:00 a.m.-5:00 p.m.

Place: National Science Foundation, 1800 G Street NW., Washington, DC 20550, Room 628.

Type of Meeting: Closed.

Contact person: Dr. Daniel R. Gross, Anthropology Program, Room 320, National Science Foundation, Washington, DC 20550, (202) 357-7804.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for social/cultural anthropology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

March 19, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85-6879 Filed 3-21-85; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Availability of Reports and Recommendations

Reports Issued

Marine Accident Report: Collision of the Panamanian Cement Carrier M/V AMPARO PAOLA with the Danziger Bridge, Inner Harbor Navigation Canal, New Orleans, Louisiana, November 23, 1983 (NTSB-MAR-85/01) (NTIS Order No. PB85-916401).

Marine Accident Report: Grounding of the United States Tankship SS MOBILOIL, in the Columbia River, near Saint Helens, Oregon, March 19, 1984 (NTSB/MAR-84/09) NTIS Order No. PB84-916409).

Marine Accident Report: Capsizing and Sinking of the U.S. Ocean Towing Vessel M/V EAGLE, in the Gulf of Alaska, October 27, 1983 (NTSB/MAR-84/07) (NTIS Order No. PB84-916407).

Note.—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Speingfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703-487-4650 and to order subscriptions to reports call 703-487-4630.

Recommendations to

Aviation—*Federal Aviation Administration: Jan. 8: A-85-1:* Issue an airworthiness directive (AD) to require, that before further commercial operation in the United States, the horizontal stabilizer attachment of EMB-110P1 and -110P2 model airplanes not proviously modified in accordance with AD 83-14-09, Amendment 39-4527, paragraph (d) or (e), be inspected using an improved inspection procedure to enhance detection of loose or sheared rivets, particularly where bulkhead 33 transmits the loads from the stabilizer forward attachment to the fuselage moncoque structure. The inspection procedure should require removal of controls as needed for access to riveted joints and application of external loads to detect relative movement between structural members. The AD should require that deficiencies detected during inspection be reported to the FAA and that they be corrected in accordance with an approved procedure before further flight. *A-85-2:* Revise airworthiness directive (AD) 83-14-09 to require within a specified period that the horizontal stabilizer attachment structure of EMB-110P1 and -110P2 model airplanes be modified in a manner similar to that described in Amendment 39-4527, paragraph (d) or (e), which requires the repair of any cracks in the web of bulkhead 33 and the replacement of the original "C" channels with redesigned channels and modified rivet patterns. Review the crack repair procedures of the AD for adequacy, and require modification of the procedures to eliminate "bucking" of rivets at locations difficult to access and other procedures likely to damage existing structure. *A-85-3:* Conduct a directed safety investigation of EMB-110P1 and -110P2 model airplanes that have been modified in accordance with the provisions of AD 83-14-09, (Amendment 39-4527, paragraph (d) or (e)), to determine whether any structural damage has been inflicted in the area where the horizontal stabilizer attaches to bulkhead 33 and take the corrective action indicated by the results of the directed safety investigation. *A-85-4:* Notify appropriate foreign civil aviation authorities and/or foreign operators of EMB-110P1 and -110P2 model airplanes of the circumstatnces of the Provincetown-Boston Airlines accident of December 6, 1984, and of the actions recommended to U.S. operators. *Jan. 25: A-85-8:* Require Mooney Aircraft (1) to incorporate an appropriate design change in all current production airplanes to eliminate the possibility of water becoming entrapped in the outboard bay area of the fuel tanks, and (2) to distribute instructions for field modification of existing Mooney Models M20B, M20C, M20D, M20E, M20F, M20G, M20J (201) and M20K (231) to incorporate the design change or an equivalent remedial measure. *A-85-9:* Require Mooney Aircraft to develop a service bulletin applicable to Mooney Models M20B, M20C, M20D, M20E, M20F, M20G, M20J (201) and M20K (231) regarding the inspection and maintenance of fuel filler cap assemblies, fuel adapter assemblies, and related leak testing procedures to assure the proper sealing of fuel tanks and to incorporate similar information in the corresponding Mooney service and maintenance manuals. *A-85-10:* Issue an Airworthiness Directive Applicable to Mooney Model M20B, M20C,M20D, M20E, M20F, M20G, M20J (201), and M20K (231) airplanes to require an inspection of fuel tank filler cap and adapter assemblies and/or leak tests to assure proper sealing and the incorporation of an appropriate modification of the fuel tank outboard bays to eliminate the potential for water entrapment. *Feb. 8; A-85-11:* Establish minimum standards for airworthiness certification of ultralight vehicles which address design criteria, manufacturing procedures and quality control, materials specifications, and recurrent condition inspections. *A-85-12:* Establish appropriate minimum requirements for certification of ultralight pilots, including demonstration of knowledge of flight rules, aeronautical knowledge, and flight proficiency. *A-85-13:* Require the registration of ultralight vehicles and develop a mail notification system for effective dissemination of significant safety information to owners of both new and used ultralight vehicles. *A-85-14:* Extend to ultralights the appiicability of 14 CFR Part 91—General Operating and Flight Rules. *Feb. 20: A-85-7:* Issue

an Airworthiness Directive to make mandatory the inspection, repair, and removal procedures recommended in General Electric Service Bulletin 72–839, Revision 1 (or later revisions if applicable), as to certain compressor rear frames of General Electric CF6–50 and –45 engines. *Feb. 22: A–85–15:* Develop a mechanical/aural/visual (or combination thereof) alert device and require its use by local and ground controllers to coordinate their activities when a vehicle has been cleared to operate on the active duty runway for an extended period such as in snow removal operations. *A–85–16:* Periodically emphasize in the training of air traffic control personnel providing airport advisory services the proper application of runway usage procedures stressing positive coordination between control positions. *A–85–17:* Periodically emphasize in the training of air traffic controller personnel the requirements contained in the Air Traffic Control Handbook 7110.65D, March 1984, for restricting vehicle and aircraft operations in the ILS critical areas when the ILS is being used for approach/landing guidance and the reported ceiling, visibility or runway visual range are below the specified levels. *Mar. 7: A–85–20:* Issue an Airworthiness Directive (AD) requiring compliance with Bellanca Service Letter No. C–139A, "Inspection Wing Rib/Spar attachment and Leading Edge Support Block Nails," applicable to Models, 7GC, 7GCA, 7GCB, 7GCBA, 7HC, 7KC, 7KCAB, 7ECA, 7GCAA, 7GCBC, 8KCAB, and 8GCBC; Bellanca Service Letter No. 116, "Wing Leading Edge Inspection," applicable to The Model 8KCAB; and Bellanca Service Letter No. 95, "Inspection, Repair and Modification of Aileron Bay Ribs," applicable to Models 7ECA, 7GCAA, and 7GCBC. The AD should also contain any supplemental inspection requirements deemed necessary by the Federal Aviation Administration to assure prompt detection and proper repair of wing structural damage. *A–85–21:* Mail a precautionary Advisory Notice to all Bellanca Model 8GCBC owners regarding in-flight airframe failure accidents involving this airplane. The importance of Bellanca service letters and proper maintenance, inspection, and repair should be emphasized as means of assuring the continued airworthiness of the airplanes, particularly in cases where the airplane has sustained damage during takeoff or landing or has been overturned during high winds. *A–85–22:* Publish details of Bellanca Model 8GCBC in-flight airframe failure accidents in FAA Advisory Circular (AC) No. 43–16, General Aviation Airworthiness Alerts. The article should emphasize the importance of Bellanca service letters related to critical wing structure and proper inspection and repair procedures applicable to the wooden wing spars, ribs, jury struts, drag wire bracing, and fabric on this and similar Bellanca Models. *Mr. 8: A–85–23:* Issue an Airworthiness Directive requiring that Marvel-Schebler Model MA3, MA4, and MA6 series carburetors be inspected at the next 100-hour or annual inspection, and at appropriate intervals thereafter until the two-piece venturi system is replaced with a one-piece combination primary and main venturi, to verify the integrity and proper location of the primary and the main venturis. *A–85–24:* Require the Facet Aerospace Products Company to (1) incorporate a one-piece combination primary and main venturi in all future production of Marvel-Schebler MA3, MA4, and MA6 series carburetors and (2) design a replacement one-piece combination primary and main venturi for use in retrofitting existing carburetors in the foregoing series. *A–85–25:* Issue an Airworthiness Directive requiring replacement of two-piece venturi systems in Marvel-Schebler MA3, MA4, and MA6 series carburetors with a one-piece combination primary and main venturi.

National Weather Service: Feb. 28: A–85–18: Require an immediate inspection of Supplementary Aviation Weather Reporting Stations in the Alaska Region, which have not been inspected and monitored in accordance with National Weather Service Operations Manual Chapter 14, Part B, and require corrective action as necessary to bring the stations to an acceptable level of performance. *A–85–19:* Determine whether Supplementary Aviation Weather Reporting Stations outside the Alaska Region have been inspected and monitored in accordance with National Weather Service Manual, Chapter 14, Part B, and require an immediate inspection where one is overdue and corrective action as indicated.

Marine—*U.S. Coast Guard: Jan. 16: M–85–1:* Reevaluate, using a failure and risk analysis, 33 CFR 164.11(t) which requires vessels of 1,600 gross tons or more when operating in the navigable waters of the United States to have at least two steering gear power units in simultaneous operation. *M–85–2:* Expedite publishing revised instructions on inspection of steering gear in the Marine Safety Manual. *M–85–3:* Require all self-propelled vessels of 1,600 gross tons or more to have an audio/visual alarm in the wheelhouse, the engineroom, and the steering gear room to indicate a steering gear pump failure caused by an interruption in the control linkage of the operating steering gear pump or of a particular pump if more than one is in operation. *M–85–4:* Require that self-propelled vessels of 1,600 gross tons or more which do not meet the International Maritime Organization and Coast Guard steering gear standards for new vessels and which navigate in rivers, channels, and harbors of the United States in which there is limited maneuvering room man the steering gear compartment with a person trained and qualified to switch the steering gear to all alternate modes of control and operation. *M–85–5:* Amend 33 CFR Part 164 to require that ship's personnel assigned to the anchor detail be stationed at the anchor windlass controls when navigating in rivers, channels, and harbors of the United States in which there is limited maneuvering room. *Feb. 20: M–85–14:* Require bridge owners to conduct a one-time survey of each bascule bridge over the navigable waters of the United States to determine its actual open span clearance and the extent of any intrusion on the published horizonal clearance of the span, and initiate revision of nautical publications and nautical charts as necessary so that the published horizontal clearances correctly reflect the actual clearances. *M–85–15:* Require bridge owners to verify periodically the accuracy of the setting of the controls of the navigation lights which indicate to transiting vessels that bridge spans are fully opened. *M–85–16:* Require bridge owners to verify periodically the accuracy of the setting of the controls of indicating devices installed at bridge control stations to show bridgetenders that a bridge is fully opened for vessel transit. *M–85–17:* Require bridge owners to determine by post-construction measurements that protective fender systems adequately protect bascule bridge structures from damage by vessel superstructures.

American Bureau of Shipping: Jan. 16: M–85–6: Expressly require in the instructions on inspection of steering gear a check that cotter pins or other similar fastenings are of the proper size and are installed properly.

Mobil Oil Corporation: Jan. 16: M–85–7: Require more stringent supervision and inspection of maintenance and repair/renewal work that is conducted on ship's steering systems to insure that repairs are properly made, with particular attention to proper connections between moving parts in such systems. *M–85–8:* Inform ship's

personnel on vessels with a steering gear similar to that on the U.S. tankship SS MOBILOIL of the circumstances of the accident involving the MOBILOIL on March 19, 1984, and that based on postaccident test results, they can restore steering quickly in a similar emergency by energizing the alternate steering gear pump if it is not operating and stopping the faulty pump's motor before realigning valves for single-pump operation. *M–85–9:* Provide comprehensive casualty control instructions for the steering gear to ship's personnel. *M–85–10:* Direct that vessels in the fleet which do not meet the International Maritime Organization and Coast Guard steering gear standards for new vessels man the steering gear space with a qualified person in communication with the bridge while navigating in rivers, channels, and harbors in which there is limited maneuvering room. *M–85–11:* Issue instructions to its fleet that require that personnel assigned to the anchor detail to be stationed at the anchor windlass controls when navigating in rivers, channels, and harbors in which there is limited maneuvering room.

International Association of Classification Societies: Jan. 16: M–85–12: Advise member societies of the circumstances of the accident involving the U.S. tankship SS MOBILOIL on March 19, 1984, and urge them to require expressly in their instructions on inspection of steering gear, a check that cotter pins or other similar fastenings are of the proper size and are installed properly. *M–85–13:* Urge member societies to require all self-propelled vessels of 1,600 gross tons or more to have an audio/visual alarm in the wheelhouse, the engineroom, and the steering gear room to indicate a steering gear pump failure caused by an interruption in the control linkage of the operating steering gear pump or of a particular pump if more than one is in operation.

Pipeline—*Mobil Pipe Line Company: Mar. 6: P–85–1:* Provide formal instruction for employees who perform inspections of the pipeline rights-of-way covering, at a minimum, the following areas: items to be inspected, methods of identifying deficient conditions, and actions to be taken to correct the deficiencies. *P–85–2:* Revise its pipeline patrol inspection program to include every item to be inspected on the inspection form, to require inspectors to note as to each item the conditions found and the date of the inspection, and to list remedial actions taken to correct deficient conditions. *P–85–3:* Develop and implement a program to: systematically identify all locations adjacent to its pipeline rights-of-way at which persons work or reside; to inform all persons at these locations of the location of the pipeline, the nature of the materials transported in the pipeline and the associated hazards, and the action to be taken in the event of a pipeline failure or other emergency; and verify periodically the accuracy of the survey and followup.

Railroad—*Missouri Pacific Railroads: Feb. 20: R–85–1:* Review and revise, where necessary, the curriculum and/or training and testing procedures in its maintenance-of-way training schools to instruct employees in all of the procedures and requirements related to their positions. *R–85–2:* Review and revise, where necessary, supervisory procedures for monitoring adherence to Federal regulations regarding minimum track safety standards and Missouri Pacific Railroad maintenance-of-way rules and procedures. *R–85–3:* Arrange for metallurgical evaluations of the various heats of chrome-vanadium alloy rail presently in track to establish specific installation, maintenance, and operating procedures for Missouri Pacific Railroad tracks containing chrome-vanadium alloy rail.

Federal Railroad Administration: Feb. 20: R–85–4: Require that a maximum allowable operating speed not exceeding 10 mph be imposed on any railroad track having a torch-cut rail end in a bolted track joint. *R–85–5:* In coordination with the Association of American Railroads and its membership, the American Railway Engineering Association, and the American Short Line Railroad Association, develop a plan to implement the long-term recommendations made in the Transportation Systems Center Task Force Report-Rail Failure Evaluation, vis:

- An industry study should be undertaken to assess quality control procedures to make certain that the manufacturing processes are not introducing excessive residual stresses in the product. Particular attention should be paid to the study of roller-straightening practices.
- An industry study should be undertaken on the experimental measurement of the fracture toughness of recent formulations of alloy rail steel. Detailed information on fracture toughness and fracture susceptibility, for loading conditions characteristic of normal train operations, would provide a rational basis for the development of recommended procedures for alloy rail installation and maintenance.
- An industry survey should be conducted to ascertain current alloy rail handling, installation, maintenance, and welding practices and produce acceptable practice guidelines since alloy rail may be less tolerant to otherwise similar practices than plain carbon rail.

Mar. 6: R–85–10: Develop and implement a national inspection track program which requires railroad companies to use automated track geometry measurement systems in an on-going, systematic program of inspection of all routes emphasizing initially routes regularly travelled by trains carrying either hazardous materials or passengers. *R–85–11:* Increase the use of automated track geometry inspections in its evaluations of railroad track systems and integrate the results of automated track geometry inspections into regional surveillance and enforcement programs, emphasizing initially routes regularly travelled by trains carrying either hazardous materials or passengers. *Mar. 6:* R–85–12: Require that all DOT Specification 112 tank cars built to the same drawing specifications as NATX 9408, be removed from service promptly for inspection using appropriate nondestructive inspection techniques, and that any car found defective not be returned to service until the defect is corrected.

Harrison County, Texas: Feb. 20: R–85–6: Establish a centralized emergency services dispatching system. *R–85–7:* In coordination with neighboring jurisdictions, develop and implement a mutual-aid agreement for responding to emergencies which provides for the orderly dispatch of emergency service units in participating jurisdictions on an "as needed" basis.

Association of American Railroads: Feb. 20: R–85–8: Inform its membership of the facts and circumstances of the derailment at Woodlawn, Texas, on November 12, 1983, and urge its member railroads to join with the Federal Railroad Administration in implementing the long-term recommendations made in the Transportation Systems Center Task Force Report-Rail Failure Evaluation.

American Short Line Railroad Association: Feb. 20: R–85–9: Inform its membership of the facts and circumstances of the derailment at Woodlawn, Texas, on November 12, 1983, and urge its member railroads to join with the Federal Railroad Administration in implementing the long-term recommendations made in the Transportation Systems Center Task Force Report-Rail Failure Evaluation.

Intermodal—*State of Colorado: Jan. 15: I–85–1:* Develop and put into effect a comprehensive program in cooperation with municipal and county jurisdictions for designating safe, practical highway routes for the transportation of hazardous materials within the State of Colorado, using as a guideline the Federal Highway Administration's "Guideline for Applying Criteria to Designated Routes for Transportating Hazardous Materials."

Note.—Single copies of these recommendation letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please include recommendation number in your request. Copies of recent recommendations are free of charge while supplies last. Recommendations that must be photocopied will be billed at a cost of 14 cents per page ($1 minimum charge).

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

March 13, 1985.

[FR Doc. 85–6784 Filed 3–21–85; 8:45 am]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on State of Nuclear Power Safety; Meeting

The ACRS Subcommittee on State of Nuclear Power Safety will hold a meeting on April 10, 1985, Room 1046, 1717 H Street, NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, April 10, 1985—12:30 p.m. until 1:30 p.m.

The Subcommittee will discuss the Subcommittee Charter and proposed schedules for future meetings.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange views regarding matters pertaining to the Subcommittee Charter and its activities.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Anthony Cappucci (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: March 18, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85–6889 Filed 3–21–85; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Safety Research Program; Meeting

The ACRS Subcommittee on Safety Research Program will hold a meeting on April 10, 1985, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, April 10, 1985—8:30 a.m. until the conclusion of business

The Subcommittee will discuss a draft report on the "NRC Safety Research Program" prepared by the Office of Nuclear Regulatory Research which provides justifications for a base NRC Safety Research Program in the future.

Oral statements may be presented by members of the public with concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Sam Duraiswamy (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., e.s.t. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: March 19, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85–6890 Filed 3–21–85; 8:45 am]

BILLING CODE 7590–01–M

Advisory Panel for the Decontamination of Three Mile Island, Unit 2; Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island Unit 2 (TMI-2) will be meeting on April 11, 1985, from 7:00 p.m. to 10:00 p.m. at the Lancaster Council Chambers, Public Safety Building, 201 N. Duke Street, Lancaster, PA 17603. The meeting will be open to the public.

At this meeting the Panel will receive presentations from representatives of General Public Utilities Nuclear Corporation, the licensee, on the distribution of fuel in the primary system and the planned lifting and storage of the reactor pressure vessel plenum. The Nuclear Regulatory Commission (NRC) staff will provide a review of the potential for inadvertent recriticality during defueling. The Panel will also receive information from the licensee and the NRC staff on worker skin contamination and other radiation protection issues related to the TMI–2 cleanup.

Further information on the meeting may be obtained from Dr. Michael T. Masnik, Three Mile Island Program Office, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301/492–7466.

Dated: March 18, 1985.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 85-6891 Filed 3-21-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co.; Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Boston Edison Company (the licensee) to withdraw its September 12, 1983 application for proposed amendment to the Pilgrim Nuclear Power Station located in Plymouth County, Massachusetts. The proposed amendment would have revised the provisions in the Technical Specifications related to control rod drive weekly surveillance testing. The Commission issued a Notice of Consideration of Issuance of the Amendment publish in the **Federal Register** on January 26, 1984 (49 FR 3345). By letter dated July 16, 1984, the licensee withdrew its application for the proposed amendment.

For further details with respect to this action, see (1) the application for amendment dated September 12, 1983; (2) the licensee's letter dated July 16, 1984, withdrawing the application for license amendment; and (3) the Commission's letter dated March 14, 1985. All of the above documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Plymouth Public Library, North Street, Boston, Massachusetts 02360.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

March 19, 1985.

[FR Doc. 85-6894 Filed 3-21-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-382]

Waterford Steam Electric Station, Unit 3, Louisiana Power & Light Company; Issuance of Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission), has issued Facility Operating License No. NPF-38, (the license) to Louisiana Power & Light Company (the licensee). This license authorizes operation of the Waterford Steam Electric Station, Unit 3 (the facility), by the licensee at reactor core power levels not in excess of 3390 megawatts thermal in accordance with the provisions of the license, the technical specifications and the environmental protection plan. On December 18, 1984, the Commission issued Facility Operating License No. NPF-26, which authorized operation of Waterford Steam Electric Station. Facility Operating License No. NPF-38 supersedes Facility Operating License No. NPF-26.

Waterford Steam Electric Station, Unit 3 is a pressurized water nuclear reactor located at the licensee's site in St. Charles Parrish, Louisiana, approximately 24 miles west of the City of New Orleans.

The application for the license, as amended, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. Issuance of this license has been authorized by the Atomic Safety and Licensing Board by its Partial Initial Decisions dated November 3, 1982 and May 26, 1983. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license authorizing full power operation was published in the **Federal Register** on January 2, 1979 (44 FR 125).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) Facility Operating License No. NPF-38, with technical specifications (NUREG-1117) and Environmental Protection Plan; (2) the reports of the Advisory Committee on Reactor Safeguards dated August 11, 1981, and March 9, 1982; (3) the Commission's Safety Evaluation Report (NUREG-0787) dated July, 1981; Supplement No. 1 dated October 1981; Supplement No. 2 dated January 1982; Supplement No. 3 dated April 1982; Supplement No. 4 dated October 1982; Supplement No. 5 dated June 1983; Supplement No. 6 dated June 1984; Supplement No. 7 dated September 1984, Supplement No. 8 dated December 1984; Supplement No. 9 dated December 1984; and Supplement No. 10 dated March 1985; (4) The Final Safety Analysis Report and amendments thereto; (5) the Environmental Report and amendments thereto; (6) the Final Environmental Statement dated September 1981; and (7) The Partial Initial Decisions issued by the Atomic Safety and Licensing Board dated November 3, 1982 and May 26, 1983.

These items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C., and the University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana. A copy of Facility Operating License No. NPF-38 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of the Safety Evaluation Report and its Supplements 1 through 10 (NUREG-0787) and the Technical Specifications (NUREG-1117) may be purchased by calling 301-492-9530 or by writing to the Publication Services Section, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 or may be purchased from the National Technical Informaion Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, the 16th day of March 1985.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 85-6893 Filed 3-21-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-498/499]

Houston Lighting and Power Co.; Relocation of Local Public Document Room

Notice is hereby given that the Nuclear Regulatory Commission (NRC) has relocated the local public document room (LPDR) for the Houston Lighting and Power Company's South Texas Project from the Bay City Public Library, Bay City, Texas to the Wharton County Junior College, J.M. Hodges Learning Center, Wharton, Texas.

Members of the public may now inspect and copy documents and correspondence related to the licensing and construction of the South Texas Project at the J.M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas, 77488. The Library is open on the following schedule: 7:30 a.m. to 9:00 p.m. Monday through Thursday; and 7:30 a.m. to 4:00 p.m. Friday.

For further information interested parties in the Wharton/Bay City area may contact the LPDR directly through

Ms. Patsy G. Norton, Director, J.M. Hodges Learning Center, telephone (409) 532–4560. Parties outside the service area of the LPDR may address their requests for records to the NRC's Public Document Room, 1717 H Street, NW., Washington, DC 20555, telephone number (202) 634–3273. The cost of ordering records from the Public Document Room is 7¢ per page, plus postage and handling.

Questions concerning the availability of documents at the South Texas LPDR and NRC's local public document room program in general should be addressed to Ms. Jona L. Souder, Chief, Local Public Document Room Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, toll-free telephone number (800) 638–8081.

Dated at Bethesda, Maryland, this 14th day of March 1985.

For the Nuclear Regulatory Commission.

Joseph M. Felton,

Director, Division of Rules and Records, Office of Administration.

[FR Doc. 85–6892 Filed 3–21–85; 8:45 am]

BILLING CODE 7590–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Conservation Programs Task Force; Meeting

AGENCY: Conservation Programs Task Force of the Pacific Northewest Electric Power and Conservation Planning council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1–4. Activities will include:

- Review of Council Action Items.
- How BPA attempts to integrate forecasts, conservation megawatt acquisition targets and program development.
- Integrating the Council planning process with BPA rate, budget and program development cycles.
- Roles of other institutions such as public utility commissions, investor owned utilities, state energy offices, local governments. Discussion of rcommended actions which might be taken by these institutions.
- Discussion of an ongoing review mechanism for BPA and non-BPA conservation activities as part of the Council's and the region's monitoring of conservation activities in the Pacific Northwest.
- Discussion of criteria by which the Council can assess the effectiveness of actions taken by BPA and other in implementing the next Action Plan.
- Multi-family/rental housing.
- Further discussion about the low income program.
- Commercial MCS.

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Conservation Programs Task Force.

DATE: Wednesday, March 27, 1985, 8:30 am–5:00 pm.

ADDRESS: The meeting will be held at the Council's Central Office, 850 SW. Broadway, Suite 1100, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Mark Cherniack (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 85–6814 Filed 3–21–85; 8:45 am]

BILLING CODE 000–00–M

State Agency Advisory Committee; Meeting

AGENCY: State Agency Advisory Committee of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1–4. Activities will include:

- Current Status of BPA Studies on the DSI's.
- Analysis of Critical Water Criteria and Combustion Turbines.
- Proposed Intertie Access Policy.
- Review of the Model Conservation Standards.
- Analysis of Load Forecasts By Sector.
- Other Issue Papers that the Task Force May Wish to Discuss that are Available as of the Time of This Meeting.

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its State Agency Advisory Committee.

DATE: Thursday, March 28, 1985. 9:00 a.m.

ADDRESS: The meeting will be held at the Council Conference Room at 850 SW. Broadway; Suite 1100, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Jim Litchfield, (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 85–6822 Filed 3–21–85; 8:45 am]

BILLING CODE 0000–00–M

DEPARTMENT OF STATE

[CM–8/829]

Advisory Committee on International Intellectual Property; Meeting

The International Copyright Panel of the Department of State's Advisory Committee on International Intellectual Property will meet in open session on Friday, March 22, 1985, in Room 1105 of the Department of State. The meeting will begin at 10:00 am and will conclude by 12:30 pm.

The meeting will be open to the general public. This meeting of the International Copyright Panel is being covened to discuss specific piracy problems with the full range of representatives of the private sector. On the basis of this meeting, the Department will prepare instructions to our Embassies in countries where serious problems exist.

The public attending may, as time permits and subject to the instructions of the chairperson, participate in the discussions or may submit their views in writing to the chairperson prior to, or at the meeting, for later consideration by the Committee.

Members of the public who plan to attend the meeting will be admitted up to the limits of the conference room's capacity. Members of the general public who plan to attend the meeting are requested to provide their name, affiliation, and address to Mr. William Skok, Office of Business Practices, Department of State, telephone (202) 632–1486, prior to March 22, 1985. All attendees to the meeting should use the *Main Entrance* (2201 C Street NW.) of the Department of State.

Dated: February 26, 1985.

Harvey J. Winter,

Executive Secretary.

[FR Doc. 85–6685 File 3–21–85; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Proposed Procedures for Considering Environmental Impacts

AGENCY: Maritime Administration (MARAD), DOT.

ACTION: Notice; Publication of Proposed MARAD Procedures for Considering Environmental Impacts, MAO 600–1.

SUMMARY: The Maritime Administration announces its proposed procedures for considering environmental impacts

under the National Environmental Policy Act and implementing regulations of the Council on Environmental Quality and the Department of Transportation. The procedures are issued as Maritime Administrative Order (MAO) 600–1, "Procedures for Considering Environmental Impacts."

DATES: Comments must be received not later than April 22, 1985.

ADDRESS: Comments should be addressed to the U.S. Department of Transportation, Maritime Administration, MAR–318, Room 7225, 400 Seventh Street, SW., Washington, D.C 20590.

FOR FURTHER INFORMATION CONTACT: Michael E. Myrtle, Maritime Administration, Room 7225, 400 Seventh Street, SW., Washington, D.C.; telephone (202) 426–5816.

SUPPLEMENTARY INFORMATION: The Council on Environmental Quality (CEQ) published regulations (40 CFR Parts 1500–1508, 43 FR 55978, November 29, 1978) establishing uniform procedures for implementing the procedural provisions of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.). Under part 1507 of the CEQ regulations, Federal agencies must adopt any necessary implementing procedures after publishing them for public comment and submitting them to CEQ for review. The proposed MAO 600–1 is issued in accordance with that requirement.

The proposed MAO 600–1 was prepared in response to the CEQ regulations and Department of Transportation Order 5610.1C, "Procedures for Considering Environmental Impacts," to provide in a single document the basic MARAD policies and procedures for consideration of environmental impacts in decisionmaking on proposed MARAD actions. The order has been reviewed within the Department of Transportation and by the CEQ. It is now published for public comment in preparation for issuance in final form.

Accordingly, MARAD publishes for public comment the following MAO 600–1 entitled "Procedures for Considering Environmental Impacts." (National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.); the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.); sections 176 and 309 of the Clean Air Act, as amended (42 U.S.C. 7401 et seq.); section 4(f), Department of Transportation Act of 1966, as amended (49 U.S.C. 1653(f)); section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.); sections 303 and 307 of the Coastal Zone Management Act of 1972 (43 U.S.C. 1241); section 2 of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.); section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531 et seq.); the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.); Executive Order 11514, dated March 4, 1970, as amended by Executive Order 11991, dated May 24, 1977; Executive Order 12114, dated January 4, 1979; 40 CFR Parts 1500–1508; DOT Order 5610.1C, as amended (44 FR 56420, October 1, 1979)).

MAO 600–1; Procedures for Considering Environmental Impacts

Section 1. Purpose

This order prescribes the policies and procedures for consideration of enviromental impacts in decisionmaking on proposed Maritime Administration actions. This order supplements Department of Transportation Order DOT 5610.1C "Procedures for Considering Environmental Impacts," which is the basic reference document.

Section 2. Background

2.01 The National Environmental Policy Act (NEPA) established certain policies and goals concerning the environment and requires that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administerted in accordance with those policies and goals. Section 102 of NEPA is designed to insure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government.

2.02 The Council on Environmental Quality (CEQ) has issued regulations for implementation of the procedural provisions of NEPA (40 CFR Parts 1500–1508). These regulations apply uniformly to and are binding upon all Federal agencies, and direct each agency to adopt implementing procedures which relate the CEQ regulations to the specific needs of that agency's programs and operating procedures.

2.03 This order implements within the Maritime Administration the mandate of NEPA, as defined and elaborated upon by CEQ's regulations, and by DOT 5610.1C. These directives provide that information on environmental impacts of proposed actions will be made available to public officials and citizens through environmental documents (namely, environmental assessments, findings of no significant impact, and environmental impact statements).

Section 3. Responsibilities

3.01 The *Associate Administrator for Shipbuilding, Operations, and Research* is the Coordinator of Environmental Activities for the Maritime Administration (Coordinator); and as such, shall direct the functions required of the Maritime Administration to implement the provisions of NEPA, CEQ regulations, and DOT 5610.1C. This includes serving as a focal point where interested persons can get information or status reports on environmental documents and other elements of the NEPA process.

3.02 The *Chief Counsel* shall:

1. Act as legal advisor to the Coordinator with respect to all environmental matters;

2. Upon request, review and comment upon any tentative determination by the Coordinator that a proposed action by the Maritime Administration requires the initiation of an environmental assessment or environmental impact statement; and,

3. Perform a legal review of all proposed final environmental assessments draft and final environmental impact statements, and final findings of no significant impact.

3.03 *Associate Administrators, Independent Office Directors, and Other Officials* shall, at the earliest possible time, inform the Coordinator through proper channels of all proposed actions (including actions proposed by nonfederal applicants) under their jurisdiction which may have an impact on the environment. They shall assist the Coordinator in the review of such actions and in the preparation of environmental documents, as applicable, and shall assure implementation of mitigation measures identified in these documents.

3.04 *All Maritime Administration personnel* engaged in programs and projects which may have an environmental impact shall become throughly familiar and comply with this order, DOT 5610.1C, and the CEQ regulations.

Section 4. Procedures—Maritime Administration Actions

4.01 The Coordinator, or designated representative, shall conduct a preliminary analysis of any proposed action received pursuant to this order to determine whether the preparation of an environmental document (see section 2.03, above) is required.

1. If preparation of an environmental document is not required on the part of the Maritime Administration, i.e., the prepared action is a categorical

exclusion (see section 4.05, below), the Coordinator shall so notify the referring official.

2. If the preparation of an environmental document is required on the part of the Maritime Administration, the Coordinator shall direct the preparation of either an environmental assessment or an environmental impact statement (if it is obvious that an impact statement is required), obtaining the assistance and clearance of cognizant officials as necessary.

3. Based on the results of the environmental impact statement or a finding of no significant impact.

4.02 In preparing and processing draft and final environmental assessments, findings of no significant impact, and environmental impact statements, the Coordinator and all other officials involved shall comply with the applicable procedures set forth in DOT 5610.1C and this order.

4.03 When programmatic and legal clearences have been obtained for a final environmental assessment, draft or final finding of no significant impact, or *draft* environmental impact statement, the Coordinator may approve the document(s). The Coordinator shall submit all *final* environmental impact statements to the Maritime Administrator for approval.

4.04 An environmental impact statement shall be prepared for any proposed Maritime Administration action which could significantly affect the environment. Environmental impact statements have been prepared for such major Maritime Administration programs as: (1) Tanker Construction Program, (2) Tank Vessels Engaged in Domestic Trade, (3) Bulk Chemical Carrier Program, (4) Vessels Engaged in Offshore Oil and Gas Drilling Operations, and (5) Chemical Waste Incinerator Ship Program.

4.05 Categorical exclusions, i.e., Maritime Administration actions which normally will not involve significant impacts on the environment, do not require preparation of environmental documents. Appendix 1 of this order describes the Maritime Administration's categorical exclusions. Appendix 2 sets forth the criteria for categorical exclusions and provides a means for determining whether specific circumstances exist in exceptional cases which render the exclusion inoperative. The Coordinator's determination that an action qualifies under a categorical exclusion shall be final.

Section 5. Procedures—Requests for Comments Relative to Actions of Other Agencies

5.01 The Coordinator shall be the Maritime Administration's receiving official for all requests from the Department for comments on environmental assessments and environmental impact statements of other agencies both within and outside the Department. Such requests are normally received from the Environmental Division, Office of Transportation Regulatory Affairs (OST). If a Maritime Administration official receives a request for comments from other than the Coordinator, the request shall be forwarded promptly to the Coordinator. All requests shall be reviewed by the Coordinator to determine whether the Maritime Administration can provide useful and constructive comments concerning the action involved. This review and comment process shall be coordinated with Associate Administrators and other officials, as required. All Associate Administrators and other cognizant officials shall cooperate with the Coordinator in providing comments on a timely basis so that the Coordinator may respond to the Department or requesting agency in a similar manner (see paragraph 9., DOT 5610.1C).

5.02 The Coordinator shall assess the comments received from Associate Administrators and other officials and prepare a coordinated Maritime Administration response to the request. When considered appropriate, such response shall be forwarded to the Chief Counsel and to Associate Administrators and other officials involved for concurrence prior to its being forwarded to the Department. If the response is direct to the requesting agency, the Coordinator shall provide a copy of the response to the Assistant Secretary for Policy and International Affairs (OST).

Section 6. International Actions

Due to the international character of merchant shipping, program officials should take special note of the provisions of paragraph 16., DOT 5610.1C.

H.E. Shear,
Maritime Administrator.

Appendix 1—Maritime Administration Actions Which Are Not Normally Major Actions Significantly Affecting the Environment (i.e., Categorical Exclusions)

Actions that do not individually or cumulatively have a significant effect on the environment are categorically excluded and thus do not require an environmental assessment or an environmental impact statement. The below listed actions are categorical exclusions for the Maritime Administration, except in specific cases where there is or may be a significant environmental impact. In such exceptional cases, appendix 2 should be used to determine if preparation of an environmental assessment or impact statement is required.

1. Administrative procurements (e.g., general supplies), contracts for personal services, personnel actions, project amendments which do not significantly alter the environmental impact of an action; and operating or maintenance subsidies, ship financing guarantees, deferred tax programs, etc., not resulting in a change in the effect on the environment.

2. Research studies and activities, including those at the Computer-Aided Operations Research Facility, which do not involve the direct construction of facilities.

3. Internal orders and procedures not required to be published in the Federal Register; promulgation of rules, regulations, directives, and amendments thereto which do not require a regulatory impact analysis under section 3 of Executive Order 12291 or do not have a potential to cause a significant effect on the environment; routine enforcement of statutes, rules, and safety and environmental standards and requirements, e.g., enforcement of statutes and rules regarding transfer of certain U.S.-flag vessels to any person not a citizen of the United States (sections 9, 37 when operative, and 41, Shipping Act, 1916, as amended) and enforcement of requirements for admission to the United States Merchant Marine Academy (section 1303, Merchant Marine Act, 1936, as amended and 46 CFR Part 310, Subpart C); and hearings, meetings, and public affairs activities.

4. Reconstruction, modification, modernization, replacement, repair, and maintenance (including emergency replacement, repair, or maintenance) of equipment, facilities, or structures which do not change substantially the existing character of the equipment/facility/structure.

5. Purchase, installation, or replacement of operating or maintenance equipment to be located within a Maritime Administration facility and with no significant physical impacts off the site.

6. Acquisition of land in which the property will not be modified, its use

will not be changed, and displacements will not occur, except properties on or eligible for listing on the National Register of Historic Places.

7. Project or program actions for which applicable environmental documentation has been prepared previously and environmental circumstances have not subsequently changed.

8. Excessing and disposing of Maritime Administration personal or real property to the General Services Administration or otherwise; use of space in Maritime Administration-owned buildings or buildings which are constructed for or controlled by the General Services Administration; lease of existing buildings; lease of space for a term of one year or less; and renewal of existing leases that do not involve significant changes in use of the property.

9. Demolition and removal of buildings and other structures, except properties on or eligible for listing on the National Register of Historic Places; water, sewage, electrical, gas, or other utility extensions of temporary duration; new gardening or landscaping, or the maintenance of existing landscape; filling of earth into previously excavated land with material compatible with the natural features of the site; minor trenching and backfilling where the surface is restored and excavated material is protected against wash and runoffs; grading on land with a slope of less than 10 percent; removal of obstructions on Maritime Administration property; and erosion control actions with no off-Maritime Administration property impact.

10. Construction on Maritime Administration installations of small (30,000 square feet or less) structures such as storage buildings, garages, small parking areas, foot or bicycle paths; installation of signs, fences, and security lighting; minor expansion of facilities which require no additional land; and where expansion is due to remodeling of space in current quarters or existing buildings.

Appendix 2—Categorical Exclusion Checklist

Project(s):
Date:
Nature of Action(s):
Exclusion Category: No. ——— Topic ———

Instructions: For the above action(s) under the subject project or group of homogeneous projects, check the appropriate answer to each of the questions below. If all the answers on this list are checked "No," then the action(s) meet the criteria for categorical exclusion. If any answer is checked "Yes" or "Uncertain," then an environmental assessment will be prepared unless there is no doubt that an environmental impact statement is required.

A. Evaluation of criteria for Categorical Exclusion:			
1. This action or group of actions would have significant effect on the quality of the human environment.	No___	Uncertain___	Yes___
2. This action or group of actions would involve unresolved conflicts concerning alternative uses of available resources.	No___	Uncertain___	Yes___
B. Evaluation of exceptions to actions within Categorical Exclusion:			
1. This action would have significant adverse effects on public health or safety.	No___	Uncertain___	Yes___
2. This action would have significant effect on wildlife resources or would affect unique geographical features such as: wetlands, wild or scenic rivers, refuges, floodplains, etc., or lands protected by section 4(f) of the DOT Act.	No___	Uncertain___	Yes___
3. This action will have highly controversial environmental effects.	No___	Uncertain___	Yes___
4. This action will have highly uncertain environmental effects or involve unique or unknown environmental risk.	No___	Uncertain___	Yes___
5. This action will establish a precedent for future actions.	No___	Uncertain___	Yes___
6. This action is related to other actions with individually insignificant but cumulatively significant effects.	No___	Uncertain___	Yes___
7. This action will affect properties listed or eligible for listing in the National Register of Historic Places, or otherwise protected by section 106 of the National Historic Preservation Act.	No___	Uncertain___	Yes___
8. This action will affect a species listed or proposed to be listed as Endangered or Threatened.	No___	Uncertain___	Yes___
9. This action is inconsistent with Federal, State, local or tribal law or requirements imposed for protection of the environment.	No___	Uncertain___	Yes___

Conclusion:

NEPA Action-Categorical Exclusion ———
EA Required ———
EIS Required ———
Explanation and/or Remarks: ———

Preparer's Name and Title

Concur:

———

(Signature, Name, and Title of Program Official)
Date: ———

Concur:

———

(Signature, Name, and Title of Environmental Activities Coordinator)
Date: ———

By order of the Maritime Administrator.

Dated: March 18, 1985.

Murray A. Bloom,

Acting Secretary, Maritime Administration.

[FR Doc. 85-6770 Filed 3-21-85; 8:45 am]
BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 18, 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, N.W., Washington, D.C. 20220.

Comptroller of the Currency

OMB Number: New
Form Number: None
Type of Review New
Title: Special Call Report—Fiduciary Cash Investment Practices.

Clearance Officer: Eric Thompson (202) 447-1177, Comptroller of the Currency, 6th Floor, L'Enfant Plaza, Washington, D.C. 20219.

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. 85-6783 Filed 3-21-85; 8:45 am]

BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

Book and Library Advisory Committee; Meeting

The Book and Library Advisory Committee will hold a meeting on Tuesday, April 9, 1985, from 2:00 p.m. to 5:00 p.m. Location of the meeting is the USIA Building, 301 Fourth Street SW., Washington, D.C., Room 800.

Please contact Ms. Louise Wheeler for further information on (202) 485-8889.

Dated: March 19, 1985.

Charles N. Canestro,

Federal Register Liaison.

[FR Doc. 85-6873 Filed 3-21-85; 8:45 am]

BILLING CODE 8230-01-M

Reporting and Information Collection Requirements Under OMB Review

AGENCY: United States Imformation Agency.

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed or established reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the agency has made such a submission. USIA is requesting approval of an information collection using a revised Form IAP-95, Travelers Funded by USIA, previously approved by OMB clearance 3116-0183.

DATE: Comments must be received by April 26, 1985.

Copies: Copies of the request for clearance (SF-83), supporting statement, instructions, transmittal letter and other documents submitted to OMB for review may be obtained from the USIA Clearance Officer. Comments on the item listed should be submitted to the Office of Information and Regulatory Affairs of OMB, Attention Desk Officer for USIA.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer, Charles N. Canestro, United States Information Agency, M/M, 301 Fourth Street SW., Washington, D.C. 20547, telephone (202) 485-8876. And OMB review: Michael Weinstein, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C., 20503, telephone (202) 395-4814.

SUPPLEMENTARY INFORMATION: Travelers Funded by USIA.

Abstract:

A report is required for submission to the Speaker of the House of Representatives and the Chairman of the Senate Foreign Relations Committee listing all individuals, with their organizations, who in the preceding five years made two or more trips involving foreign travel financed in whole or in substantial part by grants from USIA's Office of Private Sector Programs. The information must be obtained from grantees, which necessitates the information collection. The Form IAP-94 previously approved by OMB nadvertently granted exemptions which were not consistent with Public Law 98-164 Section 207.

Dated: March 18, 1985.

Charles N. Canestro,

Federal Register Liaison.

[FR Doc. 85-6809 Filed 3-21-85; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Privacy Act of 1974; Proposed Amendment of Systems Notice Additional Routine Use Statement

Notice is hereby given that the Veterans Administration is considering adding a new routine use statement to the following system of VA records set forth on page 671 of the **FEDERAL REGISTER** publication, "Privacy Act Issuances, 1980 Compilation, Volume V."

24VA136 Patient Medical Records—VA

The Internal Revenue Service has requested all Federal agencies including the Veterans Administration to report as income under Internal Revenue Code section 61(a)(12) the outstanding balance, not including interest, of any indebtedness which was discharged or forgiven. To facilitate reports to the Internal Revenue Service, the Treasury Department has issued Form 1099-G which includes necessary identifying information i.e., the name, address, ZIP code and the social security number of the person reported as receiving the income. The VA has determined that the proposed use of the data is a necessary and proper use of information in this system of records. Therefore, a routine use statement number 25 is proposed.

Interested persons are invited to submit comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420. All relevent material received before April 22, 1985 will be considered. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132, at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until May 6, 1985.

If no public comment is received during the thirty-day review period allowed for public comment or unless otherwise published in the **FEDERAL REGISTER** by the Veterans Administration, the new routine use statement included herein is effective April 22, 1985.

Dated: March 14, 1985.

Harry N. Walters,

Administrator.

Notice of Systems of Records

In the system identified as 24VA136, "Patient Medical Record-VA," appearing at 671 of the "Privacy Act Issuances, 1980 compilation, Volume V," the following addition is made:

21VA136

SYSTEM NAME:

Patient Medical Record—VA

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

* * * * *

25. The individual's name, address, social security number and amount (excluding interest) of any indebtedness in an amount of $600 or more which is waived under 38 U.S.C. 3102, compromised under 4 CFR Part 103, otherwise forgiven, or for which the applicable statute of limitations for enforcing collection has expired, may be disclosed to the Treasury Department, Internal Revenue Service, as a report of income under 26 U.S.C. 61(a)(12).

* * * * *

[FR Doc. 85-6845 Filed 3-21-85; 8:45 am]

BILLING CODE 8320-01-M

Veterans' Administration Wage Committee; Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (P. L. 92-463) that the Veterans' Administration Wage Committee has been renewed by the Administrator of Veterans' Affairs for a two year period beginning March 7, 1985 through March 7, 1987.

Dated: March 14, 1985.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 85-6844 Filed 3-21-85; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 58
Friday, March 22, 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).

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1

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 50 FR 10577, March 15, 1985.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Approximated 11:00., Wednesday, March 20, 1985, following a recess at the conclusion of the open meeting.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting: Congressional request for information regarding the health plans administered under the Federal Reserve System's employee benefits program.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: March 20, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-7013 Filed 3-20-85; 3:49 pm]

BILLING CODE 6210-01-M

2

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Thursday, March 28, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 20, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-7014 Filed 3-20-85; 3:49 pm]

BILLING CODE 6210-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Monday, April 1, 1985, 2:00 p.m. (eastern time).

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200-C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, D.C. 20507.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

Closed

Litigation Authorization; GC Recommendations

Proposed Settlement of Commissioner Charge

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission Meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat at (202) 634-6748.

This Notice Issued March 20, 1985.

Dated: March 20, 1985.

Cynthia C. Matthews,

Executive Officer.

[FR Doc. 85-7009 Filed 3-20-85; 3:43 pm]

BILLING CODE 6750-06-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 7:20 p.m. on Friday, March 15, 1985, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in The Taylor State Bank, Emington, Illinois, which was closed by the Commissioner of Banks and Trust Companies for the State of Illinois on Friday, March 15, 1985; (2) accept the bid for the transaction submitted by The First National Bank of Dwight, Illinois; and (3) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Michael A. Mancusi, acting in the place and stead of Director C.T. Conover (Comptroller of the Currency), that Corportion business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: March 18, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-6942 Filed 3-20-85; 11:26 am]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, March 18, 1985, the Corporation's Board of Directors determined, on motion of

Chairman William M. Isaac, second by Director Irvine H. Sprague (Appointive), concurred in by Mr. Michael A. Mancusi, acting in the place and stead of Director C.T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the application of Independence Savings Bank, New York (Brooklyn), New York, for consent to relocate a branch from 3365 Hillside Avenue, Herricks, Town of North Hempstead, New York, to the southeast corner of Hillside Avenue and Herricks Road, Village of Mineola, New York.

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated March 18, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson.

Executive Secretary.

[FR Doc. 85-6943 Filed 3-20-85; 11:26 am]

BILLING CODE 6714-01-M

6

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 25, 1985.

An open meeting will be held on Thursday, March 28, 1985, at 10:00 a.m., in Room 1C30, followed by a closed meeting.

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 Commisssion, 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 Treadway, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Thursday, March 28, 1985, at 10:00 a.m., will be:

1. Consideration of whether to propose for comment (1) amendments to Rule 14b-1, under the Securities and Exchange Act of 1934 relating to brokers' obligation in connection with forwarding communications to beneficial owners; (2) new Rule 14a-13, a registrant-related corollary to Rule 14b-1; and (3) corresponding amendments to Rule 14c-7. The proposed amendments are intended to allow for the most advantageous implementation of the system of direct communication provided under those rules. For further information, please contact Sarah A. Miller or JoAnn L. Zuercher at (202) 272-2589.
2. Consideration of whether to approve proposed rule changes submitted by the options exchanges to increase position and exercise limits for options on individual stocks to either 3,000, 5,500 or 8,000 contracts, depending on certain market related criteria. For further information, please contact Sharon Lawson at (202) 272-2825.
3. Consideration of whether to issue a release soliciting public comment on the costs and benefits associated with Rule 15c2-11 under the Securities Exchange Act of 1934, which regulates the publication of quotations by broker-dealers for certain over-the-counter securities. For further information, please contact Nancy J. Burke at (202) 272-2880.
4. Consideration of an order approving rule changes proposed by the New York Stock Exchange, Inc. ("NYSE") to the supplementary material of NYSE Rule 451 (Proxies) and 465 (Company Reports to Shareholders) which would establish a surcharge that could be charged by NYSE members and member organizations to issuers, in connection with proxy solicitations, for the purpose of recouping direct and indirect costs incurred to comply with Securities Exchange Act Rules 14b-1(c) and 17a-3(a)(9)(ii) which are designed to facilitate direct communications by issurers to non-objecting beneficial shareholders. For further information, please contact Catherine McGuire at (202) 272-7484 or Thomas C. Etter, Jr. at (202) 272-2828.

The subect matter of the closed meeting scheduled for Thursday, March 28, 1985, following the 10:00 a.m. open meeting, will be:

Formal order of investigation.

Settlement of administrative proceeding of an enforcement nature.

Institution of injunctive actions.

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 19, 1985.

[FR Doc. 85-6966 Filed 3-20-85; 12:47 pm]

BILLING CODE 8010-01-M

7

UNITED STATES RAILWAY ASSOCIATION

DATE AND TIME: April 4, 1985; 1:00 p.m.

PLACE: Board Room Suite 7200, Seventh Floor 955 L'Enfant Plaza North, SW., Washington, D.C.

STATUS: The first portion of the meeting will be closed to the public; the second portion will be open.

MATTERS TO BE CONSIDERED BY THE USRA BOARD OF DIRECTORS AND ADVISORY BOARD AT MEETING:

Portion Closed to the Public (1:00 p.m.)

1. Litigation Report
2. Review of Conrail Confidential and Proprietary Financial Information

Portion Open to the Public (1:30 p.m.)

3. Approval of Minutes of July 19, 1984 Joint Meeting of Board and Advisory Board
4. Appointment of Contrail Directors
5. Conrail Monitoring Indicators

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202) 488-8777.

Peter J. Gallagher,

Secretary.

[FR Doc. 85-6993 Filed 3-20-85; 2:53 pm]

BILLING CODE 8240-01-M

federal register

Friday
March 22, 1985

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions; Notice

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 9–83, 48 FR 35736 (1983), and 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Order 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Program Operations, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

Idaho ID85–5012

Modifications to General Wage Determination Decisions

California: CA84–5022	Oct. 5, 1985.
Colorado:	
CO85–5015	Mar. 15, 1985.
CO82–5127	Nov. 5, 1982.
District of Columbia: DC84–3009	Apr. 6, 1984.
Idaho: ID85–5014	Mar. 1, 1985.
Illinois:	
IL85–5007	Feb. 8, 1985.
IL85–5011	Feb. 22, 1985.
Michigan:	
MI83–2018	Mar. 11, 1983.
MI84–5026	Dec. 21, 1984.
Nevada: NV84–5014	June 8, 1984.
New York: NY81–3062	Sept. 11, 1981.
North Dakota: ND85–5009	Mar. 1, 1985.
Vermont: VT84–3029	Sept. 28, 1984.

Cancellation of General Wage Determination Decision

General Wage Decision WY83–5114, Converse, Goshen, Laramie, Natrona, Niobrara and Platte counties, Wyoming, is cancelled. Agencies with construction projects pending to which the cancelled decision would have been applicable should utilize the project determination procedure by submitting form SF–308. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR, 1.6(a)(2)(i)(A), the incorporation of the cancelled decision in contract specifications, the opening of bids for which is within ten (10) days of this notice, need not be affected.

Signed at Washington, D.C. this 15th day of March 1985.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510-27-M

NEW DECISION

STATE: IDAHO
DECISION NUMBER: ID85-5012
COUNTIES: *SEE BELOW
DATE: DATE OF PUBLICATION
DESCRIPTION OF WORK: Building projects (does not include single-family homes and apartments up to and including 4 stories)

*BENEWAH, BONNER, BOUNDARY, CLEARWATER, IDAHO (North of the 46th Parallel), KOOTENAI, LATAH, LEWIS, NEZ PERCE, and SHOSHONE COUNTIES

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$ 11.64	
CEMENT MASONS	15.30	3.20
DRYWALL FINISHERS	16.22	2.59
ELECTRICIANS	13.63	2.03
GLAZIERS	11.42	2.21
IRONWORKERS	17.48	4.71
LABORERS	9.21	2.42
PAINTERS:		
Brush	15.47	2.59
PLUMBERS	15.77	
ROOFERS	14.36	4.13
SHEET METAL WORKERS	17.46	3.08+3%
POWER EQUIPMENT OPERATORS: (See Footnote "a"):		
Backhoe under 1 yd.	15.17	4.35
Backhoe 1 to 3 yds, Cranes over 25 tons to 45 tons, Draglines & Shovels under 3 yds, Loaders (front end or overhead) 4 yds to 8 yds, Multiple dozer units with single blade	15.42	4.35
Backhoes over 3 yds, Cranes over 45 tons to 65 tons, Draglines 3 yds and over, Shovels 3 yds and over	15.67	4.35
TRUCK DRIVERS: (Footnote "a"):		
Dump Truck under 6 yds	15.29	4.10
Dump Truck over 6 yds to 12 yds	15.59	4.10
WELDERS receive rate for craft performing operation to which welding is incidental		

FOOTNOTE:

a. On all projects involving one or more of the components listed below, where the dollar value of the component is less than the amount shown, the rate to be paid for work on that component shall be 80% of the basic hourly rate plus full fringe benefits; any other component in excess of the amounts shown shall be paid the full rate on that component. EXCEPTION: Paving within 45 miles of Spokane or Lewiston shall pay the full rate.

Paving	$ 75,000
Crushing	200,000
Grading & Clearing	350,00
Bridges & related work	500,00
Utilities	Unlimited
Buildings	2,000,000 exclusive of mechanical & electrical

MODIFICATIONS P. 1

DECISION NO. CA84-5022-MOD 46
(49 FR 19416-October 5, 1984)
Alameda, Alpine, Amador Counties, etc., California

	Basic Hourly Rates	Fringe Benefits
Change:		
Sheet Metal Workers:		
Area 1	$26.87	$6.76
Area 6	27.17	6.48
Area 8	26.70	7.16
Area 9	27.05	6.70

DECISION #CO85-5015-Mod#1
(50 FR 10584-March 15, 1985)
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Laramie, Morgan, Park, Summit, and Weld Counties, Colorado

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters:		
Fringe Benefits only		$3.08
Drywall Installers:		
Fringe Benefits only		3.16
Electricians:		
Remaining Counties:		
Fringe benefits only		2.60+ 2-3/10%
Roofers:		
Fringe Benefits only		1.43
POWER EQUIPMENT OPERATORS: (Other than for work in Tunnels, Shafts, and Raises):		
Group 5 Zone 1	12.41	3.70
(For work in Tunnels, Shafts, and Raises):		
Group 5 Zone 2	14.93	3.70
All other groups		
Fringe Benefits only		3.70

DECISION NO. DC84-3009-MOD. #11
(49 FR 13800-April 6, 1984)
DISTRICT OF COLUMBIA, MARYLAND-MONTGOMERY & PRINCE GEORGES COUNTIES, THE D.C. TRAINING SCHOOL, VIRGINIA-INDEPENDENT CITY OF ALEXANDRIA & ARLINGTON & FAIRFAX COUNTIES.

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
MOSAIC, TERRAZZO, & TILE WORKERS	15.41	3.01

DECISION NO. ID85-5014 - Mod #2
(50 FR 8567 - March 1, 1985)
Ada and Canyon Counties, Idaho

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Change Mod #2 dated March 15, 1985, to read "Mod #1"		

DECISION NO. CO82-5127 -
MOD #10
(47 FR 50418 - November 5, 1982)
Las Animas, Otero and Pueblo Counties, Colorado

	BASIC HOURLY RATES	FRINGE BENEFITS
CHANGE:		
POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts, and Raises:)		
	ZONE 1	ZONE 2
Group 1	$11.26	$11.93
Group 2	11.61	12.28
Group 3	11.96	12.63
Group 4	12.11	12.78
Group 5	12.26	12.93
Group 6	12.41	13.08
(For work in Tunnels, Shafts, and Raises:)		
Group 1	13.41	14.08
Group 2	13.76	14.43
Group 3	13.86	14.53
Group 4	14.11	14.78
Group 5	14.26	14.93
Group 6	14.66	15.33
Group 7	14.41	15.08
FRINGE BENEFITS: $3.70		

DECISION NO. IL85-5007 - Mod#1 (50 FR 5478 - February 6, 1985) Alexander, Champaign, Christian, Clark, Clay, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Edward, Effingham, Fayette, Ford, Franklin, Gallatin, Hamilton, Hardin, Iroquois, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Moultrie, Perry, Piatt, Pope, Pulaski, Richland, Saline Shelby, Union, Vermillion, Wabash, Wayne, White & Williamson Counties, Illinois	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BRICKLAYERS; CAULKERS; CLEANERS POINTERS & STONEMASONS:		
Area 5	$15.86	$2.81
Area 8	17.22	2.88
CARPENTERS; LATHERS; MILLWRIGHTS; PILEDRIVERMEN and SOFT FLOOR LAYERS:		
Area 6:		
Carpenters & Soft Floor Layers	15.20	2.80
Millwrights	15.80	2.80
Piledrivermen	15.60	2.80
Area 7:		
Carpenters & Soft Floor Layers	15.68	3.07
Millwrights & Piledrivermen	16.18	3.07
CEMENT MASONS & PLASTERERS:		
Area 4	16.03	1.50
ELECTRICIANS:		
Area 1	18.41	1.25+14%
Area 4	18.15	2.26+3%
Area 6:		
Electricians	17.49	2.60+3.6%
Area 7	17.42	2.25+3%
IRONWORKERS:		
Area 2:		
Ironworkers	15.00	3.68
Fence Erectors	12.00	3.68
PAINTERS:		
Area 9:		
Brush	13.30	
Steel	14.30	
Spray, Sandblast	14.05	
Area 11:		
Brush, Roller, paperhanger, Hand taping	15.24	
Swing stage, Scaffold over 30 ft, Epoxy, Toxic material sandblast, spray, machine taping	16.24	
PAINTERS (Cont'd)		
Area 13	$10.75	
PLUMBERS; PIPEFITTERS & STEAMFITTERS:		
Area 1	19.40	2.88
Area 8	20.82	2.80

DECISION NO. IL85-5011 - Mod#1 (50 FR 7540 - Feb. 22, 1985) Adams, Brown, Cass, Champaign, Christian, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Logan, Macon, Menard, Morgan, Moultrie, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby and Vermilion Counties, Illinois	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS & PILEDRIVERS:		
Area 7	$15.77	$2.82
Area 9:		
Carpenters	15.77	2.82
Piledrivermen	16.28	2.82
ELECTRICIANS:		
Area 4	18.15	2.26+3%
IRONWORKERS:		
Area 1	16.28	2.73
OMIT:		
TRUCK DRIVERS:		
Omit rates and Area Descriptions for Areas 1 and 2, but retain classification descriptions		
ADD:		
TRUCK DRIVERS:		
(All Counties):		
Group 1	14.275	1.90+a
Group 2	14.675	1.90+a
Group 3	14.875	1.90+a
Group 4	15.125	1.90+a

DECISION NO. MI83-2018 MOD. #4 (48 FR 10582 - March 11, 1983) Alcona, Alpena, etc., Counties, Michigan	Basic Hourly Rates	Fringe Benefits
OMIT: Antrim, Charlevoix, Cheboygan and Emmet Counties for building construction: Agencies with construction projects pending to which building construction for Antrim, Charlevoix, Cheboygan and Emmet Counties would have been applicable should utilize the project determination procedure by submitting a SF-308. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR 1.6(c)(2)(i)(A), the incorporation of the withdrawn counties in contract specifications, the opening of bids is within ten (10) days of this notice, need not be affected. Heavy construction will remain as previously published in the Federal Register.		

DECISION NO. NV84-5014 MOD #9 (49 FR 23988-June 8, 1984) Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway construction in Douglas County), Nevada	Basic Hourly Rates	Fringe Benefits
Change:		
Cement Masons:		
Area 1:		
Cement Masons	$14.58	$6.70
Cement Floor Finishing Machine and color Work	14.93	6.70

DECISION NO. MI84-5026- MOD #3 (49 FR 49812-December 21, 1984) Statewide, Michigan	Basic Hourly Rates	Fringe Benefits
Add:		
Landscape Laborers- Highway Construction Ornamentation Projects Only (for Sodding and Seeding, see Class F Laborer-Misc. Unskilled Labor):		
Zone 1:		
Class A	$8.60	
Class B	6.56	
Zone 2:		
Class A	8.18	
Class B	6.14	
Definition of Zones:		
Zone 1: Genesee, Lapeer, Livingston, Macomb, Monroe, Oakland, St. Clair, Shiawassee, Washtenaw and Wayne Counties		
Zone2: Remainder of State		
Definition of Classes:		
Class A: Landscape Specialist, including air, gas, diesel, electric tool and/or equipment		
Class B: Landscape Laborer, Truck Driver, Material Haulers and Small Power Equipment		

DECISION NO. NY81-3062- MOD #13 (46 FR 45530-Sept. 11, 1981) WESTCHESTER COUNTY, NEW YORK	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS	18.40	5.835

DECISION NO. ND85-5009 - Mod. #1 (50 FR 8570 - March 1, 1985) Burleigh, Morton and Ward Counties, North Dakota	Basic Hourly Rates	Fringe Benefits
Change:		
CARPENTERS:		
Ward County	$11.75	1.02

DECISION NO. VT84-3029 - MOD. #2 (49 FR 38456 - September 28, 1984) STATEWIDE, VERMONT	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CHITTENDON COUNTY:		
IRONWORKERS:		
Reinforcing	7.38	
GRAND ISLE:		
IRONWORKERS:		
Reinforcing	7.38	

[FR Doc. 6667 Filed 3-21-85; 8:45 am]

BILLING CODE 4510-27-C

Federal Register

Friday
March 22, 1985

Part III

Department of Transportation

Coast Guard

33 CFR Part 157

Segregated Ballast, Dedicated Clean Ballast and Crude Oil Washing on Tank Ships of 20,000 DWT or More but Less Than 40,000 DWT Carrying Oil in Bulk; Final Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 157

[CGD 82-28]

Segregated Ballast, Dedicated Clean Ballast and Crude Oil Washing on Tankships of 20,000 DWT or More But Less Than 40,000 DWT Carrying Oil in Bulk

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its Rules for the Protection of the Marine Environment Relating to Tank Vessels Carrying Oil in Bulk. This amendment implements 46 U.S.C. 3705(c) and 3706(d), formerly subsections (7)(E) and (H) of section 5 of the Port and Tanker Safety Act of 1978 (PTSA). The rules are applicable to U.S. tankships, and to foreign tankships (other than those on innocent passage) entering the navigable waters of the United States or which call at a port or place subject to the jurisdiction of the United States. The rules will reduce discharges of oil from existing tankships of 20,000 to 40,000 deadweight tons (DWT) by requiring the installation of segregated ballast tanks, dedicated clean ballast tanks, or crude oil washing systems.

EFFECTIVE DATE: April 22, 1985.

ADDRESSES: Copies of the Final Environmental Impact Statement and Regulatory Impact Analysis (EIS/RIA) as well as the Draft Environmental Impact Statement and Regulatory Evaluation (DEIS/RE) may be obtained by writing: Commandant (G-CMG/21) (CGD82-28), U.S. Coast Guard, Washington, DC 20593. The EIS/RIA, as well as any materials referenced in this document, are available for examination and copying between 8 a.m. and 4 p.m., Monday through Friday, except holidays, at the Marine Safety Council (G-CMC/21), Room 2110, Coast Guard Headquarters, 2100 Second St. SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT: LCDR Jeffrey G. Lantz, Project Officer, at (202) 426-4431.

SUPPLEMENTARY INFORMATION: 1. A notice of proposed rulemaking (NPRM) was published in the **Federal Register** (49 FR 2998) on January 24, 1984. The closing date for submitting comments was May 14, 1984. The Coast Guard distributed copies of the NPRM to vessel operators, classification societies, trade organizations, Federal Agencies, coastal states, environmental groups, and to persons who had previously expressed interest in similar proposals. A total of 17 letters were received offering comment on the proposed rules. The commenters included concerned individuals, ship operators, trade organizations, foreign governments and a classification society. These comments are discussed below.

2. A DEIS/RE was prepared in support of the NPRM. It was made available to the public on January 13, 1984. Over 350 copies or summaries of the DEIS/RE were made available to vessel operators, trade organizations, federal agencies, coastal states, environmental groups, and to persons who had previously expressed interest in the proposal. The closing date for submitting comments on DEIS/RE was also May 14, 1984. A total of 14 responses were received from ship owner/operators and state governments; of these, only two provided additional data or recommended additional information to be included in the EIS. Copies of the EIS/RIA may be obtained as indicated in **ADDRESSES.**

Drafting Information

The principal persons involved in the drafting of this rule are LCDR Jeffrey G. Lantz and LCDR Alan E. Spackman, Project Managers, Office of Merchant Marine Safety and Mr. Stanley M. Colby, Project Attorney, Office of Chief Counsel.

Discussion of Comments and Changes Made

1. Four commenters gave general support to the proposed regulations.

2. One commenter supported the proposition that, given the years of preparation and commitment made by most shipowners since the passage of the Port and Tanker Safety Act (PTSA) in 1978, implementation of the law is not only reasonable, but the only equitable course of action. One commenter also noted that the "30 year" alternative would only delay the day of reckoning for many vessels and "would be contrary to the goal of U.S. fleet modernization."

3. One commenter commended the Coast Guard for recognizing the difficulties associated with the strict compliance by smaller vessels to all the design provisions which had been previously promulgated for larger vessels, and for proposing a more flexible alternative.

4. One commenter made the suggestion that "while the problem of direct pollution from tankers is being addressed, one should also ensure that the oil washing system or ballast tanks will be safe. This is equally important since these systems will be eventually drained in port." The safety aspects of these systems are addressed in several sections of 33 CFR Part 157 as well as 46 CFR Parts 30 to 40. Ultimately, the safety of the vessel and its systems can only be ensured by its owners, officers and crew.

5. Seven commenters generally opposed the proposed regulations on the basis that such unilateral action is incompatible with the spirit of international cooperation necessary to bring about substantive improvements in marine safety and environmental protection. This included an "Aide-Memoire" submitted jointly by the governments of Belgium, Denmark, Finland, France, Federal Republic of Germany, Italy, Japan, the Netherlands, Norway, Sweden, and the United Kingdom, and a separate "Aide-Memoire" submitted by Spain. The commenters are correct; this is unilateral action on behalf of the U.S. These issues were throughly considered when the PTSA was enacted, and it was determined that these requirements would benefit the United States.

6. Seven commenters stated that they believed the costs of the standards were excessively high considering the benefits, both primary and secondary, which might accrue and that the costs would ultimately be passed on to the consumer. Also noted was the lack of evidence on which to draw conclusions regarding the effects on the environment of operational oil discharges on the high seas, especially considering the "non-persistent" nature of many of the oils carried by these smaller tankers. The cost of these standards, and any benefits that may be derived from them, are determined almost exclusively by the implementing legislation. The Coast Guard has attempted to minimize these costs by providing an alternative for those vessels which would incur an excessive capacity loss by strict compliance.

7. One commenter reiterated the request (See 49 FR 2999) for special consideration for modern chemical tankers, which only carry product oil as an incidental cargo, and again referenced submissions of technical documents, made on the behalf of the chemical tanker owners, to IMO regarding application of similar standards in MARPOL 73/78 for larger vessels. IMO rejected the request, and the Coast Guard supports IMO's position. In addition, the wording of the statute in defining the applicability of the standards, is clear and the Coast Guard must apply the standards to affected chemical tankers if they also carry crude oil or oil products.

8. One commenter generally questioned how the applicability of the standards to foreign flag vessels would be determined and how the standards would be enforced. Commencing October 2, 1984 all foreign flag oil tankers of 150 gross tons or above entering the navigable waters of the U.S. on other than innocent passage must have on board a valid International Oil Pollution Prevention (IOPP) Certificate or equivalent documentation. From this documentation, Coast Guard personnel can readily determine if the standards apply by noting the vessel's deadweight and the date of delivery (or completion of a major conversion). If a foreign flag tanker entering the navigable waters of the United States on other than innocent passage has "oil" as cargo or cargo residue on board the standards apply if:

(a) It is an "existing oil tanker".

(b) It is of at least 20,000 deadweight tons but less than 40,000 deadweight tons; and

(c) It is 15 years or more since the date of delivery or date of completion of a major conversion, whichever is later.

The standards do not apply, nor will they become applicable, to a vessel which is a "new oil tanker" as defined in Regulation 1(26) of Annex I to MARPOL 73/78 and is under 33 CFR 157.10(a).

9. One commenter made a general comment to the effect that tankers using certified reception facilities in accordance with the Coast Guard's rulemaking proposal on waste reception facilities (see the NPRM (CGD 78-035) 49 FR 25196, published June 19, 1984) should automatically be exempted under subpart F of 33 CFR Part 157. The Coast Guard disagrees. Under MARPOL 73/78, the U.S. is obligated to ensure the adequacy of reception facilities in its ports to receive the quantity and kinds of wastes that are normally generated by seagoing ships. The volume required to meet this requirement and qualify a port for a certificate of adequacy is generally relatively small, since most of the wastes received are expected to be machinery space bilge water and the concentrated wastes recovered from oil residue tanks and cargo slop tanks. There is a significant difference in this volume and the volume of ballast water which can be routinely expected from an exempted vessel. Therefore, for vessels to be automatically exempted under subpart F of 33 CFR Part 157 as the commenter suggests, the Coast Guard would have to require ports to provide sufficient capacity for the receipt of clean and oily ballast water discharges from tankers before being given a certificate of adequacy. The Coast Guard believes that this would be an unreasonable burden on ports and the current requirement is the most equitable course of action.

10. Comments received from the American Bureau of Shipping (ABS) indicated concern over the creation of an agency relationship with "foreign" classification societies by the Coast Guard's authorizing them to perform certain activities on its behalf. ABS pointed out that since these foreign classification societies would not be acting as an "agent" of the United States, the Coast Guard would have no method of holding them accountable. There was no intent to propose that a classification society act as an agent of the Coast Guard; but to propose that the Coast Guard would, under defined circumstances, accept the findings of classification societies. This action is consistent with MARPOL 73/78 (Article 11(1)(b)), which binds the Coast Guard to accept the findings of a classification society done on behalf of a country party to the Convention if the classification society is duly authorized by that country and has been listed with IMO. This could greatly relieve the burden on the Coast Guard. To date, the Coast Guard has not received notification that any foreign governments have authorized any classification society to act in their behalf.

11. Two commenters questioned whether a vessel having undergone a major conversion would be given special consideration in determining the age of a vessel. This was the intention of the proposal but was inadvertently omitted in §§ 157.10c, 157.24a, 157.118 and 157.216. These sections have been amended to note that the age of vessels having undergone a major conversion would be determined from the date of completion of the major conversion. The Coast Guard believes that this concept of applicability to the delivery date and conversion date was implicit throughout Part 157 and there is no substantive change in clarifying these rules. However, to be as fair as possible, the Coast Guard will continue to accept comments on this clarification.

12. One commenter stated that by separately addressing loadline requirements for U.S. vessels, a paperwork burden was being placed on owners and operators of U.S. vessels that is not being placed on foreign vessel operators. The Coast Guard does not agree. For the convenience of U.S. vessel owners and operators, the Coast Guard has specified the administrative procedure and identified, as thoroughly as possible, a problem area which may be encountered in bringing a vessel into compliance with these standards. For foreign vessels the Coast Guard is specifying only the end-product of what may or may not be a similar adminstrative process; therefore, the paperwork burden may be less or greater depending on the requirements of the flag state.

13. One commenter, a tanker owner, suggested that § 157.10c(d) allow all applicable tankers to meet the reduced draft and trim requirements for SBT and CBT. Another tanker owner opposed any reduction from the values applied to larger vessels. The Coast Guard disagrees with both of these comments. The draft and trim requirements are not specifically mandated. The Coast Guard has decided that to meet the intent of the law, the draft and trim standards applied to the larger vessels should also be applied to the vessels under § 157.10c(d); however relief should be available for those vessels that would incur an excessive capacity loss in meeting the draft and trim requirements. Among other things, the Coast Guard wishes to avoid the recurrence of situations which occurred with the application of the standards to larger vessels, where a vessel owner would remove the tips of a vessel's propeller blades to meet the propeller immersion standard. This action brought the vessel into compliance, but did not improve its seakeeping or non-pollution performance.

14. One commenter stated that the proposed alternative ballast draft standards in proposed § 157.10c(d) were at variance with the law and suggested that they be eliminated. The Coast Guard disagrees. The statute does not define either "segregated ballast tanks" or "dedicated clean ballast tanks," nor does it prescribe draft and trim standards. Therefore, the alternative standards are not at variance with the law. The Coast Guard feels that the alternative standards help reduce the cost without significantly altering the degree of effectiveness of the standards and has chosen to retain them.

15. Two commenters suggested changes to sections of Subpart F, covering exemption for vessels where shore-based reception facilities are used in lieu of fitting SBT, CBT or COW. Both of these commenters suggested changes which would remove the requirement that each loading port where the vessels enter partly-loaded have waste storage capacity equal to 30 percent of the vessel's deadweight. One commenter suggested that only the first loading port should be required to have such storage capacity. While there is some merit in this suggestion, trading patterns and

requirements generally vary over a length of time. The Coast Guard will consider equivalents, under § 157.07, to the reception facility standards of § 157.304 on a case by case basis. Normal part-cargo operations will be considered in evaluating the reception facility capacity requirements in these cases.

16. One commenter questioned whether the word "terminal" should be used in Subpart F (Exemptions from § 157.10a) rather than the word "port." The Coast Guard believes that the more inclusive term "port" is appropriate. For the purposes of these exemptions, the Coast Guard does not believe that the reception facility necessarily needs to be located at the particular loading terminal as long as it is within the general area of the "port".

17. One commenter suggested that the phrase "crude oil tankers" be used instead of "tank vessel" and "tankship" to be consistent with "the ambiguity created in the revisions to Title 46 U.S.C." This suggestion has not been adopted. Such action would serve no useful purpose at this time and may cause confusion. The suggestion will be considered during the planned complete revision of 33 CFR Part 157.

18. The definition of tank vessel in § 157.03(v) is being changed to comply with the law under 46 U.S.C. 2101(39).

In addition to the changes discussed above, minor editorial corrections have been made for clarification.

Environmental Impact Statement and Regulatory Impact Analysis

These regulations have been evaluated under Executive Order 12291, "Federal Regulation," dated February 17, 1981, and Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis and Review of Regulations," dated May 22, 1980. They are considered to be a "major rule" under E.O. 12291 because of the economic impact the statutory standards impose upon the tanker industry. In preparing the NPRM, the rule had only been considered a "significant" rule under DOT Order 2100.5 and, pursuant to that order, a Regulatory Evaluation (RE) had been prepared. The Office of Management and Budget cleared the NPRM for publication without a Regulatory Impact Analysis (RIA) in light of the mandated compliance date of January 2, 1986 and in consideration of the fact that the RE had been prepared but asked that an RIA be prepared in the final rule because of the high costs imposed by the statutory requirements. An RIA has been prepared for this final rule. Additionally, since implementation of the mandated standards would have an effect on the environment, the Coast Guard prepared a Draft Environmental Impact Statement (DEIS) to accompany the NPRM. To reduce duplication and paperwork, these documents were combined into a single document.

The bulk of the DEIS/RE was prepared in 1981, and included an estimate of the cost of the mandated standards based on market conditions that existed during the period from 1978 to 1980.

In the fall of 1983, a supplemental analysis was prepared to take into consideration the latest tanker market conditions. This analysis was appended to the DEIS/RE and represented an update of the cost estimates. It used a methodology consistent with the earlier cost estimate, but revised the total tanker capacity requirements to reflect our estimate that the number of U.S. tankers of 20,000 to 40,000 DWT in active service in the fall of 1983 was about half the number on which the earlier estimate was based. It also concluded that the probable use of a number of currently idle tankers would be to provide the additional capacity necessitated by the fitting of SBT or CBT. The supplemental analysis concluded that it is possible that no additional tanker construction will be necessitated by implementation of the mandated standards. It was estimated that the total present value cost of the statutory standards would be about $525 million (in 1983 dollars). However, it was noted that if capacity requirements were to increase, or if a substantial proportion of the idle tankers proved unsuitable for service, some additional new tanker construction might be required, and the total cost of the standards would rise accordingly.

After publication of the EIS/RE, the Coast Guard continued to refine the data used to estimate the cost of the standards. Using this updated information in the DEIS/RIA, the total cost of the implementation of these standards is estimated to have a present value in 1984 of $683 million. The difference between this cost and the $525 million from the DEIS/RE is largely explained by an increase in the estimated number of vessels affected, attributable to greater accuracy in the estimates of the size of the active vessel fleet, and by adjustments in the calculations to reflect 1984 as a base year. In the DEIS/RE it was estimated there were 85 vessels affected. Because they were not individually identified, a deadweight of 30,000 tons each was assumed, for a total of 2.55 million deadweight tons. Through consultations with the industry and by using Coast Guard certification records as well as classification societies' records, the Coast Guard estimates that, as of July 1984, the number of vessels affected is 100, having a total deadweight of 3.25 million tons.

This cost is considered to be the best realistic estimate of a maximum impact, and it is likely that it will be less. The assumptions used tended to be conservative; for example, all scrappage was attributed to the rule, even though a number of older vessels could very well be scrapped soon through natural attrition. Further, some of the vessels in the updated fleet estimate, though not technically in lay-up, may not be actually carrying cargo, therefore the tonnage estimate may be high. The impact of the rule could be substantially less if different owners' actions take place than those assumed.

It is assumed that the cost will be borne directly by the owners and operators of U.S. ships. All the costs of implementing the standards will eventually be reflected in increased transportation costs for oil. The Coast Guard is of the opinion that these increased transportation costs will be fully passed-on to U.S. consumers in the form of increased costs for oil and oil-based products.

The direct benefits, as derived in the EIS/RIA, are presented in terms of reduced operational oil pollution from tank vessels of 20,000 to 40,000 DWT. The total reductions are estimated at about 70,000 metric tons from U.S. vessels. These reductions stem primarily from reducing oil discharges during deballasting of cargo tanks and tank cleaning. The areas where the discharges occur are generally areas of open ocean, although some areas of coastal ocean may be affected. The effect of these standards on reducing oil pollution will be greatest during the decade from 1990 to 2000 and will gradually be reduced thereafter as the existing vessels affected by these regulations are retired from service. There are no dollar values placed on the benefits because of the complexity and subjective nature of such an assessment. As a result, no "net" cost/benefit figure is available.

A complete discussion of the costs and benefits of implementing the standards is contained in the EIS/RIA, which can be obtained as indicated in **ADDRESSES.**

Regulatory Flexibility Act Certification

These regulations have been evaluated under Pub. L. 96-354 (94 Stat. 1165, 5 U.S.C. 601) to determine if they would have a significant economic

impact on a substantial number of small entities. An initial regulatory flexibility analysis was included in the DEIS/RE. The Coast Guard believes it is possible that implementation of the standards could cause small firms having a substantial portion of their operating equipment consisting of older vessels of 20,000 to 40,000 DWT to go out of business, if they are unable to finance required vessel modifications or are unwilling to assume the financial risks of such modifications. However, implementing the standards could also stimulate competition by creating market conditions which would permit new companies with new vessels, which can be operated more efficiently but are burdened with high capital costs, to compete effectively with those established companies that have low capital costs but operate older, less efficient, existing vessels. Either of these effects could have a significant economic impact on a small entity.

Neither section 3705(c) nor section 3706(d) of Title 46 U.S. Code grants the Coast Guard discretionary authority to alter these effects through the establishment of differing compliance requirements or time tables for small entities or the exemption of small entities from this rule. The rule does not mandate rigid design features, but allows flexibility in retrofitting to meet the SBT, CBT and COW standards. Based on safety considerations, the Coast Guard does not believe that establishing alternative reporting or recordkeeping requirements is justified, nor would such action substantially alter the burden placed on the affected businesses.

There are approximately 25 U.S. companies that operate U.S. flag tankships of 20,000 to 40,000 DWT. The Coast Guard determined that 20 of these companies, operating the vast majority of the U.S. vessels that would be directly affected by the implementation of the standards, are not small businesses since they are subsidiaries of major oil companies or diversified corporations.

Lacking sufficient data to determine whether any of the remaining companies which operate between 4 and 23 vessels (both tank vessels and cargo vessels), should be considered small entities, comments were solicited in the NPRM and by direct mailing of the NPRM and the DEIS/RE to all companies that could be identified as owning or operating U.S. vessels. The NPRM specifically asked companies to provide quantifying data on whether they should be considered small entities. No responses were received to this effect. Therefore, the Coast Guard concludes that the implementing rule will not have a significant economic effect on a substantial number of small entities. Accordingly, it is certified that these regulations will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 601).

Paperwork Reduction Act

Sections 157.04, 157.24a, 157.100, 157.102, 157.108, 157.110, 157.116, 157.118, 157.200, 157.202, 157.206, 157.208, 157.214 and 157.216 of the rules contain information collection requirements. These sections require the submission of applications, plans for modifications to vessels, documentation of compliance, and retention of various operating manuals on board vessels. These new reporting and recordkeeping requirements were submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). They have been approved through April 30, 1986 and are assigned OMB control number 2115-0520.

List of Subjects in 33 CFR Part 157

Cargo vessels, Oil pollution, Reporting and recordkeeping requirements.

PART 157—[AMENDED]

In accordance with the foregoing, Part 157 of Title 33, Code of Federal Regulations, is amended as follows:

1. By removing the authority citation to Subparts D, E, and F and revising the authority citation for Part 157 to read as follows:

Authority: Sec. 4, 94 Stat. 2298 (33 U.S.C. 1903); 46 U.S.C. 3703; 49 CFR 1.46(n) and (hh).

2. By revising § 157.03(v) to read as follows:

§ 157.03 Definitions.

* * * * *

(v) "Tank vessel" means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

(1) Is a vessel of the United States;

(2) Operates on the navigable waters of the United States; or

(3) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

* * * * *

3. By adding a new § 157.04 to read as follows:

§ 157.04 Authorization of classification societies.

(a) The Coast Guard may authorize any classification society (CS) to perform certain plan reviews, certifications, and inspections required by this Part on vessels classed by that CS, except that only U.S. classification societies may be authorized to perform those plan reviews, inspections, and certifications for U.S. vessels.

(b) If a CS desires authorization to perform the plan reviews, certifications, and inspections required under this Part, it must submit to the Commandant (G-MVI), U.S. Coast Guard, Washington, DC 20593, evidence from the governments concerned showing that they have authorized the CS to inspect and certify vessels on their behalf under the MARPOL Protocol.

(c) The Coast Guard notifies the CS in writing whether or not it is accepted as an authorized CS. If authorization is refused, reasons for the refusal are included.

(d) Acceptance as an authorized CS terminates unless the following are met:

(1) The authorized CS must have each Coast Guard regulation that is applicable to foreign vessels on the navigable waters of the United States.

(2) Each issue concerning equivalents to the regulations in this Part must be referred to the Coast Guard for determination.

(3) Copies of any plans, calculations, records of inspections, or other documents relating to any plan review, inspection, or certification performed to meet this Part must be made available to the Coast Guard.

(4) Each document certified under §§ 157.116(a)(2), 157.118(b)(1)(ii), and 157.216(b)(1)(ii) must be marked with the name or seal of the authorized CS.

(5) A copy of the final documentation that is issued to each vessel that is certified under this Part must be referred to the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593.

4. By revising § 157.07 to read as follows:

§ 157.07 Equivalents.

The Coast Guard may accept an equivalent, in accordance with the procedure in 46 CFR 30.15-1, of a design or an equipment to fullfill a requirement in this Part, except an operational method may not be substituted for a design or equipment requirement that is also required under the MARPOL Protocol.

5. By revising the heading of § 157.10a to read as follows:

§ 157.10a Segregated ballast tanks, crude oil washing systems, and dedicated clean ballast tanks for certain new and existing vessels of 40,000 DWT or more.

* * * * *

6. By adding a new § 157c to read as follows:

§ 157.10c Segregated ballast tanks, crude oil washing systems, and dedicated clean ballast tanks for certain new and existing tankships of 20,000 to 40,000 DWT.

(a) This section applies to each tankship of 20,000 DWT or more, but less then 40,000 DWT, except each one that—

(1) Is constructed under a building contract awarded after June 1, 1979;

(2) In the absence of a building contract, has the keel laid or is at a similar state of construction after January 1, 1980;

(3) Is delivered after June 1, 1982; or

(4) Has undergone a major conversion, for which—

(i) The contract is awarded after June 1, 1979; or

(ii) Conversion is completed after June 1, 1982.

(b) On January 1, 1986, or 15 years after the date it was delivered to the original owner or 15 years after the completion of a major conversion, whichever is later, a vessel under this section that carries crude oil must have—

(1) Segregated ballast tanks that have a total capacity to allow the vessel to meet the draft and trim requirements in § 157.09(b); or

(2) A crude oil washing system that meets the design, equipment, and installation requirements of §§157.122 through 157.138.

(c) On January 1, 1986, or 15 years after the date it was delivered to the original owner or 15 years after the completion of a major conversion, whichever is later, a vessel under this section that carriers product must have—

(1) Segregated ballast tanks that have total capacity to allow the vessel to meet the draft and trim requirements in § 157.09(b); or

(2) Dedicated clean ballast tanks that meet the design and equipment requirements under §§ 157.220, 157.222, and 157.224 and have total capacity to allow the vessel to meet the draft and trim requirements in § 157.09(b).

(d) If the arrangement of tanks on a vessel under this section is such that, when using the tankage necessary to comply with the draft and trim requirements in §157.09(b), the draft amidships exceeds the minimum required draft by more the 10 percent, or the arrangement results in the propeller being fully immersed by more than 10 percent of its diameter, alternative arrangements may be accepted provided—

(1) At least 80 percent of the propeller diameter is immersed; and

(2) The moulded draft amidships is at least 80 percent of that required under § 157.09(b)(1).

7. By adding a new §157.24a to read as follows:

§ 157.24a Submission of calculations, plans, and specifications for existing vessels installing segregated ballast tanks.

(a) Before modifications are made to a U.S. tank vessel to meet § 157.10a(a)(1), § 157.10a(c)(1), § 157.10c(b)(1), or § 157.10c(c)(1), the vessel's owner or operator must submit the following to the Officer in Charge, Marine Inspection, of the zone where the modification will be made or to the appropriate Coast Guard technical office listed in 157.100(b):

(1) A drawing or diagram of the pumping and piping system for the segregated ballast tanks.

(2) A drawing of the segregated ballast tank arrangement.

(3) Documentation, calculations, or revised stability information to show that the vessel, with the addition of the segregated ballast tanks, meets the stability standards for load line assignment in 46 CFR Part 42.

(4) Documentation, calculations, or a revised loading manual to show that the vessel, with the addition of the segregated ballast tanks, meets the structural standards in 46 CFR Part 32.

(5) Plans and calculations to show that the vessel, as modified, complies with the segregated ballast capacity and distribution requirements in § 157.10a.

(b) Before each foreign vessel under § 157.10a(a)(1) or § 157.10a(c)(1) enters the navigable waters of the United States, the owner or operator of that vessel must—

(1) Submit to the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593—

(i) A letter from the authority that assigns the load line to the vessel finding that the location of the segregated ballast tanks is acceptable; and

(ii) Plans and calculations to substantiate compliance with the applicable segregated ballast capacity requirements in § 157.09(b); or

(2) Submit to the Officer in Charge, Marine Inspection, of the zone in which the first U.S. port call is made, a letter or document from the government of vessel's flag state certifying that the vessel complies with the segregated ballast capacity requirements in § 157.09(b) or Regulation 13 of the MARPOL Protocol.

(c) On January 1, 1986, or 15 years after the date it was delivered to the original owner, or 15 years after the completion of a major conversion, whichever is later, before that vessel enters the navigable waters of the United States, the owner or operator of an existing foreign vessel under § 157.10c(b)(1) or § 157.10c(c)(1) must—

(1) Submit to the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593—

(i) A letter from the authority that assigns the load line to the vessel finding that the location of the segregated ballast tanks is acceptable; and

(ii) Plans and calculations to substantiate compliance with the applicable segregated ballast capacity requirements in § 157.09(b) or § 157.10c(d); or

(2) Submit to the Officer in Charge, Marine Inspection, of the zone in which the first U.S. port call is made a letter from an authorized CS or the government of the vessel's flag state certifying that the vessel complies with the segregated ballast capacity requirements in § 157.09(b) or § 157.10c(d).

8. By revising the introductory text in § 157.35 to read as follows:

§ 157.35 Ballast added to cargo tanks.

The master of a tank vessel with segregated ballast tanks or dedicated clean ballast tanks under § 157.09, § 157.10, § 157.10a(a)(1), § 157.10a(b), § 157.10a(c), § 157.10b(a), § 157.10c(b)(1), or § 157.10c(c) shall ensure that ballast water is carried in a cargo tank only if—

* * * * *

9. By amending § 157.100 by removing and reserving (b)(4) and revising paragraphs (b)(3), (b)(5), and the introductory text in paragraph (a) to read as follows:

§ 157.100 Plans for U.S. tank vessels: Submission.

(a) Before each U.S. tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) is inspected under § 157.140, the owner or operator of that vessel must submit to the Coast Guard plans that include—

* * * * *

(b) * * *

(3) Commander, 8th Coast Guard District (mmt), Room 845, F. Edward Hebert Federal Building, 600 South Street, New Orleans, LA 70130, for the 2nd, 7th and 8th Coast Guard Districts.

(4) [Reserved]

(5) Commander, 12th Coast Guard District (mmt), Government Island, Alameda, CA 94501, for the 11th, 12th, 13th, 14th, and 17th Coast Guard Districts.

10. By revising the introductory text in § 157.102 to read as follows:

§ 157.102 Plans for foreign tank vessels: Submission.

If the owner or operator of a foreign tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2), desires the letter from the Coast Guard under § 157.106 accepting the plans submitted under this paragraph, the owner or operator must submit to the Commandant (G-MVI), U.S. Coast Guard, Washington, DC 20593, plans that include—

* * * * *

11. By revising § 157.108 to read as follows:

§ 157.108 Crude oil washing operations and equipment manual for U.S. tank vessels: Submission.

Before each U.S. tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) is inspected under § 157.140, the owner or operator of that vessel must submit two copies of a manual that meets § 157.138, to the Officer in Charge, Marine Inspection, of the zone in which the COW system is installed or to the appropriate Coast Guard field technical office listed in § 157.100(b).

12. By revising § 157.110 to read as follows:

§ 157.110 Crude oil washing operations and equipment manual for foreign tank vessels: Submission.

If the owner or operator of a foreign tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) desires a Coast Guard approved *Crude Oil Washing Operations and Equipment Manual* under § 157.112, the owner or operator must submit two copies of a manual that meets § 157.138 to the Commandant (G-MVI), U.S. Coast Guard, Washington, DC 20593.

13. By revising § 157.116 to read as follows:

§ 157.116 Required documents: U.S. tank vessels.

The owner, operator, and master of a U.S. tank vessel having a COW system under §157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) shall ensure that the vessel does not engage in a voyage unless the vessel has on board the following:

(a) The *Crude Oil Washing Operations and Equipment Manual* that—

(1) Is approved under § 157.112; or

(2) Bears a certification by an authorized CS that the manual contains the information required under § 157.138.

(b) Evidence of acceptance of the tank vessel's COW system consisting of—

(1) A document from an authorized CS that certifies the vessel meets § 157.10c(b)(2) and each amending letter by the authorized CS approving changes in the design, equipment, or installation; or

(2) The letter of acceptance under § 157.106 and each amending letter issued under § 157.158(c).

(c) Evidence that the COW system passed the required inspections by—

(1) A document from an authorized CS that the vessel has passed the inspections under § 157.140; or

(2) The letter of acceptance under § 157.142 after passing the inspection under § 157.140.

14. By revising § 157.118 to read as follows:

§ 157.118 Required documents: Foreign tank vessels.

(a) The owner, operator, and master of a foreign tank vessel under § 157.10(e) or § 157.10a(a)(2) shall ensure that the vessel does not enter the navigable waters of the United States or transfer cargo at a port or place subject to the jurisdiction of the United States unless the vessel has on board—

(1) The *Crude Oil Washing Operations and Equipment Manual* that—

(i) Is approved under § 157.112; or

(ii) Meets the manual standards in Resolution 15 of the MARPOL Protocol and bears the approval of the government of the vessel's flag state; and

(2) Either—

(i) A document from the government of the vessel's flag state that certifies that the vessel complies with Resolution 15 of the MARPOL Protocol; or

(ii) The following letters issued by the Coast Guard:

(A) The letter of acceptance issued under § 157.106.

(B) The letter of acceptance issued under § 157.142.

(C) Each amending letter issued under § 157.158(c).

(b) On January 1, 1986, or 15 years after the date it was delivered to the original owner or 15 years after the completion of a major conversion, whichever is later, the owner, operator, and master of a foreign vessel having a COW system under § 157.10c(b)(2) shall ensure that the vessel does not enter the navigable waters of the United States or transfer cargo at a port or place subject to the jurisdiction of the United States unless the vessel has on board—

(1) The *Crude Oil Washing Operations and Equipment Manual* that—

(i) Is approved under § 157.112; or

(ii) Bears a certification by an authorized CS or the government of the vessel's flag state that the manual contains the information required under § 157.138;

(2) Evidence that the COW system passed the required inspections by—

(i) A document from an authorized CS or the government of the vessel's flag state certifying that the vessel passed the inspections under § 157.140; or

(ii) The letter of acceptance under § 157.142 after passing the inspection under § 157.140; and

(3) Either—

(i) A document from an authorized CS or the government of the vessel's flag state certifying that the vessel complies with the design, equipment and installation standards in §§ 157.122 through 157.136 and any amending letters approving changed COW system characteristics; or

(ii) The letter of acceptance under § 157.106 and any amending letters issued under § 157.158(c).

15. In § 157.124 by revising the introductory text of paragraph (f) to read as follows:

§ 157.124 COW tank washing machines.

* * * * *

(f) Each cargo tank on a vessel having a COW system under § 157.10a(a)(2) or § 157.10c(b)(2) with complicated internal structural members does not have to meet paragraph (e) of this section if the following areas of each cargo tank are washed by direct impingement and the tank vessel can pass the inspections under § 157.140:

* * * * *

16. By revising the introductory text of paragraph (a) of § 157.128 to read as follows:

§ 157.128 Stripping system.

(a) Each tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) must have a stripping system that is designed to remove crude oil from—

* * * * *

17. By revising § 157.130 to read as follows:

§ 157.130 Crude oil washing with more than one grade of crude oil.

If a tank vessel having a COW system under §§ 157.10(e), 157.10a(a)(2), or 157.10c(b)(2) carries more than one grade of crude oil, the COW system

must be capable of washing the cargo tanks with the grades of crude oil that the vessel carries.

18. By revising the introductory text of § 157.132 to read as follows:

§ 157.132 Cargo tanks: Hydrocarbon vapor emissions.

Each tank vessel having a COW system under § 157.10a(a)(2) or § 157.10c(b)(2) without sufficient segregated ballast tanks or dedicated clean ballast tanks to allow the vessel to depart from any port in the United States without ballasting cargo tanks must have—

* * * * *

19. By revising § 157.136 to read as follows:

§ 157.136 Two-way voice communications.

Each tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) must have a means that enables two-way voice communications between the main deck watch required under § 157.168 and each cargo discharge control station.

20. By revising the introductory text of paragraph (b) of § 157.138 to read as follows:

§ 157.138 Crude Oil Washing Operations and Equipment Manual.

* * * * *

(b) In addition to meeting paragraph (a) of this section, each *Crude Oil Washing Operations and Equipment Manual* on a tank vessel having a COW system under § 157.10a(a)(2) or § 157.10c(b)(2) must include the following:

* * * * *

21. By revising the introductory text of paragraph (a) of § 157.140 to read as follows:

§ 157.140 Tank vessel inspections.

(a) Before issuing a letter under § 157.142, the Coast Guard makes an initial inspection of each U.S. tank vessel having a COW system under § 157.10(e), § 157.10(a)(2), or § 157.10c(b)(2) and each foreign tank vessel whose owner or operator submitted the plans under § 157.102 to determine whether or not, when entering a port, the cargo tanks that carry crude oil meet the following:

* * * * *

22. By revising the introductory text of § 157.152 to read as follows:

§ 157.152 Person in charge of COW operations.

The owner, operator, and master of a tank vessel having a COW system under § 157.10(e), § 157.10(a)(2), or § 157.10c(b)(2) shall ensure that the person designated as the person in charge of COW operations—

* * * * *

23. By revising the introductory text of § 157.154 to read as follows:

§ 157.154 Assistant personnel.

The owner, operator, and master of a tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) shall ensure that each member of the crew that has a designated responsibility during COW operations—

* * * * *

24. By revising the introductory text of paragraph (a) and of paragraph (b) of § 157.155 to read as follows:

§ 157.155 COW operations: General.

(a) The master of a tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or 157.10c(b)(2) shall ensure that—

* * * * *

(b) In addition to meeting paragraph (a) of this section, the master of a tank vessel having a COW system under § 157.10a(a)(2) or § 157.10c(b)(2) shall ensure that—

* * * * *

25. By revising the introductory text of § 157.156 to read as follows:

§ 157.156 COW operations: Meeting manual requirements.

Except as allowed in § 157.158, the master of a foreign tank vessel having a COW system under §§ 157.10(e), 157.10a(a)(2), or 157.10c(b)(2) that has the *Crude Oil Washing Operations and Equipment Manual* approved under § 157.112 and is operating in the navigable waters of the United States or transferring cargo at a port or place subject to the jurisdiction of the United States and the master of a U.S. tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) shall ensure that during each COW operation—

* * * * *

26. By revising the introductory text of paragraph (b) of § 157.160 to read as follows:

§ 157.160 Tanks: Ballasting and crude oil washing.

* * * * *

(b) The owner, operator, and master of a tank vessel having a COW system under § 157.10a(a)(2) or § 157.10c(b)(2) shall ensure that—

* * * * *

27. By revising the introductory text of § 157.162 to read as follows:

§ 157.162 Crude oil washing during a voyage.

The master of a tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) shall ensure that each cargo tank that is crude oil washed during a voyage other than a ballast voyage—

* * * * *

28. By revising the introductory text of paragraph (a) of § 157.164 to read as follows:

§ 157.164 Use of inert gas system.

(a) The master of a tank vessel having a COW system under § 157.10(e), § 157.10a(a)(2), or § 157.10c(b)(2) shall ensure the following:

* * * * *

29. By revising § 157.166 to read as follows:

§ 157.166 Hydrocarbon emissions.

If the tank vessel having a COW system under § 157.10a(a)(2) or § 157.10c(b)(2) transfers cargo at a port in the United States that is in an area designated in 40 CFR Part 81 as an area that does not meet the national primary ambient air quality ozone standard under 40 CFR Part 50, issued under the Clean Air Act, as amended (42 U.S.C. 1857), the master of the vessel shall ensure that when cargo tanks are ballasted in that port the hydrocarbon vapors in each tank are contained by a means under § 157.132.

Note.—Questions relating to whether or not a particular port is located in an area designated in 40 CFR Part 81 as an area that does not meet the national primary ambient air quality standard under 40 CFR Part 50 should be directed to the Plans Analysis Section of the Environmental Protection Agency at (919) 541-5665.

30. By revising § 157.172 to read as follows:

§ 157.172 Limitations on grades of crude oil carried.

If a tank vessel having a COW system meeting § 157.10a(a)(2) or § 157.10c(b)(2) does not have segregated ballast tanks or dedicated clean ballast tanks that meet § 157.10c(c)(2), the owner, operator, and master shall ensure that the vessel carries only the grades of crude oil that can be used for crude oil washing.

31. By revising paragraphs (a), (b)(3), and (b)(5) of § 157.200 to read as follows:

§ 157.200 Plans for U.S. tank vessels: Submission.

(a) Before modifications are made to a U.S. vessel to meet § 157.10a(b), § 157.10b(a)(2), § 157.10a(c)(2), or

§ 157.10c(c)(2), the owner or operator must submit to the Coast Guard plans or documents that include the following:

(1) The dedicated clean ballast tank arrangement.

(2) Documentation, calculations, or revised stability information to show that the vessel, with the addition of the dedicated clean ballast tanks, meets the stability standards for load line assignment in 46 CFR Part 42.

(3) Documentation, calculations, or a loading manual to show that the vessel, with the addition of the dedicated clean ballast tanks, meets the structural standards in 46 CFR Part 32.

(4) A drawing or diagram of the pumping and piping system for the dedicated clean ballast tanks.

(b) * * *

(3) Commander, 8th Coast Guard District (mmt), Room 845, F. Edward Hebert Federal Building, 600 South Street, New Orleans, LA 70130, for the 2nd, 7th and 8th Coast Guard Districts.

(4) [Reserved]

(5) Commander, 12th Coast Guard District (mmt), Government Island, Alameda, CA 94501, for the 11th, 12th, 13th, 14th and 17th Coast Guard Districts.

32. By revising the introductory text of § 157.202 to read as follows:

§ 157.202 Plans and documents for foreign tank vessels: Submission.

The owner or operator of a foreign tank vessel under § 150.10a(b), § 157.10a(c)(2), or § 157.10b(a)(2) who desires the letter from the Coast Guard under § 157.204 accepting the plans submitted under this paragraph, and the owner or operator of a foreign tank vessel under § 150.10c(c)(2) must submit to the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593—

* * * * *

33. By revising §157.206 to read as follows:

§ 157.206 Dedicated clean ballast tanks operations manual for U.S. tank vessels: Submission.

The owner or operator of a U.S. tank vessel meeting § 157.10a(b), §157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) must submit two copies of a manual that meets § 157.224 to the Officer in Charge, Marine Inspection, of the zone in which the dedicated clean ballast tank system is installed or to the appropriate Coast Guard field technical office listed in § 157.200(b).

34. By revising § 157.208 to read as follows:

§ 157.208 Dedicated clean ballast tanks operations manual for foreign tank vessels: Submission.

If the owner or operator of a foreign tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) desires a Coast Guard approved *Dedicated Clean Ballast Tanks Operations Manual* under § 157.210, the owner or operator must submit two copies of a manual that meets § 157.224 to the Commandant (G-MVI), U.S. Coast Guard, Washington, D.C. 20593.

35. By revising the introductory text of § 157.214 to read as follows:

§ 157.214 Required documents: U.S. tank vessels.

The owner, operator, and master of a U.S. tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) shall ensure that the vessel does not engage in a voyage unless the vessel has on board—

* * * * *

36. By revising § 157.216 to read as follows:

§ 157.216 Required documents: Foreign tank vessels.

(a) The owner, operator, and master of a foreign tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) shall ensure that the vessel does not enter the navigable waters of the United States or transfer cargo at a port or place subject to the jurisdiction of the United States unless the vessel has on board—

(1) The *Dedicated Clean Ballast Tank Operations Manual* that—

(i) Is approved under § 157.210; or

(ii) Is certified by the government of the vessel's flag state because it meets the manual standards in Resolution 14 of the MARPOL Protocol; and

(2) Either of the following:

(i) A letter from the government of the vessel's flag state that certifies that the vessel complies with Resolution 14 of the MARPOL Protocol.

(ii) The letter of acceptance under § 157.204 and each amending letter issued under § 157.218(c).

(b) On January 1, 1986, or 15 years after the date it was delivered to the original owner or 15 years after the completion of a major conversion, whichever is later, the owner, operator, and master of a foreign tank vessel under § 157.10c(c)(2) shall ensure that the vessel does not enter the navigable waters of the United States or transfer cargo at a port or place subject to the jurisdiction of the United States unless the vessel has on board—

(1) The *Dedicated Clean Ballast Tank Operations Manual* that—

(i) Is approved under § 157.210; or

(ii) Bears a certification by an authorized CS or the government of the vessel's flag state that the manual meets § 157.224; and

(2) Either of the following:

(i) A letter from an authorized CS or the government of the vessel's flag state certifying the vessel complies with §§ 157.220 and 157.222, and any amending letters issued approviding alterations.

(ii) The letter of acceptance under § 157.204 and each amending letter issued under § 157.218.

37. By revising the introductory text of § 157.225 to read as follows:

§ 157.225 Dedicated clean ballast tanks operations: General.

The master of a tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) shall ensure that—

* * * * *

38. By revising § 157.226 to read as follows:

§ 157.226 Dedicated Clean Ballast Tanks Operations Manual: Procedures to be followed.

The master of a foreign tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) that has the *Dedicated Clean Ballast Tanks Operations Manual* approved under § 157.210 and is operating in the navigable waters of the United States or transferring cargo at a port or place subject to the jurisdiction of the United States and the master of a U.S. tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a), or § 157.10c(c)(1) shall ensure that the procedure listed in the *Dedicated Clean Ballast Tanks Operations Manual* are followed.

39. By revising § 157.228 to read as follows:

§ 157.228 Isolating Valves: Closed During a Voyage.

(a) The master of each U.S. tank vessel under § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) shall ensure that the valves under § 157.222(d) remain closed during each voyage.

(b) The master of each foreign tank vessel meeting § 157.10a(b), § 157.10a(c)(2), § 157.10b(a)(2), or § 157.10c(c)(2) shall ensure that the valves under § 157.222(d) remain closed when the vessel is on a voyage in the navigable waters of the United States.

40. By revising the heading of Subpart F to read as follows:

Subpart F—Exemption From § 157.10a or § 157.10c

* * * * *

41. By revising the introductory text of paragraph (a) of § 157.300 to read as follows:

§ 157.300 Qualifications for exemptions under this part.

(a) Each vessel under § 157.10a or § 157.10c of this part may qualify for an exemption from the requirements of § 157.10a or § 157.10c of this part if—

* * * * *

42. By revising paragraph (f) of § 157.310 to read as follows:

§ 157.310 Exempted vessels: Operations.

* * * * *

(f) The certificate of inspection bearing the following endorsement is on board the vessel:

Exempted under 33 CFR 157.306 from the requirements of *(33 CFR 157.10a or 157.10c, whichever is appropriate, will be inserted).* This vessel may not discharge cargo in any foreign port, nor may it load cargo in a port other than the following: *(a list of ports contained in the application that is accepted by the Coast Guard for the exempted vessel will be inserted here).*

§§ 157.144, 157.147, 157.302 [Amended]

43. By striking the words "Commandant (G-MMT)" or "Commandant (G-MMT/13)" wherever they appear in §§ 157.144, 157.147, and 157.302(a) and inserting the words "Commandant (G-MVI)" in their place.

44. Section 157.04, 157.24a, 157.100, 157.102, 157.108, 157.110, 157.116, 157.118, 157.200, 157.206, 157.208, 157.214 and 157.216 are all amended by adding the following to the end of each section:

(Reporting and recordkeeping requirements approved by the Office of Management and Budget under control number 2115–0520)

Dated: March 18, 1985.

J.S. Gracey,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 85–6720 Filed 3–21–85; 8:45 am]

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Friday
March 22, 1985

Part IV

Department of Education

34 CFR Part 745

Women's Educational Equity Act Program; Final Regulations and Application Notice

DEPARTMENT OF EDUCATION

34 CFR Part 745

Women's Educational Equity Act Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Women's Educational Equity Act Program. These amendments are designed to bring existing regulations for this program into conformity with the Education Amendments of 1984.

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

FOR FURTHER INFORMATION CONTACT: Mrs. Rosemary Clifford-Wilson, Chief, Women's Educational Equity Act Program, U.S. Department of Education (Room 2017, FOB–6), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245–2465.

SUPPLEMENTARY INFORMATION: These amendments conform existing regulations in Part 745 of Title 34 of the Code of Federal Regulations to new statutory requirements contained in the Education Amendments of 1984. New regulations to implement the projects of local significance authorized by Section 932(a)(2) of the Act are being developed and will be published for public comment.

The amendments to the regulations implement new statutory provisions as described below:

1. Section 745.1 is amended to clarify the purpose of the Women's Educational Equity Act Program.

2. Section 745.8 is amended to require grantees to cooperate with the Office of Women's Educational Equity and the National Advisory Council on Women's Educational Programs in evaluating projects assisted under this part.

3. Section 745.20 is amended to require that in each fiscal year at least one grant or contract be awarded under each of the activities described in this section.

4. Section 745.21 is amended to redesignate small grants as challenge grants and to clarify the types of projects that are funded.

Waiver of Proposed Rulemaking

In accordance with Section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Department of Education to publish regulations in proposed form and to offer interested parties the opportunity to comment on the proposed regulations. However, because these new regulations reflect only statutory changes, publication of this document as a proposed rule for public comment has been determined to be unnecessary, and contrary to the public interest under 5 U.S.C. 553(b)(B).

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These amendments conform the existing regulations to new statutory requirements. The scope of the changes is limited and will not have a significant economic impact on the entities affected by the regulations.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order 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.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Paperwork Reduction Act of 1980

These proposed regulations do not contain any information collection requirements under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

List of Subjects in 34 CFR Part 745

Education, Government contracts, Grant programs—education, Sex discrimination.

Citation of Legal Authority

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

(Catalog of Federal Domestic Assistance No. 84.083, Women's Educational Equity)

Dated: March 18, 1985.

William J. Bennett,

Secretary of Education.

The Secretary amends Part 745 of Title 34 of the Code of Federal Regulations as follows:

PART 745—WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

1. The statement of Authority following the table of contents is revised to read as follows:

Authority: Title IX, Part C of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978, Pub. L. 95–561, 92 Stat. 2298–2301, and the Education Amendments of 1984, Pub. L. 98–511 (20 U.S.C. 3341–3348), unless otherwise noted.

2. In § 745.1 paragraph (a) is amended by removing "and" at the end of the paragraph, paragraph (b) is redesignated as paragraph (c), and a new paragraph (b) is added to read as follows:

§ 745.1 Women's Educational Equity Act Program: Purpose.

* * * * *

(b) Promote educational equity for women and girls who suffer multiple discrimination, bias, or stereotyping based on sex and on race, ethnic origin, disability, or age; and

* * * * *

3. Paragraph (a) of § 745.8 is revised to read as follows:

§ 745.8 Evaluation.

(a) In addition to the requirements in 34 CFR 75.590–75.592, a grantee shall cooperate with the Office of Women's Educational Equity and the Council in fulfilling the requirement of Section 937 of the Act for the evaluation of projects assisted under the Act.

* * * * *

4. Section 745.20 is amended by adding a new paragraph (d) to read as follows:

§ 745.20 Authorized activities

* * * * *

(d) The Secretary awards at least one grant or contract each fiscal year for the performance of each of the activities described in paragraph (b) of this section.

(20 U.S.C. 3342(a))

5. Paragraph (b) of § 745.21 is revised to read as follows:

§ 745.21 Types of awards.

* * * * *

(b) *Challenge grants.* The Secretary may award challenge grants, not to exceed $40,000 each, to support projects to develop—

(1) Comprehensive plans for implementation of equity programs at every educational level;

(2) Innovative approaches to school-community partnerships;

(3) New dissemination and replication strategies; and

(4) Other innovative approaches to achieving the purposes of this part.

* * * * *

(20 U.S.C. 3342(a), 3344)

§§ 745.22, 745.28, 745.29, and 745.35 [Amended]

6. Sections 745.22, 745.28, 745.29, and 745.35 are amended by striking out "small grant" and "small grants" each place they appear and inserting in lieu thereof "challenge grant" and "challenge grants" respectively.

[FR Doc. 85-6868 Filed 3-21-85; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Women's Educational Equity Act Program; Application

AGENCY: Department of Education.

ACTION: Application Notice for Fiscal Year 1985.

SUMMARY: Applications are invited for new projects and for noncompeting continuation projects under the Women's Educational Equity Act Program.

Authority for this program is contained in Title IX, Part C of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 and the Education Amendments of 1984. (20 U.S.C. 3341–3348)

This program issues awards to public agencies, nonprofit private agencies, organizations, institutions, and individuals.

The purpose of the awards is to develop educational materials and model programs designed to promote women's educational equity. These materials and programs are developed for replication throughout the United States.

An application under this program must be marked Attention: 84.083A for general grants; Attention: 84.083B for challenge grants and Attention: 84.083C for noncompeting continuations.

Closing date for transmittal of applications: Applications for new awards must be mailed or hand delivered by May 28, 1985. Applications for non-competing continuation awards should be mailed or hand delivered by May 28, 1985.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.083A for general grants, 84.083B for challenge grants and 84.083C for noncompeting continuations, 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 label, 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 provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant for a new award will be notified that its application will not be considered. If a noncompeting continuation application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

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 and D Streets SW., Washington, D.C. The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily except Saturdays, Sundays and Federal holidays.

An application for a new project that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information and program priorities: Final regulations governing grants under the Women's Educational Equity Act (WEEA) Program were published in the **Federal Register** on April 3, 1980 in 45 FR 22730. Amendments to these regulations are published in this issue of the **Federal Register** to implement changes in the authorizing legislation made by "The Women's Educational Equity Amendments of 1984." Applicants should review these amendments before preparing their applications. In particular, applicants under small grants program should be aware that the new legislation redesignates small grants as challenge grants, with a ceiling of $40,000 each, and clarifies the purposes of this program. The emphasis on innovative approaches remains unchanged for the challenge grants.

The regulations provide five priorities that are applicable to general grants in order to ensure that available funds are awarded to projects that are likely to achieve the purposes of the Act most effectively, and that do not duplicate models already published, models currently being developed, or models which are similar in nature. These priorities are described in 34 CFR 745.23 through 745.27 of the regulations.

Each year, the Secretary selects one or more of these priorities and determines whether the selected priorities will also apply to challenge grants. The Secretary allocates a percentage of available funds to each selected priority.

In fiscal year 1985, the priorities described below will apply to both general and challenge grants.

The Secretary plans to allocate the funds available for new grants among the selected priorities in the percentages set out below. These estimates, however, do not bind the U.S. Department of Education to a specific number of grants or to the amount to be awarded under any priority.

Section 745.23—*Priority for model projects on Title IX compliance: 15%.* The Secretary will support the development of model programs and educational materials that enable local educational agencies, institutions of higher education, and other educational agencies and institutions to meet the requirements of Title IX of the Education Amendments of 1972.

Section 745.24—*Priority for model projects on educational equity for racial and ethnic minority women and girls: 20%.* The Secretary will support projects that focus on issues of double discrimination, bias, and stereotyping based on sex and race or ethnic origin, affecting women and girls of racial and ethnic minority groups.

Section 745.25—*Priority for model projects on educational equity for disabled women and girls: 15%.* The Secretary will support projects that address issues of double discrimination, bias, and stereotyping affecting disabled women and girls.

Section 745.27—*Priority for model projects to eliminate persistent barriers to educational equity for women: 30%.* The Secretary will support projects that are designed to remove or reduce persistent barriers confronting women in achieving educational equity. Project activities may focus on barriers that have received little attention in the past or on barriers that past efforts have been unsuccessful in removing or reducing.

Section 745.20—*Other authorized activities: 20%.* The Secretary will support projects that do not fall under any of these priorities but which carry out other activities authorized in § 745.20.

Applicants are reminded that § 745.6 ("Equity for all women: Diverse approaches") of the regulations requires that any project that proposes to address the needs of all women must include the diverse needs of racial and ethnic minority women, disabled women, women of various socio-

economic and geographic backgrounds, and women of various age groups.

The Secretary especially requests applications that focus on developing student use materials for elementary schools or on the particular problems of women in mathematics and science programs in elementary and secondary schools, colleges and universities, and the work place. Except as provided in 34 CFR 745.30, an application that focuses on these problems does not receive any competitive preference over applications that do not focus on these problems.

The length of projects under this program will not exceed one year.

An applicant must select and identify in its application the priority area in which the application will compete. Applications compete only against other applications in that priority area.

An applicant that does not identify a priority area in its application will compete in the category of "other authorized activities."

Applications for all new general grants will be evaluated competitively under the evaluation criteria in 34 CFR 745.30 through 745.34. Applications for all new challenge grants will be evaluated competitively under the evaluation criteria in 34 CFR 745.30 through 745.35.

Intergovernmental Review

On June 24, 1983, the Secretary published in the **Federal Register** final regulations (34 CFR Part 79, published at 48 FR 29158 *et seq.*) 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 those views will not be accommodated; 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	North Dakota
Arizona	Northern Marianas Islands
Arkansas	Ohio
California	Oklahoma
Colorado	Oregon
Connecticut	Pennsylvania
Delaware	South Carolina
District of Columbia	South Dakota
Florida	Tennessee
Hawaii	Texas
Indiana	Utah
Louisiana	Vermont
Maine	Virginia
Massachusetts	Washington
Michigan	West Virginia
Missouri	Wisconsin
Montana	Wyoming
Nebraska	Guam
Nevada	Trust Territory of the Pacific Islands
New Hampshire	Virgin Islands
New Jersey	
New Mexico	
New York	

Immediately upon receipt 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. At 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 comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by July 26, 1985 to the following address:

The Secretary, U.S. Department of Education, Room 4181 (Attention: 84.083A, 84.083B or 84.083C), 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone Number (202) 245-7193. (Proof of mailing will be determined on the same basis as applications).

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATON. *DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.*

Available funds: The appropriation for this program for Fiscal Year 1985 is $6 million. Approximately $4,222,500 will be made available for new general grants, $655,000 for new challenge grants, $512,500 for non-competing continuations, and $610,000 for one contract. These estimates do not bind the Department to a specific number of grants or to the amount of any grant unless otherwise specified by statute or regulations.

In fiscal year 1984, $5.76 million was appropriated for this program. Pursuant to a Congressional dirictive in the conference report accompanying the Department's fiscal year 1985 appropriation act, the Department is using fiscal year 1985 appropriations for this program to support 1984 projects that did not receive their funds due to the freeze on fiscal year 1984 funds imposed by the U.S. District Court in *United States* v. *Board of Education of the City of Chicago.* At such time as the fiscal year 1984 funds are released by the District Court, accounting adjustments will be made so that 1985 awards can be made using fiscal year 1985 funds. Approximately $3,335,000 was used for 36 new general grants (now called challenge grants), approximately $275,000 was used for 12 new small grants, approximately $1,550,000 for 13 non-competing continuations, and approximately $600,000 was used to fund one contract. The average new general grant was $92,639 and the average new small grant was $22,917.

Application forms: Application packages are expected to be ready for mailing on April 12, 1985. A copy of the application package may be obtained by writing to Women's Educational Equity Act Program, U.S. Department of Education (Room 2017, FOB-6) 400 Maryland Avenue SW., Washington, D.C. 20202.

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.

Th Secretary strongly urges that the narrative portion of the application not

exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the Office of Management and Budget under control number 1810-0062)

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing projects under the Women's Educational Equity Act, as amnded, 34 CFR Part 745.

(b) Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, and 79.

FOR FURTHER INFORMATION CONTACT: Mrs. Rosemary Clifford-Wilson, Chief, Women's Educational Equity Act Program, U.S. Department of Education (Room 2017, FOB-6), 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone: (202) 245-2465.

(20 U.S.C. 3341-3348)

(Catalog of Federal Domestic Assistance No. 84.083, Women's Educational Equity Act Program)

Dated: March 19, 1985.

William J. Bennett,

Secretary of Education.

[FR Doc. 85-6869 Filed 3-21-85; 8:45 am]

BILLING CODE 4000-01-M

federal register

Friday
March 22, 1985

Part V

Department of Labor

Mine Safety and Health Administration

30 CFR Parts 56 and 57

Metal and Nonmetal Mine Safety and Health Radiation Standards; Extension of Comment Period

Part V

Department of Labor

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

Metal and Nonmetal Mine Safety and Health Radiation Standards; Extension of Comment Period

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice to extend period for public comments.

SUMMARY: Due to requests from the public, the Mine Safety and Health Administration (MSHA) is extending the period for public comment regarding its advance notice of proposed rulemaking concerning radiation standards for metal and nonmetal mines.

DATE: Written comments should be submitted by June 3, 1985.

ADDRESS: Comments should be sent to: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances; MSHA; Room 631; Ballston Tower No. 3; 4015 Wilson Boulevard; Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA; (703) 235–1910.

SUPPLEMENTARY INFORMATION: On January 29, 1985, MSHA published an advance notice of proposed rulemaking (50 FR 4144) inviting public participation in the Agency's review of existing metal and nonmetal radiation standards (30 CFR 57.5–37 through 47). The comment period was scheduled to end on April 1, 1985.

MSHA has received requests from the public to extend the period for public comment to June 3, 1985. In support of these requests, it was noted that MSHA's ANPR involves complex scientific and technical issues. In addition, several of the issues raised by the MSHA ANPR are related to other on-going Federal proceedings concerning radiation. To allow the mining public an opportunity to fully participate in all of the proceedings related to the hazards of radiation and to provide a meaningful response to the issues raised in the ANPR, the Agency is extending the comment period to June 3, 1985. All interested members of the mining community are encouraged to submit comments by this date.

Dated: March 19, 1985.

David A. Zegeer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 85–6883 Filed 3–21–85; 8:45 am]

BILLING 4510–43–M

federal register

Friday
March 22, 1985

Part VI

Department of Labor

Mine Safety and Health Administration

30 CFR Part 47

National Mine Health and Safety Academy; Final Rule

30 CFR Ch. I

Mine Plan Approvals; Request for Comments

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 47

National Mine Health and Safety Academy

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This final rule establishes the procedures by which the Mine Safety and Health Administration (MSHA) will charge tuition fees to all persons attending training provided by the National Mine Health and Safety Academy (Academy), except employees of Federal, State, or local governments and persons attending the Academy under a program supported through an MSHA State grant. The rule is codified in a new Part 47, Title 30, Code of Federal Regulations. This Part 47 also contains a statement clarifying existing Agency policy for charging room and board at the Academy. This final rule is part of a government-wide initiative to make services provided to the private sector self-sustaining to the extent possible.

EFFECTIVE DATE: April 29, 1985.

FOR FURTHER INFORMATION CONTACT: Joseph H. Grice, Administrative Officer, National Mine Health and Safety Academy, P.O. Box 1166, Beckley, WV 25802–1166, (304) 256–3206.

SUPPLEMENTARY INFORMATION:

I. Background

The National Mine Health and Safety Academy (Academy) is a unit of the Mine Safety and Health Administration (MSHA) located in Beckley, West Virginia. Under section 502 of the Federal Mine Safety and Health Act of 1977 (Mine Act), the Academy is responsible for training MSHA's mine safety and health inspectors and technical support personnel. Section 502 of the Mine Act also authorizes the Secretary of Labor to provide programs for the education and training of mine operators and miners in the recognition, avoidance, and prevention of accidents or unsafe or unhealthful working conditions.

In January 1977, MSHA's predecessor, the Mining Enforcement and Safety Administration (MESA) of the Department of the Interior, published a notice in the **Federal Register** announcing MESA's policy for charging fees in connection with training provided by the Academy (42 FR 4910). Although the notice established room and board fees which have been periodically revised, the Academy has never charged tuition fees for either onsite or off-site training offered to the mining community.

Under section 503(f) of the Mine Act, the Secretary is authorized, where appropriate, to finance, joint training programs for Federal and State mine inspectors. This provision has traditionally been construed to permit MSHA to admit State inspectors to MSHA inspector training courses conducted by the Academy and to waive tuition costs. The authority to waive tuition fees is also based upon section 302 of the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4742) which generally permits Federal agencies to admit State and local government employees to agency training programs established for Federal personnel and to waive the costs of training so provided.

Under this final rule, MSHA will charge tuition fees to all students attending Academy courses, except MSHA personnel, employees of Federal, State or local governments, and persons attending the Academy under a program supported through an MSHA State grant under 30 CFR Part 46. In addition, the Agency will charge room and board to all persons staying at the Academy, except MSHA personnel, other personnel performing a direct service for MSHA, and persons attending the Academy under a program supported through an MSHA State grant. The rule is in response to an Administration initiative that services offered by Federal agencies be provided on a self-sustaining basis to the extent possible. It is consistent with 31 U.S.C. 9701, which expresses the intent of Congress that each service or thing of value provided by an agency to a person be self-sustaning to the extent possible, and OMB Circular A–25, which prescribes general policies for the charging of fees for federally provided services which convey special benefits to recipients beyond those accruing to the general public. In addition, charging room and board to non-Agency personnel who stay at the Academy is consistent with a 1979 Comptroller General decision (B–193644) that MSHA has no authority to pay the subsistence expenses of non-Government personnel staying at the Academy.

II. Discussion of the Final Rule

The final rule adds a new Part 47 to Title 30, Code of Federal Regulations, entitled "National Mine Health and Safety Academy." Part 47 establishes Agency policy on tuition fees for training provided by the National Mine Health and Safety Academy and sets procedures for payment of tuition fees and refunds. In addition, Part 47 clarifies the existing policy for charging room and board at the Academy.

Under the final rule, tuition fees will be computed by the Academy on the basis of the cost to the Government for each course, taking into account the proportionate share of the cost of personnel, travel, facilities, administrative and clerical support, and printing of instructional materials for each course. MSHA estimates that tuition fees will average $20 per day for courses at the Academy and $15.00 per day for off-site courses. These fees are based on an eight-hour day and will be prorated accordingly for shorter courses. All tuition fees will be stated in advance in course announcements. MSHA will refund tuition fees in full to any applicant who withdraws from a course and mails a written notification to the Academy's Student Services Branch at least 14 days prior to the beginning of the course. Fourteen days allows time for the Academy to cancel courses due to insufficient enrollment or to notify wait-listed students of a vacancy in an over-enrolled course.

The Agency will continue to charge room and board to all persons staying at the Academy, except Agency personnel, personnel performing a direct service for the Agency, and persons attending the Academy under an MSHA State grant. Room and board fees are computed on the basis of the average cost per person of the lodging, meals, and services provided. These fees are adjusted as necessary. At present, room and board fees are $29 per day.

III. Publication as a Final Rule

This rule is a general statement of agency practice and procedure and relates to agency management. Accordingly, publication of a general notice of proposed rulemaking is not required by 5 U.S.C. 553.

IV. Executive Order 12291 and Regulatory Flexibility Act

This is not a major rule under Executive Order 12291. In addition, the rule will not have a significant economic impact on a substantial number of small entities. Therefore a regulatory flexibility analysis has not been prepared.

List of Subjects in 30 CFR Part 47

Intergovernmental relations, Education, Mine safety and health.

Dated: March 18, 1985.

David A. Zegeer,

Assistant Secretary for Mine Safety and Health.

Accordingly, a new Part 47 is added to Title 30, Chapter I, Subchapter H, Code of Federal Regulations as follows:

PART 47—NATIONAL MINE HEALTH AND SAFETY ACADEMY

Subpart A—[Reserved]

Subpart B—Tuition Fees

Sec.

47.10 Policy regarding tuition fees.
47.20 Schedule of fees.
47.30 Procedure for payment.
47.40 Refunds.

Subpart C—Room and Board

47.50 Policy regarding charges for room and board.

Authority: Sec. 508, Pub. L. 91-173, as amended by Pub. L. 95-164, 83 Stat. 800, (30 U.S.C. 957).

Subpart A—[Reserved]

Subpart B—Tuition Fees

§ 47.10 Policy regarding tuition fees.

The National Mine Health and Safety Academy, located in Beckley, West Virginia, will charge tuition fees to all persons attending Academy courses except employees of Federal, State, or local governments and persons attending the Academy under a program supported through an MSHA State grant under 30 CFR Part 46.

§ 47.20 Schedule of fees.

(a) Tuition fees will be computed on the basis of the cost to the Government for the Academy to conduct the course, as determined by the Superintendent of the Academy.

(b) The tuition fee for each course will be stated in the course announcement and will be reassessed on an annual basis.

§ 47.30 Procedure for payment.

When notified of acceptance for a course by the Academy, applicants shall submit a check or money order to the Academy, payable to the "Mine Safety and Health Administration" in the amount indicated by the course announcement prior to the commencement of the course.

§ 47.40 Refunds.

An applicant may withdraw an application and receive a full refund of tuition fees provided that written notification to the Academy's Student Services Branch is mailed no later than 14 days before the course begins.

Subpart C—Room and Board

§ 47.50 Policy regarding charges for room and board.

The Academy will charge room and board to all persons staying at the Academy, except MSHA personnel, other personnel performing a direct service for MSHA, and persons attending the Academy under a program supported through an MSHA State grant under 30 CFR Part 46. Charges for room and board will be based upon the average cost per person of the lodging, meals, and services provided and will be reassessed on an annual basis.

[FR Doc. 85-6882 Filed 3-21-85; 8:45 am]
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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Ch. I

Mine Plan Approvals

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for comments.

SUMMARY: Members of the mining community have recommended a proposal to the Mine Safety and Health Administration which they believe would encourage more cooperative efforts in developing mine plans and provide for an appeal procedure for disputed matters. The Agency has made no decision concerning the merits of this proposals. The Agency requests comments on the submitted proposal. Specifically, the proposal would (1) establish time frames for MSHA and mine operator actions on mine plans, (2) specify that the agreed upon provisions would take effect immediately, (3) provide that citations be issued regarding those plan provisions on which the operator and District Manager disagree, (4) establish guidelines for the abatement of such citations and (5) provide for the review of these citations before the Federal Mine Safety and Health Review Commission.

DATE: Comments must be received on or before May 21, 1985.

ADDRESS: Interested persons are invited to send written comments to the Office of Standards, Regulations and Variances; MSHA; Room 631 Ballston Tower No. 3; 4015 Wilson Boulevard; Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, (703) 235–1910.

SUPPLEMENTARY INFORMATION: Under the Federal Mine Safety and Health Act of 1977 (Mine Act) and existing MSHA standards, such as coal mine ventilation, methane and dust control, and roof support, mine operators are required to have approved plans for controlling or responding to certain mining hazards. This regulatory approach permits operators to address the hazards associated with the unique conditions of their mines. MSHA evaluates the adequacy of each plan to address particular health and safety conditions at the mine.

Existing MSHA standards and procedures provide for mine plans to be submitted to the appropriate MSHA District Manager for approval. The plans are evaluated at this level by MSHA specialists using established criteria, experience and other relevant information. Frequently, an exchange of suggestions and proposed revisions is required before plans are approved. Once approved, operators are required to conduct their mining activities in accordance with the terms of their approved plans.

Current MSHA procedures do not generally provide a separate appeal procedure for disagreements arising in the mine plan approval process, such as the need for a particular plan provision. Instead, disputed issues may be submitted for formal legal review in accordance with the procedure provided by the Mine Act. This procedure requires the operator to be issued a citation or order for violating the approved plan provision in dispute, or for operating without the required approved plan. Depending on the circumstances, such a violation may also be considered to be the result of an "unwarrantable failure" to comply, which can lead to orders issued under section 104(d) of the Mine Act for subsequent violations. Once a citation or order has been issued, the operator may contest the citation or order before an administrative law judge of the Federal Mine Safety and Health Review Commission (Review Commission) and raise the merits of the plan approval dispute.

On November 15, 1982, the American Mining Congress (AMC) and the Bituminous Coal Operators' Association (BCOA) recommended that MSHA adopt a new procedure for the approval of mine plans. The recommendation was submitted in response to MSHA's request for comments on changes to the safety standards for underground coal mines (47 FR 30025). The AMC/BCOA intended that the proposal apply to metal and nonmetal mines as well as coal mines. On June 29, 1983, the AMC and BCOA filed an amended version of their earlier proposal. In support of their proposal, AMC/BCOA stated that MSHA's plan approval process results in the inclusion of requirements which have not been subject to rulemaking. The AMC/BCOA noted the absence of an appeal process for the mine operator and stated that their proposal would encourage more cooperative efforts in developing mine plans. Major provisions of the AMC/BCOA proposal are summarized below.

I. Time Frames for MSHA and Mine Operator Actions

The proposal provides for MSHA action on a new or existing plan within 20 working days of submission of a new plan or initiation of review of an existing plan. Under the proposal, if no action was taken by the Agency within the 20-day time, the result would be automatic "approval" of the operator's plan. Agency disapproval of the plan would require MSHA to state its reasons for disapproval, including the specific language for any addition or modification that would be needed for the plan to be approved.

After notification of MSHA disapproval, the mine operator would have 20 working days to notify MSHA of the additions and/or modifications to which the operator agrees or disagrees. The submitted plan or the existing plan would then include those requirements with which the operator agrees. If the operator takes no action within the 20-day period, the plan, as modified by MSHA, would become effective.

After receiving the operator's response, the portions of the plan upon which MSHA and the operator agree would take effect immediately. Under the proposal, MSHA would then have 30 working days within which to issue a § 104(a) citation for violation of the applicable plan, based upon the Agency's required additions and/or modifications to the originally submitted plan. Failure of MSHA to act within the specified time would result in the automatic "approval" of the operator's plan.

II. Guidelines for Abatement of Citations Related To Approved Plans

In determining the abatement period, and any extensions necessary, the AMC/BCOA proposal provides that the inspector would examine:

—Whether the hazard to miners is significant and substantial;
—The difficulty and cost of abatement;
—The availability of equipment or materials necessary for abatement;
—Whether the alleged violation resulted from objective measurements or a subjective interpretation of the standard;
—The pendency of review of the alleged violation before the Review Commission; and
—Any other material factors.

To assure that review of the citation is accomplished expeditiously, the proposal provides that if no timely contest is filed with the Review Commission, the operator's plan would include all modifications and additions for which the citation was issued.

The proposal further includes language which would, in the absence of specific requirements related to periodic submission of plans, require MSHA to demonstrate that a material and substantial change has occurred or will occur in mining conditions that would

necessitate any modification or addition to an approved plan. The proposal also provides that actions taken by the operator which exceed the requirement of a plan would not be construed as modifications or additions to the plan and that the time limits in the proposal may be extended by mutual agreement of the parties.

After reviewing the AMC/BCOA proposal, MSHA met with members of the mining community from both labor and industry to discuss the issues raised and to consider alternatives to the proposal. One alternative discussed was an intra-agency review panel that would hear disputes over mine plan provisions. The panel would include MSHA personnel with expertise in the subject matter addressed by the plan provision in dispute.

At this time MSHA has made no decisions on the merits of the AMC/BCOA proposal. However, the Agency recognizes that there may be some problems associated with the existing plan approval process. MSHA believes that comments from all segments of the mining community will assist the Agency in evaluating the plan approval process. MSHA specifically solicits comments on the mining community's experience with the plan approval process, reactions to elements of the AMC/BCOA proposal, and other suggestions for improving the mine plan approval process. Upon request, copies of the AMC/BCOA proposal will be made available.

Dated: March 19, 1985.

David A. Zegeer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 85-6880 Filed 3-21-85; 8:45 am]

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federal register

Friday
March 22, 1985

Part VII

Department of Agriculture

Farmers Home Administration

7 CFR Part 1980
Guaranteed Loan Programs; Final Rule

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1980

Guaranteed Loan Programs

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: By this final rule, the Farmers Home Administration (FmHA) adopts its interim rule for its Approved Lender Program (ALP) regulations for guaranteed operating and farm ownership loans with amendments to allow institutions that are members of the Farm Credit System (FCS) to qualify under ALP upon signing the Lender's Agreement (attachment 1 to Exhibit A) if, based on information provided by the Farm Credit Administration (FCA) in 1985, their loan losses for the 1984 calendar year did not exceed 6 percent of the institution's total loan portfolio or, if based on information provided by FCA in 1986 and thereafter, either do not exceed 6 percent per year for each of the three previous years or do not exceed 18 percent of the institution's average loan portfolio computed for the three previous years; and permit FmHA State Directors to exempt lenders from the requirement of having at least $2.5 million or 50 percent (whichever is less) in agricultural loans or the requirement that the lender show that agricultural loan losses either do not exceed a certain percentage of the lender's total loan portfolio for each of the three previous years or do not exceed a certain percentage of the lender's average loan portfolio computed for the three previous years.

The intended effect of this action is to allow more FCS member institutions and small rural agricultural lenders to qualify as ALP lenders. This action is needed so that it will be easier for more FCS member institutions and small rural agricultural lenders to obtain FmHA loan guarantees and thus be able to extend necessary credit to their borrowers in time for this planting season.

EFFECTIVE DATE: March 22, 1985.

FOR FURTHER INFORMATION CONTACT: Chester Bailey, Senior Loan Officer, Emergency Division, Farmers Home Administration, USDA, Room 5424–S, Washington, D.C. 20250, telephone (202) 382–1632.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Secretary's Memorandum 1512–1, which implements Executive Order 12291; and it has been determined to be nonmajor because there is no substantial change from practices under existing rules, and no annual effect on the economy of $100 million or more; or a major increase in cost or prices for consumers, individual industry agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Discussion of Final Rule:

FmHA implemented the Approved Lender Program (ALP) for guaranteed operating (OL), farm ownership (FO), and economic emergency (EE) loans upon publication by interim rule in the **Federal Register** (49 FR 19252) on May 4, 1984. That rule provided for a 30 day comment period. The comment period ended June 4, 1984. Comments were received from 10 individuals and organizations.

Four respondents commented that the FmHA criteria for an ALP to have a designated person who will process and service guaranteed FmHA loans have a minimum of 30 college hours in agriculture science, training in agriculture economics and at least two (2) years experience in making and servicing agricultural type loans was too restrictive.

FmHA believes that such a requirement is necessary because this person must have an extensive background in this area in order to adequately process and service agricultural loans. However, the regulation does allow the qualifications of a lender's designated employee(s) who will process and service guaranteed FmHA loans to be negotiated between the FmHA State Director and the ALP applicant; therefore, FmHA believes that any further revision to the regulation is unnecessary.

One respondent also recommended raising the guaranteed limit on FmHA guaranteed loans to $500,000, and another recommended that FmHA establish a guarantee on a line of credit.

The Farmer Program guaranteed loan limits are established by law and are currently $400,000 for guaranteed operating (OL) loans and $300,000 for farm ownership (FO) loans. Also, the Subpart B of Part 1980 itself does not permit a guarantee on a line of credit for OL or FO loans.

One respondent recommended that the FmHA Farmer Program guaranteed loans be monitored at the State Office level and not at the County level; and that the Lender's Agreement be revised to expedite the time frame to liquidate non-performing loans.

We believe that it would not be practical for the State Office Farmer Program staff to monitor individual guaranteed farmer program loans because of the time and staff requirements needed to insure that the Lender's Agreement for Guaranteed Operating Loans (OL) and Guaranteed Farm Ownership Loans (FO) is being complied with. The current regulation allows for a fast and expeditious liquidation of a guaranteed loan account as necessary. All FmHA guaranteed loan regulations require a lender to advise FmHA within 30 days in writing of a decision to liquidate an FmHA guaranteed loan account by presenting a liquidation plan. FmHA then must respond to the liquidation plan within 30 days after receipt of such plan from the lender. FmHA may pay an estimated loss settlement to a lender provided the lender applies such amount due to the outstanding principal balance owed on the guaranteed debt. We believe the current regulations are adequate to expedite the settlement of loss claims when it is necessary to liquidate an FmHA guaranteed loan.

One respondent recommended that the interest rates on the DAP guaranteed loans be negotiable and not restricted to the best rate charged other farm borrowers.

We believe that the interest rates for the DAP should remain negotiable between the borrower and lender but not in excess of that charged to the lender's best farm customers. Best farm customers are defined by FmHA regulations as those conventional farm borrowers who are required to pledge their crops, livestock, and other chattel and real estate security for the loan. This does not include those high risk farmers with limited security and management ability that are generally charged a higher interest rate by conventional agricultural lenders.

One respondent wrote that the regulations should not require FmHA to withdraw an ALP status of a lender if the lender does not make and service at least 10 such loans annually. This respondent also stated that FmHA should not place a heavy reliance on a lender's experience and familiarity with FmHA insured and guaranteed loans programs to receive ALP status.

These criteria to which the respondent referred are optional and may be waived at the discretion of the FmHA State Director. We believe that a lender with ALP status should be an experienced agricultural lender and have a good knowledge of FmHA loan

making and servicing authority and responsibilities. We also believe that lenders meeting these criteria will be more successful in assisting financially stressed family-size farmers.

Two respondents wrote that many small banks may be unable to meet the required 2.5 million dollars or 50 percent of total loan portfolio in agricultural loans. These respondents also felt that the requirement that a lender's agricultural loan losses could not exceed 1½ percent on the most recent 3-year moving average was too restrictive.

This final rule amends the interim rule published May 4, 1984, to clarify what is meant by the loan loss requirement and to permit FmHA State Directors to exempt lenders from the minimum agricultural portfolio or agricultural loan loss restrictions to allow more agricultural lenders to qualify as ALP lenders.

One respondent recommended that the regulations be amended to permit any U.S. branch or agency of a foreign bank be considered an "eligible lender" for the ALP.

We believe that the majority of an Approved Lender's stock should be owned by U.S. citizens. The ALP is not intended to assist banks owned primarily by foreign investors. This requirement is also found in all of FmHA's guaranteed loan programs.

One respondent wrote that the ALP will inflict more FmHA paperwork onto lenders in preparing loans for FmHA Farmer Program guarantees.

We believe that the ALP will reduce the paperwork on lenders participating in the FmHA guaranteed loan program and will minimize the time and expense of processing such guaranteed loan applications.

Two respondents complimented FmHA for developing the ALP and offered no suggestions for changing it.

Exhibit A of Subpart B of Part 1980 of the interim rule published May 4, 1984, has been amended as a result of the comments to (1) allow member institutions of the FCS to qualify as ALP lenders if, based on information provided by FCA in 1985, their loan losses for the 1984 calendar year did not exceed 6 percent of the institution's total loan portfolio or, if based on information provided by FCA in 1986 and thereafter, either do not exceed 6 percent per year for each of the three previous years or do not exceed 18 percent of the institution's average loan portfolio computed for the three previous years and exempts these member institutions from the requirements of paragraph II A (1) (a) through (e) and (2). This Final Rule also permits the FmHA State Director to exempt a lender upon request from complying with the requirement that at least $2.5 million or 50 percent (whichever is less) of total loan portfolio be in agricultural loans or the requirement that (1) in the case of a non-FCS member institution, the lender provide information to show that agricultural loan losses—net of recovery—either do not exceed 1½ percent per year of the lender's total loan portfolio for each of the three previous years or do not exceed 4½ percent of the lender's average loan portfolio computed for the three previous years or (2) in the case of an FCS member institution, the institution provide information to show that its loan losses either do not exceed 6 percent per year of the institution's total loan portfolio for each of the three previous years or do not exceed 18 percent of the institution's average loan portfolio computed for the three previous years.

Need for Governmental Action

The FmHA programs affected by this regulation change are Farm Ownership (FO) guaranteed loans and Operating (OL) guaranteed loans. FmHA guaranteed loans are made and serviced by commercial sources such as Federal Land Banks, Production Credit Associations, banks, insurance companies, and savings and loan associations. FmHA may provide the lender with a guarantee not to exceed 90 percent of loss of principal and interest on a loan.

The purpose of the ALP is to maximize the availability of credit to farmers. FmHA finances only 12 percent of agricultural credit in the Nation through its loan programs. The vast majority of farm loans come from nongovernment sources, and a primary nongovernmental source is the Farm Credit System.

The present requirement—as revised to clarify its meaning—that agricultural loan losses cannot exceed either 1½ percent per year of a lender's total loan portfolio for each of the three previous years or 4½ percent of the lender's average loan portfolio computed for the three previous years is based on the estimation that an agricultural lender would have an average 25 percent of its portfolio in agricultural loans. FCS member institutions have 100 percent of their portfolios in agricultural loans, or four times as many as the average for other agricultural lenders and are regulated by the Farm Credit Administration, an independent agency in the Federal government. Given this fact, it was decided that for FCS member institutions the allowable percentage of loan losses should be four time that allowed to other agricultural lenders participating in the ALP provided the FCS member institution complies with the requirements of paragraph II A(1) (f) and (g).

The Agency believes that this change will allow more FCS member institutions to readily qualify under the ALP and thus be able to extend needed credit by FmHA loan guarantees to more farm borrowers during an extremely stressful period.

The Agency also believes that the change to allow the FmHA State Director to exempt a lender upon request from complying with either the requirement that a certain amount or percentage of its total loan portfolio be in agricultural loans or the requirement that its agricultural loan losses cannot exceed a certain percentage will allow more small rural agricultural lenders to qualify as ALP lenders. This in turn should result in more needed credit be extended to farmers through the use of FmHA loan guarantees.

That portion of the Interim Rule published May 4, 1984 (49 FR 19252) which amended Subpart F of Part 1980, Title 7, Code of Federal Regulations is not being adopted as a final rule because authority to make guaranteed economic emergency loans expired on September 30, 1984, and ALP status covering such loans could not be granted or renewed after that date.

This regulation does not directly affect any FmHA programs or projects which are subject to intergovernmental consultation.

The Catalog of Federal Domestic Assistance numbers are 10.406 Farm Operating Loans and 10.407 Farm Ownership Loans.

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

List of Subjects in 7 CFR Part 1980

Loan Programs—Agriculture.

Therefore, that portion of the Interim Rule published May 4, 1984 (49 FR 19252) concerning Subpart B of Part 1980, Chapter XVIII, Title 7, Code of Federal Regulations, is adopted as a final rule with the following amendments:

1. Exhibit A is amended by revising the introductory text of paragraph II, the introductory text of paragraph II A, the

introductory text of paragraph II A(1), paragraph II A(1)(c), the introductory text of paragraph II A(2), the introductory text of paragraph II B, and paragraph II C to read as follows:

PART 1980—GENERAL

Subpart B—Farmer Program Loans

* * * * *

Exhibit A—Approved Lender Program—Farm Ownership and Operating Loans

* * * * *

II. Lender Approval, Subsequent Approval Period(s) and Revocation of ALP Status

Lenders who meet the required and other criteria may be granted ALP status for a period not to exceed 2 years by the State Director for the State in which the lender is authorized to do business. All initial and any subsequent approvals of ALP status will be in the form of an agreement signed by the State Director and the lending institution. The agreement will be Attachment 1 of this Exhibit. The agreement will not apply to branches or suboffices of the lender unless specifically named in the agreement. In cases involving the Farm Credit System (FCS), the State Director shall give ALP status, within the State Director's area of jurisdiction, to any FCS member institution provided such members do not have loan losses for the 1984 calendar year in excess of 6 percent of the institution's total loan portfolio based on information provided by the Farm Credit Administration (FCA) in 1985, or, if based on information provided by FCA in 1986 and thereafter, either do not exceed 6 percent per year for each of the three previous years or 18 percent of the institution's average loan portfolio computed for the three previous years. FCS member institutions having an acceptable loan loss percentage as specified above are exempt from complying with requirements of paragraphs II A (1)(a) through (e) and (2). The Governor of FCA will notify the FmHA Administrator in writing annually or sooner of any FCS member institution that has loan losses exceeding the acceptable percentage specified above.

To obtain ALP status, an FCS member institution with an acceptable loan loss percentage need only execute the agreement (Attachment 1 of this Exhibit) and satisfy the State Director that it is using acceptable forms as provided in paragraph II A(1)(f). Even if an FCS member institution is identified by FCA as having an unacceptable loan loss percentage, that institution may still request the State Director to consider it for ALP status under paragraphs II A (1) and (2). Except for those FCS member institutions identified by FCA as having an acceptable loan loss percentage, ALP status will expire at the end of any approved 2-year period unless the lender applies for a new agreement which can be approved by the appropriate State Director. The ALP status of *any* lender may be revoked by the FmHA State Director as outlined in paragraph C. State Directors will keep their respective FmHA County and District offices fully informed, by use of State supplements, of the names and addresses of all lending institutions, branches or suboffices that hold ALP status. The name of each ALP lender's designated person or agricultural loan officer who will process and service guaranteed loans for the ALP lender will be included.

A. *Lender Approval.* Any lender who desires to apply for ALP status must also be an "Eligible Lender" as defined in § 1980.13(b) of Subpart A of Part 1980 of this chapter. Except for FCS member institutions having an acceptable loan loss percentage as specified in the introductory text of paragraph II, lenders who meet this requirement and desire ALP status will prepare a written request to the State Director for the State in which they desire to have ALP status. The written request will address each item of "required criteria," and "optional criteria" contained in paragraphs II A(1) and (2) and may be accompanied by any supporting evidence or other information the applicant lender believes will be helpful to the State Director in making a decision on the application for ALP status. Any FmHA County, Director or State office may provide a lender who desires to apply for ALP status, a complete copy of Part 1980, Subparts A and B of this chapter, including a copy of this Exhibit, and will assist in completion of the request. The State Director will make any necessary investigation or inquiry to determine accuracy of information and notify the applicant lender within 30 days of receipt of a request that the request is approved, denied, or requires additional information. The application material will be retained by the State Director for all approved lenders and periodic checks will be made by FmHA personnel to insure the lender's performance is as outlined in application.

(1) *Reqired Criteria.* Other than as noted in paragraph A above, before a State Director approves a lender, including an FCS member institution that is identified by FCA as having an unacceptable annual percentage of loan losses, for ALP status, the requirements listed in paragraphs II A(1) (a) through (g) must be met. However, upon the request of a lender asking for ALP status, the State Director may exempt that lender from complying with either the requirements of paragraph II A(1) (b) or (c) provided the lender complies with all the other requirements listed in paragraph II A(1) if the State Director is satisfied that the lender—without regard to the requirement for which the exemption is being requested—is an acceptable agricultural lender with the ability to adequately make and service agricultural loans.

* * * * *

(c) Provide information to show that agricultural loan losses—net of recovery—do not exceed the following:

(i) For FCS member institutions, either 6 percent per year of the institution's total loan portfolio for each of the three previous years or 18 percent of the institution's average loan portfolio computed for the three previous years; *or*

(ii) For all other lenders, either 1½ percent per year of the lender's total loan portfolio for each of the three previous years or do not exceed 4½ percent of the lender's average loan portfolio computed for the three previous years.

* * * * *

(2) *Optional Criteria:* This criteria is optional which may be waived at the discretion of the State Director, but a denial by a State Director is not appealable.

* * * * *

B. *Subsequent Approval Period(s).* Except for those FCS member institutions that have acceptable loan losses as specified in the introductory text of paragraph II, a new 2-year period of ALP status is not automatic. Lenders who desire to continue ALP status are required to submit a request for subsequent approved periods at least 60 days prior to expiration of any existing approved period. At least 30 days prior to the expiration of any approved ALP period, the State Director will complete a review of the ALP criteria, the lender's past performance, consult appropriate FmHA county and district personnel, and, if requested by the lender, determine if a new 2-year period of ALP status can be approved. The lender's request will be in writing to the State Director and contain, as a minimum, the following:

* * * * *

C. *Revocation of ALP Status.* Except for those FCS member institutions that have acceptable loan losses as specified in the introductory text of paragraph II, ALP status will lapse upon expiration of any 2-year approved period unless the lender obtains a new agreement under paragraph II B.

The State Director will revoke ALP status of any approved lender who fails to maintain "required criteria" as approved in the application for ALP status and may revoke status for failure to meet "other criteria" as agreed. Status shall also be revoked if the lender violates the terms of the ALP agreement, or fails to properly service any guaranteed loan, or to protect adequately the interests of the lender and the Government. Furthermore, status, at the option of the State Director, may also be revoked if an FCS member institution that previously had acceptable loan losses as specified in the introductory text of paragraph II above is identified by FCA as now having unacceptable losses.

State Directors will provide all County offices named in paragraph XVII of the ALP agreement (Attachment 1 to this Exhibit) with a copy of the agreement and complete application material approved in connection with ALP status. State Directors will monitor ALP lenders' loan making and security servicing activities, with the assistance of the District Director and periodic reports from the County Supervisor, to determine compliance with the ALP agreement and Subparts A and B of Part 1980 of this chapter pertaining to guaranteed OL and FO loans. County Supervisors will use their copy of the ALP agreement to duplicate and place in the County office file for each loan guaranteed. In the event the State Director determines an ALP lender is not adequately fulfilling all obligations of the agreement, the lender will be contacted and notified of any discrepancies. A maximum of 30 days will be provided to correct any deficiencies. If

corrections are not made within 30 days, the lender's ALP status may be revoked in writing by the State Director. The revocation will be in the form of a letter, sent by certified mail, and state reasons for the action. Any outstanding guaranteed loan(s) shall continue to be serviced by a lender whose ALP status has expired or been revoked. The lender cannot submit requests for any new guarantees pursuant to this Exhibit, but may submit requests under the regular method outlined in this subpart for consideration.

* * * * *

2. Attachment 1 to Exhibit A is amended by revising paragraph XVIII to read as follows:

Exhibit A, Attachment 1—Farmers Home Administration Approved Lender Program (ALP)

* * * * *

XVIII. *Termination of Agreement.* Except for FCS member institutions that have acceptable loan losses as specified in the introductory text of paragraph II of Exhibit A, 7 CFR Part 1980, Subpart B, this agreement will terminate as to the Lenders submission of requests for Loan Note Guarantee(s) under Exhibit A, 7 CFR Part 1980, Subpart B two (2) years from the date set forth in paragraph XIX unless otherwise earlier revoked by FmHA. This agreement will remain in force as to any Loan Note Guarantee(s) issued pursuant to Exhibit A, 7 CFR Part 1980, Subpart B and remaining extant at time of expiration or revocation until those loan note guarantees still extant are concluded.

* * * * *

Authority: 7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70.

Dated: March 20, 1985.

Dwight O. Calhoun,

Acting Associate Administrator, Farmers Home Administration.

[FR Doc. 85-7024 Filed 3-21-85; 8:45 am]

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