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U.S. GOVERNMENT
INFORMATION
GPO

4-1-85
Vol. 50 No. 62
Pages 12761-12986

Federal Register

Monday
April 1, 1985

Selected Subjects

Air Pollution Control
Environmental Protection Agency

Aircraft
Customs Service

Anchorage Grounds
Coast Guard

Aviation Safety
Federal Aviation Administration

Community Development Block Grants
Housing and Urban Development Department

Crop Insurance
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National Oceanic and Atmospheric Administration

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

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How To Cite This Publication: Use the volume number and the page number. Example: 50 FR 12345.

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Presidential Documents

Title 3—

The President

Proclamation 5312 of March 27, 1985

Small Business Week, 1985

By the President of the United States of America

A Proclamation

The history of America is the history of a nation at work—a nation of farmers, manufacturers, and merchants joining together to build a better society. The dedication and commitment of these early citizens provided the foundation for a growing and prosperous America—an America built on individual initiative, a competitive spirit, and an intense pride in the achievements of a new nation.

Today, this enterprising determination to work and to prosper is embodied in more than 14 million small businesses, which provide the technology to keep the economy growing, the manufacturing and marketing skills to keep the nation competitive, and the innovation to guide us into a better future. It is this enterprising genius that has helped small business create most of our new jobs and provide economic opportunities unsurpassed by any nation in the world.

Our sustained economic expansion is encouraging young Americans to form their own businesses. These aspiring entrepreneurs have always been on the leading edge of invention and progress in our society, and their confidence in the future has led to the creation not only of new jobs but of whole new industries. We all benefit from the contributions of small businesses and those who create them.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of May 5 through May 11, 1985, as Small Business Week and ask that all Americans join with me in saluting our small business men and women by observing that week with appropriate activities.

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

Ronald Reagan

[FR Doc. 85-7789
Filed 3-28-85; 11:44 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 50, No. 62
Monday, April 1, 1985

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 85-310]

Mediterranean Fruit Fly; Removal of Quarantine and Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms without change an interim rule published in the **Federal Register** on November 2, 1984, which amended the Domestic Quarantine Notices by removing "Subpart—Mediterranean Fruit Fly". Subpart—Mediterranean Fruit Fly had quarantined Florida and had imposed restrictions on the interstate movement of regulated articles from a regulated area in Dade County, Florida. Subpart—Mediterranean Fruit Fly was removed from the Domestic Quarantine Notices because it was determined that all infestations of Mediterranean Fruit Fly in Florida had been eradicated and that the Mediterranean Fruit Fly does not exist anywhere else in the United States. The effect of removing Subpart—Mediterranean Fruit Fly is to delete unnecessary restrictions on the interstate movement of previously regulated articles from the previously regulated area in Dade County, Florida.

EFFECTIVE DATE: April 1, 1985.

FOR FURTHER INFORMATION CONTACT: B. Glen Lee, Emergency Programs Coordinator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 611, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-6365.

SUPPLEMENTARY INFORMATION: A document published in the **Federal Register** on November 2, 1984, (49 FR 44083–44084) set forth an interim rule amending the Domestic Quarantine Notices (7 CFR Part 301) by removing "Subpart—Mediterranean Fruit Fly" (7 CFR 301.65 *et seq.*).

Subpart— Mediterranean Fruit Fly quarantined the State of Florida and established regulations restricting the interstate movement of regulated articles from a regulated area in Dade County, Florida in order to prevent the artifical spread interstate of Mediterranean Fruit Fly. The document published on November 2, 1984, stated that the quarantine and regulations were being removed from the Domestic Quarantine Notices because trapping and sampling surveys conducted in Dade County and in other parts of the United States indicated that the infestation of Mediterranean Fruit Fly in Florida had been eradicated, and that Mediterranean Fruit Fly did not exist anywhere else in the United States. Therefore, there was no longer a basis for imposing restrictions on the interstate movement of regulated articles from any area in Florida, or from any other area in the United States because of the Mediterranean Fruit Fly.

The amendment became effective on the date of publication in order to relieve unnecessary restrictions on the interstate movement of certain articles.

Comments were solicited for 60 days after publication of the amendment. No comments were received. The factual situation which was set forth in the document of November 2, 1984 still provides a basis for the amendment. Accordingly, it has been determined that the amendment should remain effective as published in the **Federal Register** on November 2, 1984.

Executive Order 12291 and Regulatory Flexibility Act

This amendment has been issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that the amendment will have an effect on the economy of less than 100 million dollars; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived the review process requried by Executive Order 12291.

The Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action deletes restrictions that had been imposed on the interstate movement of regulated articles from a portion of Dade County, Florida, approximately 27 square miles in size. It appears that there is very little commercial activitiy that occurs in this area. Specifically, it is comprised of private residences and small entities including 4 nurseries and 45 small businesses consisting of retail stores, street vendors, and open fruit stands. Although these are small entities, they sell regulated articles primarily for local intrastate, not interstate movement. Further, the retail shops and nurseries sell other items in addition to the regulated articles so that the effect, if any, of deleting restrictions on the interstate movement of articles sold by these entities appears to be minimal.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Mediterranean fruit fly, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, the interim rule published at 49 FR 44083–44084 on November 2, 1984, is adopted as a final rule.

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

Done at Washington, D.C., this 27th day of March 1985.

William F. Helms,

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

[FR Doc. 85-7711 Filed 3-29-85; 8:45 am]
BILLING CODE 3410-34-M

Federal Crop Insurance Corporation

7 CFR Part 434

[Doc. No. 2185S]

Tobacco (Dollar Plan) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of extension of sales closing date.

SUMMARY: Under the authority contained in the Federal Crop Insurance Act, as amended, the Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the sales closing date for accepting applications for tobacco crop insurance in those counties with a March 31 closing date, effective for the 1985 crop year only. This action is being taken to provide additional time for tobacco producers lease arrangements to be processed through the Agricultural Stabilization and Conservation Service (ASCS) so that insurable acreage can be clearly determined when a producer files application for crop insurance. The intended effect of this notice is to advise all interested parties of the extension of sales closing dates and to comply with the Tobacco (Dollar Plan) Crop Insurance Regulations with respect to the authority of the Manager to extend sales closing dates.

EFFECTIVE DATE: April 1, 1985.

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

SUPPLEMENTARY INFORMATION: Under the provisions contained in the Tobacco (Dollar Plan) Crop Insurance Regulations (7 CFR Part 434), the Manager, FCIC, is authorized to extend the sales closing date for accepting applications for crop insurance in any county. In certain counties, the closing date for accepting applications for tobacco crop insurance is March 31. FCIC is extending the period for accepting applications for tobacco crop insurance in certain counties to provide additional time for processing tobacco producer's lease arrangements through ASCS so that an application for tobacco crop insurance clearly identifies the applicant and acreage. The final date established by ASCS for submitting lease arrangements is April 15. Without clear knowledge of what acreage allotment the producer may have and whether planting will take place, the producer is at a disadvantage as to crop insurance needs. This extension of sales closing date, effective for the 1985 crop year only, is intended to conform with the ASCS closing date, thus allowing additional time for the producer to determine the acreage allotment and consider crop insurance.

It has been determined that no adverse selectivity will result from such extention. However, if adverse conditions should develop during such period of extension, FCIC will immediately discontinue acceptance of applications. The extended period for accepting applications for tobacco crop insurance in all counties with a March 31 closing date will be through the close of business on April 15, 1985, effective for the 1985 crop year only.

Notice

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 herewith gives notice of the extension of the sales period for accepting applications for tobacco crop insurance in all counties with a March 31 closing date, under the provisions of 7 CFR 434.7(b), effective for the 1985 crop year only, through the close of business on April 15, 1985.

Done in Washington, D.C., on March 26, 1985.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: March 27, 1985.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 85-7681 Filed 3-29-85; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 435

[Doc. No. 2192S]

Tobacco (Quota Plan) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of extension of sales closing date.

SUMMARY: Under the authority contained in the Federal Crop Insurance Act, as amended, the Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the sales closing date for accepting applications for tobacco crop insurance in those counties with a March 31 closing date, effective for the 1985 crop year only. This action is being taken to provide additional time for tobacco producers lease arrangements to be processed through the Agricultural Stabilization and Conservation Service (ASCA) so that insurable acreage can be clearly determined when a producer files application for crop insurance. The intended effect of this notice is to advise all interested parties of the extension of sales closing dates and to comply with the Tobacco (Quota Plan) Crop Insurance Regulations with respect to the authority of the Manager to extend sales closing dates.

EFFECTIVE DATE: April 1, 1985.

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

SUPPLEMENTARY INFORMATION: Under the provisions contained in the Tobacco (Quota Plan) Crop Insurance Regulations (7 CFR Part 435), the Manager, FCIC, is authorized to extend the sales closing date for accepting applications for crop insurance in any county. In certain counties, the closing date for accepting applications for tobacco crop insurance is March 31. FCIC is extending the period for accepting applications for tobacco crop insurance in certain counties to provide additional time for processing tobacco producer's lease arrangements through ASCS so that an application for tobacco crop insurance clearly identifies the applicant and acreage. The final date established by ASCS for submitting lease arrangements is April 15. Without clear knowledge of what acreage allotment the producer may have and whether planting will take place, the producer is at a disadvantage as to crop insurance needs. This extension of sales closing date, effective for the 1985 crop year only, is intended to conform with the ASCS closing date, thus allowing additional time for the producer to determine the acreage allotment and consider crop insurance.

It has been determined that no adverse selectivity will result from such extension. However, if adverse conditions should develop during such period of extension, FCIC will immediately discontinue acceptance of applications. The extended period for accepting applications for tobacco crop insurance in all counties with a March 31 closing date, will be from March 31, through the close of business on April 15, 1985, effective for the 1985 crop year only.

Notice

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 herewith gives notice of the extension of the sales period for accepting applications for tobacco crop insurance in all counties with a March 31 closing date, under the provisions of 7 CFR 435.7(b), effective for the 1985 crop year only, through the close of business on April 15, 1985.

Done in Washington, D.C., on March 26, 1985.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: March 27, 1985.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 85-7680 Filed 3-29-85; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 436

[Doc. No. 2190S]

Tobacco (Guarantee Plan) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of Extension of Sales Closing Date.

SUMMARY: Under the authority contained in the Federal Crop Insurance Act, as amended, the Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the sales closing date for accepting applications for tobacco crop insurance in those counties with a March 31 closing date, effective for the 1985 crop year only. This action is being taken to provide additional time for tobacco producers lease arrangements to be processed through the Agricultural Stabilization and Conservation Service (ASCS) so that insurable acreage can be clearly determined when a producer files application for crop insurance. The intended effect of this notice is to advise all interested parties of the extension of sales closing dates and to comply with the Tobacco (Guarantee Plan) Crop Insurance Regulations with respect to the authority of the Manager to extend sales closing dates.

EFFECTIVE DATE: April 1, 1985.

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

SUPPLEMENTARY INFORMATION: Under the provisions contained in the Tobacco (Guarantee Plan) Crop Insurance Regulations (7 CFR Part 436), the Manager, FCIC, is authorized to extend the sales closing date for accepting applications for crop insurance in any county. In certain counties, the closing date for accepting applications for tobacco crop insurance is March 31. FCIC is extending the period for accepting applications for tobacco crop insurance in certain counties to provide additional time for processing tobacco producer's lease arrangements through ASCS so that an application for tobacco crop insurance clearly identifies the applicant and acreage. The final date established by ASCS for submitting lease arrangements is April 15. Without clear knowledge of what acreage allotment the producer may have and whether planting will take place, the producer is at a disadvantage as to crop insurance needs. This extension of sales closing date, effective for the 1985 crop year only, is intended to conform with the ASCS closing date, thus allowing additional time for the producer to determine the acreage allotment and consider crop insurance.

It has been determined that no adverse selectivity will result from such extension. However, if adverse conditions should develop during such period of extension, FCIC will immediately discontinue acceptance of applications. The extended period for accepting applications for tobacco crop insurance in all counties with a March 31 closing date will be from March 31 through the close of business on April 15, 1985, effective for the 1985 crop year only.

Notice

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 herewith gives notice of the extension of the sales period for accepting applications for tobacco crop insurance in all counties with a March 31 closing date, under the provisions of 7 CFR 436.7(b), effective for the 1985 crop year only, through the close of business on April 15, 1985.

Done in Washington, D.C., on March 26, 1985.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: March 27, 1985

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 7679 Filed 3-29-85; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 1126

[Docket No. AO-231-A51]

Milk in the Texas Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the Texas Federal milk marketing order. One amendment increases the plant location adjustment to Class I and blend prices by 18 cents per hundredweight in Zone 8 (Houston) of the marketing area. Another amendment revises the procedure for computing the uniform price to provide for a reduction in the producer-settlement fund reserve. The changes are based on evidence presented at a public hearing held October 4-7, 1983, in Dallas, Texas. The changes are necessary to reflect current marketing conditions and to insure orderly marketing of milk in the Texas marketing area.

Issuance of the amended order is favored by more than two-thirds of the producers who supplied milk to the market during the representative period of December 1984.

EFFECTIVE DATE: May 1, 1985.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-2089.

SUPPLEMENTARY INFORMATION:

Prior Documents in This Proceeding

Notice of Hearing: Issued August 29, 1983; published September 1, 1983 (48 FR 39643).

Correction to Notice of Hearing: Published September 12, 1983 (48 FR 40894).

Extension of Time for Filing Briefs: Issued November 25, 1983; published December 1, 1983 (48 FR 54243).

Partial Recommended Decision: Issued December 6, 1983; published December 12, 1983 (48 FR 55290).

Correction to Partial Recommended Decision: Published December 19, 1983 (48 FR 56060).

Extension of Time for Filing Briefs and Exceptions: Issued December 22, 1983; published December 29, 1983 (48 FR 57310).

Extension of Time for Filing Exceptions: Issued January 27, 1984; published February 1, 1984 (49 FR 4006).

Extension of Time for Filing Exceptions: Issued February 21, 1984; published February 24, 1984 (49 FR 6910).

Partial Final Decision and Termination of Proceeding: Issued May 14, 1984; published May 17, 1984 (49 FR 20825).

Recommended Decision: Issued October 25, 1984; published October 31, 1984 (49 FR 43692).

Extension of Time for Filing Exceptions: Issued November 29, 1984; published December 5, 1984 (49 FR 47495).

Final Decision: Issued March 6, 1985; published March 11, 1985 (50 FR 9661).

Correction to Final Decision: Issued March 20, 1985.

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Texas order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to the tentative marketing agreement and order:

(a) *Findings upon the basis of the hearing record.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area; and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the delared policy of the Act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of this order amending the order is approved of or favored by at least two-thirds of the producers who were engaged in the production of milk for sale in the marketing area during the determined representative period.

List of Subjects in 7 CFR Part 1126

Milk marketing orders, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1126—MILK IN THE TEXAS MARKETING AREA

1. In § 1126.52(a)(1), the adjustment per hundredweight for Zone 8 is changed from "Plus 36 cents" to "Plus 54 cents".

§ 1126.52 Plant location adjustments for handlers.

(a) * * *

(1) * * *

	Adjustment per hundredweight
Zone 8	Plus 54 cents.

* * * * *

2. In § 1126.61, paragraph (e) is revised to read as follows:

§ 1126.61 Computation of uniform price (including weighted average price).

* * * * *

(e) Subtract not more than 5 cents per hundredweight. The result shall be the "weighted average price."

* * * * *

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

Effective date: May 1, 1985.

Signed at Washington, D.C., on March 25, 1985.

Karen Darling,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 85-7709 Filed 3-29-85; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1407

Suspension and Debarment

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The proposed rule published in the **Federal Register** on January 17, 1985 (50 FR 2578) revising the Commodity Credit Corporation (CCC) regulations (7 CFR Part 1407) with regard to the suspension and debarment of individuals and firms from contracting with CCC is adopted as a final rule with a minor technical change. Under the provisions of this final rule, CCC adopts, with limited reservations, the suspension and debarment regulations issued by the Department of Agriculture.

EFFECTIVE DATE: April 1, 1985.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Claims Specialist, Fiscal Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–3809.

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

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since CCC is

not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

This program/activity is not subject to the provisions of Executive Order 12342 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).

Section 4(d) of the CCC Charter Act, as amended (15 U.S.C. 714b(d)), authorizes CCC to adopt, amend, and repeal rules and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised. In accordance with this authority, the regulations at 7 CFR Part 1407 set forth the procedures under which CCC may suspend or debar individuals and firms from contracting with CCC and from otherwise participating in programs administered or financed by CCC.

In order to conform CCC's suspension and debarment regulations with those of the Department of Agriculture, it was proposed that the regulations at 7 CFR Part 1407 be revised to adopt the Department's suspension and debarment regulations and to provide that: (1) CCC suspension and debarment proceedings shall not be applicable to contracts entered into by CCC under its price support operations and other CCC programs with persons in their capacity as producers and (2) the authority to suspend or debar is reserved to the Executive Vice President, CCC, or his designee.

Comments were solicited for a period of 30 days after publication of the proposed rule. No comments were received during the comment period. Accordingly, it has been determined that the proposed rule should be adopted as a final rule with a technical change. The provisions of the final rule include a technical change in the reference to the Department's suspension and debarment regulations which are found at 48 CFR 409.403 *et seq.* rather than 41 CFR 4–1.600 *et seq.* as indicated in the proposed rule. It is not believed that this change is of such significance as to warrant any further public rulemaking.

List of Subjects in 7 CFR Part 1407

Administrative practice and procedure, Government contracts, Penalties.

7 CFR Part 1407 is revised to read as follows:

PART 1407—SUSPENSION AND DEBARMENT

Sec.
1407.1 Purpose.
1407.2 Suspension and debarment.
1407.3 Scope.

Authority: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b).

§ 1407.1 Purpose.

This part prescribes the terms and conditions under which persons (i.e., an individual or any form of business entity, such as a proprietorship, partnership, corporation, association, or cooperative) may be suspended and debarred from contracting with the Commodity Credit Corporation (CCC) and from otherwise participating in programs administered or financed by CCC.

§ 1407.2 Suspension and debarment.

The provisions of 48 CFR 409.403 *et seq.* shall be applicable to all CCC suspension and debarment proceedings, except that the authority to suspend or debar is reserved to the Executive Vice President, CCC, or his designee.

§ 1407.3 Scope.

CCC suspension and debarment proceedings shall not be applicable to contracts entered into by CCC under its price support operations and other CCC programs with persons in their capacity as producers.

Signed at Washington, D.C. on March 26, 1985.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 85–7637 Filed 3–29–85; 8:45 am]

BILLING CODE 3410–05–M

Farmers Home Administration

7 CFR Part 1942

Development Grants for Community Domestic Water and Waste Disposal Systems

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation regarding development grants for community domestic water and waste disposal systems. This action is necessary because certain uses of and requirements regarding grant funds are not addressed in the current regulation. The intended effect of this action is to address such uses and requirements in order to more effectively serve domestic water and waste disposal needs of rural areas.

EFFECTIVE DATE: April 1, 1985.

FOR FURTHER INFORMATION CONTACT: Jerry W. Cooper, Loan Specialist, Water and Waste Disposal Division, Farmers Home Administration, USDA Room 6328, South Agriculture Building, Washington, D.C. 20250, telephone: (202) 382–9589.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1 which implements Executive Order 12291, and has been determined to be "nonmajor" since the annual effect on the economy is less than $100 million and there will be no significant increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. Furthermore, there will be no adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This action is not expected to substantially affect budget outlay, to affect more than one agency, or to be controversial. Additional efforts to administer the changes are expected to be minimal. Increased program costs are, therefore, not anticipated. The net result is expected to be more efficient use of financial and natural resources.

The FmHA programs and projects which are affected by this instruction are subject to State and local review under Section 401 of the Intergovernmental Cooperation Act and Section 204 of the Demonstration Cities and Metropolitan Development Act.

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, Public Law 91–190, an Environmental Impact Statement is not required.

Charles W. Shuman, Administrator, has determined that this final action will not have a significant economic impact on a substantial number of small entities because the action will only affect a small number of rural communities.

The Catalogue of Federal Domestic Assistance program affected is No. 10.418, Water and Waste Disposal Systems for Rural Communities.

This action outlines FmHA's policies and authorizations and sets forth the

procedures for making and processing development grants. These grants assist in financing the development costs of domestic water and waste disposal systems for rural communities and other associations of farmers, ranchers, rural residents, and other rural users.

A proposed rule was published in the **Federal Register** (49 FR 21542) on May 22, 1984. That proposal provided for a 60-day comment period through July 23, 1984. The major changes proposed were: (1) Make editorial revisions; (2) authorize the use of grant funds to restore FmHA loan funds used to prepay eligible grant purposes; (3) prohibit the use of grant funds to pay loan or grant finders fees; (4) require that applicants be informed that any remaining FmHA project funds, not to exceed the amount of the FmHA grant, will be considered to be grant funds and refunded to FmHA; (5) require that the funding needs of the applicant be reassessed prior to start of construction. Seven comments were received within the comment period. All respondents addressed multiple issues. In general, the respondents addressed agreement or disagreement with specific items of the proposed regulations changes.

A discussion of the comments follows:

1. *Section 1942.358(d)(4)*–Four comments were received regarding eligible grant purposes. The respondents misunderstood the proposed rule language on tap fees and connection charges. We clarified the section so that tap fees and connection charges are eligible when a system must pay such charges to purchase bulk services. Individual tap fees and connection charges are not considered as an elegible grant purpose.

2. *Section 1942.360 (a)(14)*–Two comments were received regarding limitations on use of grant funds when the median household income (MHI) of the service area is more than 85 percent of the nonmetropolitan median household income (NMHI) of the State. The respondents stated that the NMHI in their respective States was below the current poverty line established by Office of Management and Budget. Therefore, projects in areas above 85 percent of the State's NMHI but also below the poverty line could not receive a FmHA grant. These comments will be considered by FmHA. The suggested changes are not being adopted at this time due to changes that would have to be made in other regulations.

3. *Section 1942.363 (c)(2)(ii) and (iii)*—Four comments were received regarding the percentages of MHI and a State's NMHI used to calculate the amount of grant assistance. The respondents stated that the percentages be eliminated and the 85 percent of the State's NMHI be changed to 100 percent. The suggested changes were not adopted. The purpose of this section is to provide grant assistance to the most needy communities.

4. *Section 1942.363 (c)(4)*—Four comments were received regarding the granting of a waiver to the reasonable user rate in certain justifiable cases. The respondents suggested that such a waiver be incorporated. This suggestion has not been adopted. FmHA grant funds should not be used to reduce user costs below what is considered to be reasonable. The regulation defines reasonable user rate as that which is not less than existing prevailing rates in communities being served by an established system constructed at similar cost per user and having similar economic conditions.

One comment was received concerning this option being only available to applicants subsidized by either state, commonwealth, or territory governments. The respondent suggested that Indian tribal governments be included. This suggested change has not been adopted. The regulations as written would apply to all rural residents, including Indian tribes in a state, commonwealth, or territory.

5. *Sections 1942.366(f)(1)(ii) and 1942.369*—Five comments were received concerning actions prior to grant closing and start of construction. The respondents felt that these provisions would discourage participation from other funding agencies and eliminate joint financing of projects. The intent of this section is to adjust project funds which have been made available from all sources after projects costs are known, for example, after bids have been opened. Any reduction of funds at this point should tailor funding needs to the project without adversely affecting funding from other sources.

Subpart A of Part 1942 is being amended to reference renumbered and revised sections of Subpart H of Part 1942.

List of Subjects in 7 CFR Part 1942

Community development, Grant programs—Housing and community development, Rural areas, Waste treatment and disposal—Domestic, Water supply—Domestic.

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

PART 1942—ASSOCIATIONS

Subpart A—Community Facility Loans

§ 1942.17 [Amended]

1. Section 1942.17 is amended by changing the reference in paragraph (p)(6)(i) from "§ 1942.354" to "§ 1942.358."

§ 1942.17 [Amended]

2. Section 1942.17 is amended by changing the reference in paragraph(s) from "§ 1942.372 (b) and (c)" to "§ 1942.385 (b) and (c).

3. Sections 1942.351 through 1942.372 of Subpart H are revised and §§ 1942.373 through 1942.385 thereof are added and the table of contents for Subpart H is revised to read as follows:

Subpart H—Development Grants for Community Domestic Water and Waste Disposal Systems

Sec.

1942.351 General.
1942.352 [Reserved]
1942.353 Processing applications and docket preparation.
1942.354 [Reserved]
1942.355 Applicant eligibility and priority.
1942.356–1942.357 [Reserved]
1942.358 Use of grant funds.
1942.359 [Reserved]
1942.360 Grant limitations.
1942.361–1942.362 [Reserved]
1942.363 Determining the need for development grants.
1942.364–1942.365 [Reserved]
1942.366 Application review, approval and obligation of funds.
1942.367 [Reserved]
1942.368 Borrower contracts.
1942.369 Preparation for grant closing.
1942.370–1942.371 [Reserved]
1942.372 Grant closing and delivery of funds.
1942.373 Planning and performing development.
1942.374 [Reserved]
1942.375 Actions subsequent to grant closing.
1942.376 Grant servicing.
1942.377 Grant cancellation.
1942.378 [Reserved]
1942.379 Subsequent grants.
1942.380 Regional commission grants.
1942.381 [Reserved]
1942.382 Management assistance.
1942.383 State Supplements and guides.
1942.384 Delegation of authority.
1942.385 Special conditions under Public Law (PL) 98–8 (Emergency Jobs Bill)
1942.386–1942.400 [Reserved]
Exhibits A, B, C, and D.

* * * * *

Subpart H—Development Grants for Community Domestic Water and Waste Disposal Systems

§ 1942.351 General.

(a) This Subpart outlines the policies and authorizations and sets forth the procedures for making and processing grants to assist in financing the development cost of domestic water and waste disposal systems to rural communities and other associations of farmers, ranchers, rural residents, and other rural users. Farmers Home Administration (FmHA) will maintain continuous liaison and coordination with State and substate planning district officials. FmHA shall cooperate fully with appropriate State agencies in making grants in a manner which will assure maximum support of the State's strategies for development of rural areas. State and substate A-95 agencies may recommend priorities for applications. FmHA will give due consideration to all A-95 agency review comments and priority recommendations in selecting applications for funding.

(b) Indian tribes on Federal and State reservations and other Federally recognized Indian tribes are eligible to apply for and are encouraged to participate in this program. Such tribes might not be subject to State and local laws or jurisdiction. However, any requirements of this Subpart that affect applicant eligibility, the adequacy of FmHA's security or the adequacy of service to users of the facility and all other requirements of this Subpart must be met. FmHA State Directors are reminded that funds allocated for use as prescribed in this Subpart are to be considered for use by Indian tribes within the State regardless of whether State development strategies include Indian reservations within the State's boundaries. It is essential that Indians residing on such reservations have equal opportunity to participate in the benefits of these programs on as equal a basis as other residents of the State. This is intended to include an equal application of the outreach activities of FmHA County and District Offices.

(c) It is the policy that the County Office will normally be the entry point for preapplications and serve as the local contact point. However, applications will be filed and grants will be processed to the maximum extent possible by the District Office staff. The State Office staff will monitor grant making and servicing and will provide assistance to District Office personnel to the extent necessary to assure that the activities are being accomplished in an orderly manner consistent with FmHA regulations. The District Director will supply information on grant activity within the County Office service area to the County Supervisor at key points throughout the grant making process.

(d) Federal statutes provide for extending FmHA financial programs without regard to race, color, religion, sex, national origin, marital status, age, or physical/mental handicap (provided the participant possesses the capacity to enter into legal contracts).

§ 1942.352 [Reserved]

§ 1942.353 Processing applications and docket preparation.

(a) Preapplications and applications for water and waste disposal development grants will be processed in accordance with §1942.2 of Subpart A of Part 1942 of this chapter.

(b) Grant dockets will be prepared in accordance with this subpart and applicable portions of Subpart A of Part 1942 of this chapter.

§ 1942.354 [Reserved]

§ 1942.355 Applicant eligibility and priority.

(a) *Eligibility.* Applicant eligibility shall be determined in accordance with § 1942.17 (b) of Subpart A of Part 1942 of this chapter. Also, grants shall not be made in connection with any project unless the project:

(1) Will serve a rural area which, if such project is carried out, is not likely to decline in population below that for which the project was designed.

(2) Is designed and constructed so that adequate capacity will or can be made available to serve the present population of the area to the extent feasible and to serve the reasonably foreseeable growth needs of the area to the extent practicable. Also, water systems must have sufficient capacity to provide for reasonable fire protection to the extent practicable.

(3) Is necessary for orderly community development consistent with a comprehensive community water, waste disposal, or other development plan of the rural area and not inconsistent with any planned development provided in any State, multijurisdictional, county, or municipal plan approved by competent authority for the area in which the rural community is located.

(b) *Applicant priorities.* Priority for grant funds will be given to applicants and projects in accordance with § 1942.17(c) of Subpart A of Part 1942 of this chapter.

§§ 1942.356–1942.357 [Reserved]

§ 1942.358 Use of grant funds.

Funds may be used only for the following purposes:

(a) To construct, enlarge, extend, or otherwise improve community water, sanitary sewage, solid waste disposal, and storm wastewater disposal facilities.

(b) To construct or relocate public buildings, roads, bridges, fences, utilities, and to make such other public improvements necessary to the successful operation or protection of facilities authorized in paragraph (a) of this section.

(c) To relocate private buildings, roads, bridges, fences, utilities, and to make such other private improvements necessary to the successful operation or protection of facilities authorized in paragraph (a) of this section.

(d) To use FmHA grant funds for the following when a necessary part of the project relates to those facilities in paragraphs (a), (b) and (c) of this section.

(1) Reasonable fees and costs such as legal, engineering, architectural, fiscal advisory, recording, environmental impact analyses, archeological surveys and possible salvage or other mitigation measures, planning, establishing or acquiring rights.

(2) Costs of acquired interest in land, rights such as water rights, leases, permits, rights-of-way, and other evidence of land or water control which are necessary for development of the facility.

(3) Purchase or rent equipment necessary to install, maintain, extend, protect, operate or utilize facilities. (Subject to limitations contained in § 1942.360(a) of this subpart).

(4) Payment of tap fees and other utility connection charges as provided in utility purchase contracts prepared in accordance with § 1942.18(f) of Subpart A of Part 1942 of this chapter.

(e) To use FmHA grant funds on projects where other types of financial assistance are available on all or part of the projects, provided the other assistance is on reasonable rates and terms. In such cases the maximum percentages allowed under other agencies' authorities will apply to their participation in the project. However, the FmHA grant may not exceed seventy-five percent (75%) of the eligible project development cost. The need for FmHA grant funds must meet the requirements of § 1942.363 of this subpart after considering all project financing.

(f) To restore FmHA loan funds used in accordance with § 1942.17(d)(1)(iv)(G) of Subpart A of Part 1942 of this chapter.

§ 1942.359 [Reserved]

§ 1942.360 Grant limitations.

(a) Grant funds may not be used to:

(1) Finance facilities which are not modest in size, design, and cost.

(2) Pay loan or grant finder's fees.

(3) Pay for the construction of any new combined storm and sanitary sewer facilities.

(4) Pay any annually recurring costs including purchases or rentals that are generally considered to be operation and maintenance expenses.

(5) Construct or repair electric generating plants, electric transmission lines, or gas distribution lines to provide services for commercial sale.

(6) Purchase fire trucks, hoses, and other fire fighting equipment or construct housing for such shipment.

(7) Pay rental for the use of equipment or machinery owned by the association.

(8) Pay for salesrooms or other purposes not directly related to operation and maintenance of the facility being installed or improved.

(9) Purchase existing systems.

(10) Refinance existing indebtedness.

(11) Pay any portion of the cost of a facility when the annual reserve based on a typical year exceeds one-tenth of the average annual debt service requirement unless State regulatory agencies require a larger reserve, or when it is anticipated that facility replacement costs on a relatively short-term basis will require a higher reserve.

(12) Pay interest.

(13) Pay any portion of the cost of a facility which is not located in a rural area.

(14) Pay any costs of a project when the median household income of the service area is more than 85 percent of the nonmetropolitan median household income of the State.

(b) An FmHA development grant may not be made in excess of seventy-five percent (75%) of the eligible project development costs. Facilities previously installed will not be considered in determining the development costs.

§ 1942.361–1942.362 [Reserved]

§ 1942.363 Determining the need for development grants.

(a) FmHA District Directors are responsible for determining applicant's eligibility for grants and the amount of such grants. Form FmHA 1942–51, "Water and Waste Disposal Grant Determination," will be used to determine the amount of FmHA grant assistance for which the applicant qualifies. A separate form will be used to record the determination of FmHA grant assistance for each water, sewer collection and treatment, solid waste, and storm drainage project.

(b) Grants will be used for water and waste disposal projects serving the most financially needy communities to reduce user costs to a reasonable level for farmers, ranchers, and rural residents.

(1) *Other Users.* Other rural water and waste disposal users whose total water needs are met or, if there is no meter, could be met by a single residential size water meter also may be considered eligible. For example, a user on a waste system may be considered for a grant when the total water needs of the waste user are met or could be met by such residential-size meter.

(2) *Reasonable Rate.* Reasonable user rate is defined as that which is not less than existing prevailing rates in communities having similar economic conditions being served by an established system constructed at similar costs per user. Similar user costs shall include charges, taxes, and assessments attributable to the system.

(c) Grants will be determined in accordance with the following and will not result in a user rate below that deemed to be reasonable.

(1) Grants may not exceed seventy-five percent (75%) of the eligible project development costs listed in § 1942.358 of this subpart.

(2) Applicants will be considered for grant assistance when the debt service portion of the average annual user cost, for users in the applicant's service area, exceeds the following percentages of median household income:

(i) *.5 percent* when the median household income of the service area is below the poverty line. The poverty line will be that income prescribed by the Office of Management and Budget for a family of four, as adjusted under Section 624 of the Economic Opportunity Act of 1964 (42 U.S.C. 2971d).

(ii) *1.0 percent* when the median household income of the service area is not more than 85 percent of the State's nonmetropolitan household income.

(iii) No FmHA grant funds will be used in any project when the median household income of the service area is more than 85 percent of the nonmetropolitan median household income of the State.

(3) In the exceptional cases where FmHA determines that a reasonable user rate has not been achieved due to unusually *high* operation and maintenance costs, construction or water acquisition costs, or other unusual factors, FmHA may proceed with a grant in an amount necessary to reduce the rate to a reasonable level as defined in paragraph (b)(2) of this section.

(4) If, after applying the formula described in paragraphs (c)(2)(i) or (c)(2)(ii) of this section, FmHA determines that a reasonable average annual cost to the applicant for delivery of service to residential type users has not been achieved, FmHA may proceed with a grant in an amount necessary to reduce such cost to not below a reasonable user rate as defined in paragraph (b)(2) of this section. Reasonable average annual cost to the applicant is defined as that which is not less than existing prevailing costs in communities, being served by an established system, having similar economic conditions. This option is only available to an applicant:

(i) Where the annual cost to the applicant for delivery of service to residential type users is subsidized by either the state, commonwealth, or territory, and

(ii) Where uniform user charges are imposed for similar classes of service throughout the service area.

(5) When the applicant will be furnishing bulk service to rural residents served by another system (entity), a grant to such applicant may also be considered for an amount to reduce the user costs on a basis comparable to that provided in this section for users of such other system. An agreement between the applicant and the other system will be obtained that clearly shows that the benefit of the grant will accrue only to the users intended to be benefited by the grant. For purposes of grant determination, all other systems which will receive bulk service may either:

(i) Be considered as part of the total by averaging the median household incomes of the systems involved and averaging the debt service portion for the particular service of the other systems. Where this method is used, a uniform user rate schedule must be established for similar classes of users. For example, all systems involved would have the same user rate schedule for residential users, or

(ii) Consider the median household income and the debt service portion for the particular service for each entity separately.

(d) The income data used to determine median household income should be that which most accurately reflects the income of the service area. The service area is that area reasonably expected to be served by the facility being financed by FmHA. The median household income of the service area or those reference communities used in comparing the proposed system with

similar systems, and the nonmetropolitan median household income for the State will be determined from income data from the most recent decennial census of the U.S. This data will normally be published or unpublished Bureau of the Census data and may be updated on a national basis by the FmHA National Office based on data provided by the Bureau of the Census, or other reliable sources. If there is reason to believe that the census data is not an accurate representation of the median household income within the area to be served, the reasons will be documented on Form FmHA 1942-51 and the applicant may furnish, or FmHA may obtain, additional information regarding such median household income. Such information will consist of reliable data from local, regional, State or Federal sources or from a survey conducted by a reliable impartial source. The nonmetropolitan median household income of the State should be updated on a national basis by the FmHA National Office based on data provided by the Bureau of the Census, or other reliable sources. Updating income data for the median household income of the service area and the nonmetropolitan median household of the State should be done concurrently, using data from the same year.

(e) Financial information contained in preliminary engineering reports will be prepared without taking an FmHA grant into consideration

§§ 1942.364-1942.365 [Reserved]

§ 1942.366 Application review, approval and obligation of funds.

(a) When a grant only (no FmHA loan) is being made, only those applicable provisions of review and approval procedures outlined in § 1942.5 of Subpart A of Part 1942 of this chapter will apply which are necessary to assure that:

(1) The proposed development is completed in accordance with approved plans and specifications.

(2) Grant funds are expended for authorized purposes.

(3) The applicant can comply with the terms of the grant agreement.

(b) When the grant approval official requires an appraisal, Form FmHA 442-10, "Appraisal Report—Water and Waste Disposal Systems," with appropriate supplements, may be used. Appraisal reports may be prepared by the FmHA engineer or, if desired by the grant approval official, another qualified appraiser.

(c) When an FmHA loan and grant are being processed simultaneously, the application review and approval procedures outlined in § 1942.5 of Subpart A of Part 1942 of this chapter will be followed.

(d) Grants will be approved in accordance with this subpart and Exhibit B of FmHA Instruction 1901-A which is available in any FmHA office.

(e) All grants that require National Office review will be submitted in accordance with § 1942.5(b)(1) of Subpart A of Part 1942 of this chapter.

(f) Each letter of conditions involving a grant will contain the following:

(1) Insertions which read:

(i) "Attached is a copy of Form FmHA 1942-31, "Association Water or Sewer System Grant Agreement," for your review. You will be required to execute a completed form at the time of grant closing."

(ii) "The applicant contribution shall be considered as the first funds expended except (insert appropriate exceptions if funds from other sources make an exception necessary). After providing for all authorized costs, any remaining FmHA project funds will be considered to be FmHA grant funds and refunded to FmHA. If the amount of unused FmHA project funds exceeds the FmHA grant, that part would be FmHA loan funds.

(2) All items contained in § 1942.5(a)(1) of Subpart A of Part 1942 of this chapter applicable to the grant funding.

(3) Other relative requirements.

(g) State Directors may obligate funds including Regional Commission grant funds when they are available, in accordance with § 1942.5(d) of Subpart A of Part 1942 of this chapter.

(h) A copy of Form FmHA 1942-51, along with the letter of conditions and Form FmHA 1942-45, "Project Summary—Water and Waste Disposal and Other Utility-Type Projects," (including the required copy of Forms FmHA 442-14, "Association Project Fund Analysis," and FmHA 442-7, "Operating Budget") will be submitted to the National Office, Attention: Water and Waste Disposal Division, by the State Director not later than the time the letter of conditions is issued.

§ 1942.367 [Reserved]

§ 1942.368 Borrower contracts.

The requirements of §§ 1942.4, 1942.17(1), and 1942.18 of Subpart A of Part 1942 of this chapter will be followed when concurring in agreements between grantees and third parties.

§ 1942.369 Preparation for grant closing.

(a) Section 1942.6 of Subpart A of Part 1942 of this chapter will be followed when preparing for grant closing.

(b) The requirements of § 1942.17(n)(1) of Subpart A of Part 1942 of this chapter will be followed for water and waste disposal development grants.

§ 1942.370-1942.371 [Reserved]

§ 1942.372 Grant closing and delivery of funds.

(a) Grants will be closed in accordance with instructions received from the Office of the General Counsel (OGC). FmHA policy is not to disburse grant funds from the Treasury until they are actually needed by the applicant. Borrower funds will be disbursed before the disbursal of any FmHA grant funds.

(1) FmHA loan funds will be disbursed before the disbursal of any FmHA grant funds except when:

(i) Interim financing of the total estimated amount of funds needed during construction is arranged.

(ii) All interim funds have been disbursed, and

(iii) FmHA grant funds are needed before the FmHA loan can be closed.

(2) If grant funds are available from other agencies and are transferred to the Finance Office for disbursement by FmHA, these grant funds shall be disbursed in accordance with the agreement governing such agencies participation in the project.

(3) Any grant funds remaining will be handled in accordance with § 1942.17(p)(6) of Subpart A of Part 1942 of this chapter.

(b) FmHA grant funds will be disbursed by using multiple advances in accordance with § 1942.17(p)(2) of Subpart A of Part 1942 of this chapter.

(c) Payment for construction will be made in accordance with § 1942.17(p)(5) Subpart A of Part 1942 of this chapter.

(d) Form FmHA 1942-31 will be completed and executed in accordance with the requirements of grant approval and closing instructions. Both District Directors and State Directors are authorized to sign the grant agreement on behalf of FmHA. For grants that supplement FmHA loan funds, the grant should be closed simultaneously with the closing of the loan. However, when grant funds will be disbursed before loan closing as provided for in paragraph (a)(1) of this section, the grant will be closed not later than the delivery date of the first advance of grant funds. The grant will be considered closed when Form FmHA 1942-31 has been properly executed. Incorporated as a part of this subpart is Form FmHA 1942-31 which appears as Exhibit C in the **Federal Register.**

§ 1942.373 Planning and performing development.

Planning and performing development will be handled in accordance with §§ 1942.9 and 1942.18 of Subpart A of Part 1942 of this chapter.

§ 1942.374 [Reserved]

§ 1942.375 Actions subsequent to grant closing.

Section 1942.8 of Subpart A of Part 1942 of this chapter will be followed for water and waste disposal development grants.

§ 1942.376 Grant servicing.

Grants will be serviced in accordance with Subpart E of Part 1951 of this chapter.

§ 1942.377 Grant cancellation.

The District Director or State Director may prepare and execute Form FmHA 1940–10, "Cancellation of U.S. Treasury Check and/or Obligation," in accordance with the Forms Manual Insert. If the docket has been forwarded to OGC, that office will be notified of the cancellation by a copy of Form FmHA 1940–10. The borrower's attorney and engineer if any, should be notified of the cancellation. The borrower's attorney and engineer may be provided a copy of the notification to the applicant.

§ 1942.378 [Reserved]

§ 1942.379 Subsequent grants.

Subsequent grants will be processed in accordance with this Subpart.

§ 1942.380 Regional commission grants.

Grants are sometimes made by regional commissions for projects eligible for FmHA assistance. FmHA has agreed to administer such funds in a manner similar to FmHA assistance.

(a) When FmHA has funds in the project, no charge will be made for administering commission funds.

(b) When FmHA has neither loan nor grant funds in the project, an administrative charge will be made pursuant to the Economy Act of 1932 (31 U.S.C. 686). A fee of five percent (5%) of the first $50,000 of a regional commission grant and one percent (1%) of any amount over $50,000 will be paid FmHA by the commission.

(1) *Appalachian Regional Commission.* Exhibit A of this subpart will be followed in determining the responsibilities of FmHA. The Federal Cochairman and the State Director will provide each other with the necessary notification and certification.

(2) *Other regional commissions.* Title V of the Public Works and Economic Development Act of 1965 authorizes other commissions similar to the Appalachian Regional Commission. Exhibit B of this subpart will be used to develop a separate project management agreement between FmHA and the commission for each project. The agreement should be prepared by the FmHA State Director as soon as notification is received that a commission grant will be made and the amount is confirmed.

(c) Regional commission grants should be obligated as soon as possible in accordance with § 1942.5(d) of Subpart A of Part 1942 of this chapter, except that the announcement procedure referred to in § 1942.5(d)(6) is not applicable. Regional commission grants will be obtained from the Finance Office in the same manner as FmHA funds are obtained.

§ 1942.381 [Reserved]

§ 1942.382 Management assistance.

Grant recipients will be supervised to the extent necessary to assure that facilities are constructed in accordance with approved plans and specifications and to assure that funds are expended for approved purposes.

§ 1942.383 State Supplements and guides.

This Subpart may be supplemented by State Supplements and guides in accordance with § 1942.16 of Subpart A of Part 1942 of this chapter.

§ 1942.384 Delegation of authority.

The State Director is responsible for the overall implementation of the authorities contained in this Subpart and may redelegate any such authority to appropriate FmHA employees.

§ 1942.385 Special conditions under Public Law (PL) 98–8 (Emergency Jobs Bill).

Each project to be funded utilizing grant funds authorized by Public Law 98–8 (Emergency Jobs Bill) will be processed in accordance with Exhibit D of this subpart. In Exhibit D of this Subpart, all references to other FmHA regulations and forms will be construed to mean the most current version of those regulations and forms, and the following:

(a) Grant funds shall be made available for projects and activities in civil jurisdictions with high unemployment, or in labor surplus areas, or in political units of in pockets of poverty that are currently or should meet the criteria to be eligible under the Urban Development Grant Action (UDAG) program administered by the Department of Housing and Urban Development.

(b) Each letter of conditions that is issued utilizing FmHA loan and/or grant funds authorized by P.L. 98–8 will contain the following:

(1) Standard paragraphs in accordance with § 1942.5 (a)(1)(ii) of Subpart A of Part 1942 of this chapter, and

(2) "The (i.e. town, district, authority) shall to the extent practicable utilize FmHA funds in manner which maximizes immediate creation of new employment opportunities to individuals 1983. Such a condition will be made part of any construction contract awarded in support of FmHA funds."

(c) The following should be added to the Supplemental General Conditions of construction contracts involving Pub. L. 98–8 funds:

To the extent practicable, the contractor shall hire needed new employees in a manner which maximizes immediate creation of new employment opportunities to individuals who were unemployed at least 15 of the 26 weeks prior to March 24, 1983.

§§ 1942.386–1942.400 [Reserved]

Authority: 7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70.

Dated: January 9, 1985.

Neal Sox Johnson,

Acting Administrator, Farmers Home Administration.

[FR Doc. 85–7663 Filed 3–29–85; 8:45 am]

BILLING CODE 3410–07–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 133

[Amdt. 5]

Display of Office of Management and Budget (OMB Control Numbers for Reporting and Recordkeeping Requirements)

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration is amending its regulations to indicate Office of Management and Budget (OMB) approval of new and revised information collection requirements contained in or authorized by the regulations. This action is required by the Paperwork Reduction Action of 1980 (Pub. L. 96–511, 94 Stat. 2812, Chapter 35 of Title 44).

EFFECTIVE DATE: April 1, 1985.

FOR FURTHER INFORMATION CONTACT: Elizabeth M. Zaic, Chief, Information Resources Management Branch, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. Telephone No. 653–8538.

SUPPLEMENTARY INFORMATION: This amendment is administrative in nature and is intended to comply with the requirements of the Paperwork Reduction Act of 1980 as implemented by 5 CFR Part 1320 that agencies display a current OMB control number assigned by the Director, OMB on each agency information collection requirement. This subpart collects and displays current OMB control numbers and expiration dates. Where the information collection requirement exists as a document separate from the regulations, the Small Business Administration will also display the current OMB number on the document.

Because this is a nonsubstantive amendment dealing with procedural matters, it is not subject to the provisions of the Administrative Procedure Act (5 U.S.C. 551 et seq) requiring advance notice and comment.

List of Subjects in 13 CFR Part 133

OMB control numbers assigned. Reporting and recordkeeping requirements.

PART 133—[AMENDED]

The table appearing in paragraph (c) of § 133.1 is revised to read as follows:

§ 133.1 Control numbers assigned by OMB under the Paperwork Reduction Act.

* * * * *

(c) * * *

Current OMB control No.	Information collection requirement	Legal authority	Expiration date
3245-0003	SBA 745 (2-83 ed.), SBA 745A (2-83 ed.)	13 CFR 125.9	4-30-85
3245-0007	SBA 990, SBA 994, SBA 994B, SBA 994F, SBA 994H, SBA 994J	13 CFR 115.5	5-31-85
3245-0009	SBA 480		12-31-87
3245-0012	SBA 770	13 CFR 123.9	10-31-87
3245-0013	SBA 74, SBA 74A, SBA 74B, SBA 183	13 CFR 125.5	3-31-86
3245-0015	SBA 1010A, SBA 1010B, SBA 1010C, SBA 1010D, SBA 1010E, SBA 1010I	13 CFR 124	2-28-86
3245-0016	SBA 4, SBA 41, SBA 4 Sched. A	13 CFR 122.309	10-31-87
3245-0017	SBA 5, SBA 739A, SBA 1368	13 CFR 123	12-31-85
3245-0018	SBA 5C, SBA 739	13 CFR 123.1	8-31-85
3245-0020	SBA 1136, SBA 1136A	13 CFR 111.5	6-30-85
3245-0023	SBA 2006	13 CFR 101.2-6	9-30-85
3245-0024	SBA 1167, SBA 1167A, SBA 1395	13 CFR 125.10	3-31-87
3245-0046	SBA 1174	13 CFR 101.2-7	9-30-86
3245-0062	SBA 415, SBA 415A, SBA 415B	13 CFR 107.102	3-31-85
3245-0063	SBA 468, SBA 468, Pts. 1, 2, 3	13 CFR 107.1102	3-31-85
3245-0070	SBA 18	13 CFR 101.2-7	9-30-86
3245-0071	SBA 1244	13 CFR 108.503	10-31-85
3245-0072	SBA 22	13 CFR 101.2-7	9-30-86
3245-0073	SBA 1246	13 CFR 108.503	10-31-87
3245-0074	SBA 1253, SBA 1253A, SBA 1253B	13 CFR 108.503	1-31-87
3245-0075	SBA 20	13 CFR 101.2-7	3-31-87
3245-0076	Non Discriminatory Requirements, SBA 601, SBA 652, SBA 793	13 CFR 112.113	4-30-85
3245-0077	Reporting and Recordkeeping Requirements on Non-Bank Lenders	13 CFR 120.5 and 120.6	9-30-87
3245-0078	Small Business Investment Company Records and Reports, SBA 684, SBA 1031	13 CFR 107.1102	4-30-87
3245-0079	SBA 419		10-31-87
3245-0080	SBA 1081	13 CFR 120.4	4-30-87
3245-0081	Funds to Licensee, SBA 25-28,33,34 SBA 1022A, 1022B, C.O. 158, C.O. 1.59	13 CFR 107.501	4-30-87
3245-0083	Amendments to License, SBA 415C	13 CFR 107.1105	9-30-87
3245-0084	SBA 700	13 CFR 123	10-31-87
3245-0090	SBA 59	13 CFR 101.2-7	10-31-87
3245-0091	SBA 641	13 CFR 101.2-7	12-31-87
3245-0095	SBA 1175		9-30-85
3245-0096	SBA 883	Presidential Proclamation Designating Small Business Week	12-31-86
3245-0101	SBA 355, 1340	13 CFR 121	3-31-85
324-0104	SBA 1356	13 CFR 101.2-7	5-31-86
3245-0108	SBA 1062	13 CFR 101.2-7	6-31-85
3245-0109	SBA 857, SBA 858	13 CFR 107.1101	7-31-86
3245-0110	SBA 1366, SBA 1391	13 CFR 123.17	3-31-87
3245-0112	SBA 1301	13 CFR 108.503	7-31-86
3245-0114	SBA 1302	13 CFR 108.503	7-31-86
3245-0116	SBA 860	13 CFR 107.1101	7-31-86
3245-0117	CO 266		6-30-86
3245-0118	SBA 856	13 CFR 107.1101	6-30-86
3245-0121	Governor's Request for Disaster Declaration	13CFR 123.24	6-30-86
3245-0122	Reconsideration Request	13 CFR 123.11	7-31-86
3245-0123	SBA 888	13 CFR 101.2-7	9-30-85
3245-0124	Notice of Duplication of Benefits	13 CFR 123.22	
		13 CFR 123.22	6-30-86
3245-0125	SBA 898	P.L. 92-463	7-31-86
3245-0128	SBA 1160	13 CFR 123	8-31-86
3245-0129	SBA 1238A	3245-0130	8-31-86
3245-0130	SBA 1238		8-31-86
3245-0131	SBA 172	Agency's Participant Handbook	8-31-86
3245-0132	SBA 1149		9-30-87
3245-0133	SBA 2014A	P.L. 95-454	8-31-86
3245-0134	SBA 1369	13 CFR 101.2-7	9-30-86
3245-0135	SBA 1202	13 CFR 101.2-7	9-30-86
3245-0136	SBA 987	13 CFR 123.1	9-30-86
3245-0137	SBA Contract Requirements	OMB Circulars A-110; A-21; A-102; A-122	8-31-86
3245-0140	SBA Grants Mgmt. Program Applications (SBA 1222, 1223, 1224)	OMB Circulars A-110; A-21; A-102; A-122	8-31-86
3245-0141	SBA 843	SBA SOP 60 02	8-31-86
3245-0143	Request for Eligibility Reconsideration	13 CFR 124	11-30-86
3245-0144	SBA 1017	13 CFR 124	11-30-86
3245-0145	Notice of Change in Ownership	13 CFR 124	11-30-86
3245-0146	Request for Approval of Joint Venture Agreement	13 CFR 124	11-30-86
3245-0147	Request for Fixed Program Participation Term (FPPT)	13 CFR 124	11-30-86
3245-0148	Request for Advance Payment and Schedule of Advance Payment Requirements	13 CFR 124	11-30-86
3245-0149	Request for Business Development Expense	13 CFR 124	11-30-86
3245-0151	Submission of Business Financial Statement	13 CFR 124	11-30-86
3245-0153	SBA 1375	Presidential Proclamation Designating Small Business Week	12-31-86
3245-0157	SBA 1386	P.L. 97-219	2-28-87
3245-0158	SBA 1183	SOP 50 50	3-31-87

Current OMB control No.	Information collection requirement	Legal authority	Expiration date
3245-0159	SBA 712	15 USC 639	3-31-87
3245-0160	SBA 149	13 CFR 122.15	3-31-87
3245-0164	Liquidation Activities	41 CFR 5	3-31-87
3245-0166	Small Business Week Media Contacts		2-28-87
3245-0167	SBA 1104	13 CFR 101.2-7	2-28-87
3245-0168	Small Business Institute Counseling Case Report	13 CFR 101.2-7	3-31-87
3245-0169	SBDC Quarterly and Financial Reports	13 CFR 101.2-7	2-28-87
3245-0171	Nominate a Small Business Person or Advocate of the Year	P.L. 94-309	2-28-87
3245-0172	SBA 1405	13 CFR 107.1101	2-28-87
3245-0176	Compliance Review Report	13 CFR 112, 113, 117	4-30-87
3245-0177	Survey of DOD Contractors to Determine Whether Veteran-Owned Small Businesses are Successful or not in Obtaining DOD Awards.	P.L. 93-237/94-305	5-31-85
3245-0178	SBA 912	15 USC 6349(b)	3-31-87
3245-0183	SBA 1419	13 CFR 101.2-7	6-30-87
3245-0184	Access to Capital by Subcategories of Small Business		6-30-85
3245-0185	SBA 1085, SBA 1086	13 CFR 120	3-31-85
3245-0186	Sources of Informal Risk Capital for Veteran-Owned Enterprises Study	P.L. 94-305	6-30-85
3245-0187	Small Business' Contributions to the Economy	P.L. 94-305	6-30-85
3245-0188	SBA 413	15 USC 631	10-31-87
3245-0189	Business Loan Reconsideration Request	13 CFR 122	9-30-87
3245-0190	SBA 1347	13 CFR 122	10-31-87
3245-0191	Reporting and Recordkeeping Requirements on Lender Reports and Records	13 CFR 120 and 122	10-31-87
3245-0192	Other Development Company Reporting Requirements	13 CFR 108	10-31-85
3245-0193	SBA 1429	13 CFR 108	10-31-87
3245-0194	SBA 1434	13 CFR 101.2-7	10-31-87
3245-0196	Borrower Reports, Records and Requests	13 CFR 122	10-31-87
3245-0199	Information Submitted by the Federal Agencies Participating in the SBIR Program to the Small Business Administration for the SBIR Annual Report to Congress.		12-31-87
3245-0200	SBA 1050	13 CFR 120 and 122	12-31-87
3245-0201	SBA 147, SBA 148, SBA 153, SBA 159, SBA 160, SBA 160A, SBA 529B, SBA 928, SBA 1059	13 CFR 120 and 122	12-31-87
3245-0202	SBA 1010H	P.L. 95-507	12-31-87
3245-0203	SBA 104A		12-31-87
3245-0204	SBA 1449	P.L. 95-89	12-31-87
3245-0205	SBA 1450	P.L. 96-481	2-28-86

Dated: March 20, 1985.

James C. Sanders,

Administrator.

[FR Doc. 85-7552 Filed 3-29-85; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-CE-3-AD, Amdt. No. 39-5023]

Airworthiness Directives; British Aerospace Model 3101 Jetstream Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to British Aerospace (BAe) Model 3101 Jetstream airplanes which requires a modification to the electrical system to insure that the emergency lighting system is maintained at full charge. BAe has reported that the internal discharge rate of the emergency lighting power pack during periods of airplane non-use may reduce the charge level below that necessary to provide light during an airplane emergency evacuation. The proposed modification will assure that the power packs will contain a sufficient charge for this purpose at all times.

DATES: EFFECTIVE DATE: May 8, 1985.

Compliance: Required within 100 hours time-in-service after the effective date of this AD, unless already accomplished.

ADDRESSES: BAe Alert Service Bulletin (ASB) No. 33-A-JM7431, Revision 1, dated October 7, 1984, applicable to this AD may be obtained from British Aerospace, Engineering Department, Post Office Box 17414, Dulles International Airport, Washington, D.C. 20041; Telephone (703) 435-9100. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. H. Chimerine, Brussels Aircraft Certification Office, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone 513.38.30; or Mr. B. Sexton, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring modification of the emergency lighting power pack charging system on all British Aerospace Model 3101 Jetstream airplanes was published in the **Federal Register** on February 4, 1985, (50 FR 4867). The proposal resulted from a report from British Aerospace stating that the inservice internal discharge rate of the Model 3101 Jetstream airplane emergency lighting power pack is in excess of the rate declared by the manufacturer. This internal discharge rate is such that it would be necessary to apply a prolonged charge after an aircraft has been out of service for a number of hours in order to regain the minimum charge necessary to provide light for an emergency airplane evacuation. Without power on the essential busbar, an initially fully charged power pack will become fully discharged within 94.5 hours, i.e. less than four days. Complete recharging by the aircraft system will then require 20 hours. As a result, BAe has issued ASB No. 33-A-JM7431, Revision 1, dated October 7, 1984, which specifies a modification (Modification JM7431) to the emergency lighting power pack charging system. This modification will incorporate a trickle charge facility which is connected to the aircraft battery when the airplane is idle (master switch OFF). Existing provision for charging the power packs whenever a 28 volt DC power supply exists on the essential busbar, i.e. whenever the generators are on line or whenever the battery master switch is in the internal position, irrespective of the position of the emergency lighting control switch, remain unchanged.

The United Kingdom Civil Aviation Authority (UKCAA), who has responsibility and authority to maintain

the continuing airworthiness of these airplanes in the United Kingdom, has classified this Alert Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA examined the available information related to the issuance of ASB No. 33-A-JM7431, Revision 1, dated October 7, 1984, and the mandatory classification of this Alert Service Bulletin by the UKCAA and determined that a Notice of Proposed Rulemaking was appropriate.

Interested persons have been afforded an opportunity to comment on the Notice. No comments or objections were received on the proposal or the FAA determination of the related cost to the public. Accordingly, the proposal is adopted without change.

There are approximately 22 U.S. registered airplanes affected by the AD. The cost of complying with the AD is estimated to be $3,127.08 to the private sector. The cost of compliance with this AD is so small that the expense of compliance will not be a significant financial impact on any small entities operating these airplanes.

Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) 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 final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR 39

Air transportation, Aviation safety, Aircraft, saftey.

Adoption of the Amendment

Accordingly pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

British Aerospace: Applies to Model 3101 Jetstream (all serial numbers) airplanes, certificated in any category.

Compliance: Required within 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To assure adequate emergency lighting system power pack charge for lighting during emergency airplane evacuation, accomplish the following:

(a) Incorporate British Aerospace (BAe) Modification JM7431 in accordance with the instructions contained in BAe Alert Service Bulletin No. 33-A-JM7431, Revision 1, dated October 7, 1984.

(b) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(c) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on May 8, 1985.

(Sections 313(a), 601 and 603 of the 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); Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Issued in Kansas City, Missouri, on March 22, 1985.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 85-7615 Filed 3-29-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-ASW-2; Amdt. 39-5016]

Airworthiness Directives; Bell Helicopter Textron, Inc., Model 412 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a repetitive inspection or replacement of certain main rotor pitch horns on certain Bell Helicopter Textron, Inc., Model 412 helicopters certified in all categories. This AD is needed to prevent possible corrosion fatigue failure of the pitch horn assembly which would result in the loss of blade pitch control and possible loss of the aircraft.

DATES: Effective April 10, 1985.

Compliance schedule—as prescribed in the body of the AD. The Director of the Federal Register approved the incorporation by reference of the service information in 49 CFR 39.13 effective on April 1, 1985.

ADDRESSES: The applicable service bulletin may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101, Attention: Customer Support.

A copy of the service bulletin is contained in the Rules Docket located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: T.K. Henry, Helicopter Certification Branch, ASW-170, Aircraft Certification Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 877-2080.

SUPPLEMENTARY INFORMATION: There have been reports of four cracked main rotor pitch horns on the Bell Model 412 helicopter. These cracks, which are corrosion fatigue cracks, were discovered during magnaflux inspections when the pitch horns were removed for main rotor spindle changes. The cracks resulted from corrosion pitting on the internal surface of the pitch horn bore that mates with the spindle. Each pitch horn had less than 2,300 hours' time in service. In addition, 13 assemblies were reported having corrosion pitting in the spline area which exceeded allowable repair limits. As a result of the corrosion fatigue cracks, the manufacturer issued Alert Service Bulletin (ASB) 412-83-13, Rev. A, August 31, 1983, which imposed a 20-hour interval visual inspection for cracks. Magnetic particle inspection for cracks is required whenever the horn is removed for any reason on all Bell Model 412 helicopters.

Recently, the manufacturer issued Bell ASB 412-84-18 which requires, before March 1, 1985, replacement of the main rotor pitch horn, Part Number (P/N) 412-010-149-105, and pins, P/N 412-010-180-101, with a new corrosion resistant steel pitch horn, P/N 412-010-149-111, and pins, P/N 412-010-180-103, for Bell Model 412 helicopters, Serial Numbers (S/N) 33001 through 33110.

Since a cracked pitch horn is likely to develop on other helicopters of the same type design, an airworthiness directive is being issued which requires a 20-hour interval visual inspection for cracks or replacement of initially designed main rotor pitch horns and pins on certain Bell Helicopter Textron, Inc., Model 412 helicopters certified in all categories. The AD also requires a visual inspection of the spindle spline joint for corrosion

pitting whenever the affected pitch horn is removed.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

The FAA has determined that this regulation involves less than 109 helicopters. The manufacturer's warranty will compensate operators for loss of time in service on parts which are replaced. The manufacturer estimates approximately 2 hours of "hands-on" maintenance time is required to remove and replace the pitch horns and pins for a total cost of less than $10,000 for 109 aircraft. When the pitch horns and pins are replaced, the inspection requirement is discontinued. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final 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

Air transportation, Aircraft, Aviation safety, Safety, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Bell Helicopter Textron, Inc.: Applies to Bell Helicopter Textron, Inc., Model 412 helicopters, S/N's 33001 through 33110, equipped with main rotor pitch horn assembly, P/N 412-010-149-105, and main rotor pins, P/N 412-010-180-101.

Compliance is required as indicated, unless already accomplished.

To detect possible cracks in the main rotor pitch horn, accomplish the following on Model 412 helicopters equipped with pitch horns, P/N 412-010-149-105:

(a) Within the next 20 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 20 hours' time in service from the last inspection, visually inspect the main rotor pitch horn assembly for cracks in accordance with Part I of Bell Helicopter Textron, Inc., Alert Service Bulletin (ASB) 412-83-13, Rev. A, dated August 31, 1983.

(b) Whenever the main rotor pitch horn assembly is removed for any reason, magnetic particle inspect it for cracks in accordance with Part II of ASB 412-83-13, Rev. A, dated August 31, 1983.

(c) If a crack is found during these inspections replace the pitch horn and pins with serviceable parts.

(d) Prior to installation of the pitch horn and pins, visually inspect the spindle joint for surface defects and corrosion. Note: Component repair and overhaul manual BHT-412-CR & 0-1, Rev. 4, April 15, 1984, Figure 65-10-5 contains allowable damage limits.

Note.—Further inspections are not required when the following parts are installed:

412-010-149-111 Pitch Horn Assembly—4 required per helicopter.

412-010-180-103 Pin—32 required per helicopter.

(Bell Helicopter Textron, Inc., Alert Service Bulletin 412-84-18, November 19, 1984, pertains to replacement of new horns and pins.)

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined in the Rules Docket located at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Room 158, Building 3B, 4400 Blue Mound Road, Fort Worth, Texas 76106.

Any alternate methods or equivalent procedures must be approved by Mr. James D. Erickson, Manager, Helicopter Certification Branch, ASW-170, Building 3, Room 211, 400 Blue Mound Road, Fort Worth, Texas 76106.

(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); 14 CFR 11.89)

This amendment becomes effective April 10, 1985.

Issued in Fort Worth, Texas, on March 15, 1985.

C.R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 85-7614 Filed 3-29-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 85-AWP-10]

Proposed Alteration of Control Zone and Correction to Transition Area Description; Prescott, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: An amendment to the existing Ernest A. Love Field (lat. 34°39'10" N., long. 112°25'15" W.) Control Zone due to the installation of the Prescott Instrument Landing System (ILS) for Runway 21 and editorial correction to the description of the Prescott, Arizona, Transition Area due to the identification change of the Prescott VORTAC to Drake. This action will provide editorial change to the description of the Prescott, Arizona, Transition Area and an extension to the existing Ernest A. Love Field Control Zone, Prescott, Arizona.

DATES: Effective date—0901 G.m.t., June 6, 1985. Comments must be received on or before May 24, 1985.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Western-Pacific Region, Attention: Manager, Air Traffic Division, Docket No. 85-AWP-10, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009.

The official docket may be examined in the office of the Western-Pacific Regional Counsel, Room 6W14, 15000 Aviation Boulevard, Lawndale, California.

An informal docket may also be examined during normal business hours at the Airspace and Procedures Branch, Room 6E4, at the above address.

FOR FURTHER INFORMATION CONTACT: Thomas H. Schmidt, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone (213) 536-6655.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although these actions are in the form of a final rule, which involves reconfiguration of the Ernest A. Love Field Zone to encompass the Prescott Runway 21 ILS approach and description change of the Prescott, Arizona, Transition Area, resulting from renaming of the Prescott VORTAC to Drake VORTAC and, thus, were not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA wil use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly

helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulation (14 CFR Part 71) is to change the description of the Prescott, Arizona, Transition Area and Ernest A. Love Field Control Zone. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6A dated January 2, 1985.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to reflect the correct description of the Prescott, Arizona, Transition Area and necessary expansion of the Ernest A. Love Field Control Zone. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest and that good cause exists for making this amendment effective coincident with the next charting date. Description of the amended control zone and transition area are set forth below and depicted on the chart at the end of this document.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It therefore—(1) is not a "major rule" under Executive Order 12201; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), are amended as follows:

§ 71.171 Prescott, Arizona [Revised]

Within a 6-mile radius of the Ernest A. Love Field (lat. 34°39'10" N., long. 112°25'15" W.), within 3 miles either side of the Prescott Runway 21 ILS Localizer northeast course extending from the 6-mile radius zone to 9.5 miles northeast of the Runway 21 Localizer (lat. 34°38'39.68" N., long. 112°25'46.05" W.).

§ 71.181 Prescott, Arizona [Revised]

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Ernest A. Love Field, Prescott, Arizona, (lat. 34°39'10" N., long. 112°25'15" W.) and within 3 miles each side of the Drake VORTAC 319° radial extending from the 10.5-mile radius area to 8.5 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Drake VORTAC, extending clockwise from a line 5 miles south of and parallel to the Drake VORTAC 252° radial to a line 5 miles west of and parallel to the Drake VORTAC 159° radial and within a 14-mile radius of Drake VORTAC, extending clockwise from a line 5 miles west of and parallel to the Drake VORTAC 159° radial to a line 5 miles south of and parallel to the Drake 252° radial.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and (14 CFR 11.69))

Issued in Los Angeles, California, on March 22, 1985.

George Harvey,

Acting Director, Western-Pacific Region.

[FR Doc. 85-7611 Filed 3-29-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 95

[Docket No. 24569; Amdt. No. 323]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

EFFECTIVE DATE: April 11, 1985.

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

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

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

List of Subjects in 14 CFR Part 39

Aircraft, Airspace, Aviation safety.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 GMT April 11, 1985.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); 49 U.S.C. 106(g) (Revised, Pub. L. (97-449, January 1, 1983); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body

of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on March 25, 1985.

John S. Kern,

Acting Director of Flight Operations.

BILLING CODE 4910-13-M

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES & CHANGEOVER POINTS

AMENDMENT 323 EFFECTIVE DATE, APRIL 11, 1985

FROM	TO	MEA
§		
§95.1001 DIRECT ROUTES-U.S.95.101 AMBER FEDERAL AIRWAY 1		
IS AMENDED TO READ IN PART		
U.S. CANADIAN BORDER	MOCHA, AK FIX	*5000
*2300 - MOCA		
SPARL, AK FIX	OCEAN CAPE, AK NDB	*6000
*2200 - MOCA		
CAPEM, AK FIX	CORVA, AK FIX	*5000
*4400 - MOCA		
CORVA, AK FIX	EGGER, AK FIX	2000
PARDK, AK FIX	PUNTILLA LAKE, AK NDB	*9000
*8500 - MOCA		
PUNTILLA LAKE, AK NDB	*FAREWELL, AK NDB	9000
*8600 - MCA FAREWELL NDB, E BND		
FAREWELL, AK NDB	TAKOTNA RIVER, AK NDB	
	E BND	7000
	W BND	5000
§95.1001 DIRECT ROUTES-U.S.		
IS ADDED TO READ		
INT CNX VORTAC 315 & OTO VOR 168	GUNA, NM FIX	
VIA OTO VOR 168		12000
PANOCHE, CA VORTAC	GORMAN, CA VORTAC	24000
IS AMENDED TO READ IN PART		
GUNA, NM FIX	BOLES, NM VOR/DME	
VIA BWS VOR/DME 351		#12000
		MAA-24000
#RADAR REQUIRED WHEN IN HOLLOMAN APCH CTL AIRSPC.		
NEWMAN, TX VORTAC	TURQE, NM FIX	8000
		MAA-17500
TURQE, NM FIX	BOLES, NM VOR/DME	#8000
		MAA-17500
#MAA 11000 MSL WHEN R-5103C IN USE		
#ROUTE NOT USABLE WHEN R-5103A OR R-5103B IN USE.		
#RADAR REQUIRED WHEN IN HOLLOMAN APPROACH CONTROL AIRSPC.		
IS AMENDED TO DELETE		
ALBUQUERQUE, NM VORTAC	GUNA, NM FIX	*14000
*12100 - MOCA		MAA-24000
CORONA, NM VORTAC	GUNA, NM FIX	*12000
*9000 - MOCA		MAA-24000

FROM	TO	MEA
§95.1001 DIRECT ROUTES-U.S.—Continued		
BAHAMA ROUTES		
549	**IS AMENDED TO READ IN PART**	
NIMRO, FL FIX	*ISAAC, BF FIX	**6400
*8500 - MRA		
**1200 - MOCA		
639		
PEACH, BF FIX	*SYDNY, BF FIX	**2000
*4000 - MRA		
**1200 - MOCA		
§95.6002 VOR FEDERAL AIRWAY 2		
IS AMENDED TO READ IN PART		
MILES CITY, MT VORTAC	DICKINSON, ND VORTAC	6000
LONE ROCK, WI VORTAC	MADISON, WI VOR/DME	3000
§95.6010 VOR FEDERAL AIRWAY 10		
IS AMENDED TO READ IN PART		
U.S. CANADIAN BORDER	FAILS, OH FIX	4000
FAILS, OH FIX	YOUNGSTOWN, OH VORTAC	3000
§95.6024 VOR FEDERAL AIRWAY 24		
IS AMENDED TO READ IN PART		
REDWOOD FALLS, MN VORTAC	*ALWAY, MN FIX	**3400
*4600 - MRA		
**2700 - MOCA		
§95.6026 VOR FEDERAL AIRWAY 26		
IS AMENDED TO READ IN PART		
WHITE CLOUD, MI VORTAC	LANSING, MI VORTAC	3000
§95.6027 VOR FEDERAL AIRWAY 27		
IS AMENDED TO READ IN PART		
FREES, CA FIX	*GETER, CA FIX	**6000
*7000 - MRA		
**4500 - MOCA		

FROM	TO	MEA
§95.6063 VOR FEDERAL AIRWAY 63		
IS AMENDED TO READ IN PART		
HALLSVILLE, MO VORTAC	QUINCY, IL VORTAC	2900
§95.6114 VOR FEDERAL AIRWAY 114		
IS AMENDED TO READ IN PART		
BOYCE, LA FIX	ALEXANDRIA, LA VORTAC	2000
BOYCE, LA FIX	ALEXANDRIA, LA VORTAC	
VIA N ALTER.	VIA N ALTER.	2000
ALEXANDRIA, LA VORTAC	BATON ROUGE, LA VORTAC	2500
ALEXANDRIA, LA VORTAC	MOSHE, LA FIX	
VIA N ALTER.	VIA N ALTER.	2000
§95.6141 VOR FEDERAL AIRWAY 141		
IS AMENDED TO READ IN PART		
DRUNK, MA FIX	*CELTS, MA FIX	4000
*2500 - MRA		
§95.6188 VOR FEDERAL AIRWAY 188		
IS AMENDED TO READ IN PART		
U.S. CANADIAN BORDER	FAILS, OH FIX	4000
FAILS, OH FIX	JEFFERSON, OH VORTAC	3000
§95.6212 VOR FEDERAL AIRWAY 212		
IS AMENDED TO READ IN PART		
ALEXANDRIA, LA VORTAC	LARTO, LA FIX	
VIA N ALTER.	VIA N ALTER.	2000
§95.6213 VOR FEDERAL AIRWAY 213		
IS AMENDED TO READ IN PART		
WOODSTOWN, NJ VORTAC	HOLEY, NJ FIX	*3000
*1400 - MOCA		
HOLEY, NJ FIX	ROBBINSVILLE, NJ VORTAC	*3000
*1500 - MOCA		
ROBBINSVILLE, NJ VORTAC	WARRD, NJ	*3000
*1900 - MOCA		MAA-10000
WARRD, NJ	SHOTT, NJ FIX	*3000
*2000 - MOCA		MAA-10000
SHOTT, NJ FIX	SPARTA, NJ VORTAC	*3500
*2600 - MOCA		MAA-10000
SPARTA, NJ VORTAC	FLORR, NY FIX	*3500
*2900 - MOCA		
FLORR, NY FIX	ALBANY, NY VORTAC	*8000
*5500 - MOCA		
§95.6214 VOR FEDERAL AIRWAY 214		
IS AMENDED BY ADDING		
BALTIMORE, MD VORTAC	SWANN, MD FIX	2000
SWANN, MD FIX	KERNO, MD FIX	*2500
*1400 - MOCA		

FROM	TO	MEA
§95.6214 VOR FEDERAL AIRWAY 214—Continued		
KERNO, MD FIX	DUPONT, DE VORTAC	2000
DUPONT, DE VORTAC	YARDLEY, PA VORTAC	2400
YARDLEY, PA VORTAC	TETERBORO, NJ VOR/DME	*3000
*2000 - MOCA		MAA-10000
§95.6216 VOR FEDERAL AIRWAY 216		
IS AMENDED TO READ IN PART		
SQUIR, MI FIX	MUSKEGON, MI VORTAC	3000
MUSKEGON, MI VORTAC	SAGINAW, MI VORTAC	3000
SAGINAW, MI VORTAC	PECK, MI VORTAC	3000
§95.6245 VOR FEDERAL AIRWAY 245		
IS AMENDED TO READ IN PART		
ALEXANDRIA, LA VORTAC	LARTO, LA FIX	2000
§95.6249 VOR FEDERAL AIRWAY 249		
IS AMENDED BY ADDING		
ROBBINSVILLE, NJ VORTAC	SOLBERG, NJ VORTAC	*3000
*2100 - MOCA		MAA- 8000
SOLBERG, NJ VORTAC	SPARTA, NJ VORTAC	3000
		MAA- 8000
§95.6254 VOR FEDERAL AIRWAY 254		
IS AMENDED TO READ IN PART		
MILES CITY, MT VORTAC	GLASGOW, MT VOR/DME	6000
§95.6445 VOR FEDERAL AIRWAY 445		
IS AMENDED BY ADDING		
MITCH, MD FIX	SWANN, MD FIX	*3000
*2200 - MOCA		
SWANN, MD FIX	KERNO, MD FIX	*2500
*1400 - MOCA		
KERNO, MD FIX	DUPONT, DE VORTAC	2000
DUPONT, DE VORTAC	YARDLEY, PA VORTAC	2400
YARDLEY, PA VORTAC	JERYY, NJ FIX	3000
JERYY, NJ FIX	WARRD, NJ	*3000
*1700 - MOCA		
WARRD, NJ	NANCI, NY FIX	*3000
*1700 - MOCA		MAA-12000
NANCI, NY FIX	LA GUARDIA, NY VOR/DME	2700
§95.6467 VOR FEDERAL AIRWAY 467		
IS AMENDED TO READ IN PART		
ADAPS, NJ FIX	NANCI, NY FIX	*3000
*1600 - MOCA		

FROM	TO	MEA

§95.6467 VOR FEDERAL AIRWAY 467—Continued

NANCI, NY FIX	LA GUARDIA, NY VOR/DME	2700

§95.6494 VOR FEDERAL AIRWAY 494
IS AMENDED TO READ IN PART

MENDOCINO, CA VORTAC *7000 - MRA	*GETER, CA FIX	6000

§ 95.6200 VOR FEDERAL AIRWAY 200
IS AMENDED TO READ IN PART

BONNEVILLE, UT VORTAC *11000 - MCA STACO, FIX, SE BND	*STACO, UT FIX	9000
STACO, UT FIX *10500 - MCA FAIRFIELD VORTAC, NW BND *12000 - MCA FAIRFIELD VORTAC, E BND	*FAIRFIELD, UT VORTAC	12000

§ 95.6253 VOR FEDERAL AIRWAY 253
IS AMENDED TO DELETE

*FAIRFIELD, UT VORTAC *10500 - MCA FAIRFIELD VORTAC, NW BND **11000 - MCA STACO FIX, SE BND	**STACO, UT FIX	12000
BONNEVILLE, UT VORTAC	LUCIN, UT VORTAC	9500

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT FROM	AIRWAY SEGMENT TO	CHANGEOVER POINTS DISTANCE	CHANGEOVER POINTS FROM
	V-58		
	IS AMENDED TO DELETE		
PHILIPSBURG, PA VORTAC	WILLIAMSPORT, PA VORTAC	28	PHILIPSBURG
	V-141		
	IS AMENDED TO READ IN PART		
HYANNIS, MA VORTAC	BOSTON, MA VORTAC	30	HYANNIS

[FR Doc. 85-7613 Filed 3-29-85; 8:45 am]
BILLING CODE 4910-13-C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Parts 904, 922, and 970

50 CFR Parts 216, 219, 246, 285, and 621

[Docket No. 41157-4157]

Seizure and Forfeiture Procedures

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Interim final rule.

SUMMARY: NOAA issues this rule to consolidate its procedural regulations concerning property seized and forfeited under the various statutes it enforces including remission and mitigation of forfeiture and sale of perishable fish. The intent is to consolidate, expand and replace numerous procedural regulations. The rule also establishes uniform procedures for administrative forfeitures under the Endangered Species Act, Lacey Act, and Fur Seal Act, as well as procedures for collecting storage costs under the Lacey and Endangered Species Acts. The rule does not establish standards for determining whether property should be seized or forfeited. The rule is added as Subpart F to NOAA's interim final rules governing civil procedures.

DATES: This rule is effective April 1, 1985, as an interim rule. Comments must be submitted on or before May 31, 1985.

ADDRESSES: Interested persons may submit written comments to NOAA Office of General Counsel, Room 533, 3300 Whitehaven Street, NW., Washington, D.C. 200235.

FOR FURTHER INFORMATION CONTACT: Patricia Kraniotis, (202) 254-8350 [Address above].

SUPPLEMENTARY INFORMATION:

Discussion

These regulations provide consolidated, uniform procedures for treating property that has been seized and is subject to forfeiture, or that has been forfeited under the various statutes NOAA enforces, including the Magnuson Fishery Conservation and Management Act, the Northern Pacific Halibut Act of 1982, the Atlantic Tunas Convention Act of 1975, the Lacey Act Amendments of 1981, the Endangered Species Act of 1973, and the Marine Mammal Protection Act of 1972. They do not replace regulations covering the disposal of abandoned and forfeited property at 50 CFR Part 219, Subpart C.

The present regulations governing NOAA's procedures for handling seized and forfeited property are scattered throughout 50 CFR. It is the intent of these regulations to provide a single set of uniform procedures for treating such property. In addition, recent legislative enactments have added to the procedures NOAA may use respecting seized property, such as the authority to sell perishable fish under the Northern Pacific Halibut Act and to recoup storage costs under the Lacey and Endangered Species Acts. These regulations implement the additional statutory procedures.

One of the main additions to NOAA's procedures respecting seized property is the adoption of administrative forfeiture procedures under the Lacey, Endangered Species, and Fur Seal Acts. NOAA has not previously published regulations governing administrative forfeitures under these statutes. Sections 904.503, 904.504, and 904.505 concern administrative forfeitures. Section 904.503 establishes procedures for appraising seized property. This is necessary, among other things, to determine whether property is valued at $100,000 or less and thus subject to administrative forfeiture, or whether such property must be forfeited judicially. The appraisement standards implement 19 U.S.C. 1606. Sections 904.504 and 904.505 establish procedures for notifying claimants of the forfeiture proceedings and for posting claims and bonds. These procedures are governed by applicable Customs law [see 19 U.S.C. 1606-1609 (as most recently amended by Pub. L. 98-473)]. NOAA expects that use of administrative forfeiture procedures (rather than filing *in rem* action in federal district court in all cases) will save time and expense both for the agency and the public, particularly with regard to small-valued, routine seizures. It should be noted that administrative forfeiture procedures do not apply to conveyances (vessels or vehicles) subject to forfeiture in connection with criminal proceedings under the Lacey and Endangered Species Acts.

The summary sale procedures in § 904.505 are patterned after similar regulations issued under the Magnuson Fishery Conservation and Management Act. They consolidate current regulations under several statutes. The provisions apply only to sale of fish. Such procedures are necessary because when NOAA agents seize fish in connection with a violation, because it is highly perishable, the value of the fish may diminish rapidly unless it is immediately sold and processed. The proceeds of such sales substitute for the fish in subsequent legal proceedings. Of course, not all seized fish is sold. For instance, spoiled or contaminated products would not be sold; nor, as a matter of policy, would fish (such as undersized fish) for which there is no legal market generally be sold. Authority to sell seized fish derives from several statutes either directly as in the Northern Pacific Halibut Act, Atlantic Tuna Conventions Act, and Magnuson Fishery Conservation and Management Act (where such authority was further clarified in 1982 by Pub. L. 97-453); or by reference to Customs Law as in the Lacey Act.

Section 904.506 addresses remission and mitigation of forfeitures. It applies to property that either has been forfeited or that is seized and subject to forfeiture. This section, which is patterned after existing regulations, allows NOAA discretion to exercise clemency with respect to forfeitures in appropriate cases, for instance where the owner of otherwise legal property acted in good faith, and the violation that gave rise to seizure was technical, minor and unintentional.

The section sets forth the Customs law standards (19 U.S.C. 1618) for exercising the remission and mitigation authority, including the circumstances in which forfeitures will not be remitted or mitigated. As a general rule petitions for remission or mitigation will not be considered once the property has been decreed forfeited, unless a claimant can show that he or she was unaware of the seizure and pending forfeiture proceedings. (In that case the claimant must submit the petition within three months of the declaration or decree of forfeiture.) This is necessary in order to give the agency a cut-off point after which it can make appropriate disposition of the forfeited property. Section 904.507 contains similar provisions with respect to proceeds from the sale of seized and forfeited property. This section also sets forth procedures for NOAA to deduct its storage and maintenance costs from proceeds of sale of forfeited property prior to depositing such proceeds. These authorities derive from references in the various NOAA statutes to Customs law. Section 904.508 sets forth the procedures for recovering storage and maintenance costs from violators for property seized in connection with violations of the Endangered Species Act and Lacey Act. Under both statutes violators are liable for such costs.

Request for Comments

These rules are effective immediately as interim rules. Although no notice or

comment period is required for rules of agency procedure or practice, we are requesting comments on the rules and will review them in light of the comments.

Classification

NOAA has determined that these rules are not major rules as defined by Executive Order 12291, "Federal Regulations." The Regulatory Flexibility Act does not apply because no notice of proposed rulemaking is required. These rules are categorically excluded from preparation of an Environmental Analysis under the National Environmental Policy Act of 1969 by NOAA Directive 02-10. They do not contain information collection requests that are subject to the Paperwork Reduction Act.

List of Subjects

15 CFR Parts 904, 922 and 970

Administrative practice and procedure, Seizures, Forfeitures.

50 CFR Parts 216, 219, 246, 285, and 621

Dated: March 19, 1985.

Administrative practice and procedure, Seizures, Forfeitures.

Mirco P. Snidero,

Director, Office of Administrative Management, National Oceanic and Atmospheric Administration.

1. The following new Subpart F is added to 15 CFR Part 904:

PART 904—CIVIL PROCEDURES

* * * * *

Subpart—Seizure and Forfeiture Procedures

Sec.

904.500 Purpose and scope.
904.501 Notice of seizure.
904.502 Bonded release.
904.503 Appraisement.
904.504 Administrative forfeiture proceedings.
904.505 Summary sale.
904.506 Remission and mitigation of forfeiture.
904.507 Petition for restoration of proceeds.
904.508 Recovery of certain storage costs.

Authority: Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971–971i; Atlantic Salmon Convention Act of 1982, 16 U.S.C. 3601–3608; Deep Seabed Hard Mineral Resources Act, 30 U.S.C. 1401 *et seq.*; Endangered Species Act of 1973, 16 U.S.C. 1531–1543; Fur Seal Act of 1966, 16 U.S.C. 1151 *et seq.* (as amended by Pub. L. 98–129); Lacey Act Amendments of 1981, 16 U.S.C. 3371–3378; Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801–1882; Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1407; Marine Protection, Research and Sanctuaries Act, 16 U.S.C. 1431–1434; Northern Pacific Halibut Act of 1982, 16 U.S.C. 773–773k; North Pacific Fisheries Act of 1954, 16 U.S.C. 1021–1032; Sockeye Salmon or Pink Salmon Fishing Act of 1947, 16 U.S.C. 776–776f; Sponge Act, 16 U.S.C. 781 *et seq;* Tuna Conventions Act of 1950, 16 U.S.C. 951–961.

Subpart F—Seizure and Forfeiture Procedures

§ 904.500 Purpose and Scope.

(a) This Subpart establishes procedures relating to seized property (except property seized and held solely as evidence) that is subject to forfeiture under the various statutes administered by the National Oceanic and Atmospheric Administration (NOAA).

(b) Except as provided in this Subpart, these regulations apply to all seized property subject to forfeiture under the following statutes:

(1) Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971–971i;

(2) Atlantic Salmon Convention Act of 1982, 16 U.S.C. 3601–3608;

(3) Deep Seabed Hard Mineral Resources Act, 30 U.S.C. 1401 *et seq.*;

(4) Endangered Species Act of 1973, 16 U.S.C. 1531–1543;

(5) Fur Seal Act of 1966, as amended, 16 U.S.C. 1151 *et seq.*;

(6) Lacey Act Amendments of 1981, 16 U.S.C. 3371–3378;

(7) Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801–1882;

(8) Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1407;

(9) Marine Protection, Research and Sanctuaries Act, 16 U.S.C. 1431–1434;

(10) Northern Pacific Halibut Act of 1982, 16 U.S.C. 773–773k;

(11) North Pacific Fisheries Act of 1954; 16 U.S.C. 1021–1032;

(12) Sockeye Salmon or Pink Salmon Fishing Act of 1947, 16 U.S.C. 776–776f;

(13) Sponge Act, 16 U.S.C. 781 *et seq.*;

(14) Tuna Conventions Act of 1950, 16 U.S.C. 951–961;

This Subpart is in addition to, and not in contradiction of, any special rules regarding seizure, holding or disposition of items seized under these statutes.

§ 904.501 Notice of seizure.

Except where the owner, consignee, or other party that the facts of record indicate has an interest in the seized property is personally notified, or where seizure is made pursuant to a search warrant, the Administrator, or his or her designee, will, as soon as practicable following the seizure or other receipt of seized property, mail notice of the seizure by registered or certified mail, return receipt requested, to the owner or consignee, if known or easily ascertainable, or other party that the facts of record indicate has an interest in the seized property. The notice will describe the seized property and state the time, place and reason for the seizure. The notice will inform each interested party of his or her right to apply for remission or mitigation of the forfeiture (including any agreement that may be required under § 904.506(b)(2)(G) of this Subpart). The notice may be combined with a notice of the sale of perishable fish issued under § 904.505 of this Subpart.

§ 904.502 Bonded release.

The Administrator may, in his or her sole discretion, release any seized property upon deposit with the Administrator of the full value of the property or such lesser amount as the Administrator deems sufficient to protect the interests served by the applicable statute. The deposit will be held in a NOAA suspense account, or deposited with the appropriate court, pending the outcome of forfeiture proceedings. In addition, the Administrator may, in his or her sole discretion, accept a bond or other security in place of fish, wildlife, or other property seized. The bond will contain such conditions as the Administrator deems appropriate. The provisions of § 904.506(f) of this Subpart apply to the Administrator's determination whether to release the property. The deposit or bond will for all purposes be considered to represent the property seized and subject to forfeiture.

§ 904.503 Appraisement.

The Administrator will appraise seized property to determine its domestic value. Domestic value means the price at which such or similar property is offered for sale at the time and place of appraisement in the ordinary course of trade. If there is no market for the seized property at the place of appraisement, the value in the principal market nearest the place of appraisement will be used. If the seized property may not lawfully be sold in the United States, its domestic value will be determined by other reasonable means.

§ 904.504 Administrative forfeiture proceedings.

(a) *When Authorized.* Whenever any property seized under the Endangered Species Act of 1973, the Lacey Act Amendments of 1981, or the Fur Seal Act of 1966, is determined under § 904.503 of this Subpart to have a value of $100,000 or less, the Administrator may obtain its forfeiture under this section. This section does not apply to conveyances seized in connection with criminal proceedings.

(b) *Procedure.*—(1) *Notice of Proposed Forfeiture.* The Administrator will publish a notice of proposed forfeiture once a week for at least three successive weeks in a newspaper of general circulation in the judicial district in which the property was seized. However, if the value of the seized property does not exceed $1,000, the notice may be published by posting for at least three successive weeks in a conspicuous place accessible to the public at the National Marine Fisheries Service Enforcement Office, United States District Court, or the United States Customs House nearest the place of seizure, with the date of posting indicated on the notice. In addition, a reasonable effort will be made to serve the notice personally, or by registered or certified mail, return receipt requested, on each person whose whereabouts and interests in the property are known or easily ascertainable.

(2) *Contents.* The notice of proposed forfeiture will:

(A) Describe the seized property, including any applicable registration or serial numbers;

(B) State the time, place and reason for the seizure; and

(C) Describe the rights of an interested person to file a claim to the property (including the right to file a motion to stay administrative forfeiture proceedings and to petition to remit or mitigate the forfeiture).

(3) *Filing a Claim and Bond.*—(A) *Claim.* Except as provided in paragraph (b)(4) of this section, any person claiming the seized property may file a claim with the Administrator, at the address indicated in the notice, within 20 days of the date the notice was first published or posted. The claim shall state the claimant's interest in the property.

(B) *Bond.* Except as provided in paragraphs (b)(3)(E) or (b)(4) of this section, a bond for costs in the penal sum of $5,000 or 10 percent of the appraised value of the property, whichever is lower, but not less than $250, with sureties satisfactory to the Administrator, shall be filed with the claim for seized property. The bond may be posted by certified check or on Customs form 4615 (or a similar form provided by NOAA). There shall be endorsed on the bond a list or schedule in substantially the following form, signed by the claimant in the presence of witnesses, and attested by the witnesses:

List or schedule containing a particular description of seized article, claim for which is covered by the within bond; to wit:

_____

_____

The foregoing list is correct.

_____

Claimant.

Attest

_____

_____

(C) *Claimant Not Entitled to Possession.* Filing a claim and posting a bond does not entitle the claimant to possession of the property. However, it does stop administrative forfeiture proceedings.

(D) *Referral to Attorney General.* If the claim and bond are timely filed in accordance with this section, the Administrator will refer the matter to the Attorney General to institute forfeiture proceedings in the appropriate United States District Court.

E) *Waiver of Bond.* Upon satisfactory proof of financial inability to post the bond, the Administrator may waive the bond requirement for any person claiming an interest in the seized property.

(4) *Motion for Stay.* Instead of, or in addition to, filing a claim and bond under paragraph (b)(3) of this section, any person claiming the seized property may file with the Administrator within 20 days after the date of first publication or posting of the notice of proposed forfeiture, a motion to stay administrative forfeiture proceedings. The motion shall contain: (i) The claimant's verified statement showing the claimant's absolute title to the seized property, free of all liens or other third party interests; and (ii) the claimant's offer to pay in advance all reasonable costs anticipated for storage and maintenance of the property. The Administrator, in his or her discretion, may grant the stay and impose any conditions deemed reasonable, including but not limited to length of the stay, factors that would automatically terminate the stay, and any requirement for a bond to secure payment of storage or maintenance costs. If the Administrator denies or terminates the stay, the claimant, if he or she has not already done so, has 20 days from receipt of the denial or termination order to file a claim and bond in accordance with paragraph (b)(3) of this section. Failure to file the claim and bond within that 20 days will result in summary forfeiture under paragraph (b)(5) of this section.

(5) *Summary Forfeiture.* If a claim and bond are not filed within 20 days of notice in accordance with this section, the Administrator will declare the property forfeited. The declaration of forfeiture will be in writing and will be served on each person whose whereabouts and prior interest in the seized property are known or easily ascertainable. The forfeited property will be subject to disposition as authorized by law and regulations of the Administrator.

(6) *Judicial Forfeiture.* If the appraised value of the property is more than $100,000, or a timely and satisfactory claim and bond for property appraised at $100,000 or less are submitted to the Administrator, the matter will be referred to the Attorney General to institute *in rem* proceedings in the appropriate United States District Court.

§ 904.505 Summary sale.

(a) In view of the perishable nature of fish, any person authorized to enforce a statute administered by NOAA may, as authorized by law, sell or cause to be sold, and any person may purchase, for not less than its domestic fair market value, fish seized under such statute.

(b) Any person purchasing fish subject to this section shall deliver the proceeds of the sale to a person authorized to enforce a statute administered by NOAA immediately upon request of such authorized person. Anyone who does not so deliver the proceeds may be subject to penalties under the applicable statute or statutes.

(c) The Administrator will give notice of the sale by registered or certified mail, return receipt requested, to the owner or consignee, if known or easily ascertainable, or to any other party that the facts of record indicate has an interest in the seized fish, unless the owner or consignee or other interested party has otherwise been personally notified. Notice will be sent either prior to the sale, or as soon thereafter as practicable.

(d) The proceeds of the sale, after deducting any reasonable costs of the sale, will be subject to any administrative or judicial proceedings in the same manner as the seized fish would have been, including an action *in rem* for the forfeiture of the proceeds. Pending disposition of such proceedings, the proceeds will, as appropriate, either be deposited in a NOAA suspense account or submitted to the appropriate court. The proceeds will not be subject to release under §§ 904.502 or 904.506(f) of this Subpart.

(e) Seizure and sale of fish is without prejudice to any other remedy or sanction authorized by law.

§ 904.506 Remission and mitigation of forfeiture.

(a) *Application of This Section.* (1) This section establishes procedures for filing with the Administrator a petition for relief from foreitures incurred, or

alleged to have been incurred, under any statute administered by NOAA that authorizes the remission or mitigation of forfeitures.

(2) For purposes of this section, the "remission or mitigation of a forfeiture" or "relief from forfeiture" means action by the Administrator, following coordination as necessary with other federal agencies and the courts, to release from the custody of the United States all or part of property seized and subject to forfeiture, upon compliance with any terms and conditions set by the Administrator, such as payment of a stated amount in settlement of the forfeiture aspects of a violation. Although the Administrator may properly consider a petition for relief from forfeiture along with other consequences of a violation, the remission or mitigation of a forfeiture is not dispositive of any criminal charge filed, civil penalty assessed, or permit sanction proposed, unless the Administrator expressly so states. Remission or mitigation of a forfeiture is in the nature of executive clemency and is granted in the sole discretion of the Administrator only when consistent with the purposes of the particular statute involved and this section.

(3) The Administrator will not consider a petition for remission or mitigation while a forfeiture proceeding is pending in federal court. Once such a case is referred to the Attorney General for institution of judicial proceedings, and until the proceedings are completed, any petition received by the Administrator will be forwarded to the Attorney General for consideration.

(b) *Petition for Relief from Forfeiture.* (1) Any person having an interest in property seized and subject to forfeiture may file a petition for relief from forfeiture. Unless otherwise directed in a notice concerning the seized property, the petition shall be addressed to the Administrator and filed with the Regional Director, National Marine Fishers Service, nearest to the place where the property is held:

Seattle, Washington 98115
Terminal Island, California 90731
Juneau, Alaska 99802
Gloucester, Massachusetts 01930
St. Petersburg, Florida 33702

The Administrator will consider a petition filed after a declaration or decree of forfeiture only if the petitioner demonstrates that he or she did not previously know of the seizure and was in such circumstances as prevented him or her from knowing of it, except that the Administator will not consider a petition filed more than three months from the date of such declaration or decree. (See §904.507 of this Subpart regarding the right of certain claimants to petition for restoration of proceeds from the sale of forfeited property.)

(2) The petition need not be in any particular form, but shall set forth the following:

(A) A description of the property seized;

(B) The date and place of the seizure;

(C) The petitioner's interest in the property, support as appropriate by bills of sale, contracts, mortgages, or other satisfactory evidence;

(D) The facts and circumstances relied upon by the petitioner to justify the remission or mitigation;

(E) Any request for release under paragraph (f) of this section pending final decision on the petition, together with any offer of payment to protect the United States' interest that petitioner makes in return for the release, and the facts and circumstances relied upon by petitioner in the request;

(F) The signature of the petitioner, his or her attorney, or other authorized agent; and

(G) An express agreement to defer administrative or judicial forfeiture proceedings until completion of all other related judicial or administrative proceedings (including any associated civil penalty or permit sanction proceedings). A false statement in a petition will subject petitioner to prosecution under 18 U.S.C. 1001.

(c) *Investigation.* The Administrator will investigate the facts and circumstances shown by the petition and seizure, and may in this respect appoint an investigator to examine the facts and prepare a report of investigation.

(d) *Decision on Petition.* (1) After investigation under paragraph (c) of this section, the Administrator will decide the matter and notify the petitioner. The Administrator may remit or mitigate the forfeiture, on such terms and conditions as under the applicable statute and the circumstances are deemed reasonable and just, upon a finding:

(A) That the forfeiture was incurred without willful negligence and without any intention on the part of petitioner to violate the applicable statute; or

(B) That other circumstances exist that justify remission or mitigation of the forfeiture.

(2) Unless the Administrator determines no valid purpose would be served, the Administrator will condition a decision to remit or mitigate a forfeiture upon the petitioner's submitting an agreement, in a form satisfactory to the Administrator, to hold the United States and its officers or agents harmless from any and all claims based on loss of or damage to the seized property or that might result from grant of remission or mitigation. If the petitioner is not the beneficial owner of the property, or if there are others with a proprietary interest in the property, the Administrator may require the petitioner to submit such an agreement executed by the beneficial owner or other interested party. The Administrator may also require that the property be promptly exported from the United States.

(e) *Compliance with the Decision.* A decision by the Administrator to remit or mitigate the forfeiture upon stated conditions, as upon payment of a specified amount, will be effective for 60 days after the date of the decision. If the petitioner does not comply with the conditions within that period in the manner prescribed by the decision, or make arrangements satisfactory to the Administrator for late compliance, the remission or mitigation will be void, and judicial or administrative forfeiture proceedings will be instituted or resumed.

(f) *Release of Seized Property Pending Decision.* (1) Upon request in the petition for relief from forfeiture, the Administrator may in his or her discretion order the release, pending final decision on the petition, of all or part of the seized property upon payment by the petitioner of the full value of the property to be released or such lesser amount as the Administrator deems sufficient to protest the interests served by the applicable statute. The following, however, will not be released:

(A) Property in which the Administrator is not satisfied that the petitioner has a substantial interest;

(B) Property whose entry into the commerce of the United States is prohibited;

(C) Live animals, except in the interest of the animals' welfare;

(D) Proceeds from the sale of seized property sold under § 904.505 of this Subpart (see § 904.507 of this Subpart regarding petitions for restoration of proceeds from the sale of property declared forfeited); or

(E) Where it appears to the Administrator that it would not be in the best interest of the United States or serve the purposes of the applicable statute to release the property.

(2) If the Administrator grants the request, the amount paid by petitioner will be deposited in a NOAA suspense account. The amount so deposited will for all purposes be considered to represent the property seized and subject to forfeiture, and payment of the amount by petitioner constitutes a

waiver by the petitioner of any claim arising from the seizure and custody of the property. The Administrator will maintain the money so deposited pending his further order, order of a court, or disposition by applicable administrative proceedings.

§ 904.507 Petition for restoration of proceeds.

(a) The general provisions of § 904.506 of this Subpart on petitions for remission or mitigation of forfeitures apply to petitions for restoration of proceeds from the sale of forfeited property, except as modified by this section.

(b) In addition, to any evidence required under § 904.506 of this Subpart, the petition for restoration of proceeds shall be supported by satisfactory proof that the petitioner did not know of the seizure prior to the declaration or decree of forfeiture and was in such circumstances as prevented him or her from knowing of it.

(c) If forfeited property that is the subject of a claim for restoration of proceeds has been appropriated for official use, retention by the government will be regarded as sale for the purposes of this section.

(d) No petition for restoration of proceeds will be considered unless it is submitted within three months of the declaration or decree of forfeiture.

(e) If no petition is timely filed, or if the petition is denied, prior to depositing the proceeds the Administrator may use the proceeds of sale to reimburse the government for any costs that by law may be recovered or to pay any reward that by law may be paid from such sums.

§ 904.508 Recovery of certain storage costs.

If any fish, wildlife, or evidentiary item is seized and forfeited under the Endangered Species Act, 16 U.S.C. 1531–1543, any person whose act or omission was the basis for the seizure may be charged a reasonable fee for expenses to the United States connected with the transfer, board, handling or storage of such property. If any fish or wildlife is seized in connection with a violation of the Lacey Act Amendments of 1981, 16 U.S.C. 3371–3378, any person convicted thereof, or assessed a civil penalty therefor, may be assessed a reasonable fee for expenses of the United States connected with the storage, care and maintenance of such property. Within a reasonable time after forfeiture, the Administrator will send to such person by registered or certified mail, return receipt requested, a bill for such fee. The bill will contain an itemized statement of the applicable costs, and instructions on the time and manner of payment. Payment shall be made in accordance with the bill. If the recipient of the bill objects to the reasonableness of the costs assessed he or she may, within 30 days of receipt, file written objections with the Administrator at the address stated in the bill. The Administrator will promptly review the written objections and within 30 days mail his or her final decision to the party who filed them. The Administrator's decision will constitute final agency action on the matter.

PART 922—NATIONAL MARINE SANCTUARIES PROGRAM

2. The introductory paragraph of § 922.40 is revised to read as follows:

* * * * *

§ 922.40 Applicable procedures.

NOAA will apply to all enforcement matters under the Act the consolidated civil procedure regulations, set forth at 46 FR 61643 (1981) (to be codified at 15 CFR 904.100 through 904.273), and the seizure, forfeiture, and disposal procedure regulations set forth at 46 FR 31648 (1981) (to be codified at 50 CFR Part 219), and the seizure and forfeiture procedures set forth at 50 FR 12781 (to be codified at 15 CFR Part 904, Subpart F).

* * * * *

PART 970—DEEP SEABED MINING REGULATIONS FOR EXPLORATION LICENSES

3. Section 970.1104 is revised to read as follows:

* * * * *

§ 970.1104 Remission of forfeitures.

Subpart F of 15 CFR Part 904 governs procedures regarding seized property that is subject to forfeiture or has been forfeited under the Act, including the remission or mitigation of forfeitures.

* * * * *

TITLE 50—WILDLIFE AND FISHERIES

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

4. Section 216.7 is amended by revising paragraph (b) and removing paragraph (c) as follows:

§ 216.7 Holding and bonding.

* * * * *

(b) Any arrangement for the handling and care of seized property shall be in writing and shall state the compensation to be paid. Subpart F of 15 CFR Part 904 contains additional procedures that govern seized property that is subject to forfeiture or has been forfeited under the Act.

(c) [Removed]

* * * * *

PART 219—SEIZURE, FORFEITURE, AND DISPOSAL PROCEDURES

5. Subpart B, consisting of §§ 219.11 through 219.15, is removed and the subpart is reserved, as follows:

Subpart B—[Reserved]

§§ 219.11 through 219.15 [Removed]

PART 246—[RESERVED]

§§ 246.1 through 246.17 [Removed]

6. Part 246, consisting of §§ 246.1 through 246.17 is removed and the Part is reserved.

PART 285—ATLANTIC TUNA FISHERIES

7. Section 285.5 is amended by revising paragraph (b) and removing paragraph (c), as follows:

§ 285.5 [Amended]

* * * * *

(b) Subpart F of 15 CFR Part 904 governs procedures regarding seized property that is subject to forfeiture or has been forfeited under the Act, including sale by the government of seized tuna.

(c) [Removed]

* * * * *

PART 621—CIVIL PROCEDURES

8. Section 621.1 is amended by removing paragraphs (d) and (e) as follows:

§ 621.1 [Amended]

(d) [Removed]

(e) [Removed]

* * * * *

9. Section 621.2 is amended by removing paragraph (d) as follows:

§ 621.2 [Amended]

* * * * *

(d) [Removed]

* * * * *

10. Subpart E, consisting of §§ 621.61 through 621.66, is removed and the subpart is reserved, as follows:

Subpart E—[Reserved]

§§ 621.61 through 621.66 [Removed]

[FR Doc. 85-7404 Filed 3-29-85; 8:45 am]
BILLING CODE 3510-12-M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act

AGENCY: Federal Trade Commission.

ACTION: Final rule revision.

SUMMARY: The Federal Trade Commission's Appliance Labeling Rule requires that the table in § 305.9, which sets forth the representative average unit energy costs for four residential energy sources; be revised periodically on the basis of updated information provided by the Department of Energy ("DOE").

This notice revises the table to incorporate the latest figures for average unit energy costs as published in the **Federal Register** on February 4, 1985, by DOE.

DATES: The revised Table 1 is effective April 1, 1985. The mandatory dates for using these revised DOE cost figures are detailed below.

FOR FURTHER INFORMATION CONTACT: James Mills, 202–376–8934 or Lucerne D. Winfrey, 202–376–8934, attorneys, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: On November 19, 1979, the Federal Trade Commission issued a final Appliance Labeling Rule (44 FR 66466) in response to a directive in section 324 of the Energy Policy and Conservation Act ("EPCA"), 42 U.S.C. 6201 (1975). The rule requires the disclosure of energy efficiency or cost information on labels and in retail sales catalogs for seven categories of appliances, and mandates that these energy costs or energy efficiency ratings be based on standardized test procedures developed by DOE. The rule also requires a general disclosure, on certain point-of-sale promotional materials, of the availability of energy cost or energy efficiency information, and requires that any claims concerning energy consumption made in writing or in broadcast advertisements be based on results of the standardized test procedures. The cost and efficiency information obtained by following the test procedures is derived by using representative average unit energy costs, which, as required by section 323(b)(2) of EPCA, DOE must develop and provide to manufacturers. These figures are incorporated into § 305.9 of the Commission's rule.

Table 1 in § 305.9 of the rule sets forth the representative average unit energy costs to be used for all requirements of the rule. Section 305.9(b), states that the Table is intended to be revised periodically on the basis of updated information provided by DOE. Table 1 was first revised by publication of new DOE figures on January 13, 1981, in the **Federal Register** (46 FR 2974).

On February 4, 1985, DOE published (50 FR 4889) the most recent figures for representative average unit energy costs. Consequently, Table 1 must again be updated in order to reflect these latest cost figures. Accordingly, Table 1 is revised to read as set forth below.

Mandatory Use of Revised Cost Figures

The dates when use of these figures becomes mandatory in calculating cost disclosures for use in reporting, labeling and advertising products covered by the Commission's rule and/or EPCA are as follows:

For 1985 Submissions of Data Under § 305.8 of the Commission's Rule

The new cost figures must be used in all 1985 submissions except clothes washers. Because it appears that the 1985 costs will not be in effect on the mandatory submission date for these products, clothes washer submissions for 1985 could be based on the 1984 cost figures.

For Labeling and Advertising of Products Under the Commission's Rule

Only those products for which new ranges have been published based on 1985 submissions using these 1985 DOE cost figures should be labeled with estimated annual cost figures calculated using these 1985 DOE representative average unit costs for energy. If such new ranges are published, the effective date for labeling new products will be ninety days after publication of the ranges in the **Federal Register.** Advertising for these products must also be based on the new costs and ranges beginning ninety days after publication of the new ranges in the **Federal Register.**

Advertising of Products Covered by EPCA but not by the Commission's Rule

Manufacturers of products covered by 323(c) of EPCA, but not by the Appliance Labeling Rule (clothes dryers, television sets, kitchen ranges and ovens, humidifiers and dehumidifiers, central air conditioners, and home heating equipment, not including furnaces) must use the 1985 representative average unit costs for energy in all representations effective July 1, 1985.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Authority: Sec. 324 of the Energy Policy and Conservation Act, (Pub. L. 94–163) (1975), as amended by the National Energy Conservation Policy Act, (Pub. L. 95–619) (1978), 42 U.S.C. 6294; section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

PART 305—[AMENDED]

Section 305.9(a) is amended by revising Table 1 to read as follows:

§ 305.9 Representative average unit energy costs.

(a) * * *

TABLE 1.—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FOUR RESIDENTIAL ENERGY SOURCES (1985)

Type of energy	In common terms	As required by DOE test procedure	Dollars per million Btu's[1]
Electricity	7.75¢/kWh[2,3]	$0.0775/kWh	$22.71
Natural gas	61.7¢/therm[4] or $6.27/MCF[5,6]	0.00000617/Btu	6.17
No. 2 heating oil	$1.11/gallon[7]	0.00000800/Btu	8.00
Propane	72.0¢/gallon[8]	0.00000791/Btu	7.91

[1] Btu stands for British thermal unit.
[2] kWh stands for kilowatt hour.
[3] 1 kWh = 3,413 Btu's.
[4] 1 therm = 100,000 Btu's.
[5] MCF stands for 1,000 cubic feet.
[6] For the purposes of this table, 1 cubic foot of natural gas has an energy equivalence of 1,016 Btu's.
[7] For the purposes of this table, 1 gallon of No. 2 heating oil has an energy equivalence of 138,700 Btu's.
[8] For the purposes of this table, 1 gallon of liquid propane has an energy equivalence of 91,000 Btu's.

* * * * *

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 85–7482 Filed 3–29–85; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF STATE

22 CFR Parts 120, 121, 124, 125, 126, 127, and 128

[Departmental Reg. 108.841]

Revision of the International Traffic in Arms Regulations

AGENCY: Department of State.

ACTION: Final Rule; correction and further amendment.

SUMMARY: A revision of the International Traffic in Arms Regulations was published as a final rule in the Federal Register on Thursday, December 6, 1984 (49 FR 47682); editorial corrections appeared on Thursday, December 13, 1984 (49 FR 48536). The following are additional changes to parts 120, 121, 124, 125, 126, 127, 128, and 130. They are primarily editorial corrections or minor changes to the final rule.

Also, amendments are being made to § 126.8—Proposals to foreign persons relating to military equipment. During the period of public comment on the proposed rule, all of the comments which were received regarding § 126.8 questioned the continued need for this provision, which requires the approval of the Office of Munitions Control for certain "Proposals to foreign persons relating to significant military equipment." After further considerationof these comments, the Department of State has decided to amend this section to require prior approval only for proposals or presentations involving significant military equipment not previously approved for export. All other cases falling within this section will be subject to a 30-day prior notification requirement.

EFFECTIVE DATE: March 31, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. William B. Robinson, (202) 235-9755, Director, Office of Munitions Control; Mr. Mark L. Wiznitzer, (202) 235-9756, Office of Munitions Control; Ms. Jean U. Bailly, (202) 632-0568, Office of the Legal Adviser.

Accordingly, FR Doc. 84-31706, published at 49 FR 47682, December 6, 1984 is corrected as follows:

1. Page 47684, § 120.1, line 2, change "2728" to "2778"

2. Page 47686, § 120.24(a), add "(7) Authority to Export Defense Articles and Defense Services sold under the Foreign Military Sales program (Form DSP-94)."

3. Page 47686, § 121.1, Category III(b), line 4, change "power" to "powder"

4. Page 47687, § 121.1, Category VII(d), line 5, change "paragraphs" to "paragraph"

5. Page 47688, § 121.1, Category XIII(a), line 6, change "therefore" to "therefor".

6. Page 47697, § 124.10(a)(4), line 9, between "U.S. Government" and "contributions", insert "must be proportionately reduced to reflect the U.S. Government"

7. Page 47699, § 124.14(e)(1), insert quotation marks at the end of the paragraph.

8. Page 47700, § 125.4(a), insert the following sentence at the end of the paragraph: "A person who determines that an export is not subject to this subchapter should review the Department of Commerce regulations to ensure that the export is not subject to its export jurisdiction."

9. Page 47700, § 125.4(b)(8), line 3, between "exported" and "in accordance", insert "or authorized for export"

10. Page 47702, Part 126, Authority, lines 2-3, delete "601, as amended, 47 Stat. 417 (31 U.S.C. 6a86);"

11. Page 47702, § 126.5(b)(6), line 3, change "(e)" to "(d)"

12. Page 47703, § 126.6, change all references to "DSP-XX" to "DSP-94".

13. Page 47703, § 126.6(c)(2)(i), line 15, change the comma to a period and delete "and which has been stamped: Implemented (date)."

14. Page 47704, 127, Authority, lines 2-3, delete "601, as amended, 47 Stat. 417 (31 U.S.C. 686);"

15. Page 47706, Part 128, Authority, lines 2-3, delete "601, as amended, 47 Stat. 417 (31 U.S.C. 686);"

16. Page 47710, § 130.5(a), line 2, change "(a)(1)" to "(b)"

For the reasons set forth in the summary, 22 CFR Part 126 is amended as follows:

1. In § 126.8(a), revise so much of the introductory text to read as follows: (a) *General.* Either a thirty day prior notification to, or the approval of the Office of Munitions Control is required before a proposal or . . ."

2. Section 126.8(a), is further amended by the addition of the following new flush paragraph after § 126.8(a)(3):

The approval of the Office of Munitions Control must be obtained before a proposal or presentation is made to any foreign person, where the three criteria specified in the preceding paragraph are met, whenever the significant military equipment has not been previously approved for export. Where such proposals or presentations concern equipment previously approved for export, the Office of Munitions Control must be notified in writing thirty days in advance of the proposal or presentation to any foreign person.

3. Section 126.8(b), is amended by inserting the words "notification or" between "prior" and "approval" each time those two words appear.

4. Section 126.8(c)(1) (i) and (ii) are revised to read

(c) * * *

(1) * * *

(i) Refers to a specific notification made or approval previously granted with respect to the transaction; or (ii) Certifies that no proposal or presentation requiring prior notification or approval has been made.

* * * * *

5. In § 126.8(d), the introductory text is revised to read as follows: (d) *Satisfaction of requirements.* The requirement of this section for prior notification is met by informing the Office of Munitions Control by letter 30 days before making the proposal or presentation. This letter must comply with the procedures set forth in paragraph (f) of this section and must identify the license or other approval by which the Office of Munitions Control had previously authorized the export of the identical equipment. The requirement of this section for prior approval is met by any of the following:

6. Section 126.8(e), is revised to read as follows:

(e) *Penalties.* In addition to other remedies and penalties prescribed by law or this subchapter, a failure to notify the Office of Munitions Control or to obtain the approval required by this section for significant military equipment which has not been previously authorized for export may be considered to be a reason for disapproval of a license, agreement or sale under the Foreign Military Sales Program of the Department of Defense.

7. Section 126.8(f), is amended in the first sentence by inserting "a prior notification of or" between "for" and "an".

8. Section 126.8(g) is amended by adding the words "Notification to or", after the heading for paragraph (g) and before the word "The".

Dated: March 19, 1985.

William Schneider, Jr.,

Under Secretary of State for Security Assistance, Science and Technology.

[FR Doc. 85-7480 Filed 3-29-85; 8:45 am]

BILLING CODE 4710-25-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 232 and 235

[Docket No. R-85-1232; FR-2110]

Mortgage Insurance; Changes in Interest Rates

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This change in the regulations increases the maximum allowable interest rate on Section 232 (Mortgage Insurance for Nursing Homes) and on Section 235 (Homeownership for Lower Income Families) insured loans. This final rule is intended to bring the maximum permissible financing charges for these programs into line with competitive market rates.

EFFECTIVE DATE: March 25, 1985.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Chief Mortgage and Capital Market Analysis Branch, Office of Financial Management, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Telephone (202) 755-7270. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The following amendments to 24 CFR Chapter II have been made to increase the maximum interest rate which may be charged on loans insured by this Department under section 232 (fire safety equipment) and section 235 of the National Housing Act. The maximum interest rate on the HUD/FHA section 232 (fire safety equipment) and section 235 insurance programs has been raised from 12.50 percent to 13.00 percent.

The Secretary has determined that this change is immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709-1.

As a matter of policy, the Department submits most of its rulemaking to public comment, either before or after effectiveness of the action. In this instance, however, the Secretary has determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this final rule effective immediately.

HUD regulations published at 47 FR 56266 (1982), amending 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities and programs specified in § 50.20. Since the amendments made by this rule fall within the categorical exclusions set forth in paragraph (*1*) of § 50.20, the preparation of an Environmental Impact Statement or Finding of No Significant Impact is not required for this rule.

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

In accordance with the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule provides for a small increase in the mortgage interest rate in programs of limited applicability, and thus of minimal effect on small entities.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on October 22, 1984 (49 FR 41684) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program numbers are 14.108, 14.117, and 14.120.

List of Subjects

24 CFR Part 232

Fire prevention, Health facilities, Loan programs—housing and community development, mortgage insurance, Nursing homes, Intermediate care facilites.

24 CFR Part 235

Condominiums, Cooperatives, Low and moderate income housing, Mortgage insurance Homeownership, Grant programs, housing and community development.

Accordingly, the Department amends 24 CFR Parts 232 and 235 as follows:

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

1. In § 232.560, paragraph (a) is revised to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 13.00 percent per annum with respect to mortgages insured on or after March 25, 1985.

* * * * *

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

2. In §235.9, paragraph (a) is revised to read as follows:

§ 235.9 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.00 percent per annum with respect to mortgages insured on or after March 25, 1985.

* * * * *

3. In § 235.540, paragraph (a) is revised to read as follows:

§ 235.540 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed on by the mortgagee and the mortagagor, which rate shall not exceed 13.00 percent per annum with respect to mortgages insured after March 25, 1985.

* * * * *

(Sec. 3(a), 82 Stat. 113; (12 U.S.C. 1709-1); sec. 7 of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: March 22, 1985.

Shirley McVay Wiseman,

General Deputy Assistant Secretary for Housing-Deputy FHA Commissioner, HD.

[FR Doc. 85-7701 Filed 3-29-85; 8:45 am]

BILLING CODE 4210-27-M

Office of the Assistant Secretary for Community Planning and Development

24 CFR Parts 570 and 595

[Docket No. R-85-1231]

Community Development Block Grants and Neighborhood Self-Help Development Program; Technical Amendments

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

ACTION: Technical amendments.

SUMMARY: The purpose of this document is to make technical amendments to Chapter V of Title 24 of the Code of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Office of General Counsel, Room 10276, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755-7055. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: A routine inspection of the 1984 edition of the Title 24 Code of Federal Regulations has revealed the need for several technical amendments before publication of the 1985 edition of the code. The purpose of this document is to publish those amendments where they are necessary.

The Department has determined that this document need not be published as a proposed rule since this rulemaking merely makes technical amendments to existing HUD regulations.

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

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

As required by section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because it merely reflects technical amendments to Title 24 of the Code of Federal Regulations.

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

List of Subjects

24 CFR Part 570

Community development block grants, Grant programs: housing and community development, Loan programs: housing and community development, Low and moderate income housing, New communities, Pockets of poverty, Small cities.

24 CFR Part 595

Community development, Grant programs: housing and community development, Urban renewal.

Accordingly, the Department amends Title 24 CFR Chapter V as follows:

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

1. In section 570.454, paragraph (b) is revised to read as follows:

§ 570.454 Other actions which must be taken prior to submission of a full application.

* * * * *

(b) *Impact analysis.* Before submitting a full application, the applicant must (1) analyze the impact of the proposed activities, both on the residents (particularly those of low and moderate income) of any residential neighborhood in which such activities are to be carried out, and on the neighborhood in which they are to be carried out; and (2) hold public hearings to obtain the views of citizens.

* * * * *

§ 570.466 [Amended]

2. In § 570.466, paragraph (c)(3)(i) is amended by removing the reference to "(i)" immediately following the word "include" and before the word "Provisions" and by removing the reference to "(ii)" immediately following the word "and" and before the word "provisions" and adding in their places (A) and (B), respectively.

PART 595—NEIGHBORHOOD SELF-HELP DEVELOPMENT PROGRAM

§ 595.102 [Amended]

3. Section 595.102 currently consists of three undesignated paragraphs immediately following paragraph (b)(4). The three paragraphs are designated (i), (ii), and (iii), respectively.

§ 595.103 [Amended]

4. Section 595.103 currently consists of four undesignated paragraphs immediately following paragraph (d)(2). The four paragraphs are designated (i), (ii), (iii), and (iv), respectively.

§ 595.104 [Amended]

5. Section 595.104 currently consists of four undesignated paragraphs immediately following paragraph (e). The four paragraphs are designated (1), (2), (3), and (4), respectively.

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

Dated: March 27, 1985.

Jack R. Stokvis,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 85-7702 Filed 3-29-85; 8:45 am]

BILLING 4210-29-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: Parole Commission.

ACTION: Final rule.

SUMMARY: The following procedural rule permits a Federal inmate who is applying for parole to have his presentence investigation report disclosed to the representative whom the inmate has chosen to speak for him at his parole hearing. This disclosure will take place prior to the parole hearing, and is in conjunction with the pre-hearing disclosure rights created by statute at 18 U.S.C. 4208 (1976). Disclosure to the representative is limited to those portions of the report which the sentencing court has already authorized to be disclosed to the inmate. Excluded from this regulation are inmates acting as representatives of other inmates, and access will not be permitted to presentence investigation reports prepared in certain U.S. District Courts. This regulation is part of a court-approved settlement.

EFFECTIVE DATE: April 1, 1985.

FOR FURTHER INFORMATION CONTACT: Michael A. Stover, Office of General Counsel, U.S. Parole Commission, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815, telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION: This regulation is one feature of a court-approved settlement of the litigation in *Wallace Russell Childs, Jr., et al.* v. *United States Parole Commission*, Civil Action No. 1616-70, in the U.S. District Court for the District of Columbia. The order approving settlement was entered January 16, 1985. The litigation began as a class-action lawsuit against the U.S. Board of Parole in the early 1970's, challenging a broad range of parole procedures under the Due Process Clause. Over the years, and especially following enactment of the Parole Commission and Reorganization Act in 1976 (18 U.S.C. 4201 et seq.), the various issues which had been litigated were mooted by on-going changes in parole law and procedures.

The last remaining issue was whether a parole applicant's representative should be given access to the presentence report, a document which the majority of U.S. District Courts will not authorize to be copied and given to defendants. After circulating the proposed settlement to all the Chief Judges of the U.S. District Courts, and receiving their replies, the parties reached agreement on a procedure whereby representatives (excluding inmates acting as representatives of other inmates) would be permitted by the U.S. Bureau of Prisons to view the report, and take notes, in the company of the prisoner, prior to the parole hearing, but not to retain a copy unless court permission were secured.

A few U.S. District Courts objected to the proposal, and access to presentence reports from the following districts will not be permitted: The Central District of California, the Eastern District of Kentucky, the Districts of North Dakota and Nevada, the Southern District of Indiana, and the Southern District of Ohio. Presentence reports which originated in the District of New Jersey and which were prepared prior to October 1, 1978, will not be disclosed until reviewed by the Probation Department with a District Judge in that District.

There is no connection between this settlement and whatever rights prisoners and the public may have to obtain copies of presentence investigation reports under the Freedom of Information Act (FOIA). It is the Department of Justice's position that these reports are exempt from disclosure pursuant to a number of exemptions in the FOIA. Accordingly, it is the Government's position that prisoners who wish to obtain copies of their presentence reports should make their requests directly to the sentencing judge, who is in the best position to determine whether, in a given case, a defendant should be able to retain a copy of that document.

Responsibility for implementing the right created by this regulation will lie with the personnel of the U.S. Bureau of Prisons, which has adopted procedures pursuant to the settlement.

Finally, disclosure will not be made to either the prisoner or his representative of any portions of the report deemed to be exempt under Rule 32, Federal Rules of Criminal Procedure, and/or the identical exempting provisions at 18 U.S.C. 4208 (1976). Nothing in this prefatory explanation to the regulation is intended to supplement or interpret the terms of the settlement itself.

This rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation and parole.

Accordingly, pursuant to 18 U.S.C. 4203(a)(1) and 4204(a)(6), the Commission is amending 28 CFR 2.55 to add a new paragraph (a)(4) to read as follows:

§ 2.55 Disclosure of the file prior to parole hearings: Prehearing review.

(a) * * *

(4) Upon the prisoner's request, a representative shall be given access to the presentence investigation report reasonably in advance of the initial hearing, interim hearing, and a 15-year reconsideration hearing, pursuant and subject to the regulations of the U.S. Bureau of Prisons. Disclosure shall not be permitted with respect to confidential material withheld by the sentencing court under Rule 32(c)(3)(A), F.R.Crim.P.

Dated: March 19, 1985.

Benjamin F. Baer,

Chairman, United States Parole Commission.

[FR Doc. 85-7677 Filed 3-29-85; 8:45 am]

BILLING CODE 4410-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2644

Notice and Collection of Withdrawal Liability; Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Notice and Collection of Withdrawal Liability. That regulation incorporates by reference certain interest rates published by another federal agency. The effect of this amendment is to add to the regulation an appendix containing a table of those interest rates.

EFFECTIVE DATE: April 1, 1985.

FOR FURTHER INFORMATION CONTACT: Deborah Murphy, Attorney, Corporate Policy and Regulations Department (611), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; 202-254-4860 (202-254-8010 for TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: On May 31, 1984, the Pension Benefit Guaranty Corporation ("PBGC") published (at 49 FR 22642) its regulation on Notice and Collection of Withdrawal Liability (29 CFR Part 2644). The regulation deals with rates of interest to be charged by multiemployer pension plans on withdrawal liability payments that are overdue or in default on or after July 2, 1984 (the effective date of the regulation), or to be credited by such plans on overpayments of withdrawal liability made on or after that date. The regulation allows plans to set such rates, subject to certain restrictions. Where a plan does not set such rates, § 2644.3(b) of the regulation provides that the rate to be charged or credited for any calendar quarter is the average quoted prime rate on short-term commercial loans for the fifteenth day (or next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates").

Since the regulation incorporates by reference interest rates published in Statistical Release H.15, that release is the authoritative source for the rates that are to be applied under the regulation. As a convenience to persons using the regulation, however, the PBGC has decided to collect the applicable rates and republish them in an appendix

to the regulation. This amendment adds an appendix of interest rates to Part 2644 and also adds a cross-reference to the appendix at the end of § 2644.3(b).

The table in the appendix shows, for the period September 26–30, 1980, and for each listed calendar quarter thereafter, the date of the fifteenth day (or next business day if the fifteenth day was not a business day) of the month preceding the beginning of the quarter, and the average quoted prime rate on short-term commercial loans for that date as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates"). For the period beginning July 2, 1984, the rate listed for each quarter is the rate prescribed for that quarter under § 2644.3(b). For the period from September 26, 1980, to July 1, 1984, the rate listed for each quarter is the rate that would have been prescribed for that quarter under § 2644.3(b) if Part 2644 had been in effect during that period, and is a rate based on prevailing market rates for obligations comparable to withdrawal liability within the meaning of section 4219(c)(6) of ERISA.

The appendix does not prescribe interest rates under the regulation. The rates prescribed by the regulation are those published in Statistical Release H.15 for the dates specified in the regulation. The appendix merely collects and republishes the rates in one convenient place. Because the appendix is informational only and has no substantive effect, the PBGC finds that no useful purpose would be served by expending the resources necessary to follow the procedures for notice and comment. Accordingly, the PBGC finds that notice of and public comment on this amendment would be unnecessary and contrary to the public interest, and that there is good cause for making this amendment effective immediately. See 5 U.S.C. 533 (b) and (d).

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981 (46 FR 13193), because it will not have an annual effect on the economy of $100 million or more; nor create a major increase in costs or prices for consumers, individual industries, or geographic regions; nor have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 2644

Employee benefit plans, Pensions.

PART 2644—[AMENDED]

In consideration of the foregoing, 29 CFR Part 2644 is amended as follows:

1. The authority citation for Part 2644 reads as follows:

Authority: Secs. 4002(b)(3) and 4219(c), Pub. L. 93–406, as amended by secs. 403 (1) and 104 (respectively), Pub. L. 96–364, 94 Stat. 1208, 1302 and 1236–1238 (1980) (29 U.S.C. 1302(b)(3) and 1399(c)(6)).

2. In § 2644.3, paragraph (b) is revised to read as follows:

§ 2644.3 Interest on overdue, defaulted and overpaid withdrawal liability.

* * * * *

(b) *Interest rate.* Except as otherwise provided in rules adopted by the plan pursuant to § 2644.4, interest under this section shall be charged or credited for each calendar quarter at a rate equal to the average quoted prime rate on short-term commercial loans for the fifteenth day (or next business day if the fifteenth day is not a business day) of the month preceding the beginning of each calendar quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates"). Appendix A to this Part sets forth the interest rates for specified time periods.

* * * * *

3. Appendix A is added to Part 2644 to read as follows:

Appendix A—Table of Interest Rates

The following table shows, for the period September 26–30, 1980, and each calendar quarter thereafter, the date of the fifteenth day (or next business day if the fifteenth day was not a business day) of the month preceding the beginning of the quarter, and the average quoted prime rate on short-term commercial loans for that date as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates"). For the period beginning July 2, 1984, the rates are those prescribed under § 2644.3(b). For the period before July 2, 1984, the rates are those that would have been prescribed under § 2644.3(b) if this Part had been in effect during that period, and are rates based on prevailing market rates for obligations comparable to withdrawal liability within the meaning of section 4219(c)(6) of the Act.

From	To	Date of quotation	Rate (percent)
09/26/80	09/30/80	06/16/80	[1] 12.25
10/01/80	12/31/80	09/15/80	12.25
01/01/81	03/31/81	12/15/80	20.00
04/01/81	06/30/81	03/16/81	18.00
07/01/81	09/30/81	06/15/81	20.00
10/01/81	12/31/81	09/15/81	20.00
01/01/82	03/31/82	12/15/81	15.75
04/01/82	06/30/82	03/15/82	16.50
07/01/82	09/30/82	06/15/82	16.50
10/01/82	12/31/82	09/15/82	13.50
01/01/83	03/31/83	12/15/82	11.50
04/01/83	06/30/83	03/15/83	10.50
07/01/83	09/30/83	06/15/83	10.50
10/01/83	12/31/83	09/15/83	11.00
01/01/84	03/31/84	12/15/83	11.00
04/01/84	06/30/84	03/15/84	11.00
07/01/84	09/30/84	06/15/84	12.50
10/01/84	12/31/84	09/17/84	13.00
01/01/85	03/31/85	12/17/84	11.25
04/01/85	06/30/85	03/15/85	10.50

[1] Statistical Release H.15 showed two average quoted prime rates on short-term commercial loans for June 16, 1980 (12.0 and 12.5 percent). The rate shown in this table is the average of those two rates. The PBGC understands that the Federal Reserve Board has changed its method of determining the average quoted prime rate to avoid future publication of dual rates. If the new determination method were applied to the data for June 16, 1980, it would produce the rate shown in this table.

Effective Date: April 1, 1985.

Issued at Washington, D.C., on this 25th day of March 1985.

C.C. Tharp,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 85-7673 Filed 3-29-85; 8:45 am]

BILLING CODE 7708-01-M

29 CFR Part 2674

Notice of Insolvency

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This regulation sets forth the procedures under which the plan sponsor of a multiemployer plan in reorganization that is or may become insolvent must notify interested parties and the Pension Benefit Guaranty Corporation of the plan's insolvency and the level of benefits that will be paid during the insolvency year. This regulation applies only to multiemployer plans in reorganization that have not terminated by mass withdrawal. Section 4245(e) of the Employee Retirement Income Security Act requires the sponsor of a multiemployer plan in reorganization to notify the PBGC, contributing employers, employee organizations representing participants, and participants and beneficiaries when the plan sponsor determines that the plan is or may become unable to pay full benefits during a plan year, and thereafter to notify those parties of the level of benefits that will be paid during that year. The effect of this regulation is to establish procedures for complying with the notice requirements of section 4245(e).

EFFECTIVE DATE: This regulation is effective May 1, 1985.

FOR FURTHER INFORMATION CONTACT:
John Carter Foster, Attorney, Multiemployer Regulations Group, Corporate Policy and Regulations Department (611), 2020 K Street, NW, Washington, D.C. 20006; telephone 202–254–4860 (202–254–8010 for TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

Background

Under section 4245(a) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA" or the "Act"), an insolvent multiemployer plan must suspend the payment of benefits in excess of those that can be paid from the plan's available resources for a plan year, but may not suspend benefits below the level guaranteed by the Pension Benefit Guaranty Corporation (the "PBGC"). Pursuant to section 4245(b)(1), a plan is insolvent for a plan year if its available resources (defined in section 4245(b)(3)) are inadequate to pay benefits when due for the plan year. When the plan's available resources are inadequate to pay guaranteed benefits, the plan must request financial assistance from the PBGC so that it can pay guaranteed benefits (section 4245(f)(2)).

Under section 4245(d)(1) of ERISA, the plan sponsor of a plan in reorganization under section 4241 must compare, as of the end of the first plan year in reorganization, the value of plan assets with the amount of the plan's benefit payments for that year. This determination must be made at least every three years thereafter, until the plan is no longer in reorganization. If the value of the plan's assets does not exceed three times its total annual benefit payments, the plan sponsor must determine whether the plan may become insolvent in any of the next three plan years. If the plan sponsor determines that the plan may become insolvent, it must issue certain notices to the PBGC and the interested parties. Under section 4245(d)(2), these notices must also be issued if the plan sponsor determines at a time other than that specified in section 4245(d)(1) that the plan will be insolvent for the next plan year.[1]

[1] A plan is in reorganization, pursuant to section 4241 of the Act, when its reorganization index is a positive number. Briefly, this occurs when the plan's "vested benefits charge" exceeds the net charge to its funding standard account. Subject to certain adjustments that are listed in section 4241, the vested benefits charge is the amount needed to amortize the plan's unfunded vested benefits in equal annual installments over 10 years for persons in pay status, and over 25 years for other participants. The net charge to the funding standard account is the excess of charges to the account over certain credits. For further explanation, see section 4241 of the Act.

Pursuant to section 4245(e)(1) of ERISA, whenever the plan sponsor of a plan in reorganization determines that the plan may become insolvent, it must notify the Secretary of the Treasury, the PBGC, contributing employers, employee organizations representing participants, and plan participants and beneficiaries of the determination. For each insolvency year, section 4245(e)(2) requires the plan sponsor to send written notice of the resource benefit level (*i.e.*, the highest level of monthly benefits that can be paid during the year) to the same parties at least two months before the first day of the insolvency year. Section 4245(e)(4) requires the PBGC to prescribe the rules under which these notices (except notice to the Secretary of the Treasury) must be given, and section 4245(e)(5) permits the PBGC to prescribe other times for making the required determinations with respect to plan insolvency and for filing the notices.

The PBGC and the Internal Revenue Service have agreed that, pending the issuance of Treasury regulations, giving notice to the PBGC under this regulation will satisfy the requirement to give notice to the Secretary of the Treasury under section 4245(e) of the Act.

This regulation prescribes the contents of these notices, the manner in which they must be given, and the time limits for their issuance. The notice required by section 5245(e)(1) is referred to as the "notice of insolvency," and the notice required by section 4245(e)(2) is referred to as the "notice of insolvency benefit level." The regulation requires that these notices be given to the PBGC and the interested parties whenever the plan sponsor of a plan in reorganization determines that the plan is or may become insolvent. In almost all cases, the plan sponsor will be able to determine before the beginning of each plan year, whether the plan will be solvent for that year. There may, however, be cases in which, due to unforeseen events, insolvency cannot be predicted before the beginning of the plan year in which it occurs. As the expression "is or may become insolvent" implies, the notices prescribed in this regulation must be issued for all insolvency years, regardless of when the plan sponsor becomes aware of the insolvency.

Notice of Insolvency

Under § 2674.2(a) of the regulation, the plan sponsor of a multiemployer plan in reorganization must notify the PBGC and the interested parties whenever it makes the determination that the plan is or may become insolvent. A single notice may be given covering more than one plan year.

The general rule, contained in § 2674.2(b), is that the notice must be given within 30 days after the plan sponsor's determination that the plan in reorganization is or may become insolvent. However, for participants and beneficiaries in pay status, the plan sponsor may deliver the notice concurrently with the first benefit payment made after that 30-day period (§ 2674.2(b)). The PBGC believes that the additional administrative expense that would result from requiring a separate mailing to these individuals outweighs the benefits of giving them earlier notice.

Section 2674.2(c) of the regulation provides that the notice of insolvency must be mailed or delivered by hand to the PBGC, contributing employers, employee organizations, and participants and beneficiaries in pay status. However, as another means of reducing the plan's costs, § 2674.2(c) provides that the plan need not give personal notice to participants and beneficiaries who are not in pay status. Instead, the plan may use other means of notifying those individuals, such as posting notices at worksites or publication in the union newsletter or a local newspaper. Any method reasonably calculated to reach the non-pay status participants and beneficiaries is permitted.

The PBGC believes that this exception to the requirement of personal notice is an appropriate cost saving step because the great majority of these participants and beneficiaries are not immediately affected by the insolvency and will be adequately protected by notice to their collective bargaining representatives. Furthermore, participants and beneficiaries who will enter pay status during an insolvency year will receive personal notice of the benefits that will be paid to them. (This is discussed in greater detail in the section of this preamble headed, "Notice of Insolvency Benefit Level.")

Section 2674.3 of the regulation prescribes the contents of the notice of insolvency. The information requested is necessary to ensure that the insolvency notice provides adequate information on the condition of the plan and the effect of insolvency on participants' benefits. This information is readily available to a plan sponsor of a plan in reorganization; for example, the plan sponsor will usually have already estimated annual benefit payments and available resources to determine whether the plan faces insolvency.

Paragraph (a) of § 2674.3, dealing with the notice to the PBGC, requires that the notice include identifying information concerning the insolvent plan, the plan year or years in which the plan is or may become insolvent, the plan document and amendments in effect, or to become effective, during the insolvency year or years, a copy of the plan's most recent actuarial valuation, and a copy of the most recent Schedule B of Form 5500 (if it contains more current information than the most recent actuarial valuation). If the plan document has already been submitted with an earlier notice of insolvency or notice of insolvency benefit level, only subsequent amendments need be submitted. Similarly, if the actuarial valuation or Schedule B has already been submitted, another copy need not be submitted. Finally, § 2674.3(a) requires that the notice to the PBGC include estimates, for each insolvency year, of the plan's annual benefit payments (determined without regard to the insolvency) and of available resources.

Under paragraph (b) of § 2674.3, the notices of insolvency to contributing employers, employee organizations, and participants and beneficiaries also must include estimates of annual benefit payments and available resources for each insolvency year covered by the notice. In addition, the notices to these parties must state that, during an insolvency year, benefits above the amount the can be paid from available resources or the level guaranteed by the PBGC, whichever is greater, will be suspended. The notices must also contain a brief explanation of what benefits are guaranteed by the PBGC.

The estimates of annual benefit payments and available resources together determine the estimated resource benefit level for the insolvency year. Under the statute, the plan sponsor is required to give this information to the PBGC and the interested parties no later than two months before the start of the insolvency year (ERISA section 4245(e)(2)). The PBGC believes, however, that this information is needed, and can be provided, sooner and therefore should be included in the earlier notice of insolvency. Early information concerning the potential occurrence and extent of insolvency is vital to enable the PBGC to foresee its cash flow requirements, to give employers and employee representatives time to take steps to avert insolvency, and to give participants and beneficiaries reasonable advance warning of reductions in benefits. It is reasonable to require this information as part of the notice of insolvency, because the plan sponsor must periodically estimate annual benefit payments and available resources in order to determine whether the plan will become insolvent. Hence, the required information will exist well before insolvency actually occurs.

Notice of Insolvency Benefit Level

The second notice, required by section 4245(e)(2) of ERISA, is a notice advising the PBGC and the interested parties of the plan's resource benefit level for the insolvency year (the "notice of insolvency benefit level"). Reporting only the resource benefit level can be misleading, however, since benefits cannot be suspended below the level guaranteed by the PBGC if that level is higher than the resource benefit level. To avoid creating unnecessary concern among participants and beneficiaries that benefits will be reduced below the guaranteed level, the regulation requires the inclusion in the notice to pay status participants of the actual level of benefits to be paid.

Section 2674.4(c) of the regulation generally requires the plan sponsor to issue the notice of insolvency benefit level at least 60 days prior to the beginning of an insolvency year. In the rare case in which the plan sponsor does not determine that the plan is insolvent until after this deadline has passed, the notice is to be issued within 60 days after the determination is made.

Because the regulation requires the plan sponsor to include much of the insolvency benefit level data in the notice of insolvency, § 2674.4(b) eliminates the requirement of giving notice of insolvency benefit level (required by § 2674.4(a)) to most interested parties in those cases in which it would duplicate the earlier notice of insolvency. Specifically, the notice of insolvency benefit level need not be issued to employers, employee organizations, and non-pay status participants and beneficiaries (§ 2674.4(b)) for a plan year immediately following a plan year in which a notice of insolvency was required to be issued.

For example, if the plan sponsor determines during the 1985 plan year that the plan will be insolvent for the 1986 plan year, the sponsor must issue notices of insolvency within 30 days after making that determination. Normally, notices of the insolvency benefit level would then have to be issued at least 60 days before the beginning of the insolvency year, 1986. However, because most of the insolvency benefit level data (annual benefit payments and available resources for the 1986 plan year) would typically be identical to the data included in the notice of insolvency, the second notice to the specified parties is generally waived. The notice of insolvency benefit level must, nevertheless, be issued to the PBGC and to participants who are in pay status or are reasonably expected to enter pay status during the insolvency year. (This rule is discussed more fully later in this preamble.)

In cases where the notice of insolvency was required to be issued more than one year before the insolvency year, the plan sponsor must issue notices of insolvency benefit level to all interested parties. While the notices must generally be mailed or hand delivered to the interested parties and the PBGC (§ 2674.4(d)), participants and beneficiaries who are neither in pay status nor reasonably expected to enter pay status during the insolvency year may be notified by the optional means permitted in the case of a notice of insolvency.

The notices to the PBGC and the interested parties, other than participants and beneficiaries in or entering pay status, must include the estimated amount of total benefit payments under the plan for the insolvency year (determined without regard to the insolvency), the plan's available resources for that year, and, for the PBGC notice only, the amount of the annual benefit payments that are guaranteed by the PBGC (§ 2674.5 (a) and (b)). This last figure is essential for calculating the amount of any required financial assistance. The notice to the PBGC must also include a copy of the plan in effect during the insolvency year, a copy of the plan's most recent actuarial valuation, and a copy of the most recently filed Schedule B to Form 5500, if that contains more current information than the actuarial valuation.

As discussed above, the notice of insolvency benefit level to the PBGC is not waived, even if the notice of insolvency was filed within the one year period preceding the first day of the insolvency year, because the PBGC must have the most current data possible concerning the plan's resources and obligations in order to determine the amount of financial assistance needed in that year or the likelihood of such assistance in subsequent years. In order to minimize the plan sponsor's reporting burden, however, § 2674.5(a) provides that the plan sponsor need not resubmit information identical to that set forth in the notice of insolvency. Instead, the notice of insolvency benefit level should indicate the date of the prior submission of the information.

Because the benefits of participants and beneficiaries who are in pay status during an insolvency year may be reduced, § 2674.4(a) requires a notice of insolvency benefit level to be issued to these individuals for each insolvency year, regardless of when the notice of insolvency for that year was issued. Each participant and beneficiary must be notified of the monthly benefit that he will receive during the insolvency year, *i.e.*, the greater of his benefit guaranteed by the PBGC or the benefit that is expected to be payable from the plan's available resources (§ 2674.5(c)). The notice must also advise the participant or beneficiary that in subsequent plan years, depending on the plan's available resources, the benefit level may be increased or decreased, but will not fall below the level guaranteed by the PBGC, and that advance notification will be given of the new benefit level if it is less than the full nonforfeitable benefit under the plan. As with the other notices of insolvency benefit level, these notices to participants and beneficiaries in pay status normally must be issued at least 60 days prior to the start of the insolvency year (§ 2674.4(c)). They must be delivered by hand or by mail (§ 2674.4(d)).

As stated above, this notice must be given to each participant or beneficiary who is in pay status or whom the plan sponsor reasonably expects to enter pay status during the insolvency year. The term "participants and beneficiaries reasonably expected to enter pay status" is defined in § 2670.4 as including those individuals who, according to plan records, are disabled, have applied for benefits, or have reached or will reach normal retirement age prior to the issuance of the notice of insolvency benefit level, and any other individuals reasonably expected to enter pay status during the applicable period. In determining the individuals to be included in this group, the plan sponsor should keep in mind that knowledge of the curtailed benefit amounts may be of critical planning importance to individuals who are eligible to retire, but have not yet done so.

Financial Assistance

If the plan's resource benefit level is less than the level of benefits guaranteed by the PBGC, section 4245(f)(2) of ERISA requires the plan sponsor to apply to the PBGC for financial assistance. Furthermore, under section 4245(f)(1), a plan sponsor that anticipates that its plan will not have funds sufficient to pay guaranteed benefits for any month of an insolvency year may apply to the PBGC for financial assistance, even though the resource benefit level is above the guarantee level. Section 4261(b)(1) provides that financial assistance shall be provided under such conditions as the PBGC determines are equitable and appropriate to prevent unreasonable loss to the PBGC. Therefore, § 2674.5(a)(12) of the regulation provides that the PBGC may request additional information (*e.g.*, participant benefit schedules and other information needed to verify the correct amount of financial assistance) if the plan sponsor requests financial assistance.

E.O. 12291 and Regulatory Flexibility Act

The Pension Benefit Guaranty Corporation has determined that this regulation is not a "major rule" for the purposes of Executive Order 12291, because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because this regulation deals only with matters of procedure, no general notice of proposed rulemaking is required. Further, since no general notice of proposed rulemaking is required, the Regulatory Flexibility Act of 1980 has no application to this regulation. (5 U.S.C. 601(2)).

Under the Paperwork Reduction Act and 5 U.S.C. 1320.12, the PBGC has submitted the information collection contained in this regulation for review by the Office of Management and Budget. The OMB has approved the information collection requests and assigned it OMB Control No. 1212–0033, approved through February 29, 1988.

List of Subjects in 29 CFR Part 2674

Employee benefit plans, Pensions, Pension insurance, Reporting and recordkeeping requirements.

In consideration of the foregoing, Subchapter H of Chapter XXVI of Title 29, Code of Federal Regulations, is amended by adding a new Part 2674 as follows:

PART 2674—NOTICE OF INSOLVENCY

Sec.

2674.1 Purpose and scope.
2674.2 Notice of insolvency.
2674.3 Contents of notice of insolvency.
2674.4 Notice of insolvency benefit level.
2674.5 Contents of notice of insolvency benefit level.
2674.8 PBGC address.

Authority: Sections 4002(b)(3) and 4245(e), Pub. L. 93–406, 88 Stat. 829, 1004 (1974), as amended by sections 403(1) and 104 (respectively), Pub. L. 96–364, 94 Stat. 1302 and 1280 (1980) (29 U.S.C. 1302(b)(3) and 1426(e)).

§ 2674.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to prescribe notice requirements pertaining to insolvent multiemployer plans that are in reorganization. Pursuant to section 4245 of the Act and section 418E(e) of the Internal Revenue Code, plan sponsors of multiemployer plans in reorganization are required to notify employers, employee organizations, plan participants and beneficiaries, the PBGC and the Secretary of the Treasury of plan insolvency and of the level of benefits that will be paid during an insolvency year. This part establishes the procedures for issuing, and the contents of, these notices.

(b) *Scope.* This part applies to multiemployer plans in reorganization covered by section 4021(a) of the Act and not excluded by section 4021(b), other than plans that have terminated by mass withdrawal under section 4041A(a)(2) of the Act.

§ 2674.2 Notice of insolvency.

(a) *Requirement of notice.* A plan sponsor of a multiemployer plan in reorganization that determines under section 4245 (b)(1), (d)(1) or (d)(2) of the Act that the plan's available resources are or may be insufficient to pay benefits when due for a plan year shall so notify the PBGC and the interested parties, as defined in paragraph (d) of this section. A single notice may cover more than one plan year. The notices shall be delivered in the manner and within the time prescribed in this section and shall contain the information described in § 2674.3.

(b) *When delivered.* A plan sponsor shall mail or otherwise deliver the notices of insolvency no later than 30 days after it determines that the plan is or may become insolvent, as described in paragraph (a) of this section. However, the notice to participants and beneficiaries in pay status may be delivered concurrently with the first benefit payment made more than 30 days after the determination of insolvency.

(c) *Methods of delivery.* The notice of insolvency shall be delivered by mail or by hand to the PBGC and the interested parties described in paragraph (d) of this section, other than participants and

beneficiaries who are not in pay status when the notice is required to be delivered. The notice to participants and beneficiaries who are not in pay status shall be provided in any manner reasonably calculated to reach those participants and beneficiaries. Reasonable methods of notification include, but are not limited to, posting the notice at participants' worksites or publishing the notice in a union newsletter or in a newspaper of general circulation in the area or areas where participants reside. Notice to a participant shall be deemed notice to that participant's beneficiary or beneficiaries.

(d) *Interested parties.* For purposes of this part, the term "interested parties" means—

(1) Employers required to contribute to the plan;

(2) Employee organizations that, for collective bargaining purposes, represent plan participants employed by such employers; and

(3) Plan participants and beneficiaries.

§ 2674.3 Contents of notice of insolvency.

(a) *Notice to the PBGC.* A notice of insolvency required to be filed with the PBGC pursuant to § 2674.2 shall contain the information set forth below:

(1) The name of the plan.

(2) The name, address and telephone number of the plan sponsor and of the plan sponsor's duly authorized representative, if any.

(3) The nine-digit Employer Identification Number (EIN) assigned by the International Revenue Service to the plan sponsor and the three-digit Plan Identification Number (PIN) assigned by the plan sponsor to the plan, and, if different, the EIN or PIN last filed with the PBGC. If no EIN or PIN has been assigned, the notice shall so indicate.

(4) The IRS key district that has jurisdiction over determination letters with respect to the plan.

(5) The case number assigned to the plan by the PBGC. If the plan has no case number, the notice shall state whether the plan has previously filed a notice of insolvency with the PBGC and, if so, the date on which the notice was filed.

(6) The plan year or years for which the plan sponsor has determined that the plan is or may become insolvent.

(7) A copy of the plan document, including the last restatement of the plan and all subsequent amendments in effect, or to become effective, during the insolvency year or years. However, if a copy of the plan document was submitted to the PBGC with a previous notice of insolvency or notice of insolvency benefit level, only subsequent plan amendments need be submitted, and the notice shall state when the copy of the plan document was filed.

(8) A copy of the most recent actuarial valuation for the plan and a copy of the most recent Schedule B (Form 5500) filed for the plan, if the Schedule B contains more recent information than the actuarial valuation. If the actuarial valuation or Schedule B was previously submitted to the PBGC, it may be omitted, and the notice shall state the date on which the document was filed and that the information is still accurate and complete.

(9) The estimated amount of annual benefit payments under the plan (determined without regard to the insolvency) for each insolvency year.

(10) The estimated amount of the plan's available resources for each insolvency year.

(11) A certification, signed by the plan sponsor (or a duly authorized representative), that notices of insolvency have been given to all interested parties in accordance with the requirements of this part.

(b) *Notices to interested parties.* A notice of insolvency required under § 2674.2 to be given to an interested party, as defined in § 2674.2(d), shall contain the information set forth below:

(1) The name of the plan.

(2) The plan year or years for which the plan sponsor has determined that the plan is or may become insolvent.

(3) The estimated amount of annual benefit payment under the plan (determined without regard to the insolvency) for each insolvency year.

(4) The estimated amount of the plan's available resources for each insolvency year.

(5) A statement that, during the insolvency year, benefits above the amount that can be paid from available resources or the level guaranteed by the PBGC, whichever is greater, will be suspended, with a brief explanation of which benefits are guaranteed by the PBGC. The following statement may be included as an explanation of PBGC-guaranteed benefits:

> Should the plan become insolvent, each participant's benefit guaranteed by the Pension Benefit Guaranty Corporation (PBGC) is determined as follows. Each participant's nonforfeitable monthly benefit payable under the plan at retirement is computed. This benefit is then divided by the participant's years of credited service under the plan. Of the resulting figure (the accrual rate), the first $5 is guaranteed at 100%. Any additional amount (up to $15) is either 75% or 65% guaranteed, depending on the past funding practices of the plan. Any remaining amount that exceeds $20 is not guaranteed. The PBGC guarantees the payment of a monthly benefit equal to this adjusted accrual rate times years of credited service. The PBGC does not guarantee benefits or benefit increases that have been in effect for fewer than 60 months before the plan becomes insolvent or is amended to reduce accrued benefits.

(6) The name, address, and telephone number of the plan administrator or other person designated by the plan sponsor to answer inquiries concerning benefits during the plan's insolvency.

§ 2674.4 Notice of insolvency benefit level.

(a) *Requirement of notice.* Except as provided in paragraph (b) of this section, for each insolvency year the plan sponsor shall notify the PBGC and the interested parties, as defined in § 2674.2(d), of the level of benefits expected to be paid during the year (the "insolvency benefit level"). These notices shall be delivered in the manner and within the time prescribed in this section and shall contain the information described in § 2674.5.

(b) *Waiver of notice to certain interested parties.* The notice of insolvency benefit level required under this section need not be given to interested parties, other than participants and beneficiaries who are in pay status or are reasonably expected to enter pay status during the insolvency year, for an insolvency year immediately following the plan year in which a notice of insolvency was required to be delivered pursuant to § 2674.2, provided that the notice of insolvency was in fact delivered.

(c) *When delivered.* The plan sponsor shall mail or otherwise deliver the required notices of insolvency benefit level no later than 60 days before the beginning of the insolvency year, except that if the determination of insolvency is made fewer than 120 days before the beginning of the insolvency year, the notices shall be delivered within 60 days after the date of the plan sponsor's determination.

(d) *Methods of delivery.* The notice of insolvency benefit level shall be delivered by mail or by hand to the PBGC and to the interested parties described in § 2674.2(d), other than participants and beneficiaries who are neither in pay status nor reasonably expected to enter pay status during the insolvency year for which the notice is given. The notice to participants and beneficiaries not in pay status, nor reasonably expected to enter pay status during the insolvency year, shall be provided in any manner reasonably calculated to reach those participants and beneficiaries. Reasonable methods

of notification include, but are not limited to, posting the notice at participants' worksites or publishing the notice in a union newsletter or in a newspaper of general circulation in the area or areas where participants reside. Notice to a participant shall be deemed notice to that participant's beneficiary or beneficiaries.

§ 2674.5 Contents of notice of insolvency benefit level.

(a) *Notice to the PBGC.* A notice of insolvency benefit level required to be filed with the PBGC pursuant to § 2674.4(a) shall contain the information set forth below, except as provided in the next sentence. The information required in paragraphs (a)(7)–(a)(10) need be submitted only if it is different from the information submitted to the PBGC with the notice of insolvency filed for that insolvency year (see § 2674.3(a)(7)–(a)(10)) or the notice of insolvency benefit level filed for a prior year. When any information is omitted under this exception, the notice shall so state and indicate when the notice of insolvency or prior notice of insolvency benefit level was filed.

(1) The name of the plan.

(2) The name, address and telephone number of the plan sponsor and of the plan sponsor's authorized representative, if any.

(3) The nine-digit Employer Identification Number (EIN) assigned by the Internal Revenue Service to the plan sponsor and the three-digit Plan Identification Number (PIN) assigned by the plan sponsor to the plan, and, if different, the EIN or PIN last filed with the PBGC. If no EIN or PIN has been assigned, the notice shall so indicate.

(4) The IRS key district that has jurisdiction over determination letters with respect to the plan.

(5) The case number assigned to the plan by the PBGC.

(6) The plan year for which the notice is filed.

(7) A copy of the plan document, including any amendments, in effect during the insolvency year.

(8) A copy of the most recent actuarial valuation for the plan and a copy of the most recent Schedule B (Form 5500) filed for the plan, if the Schedule B contains more recent information than the actuarial valuation.

(9) The estimated amount of annual benefit payments under the plan (determined without regard to the insolvency) for the insolvency year.

(10) The estimated amount of the plan's available resources for the insolvency year.

(11) The estimated amount of the annual benefit payments guaranteed by the PBGC for the insolvency year.

(12) The amount of financial assistance, if any, requested from the PBGC.

(13) A certification, signed by the plan sponsor (or a duly authorized representative), that notices of insolvency benefit level have been given to all interested parties in accordance with the requirements of this part.

When financial assistance is requested, the PBGC may require the plan sponsor to submit additional information necessary to process the request.

(b) *Notices to interested parties other than participants in or entering pay status.* A notice of insolvency benefit level required by § 2674.4(a) to be delivered to interested parties, as defined in § 2674.2(d), other than a notice to a participant or beneficiary who is in pay status or is reasonably expected to enter pay status during the insolvency year, shall include the information set forth below:

(1) The name of the plan.

(2) The plan year for which the notice is issued.

(3) The estimated amount of annual benefit payments under the plan (determined without regard to the insolvency) for the insolvency year.

(4) The estimated amount of the plan's available resources for the insolvency year.

(5) The amount of financial assistance, if any, requested from the PBGC.

(c) *Notices to participants and beneficiaries in or entering pay status.* A notice of insolvency benefit level required by § 2674.4(a) to be delivered to participants and beneficiaries who are in pay status or are reasonably expected to enter pay status during the insolvency year for which the notice is given, shall include the following information:

(1) The name of the plan.

(2) The plan year for which the notice is issued.

(3) A statement of the monthly benefit expected to be paid to the participant or beneficiary during the insolvency year.

(4) A statement that in subsequent plan years, depending on the plan's available resources, this benefit level may be increased or decreased but will not fall below the level guaranteed by the PBGC, and that the participant or beneficiary will be notified in advance of the new benefit level if it is less than his full nonforfeitable benefit under the plan.

(5) The name, address, and telephone number of the plan administrator or other person designated by the plan sponsor to answer inquiries concerning benefits during the plan's insolvency.

(Approved by the Office of Management and Budget under OMB control number 1212–0033)

§ 2674.6 PBGC address.

All notices required to be filed with the PBGC under this part shall be addressed to the Case Classification and Control Division (542), Insurance Operations Department, Pension Benefit Guaranty Corporation, 2020 K Street NW, Washington, D.C. 20006.

Effective date. This part is effective May 1, 1985.

Issued at Washington, D.C. on this 20th day of March 1985.

C.C. Tharp,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 85–7671 Filed 3–29–85; 8:45 am]

BILLING CODE 7708–01–M

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29 CFR Part 2677

Procedures for PBGC Approval of Plan Amendments

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This rule prescribes the contents and procedures for notice and approval of those plan amendments by multiemployer pension plans that, if adopted after September 25, 1983, may not be put into effect unless first approved by the Pension Benefit Guaranty Corporation. Section 4220 of ERISA provides that the PBGC shall disapprove an amendment if it finds that the amendment creates an unreasonable risk of loss to plan participants and beneficiaries or to the PBGC. The effect of this rule is to prescribe procedures for requesting the PBGC to approve plan amendments under section 4220.

EFFECTIVE DATE: April 1, 1985.

FOR FURTHER INFORMATION CONTACT: John Carter Foster, Attorney, Multiemployer Regulations Group, Corporate Policy and Regulations Department (611), 2020 K Street, NW, Washington, D.C. 20006; 202–254–4860 (202–254–8010 for TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

Background

Section 4220(a) of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act (the

"Act" or "ERISA"), provides that an amendment to a multiemployer pension plan adopted after September 25, 1983, may be put into effect only with the approval of the Pension Benefit Guaranty Corporation (the "PBGC") or if the PBGC fails to disapprove the amendment within 90 days after receipt of notice and a copy of the amendment. Section 4220(c) provides that the PBGC may disapprove an amendment submitted under section 4220(a) only if it determines that the amendment creates an unreasonable risk of loss to plan participants and beneficiaries or to the PBGC. With the express exception provided in section 4220(b) for an amendment permitted by section 4211(c)(5) (dealing with the adoption of alternatives to the statutory methods for allocating a plan's unfunded vested benefits), a plan sponsor must seek approval under section 4220 for each plan amendment authorized by sections 4201–4219.

In a notice published on May 2, 1983, the PBGC identified the plan amendments authorized in sections 4201–4219 that require approval under section 4220 (48 FR 19807). At the same time, the PBGC clarified that section 4220(a) does not apply to plan rules—as opposed to amendments—adopted under sections 4201–4219, nor to plan amendments that implement actions that could have been taken through plan rules. Additionally, the PBGC noted that in situations where sections 4201–4219 direct or permit the PBGC to issue regulations allowing certain plan amendments, those regulations will contain whatever restrictions or conditions the PBGC deems necessary, so that approval under section 4220 will be unnecessary.

This regulation sets forth the procedures for requesting PBGC approval of those plan amendments covered by section 4220, as identified in the notice of May 2, 1983. It applies to amendments adopted after September 25, 1983. Because of changes made in the Act by the Deficit Reduction Act of 1984, this date is used rather than the April 28, 1983, date referred to in the May 2, 1983, notice. (The Deficit Reduction Act changed the effective date of the withdrawal liability provisions of ERISA, thus changing the date referred to in section 4220.)

The Regulation

Section 2677.1(a) of the regulation sets forth the general requirement for PBGC approval of plan amendments. It should be noted that this provision requires that any subsequent modification of a plan amendment subject to section 4220 also be submitted for approval, unless the effect of the modification is to reinstate the statutorily provided rule.

Section 2677.1(b) lists those sections of the Act that authorize plan amendments that the PBGC has determined require approval under section 4220 of the Act. This listing is the same as that published on May 2, 1983, in the **Federal Register** (48 FR 19807). This list includes amendments adopted under authorization of the following sections of the Act:

(1) *Section 4203(b)(1)(B)(ii)*—Permitting a nonconstruction industry plan to be amended to apply the special construction industry withdrawal rule to construction industry employers participating in the plan.

(2) *Section 4203(c)(4)*—Permitting an entertainment industry plan to be amended to provide that the special entertainment withdrawal rule will not apply to a group or class of employers under the plan.

(3) *Section 4205(c)(1)*—Permitting a retail food industry plan to be amended to substitute "35 percent" for the "70 percent" partial withdrawal liability test.

(4) *Section 4205(d)*—Permitting a plan described in section 404(c) of the Internal Revenue Code[1] to be amended to provide other conditions for partial withdrawal liability.

(5) *Section 4209(b)*—Permitting a plan to adopt the alternative statutory *de minimis* rule.

(6) *Section 4210(b)(2)*—Permitting a non-construction industry plan to adopt the six-year "free look" rule.

(7) *Section 4211(c)(1)*—Permitting a plan (other than a construction industry plan) to adopt one of the three statutory alternatives for determining an employer's share of a plan's unfunded vested benefits.

(8) *Section 4211(c)(4)(D)*—Requiring a plan using the direct attribution method to adopt one of three statutory methods for determining an employer's allocable share of plan assets.

(9) *Section 4211(d)(1)*—Requiring a plan described in section 404(c) of the Internal Revenue Code to use the rolling-5 allocation method, unless an alternative is adopted by plan amendment.

(10) *Section 4211(d)(2)*—Permitting a plan described in section 404(c) of the Internal Revenue Code to be amended to make sections 4204 (sale of assets), 4209 (*de minimis* rule), 4219(c)(1) (20-year cap on withdrawal liability payments) or 4225 (limitation on allocable unfunded vested benefits upon dissolution or liquidation of an employer) applicable to it.

(11) *Section 4219(c)(1)(C)(ii)(I)*—Permitting a plan to adopt the statutory alternative for computing the annual withdrawal liability payment amount for plan years ending before 1986.

(12) *Section 4219(c)(1)(C)(iii)*—Permitting a plan to be amended to substitute a 5-year period (increasing by one year for each succeeding year up to 10) for the 10-year period used to compute the annual withdrawal liability payment amount under either the normal statutory formula or alternative.

Section 2677.1(c) provides that a request and approval under this part is unnecessary if the PBGC has granted a class approval for a plan amendment covered by section 4220. The PBGC will grant approvals for certain of the plan amendments covered by section 4220; *viz.*, those for which it can determine that the plan amendment could not have the effect under any plan of creating an unreasonable risk for plan participants and beneficiaries or the PBGC. (The PBGC has granted class approval to four such amendments. See 49 FR 37686, published September 25, 1984.)

Section 2677.2(a) provides that, for purposes of section 4220 of the Act, notice to the PBGC shall be given in the form of a request for approval filed with the PBGC. A request is deemed filed on the date on which it is received by the PBGC.

Section 2677.2(d) prescribes the contents of the request for approval. Paragraph (d)(3) requires a plan sponsor to submit a copy of the adopted amendment, including its proposed effective date, and paragraph (d)(4) requires that the most recent actuarial valuation of the plan be submitted. The PBGC recognizes that plan sponsors submit to the Internal Revenue Service an actuarial statement (Schedule B) attached to Form 5500. This actuarial statement is based on an actuarial valuation that is performed at least once every three years. The PBGC has determined that the full actuarial valuation should be submitted rather than the Schedule B actuarial statement because the actuarial valuation includes more detailed data, such as plan population and benefit structure, which is necessary to assess the risk of loss under section 4220 in a timely manner. Pursuant to § 2677.2(d)(5), a statement must also be provided certifying that notice of the adoption of the amendment has been given to all employers who have an obligation to contribute under

[1] A plan established prior to January 1, 1954, as a result of an agreement between employee representatives and the United States during a period of government operation, under seizure powers, of the major part of the productive facilities of an industry.

the plan and to all employee organizations representing employees covered by the plan. This statement serves to inform the PBGC that the plan sponsor has adopted the amendment in compliance with section 4214(b) of the Act. Finally § 2677.2(d)(6) provides that a plan sponsor may submit any other information that demonstrates that the plan amendment will not pose an unreasonable risk of loss to plan participants and beneficiaries or to the PBGC.

Under § 2677.2(e), the PBGC may also request additional information needed to make a finding under section 4220.

Section 2677.3 sets forth the procedures for PBGC's action on a request for approval of a plan amendment. Section 2677.3(a) provides that, unless the PBGC notifies the plan sponsor differently, an amendment may be put into effect 90 days after the PBGC receives the required information. This paragraph further provides that the PBGC will notify the plan sponsor of the start of the 90-day period. If, after the receipt of a complete request, the PBGC determines that it needs additional information in order to determine the risk to plan participants and beneficiaries or to the PBGC, § 2677.3(c) provides that the PBGC may suspend the running of the 90-day period pending receipt of the additional information.

Finally, it should be noted that an approval by the PBGC under this section constitutes its findings only with respect to the issue of risk under section 4220(c) of the Act, and is not a determination with respect to whether the amendment is otherwise properly adopted.

Other Issues

Concurrently with the publication of the May 2, 1983, **Federal Register** notice discussed above, the PBGC published another notice (48 FR 19806) seeking public comment on the PBGC's proposal to grant blanket approvals for two types of plan amendments requiring approval under section 4220. In response to that notice, the PBGC received comments that raise issues appropriately addressed here.

The first comment asked whether, once the PBGC approves a plan amendment under section 4220 or, alternatively, fails to disapprove the amendment within 90 days, the amendment may be made effective as of the date of adoption. In the PBGC's view, section 4220 does not place any restrictions on the effective date of a plan amendment subject to that section. Although the amendment may not be implemented until approval by the PBGC or the expiration of the 90-day period, it may be effective as of some other date.

The second comment requested PBGC confirmation that a plan amendment that restates the presumptive method of allocating unfunded vested benefits (section 4211(b) of the Act) would not be subject to approval under section 4220, whether the amendment were considered a "rule" or an actual amendment. Except as provided by section 4211(d) (relating to a plan described in section 404(c) of the Internal Revenue Code), the presumptive method of section 4211(b) applies by statute to all plans, unless a plan is amended otherwise. Since a plan amendment is not needed to effect this provision, the PBGC has determined that approval of such an amendment is, likewise, not required by section 4220. The same is true of any other plan amendment that merely adopts a provision already applicable to the plan by the terms of the Act.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, or innovation.

Under the Paperwork Reduction Act and 5 CFR 1320.12, the PBGC has submitted the information collection request contained in this regulation for review by the Office of Management and Budget. OMB has approved the information collection request and assigned it OMB Control No. 1212-0031 approved through December 1987.

Because this regulation deals only with matters of procedure, no general notice of proposed rulemaking is required. Because of the need to provide procedures for plans to submit amendments for approval under section 4220 of ERISA, and because this regulation does not require any new action by plans or employers, the PBGC finds that good cause exists for making this regulation effective immediately. Further, since no general notice of proposed rulemaking is required, the Regulatory Flexibility Act of 1980 has no application to this regulation. (5 U.S.C. 601(2)).

List of Subjects in 29 CFR Part 2677

Employee benefit plans, Pensions.

In consideration of the foregoing, Subchapter H of Chapter XXVI of Title 29, Code of Federal Regulations, is amended by adding a new Part 2677 as follows:

PART 2677—PROCEDURES FOR PBGC APPROVAL OF PLAN AMENDMENTS

Sec.
2677.1 Purpose and scope.
2677.2 Requests for PBGC approval.
2677.3 PBGC action on requests.

Authority: Sections 4002(b)(3) and 4220, Pub. L. 93-406, as amended by sections 403(1) and 104(2) (respectively), Pub. L. 96-364, 94 Stat. 1208, 1302 and 1239 (1980) (29 U.S.C. 1302(b)(3) and 1400).

§ 2677.1 Purpose and scope.

(a) *General.* This part establishes procedures under which a plan sponsor shall request the PBGC to approve a plan amendment under section 4220 of the Act. This part applies to all multiemployer plans covered by section 4021 of the Act that adopt amendments after September 25, 1983, pursuant to the authorization of sections 4201-4219 of the Act, (except for amendments adopted pursuant to section 4211(c)(5)). (The covered amendments are set forth in paragraph (b) of this section). The subsequent modification of a plan amendment adopted by authorization of those sections is also covered by this part. This part does not, however, cover a plan amendment that merely repeals a previously adopted amendment, returning the plan to the statutorily prescribed rule.

(b) *Covered amendments.* Amendments made pursuant to the following sections of the Act are covered by this part:

(1) *Section 4203 (b)(1)(B)(ii).*
(2) *Section 4203(c)(4).*
(3) *Section 4205(c)(1).*
(4) *Section 4205(d).*
(5) *Section 4209(b).*
(6) *Section 4210(b)(2).*
(7) *Section 4211(c)(1).*
(8) *Section 4211(c)(4)(D).*
(9) *Section 4211(d)(1).*
(10) *Section 4211(d)(2).*
(11) *Section 4219(c)(1)(C)(ii)(I).*
(12) *Section 4219(c)(1)(C)(iii).*

(c) *Exception.* Submission of a request for approval under this part is not required for a plan amendment for which the PBGC has published a notice in the **Federal Register** granting class approval.

§ 2677.2 Requests for PBGC approval.

(a) *Filing of request.* A request for approval of an amendment filed with the PBGC in accordance with this section shall constitute notice to the PBGC for purposes of the 90-day period specified in section 4220 of the Act. A request is deemed filed on the date on which a request containing all information required by paragraph (d) of this section is received by the PBGC.

(b) *Who may request.* The plan sponsor, or a duly authorized representative acting on behalf of a plan sponsor, shall sign and submit the request.

(c) *Where to file.* The request shall be delivered by hand or by mail to the Case Classification and Control Division (542), Insurance Operations Department, Pension Benefit Guaranty Corporation, 2020 K Street, NW, Washington, D.C. 20006.

(d) *Information.* Each request filed shall contain the following information:

(1) The name of the plan for which the amendment is being submitted, and the name, address and the telephone number of the plan sponsor or its duly authorized representative.

(2) The nine-digit Employer Identification Number (EIN) assigned by the Internal Revenue Service to the plan sponsor and the three-digit Plan Identification Number (PIN) assigned by the plan sponsor to the plan, and, if different, the EIN or PIN last filed with PBGC. If no EIN or PIN has been assigned, that fact must be indicated.

(3) A copy of the amendment as adopted, including its proposed effective date.

(4) A copy of the most recent actuarial valuation of the plan.

(5) A statement containing a certification that notice of the adoption of the amendment has been given to all employers who have an obligation to contribute under the plan and to all employee organizations representing employees covered by the plan.

(6) Any other information that the plan sponsor believes to be pertinent to its request.

(e) *Supplemental information.* The PBGC may require a plan sponsor to submit any other information that the PBGC determines to be necessary to review a request under this part. The PBGC may suspend the running of the 90-day period pursuant to § 2677.3(c), pending the submission of the supplemental information.

(Approved by the Office of Management and Budget under OMB control number 1212-0031)

§ 2677.3 PBGC action on requests.

(a) *General.* Upon receipt of a complete request, the PBGC shall notify the plan sponsor in writing of the date of commencement of the 90-day period specified in section 4220 of the Act. Except as provided in paragraph (c) of this section, the PBGC shall approve or disapprove a plan amendment submitted to it under this part within 90 days after receipt of a complete request for approval. If the PBGC fails to act within the 90-day period, or within that period notifies the plan sponsor that it will not disapprove the amendment, the amendment may be made effective without the approval of the PBGC.

(b) *Decision on request.* The PBGC's decision on a request for approval shall be in writing. If the PBGC disapproves the plan amendment, the decision shall state the reasons for the disapproval. An approval by the PBGC constitutes its finding only with respect to the issue of risk as set forth in section 4220(c) of the Act, and not with respect to whether the amendment is otherwise properly adopted in accordance with the terms of the Act and the plan in question.

(c) *Suspension of the 90-day period.* The PBGC may suspend the running of the 90-day period referred to in paragraph (a) of this section if it determines that additional information is required under § 2677.2(e). When it does so, PBGC's request for additional information will advise the plan sponsor that the running of 90-day period has been suspended. The 90-day period will resume running on the date on which the additional information is received by the PBGC, and the PBGC will notify the plan sponsor of that date upon receipt of the information.

Issued at Washington, D.C. on this 20th day of March 1985.

C.C. Tharp,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 85-7672 Filed 3-29-85; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11 85-02]

Marine Event: San Diego Crew Classic

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the San Diego Crew Classic. This event will be held on April 6, 1985 in San Diego, Mission Bay, CA. The regulations are needed to provide for the safety of life and property on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on April 6, 1985 and terminate on April 6, 1985.

FOR FURTHER INFORMATION CONTACT: LTJG Jorge Arroyo, Eleventh Coast Guard District Boating Affairs Office, 400 Oceangate Boulevard, Long Beach, California 90822, Tel: (213) 590-2331.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 20 days from the date of publication. Following normal rule making procedures would have been impracticable. The application to hold this event was not received until February 21, 1985, and there was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date.

Nevertheless, interested persons wishing to comment may do so by submitting written views, data, or arguments. Commenters should include their name and address, identify this notice (CGD11 85-02) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The regulations may change in light of comments received.

Drafting Information: The drafters of this regulation are LTJG Jorge Arroyo, Project Officer, Boating Affairs Office, Eleventh Coast Guard District, and LT Joseph R. McFaul, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of Regulation: The SAN DIEGO CREW CLASSIC will be conducted on April 6, 1985 at Mission Bay, CA. This event will have 400-500, rowing shells, 20-40 feet in length that could pose a hazard to navigation. Therefore, vessels desiring to transmit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

List Of Subjects In 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Regulations: In consideration of the foregoing Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary section to read as follows:

§ 100.35 11-85-02 San Diego Crew Classic, Mission Bay, CA.

(a) *Regulated Area:* The following area may be closed intermittently to all vessel traffic. That portion of Sail Bay, north of Santa Clara Point, Mission Bay Park, San Diego, CA.

(b) *Effective Dates:* These regulations will be effective from 6:00 AM to 4:00 PM on April 6, 1985.

(c) *Special Local Regulations:* All persons and/or vessels not registered

with the sponsor as participants or official regatta patrol vessels are considered spectators. The "official regatta patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol this event.

(1) No spectators shall block, anchor, loiter in, or impede the through transit of participants or official regatta patrol vessels in the regulated area during the effective dates, unless cleared for such entry by or through an official regatta patrol vessel.

(2) When hailed and/or signaled by horn or whistle by an official regatta patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions of the designated Patrol Commander. Failure to do so may result in citation for failure to comply.

(3) All vessels in close proximity shall operate at a safe and prudent speed which will create a minimum wake that will not affect participants.

(4) The Patrol Commander is empowered to forbid and control the movement of vessels in the regulated area. He may terminate the marine event at any time it is deemed necessary for the protection of life and property. He may be reached on VHF Channel 16 (156.8 MHz) when required, by the call sign "PATCOM".

(33 U.S.C. 1233; 33 U.S.C. 1236); 49 CFR 1.46(b); 33 CFR 100.35)

Dated: March 22, 1985.

F.P. Schubert,

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

[FR Doc. 85-7691 Filed 3-29-85; 8:45 am]

BILLING CODE 4910-14-M

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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

Correction

In FR Doc. 85-6720 beginning on page 11622 in the issue of Friday, March 22, 1985, make the following corrections:

1. On page 11626, in the first column, in amendatory language instruction 6, in the first line, "§ 157c" should read "§ 157.10c".

2. In § 157.10c, paragraph (a)(2), in the third line, "state" should read "stage".

3. In paragraph (c), in the sixth line, "carriers" should read "carries".

BILLING CODE 1505-01-M

VETERANS ADMINISTRATION

38 CFR Part 36

Increase in Maximum Permissible Interest Rates on Guaranteed Manufactured Home Loans, Home and Condominium Loans, and Home Improvement Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum interest rates on guaranteed manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans. In addition, the maximum interest rates applicable to fixed payment and graduated payment home and condominium loans, and to home improvement and energy conservation loans are also increased. These increases are necessary because previous rates were not competitive enough to induce lenders to make guaranteed or insured home loans without substantial discounts, or to make manufactured home loans. The increase in the interest rates will assure a continuing supply of funds for home mortgages, home improvement and manufactured home loans.

EFFECTIVE DATE: March 25, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420 (202-389-3042).

SUPPLEMENTARY INFORMATION: The Administrator is required by section 1819(f), title 38, United States Code, to establish maximum interest rates for manufactured home loans guaranteed by the VA as he finds the manufactured home loan capital markets demand. Recent market indicators—including the prime rate, the general increase in interest rates charged on conventional manufactured home loans, and the increase in other short-term and long-term interest rates—have shown that the manufactured home capital markets have become more restrictive. It is now necessary to increase the interest rates on manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans in order to assure an adequate supply of funds from lenders and investors to make these types of VA loans.

The Administrator is also required by section 1803(c), title 38, United States Code, to establish maximum interest rates for home and condominium loans, including graduated payment mortgage loans, and for loans for home improvement purposes. Recent market indicators—including the rate of discount charged by lenders on VA loans and the general increase in interest rates charged by lenders on conventional loans, have shown that the mortgage money market has become more restrictive. The maximum rates in effect for VA guaranteed home and condominium loans and those for energy conservation and home improvement purposes have not been sufficiently competitive to induce private sector lenders to make these types of VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program, it has been determined that an increase in the maximum permissible rates applicable to home and improvement loans is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 **Federal Register**, (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they do not come within the definition of a "major rule" as defined in that Order. The existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process permits timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The

publication of notice of a regulatory change in the VA maximum interest rates for VA guaranteed, insured, and direct home and condominium loans, loans for energy conservation and other home improvement purposes, and loans for manufactured home purposes would create an acute shortage of funds pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

(Catalog of Federal Domestic Assistance Program numbers, 64.113, 64.114, and 64.119)

These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1), 1811(d)(1) and 1819 (f) and (g) of title 38, United States Code. The regulations are clearly within that statutory authority and are consistent with Congressional intent.

These increases are accomplished by amending §§ 36.4212(a) (1), (2), and (3), and 36.4311 (a), (b), and (c), and 36.4503(a), Title 38, Code of Federal Regulations.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan Programs—housing and community development, Manufactured Homes, Veterans.

Approved: March 22, 1985.

By direction of the Administrator.

Everett Alvarez, Jr.

Deputy Administrator.

PART 36—LOAN GUARANTY

The Veterans Administration is amending 38 CFR Part 36 as follows:

1. In § 36.4212, paragraph (a) is revised as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charge the borrower on a loan guaranteed or insured pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to the respective effective date: (38 U.S.C. 1819(f)) •

(1) Effective March 25, 1985, 15½ percent simple interest per annum for a loan which finances the purchase of a manufactured home unit only.

(2) Effective March 25, 1985, 15 percent simple interest per annum for a loan which finances the purchase of a lot only and the cost of necessary site preparation, if any.

(3) Effective March 25, 1985, 15½ percent simple interest per annum for a loan which will finance the simultaneous acquisition of a manufactured home and a lot and/or the site preparation necessary to make a lot acceptable as the site for the manufactured home.

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2. In § 36.4311, paragraphs (a), (b), and (c) are revised as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the VA which specify an interest rate in excess of 13 per centum per annum, effective March 25, 1985, the interest rate on any home or condominium loan, other than a graduated payment mortgage loan, guaranteed or insured wholly or in part on or after such date may not exceed 13 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(b) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the VA which specify an interest rate in excess of 13¼ per centum per annum, effective March 25, 1985, the interest rate of any graduated payment mortgage loan guaranteed or insured wholly or in part on or after such date may not exceed 13¼ per centum per annum. (38 U.S.C. 1803(c)(1))

(c) Effective March 25, 1985, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs, which is guaranteed or insured wholly or in part on or after such date may not exceed 14½ per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

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3. In § 36.4503, paragraph (a) is revised as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the VA shall bear interest at the rate of 13 percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 14½ percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

• • • • •

[FR Doc. 85-7692 Filed 3-29-85; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[A-9-FRL-2808-4]

Delegation of New Source Performance Standards (NSPS); State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation.

SUMMARY: The EPA hereby places the public on notice of its delegation of NSPS authority to the California Air Resources Board (CARB) on behalf of the Bay Area Air Quality Management District (BAAQMD). This action is necessary to bring the NSPS program delegations up to date with recent EPA promulgations and amendments of these categories. This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift the primary program responsibility for the affected NSPS categories from EPA to State and local governments.

EFFECTIVE DATE: December 20, 1984.

ADDRESS: Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, New Source Section (A-3-1), Air Operations Branch, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tel: (415) (974-8221, FTS 454-8221.

SUPPLEMENTARY INFORMATION: The CARB has requested authority for delegation of certain NSPS categories on behalf of the BAAQMD. Delegation of authority was granted by a letter dated December 10, 1984 and is reproduced in its entirety as follows:

Mr. James D. Boyd,

Executive Officer, California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, CA 95812

Dear Mr. Boyd: In response to your request of November 14, 1984, I am pleased to inform you that we are delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS) on behalf of the Bay Area Air Quality Management District (BAAQMD). We have reviewed your request for delegation and have found the BAAQMD's

programs and procedures to be acceptable. This delegation includes authority for the following source category:

NSPS	40 CFR Part 60 Subpart
Automobile & Light-Duty Truck Surface Coating Operations	MM

In addition, we are redelegating the following NSPS category since the BAAQMD's revised programs and procedures are acceptable:

NSPS	40 CFR Part 60 Subpart
Phosphate Rock Plants	NN

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Part 60, including use of EPA's test methods and procedures. The delegation is effective upon the date of this letter unlesss the USEPA receives written notice from you or the District of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the **Federal Register** in the near future.

Sincerely,

Judith E. Ayres,

Regional Administrator.

cc: Bay Area Air Quality Management District

With respect to the areas under the jurisdiction of the BAAQMD, all reports, applications, submittals, and other communications pertaining to the above listed NSPS source categories should be directed to the BAAQMD at the address shown in the ADDRESS section of this notice.

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

I certify that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act.

This Notice is issued under the authority of Section 111 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*).

Dated: March 15, 1985.

David P. Howekamp,

Acting Regional Administrator.

[FR Doc. 85-7869 Filed 3-29-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 60 and 61

[A-9-FRL-2808-6]

Delegation of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP); State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation.

SUMMARY: The EPA hereby places the public on notice of its delegation of NSPS and NESHAP authority to the California Air Resources Board (CARB) on behalf of the Merced County Air Pollution Control District (MCAPCD). This action is necessary to bring the NSPS and NESHAPS program delegations up to date with recent EPA promulgations and amendments of these categories. This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift the primary program responsibility for the affected NSPS and NESHAP categories from EPA to State and local governments.

EFFECTIVE DATE: January 2, 1985.

ADDRESS: Merced County Air Pollution Control District, 210 E. 15th Street, P.O. Box 471, Merced, CA 95340.

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, New Source Section (A-3-1), Air Operations Branch, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tel: (415) 974-8221, FTS 454-8221.

SUPPLEMENTARY INFORMATION: The CARB has requested authority for delegation of certain NSPS and NESHAP categories on behalf of the MCAPCD. Delegation of authority was granted by a letter dated December 18, 1984 and is reproduced in its entirety as follows:

Mr. James D. Boyd,

Executive Officer, California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, CA 95812

Dear Mr. Boyd: In response to your request of December 3, 1984, I am pleased to inform you that we are delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) on behalf of the Merced County Air Pollution Control District (MCAPCD). We have reviewed your request for delegation and have found the MCAPCD's programs and procedures to be acceptable. This delegation includes authority for the following source categories:

NSPS	40 CFR Part 60 Subpart
Metallic Minerals Processing Plants	LL
Graphic Arts Industry: Publication Rotogravure Printing.	QQ
Pressure Sensitive Tape and Label Surface Coating Operations.	RR
Metal Coil Surface Coating Operations	TT
Synthetic Organic Chemical Manufacturing Industry: Equipment Leaks of VOC.	VV
Beverage Can Surface Coating Industry	WW
Bulk Gasoline Terminals	XX
Flexible Vinyl and Urethane Coating and Printing.	FFF
Equipment Leaks of VOC, Petroleum Refineries and Synthetic Organic Chemical Manufacturing Industry.	GGG
Synthetic Fiber Production Facilities	HHH

NESHAPS	40 CFR Part 61 Subpart
Equipment Leaks (Fugitive Emission Sources) of Benzene.	J
Asbestos	M
Equipment Leaks (Fugitive Emission Sources) of Benzene.	V

In addition, we are redelegating the following NSPS and NESHAP categories since the MCAPCD's revised programs and procedures are acceptable:

NSPS	40 CFR Part 60 Subpart
General Provisions	A
Fossil-Fuel Fired Steam Generators	D
Electric Utility Steam Generators	Da
Incinerators	E
Portland Cement Plants	F
Nitric Acid Plants	G
Sulfuric Acid Plants	H
Asphalt Concrete Plants	I
Petroleum Refineries	J
Storage Vessels for Petroleum Liquids	K
Petroleum Storage Vessels	Ka
Secondary Lead Smelters	L
Secondary Brass & Bronze Ingot Production Plants.	M
Iron and Steel Plants (BOPF)	N
Sewage Treatment Plants	O
Primary Copper Smelters	P
Primary Zinc Smelters	Q
Primary Lead Smelters	R
Primary Aluminum Reduction Plants	S
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants.	T
Phosphate Fertilizer Industry: Superphosphoric Acid Plants.	U
Phosphate Fertilizer Industry: Diammonium Phosphate Plants.	V
Phosphate Fertilizer Industry: Triple Superphosphate Plants.	W
Phosphate Fertilizer Industry: Granular Triple Superphosphate.	X
Coal Preparation Plants	Y
Ferroalloy Production Facilities	Z
Iron and Steel Plants (Electric Arc Furnaces)	AA
Kraft Pulp Mills	BB
Glass Manufacturing Plants	CC
Grain Elevators	DD
Surface Coating of Metal Furniture	EE
Stationary Gas Turbines	GG
Lime Manufacturing Plants	HH
Lead-Acid Battery Manufacturing Plants	KK
Automobile & Light-Duty Truck Surface Coating Operations.	MM
Phosphate Rock Plants	NN
Ammonium Sulfate	PP
Industrial Surface Coating: Large Appliances	SS
Asphalt Processing and Asphalt Roofing Manufacture.	UU

NESHAPS	40 CFR Part 61 Subpart
General Provisions	A
Beryllium	C
Beryllium Rocket Motor Firing	D
Mercury	E
Vinyl Chloride	F

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Parts 60 and 61, including use of EPA's test methods and procedures. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you or the District of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the **Federal Register** in the near future.

Sincerely,

Judith E. Ayres,

Regional Administrator.

cc: Mendocino County Air Pollution Control District

On January 14, 1985, a letter was sent to the CARB withdrawing delegation authority for NSPS Subpart XX, Bulk Gasoline Terminals. With respect to Subpart XX only, all reports, applications, submittals and other communications should be directed to the EPA, Region 9 Officer at the address shown in the **"FOR FURTHER INFORMATION CONTACT"** section of this notice.

With respect to the areas under the jurisdiction of the MCAPCD, all reports, applications, submittals, and other communications pertaining to the above listed NSPS (except Subpart XX) and NESHAP source categories should be directed to the MCAPCD at the address shown in the ADDRESS section of this notice.

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

I certify that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act.

This Notice is issued under the authority of sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*)

Dated: March 15, 1985.

David P. Howekamp,

Acting Regional Administrator.

[FR Doc. 85-7668 Filed 3-29-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 60 and 61

[A-9-FRL-2808-7]

Delegation of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP); State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation.

SUMMARY: The EPA hereby places the public on notice of its delegation of NSPS and NESHAP authority to the California Air Resources Board (CARB) on behalf of the Mendocino County Air Pollution Control District (MCAPCD). This action is necessary to bring the NSPS and NESHAP program delegations up to date with recent EPA promulgations and amendments of these categories. This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift the primary program responsibility for the affected NSPS and NESHAP categories from EPA to State and local governments.

EFFECTIVE DATE: February 8, 1985.

ADDRESS: Mendocino County Air Pollution Control District, Court House Square, Ukiah, CA 95482.

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, New Source Section (A-3-1), Air Operations Branch, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tel: (415) 974-8221, FTS 454-8221.

SUPPLEMENTARY INFORMATION: The CARB has requested authority for delegation of certain NSPS and NESHAP categories on behalf of the MCAPCD. Delegation of authority was granted by a letter dated January 24, 1985 and is reproduced in its entirety as follows:

Mr. James D. Boyd,

Executive Officer, California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, CA 95812

Dear Mr. Boyd: In response to your request of December 18, 1984, I am pleased to inform you that we are delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) on behalf of the Mendocino County Air Pollution Control District (MCAPCD). We have reviewed your request for delegation and have found the MCAPCD'S programs and procedures to be acceptable. This delegation includes authority for the following source categories:

NSPS	40 CFR Part 60 Subpart
Surface Coating of Metal Furniture	EE
Lead-Acid Battery Manufacturing Plants	KK
Metallic Mineral Processing Plants	LL
Phosphate Rock Plants	NN
Graphic Arts Industry: Publication Rotogravure Printing.	QQ
Pressure Sensitive Tape and Label Surface Coating Operations.	RR
Industrial Surface Coating: Large Appliances	SS
Metal Coil Surface Coating	TT
Asphalt Processing and Asphalt Roofing Manufacture.	UU
Synthetic Organic Chemical Manufacturing Industry: Equipment Leaks of VOC.	VV
Beverage Can Surface Coating Industry	WW
Flexible Vinyl and Urethane Coating and Printing.	FFF
Equipment Leaks of VOC, Petroleum Refineries and Synthetic Organic Chemical Manufacturing Industry.	GGG
Synthetic Fiber Production Facilities	HHH

NESHAP	40 CFR Part 61 Subpart
Equipment Leaks (Fugitive Emission Sources) of Benzene.	J
Asbestos	M
Equipment Leaks (Fugitive Emission Sources) of Benzene.	V

In addition, we are redelegating the following NSPS and NESHAP categories since the MCAPCD's revised programs and procedures are acceptable:

NSPS	40 CFR Part 60 Subpart
Fossil-Fuel Fired Steam Generators	D
Electric Utility Steam Generators	Da
Incinerators	E
Portland Cement Plants	F
Nitric Acid Plants	G
Asphalt Concrete Plants	I
Petroleum Refineries	J
Storage Vessels for Petroleum Liquids	K
Petroleum Storage Vessels	Ka
Secondary Lead Smelters	L
Secondary Brass & Bronze Ingot Production Plants.	M
Iron and Steel Plants (BOPF)	N
Sewage Treatment Plants	O
Primary Copper Smelters	P
Primary Zinc Smelters	Q
Primary Lead Smelters	R
Primary Aluminum Reduction Plants	S
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants.	T
Phosphate Fertilizer Industry: Superphosphoric Acid Plants.	U
Phosphate Fertilizer Industry: Diammonium Phosphate Plants.	V
Phosphate Fertilizer Industry: Triple Superphosphate Plants.	W
Phosphate Fertilizer Industry: Granular Triple Superphosphate.	X
Coal Preparation Plants	Y
Ferroalloy Production Facilities	Z
Iron and Steel Plants (Electric Arc Furnaces)	AA
Kraft Pulp Mills	BB
Glass Manufacturing Plants	CC
Grain Elevators	DD
Stationary Gas Turbines	GG
Automobile & Light-Duty Truck Surface Coating Operations.	MM
Ammonium Sulfate Manufacturing	PP

NESHAP	40 CFR Part 61 Subpart
General Provisions	A
Beryllium	C
Beryllium Rocket Motor Firing	D
Mercury	E
Vinyl Chloride	F

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Parts 60 and 61, including use of EPA's test methods and procedures. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you or the District of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the **Federal Register** in the near future.

Sincerely,

Judith E. Ayres,

Regional Administrator.

cc: Mendocino County Air Pollution Control District

With respect to the areas under the jurisdiction of the MCAPCD, all reports, applications, submittals, and other communications pertaining to the above listed NSPS and NESHAP source categories should be directed to the MCAPCD at the address shown in the ADDRESS section of this notice.

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

I certify that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act.

This Notice is issued under the authority of sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*).

Dated: March 15, 1985.

David P. Howekamp,

Acting Regional Administrator.

[FR Doc. 85-7667 Filed 3-29-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6599

[U-52734]

Utah; Partial Revocation of Public Water Reserve No. 107

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: We transmit a public land order (PLO) to revoke an Executive order insofar as it affects 40 acres of public land withdrawn for a public water reserve. The land has been identified for "in lieu" State selection rights by the State of Utah. It will remain closed to other forms of surface entry and mining, and open to mineral leasing.

EFFECTIVE DATE: April 1, 1985.

FOR FURTHER INFORMATION CONTACT: Lillie Hikida, BLM Utah State Office, 324 South State, Suite 301, Salt Lake City, Utah 84111, 801-524-3074.

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. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Bureau of Land Management Interpretation dated February 4, 1983, is hereby revoked insofar as it affects the following described lands:

Salt Lake Meridian, Utah

T. 37 S., R. 5 E.,
Sec. 13, SE¼NW¼.

The area described contains 40.00 acres in Garfield County.

2. The above described land is classified for State Selection under the Act of June 20, 1910 (36 Stat. 577), pursuant to an application filed by the State of Utah. This land will remain segregated from disposition under other public land laws, including the mining laws (30 U.S.C. Ch. 2), but not to the mineral leasing laws.

Robert N. Broadbent,

Assistant Secretary of the Interior.

March 19, 1985.

[FR Doc. 85-7626 Filed 3-29-85; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 25

[OST Docket No. 79; Amdt. 25-4 (Ref. Notice No. 83-11)]

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act); Acquisition for Federal and Federally Assisted Programs

AGENCY: Office of the Secretary, DOT.

ACTION: Editorial correction notice.

SUMMARY: This notice publishes a statistical report form for the Department of Transportation's final rule implementing the Uniform Act. This form was referenced in the final rule, but was not ready for publication until the present time.

DATES: This notice publishes a form that is part of a final regulation that will become effective on July 3, 1985.

FOR FURTHER INFORMATION CONTACT: Wayne Kennedy, Director, Office of Right of Way, Federal Highway Administration (202-426-0342); Reid Alsop, Office of Chief Counsel, Federal Highway Administration (202-426-0800); or Joseph Canny, Director, Office of Transportation Regulations, Office of the Secretary (202-426-4220). Office hours, Monday through Friday, are 7:45 a.m. through 4:15 p.m. (FHWA) and 9:00 a.m. through 5:30 p.m. (OST).

SUPPLEMENTARY INFORMATION: On March 5, 1985, the Department of Transportation published a final rule to implement the Uniform Act (50 FR 8955). This rule will act as a model regulation for all other Federal agencies with responsibilities under the Uniform Act. Appendix B to this regulation (50 FR 8985) concerns the statistical report form required under §25.9(c) of the rule. As printed on March 5, Appendix B contained the instructions for filling out the form and a notation that the form itself would be published at a later date. OMB approval for this form and the reporting requirement to which it relates have already been obtained (50 FR 8969).

This notice publishes the actual reporting form to be used in connection with § 25.9 and Appendix B of the final rule. The form will be codified in the Code of Federal Regulations as an attachment to Appendix B.

Accordingly, and pursuant to the authority delegated to me by the Secretary (49 CFR 1.57(1)), Part 25 of Title 49 of the Code of Federal Regulations is amended by adding the following form to the end of Appendix B thereof:

PART 25—[AMENDED]

Appendix B—Statistical Report Form

* * * * *

BILLING CODE 4910-62-M

Form Approved
OMB No: 2105-0508
Exp. Date: 1/31/88
Attachment
Appendix B

Model Uniform Act Report

Part A. Persons Displaced by Activities Subject to the Uniform Act During Report Year

	Item	Total (a)	No. of Owners (b)	No. of Tenants (c)
1	Households *(Families and individuals)*			
2	Businesses and Nonprofit Organizations			
3	Farms			

Part B. Relocation Payments and Expenses Under Uniform Act During Report Year

	Item		No. of Claims (a)	Amount (b)
4	Payments for Moving Expenses for Households	Actual Expenses (Section 202(a))		
5		Fixed Payment Including Dislocation Allowance (Section 202(b))		
6	Payments for Moving Expenses for Business and Nonprofit Organizations	Actual Expenses (Section 202(a))		
7		Payment in Lieu of Actual Expenses (Section 202(c))		
8	Payment for Moving Expenses for Farms	Actual Expenses (Section 202(a))		
9		Payment in Lieu of Actual Expenses (Section 202(c))		
10a	Replacement Housing Payments for Homeowners *(Section 203(a))*			
10b	Amount on Line 10a Attributable to Increased Mortgage Interest Costs			
11	Rental Assistance Payment *(Tenants and Certain Others) (Section 204(1))*			
12	Downpayment Assistance *(Tenants and Certain Others) (Section 204(2))*			
13	Housing Assistance as Last Resort *(Section 206(a))*			
14	Relocation Advisory Assistance and Services Cost *(Section 206)*			
15	Total *(Sum of Lines 4 through 14 Excluding Line 10b)*			

Part C. Real Property Acquisition Subject to Uniform Act During Report Year

	Item	No. of Parcels (a)	Compensation (b)
16	Total Parcels Acquired		
17	Total Parcels Acquired by Condemnation included on Line 16 *(where price disagreement was involved)*		

Part D. Relocation Grievances Filed During Report Year

		Total No.
18	Relocation Grievances Filed in Connection with Project / Program	

List of Subjects in 49 CFR Part 25

Transportation, Relocation assistance and real property acquisition, Reporting and recordkeeping requirements.

Issued at Washington D.C. this 27th day of March 1985.

Rosalind A. Knapp,

Acting General Counsel.

[FR Doc. 85-7740 Filed 3-29-85; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 217 and 222

[Docket No. 40805-5024]

Endangered Fish or Wildlife; Certificates of Exemption for Certain Holders of Finished Scrimshaw Products

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

ACTION: Final rule.

SUMMARY: NOAA publishes this final rule to implement, in part, the Endangered Species Act Amendments of 1982 concerning certificates of exemption for certain holders of finished scrimshaw products. This rule amends the regulations on certificates of exemption to make them conform with the current state of the law, and changes the recordkeeping and reporting requirements, as well as the application procedure for renewal of a previously issued certificate of exemption.

EFFECTIVE DATE: April 1, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Steven Springer (Enforcement Division), 202-634-7265, or Ms. Linda Marks (Office of General Counsel), 202-254-8350.

SUPPLEMENTARY INFORMATION:

Background

NMFS enforces the Endangered Species Act of 1973 as amended (the Act), with respect to, but not limited to, all species of whales of the order Cetacea. The aspect that is affected by this final rule is the certificates of exemption issued to dealers in scrimshaw made from whale teeth, whale bone, and baleen.

On July 12, 1976, Congress passed an amendment to the Act (Pub. L. 94-359) that allowed persons who held quantities of endangered species parts prior to December 28, 1973, to obtain a certificate of exemption to sell their stocks through exportation or interstate commerce. Certificate holders were given three years from the date of issuance of a certificate of exemption to sell their pre-Act inventories. In the June 22, 1977, issue of the **Federal Register** (42 FR 28137-41), NMFS published a final rule regarding certificates of exemption.

Congress again amended the Act on December 28, 1979 (Pub. L. 96-159), to allow persons issued an original certificate of exemption, under the 1976 amendments (Pub. L. 94-359), to apply for an extension of their certificates of up to three additional years from the date of expiration of the original certificate (45 FR 57132).

Despite the limited number of certificates in existence, the whale ivory inventories were not used up. On October 13, 1982 (Pub. L. 97-304), Congress directed the Secretary of Commerce to carry out a comprehensive review of the regulations governing the administration and enforcement of the certificate-of-exemption program and to submit a report of such review to the House Committee on Merchant Marine and Fisheries, and to the Senate Committee on the Environment and Public Works. Congress also provided that the regulations be revised as deemed "necessary and appropriate." Congress provided that the Secretary of Commerce could renew the certificates for a period not to exceed three years. Copies of the report are available from NMFS at the address given above.

These regulations amend the definition of "scrimshaw product" to conform to the definition in the Act. They require certificate holders who apply for a renewal to inventory their stock and number each item. The inventories will be submitted with the application for renewal and will be used to monitor the quantity of stock. The regulations no longer require certificate holders to provide interstate purchasers with copies of their certificates of exemption.

This change was made to reduce the possibility of unlawful trading using certificates of exemption. Instead, certificate holders must provide purchasers of exempt pre-Act endangered species parts with written notification of an item's inventory number, and inform purchasers who are not ultimate users of their obligation to report to NMFS.

Certificate holders will now be required to submit quarterly reports identifying sales or transfers of pre-Act parts. The previous regulations imposed similar recordkeeping requirements, and provided that such records could be requested by the Assistant Administrator for Fisheries. The new regulations impose an affirmative reporting requirement in order to respond to the concerns of Congress that there be a "tightening" of the reporting and recordkeeping requirements.

Rulemaking Process

NMFS published proposed rules on December 14, 1984 (49 FR 48777-79). Public comment was invited for a 30-day period which ended January 14, 1985.

Discussion of Public Comments

Nine written comments were received, three from the environmental community and six from, or on behalf of, holders of certificates of exemption. NMFS considered whether suggested changes to the proposed rule would (1) be consistent with the intent of Congress to restrict trade in scrimshaw products, (2) facilitate enforcement, and/or (3) place an unreasonable burden on certificate-of-exemption holders.

Discussion of the comments received is grouped below by major issue.

1. General

One commenter supported publishing the proposed rule as final without change.

One commenter proposed eliminating the certificate of exemption program altogether and prohibiting all trade in scrimshaw products. NMFS cannot comply with this request, because it is contrary to Congress' intention to have the certificates of exemption extended, as expressed in the 1982 amendments to the Act.

One commenter requested changes in the final rule that would allow a certificate holder to sell in interstate or foreign commerce, items purchased from other certificate holders. NMFS must reject this request in order to comply with the mandate of Congress as set forth in the 1982 amendments to the Act. The 1982 amendments specify that, after January 31, 1984, once a scrimshaw product is sold by a certificate of exemption holder, that product cannot be resold in interstate or foreign commerce by any other person.

2. Recordkeeping

One commenter suggested keeping records of large sales separate from records of small sales to help prevent subsequent unlawful sales by those who purchase large quantities of scrimshaw items and claim to be ultimate users. The 1982 amendments to the Act prohibit any person from reselling in interstate or foreign commerce scrimshaw items purchased from a certificate-of-exemption holder. NMFS intends to keep in the same computer file, records of all sales made under

certificates of exemption, whether to commercial dealers or to ultimate users. NMFS does not believe that maintaining separate files based on the quantity of items sold would facilitate enforcement. Accordingly, this suggestion was rejected.

One commenter suggested that reports of all transactions should include the address as well as the name of the purchaser. NMFS agrees with this suggestion and has included this provision in the final rule.

One commenter suggested that certificate-of-exemption holders require commercial enterprise before selling scrimshaw items to them, and that such proof be submitted to NMFS with the required quarterly reports. NMFS rejects this suggestion as it would provide no benefit to NMFS' enforcement effort and would only create an unnecessary burden on the certificate-of-exemption holders.

One commenter expressed the opinion that it would be difficult for certificate holders to comply with the quarterly reporting requirements. In the past, the regulations dealing with certificates of exemption provided that NMFS could require certificates holders to submit reports of transactions under their certificates at any time. In view of Congress' mandate to NMFS to improve accountability within the certificate-of-exemption system, and because a periodic inventory reconciliation would greatly facilitate enforcement, NMFS believes that requiring the quarterly reports is appropriate. Accordingly, the suggestion to remove this requirement from the final rule was rejected.

3. Inventory identification

One commenter suggested that a uniform system should be established for numbering scrimshaw items using the certificate number as a prefix. NMFS believes that such a numbering system would facilitate both enforcement and recordkeeping and has included a uniform numbering system in the final rule.

One commenter suggested that enforcement could be facilitated by requiring certificate holders to include in their inventory data the weight of each item or scrap lot, the number of pieces in each scrap lot and a photograph of each item or scrap lot. NMFS has concluded that (1) enforcement would be greatly facilitated if the weight of each item or scrap lot covered by a certificate of exemption were known; (2) given the weight of a scrap lot, knowing the number of items in the lot is likely to be of little value; and (3) photographs of inventoried items would only occasionally benefit enforcement while creating a considerable burden, in terms of time and expense, on the certificate holders. Considering the above, NMFS has added language to the final rule requiring that each item and scrap lot be inventoried by weight, and has rejected the suggestions that inventories include the number of pieces in scrap lots and photographs of each item or scrap lot.

Two commenters asked how identification numbers should be affixed to individual items. Language has been added to the final rule to clarify the identification requirement.

One commenter proposed an alternative system for assigning numbers to scrimshaw items in a certificate holder's inventory. The proposed system would involve counting the total number of items in an inventory, assigning a block of numbers to cover the total number of items and then assigning specific numbers to individual items at the time they are sold. NMFS believes that this system would inhibit enforcement by making individual items more difficult to track and by concealing the identity of individual items within an inventory until the point of sale. NMFS, therefore, rejects this proposal.

4. Scrap lots

NMFS received a variety of comments regarding the provision in the proposed rule that certificate holders inventory scraps and pieces of raw material in lots not exceeding five pounds. One commenter suggested limiting the size of scrap lots to two pounds, because "[f]ive pounds . . . seems excessive. . . ." Another commenter recommended increasing the size of scrap lots to 100 pounds to give craftsmen more latitude in selecting material from which to fashion finished items. After considering both arguments, NMFS decided to retain the originally proposed five-pound limit on scrap lots.

Two commenters asked whether whole raw whale teeth should be inventoried as individual items or grouped into lots of scrap. NMFS' intent was that whole raw teeth could be inventoried by either method, whichever is more convenient for the individual certificate holder. The relevant section in the final rule has been modified to clarify this matter.

Changes Made in the Rule

For the reasons discussed above, the final rule differs from the proposed rule as follows:

Section 222.11-3

The amendment to paragraph (a)(5) which appeared in the proposed rule was rewritten and expanded to (1) provide a uniform numbering system, (2) require identification of all inventory items by weight, (3) clarify the means by which numbers may be affixed to inventory items and (4) clarify the ways in which raw teeth may be entered on the inventory.

Section 222.11-8

Paragraph (a) was revised to reflect changes in § 222.11-3(a)(5).

Section 222.12-12-8

Paragraph (a) was rewritten for clarity.

Paragraph (b) was changed to require the records of certificate holders to show the address of any purchaser, seller or other transferor of pre-Act endangered species parts.

In paragraph (c)(2), the date on which the first quarterly report is due was changed to July 15, 1985, to be consistent with the publication date of the final rule.

Classification

NOAA's Administrator has determined that this final rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291 because the rule directly affects only a small number of entities (less than 50) and, therefore, is not likely to result in an annual effect on the economy of $100 million or more; also the rule is not likely to result in a major increase in costs or prices for consumers, individual industries, Federal, state or local governmental agencies, or geographic regions. Further, the rule is not likely to have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The General Counsel of the Department of Commerce has certified to the Small Business Administration that this final rule will not have a significant economic impact on a substantial number of small entities because it grants a privilege or exemption to a limited number of people and the costs of compliance and recordkeeping are nominal. Also, this final rule is essentially a restatement and extension of an existing rule.

In view of the need to allow the certificate holders to continue business without interruption, the Agency has determined that delaying the effective date of this notice would be impracticable, unnecessary, and contrary to the public interest.

The collection of information and reporting for certificates of exemption has been approved by the Office of Management and Budget under OMB No. 0648–0078. OMB approved, in April 1984, the additional reporting requirements specified in this rule.

List of Subjects in 50 CFR Parts 217 and 222

Administrative practice and procedure, Permits, Endangered Fish or Wildlife, Reporting and recordkeeping requirements.

Dated: March 27, 1985.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management.

For the reasons set forth in the preamble, 50 CFR Parts 217 and 222 are amended as follows:

PART 217—GENERAL PROVISIONS

1. The authority citation for Part 217 is revised to read as follows:

Authority: 16 U.S.C. 1521–1543; and 16 U.S.C. 742a *et seq.*, unless otherwise noted.

2. Section 217.12 is amended by revising the defintion of "Scrimshaw Product" to read as follows:

§ 217.12 Definitions.

* * * * *

"Scrimshaw product" means any art form which involves the substantial etching or engraving of designs upon, or the substantial carving of figures, patterns, or designs from any bone or tooth of any marine mammal of the order Cetacea. For purposes of this part, polishing or the adding of minor superficial markings does not constitute substantial etching, engraving or carving.

PART 222—ENDANGERED FISH OR WILDLIFE

1. The authority citation for Subpart B of Part 222 is revised to read as follows:

Authority: 16 U.S.C. 1531–1543.

2. In § 222.11–1, remove from paragraph (a) the phrase "except for importation," remove from paragraph (a)(2) the word "to" between the words "ship" and "interstate" and insert in its place the word "in," and add a new paragraph (c) to read as follows:

§ 222.11–1 General certificate of exemption requirements.

* * * * *

(c) After January 31, 1984, no person may export; deliver, receive, carry, transport or ship in interstate or foreign commerce in the course of a commercial activity; or sell or offer for sale in interstate or foreign commerce any pre-Act finished scrimshaw product unless that person has been issued a valid certificate of exemption and the product or the raw material for such product was held by such certificate holder on October 13, 1982.

§ 222.11–3 [Amended]

3. In § 222.11–3, remove from paragraph (a)(1) the phrase "Pub. L. 96–159," and insert in its place the phrase "Pub. L. 97–304;" remove from paragraph (a)(4) the word "original," and insert in its place the phrase "previous renewal of the;" add in paragraph (a)(6) the phrase "Pub. L. 97–304, 95 Stat. 715," after the phrase "93 Stat. 1225;" and revise paragraph (a)(5) as follows:

* * * * *

(5)(i) A complete and detailed updated inventory of all pre-Act endangered species parts for which the applicant seeks exemption. Each item on the inventory must be identified by the following information: a unique serial number; the weight of the item in grams, to the nearest whole gram; and a description in detail sufficient to permit ready identification of the item. Small lots, not exceeding five pounds (2,270 grams), of scraps or raw material, which may include or consist of one or more whole raw whale teeth, may be identified by a single serial number and total weight. All finished scrimshaw items subsequently made from a given lot of scrap may be identified by the lot serial number plus additional digits to signify the piece number of the individual finished item. Identification numbers will be in the following format: 00–000000–0000. The first two digits will be the last two digits of the appropriate certificate of exemption number; the next six digits, the serial number of the individual piece or lot of scrap or raw material; and the last four digits, where applicable, the piece number of an item made from a lot of scrap or raw material. The serial numbers for each certificate holder's inventory must begin with 000001, and piece numbers, where applicable, must begin with 0001 for each separate lot.

(ii) Identification numbers may be affixed to inventory items by any means, including, but not limited to, etching the number into the item, attaching a label or tag bearing the number to the item, or sealing the item in a plastic bag, wrapper or other container bearing the number. Provided that, the number must remain affixed to the item until it is sold to an ultimate user, as defined in § 222.11–8(b) of this part.

(iii) No renewals will be issued for scrimshaw products in excess of any quantities declared in the original application for a certificate of exemption.

4. Section 222.11–8 is revised to read as follows:

§ 222.11–8 Purchaser provisions.

(a) Any person granted a certificate of exemption, including a renewal, under this subpart, upon a sale of any exempted pre-Act endangered species part, must provide the purchaser in writing with a description (including full identification number) of the part sold, and must inform the purchaser in writing of the purchaser's obligation under paragraph (b) of this section, including the address given in the certificate to which the purchaser's report is to be sent.

(b) Any purchaser of pre-Act endangered species parts included in a valid certificate of exemption, unless an ultimate user, must within 30 days after the receipt of such parts submit a written report to the address given in the certificate specifying the quantity of such parts or products received, the name and address of the seller, a copy of the invoice or other document showing the serial numbers, weight, and descriptions of the parts or products received, the date on which such parts or products were received, and the intended use of such parts by the purchaser. An ultimate user, for purposes of this paragraph, means any person who acquired such endangered species part or product for his own consumption or personal use (including as gifts), and not for resale.

(c) After January 31, 1984, no purchaser may export; deliver, receive, carry or transport in interstate or foreign commerce in the course of a commercial activity; or sell or offer for sale in interstate or foreign commerce any endangered species part or product even though such part or product was acquired under a certificate of exemption either prior to or subsequent to that date.

(Approved by the Office of Management and Budget under control number 0648–0079)

5. Section 222.11–9 is revised to read as follows:

§ 222.11–9 Duration of certificate of exemption.

A certificate of exemption is valid only if renewed in accordance with the procedures set forth in § 222.11–3 of this part. However, no renewal is valid for more than three years from the initial expiration date of the previous renewal of the certificate of exemption. A renewed certificate of exemption entitles the holder to engage in the

business or activity specified in the certificate of exemption, within the limitations of the Act and the regulations contained in this subpart, for the period stated in the certificate of exemption, unless sooner terminated.

6. Section 222.12 is revised to read as follows:

§ 222.12 Locations covered by certificate of exemption.

The certificate of exemption covers the business or activity specified in the certificate of exemption at the address described therein. No certificate of exemption is required to cover a separate warehouse facility used by the certificate of exemption holder solely for storage of pre-Act endangered species parts, if the records required by this subpart are maintained at the address specified in the certificate of exemption which is served by the warehouse or storage facility.

§ 222.12-1 [Amended]

7. In § 222.12-1, delete the word "subsequent" from the last sentence.

§ 222.12-6 [Amended]

8. In § 222.12-6, delete the word "subsequent."

§ 222.12-7 [Amended]

9. In § 222.12-7, delete the word "subsequent" in the phrase "of a subsequent purchaser . . ."

10. Section 222.12-8, is amended by revising paragraphs (a)-(c) and adding the OMB control number set forth below at the end of the section to read as follows:

§ 222.12-8 Record of receipt and disposition.

(a) Holders of certificates of exemption must maintain records of all pre-Act endangered species parts they receive, sell, transfer, distribute or dispose of otherwise. Purchasers of pre-Act endangered species parts, unless ultimate users, must similarly maintain records of all such parts or products they receive.

(b) Such records as referred to in paragraph (a) of this section may consist of invoices or other commercial records which must be filed in an orderly manner separate from other commercial records maintained, and be readily available for inspection. Such records must (1) show the name and address of the purchaser, seller, or other transferor; (2) show the type, quantity, and identity of the part or product; (3) show the date of such sale or transfer; and (4) be retained, in accordance with the requirements of this subpart, for a period of not less than three years following the date of sale or transfer. Each pre-Act endangered species part will be identified by its number on the updated inventory required to renew a certificate of exemption.

(c) (1) Each certificate of exemption holder must submit a quarterly report (to the address given in the certificate) containing all record information required by paragraph (b) on all transfers of pre-Act endangered species parts made in the previous calendar quarter, or such other record information the Assistant Administrator may specify from time to time.

(2) Quarterly reports are due on January 15, April 15, July 15, and October 15. The first report is due on October 15, 1985.

* * * * *

(Approved by the Office of Management and Budget under control number 0648-0078)

[FR Doc. 85-7648 Filed 3-29-85; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 672

[Docket No. 50338-5038]

Groundfish of the Gulf of Alaska; Emergency Interim Rule

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

ACTION: Emergency interim rule.

SUMMARY: The Secretary of Commerce (Secretary) has determined that an emergency exists in the domestic sablefish fishery being conducted in the Eastern Regulatory Area of the Gulf of Alaska. A recent increase in the number of pots used to harvest sablefish in the Eastern Regulatory Area is disrupting the traditional sablefish hook-and-line fishery. This disruption is due to the preemption of fishing grounds by pot vessels and to the likelihood that pot vessels will harvest an unprecedented share of the optimum yield early in the season. Based upon a recommendation of the North Pacific Fishery Management Council (Council), the Secretary has prohibited the use of all gear types except hook-and-line in the directed fishery for sablefish in the Eastern Regulatory Area of the Gulf of Alaska. This prohibition is necessary to prevent economic loss to longline fishermen who traditionally fish for sablefish in this area, to processors who rely on the fishery, and to southeast Alaska communities that depend significantly on the sablefish harvest, while the Secretary and the Council develop a long-term response to this situation.

EFFECTIVE DATES: In § 672.24, the existing text is designated as paragraph (a) and a new paragraph (b) is added, to be effective from March 27, 1985 until June 25, 1985.

ADDRESS: The environmental assessment prepared for this action may be obtained from Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Biologist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION: The domestic groundfish fishery in the fishery conservation zone (3-200 miles offshore) in the Gulf of Alaska is managed under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The FMP was developed by the Council under the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMP was implemented December 1, 1978 (43 FR 52709, November 14, 1978). It has been amended twelve times.

Current regulations implementing the FMP do not limit the types of gear used in harvesting any of the groundfish categories, including sablefish. The U.S. sablefish fishery is one of the oldest fisheries in Alaska with the first landings documented in 1906. The harvest fluctuated substantially over the next 65 years, but began to increase steadily in the 1970's. Primary processing plants are located at Ketchikan, Sitka, Pelican, Petersburg, and Yakutat.

Most U.S. fishermen have chosen longlines with hooks as the primary gear type when targeting on sablefish. Many of them are experienced in the halibut fishery, in which hook-and-line (longline) gear is used exclusively. Pot gear was first allowed in 1970, and by 1973 a fairly large fishery was established in the southern inner coastal waters of southeast Alaska and Dixon Entrance. That gear type caught over 20 percent of the total harvest in 1974. Since then longline gear has dominated the fishery (Table 1), taking 94 percent or more of the sablefish resource each year.

The Gulf of Alaska sablefish resource is small compared to some other fishable groundfish populations. Its optimum yield (OY) is currently 8,940 metric tons (mt), which represents only 2 percent of the total OY for all groundfish in the Gulf of Alaska. The sablefish fishery has been directed at those marketable adult fish, three pounds and larger, which are found below 300 meters. The fishing grounds are only

one-half to one mile wide on the outer slopes of the continental shelf.

Because of the high ex-vessel value ($0.65/pound on average in 1984 and $0.82/pound to date in 1985), significant employment and income are derived from sablefish. The latest domestic commercial fisheries statistics, published by the Alaska Department of Fish and Game in *Alaska 1982 Catch and Production*, show that in 1982, sablefish contributed $3,388,000, or 14 percent of the total ($24,069,000) wholesale value of non-salmon finfish production in the Eastern Regulatory Area. Numbers of longline fishermen, including crew members, targeting on sablefish have ranged between 190 and 344 during the years 1977–1982.

TABLE 1.—LANDINGS (METRIC TONS) OF SABLEFISH IN THE EASTERN REGULATORY AREA OF THE GULF OF ALASKA BY POT AND LONGLINE GEAR AND NUMBERS OF VESSELS OF EACH GEAR TYPE IN THE FISHERY

Year	Pot gear landings	Number of vessels	Longline gear landings	Number of longline vessels
1970			154	22
1971			86	16
1972			68	26
1973			18	33
1974	38	1	140	33
1975			391	69
1976	4	2	277	60
1977	9	1	735	86
1978	2	1	1,015	61
1979	123	2	2,018	150
1980	80	4	1,536	97
1981	40	1	1,243	62
1982	7	1	1,974	116
1983	0	0	2,605	118
1984	53	2	4,278	190

Source: Alaska Department of Fish and Games.

As a result of increasing demand, harvests of domestic sablefish have increased markedly. OYs in the Gulf of Alaska were fully harvested by U.S. fishermen to 137° W. longitude (Southeast Outside District) in 1982, to 140° W. longitude (East Yakutat District) in 1983, then to 159° W. longitude (Central Regulatory Area) in 1984. Substantial amounts were also harvested in 1984 in the Western Regulatory Area, where 13 percent of the 1,670 mt OY was harvested by U.S. fishermen. The OY for the entire Gulf of Alaska is expected to be harvested by U.S. fishermen in 1985.

This year pot vessels commenced fishing operations in the Eastern Regulatory Area and proceeded to take large amounts of the OY that otherwise would be taken by longline vessels. These pot vessels are catcher/processors that commonly deliver their catches to ports outside Alaska. NMFS estimates that pot vessels through the first week of February 1985 have already taken about 12 percent of the OY. This catch is a much larger amount of sablefish than has ever been harvested with pot gear in the Eastern Regulatory Area, and a much larger share of the total U.S. sablefish harvest than has been taken with pots since 1974. In 1974, the U.S. sablefish harvest in the Eastern Regulatory Area was less than 1/30 of the corresponding 1984 U.S. harvest. Almost all of the increase has been harvested by longline vessels.

The pot vessels are large and can remain at sea during the inclement weather that is common in the Gulf of Alaska in the early part of the year. Thus they can fish during periods when smaller longline vessels would normally remain in port. Some longline vessels may attempt to fish earlier than would be seasonally normal for fear that the OY will be taken and the season will close before they have been able to harvest their share. Safety of the fishermen and their vessels could, therefore, be jeopardized. Longline fishermen might also set their gear and be forced by storms to return to port; they would not be able to retrieve their catch, and a waste of the resource would occur.

Both longline and pot gears are employed in long skates, or strings, that may be 2 to 4 miles long. They are laid on the ocean bottom with their ends connected to float lines for identification and retrieval. Each pot weighs about 100–125 pounds, and as many as 24 pots may be fished on a string. The groundline used to secure a pot string is much thicker (¾ inch in diameter) and stronger (breaking strength = 10,400 pounds) than the groundline used for a longline string (⅝ inch in diameter; breaking strength = 3,000 pounds). The pot gangion (cord between the pot and the groundline) is thicker and stronger (⅜ inch; breaking strength = 3,000 pounds) than the hook gangion (#36, #42, or #48 cord; breaking strength about 288–300 pounds). Because pot strings are much heavier than longline strings, the use of longlines is proving incompatible with pot strings when employed on the same fishing grounds where pot gear has been, or will be, employed. Pot strings are usually laid parallel to the depth contours, while longline strings are laid obliquely across the depth contours. A longline string usually cannot be retrieved if it is placed first and is then overlaid by a pot string. Additionally, if a longline string has been placed over a pot string and then snags the latter, it often cannot be retrieved. Pot strings can be retrieved even when overlaid with longline strings, but are known to shear the fishing lines, or gangions, from the longline gear. Thus, pot gear effectively preempts the fishing grounds, forcing longline gear out. In addition, individual pots and sometimes entire strings may be lost on the grounds and not recovered, resulting in permanent ground preemptions. To avoid entanglement, longline fishermen must avoid areas where such loss has occurred.

Longline fishermen thus cannot compete for the sablefish resource on the same fishing grounds where pot fishermen are fishing, or where pot fishermen have lost gear. As a result, they are prevented from utilizing the fishing grounds. Sablefish not caught by longline vessels represent a loss not only to longline fishermen but also to the processing industry in southeast Alaska, as most pot-caught fish are transported and landed outside of the State. The community of Sitka, Alaska, in particular, could suffer serious economic harm if pots replaced hook-and-line as the dominant sablefish gear off southeast Alaska. This community has already suffered significant economic setbacks due to the poor condition of the Alaska timber industry.

At its February 5–8, 1985, meeting, the Council addressed this problem after receiving considerable testimony from longline and pot fishermen. The Council recognized the importance of the sablefish longline fishery to the local economies of southeast Alaska, especially that of Sitka. To avoid disruption of those economies, it voted 9 to 1 request the Secretary to implement an emergency rule to prohibit the use of any fishing gear except hook-and-line gear to harvest sablefish in the Eastern Regulatory Area of the Gulf of Alaska. The Council directed its Plan Team to prepare for public review a draft FMP amendment addressing this situation which, if approved by the Secretary, could make permanent a similar management measure. The Council desires to arrest the use of sablefish pot gear, and the resulting economic harm to Sitka and other Alaska coastal communities, until it has had the opportunity to evaluate the situation fully and to formulate a long-term response.

For the above reasons, the Secretary agrees that an emergency exists in the domestic sablefish fishery and prohibits for the duration of this emergency rule the use of any fishing gear other than hook-and-line gear for the harvest of sablefish in the Eastern Regulatory Area of the Gulf of Alaska.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this rule is necessary to respond to an emergency situation and that it is consistent with the Magnuson Act and other applicable law.

The Assistant Administrator also finds that the reasons justifying promulgation of this rule on an emergency basis made it impracticable and contrary to the public interest to provide notice and a prior opportunity for public comment or to delay for 30 days the effective date of this rule.

The Director, Alaska Region, NMFS, prepared an environmental assessment (EA) for this action and concluded that no significant impact on the human environment will result from its implementation. A copy of the EA is available at the address listed above.

This emergency rule is exempt from the normal review procedures of Executive Order 12291 under section 8(a)(1) of that order. This rule is being reported to the Director of the Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of the State of Alaska. This determination has been submitted for review by Alaska's Office of Management and Budget under section 307 of the Coastal Zone Management Act.

This rule is exempt from the procedures of the Regulatory Flexibility Act, because it is issued without opportunity for prior public comment.

This rule does not contain a collection of information requirement and therefore is not subject to the provisions of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 672

Fish, Reporting and recordkeeping requirements.

Dated: March 27, 1985.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

PART 672—GROUNDFISH OF THE GULF OF ALASKA

For the reasons set out in the preamble, Part 672 is amended as follows:

1. The authority citation for Part 672 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

2. In § 672.24, the existing text is designated paragraph (a) and a new paragraph (b) is added to read as follows:

§ 672.24 Gear limitations.

(a) * * *

(b) *Eastern Regulatory Area Sablefish Fishery; Hook-and-Line Gear Only.* Vessels subject to this part may not use gear other than hook-and-line gear when conducting a directed fishery for sablefish in the Eastern Regulatory Area

* * * * *

[FR Doc. 85-7639 Filed 3-27-85; 11:51 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 50, No. 62
Monday, April 1, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 929

Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Proposed Amendment of Rules and Regulations

AGENCY: Agricultural Marketing Service. USDA.

ACTION: Proposed role.

SUMMARY: The proposed rule would increase the reserve base quantity for the 1985–86 crop year from the required minimum of 2.0 percent to 11.55 percent of the total base quantities currently issued to cranberry growers. The proposed rule is designed to update and expand base quantities for the benefit of growers. It is also intended to facilitate the appropriate and equitable operation of the cranberry marketing order with the establishment in the future of any marketable quantity and annual allotment.

DATE: Comments Due: May 1, 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, Agricultural Marketing Service, U.S. Department of Agriculture, 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 made available for public inspection in the office of the Docket Clerk during regular business hours.

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 proposed rule has been reviewed 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.

The proposed rule is issued under amended marketing agreement and Order No. 929, as amended (7 CFR Part 929). The order regulates the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. The agreement and order are effective under the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601–674). The action was recommended by the Cranberry Marketing Committee.

Each year prior to May 1, the committee considers its marketing policy for the coming season and estimates the marketable quantity. If the Secretary finds from such recommendation of the committee or from other available information that limiting the quantity of cranberries that may be purchased or handled on behalf of growers would tend to effectuate the declared policy of the act, the Secretary shall determine and establish the marketable quantity for that crop year. The marketable quantity shall be apportioned among growers by applying the allotment percentage to each grower's base quantity pursuant to §929.48.

Such base quantities are issued to growers: (a) Based on their production during the period 1968–69 through 1973–74; (b) as a result of transfers of base quantities from other growers; or (c) as part of an annual reserve of at least two percent of the total base quantities. The reserve shall be used for the issuance of base quantities to new growers and adjustments in base quantities for existing growers with 25 percent being made available for new for new growers and 75 percent available for adjustments for exisiting growers. Any unallocated portion of the 25 percent available to new growers may at the discretion of the committee be prorated among eligible existing growers on an equitable basis. Section 929.48 also provides that a condition for the continuing validity of a grower's base quantity is the production of cranberries in a proprietary capacity. If no bona fide effort is made to produce and sell cranberries thereunder for five consecutive seasons, commencing with the 1978–79 season, the base quantity may be reduced or declared invalid due to lack of use and cancelled at the end of the fifth season of nonproduction. The committee shall establish criteria, subject to approval by the Secretary, whereby the committee may determine whether a bona fide effort has been made to produce and sell cranberries produced on the grower's own acreage.

Section 929.153 implements §929.48 of the order. It prescribes procedures governing the allocation of reserve base quantities to cranberry growers and establishes an annual base quantity reserve equal to two percent of the aggregate base quantities. Also, § 292.153 provides that the base quantity of a grower who has made no bona fide effort to produce and sell cranberries for five consecutive seasons, commencing with the 1978–79 season, may be declared invalid and cancelled at the end of the fifth season.

On February 20, 1985, the Cranberry Marketing Committee held its annual winter meeting to formulate its marketing policy for the 1985–86 crop year. It determined that since demand exceeded supply, implementation of § 929.49 (i.e. the establishment of a marketable quantity and annual allotment) was not recommended. In order to update its base quantities in preparation for any future recommendation for such a marketable quantity, however, the committee determined that 2,951 barrels of base quantity were held by growers who had not produced cranberries on the corresponding acreage for the requisite five years and should be redistributed to growers requesting base from the annual base quantity reserve. The committee noted that cranberry sales were projected to increase and recommended that additional base be issued to all qualified new and existing growers to the full amount of such requests. All qualified new growers who applied for base quantities were granted them by the committee since such applications represented less than 25 percent of the 11.55 percent reserve.

Thus, the net effect of the several committee recommendations is that there should be a total increase of base of 11.55 percent. Such an increase would make additional quantities of base

quantity available to new and existing growers, and insures that base remain only with growers who are making a bona fide effort to produce cranberries. The change also would provide the appropriate updating of base quantities necessary for any future establishment of a marketable quantity and annual allotment.

It is found that this proposed rule would tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 929

Marketing agreements and orders, Cranberries, Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, New York.

Therefore, the proposal is to amend § 929.153 (7 CFR Part 929) by revising paragraph (a) to read as follows:

§ 929.153 Base quantity reserve.

(a) *Establishment.* An annual reserve base quantity equal to 2 percent of total base quantities is hereby established: *Provided,* That, for the 1984–85 crop year, the reserve base quantity shall be 2.38 percent, and for the 1985–86 crop year, the reserve base quantity shall be 11.55 percent.

* * * * *

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

Dated: March 26, 1985.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 85–7638 Filed 3–29–85; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 1004

[Docket No. AO–160–A62–RO3]

Milk in the Middle Atlantic Marketing Area; Decision on Proposed Amendments to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision revises the definitions of "plant" and "pool plant" under the Middle Atlantic order. The changes are based on evidence presented at a public hearing held in Alexandria, Virginia, on September 13, 1984. The hearing on this issue was requested by a federation of cooperatives, which represents a number of dairy farmers who supply milk to the market. The changes are needed to reflect current marketing conditions. They will allow a federation of cooperatives to qualify its reserve processing plant as a separate pool plant under certain circumstances and to efficiently exchange by-products by pipeline with an adjacent nonpool plant. Cooperative associations will be polled to determined whether producers favor the issuance of the amended order.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

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 amended order will promote more orderly marketing of milk by producers and regulated handlers.

Prior Documents in This Proceeding

Notice of Hearing: Issued August 30, 1984; published September 6, 1984 (49 FR 35100).

Emergency Partial Final Decision: Issued October 17, 1984; published October 24, 1984 (49 FR 42737).

Order Amending Order: Issued November 6, 1984; published November 14, 1984 (49 FR 44986).

Recommended Decision: Issued January 29, 1985; published February 1, 1985 (50 FR 4694).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Alexandria, Virginia, on September 13, 1984. Notice of such hearing was issued on August 30, 1984 and published September 6, 1984 (49 FR 35100). The hearing reopened an earlier joint hearing convened on July 19, 1983 which primarily involved consideration of the expansion of the Middle Atlantic and New York-New Jersey marketing areas. That hearing record was reopened for the limited purpose of receiving additional evidence with respect to the economic and marketing conditions which relate to the computation of a producer's base and the pool plant qualification requirements for a reserve processing plant operated by a federation of cooperatives.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Marketing Programs, on January 29, 1985, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

Under Issue 2

1. A new paragraph is added after paragraph 13.

2. Paragraph 20 is deleted and three new paragraphs are added after paragraph 19.

3. A new paragraph is added at the end of the findings and conclusions.

The material issues on the record of the hearing relate to:

1. Computation of a producer's base.

2. Pool qualification requirements for a reserve processing plant operated by a federation of cooperatives.

3. Whether emergency marketing conditions exist to such an extent that the omission of a recommended decision and the opportunity to file written exceptions thereto are warranted.

This decision deals only with issue 2. Issues 1 and 3 were dealt with in a previous decision on the record.

Findings and Conclusions

The following findings and conclusions on the remaining material issue are based on evidence presented at the hearing and the record thereof:

2. *Pool qualification requirements for a reserve processing plant operated by a federation of cooperatives.* The order should be amended to permit a federation of cooperatives to qualify its reserve processing plant, which is located on the same premises with another person's nonpool plant and is connected by pipeline with such plant, as a pool plant if the pipeline is used only to move by-products.

The change was proposed by Atlantic Processing, Inc. (API), a federation of four cooperative associations. This dairy farmer organization represents a number of producers who supply milk to the market. Proponent claimed that its proposal is needed to reflect current

marketing conditions and to allow the federation to operate efficiently.

API has operated a manufacturing facility at Allentown, Pennsylvania, for several years. Although the facility was considered a single operating unit, a soft-products operation (including sour cream, yogurt, condensed milk, frozen dessert mixes and cottage cheese) was conducted in one portion of the plant and hard cheeses were manufactured in another part of the same facility. The plant was a fully regulated reserve processing plant under the order. In that role, it served as a major outlet for the market's reserve milk supplies.

On April 30, 1984, API sold its hard cheese operation to Beatrice Foods, Inc. (Beatrice). Since then two legally separate businesses have been operating at the Allentown site. The land, buildings and equipment associated with the manufacture of hard cheeses are now independently owned and operated by Beatrice. The land, buildings and equipment used in connection with manufacturing soft dairy products were retained by API and continue to be owned and operated by such handler.

Following the sale of the cheese business, certain physical changes were made by the operators to divide the former plant's operations into two separate operating units. API recently installed new receiving docks at its smaller soft-products plant. With this addition, each operator (API and Beatrice) now has the capacity to receive and segregate a milk supply which is commensurate with its needs. Each business also maintains a separate utility and sewage disposal system.

The by-products resulting from the primary manufacturing operations of these two handlers complement each other. For example, to the extent that Beatrice has sufficient dryer capacity, the acid-whey associated with API's cottage cheese operation can be salvaged. Similarly, the by-products of Beatrice's hard cheese operations, whey cream and whey condensed, can be utilized in the ice cream operations conducted by API. As a convenient and economical method of exchanging these by-products, two existing pipelines have been maintained by the operators.

It is the existence of the pipelines (one for acid-whey and another for whey-cream) that is now causing a problem for API. A plant must constitute a single operating unit under the current order provisions. Because of the pipelines, the market administrator has determined that the soft-products plant of API continues to constitute only a portion of a single operating unit, which includes the operations of both API and Beatrice. Based on this interpretation, it is not possible for API to qualifty such plant separately as a pool plant under the order.

API believed that the cheese business operated by Beatrice would be conducted in a separate nonpool plant and that milk delivered to such plant by the federation would have to be qualified as a diversion if it was to participate in the order's marketwide pool. In recognition of this, API asked for a hearing to consider increasing its diversion allowance to nonpool plants by 10 percentage points.

The API witness stated that the amount of increase in the diversion allowance it proposed at the hearing held in May 1984 was based on the fact that its remaining soft-products operation would qualify as a pool reserve processing plant under the order. After the close of that hearing, API learned about the market administrator's interpretation, i.e., the soft-products operation would not be considered a separate plant and thus could not qualify as a pool plant. It was then that the handler realized that all of the federation's mile delivered to Allentown (either API's soft-products operation or Beatrice's cheese-processing operation) would have to qualified as a diversion to maintain its eligibility to share in the marketable pool. In view of these circumstances, the federation became concerned that in the future it may be unable to keep its diversions to nonpool plants within the higher diversion allowance, which was increased at API's request and became effective on September 1, 1984.

API's witness testified that the federation considered proposing an additional increase in the diversion allowance at this hearing. This alternative was rejectred, however, because proponent did not want to relax the order's pooling provisions further and thereby present an opportunity for additional milk to be associated with the market. Proponent asked instead that the order's pool plant provisions be revised in such a way that its remaining soft-product plant could qualify separately as a pool plant if certain conditions are met.

At the hearing API's witness insisted that dividing the total operations of its Allentown plant between two different operators (itself and Beatrice) should not deprive the federation from pooling its remaining smaller soft-products facility as a pool reserve processing plant under the order. He contended that API's market position could be adversely affected if it is unable to qualify its plant. He cited the following examples to support the claim. If the plant is a nonpool plant, the federation's producer milk must be associated with (either by direct receipt at or diversion from) the handler's two fluid processing pool plants at Lansdale, Pennsylvania and Baltimore, Maryland. Whereas, if the handler's soft-products plant qualifies as a pool plant, the federation's producer milk could be associated with such plant in addition to the handler's other two pool plants.

No opposition testimony to the federation's proposal was presented at the hearing. No briefs were received in connection with the issue.

A statement of counsel was made on behalf of Inter-State Milk Products Cooperative (Inter-State), the largest cooperative supplying milk to the market. Counsel indicated that the Inter-State has no objection to the federation's proposal so long as the integrity of regulations can be preseved and the revised provisions can be enforced without undue complication and expense.

Maryland and Virginia Milk Producers Cooperative and the Middle Atlantic Division of Dairymen, Inc. joined with Inter-State in filing exceptions to the recommended decision. The three producer groups did not oppose the amendments adopted in the recommended decision. They did, however, express their concern regarding the administration and enforcement of the revised provisions. In that regard, the three cooperative supported the statement of counsel made on behalf of Inter-State at the hearing.

A spokesman for the Ad Hoc Federal Order Committee, representing most of the major handlers operating under the Middle Atlantic and New York-New Jersey milk orders, presented a statement of position on behalf of the handlers at the hearing. He indicated that such handlers have no objection to API's proposal.

The order's provisions should be tailored to meet the changed marketing conditions which have taken place at the Allentown facility since API sold its cheese-processing business to Beatrice.

The revised provisions adopted herein will not insure pool status for proponent's smaller soft-products plant. However, they remove the impediment which now makes it impossible for API to qualify such plant as a pool plant under the order, i.e., because the plant is connected by pipeline with another person's nonpool plant located on the same premises.

The record indicates that proponent wants to maintain pool status for the milk of its producers who have been

historically associated with the fluid market and whose milk is being handled at proponent's manufacturing operations at Allentown. Unless the order is amended along the lines suggested by proponent, API would have to make numerous plant and marketing adjustments in the future to accomplish this goal. Such adjustments would involve considerable expense for the federation and would result in uneconomic movements of milk products.

The record evidence also shows that API's producer deliveries to the handler's nonpool soft-products plant are now being qualified as diverted producer milk. It is expected that the recently adopted higher diversion allowance in conjunction with the federation's somewhat lower milk supplies now will allow the handler to maintain pool status for all of the milk of its producers who have been associated with this market. It should be noted in this regard that API's monthly diversion allowance and ultimately the handler's ability to qualify milk for pool status under the order is established on the basis of the amount of proudcer milk the federation causes to be received at or diverted from pool plants. Hence, to the extent that the handler's deliveries to its nonpool soft-products plant could be qualified as a diversion, the federation's overall pooling position in the market would be unchanged regardless of the status of its soft-products plant.

Nevertheless, even though API could maintain pool status for its current milk supplies associated with the market, affording pool status to the handler's soft-products plant if certain conditions are met will contribute to orderly marketing of producer milk under the order over the long run. In that regard, it will give the federation more flexibility in marketing its milk in particular situations.

The record indicates that proponent did not ask that the order be amended with the intention of associating additional milk and/or producers with the marketwide pool. In view of this fact, the three cooperatives which filed their exceptions jointly took the position that some additional amendatory language is needed to safeguard the uniform prices for the market's regular dairy farmers. In that regard, they suggested that a dairy farmer's milk should not be a receipt of producer milk at the federation's reserve processing plant if the immediately preceding delivery of such person's milk was received at a nonpool plant and was not diverted producer milk under the Middle Atlantic milk order. Exceptors believed that the additional amendatory language is needed to provide further assurance that proponent operates its reserve processing plant in concert with the handler's stated intentions.

Such a change was not noted in the hearing notice. The imposition of such a limitation on the receipts of milk from dairy farmers at the reserve processing plant was not specifically proposed or addressed at the September 1984 hearing. Hence, there is no record evidence to support the additional amendatory language now advanced by the cooperatives in their exceptions.

If the handler operates its soft-products pool plant in accordance with its stated intention, the changes provided herein should not have an adverse impact on the market positions of other interested parties covered by the order. At the same time, however, API's position in the market will be preserved, i.e., as the operator of a pool reserve processing plant.

The record shows that the pipelines connecting the two facilities will be used only to exchange the aforementioned by-products associated with the manufacturing operations of the two separate operators. This mutually beneficial arrangement whereby the residual product(s) from each handler's principal manufacturing operations can be used by the adjacent operator to produce another product would be facilitated. The efficient method presently used by the two operators in exchanging such by-products will be encouraged to continue under the order changes adopted herein.

If these operations of two separate businesses were conducted at different plant sites, tank trucks would have to be used to exchange the by-products. However, since they are situated on the same premises, it is obviously more practical and more economical to use pipelines rather than tank trucks to move such products. As a convenience to the two operators, the provisions adopted herein will accommodate the needs of the two operators in this regard, as long as the pipelines are utilized in accordance with proponent's stated intentions, i.e., exclusively to move by-products.

It seems inappropriate to deny pool status to the handler's plant simply because it is connected by pipelines with another person's nonpool plant located on the same premises under the unique circumstances where the pipelines are not used to move milk. It seems equally inappropriate to put API in the position of having to modify its physical plant structure by disconnecting the pipelines and exchanging the by-products using tank trucks merely for the purpose of meeting the requirements of the current order provisions. Accordingly, if API is able to prove to the market administrator's satisfaction that pipelines were used only to exchange by-products during the month, its plant could be considered a separate operating unit and thus be eligible for pool status for such month.

Since the market administrator will make the final determination as to whether API's plant qualifies for pool status each month, the integrity of regulation should be protected adequately. In that regard, the market administrator would have complete authority to monitor the plant's activities which affect its pool status.

As already indicated, when API's plant qualifies as a pool plant, all milk received from producers at such plant qualifies as producer milk and is eligible for pool participation. Hence, milk that is ultimately destined for the cheese plant but is not eligible to be diverted could be received at API's pool plant simply to qualify such milk for pooling. It could then be transferred to Beatrice through the pipeline, thereby evading the effectiveness of the order's limitations on diversions to nonpool plants. As proposed, such movements would not be permitted under the revised provisions.

If the market administrator finds that during any month the pipeline was used to move milk, the reserve processing plant would not be a pool plant. The hearing notice proposal was not specific about how long the plant should be a nonpool plant in the event that such a finding was made. Milk receipts and dispositions by all pool handlers are classified and accounted for on a monthly basis under the order. The order should provide that such plant shall not be a pool plant for any month in which such a finding is made.

The same treatment (loss of pool status for the month) should apply during the months of automatic pooling (March through August). Since handlers may divert unlimited quantities of milk to nonpool plants in such months, there is no need for API to move its milk to an intermediate pool plant, because the milk could be moved to its ultimate destination at a nonpool manufacturing plant and maintain pool status.

The hearing notice proposal of API did not specify a different treatment for moving milk to API's pool plant via the pipeline from the nonpool cheese processing plant of Beatrice. Although such movements are not likely, they are contrary to proponent's intentions, i.e., to use the pipelines only to move by-

products. The same treatment under the order should be attached to milk moved in either direction via the pipelines by such operators. The provisions adopted herein carry out proponent's intent and state positively that the reserve processing plant be a pool plant for any month in which the handler demonstrates to the market administrator that the pipeline was used only to move by-products (not milk).

The hearing notice proposal appeared to place the burden of determining whether the API operation qualifies as a pool plant solely on the market administrator. In this particular situation, it is API that wants its plant to be considered for pool status. Such handler has the information regarding the plant's receipts and disposition. It is therefore appropriate that the primary burden of proving such plant's eligibility for pool status be placed on the handler rather than the market administrator. Accordingly, the provisions adopted herein place that responsibility on the handler operating such plant.

In connection with the market administrator's determination, the federation would be given an opportunity to prove to the satisfaction of the market administrator that, for all practical purposes, its plant was operated as a separate operation (even though it was connected by pipeline with a nonpool plant located on the same premises) with respect to its receipts and disposition of milk during the month. For that reason, it should be considered as a separate plant and be eligible for pool status. The record indicates that proponent intends to establish and maintain a record-keeping system in accordance with the market administrator's needs to facilitate the verification of milk receipts and disposition at the plant and assist in making such determination.

This decision responds to a very narrow and specific marketing problem under the Middle Atlantic order. It should be noted that a pool reserve processing plant may be operated by a cooperative as well as a federation of cooperatives in this market. However, there was no proposal to change the application of the order with respect to an individual cooperative. Also, there is no indication that such a modification is needed to meet a current or prospective marketing problem of such a handler. Accordingly, the change adopted herein is limited to the pool status of a reserve processing plant operated by a federation of cooperative associations.

In connection with the revisions in the pool plant provisions, a modification of the order's plant definition is warranted. This corollary change, in the form of an exception to such definition, provides the latitude under the order to allow a reserve processing plant operated by a federation of cooperatives to be considered for pool status as a separate plant even though it is connected by pipeline with a nonpool plant located on the same premises if the conditions specified in § 1004.7(d)(2) are met.

A general exception was filed by an individual dairy farmer. However, the basis of the exception was not related to the pooling requirements for a reserve processing plant operated by a federation of cooperatives.

Rulings on Proposed Findings and Conclusions

No briefs were received.

General findings

The findings and determinations hereinafter set forth supplement those that were made when the Middle Atlantic order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be it the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement And Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Middle Atlantic marketing area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the **Federal Register**. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

December 1984 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Middle Atlantic marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

List of Subjects in 7 CFR Part 1004

Milk marketing orders, Milk, Dairy products.

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

Signed at Washington, D.C., on March 22, 1985.

Karen Darling,

Acting Assistant Secretary, Marketing & Inspection Services.

Order[1] Amending the Order, Regulating the Handling of Milk in the Middle Atlantic Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

except where they may conflict with those set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area; and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Marketing Programs, on January 29, 1985, and published in the **Federal Register** on February 1, 1985 (50 FR 4694), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. Section 1004.4 is revised to read as follows:

§ 1004.4 Plant.

Except as specifically provided in § 1004.7(d)(2), "plant" means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, processing or packaging of milk or milk products (including filled milk). However, a separate facility used only for the purpose of transferring bulk milk from one tank truck to another tank truck or only as a distribution depot for fluid milk products in transit for route distribution shall not be included under this definition.

2. In § 1004.7, paragraphs (d)(2), and (e) are revised to read as follows:

§ 1004.7 Pool plant.

* * * * *

(d) * * *

(2) A reserve processing plant operated by a federation of cooperative associations if, during the month, 30 percent or more of the producer milk of member producers of such cooperatives is caused to be delivered to and physically received at pool plants qualified pursuant to paragraph (a) of this section either from the farms of such producers or by transfer in the form of fluid milk products (except filled milk) from the plant(s) of such cooperatives. If a pipeline is maintained between a reserve processing plant and a nonpool plant operated by another person and located on the same premises, the reserve processing plant shall be a pool plant for the month if the operator of such plant proves to the satisfaction of the market administrator that such plant should be eligible for pool status on the basis of the plant's monthly receipts and disposition of milk and that the pipeline was used only to move by-products (not milk) between such plants during the month.

* * * * *

(e) A plant that qualified as a pool plant pursuant to paragraph (b) or (d) of this section during each of the immediately preceding months of September through February shall be qualified for automatic pool plant status for each of the following months of March through August, unless the plant operator files a written request with the market administrator prior to the beginning of any such month asking that such plant not be a pool plant. Such nonpool status shall be effective on the first day of the month following the receipt of such request and shall continue until the plant again qualifies as a pool plant pursuant to paragraph (b) or (d) of this section, subject to the following conditions:

(1) The automatic pool plant status for any plant identified in paragraph (e) of this section shall be cancelled if another plant is qualified as a pool plant on the basis of deliveries to the same plants through which such automatic pooling status was acquired by the plant. Cancellation of the plant's automatic pool plant status shall be effective on the first day of the month in which the other plant is qualified as a pool plant and shall continue until the plant again qualifies as a pool plant pursuant to paragraph (b) or (d) of this section; and

(2) The automatic pool plant status of a reserve processing plant operated by a federation of cooperative associations qualified pursuant to paragraph (d)(2) of this section shall be forfeited for any month during the March through August period in which the market administrator determines on the basis of the investigation conducted pursuant to paragraph (d)(2) of this section that such plant shall not be a pool plant for the month.

* * * * *

[FR Doc. 85-7708 Filed 3-29-85; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 1007, 1011, 1046, 1093, 1097, 1098, 1102, and 1108

Milk in the Georgia and Certain Other Marketing Areas; Termination of Proceeding on Proposed Suspension of Certain Provisions of the Orders

7 CFR part	Marketing area
1007	Georgia.
1011	Tennessee Valley.
1046	Louisville-Lexington-Evansville.
1093	Alabama-West Florida.
1097	Memphis, Tennessee.
1098	Nashville, Tennessee.
1102	Fort Smith, Arkansas.
1108	Central Arkansas.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of proceeding on proposed suspension of rules.

SUMMARY: This action terminates the proceeding that was initiated to consider a proposal to suspend the seasonal base-excess plans for paying producers under the above listed orders during March through August 1985. The suspension was requested by Southern Milk Sales, a cooperative association that represents producers who are located in areas covered by these marketing orders.

An evaluation of data, views, arguments, and other pertinent information available leads to the conclusion that no further action should be taken on the request, and the proceeding is hereby terminated.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, DAiry Division, Agricultural Marketing Service, U.S. Department of agriculture, Washington, D.C. 20250 (202) 447–2089.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding—Notice of Proposed Suspension; Issued February 28, 1985; published March 6, 1985 (50 FR 9038).

This termination of proceeding is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*). This proceeding was initiated by a notice of rulemaking published in the **Federal Register** on March 6, 1985 (50 FR 9038) concerning a proposed suspension of certain provisions of the orders regulating the handling of milk in the aforesaid marketing areas. Interested parties were invited to comment on the proposal in writing by March 13, 1985. The proposal would have inactivated the seasonal base-excess plans for paying producers under the above listed orders during March through August 1985 by suspending the specific provisions listed for each of the orders on pages 9038 and 9039 of the March 6, 1985, **Federal Register.**

Statement of Consideration

The proposed suspension would make inoperative the seasonal base-excess plans under eight orders during the base paying spring and summer months in 1985. The suspension was requested by Southern Milk sales, (SMS) a cooperative association that represents producers who are located in the areas covered by the marketing orders.

Under base-excess plans a base for each producer is computed on the basis of deliveries during the fall and winter months. During the following spring and summer months, producers receive a uniform price for base milk for production that does not exceed the established daily average base. Milk in excess of base production commands a lower "excess" price. The plans are intended to encourage a seasonal leveling of production.

The base-excess plans of these orders were recently amended so that if a producer delivered milk to more than one of these eight markets during the fall and winter months, the deliveries to all of the eight markets could be used to compute the producer's base for the purpose of payments during the spring and summer months. However, SMS contends that substantial quantities of the milk of its producer members were shipped to other deficit southeastern markets that do not have base-excess plans. As a result of supplying these markets, SMS contends that producer members of the cooperative have not established bases that reflect their entire production and thus their returns during the spring and summer will be reduced because an abnormally large proportion of their marketings would be paid for at the lower "excess" price. The cooperative contends that a reduction of returns will jeopardize the maintenance of an adequate supply of milk during the coming months for these and other southeastern markets unless the base-excess plans of the eight orders are suspended during March through August 1985.

Comments supporting a suspension action were filed by one handler and 15 dairy farmers. Most of the producers supporting the suspension action provided no reason as to why the suspension should be granted. However, several producers indicated that production during the base forming period was reduced because of dairy farmer participation in the paid diversion program.

Comments in opposition to the suspension were filed by four dairy farmers, two handlers and four cooperative associations that represent a substantial majority of the total number of producers who supply the eight markets involved in this proceeding. Basically, the producers contend that it would be inappropriate and inequitable to suspend the base-excess payment plans in the middle of the annual production cycle. They contend that suspension of the plans would penalize those producers who geared their production patterns to better meet the fluid milk needs of the markets involved. They further contend that the provisions of the base-excess plans were well known, in advance, by producers and cooperative associations and that producers and cooperative associations should not now be compensated for choosing to ignore these provisions in their production and delivery decisions during the base-forming periods. Opponents further contend that a suspension could lead to legal actions among producers who have already transferred bases at agreed upon values under the provisions of those orders that provide for base transfers.

Base-excess plans affect primarily the manner in which the total value of milk is allocated among the producers who supply the markets. Consequently, a primary consideration in determining whether the plans should be suspended in whether such action is favored by a substantial proportion of the producers who supply the markets. It is evident from the comments received that a substantial majority of the producers oppose a suspension of the base-excess payment plan. For this reason, as well as for other reasons presented by those opposing the action, the suspension request is hereby denied and the proceeding is terminated.

List of Subjects in 7 CFR Parts 1007, 1011, 1046, 1093, 1097, 1098, 1102, and 1108

Milk marketing orders, Milk, Dairy products.

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

Signed at Washington, D.C., on March 25, 1985.

Karen Darling,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 85–7710 Filed 3–29–85; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85–ASO–7]

Proposed Alteration of Control Zones; Fort Myers, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the two control zones which are associated with Page Field and Southwest Florida Regional Airport, Fort Myers, Florida. These changes result from a planned relocation of the Fort Myers VORTAC facility from its present site adjacent to Page Field to a new site west of Southwest Regional Airport. This action will raise the floor of controlled airspace northwest, northeast and southwest of Page Field from the surface to 700 feet above the surface as the existing control zone extensions will no longer be required after relocation of the VORTAC. The proposed effective date of this action is November 21, 1985.

DATES: Comments must be received on or before: May 1, 1985.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, ASO–530, P. O. Box 20636, Atlanta, Georgia 30320

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Supervisor, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. _____." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that will alter the Fort Myers and Fort Myers Southwest Florida Regional Airport, Florida control zones. Relocation of the Fort Myers VORTAC to a new site negates the need for control zone extensions and permits raising the floor of controlled airspace beyond five miles from Page Field. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6A dated January 2, 1985.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zones.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend the Fort Myers and Fort Myers Southwest Florida Regional Airport, Florida, control zones under § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Fort Myers, FL [Revised]

Within a five-mile radius of Page Field (lat. 26°35'11"N., long. 81°51'49"W.); excluding the portion southeast of a line connecting the two points of intersection with a 5-mile radius circle centered on Southwest Florida Regional Airport (lat. 26°32'10"N., long. 81°45'18"W.).

Fort Myers Southwest Florida Regional Airport, FL [Revised]

Within a 5-mile radius of Southwest Florida Regional Airport (lat. 26°32'10"N., long. 81°45'18"W.); excluding the portion northwest of a line connecting the two points of intersection with a 5-mile radius circle centered on Page Field (lat. 26°35'11"N., long. 81°51'49"W.). This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and time will thereafter be continuously published in the Airport/Facility Directory.

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

Issued in East Point, Georgia, on February 28, 1985.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 85–7610 Filed 3–29–85; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 6

Proposed Customs Regulations Amendments Relating to Overflight Exemptions and Reporting Requirements for Aircraft Arriving in the United States

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations by expanding the coverage of the notice of penetration of U.S. airspace requirements to include more aircraft within those requirements, and by placing additional requirements upon those who might seek an exemption from landing requirements for aircraft arriving from south of the U.S.

Current regulations provide specifics regarding the requirements for reporting arrival, and include a list of designated airports at various border and coastline points at which designated aircraft must land. This notice merely proposes to expand coverage of existing requirements to: Include all aircraft arriving from Puerto Rico and the U.S. Virgin Islands within the notice of penetration requirements; include within the notice requirements aircraft departing and then reentering U.S. airspace, regardless of whether the aircraft commander reports having landed outside of the U.S.; increase from 15 minutes to 1 hour the time required for notice to be given prior to penetrating U.S. airspace; and require aircraft seeking exemptions from certain landing requirements to be equipped with functioning transponders and to provide additional justification for being granted an exemption.

The proposed amendments are necessary because of the severity of the drug abuse problem, the major increase

in illegal drug importations, and the need for action to expand the effectiveness of drug smuggling enforcement. Customs has found that because aircraft arriving in U.S. airspace from certain areas south of the mainland U.S. are exempt from current reporting requirements, and because overflight exemption requirements are too lax, certain potentially high-risk flights are able to bypass the best drug interdiction efforts of Customs. This proposal seeks to remedy that situation.

DATES: Comments must be received before May 31, 1985.

ADDRESS: Written comments (preferably in triplicate) may be addressed to and inspected at the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue NW., Room 2426, Washington, D.C. 20229. Comments relating to the information collection aspects of the proposal should be addressed to the Commissioner of Customs, as noted above, and also to the Office of Information and Regulatory Affairs, Attention: Desk officer for U.S. Customs Service, Office of Management and Budget, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Bernie Harris, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–5607).

SUPPLEMENTARY INFORMATION:

Background

The National Narcotics Intelligence Consumers Committee has documented that the supply of illegal drugs to the U.S. market and the subsequent extent of drug abuse has reached monumental proportions. Illegal drugs generated an estimated $80 billion in retail sales in 1980, a 23 percent increase from 1979. The severity of the drug abuse problem, the preponderance of drug users, and the major increases in volumes of illegal drug importations in the U.S. are indicated by the significant increase in drug-related deaths, medical care, arrests, and seizures.

The smuggler organization has solidified a dominant position in the U.S. through the penetration of strategic points in the economy. Areas to the south to the U.S. are major sources of illegal drugs destined for the U.S. Smuggling by air is the preferred mode of transportation for high-cost narcotics, with cocaine and marijuana smuggling representing particularly high risk areas. A Stanford Research Institute Study indicates the magnitude of the air smuggling threat at approximately 6,700 flights, annually. Although recent air interdiction activities in the southeastern U.S. have resulted in many arrests and seizures, an end to the present situation of drug abuse in the U.S. is not in sight.

In order to address this national problem, it is necessary to take action to expand the effectiveness of smuggling enforcement. In 1975, the Customs Regulations were amended by adding a new § 6.14 (19 CFR 6.14), to provide for a notice of intended arrival for private aircraft arriving in the U.S. via the U.S./Mexican border.

Because of the magnitude of the drug problem, and in direct response to Executive and Congressional directives, by an interim regulation published as T.D. 82–52 in the **Federal Register** On March 24, 1982, (47 FR 12620), the notice requirements were extended to private aircraft arriving in the U.S. via the Gulf of Mexico, Pacific and Atlantic Coasts. These interim regulations were adopted as a final rule by publication of T.D. 83–192 in the **Federal Register** on September 15, 1983 (48 FR 41381).

By publication in the **Federal Register** on November 9, 1984 (49 FR 46885), § 6.14 was further amended to extend the reporting requirements to certain commercial aircraft arriving from areas south of the U.S. By expanding the definition of private aircraft to include certain commercial flights, Customs sought to increase enforcement coverage to further stem the flow of illicit narcotics. In spite of previous efforts, we have found that there remain certain gaps in the reporting requirements provided in Part 6 of the Customs Regulations. The proposed amendments discussed above and set forth below will fill those gaps.

Authority

This proposal is made under the authority of R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799, as amended (19 U.S.C. 66, 1624; 49 U.S.C. appendix 1509).

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 225) and § 1.6, Treasury Department Regulations (31 CFR 1.6), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Customs Headquarters, 1301 Constitution Avenue NW., Washington, D.C. 20229.

Executive Order 12291

This proposal is not a "major rule" as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The document is subject to the Paperwork Reduction Act. Accordingly, the reporting requirements contained in the document have been submitted to the Office of Management and Budget for review and comment pursuant to 44 U.S.C. 3504(h). Public comments relating to the information collection aspects of the proposal should be addressed to the Customs Service and to the Office of Management and Budget at the addresses set forth in the **ADDRESS** portion of this document.

Drafting Information

The principal author of this document was Larry L. Burton, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Lists of Subjects in 19 CFR Part 6

Air carriers, Air transportation, Aircraft, Airports.

Proposed Amendments to the Regulations

It is proposed to amend Part 6, Customs Regulations (19 CFR Part 6), as set forth below.

William von Raab,
Commissioner of Customs.

Approved: March 14, 1985.

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

PART 6—AIR COMMERCE REGULATIONS

1. It is proposed to amend § 6.1 by adding a new paragraph (i), to read as follows:

§ 6.1 Scope and definitions.

* * * * *

(i) The term "place" as used in this Part means anywhere outside of the airspace of the United States.

2. It is proposed to amend the second sentence of § 6.14(a) by removing the words "15 minutes", and inserting, in their place, the words "1 hour".

3. It is proposed to amend § 6.14(b) to read as follows:

§ 6.14 Private aircraft arriving from areas south of the United States.

* * * * *

(b) *Advance report of penetration of United States airspace via Gulf and Atlantic Coasts.* All private aircraft arriving in the United States via the Gulf of Mexico and Atlantic Coasts from a place in the Western Hemisphere south of 30 degrees north latitude, from any place in Mexico, from the U.S. Virgin Islands, or (notwithstanding the definition of "United States" in § 6.1(b)) from Puerto Rico, shall furnish a notice of intended arrival to the Customs Service at the nearest designated airport to point of crossing listed in paragraph (g) of this section for first landing in the United States. The notice must be furnished at least 1 hour before crossing the United States coastline. The notice may be furnished directly to Customs by telephone, radio, or other means, or may be furnished through the Federal Aviation Administration to Customs.

4. It is proposed to revise § 6.14(f)(1)(iii) to read as follows:

§ 6.14 Private aircraft arriving from areas south of the United States.

(f) * * *

(1) * * *

(iii) A statement that the aircraft is equipped with a functioning transponder which will be in use during overflight;

* * * * *

5. It is proposed to revise § 6.14(f)(1)(xi) to read as follows:

§ 6.14 Private aircraft arriving from areas south of the United States.

(f) * * *

(1) * * *

(ix) Detailed reasons for overflight exemption, stated in terms of savings in cost and time, safety considerations, and convenience.

§ 6.25 [Amended]

6. It is proposed to amend § 6.25(c)(1) by removing the words "which are not inspected by Customs officers in the Virgin Islands".

7. It is proposed to amend § 6.25(c)(2) by removing the words "which were not inspected by Customs officers in the Virgin Islands".

8. It is proposed to amend § 6.25 by removing paragraph (c)(3) from the section, and by redesignating paragraphs (c)(4) and (5) as paragraphs (c)(3) and (4), respectively.

[FR Doc. 85-7676 Filed 3-29-85; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182, 184, and 186

[Docket No. 84N-0341]

Unmodified Food Starches and Acid-Modified Starches; Proposed Affirmation of GRAS Status as Direct and Indirect Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to affirm that certain unmodified food starches, specifically, cornstarch (including waxy maize starch and high amylose cornstarch), wheat starch, milostarch, rice starch, potato starch, tapioca starch, and arrowroot starch, are generally recognized as safe (GRAS) for use as direct human food ingredients. FDA is also proposing to affirm that acid-modified starches are GRAS for use in food-contact surfaces. The safety of these ingredients has been evaluated under a comprehensive safety review conducted by the agency. This proposal does not address the other modified food starches whose use is currently permitted by food additive regulations.

DATE: Comments by May 31, 1985.

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

FOR FURTHER INFORMATION CONTACT: Robert Leo Martin, Center for Food Safety and Applied Nutrition (HHF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-8950.

SUPPLEMENTARY INFORMATION: FDA is conducting a comprehensive review of human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposals (see the **Federal Register** of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of certain unmodified food starches, specifically, cornstarch (including waxy maize starch and high amylose cornstarch), wheat starch, milostarch (also called grain sorghum starch), rice starch, potato starch, tapioca starch, and arrowroot starch, and of acid-modified starches has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the agency proposes to affirm the GRAS status of all of these unmodified food starches for direct use in food and of acid-modified starch for use in food-contact surfaces. This proposal does not affect the current regulatory status of the modified food starches that are regulated as direct food additives under 21 CFR 172.892.

Starch, mainly as a component of cereal products and vegetables, supplies about 20 percent of the energy content of the average American diet. In the years from 1971 through 1974, according to the United States Department of Agriculture (USDA), the available food supply provided about 180 grams (g) of starch per capita per day.

Starch, a polymer of glucose, is the carbohydrate reserve of plants. It can be obtained from many plant sources and is produced commercially by extraction from the roots, fruit, seeds, pith, and tubers of plants. The starch is liberated by grinding aqueous slurries of the raw material. Starch produced in this manner occurs as minute granules that vary in shape and in size, ranging in diameter from approximately 3 to 100 microns, depending on the plant source. This form of starch is known as "unmodified starch."

Unmodified food starches are predominately composed of two polysaccharide components, amylose and amylopectin. Amylose is a linear polymer containing about 200 to 2,000 D-anhydroglucose units (32,000 to 320,000 molecular weight) joined by α-1,4 bonds. Amylopectin is a highly branched molecule that consists of linear α-1,4 linked segments branched through α-1,6 bonds at intervals of 15 to 25 anhydroglucose units. The molecular weights of the amylopectins of unmodified food starches are in the multimillions.

The relative proportions of amylose and amylopectin in unmodified food starches are characteristic of the particular plant species. For example, cornstarch contains about 27 percent amylose; potato starch, 22 percent; and tapioca starch, 17 percent. However, certain species of corn, grain sorghum, and rice are composed almost entirely of amylopectin. On the other hand, another genetic variant of corn, amylomaize, from which high emylose cornstarch is obtained, contains starch having 50 to 80 percent amylose.

Unmodified food starches are foods primarily as thickening or gelling agents and as processing aids. They are used in such foods as puddings, salad dressings, pie fillings, and candies. Cornstarch, for example, is used where a gel structure is required, as in custard and cream fillings. Waxy corn and tapioca starch are used in canned food to provide temporary viscosity and to keep ingredients uniformly suspended during filling operations.

Heating a slurry of starch granules in water beyond a critical temperature (e.g., 62 °C for cornstarch) causes the granules to swell to many times their original size. This process, referred to as gelatinization, is accompanied by an increase in optical clarity and an abrupt rise in the viscosity of the solution. Some starch molecules leach out of the swollen granules, and the granules eventually rupture and collapse as heating is continued (for cornstarch, this occurs at 95 °C), yielding a dispersion of granule fragments, molecular aggregates, and free molecules. Upon cooling, the mixture thickens and, if sufficiently concentrated, may form a gel. As stated above, the property of forming thick pastes or gels is the basis for many of the uses of starch.

Some starches are pregelatinized. Pregelatinization refers to the heat processing of a slurry of starch granules before incorporating the starch into a food product. Pregelatinized starches are used in a variety of products where thickening is required but cooking is to be avoided, such as instant puddings, pie fillings, and cake frostings.

Unmodified starches are also used in the manufacture of paper and paperboard products. The starch, generally in the form of a gelatinized starch paste, is added to the wood pulp slurry to serve as an internal binder and to strengthen the sheets formed on the paper machine. In some mills, starch is added dry to the pulp slurry. However, for the unmodified starch to be effective, the wet paper sheets must reach temperatures sufficient to gelatinize the starch while they are in the dryer. Pregelatinized starches are used in mills where a dry additive is needed.

Wheat starch, tapioca starch, potato starch, and cornstarch are listed in § 182.70 (21 CFR 182.70) as generally recognized as safe (GRAS) for use in cotton and cotton fabrics used in dry food packaging. The regulation listing these uses as GRAS was first published in the **Federal Register** of June 10, 1961 (25 FR 5224), and recodified in the **Federal Register** of March 15, 1977 (42 FR 14302). Cornstarch, pregelatinized starch, unmodified starch, and acid-modified starch are listed in § 182.90 (21 CFR 182.90) as GRAS for use in paper and paperboard products. This regulation also was first published in the **Federal Register** of June 17, 1961 (26 FR 5421), and recodified on March 15, 1977 (42 FR 14302). FDA has also issued opinions stating that "edible starches" are GRAS for use in spray powders on food; that cornstarch is GRAS for use in food; that rice starch is GRAS for use in dietary supplements; and that arrowroot starch, cornstarch, and potato starch are GRAS as off-set powders for use in food packaging.

Unmodified food starches may also be used as optional ingredients in canned corn under 21 CFR 155.130; in salad dressings under 21 CFR 169.150; and in vanilla powder under 21 CFR 169.179.

Acid-modified starch is listed in § 182.90 as GRAS for use in paper and paperboard products used in food packaging. The regulation listing these uses as GRAS was first published in the **Federal Register** of December 23, 1965 (30 FR 15861), and recodified in the **Federal Register** of March 15, 1977 (42 FR 14302). Acid-modified starches are prepared by treating unmodified starches with hydrochloric acid or sulfuric acid or both.

In 1971, the National Academy of Sciences/National Research Council (NAS/NRC) surveyed a representative cross-section of food manufacturers to determine the specific foods in which, and the levels of usage at which, GRAS ingredients are used in food. Although specific information was not requested for unmodified food starches, food manufacturers voluntarily reported that arrowroot starch, cornstarch, including waxy maize starch, potato starch, rice starch, tapioca starch, and wheat starch were used in 22 of the 43 food categories listed in § 170.3(n) (21 CFR 170.3(n)), including infant foods, and were used for 11 of the technical effects listed in § 170.3(o) at levels varying from 0.001 to 11.7 percent of the food.

FDA estimates that 125 million pounds of unmodified food starches were used in food in 1970. The agency bases this estimate on the NAS/NRC survey and on information provided by USDA on the total poundage of both modified and unmodified food starches.

The NAS/NRC survey provided no information on the use of unmodified food starches or acid-modified starches in paper and paperboard or in cotton and cotton fabrics used for food packaging. Russell (Ref. 1), however, has estimated that the paper and paperboard industry used a total of approximately 1.9 billion pounds of unmodified starches for all packaging applications in 1972, although only a small fraction of this quantity could be expected to be used in food packaging or to migrate into foods from paper or paper products.

Unmodified and acid-modified food starches were the subject of a search of the scientific literature from 1920 to 1977. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 1,751 abstracts was reviewed and 64 particularly pertinent reports have been summarized in a scientific literature review.

The Select Committee on GRAS Substances (the Select Committee), which is composed of qualified scientists chosen by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB), updated the information from the scientific literature review to 1979 and summarized all the information in the review in its report to FDA. The members of the Select Committee have evaluated all the available safety information on the unmodified food starches and acid-modified starches (Ref. 2, pp. 18–21). In the past, the agency presented verbatim the Select Committee's discussion of the biological data it reviewed. However, because the Select Committee's report is available at the Dockets Management Branch and from the National Technical Information Service, and because it represents a significant savings to the agency in publication costs, FDA has decided to discontinue presenting the discussion in the preamble to proposals that affirm GRAS status in accordance with current good manufacturing practice. In the Select Committee's opinion:

> The digestibility of unmodified cereal and tapioca starches used commercially as food ingredients, both raw and after cooking, is almost complete. Potato and arrowroot starches are less completely digested when fed raw but their digestibility is similar to that of cereal starches after cooking. Pregelatinized starches (dried, cooked starches) generally are highly digestible. Consumption of excessive quantities, pounds per day, of raw starch has resulted in obesity and iron-deficiency anemia in human subjects. Most of the foods to which starch is added by the food industry are cooked in processing or are cooked before serving. Moreover, the total quantity of unmodified and pregelatinized starch added to processed foods is insignificant compared to the natural

starch content of the American dietary, some of which is eaten in its native form in raw vegetables. No adverse effects have been attributed to these starches as added food ingredients. It is suggested, however, that specifications for food grade unmodified starches be developed in order to distinguish them from the starches that are used in non-food applications.

(Ref. 2, p. 62.)

The Select Committee concludes that no evidence in the available information on unmodified or pregelatinized corn, high amylose corn, waxy maize, wheat, milo, rice, potato, tapioca, or arrowroot starch demonstrates or suggests reasonable grounds to suspect a hazard to the public when they are used at levels that are now current or that might reasonably be expected in the future. The Select Committee also concludes that there is no evidence in the available information on these ingredients to suspect a hazard to the public when these substances migrate to food from paper and paperboard or from cotton and cotton fabrics used in food packaging (Ref. 2, p. 62).

The Select Committee's report also states for acid-modified starches:

Hydrolysis of glucosidic linkages occurs during acid modification of starch resulting in molecular fragmentation similar to that which occurs in the production of glucose syrups and maltodextrins. The extent of hydrolysis is limited in the acid-modified starches and is comparable to that of the maltodextrins, the main difference being that the granular form is retained in the acid-modified starches. No adverse effects were noted in feeding acid-modified starches to 3-day-old pigs nor in 90-day rat feeding tests. The evidence indicates that the acid-modified starches are without hazard as food ingredients.

(Ref. 2, p. 64.)

This Select Committee therefore concludes that there is no evidence in the available information on acid-modified starches that demonstrates or suggests reasonable grounds to suspect a hazard to the public when acid-modified starches migrate to food from paper and paperboard or from cotton and cotton fabrics used in food packaging.

FDA has undertaken its own evaluation of all available information on these unmodified food starches and acid-modified starches and concurs with the conclusions of the Select Committee. The agency concludes that no change in the current GRAS status of these starches is justified. Therefore, the agency proposes to affirm that the unmodified food starches listed in § 184.1847 (21 CFR 184.1847) are GRAS for use in food and food-contact surfaces, and that acid-modified starches are GRAS for use in food-contact surfaces. FDA is not, however, proposing a separate listing in Part 186 for the indirect use of the unmodified food starches. The indirect uses of these starches are authorized under §§ 184.1847 and 184.1(a).

Although the Select Committee's report mentioned that starch from the sago palm may be used as a source of unmodified food starch, the Select Committee specifically excluded starch from this source in its list of unmodified food starches. In response to an FDA inquiry regarding this omission, a representative of the Select Committee stated that the Committee had no actual evidence that sago starch is used in food in the United States.

Furthermore, the representative pointed out that sago starch is derived from a source (sago palm) that is very different from other starch sources, and that the Select Committee could not find any information about the process by which this starch is manufactured or about its possible impurities. Thus, the Select Committee concluded that insufficient information was available to evaluate the safety of sago starch as a food ingredient.

FDA finds that although it has been issued an opinion that "edible starches" may be considered GRAS, the agency has not issued a specific opinion on the GRAS status of sago starch. The agency agrees with the Select Committee that no information is available on the manufacturing process and impurities of sago starch. The agency therefore concurs with the conclusion of the Select Committee and is not including sago starch among the unmodified food starches that it is affirming as GRAS. However, the agency will consider whether sago starch may be affirmed as GRAS as a food ingredient if information is provided in comments on this proposal regarding its use in food, chemical identity, manufacturing process, and composition.

Although the Select Committee specifically mentioned in its conclusion that pregelatinized starches are also GRAS, FDA is not affirming these products as separate GRAS ingredients. As explained above, "pregelatinization" refers merely to a method of treating unmodified food starches before they are added to food products. Although this pretreatment is of significance to food manufacturers, the agency finds that there is no reason to differentiate between the use of individual food starches that are gelatinized before they are added to food and the use of the same starches when they are added to food as raw starch. This proposal therefore makes clear that the individual unmodified food starches may be added to food in either their pregelatinized or raw forms.

The proposal also does not list amylose corn starch or waxy maize starch as separate GRAS ingredients because these products are commonly referred to as "cornstarch" and are identified on food product labels by the name "cornstarch." Nonetheless, the proposal includes these products in parentheses following the ingredient listing of cornstarch to make clear that the agency has tentatively concluded that their use should be affirmed as GRAS.

FDA is not proposing to include the food categories, levels of use, or technical effects reported in the 1971 NAS/NRC survey for unmodified food starches in the GRAS affirmation regulations for these ingredients. Both FASEB and the agency have concluded that a large margin of safety exists for the use of these substances, and that a reasonably foreseeable increase in the level of consumption of unmodified food starches will not adversely affect human health. Therefore, the agency is proposing to affirm the GRAS status of these ingredients when they are used under current good manufacturing practice conditions in accordance with § 184.1(b)(1).

In its opinion statement, the Select Committee noted the lack of food-grade specifications for unmodified food starches and suggested that specifications be developed to distinguish food-grade unmodified starches from the same starches that are used in nonfood applications. The agency agrees with the Select Committee that such specifications are needed and will work with the Committee on Food Chemicals Codex of the National Academy of Sciences to develop acceptable specifications for these ingredients. If acceptable specifications are developed, the agency will incorporate them into the regulation at a later date. Until specifications are developed, FDA has determined that the public health will be adequately protected if commercial unmodified food starches comply with the description in the proposed regulation and are of food-grade purity (21 CFR 182.1(b)(3) and 170.30(h)(1)).

Copies of the scientific literature review on starches and the report of the Select Committee on starches and modified starches are available for review at the Dockets Management Branch (address above) and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price [1]
Starches (scientific literature review).	PB 241-956/AS	A09	$15.00
Starches and modified starches (Select Committee report).	PB 80-128804	A06	11.00

[1] Price subject to change.

The proposed actions do not affect the current use of starches in pet food or animal feed.

The agency has determined pursuant to 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities including small businesses and has determined that the effect of this proposal is to maintain current known uses of the substances covered by this proposal by both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal, and the agency has determined that the final rule, if promulgated, will not be a major rule as defined by the Order.

The agency's findings of no economic impact and no significant impact on a substantial number of small entities, if the proposed rule is promulgated, and the evidence supporting these findings are contained in a threshold assessment which may be seen in the Dockets Management Branch (address above).

References

The following information has been placed on display at the Dockets Management Branch (address above) and may be reviewed in that office between 9 a.m. and 4 p.m., Monday through Friday.

1. Russell, C.R., "Industrial Use of Corn Starch," *in* "Industrial Use of Cereals: Symposium Proceedings," American Association of Cereal Chemists, St. Paul, MN, pp. 261–281, 1973.

2. "Evaluation of the Health Aspects of Starches and Modified Starches as Food Ingredients," Life Sciences Research Office, Federation of American Societies for Experimental Biology, 1979.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

21 CFR Part 186

Food ingredients; Generally recognized as safe (GRAS) food ingredients; Indirect food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Food Safety and Applied Nutrition (21 CFR 5.61), it is proposed that Parts 182, 184, and 186 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. Part 182 is amended:

§ 182.70 [Amended]

a. In § 182.70 *Substances migrating from cotton and cotton fabrics used in dry food packaging* by removing the entries for "Cornstarch," "Potato starch," "Tapioca starch," and "Wheat starch."

§ 182.90 [Amended]

b. In § 182.90 *Substances migrating to food from paper and paperboard products* by removing the entries for "Cornstarch," "Starch, acid-modified," "Starch, pregelatinized," and "Starch, unmodified."

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. Part 184 is amended by adding new § 184.1847, to read as follows:

§ 184.1847 Unmodified food starches.

(a) Cornstarch (including waxy maize starch and high amylose corn starch), wheat starch, milo (or grain sorghum) starch, rice starch, potato starch, tapioca starch, and arrowroot starch are the unmodified food starches covered by this section. These ingredients are chemically composed of a mixture of two glucose polysaccharides, amylose and amylopectin, whose relative proportions are characteristic of the plant source. Unmodified food starches are generally produced by extraction from the plant source using wet-milling processes in which the starch is liberated by grinding aqueous slurries of the raw material. The ingredients may be pregelatinized before they are used in food or used as a raw starch.

(b) FDA is developing food-grade specifications for unmodified food starches in cooperation with the National Academy of Sciences. In the interim, these ingredients must be of a purity suitable for their intended use.

(c) In accordance with § 184.1(b)(1), the ingredients are used in food with no limitation other than current good manufacturing practice.

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. Part 186 is amended by adding new § 186.1846, to read as follows:

§ 186.1846 Starches, acid-modified.

(a) Starches, acid-modified, are starches obtained from the treatment of any of the unmodified food starches (§ 186.1847) with hydrochloric acid or sulfuric acid, or both.

(b) In accordance with § 186.1(b)(1), the ingredient is used in food-contact surfaces with no limitation other than current good manufacturing practice.

The agency is unaware of any prior sanction for the use of these ingredients in food under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on the sanction later. Should any person submit proof of the existence of a prior sanction, the agency hereby proposes to recognize such use by issuing an appropriate final rule under Part 181 (21 CFR Part 181) or affirming it as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

Interested persons may, on or before May 31, 1985, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the

heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 11, 1985.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-7624 Filed 3-29-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 658

[FHWA Docket No. 83-14]

Truck Size and Weight; Advance Notice of Proposed Rulemaking

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: The FHWA is initiating a proceeding to implement the 12-foot wide lane provisions contained in the Surface Transportation Assistance Act of 1982 (STAA), as amended by the Tandem Truck Safety Act of 1984 (TTSA). This notice identifies for re-examination specific routes on the National Network containing sections with lanes less than 12 feet wide in those States which do not otherwise permit 102-inch wide vehicles on the National Network pursuant to State law. These States are Alabama, Florida, Kentucky, Maryland, Missouri, New Hampshire, New Jersey, New York, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virginia.

DATE: Written comments must be received on or before May 16, 1985.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 83-14, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Richard A. Torbik, Office of Highway Planning (202) 426-0233, or Mr. David C. Oliver, Office of the Chief Counsel, (202) 426-0825, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: Section 416 of the Surface Transportation Assistance Act of 1982 (STAA), 49 U.S.C. app. 2316, requires the States to allow 102-inch wide vehicles to operate on the Interstate System. In addition, as originally enacted, Section 416 authorized the Secretary of Transportation to designate for use by such vehicles "any other qualifying highway . . . with traffic lanes designed to be a width of twelve feet or more." This authority was delegated to the FHWA.

In part because of language in a memorandum opinion issued by the United States District Court for the District of Columbia in a suit challenging interim designations of highways open to longer and wider vehicles under the STAA, the preamble to the FHWA's final rule on truck size and weight (49 FR 23302, June 5, 1984) proposed to establish a definition for the statutory term "highway with traffic lanes designed to be a width of twelve feet or more," and requested comments on the proposal. In the interim, Congress passed the Tandem Truck Safety Act of 1984 (TTSA) (Pub. L. 98-554, 98 Stat. 2829). Section 105 of the TTSA amended Section 416 of the STAA to provide authority to designate for operation by 102-inch wide vehicles "qualifying Federal-aid Primary System highway(s)" if FHWA "determines that such designation is consistent with highway safety."

This amendment clarified FHWA's authority to designate highways with less than 12-foot wide lanes and disposed of the need to define further the phrase "highways with traffic lanes designed to be a width of twelve feet or more." Thus, FHWA is withdrawing its proposal to define that term.

The following language is quoted from the Senate Committee Report [1] in reference to the provision that ultimately was enacted as Section 105 of the TTSA:

> The Committee intends that the provisions of section 4 should provide the basis upon which the Secretary, by a supplemental rulemaking, can proceed, with all deliberate speed, rationally to revise and finalize the designations for the nationwide route network. The Secretary's interim and proposed final designations contain highways which the Secretary has determined, at least on a preliminary basis, can safely accommodate 102-inch wide vehicles, but which have lanes not designed to be twelve feet or more.
>
> Section 4 contemplates a supplemental rulemaking in which the Secretary is to confirm, or to determine in the first instance, that the designation of these highways, or any other qualifying highways, is consistent with highway safety and the purposes of Title 49, United States Code. . . .

In accordance with this language, FHWA is hereby undertaking another review of the highways (listed below) that have sections with lanes less than 12 feet wide in those States that do not permit 102-inch wide vehicles to operate on the Network pursuant to State law. This review will be undertaken pursuat to the rules, criteria, and interpretations of the June 5, 1984, rule and preamble. After conducting this review, FHWA intends to propose the deletion of highways with lane widths less than 12 feet wide if such designation is found to be inconsistent with highway safety. The FHWA solicits information, data, and comments concerning these routes that may assist in the review.

The following routes are listed for re-examination:

Posted route No.	From	To
	ALABAMA	
US 72	Mississippi St. Line	Jackson County Road 33 near Hollywood.
US 31	AL 152 Montgomery	AL 14 north of Prattville.
US 31	End of I-65 north of Birmingham.	I-65 north of Kimberly.
US 78	Beginning of four-lane west of AL 5 at Jasper in Walker County.	I-59 Birmingham.
US 80	AL 14 West of Selma	AL 152 Montgomery.
AL 20	US 72 Tuscumbia	US 231 Huntsville.
AL 21	US 431 Anniston	Jacksonville.
US 280	US 31 Mountain Brook.	AL 22 at Alexander City.
US 280	I-85 Opelika	Georgia St. Line.
AL 77	I-59 Gadsden	US 431 Attalla.
	FLORIDA	
US 27	South Bay	Leesburg.
US 27/US 301.	Belleview	Ocala.
	KENTUCKY	
US 25	US 421 S. of Richmond.	KY 876 in Richmond.
US 25E	Virginia St. Line	I-75 N. of Corbin.
US 27	Tennessee St. Line	Ohio St. Line (via KY-4 in Lexington).
US 31W	US 31 W. Bypass in Elizabethtown.	I-264.
US 45	US 45 Bypass north of Mayfield.	US 62 in Paducah.
US 60	US 60 Bypass west of Owensboro.	KY 69 Hawesville.
US 60	KY 144 in Meade County.	US 31 west at Ft. Knox.
US 62	I-24 at Paducah	Western Kentucky Parkway.
US 68	I-24 in Trigg County	Green River Pkwy at Bowling Green.
US 68	US 27 at Paris	Ohio St. Line at Maysville (via Paris Bypass).
KY 69	US 60 at Hawesville	Indiana St. Line
KY 79	KY 1051 in Brandenburg.	Indiana St. Line
US 119	US 23 at Pikeville	KY 1441

[1] S. Rep. No. 505, 98th Cong., 2d Sess. 15 (1984).

Posted route No.	From	To
US 127	Tennessee St. Line	US 60 in Frankfort (via Danville & Lawrenceburg Bypasses).
KY 144	KY 448	US 60.
US 150	US 31E at Bardstown	US 27 N. City Limits of Stanford (via Danville Bypass).
US 79	Tennessee St. Line	US 68 Russellville.
KY 151	US 127 near Lawrenceburg.	I-64 near Graefenburg.
KY 259	Western Kentucky Parkway.	US 62 at Leitchfield.
KY 448	KY 1051 at Brandenburg.	KY 144.
US 641	Tennessee State Line	KY 348 in Benton.
KY 876	I-75 at Richmond	KY 52 East of Richmond.

MARYLAND

MD 201 (Kenilworth Avenue).	D.C. Line	US 50 Cheverly.
US 48	West Virginia State Line.	MD 639 at Cumberland.
US 50	MD 201 Kenilworth Ave., Cheverly.	US 13 (bypass) Salisbury
US 301	Virginia St. Line	Delaware St. Line.

MISSOURI

US 36	Kansas State Line	Illinois State Line.
US67	Arkansas St. Line	Exit 174 on I-55.
US 61	I-70 St. Charles County.	Iowa St. Line.
US 63	Arkansas St. Line	Iowa St. Line.
US 65	Arkansas St. Line	Iowa St. Line.
US 71	Arkansas St. Line	I-435 Kansas City.
US 71	Exit 53 on I-29	US 136 Maryville.
US 136	Nebraska St. Line	Exit 110 on I-29.
US 54	South Junction US BR 54 at Lake Ozark.	Illinois St. Line.
US 60	MO 37 Monett	US 63 Willow Springs.
MO 13	I-44 Springfield	US 24 Lexington.
US 50	Exit 7 I-470 Kansas City.	Exit 247 on I-44.
US 412	Arkansas St. Line	Exit 19 on I-55.
MO 5	Arkansas St. Line	US 60
MO 171	Kansas St. Line at KS 57.	US 71 at Webb City.
US 60	2 mi. E. of E. Jct. MO 21.	I-55/57 near Sikeston.
US 24	US 61 Taylor	Illinois St. Line.
US 59	Kansas St. Line	I-229 St. Joseph.

NEW HAMPSHIRE

NH 18	I-93 Littleton	Vermont St. Line.

NEW JERSEY

NJ 440	I-95 Edison	New York St. Line at Outerbridge Crossing.

NEW YORK

Inner Loop	I-490 Rochester	I-490 Rochester.
NY 254	I-87 Glens Falls	0.3 mile east of US-9.
NY 104	Maplewood Drive Rochester.	Monroe-Wayne County Line.
US 20	NY 75 Mount Vernon	Howard Road Mount Vernon.

NORTH CAROLINA

US 19	US 64 near Ranger	US 19A near Bryson City.
US 1	US 74 at Rockingham.	I-85 near Henderson.
US 15	US 1 Northview	US 64 Pittsboro.
US 401	South Carolina St. Line.	I-40 Raleigh.
US 17	SR 1409	Virginia St. Line.
SR 1409 (Truck Rt.)	US 76	US 17.

Posted route No.	From	To
US 64	US 1/70/401 Raleigh	US 17 Williamston.
US 64	US 29 Lexington	US 15 Pittsboro.
US 258	NC 24 near Richlands.	US 64 Tarboro.
US 220	US 74 in Rockingham	Virginia St. Line.
NC 49	I-85 Charlotte	US 52 Richfield.
NC 18	I-40 Near Morganton	US 321 near Lenoir.
US 321	South Carolina St. Line.	I-85 near Gastonia.
US 52	NC 24/27 Albermarle	Virginia St. Line.
US 158	I-40 Winston-Salem	US 29 Reidsville.
US 158	I-85 Henderson	US 258 Murfreesboro.
US 70A	US 70 near Princeton	US 70 near Smithfield.
I-95 Bus	Kenly	Gold Rock.
US 74	I-277, Charlotte	US 17 near Wilmington.
US 23	US 19A Dillsboro	US 441 Franklin.
US 258	US 158 Murfreesboro	Virginia St. Line.
US 521	South Carolina St. Line.	I-77.
NC 24	US 74 Charlotte	US 52 Albermarle.
US 29	I-85 Greensboro	Virginia St. Line.
US 264	US 17 Washington	US 64 near Zebulon.
NC 11	US 760 Kinston	US 264 Greenville.
US 70	US 29-601 Salisbury	I-77 Statesville.
US 421	Kure Beach	I-95 Dunn.
US 421	US 1 Sanford	US 64 Siler City.
NC 24	US 70 Mansfield	US 421 Clinton.
NC 24	I-95, Fayettville	Spout Springs.
US 70	Beaufort	US 70A near Princeton.
US 19	I-240 Asheville	Jct. US 19-23 near Mars Hill.
NC 49	US 52 at Richfield	US 64 at Ashsboro.

PUERTO RICO

PR 2	PR 22 San Juan	PR 1 Ponce.
US 123	Georgia St. Line	US 25 Greenville.
US 76	US 52, Florence	SC 576 near Marion.
US 321	I-26 South of Columbia.	I-95 Hardeeville.
US 15	North Carolina St. Line.	US 52, Society Hill.
US 52	US 15, Society Hill	US 52/I-26 Connector at Goose Creek.

TENNESSEE

US 79	Memphis near I-40	Guthrie at US 41 Kentucky St. Line.
US 641	I-40 near Natchez Trace State Parks.	Kentucky St. Line near TN 140.
US 231	Alabama St. Line near Fayettville.	Kentucky St. Line near TN 52.
US 127	TN 29 in Chattanooga.	Static at Kentucky St. Line.
US 27	TN 153 in Chattanooga.	Kentucky St. Line.
US 25E	I-81	Cumberland Gap at Virginia St. Line.
US 70	Huntingdon at TN 22	Dickson at TN 96.
US 70S	Murfreesboro at US 231.	Sparta at TN 111.
US 64/41A	Memphis at TN 15	I-24 at Monteagle.
US 64	Cleveland Near I-40	Near Belltown at North Carolina St. Line.
TN 96	US 70 in Dickson	I-40 near Dickson.
US 70	TN 155 in Nashville	Sparta.
TN 20	I-40 at Jackson	US 51 at Dyersburg.

VIRGINIA

US 1	Route I-95 (Spotsylvania County).	Route 17 Bypass.
VA 2/US 17 Bus.	Route 17 (New Post)	SCL Fredricksburg.
VA 3	Route 1 By-pass (Fredericksburg).	Route 20 (Wilderness).
VA 7	Route I-81 (Winchester).	0.68 mile W. of W.C.L. Round Hill.
VA 10	E.C.LK. Hopewell	0.37 mile W. Route 156 in Hopewell.
VA 10	Route 1 (Chesterfield County).	Route 827 (0.56 mile W. of W.C.L. of Hopewell).

Posted route No.	From	To
US 11	N. Intersection Rt. 220 Alt. (Botetourt County).	2.15 miles S. of N. Intersection Route 220 Alt.
US 11	Route 100 (Town of Dublin).	Route 643 (Pulaski County).
US 17	Route Route 134 (York County).	Route I-64 (City of Newport News).
US 17	Route I-95 (Stafford County).	Route 29 (Opal).
US 19	Route I-81 via Routes 11 and 140 (Abingdon).	Temp. Route 460 (Route 720) (Bluefield).
US 23	Tennessee St. Line	Alt. Route 58 (Big Stone Gap).
US 23	0.33 Miles North Route 23 Business.	Kentucky St. Line.
US 25	Tennessee State Line	Kentucky State Line.
US 29	North Carolina St. Line.	Route I-66 (Gainesville).
US 33	North Carlton Street (Harrisonburg).	Route 340 (Elkton).
US 33	Route I-64 (New Kent County).	Route 30 E. Intersection (West Point).
VA 42	Route 257 (Bridgewater).	Route 290 (Dayton).
US 50	Route 259 (Gore)	Route 37 (Frederick County).
VA 57	Route 220 (Bassett Forks).	Route 666 (Bassett).
US 58	S. Fairy Street (Martinsville).	W.C.L. Emporia.
US 58	.6 mile E. of ECL Emporia.	S. Int Route 35.
US 58	N. Int. Route 35 (Courtland).	Routes 13 & I-264 (Bowers Hill).
Alt. US 58	Route 19 (Hansonville).	Route 23 (Norton).
Alt. US 58	Route 11 (Town of Abingdon).	0.40 Mile West Route 11.
US 60	0.03 mile W. Route 697.	Route 552 West of Powhatan.
Va 86	Route 29 (Danville)	North Carolina St. Line.
VA 114	Route 460 (Town of Christiansburg).	0.09 Mile East Route 750 (Montgomery County).
VA 207	Route I-95 (Carolina County).	0.20 Mile South Route 619.
US 220	North Caroline St. Line.	Route I-581 (Roanoke).
US 220	Route I-81 (Botetourt County).	S.C.L. of Fincastle.
Alt. US 220	Route I-81 (Botetourt County).	Route 11.
VA 224	Route 460 (City of Lynchburg).	Route 29.
US 258	North Carolina St. Line.	Route 58-Franklin By-pass.
VA 277	Route I-81 (Frederick County).	1.60 Miles East of Route I-81.
US 301	Route 301 Bus. (Bowling Green).	Maryland St. Line.
VA 337	(City of Norfolk) Routes 58 EB and 460 EB (St. Paul Blvd.).	Claremont Avenue (Route 58 Interchange).
US 340	Route 7 by-Pass (Berryville).	West Virginia St. Line.
US 340	I-66 (Warren County)	2.85 miles No. of I-66.
US 360	Route I-64 (City of Richmond).	Route 627 (Village).
US 360	Route 58 (South Boston).	Route 150 (Chesterfield County).
US 460	Route 67 at Raven	Route 19 at Claypool Hill.
US 460	Route 720	West Virginia St. Line.
US 460	West Virginia St. Line	Route I-81 at Christiansburg.
US 460	Route I-581 at Roanoke.	0.08 mile East Route 1512.
US 460	Route 224	1 Mile West of Route 24.
Route 460	0.64 Mile East of Route 707.	Route I-85 South of Petersburg (Dinwiddie County).
US 460	Route I-95 (Petersburg).	Route 58 (Suffolk).
US 501	Route 360 S. Int. (Halifax).	Route 58 (South Boston).

Posted route No.	From	To
US 522	Route 37 (Frederick County).	1.07 miles N. of Rt. 705 at Cross Junction.

In addition, FHWA plans to identify and delete from the Network routes not on the Primary System that were inadvertently placed on the National Network in the June 5, 1984, regulation. The agency requests assistance in identifying these routes.

The FHWA has determined, at this time, that this document contains neither a major proposal under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation. A draft regulatory evaluation will be prepared at the time of the issuance of a notice of proposed rulemaking.

Based upon the information available to FHWA at this time, the action proposed in this notice will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 12 CFR Part 658

Grant programs—transportation, Highways and roads, Motor carriers—size and weight.

(Pub. L. 98-554, 98 Stat. 2829; 23 U.S.C. § 315; and 49 CFR 1.48) (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation and Federal programs and activities apply to this program.)

Issued on March 22, 1985.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 85-7831 Filed 3-29-85; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Occupational Exposure to Ethylene Oxide; Labeling Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend OSHA's final ethylene oxide (EtO) standard (29 CFR 1910.1047) to provide an exception from the labeling requirements of paragraph (j) of that section, for EtO containers which have been labeled pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This amendment is believed to be necessary to avoid legal and substantive conflict with FIFRA and regulations issued pursuant to FIFRA by the Environmental Protection Agency (EPA).

DATE: Comments concerning this proposed amendment must be postmarked on or before May 1, 1985.

ADDRESS: Comments are to be submitted to the Docket Officer, Docket No. H-200, Room N-3670, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, OSHA, U.S. Department of Labor, Office of Public Affairs, Rm N-3641, 200 Constitution Avenue, NW., Washington, D.C., 20210, Telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION: OSHA promulgated a revised standard for EtO on June 22, 1984 (49 FR 25796). One provision of that standard requires employers to "ensure that precautionary labels are affixed to all containers of EtO whose contents are capable of causing employee exposure at or above the action level" (29 CFR 1910.1047(j)(1)(ii). The label to be affixed is required to include the word "CAUTION." OSHA's proposed rule for EtO (48 FR 17248) had also provided for a similar container labeling requirement but included the following exemption as proposed paragraph (k)(2)(iii):

> The labeling requirements under this section do not apply where EtO is used as a pesticide, as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when it is labeled pursuant to that Act and regulations issued under that Act by the Environmental Protection Agency.

The rationale for this exemption was described in the proposed rule as follows:

> A number of EtO products which are utilized as sterilants are registered by the EPA as pesticides, in accordance with FIFRA. EPA must establish terms and conditions for the registration of such products sufficient to ensure that use of the products "will not generally cause unreasonable adverse effects on the environment." These terms and conditions may include restrictions and limitations on use which all users are obligated by law to comply with. For these reasons OSHA is proposing that the labeling requirements under this paragraph not apply to any EtO product registered as a pesticide, as such term is defined under FIFRA, for which labeling is required by EPA under FIFRA and regulations issued pursuant thereto. OSHA feels that this provision is appropriate to mitigate any dual regulatory requirements pesticide registrants may face with regard to container labeling. It is OSHA's understanding, however, that EPA is presently developing EtO labeling requirements that will provide health warnings similar to those on the OSHA label (e.g., cancer and reproductive hazard) 48 FR at 17306.

The final labeling rule adopted by OSHA for EtO did not include the proposed exemption because the Agency "determined that the label required by the final EtO standard does not conflict with EPA labels under FIFRA." (49 FR 25790, June 22, 1984). EPA, however, has since informed OSHA that the content of OSHA's label for EtO is inconsistent with the label which EPA requires under FIFRA and the regulations issued under FIFRA. It is EPA's view, based upon that Agency's analysis of FIFRA and EPA regulations, that OSHA labeling requirments would impose conflicting statutory and regulatory obligations on employers who also are subject to labeing requirements under FIFRA. The nature of the conflict was set forth concisely in an October 19, 1984 letter from Stephen Schatzow, Director of EPA's Office of Pesticide Programs, to Gary Strobel, Director of OSHA's Regulatory Review Committee (Ex. 195, OSHA Docket No. H-200) as follows:

> The final standard for EtO includes a provision, 29 CFR 1910.1047(j)(1)(ii), which requires employers to "ensure that precautionary labels are affixed to all containers of EtO whose contents are capable of causing employee exposure at or above the action level." Although the proposed standard for EtO included an exception to this requirement for pesticide products registered and labeled pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the final standard deleted this exception. Thus, the OSHA final standard requires that further labeling be added to registered pesticide products containing EtO which currently bear labeling approved by EPA under FIFRA. Such a requirement poses both legal and substantive concerns.
>
> To the extent that § 1910.1047(j)(1)(ii) contemplates that the employer will be responsible for affixing additional labeling not included in the approved FIFRA labeling to individual pesticide containers, EPA believes that this provision is inconsistent with an existing statutory provision. Section 12(a)(2)(A) of FIFRA, 7 U.S.C. 136j (a)(2)(A), states, "It shall be unlawful for any person to detach, alter, deface, or destroy, in whole or in part, any labeling required under this Act." We believe that any employer or other user who affixes additional labeling to the container of a registered pesticide product would be violating this provision. While EPA could as a matter of prosecutorial discretion decline to apply this provision to user labeling when it is required by other Federal agencies, it is our view that permitting any alteration or amendment by a user of approved labeling for a registered pesticide

product could have pernicious consequences. Label language is the principal mechanism by which EPA requires users of pesticide products to conform to the terms and conditions of registration.

In addition to this basic legal problem, EPA has additional substantive concern about the specific label language which the OSHA EtO standard requires. Section 1910.1047 (j)(1)(ii) requires that precautionary labeling for each affected product must, among other things, include the word "CAUTION". EPA regulations, 40 CFR 162.10(h), establish specific requirements concerning the warnings and precautionary statements which must appear on pesticide labeling. A particular "human hazard signal word" is assigned to each pesticide depending on how it is classified with respect to toxicity. Ethylene oxide products fall within Toxicity Category I, the most stringent category, and must therefore state on the front panel of the label the signal work "DANGER". In contrast, the signal word "CAUTION" is utilized for products which fall within Toxicity Categories III and IV. In our experience, the human hazard signal word is one of the elements of the label with which applicators and users are most familiar. Because the human hazard signal word describes the intrinsic toxicity of a pesticide and thereby gives general guidance concerning the measure of care required in handling and using that pesticide, it is critical to avoid using signal words in a confusing manner. Indeed, 40 CFR 162.10(h)(1)(i)(E) expressly states that, "In no case shall more than one human hazard signal word appear on the front panel of a label."

For the reasons stated above, I hope OSHA will consider amending its final standard for EtO to include the exception to label requirements for registered pesticide products which was previously included in its proposed standard.

OSHA believes that there is merit in EPA's concern that both legal and substantive conflict exist under OSHA's present labeling requirement. The Agency feels that it is necessary and appropriate to amend the final EtO labeling provision to include the exception for EtO products which are subject to labeling under FIFRA, as originally proposed. This amendment would prevent a statutory and regulatory conflict between OSHA's EtO standard and EPA's labeling requirement under FIFRA, and would relieve employers of the burden of complying with such conflicting requirements.

Summary of Regulatory Impact

Executive Order 12291 (46 FR 13197, February 19, 1981) requires that a regulatory analysis be conducted for any rule having major economic consequences on the national economy, individual industries, geographical regions, or levels of government. The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires the Occupational Safety and Health Administration to consider the impact of the proposed rule on small entities.

The Secretary has determined that this action would not be major as defined by Section 1(b) of Executive Order 12291. The Secretary also certifies that this action would not have a significant impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Public Participation

Interested persons are invited to submit written data, views, and arguments with respect to this proposed amendment. These comments must be submitted on or before May 1, 1985, and must be submitted in quadruplicate to the Docket Officer, Docket H-200, Room N-3670, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

The data, views, and arguments that are submitted will be available for public inspection and copying at the above address. All timely submissions will be made part of the record.

Authority: This document was prepared under the direction of Robert A. Rowland, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Ave., NW., Washington, D.C. 20210.

Pursuant to sections 6(b) and 8 of the Occupational Safety and Health Act (29 U.S.C. 655, 657), and 5 U.S.C. 553, it is hereby proposed to amend 29 CFR 1910.1047, as set forth below.

List of Subjects in 29 CFR Part 1910

Ethylene oxide, Occupational safety and health, Chemicals, Cancer, Health, Risk assessment.

Signed at Washington D.C. this 22nd day of March 1985.

Robert A. Rowland,

Assistant Secretary of Labor.

PART 1910—[AMENDED]

Part 1910 of Title 29 of the Code of Federal Regulations is therefore proposed to be amended by adding a new paragraph (j)(1)(iii) to § 1910.1047 to read as follows:

§ 1910.1047 Ethylene oxide.

* * * * *

(j) * * *

(1) * * *

(iii) The labeling requirements under this section do not apply where ETO is used as a pesticide, as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when it is labeled pursuant to that Act and regulations issued under that Act by the Environmental Protection Agency.

* * * * *

(Secs. 6 and 8 of the Occupational Safety and Health Act of 1970, 84 Stat. 1593, 1598, (29 U.S.C. 655, 657); 5 U.S.C. 553; Secretary of Labor's Order 9-83 (48 FR 35736); 29 CFR Part 1911)

[FR Doc. 85-7287 Filed 3-29-85; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 216

Production Accounting and Auditing System Regulations

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes the information collection requirements necessary to verify that mineral production quantities have been reported and used in calculating royalties due the Government from Federal and Indian leases. This system is called the Production Accounting and Auditing System (PAAS).

DATES: Written comments on this proposed rule must be received on or before 12 noon e.s.t. May 31, 1985.

ADDRESS: Comments should be mailed or delivered to Mr. Orie L. Kelm, Chief, Office of Royalty Regulations, Development and Review, Minerals Management Service, 12203 Sunrise Valley Drive, Mail Stop 660, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Mr. Billie Clark, Lakewood, Colorado, (303) 231-3412.

SUPPLEMENTARY INFORMATION: The principal authors of this proposed rulemaking are Mr. Peter Rutledge, Mr. John Price, and Mr. Billie Clark of the Minerals Management Service, Lakewood, Colorado.

In March 1982, the Commission on Fiscal Accountability of the Nation's Energy Resources (Commission) made several recommendations to improve internal controls or accounting for royalties due the Government from Federal and Indian lands. The term "Federal lands" includes Outer Continental Shelf (OSC) lands. One of the primary purposes for which the PAAS was developed by the MMS, was to respond to the Commission recommendation:

That the Royalty Managers incorporate production data into the . . . system in order to cross-check the data for all leases for each payment period.

The Department is considering to perform similar cross-checks for solid materials in response to the statement of the Commission that, ". . . it appears that the general problems of verifying production, . . . and designing an effective audit program are common to all minerals."

The PAAS is an integrated computer system, based upon production and processing reports submitted by lease and facility measurement point operators, designed to track mineral production on Federal and Indian lands from the source of production to the point of disposition with emphasis on the point of royalty determination, and/or point of sale, whichever is applicable.

The Auditing and Financial System (AFS), operated by MMS, will provide payment and sales volumes and values reported by payors. These data will be compared to lease level production and processing volumes reported to PAAS by producers and facility operators. This comparison will enable the MMS to verify that proper royalties are being received for all minerals produced.

The PAAS is based upon an information collection system composed of eight forms for oil and gas. Three forms would be needed for solid mineral leases. One form is applicable to all minerals. Some of these forms are one-time reports. However, all lease operators, at a minimum, would be required to periodically (usually monthly) submit either Form MMS–4054 for Oil and Gas, or Form MMS–4059 for solid minerals. Other forms are for selected use, such as the Form MMS–4056, which is required monthly only from gas plant operators, and Form MMS–5058 required only from operators of facilities or measurement devices handling commingled production.

The regulations proposed herein prescribe which person is to file each form and when the report is due. The report forms covered by this proposed rule are listed below together with the applicable section number which explains the use of the form:

MMS form No.	Name of form	Section reference
MMS–4050	Mine Information Form	216.201.
MMS–4051	Facility and Measurement Information Form.	216.202 and 216.51.
MMS–4052	Well Information Form	216.52.
MMS–4053	First Purchaser Report	216.53.
MMS–4054	Oil and Gas Operations Report.	216.54.
MMS–4055	Gas Analysis Report	216.55.
MMS–4056	Gas Plant Operations Report.	216.56.
MMS–4057	Fractionation Plant Operations Report.	216.57.
MMS–4058	Production Allocation Schedule Report.	216.58.
MMS–4059	Solid Minerals Operations Report.	216.203.
MMS–4060	Solid Minerals Facility Report.	216.204.
MMS–4061	API Well Number Change Report.	216.61.

The PAAS pilot program has been operating with voluntary participants, and the results of this program were considered in developing the proposed rule.

The PAAS would be brought up in stages with operators being converted to the system sequentially.

All operators converting to PAAS will be given a minimum of 180 days prior to the date of first reporting to prepare for the new reporting requirements. The OCS operators have already been given 180-days notice.

At the appropriate time, the MMS will specifically notify each reporter being converted to PAAS of the startup schedules for reporting under PAAS. Simultaneously with startup notification, MMS will provide each reporter with a schedule to discontinue reporting using existing production reports 3160–6 (formerly 9–329 and 9–329–1), 9–152, 9–373A, 9–128, 9–128a, 9–128b, 9–128c, 9–128d, 9–368, 9–1146, etc. For some reporters there may be a short period of overlap of the old and new reporting systems to assure a smooth transition. Following the completion of the conversion to PAAS the Department will promulgate regulations removing the regulatory requirements for submission of existing production reporting forms from the regulations in 43 CFR Part 3160.

This proposed rulemaking would amend 30 CFR Part 216 by adding Subparts, A, B, and E containing §§ 216.1, 216.2, 216.6, 216.10, 216.20, 216.25, 216.30, 216.40, 216.50, 216.51, 216.52, 216.53, 216.54, 216.55, 216.56, 216.57, 216.58, 216.61, 216.200, 216.201, 216.202, 216.203, and 216.204.

Executive Order 12291 Federal Regulations

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291.

Although the proposed rule establishes certain assessments for improper reporting, there is no economic effect so long as there is compliance with the regulations.

The regulatory burden on industry due to the information collection requirements for establishing production quantities is estimated to be approximately $1.5 million. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

Some portion of the approximately $1.5 million cost burden to the public will fall on the small businesses that are among the potential respondents. Since the total cost to the public is relatively small, and because the MMS provides special training and assistance to small organizations, there will be no significant economic effect on small entities. Although the proposed rule establishes certain penalty assessments for improper reporting, as long as there is compliance with the regulations, there is no cost. Consequently, it does not require a Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) analysis.

Paperwork Reduction Act of 1980

The information collection requirements contained in Subparts B and E of this proposed rule have been approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3504(h), and granted OMB Clearance Number 1010–0040 and 1010–0063, respectively. Information collection under provisions of § 216.30 will affect less than 10 respondents annually and does not require OMB approval.

National Environmental Policy Act of 1969

This action is categorically excluded (40 CFR 1508.4) from the requirements of the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, and has been so designated by the Department. (516 DM 2 appendix 1.6; and 516 DM 6, appendix 2.4(B)(1)(k).)

List of Subjects in 30 CFR Part 216

Mineral production, Mineral royalties, Reporting and recordkeeping requirements, Oil and gas, Solid minerals.

Under the authority of the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 *et seq.*); the Act of May 21, 1930 (30 U.S.C. 301–306); the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 41 *et seq.*); the Act of December 12, 1980 (42 U.S.C. 6508); the Attorney General's Opinion of April 2, 1941 (40 Op. Atty. Gen. 41); the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 *et seq.*); the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 *et seq.*); the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351–359); Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix); the Act of March 4, 1917 (16 U.S.C. 520); the National Industrial Recovery Act of 1933 (40 U.S.C. 401, 403a and 408); the Emergency Relief Appropriation Act of 1935 (48 Stat. 115,

118); the Act of August 24, 1935 (49 Stat. 750, 781); the Act of July 22, 1937 (7 U.S.C. 1011c and 1018); the Act of June 23, 1952 (66 Stat. 285); the Act of September 1, 1949 (30 U.S.C. 192c); the Act of June 8, 1926 (30 U.S.C. 291–293); the Act of June 30, 1950 (16 U.S.C. 508b); the Act of May 9, 1942 (56 Stat. 273), as amended by the Act of October 25, 1949 (63 Stat. 886); the Act of March 3, 1933 (47 Stat. 1487), as amended by the Act of June 5, 1936 (49 Stat. 1482), and the Act of June 29, 1936 (49 Stat. 2026); the Act of August 4, 1939 (43 U.S.C. 387); the Act of February 28, 1891 (25 U.S.C. 397); the Act of March 3, 1927 (25 U.S.C. 398a–398e); the Act of June 30, 1919 (25 U.S.C. 399); the Tribal Leasing Act of 1938 (25 U.S.C. 396a *et seq.*); the Allotted Indian Land Leasing Act of 1909 (25 U.S.C. 396); and the Indian Mineral Development Act of 1982 (25 U.S.C. 2102); Chapter II, Title 30, Subchapter A, Part 216 of the Code of Federal Regulations is proposed to be amended as set forth below.

Dated: March 23, 1985.

J. Steven Griles,

Deputy Assistant Secretary for Land and Minerals Management.

1. Part 216 is proposed to be added to read as follows:

PART 216—PRODUCTION ACCOUNTING

Subpart A—General provisions

Sec.

216.1 Purpose.
216.2 Scope.
216.6 Definitions.
216.10 Information collection.
216.20 General obligations of the reporter.
216.25 Confidentiality.
216.30 Special forms and reports.
216.40 Assessments for incorrect or late reports and failure to report.

Subpart B—Oil and Gas, General

216.50 [Reserved]
216.51 Facility and measurement information report and supplement.
216.52 Well information report.
216.53 First purchaser report.
216.54 Oil and gas operations report.
216.55 Gas analysis report.
216.56 Gas plant operations report.
216.57 Fractionation plant operations report.
216.58 Production allocation schedule report.
216.61 API well number change report.

Subpart C—Oil and Gas, Onshore—[Reserved]

Subpart D—Oil, Gas, and Sulphur, Offshore—[Reserved]

Subpart E—Solid Minerals, General

216.200 [Reserved]
216.201 Mine information report.
216.202 Facility and measurement information report.
216.203 Solid minerals operations report.
216.204 Solid minerals facility report.

Subpart F—Coal [Reserved]

Subpart G—Other Solid Minerals [Reserved]

Subpart H—Geothermal Resources [Reserved]

Subpart I—Indian Land [Reserved]

Authority: The Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 *et seq.*); the Act of May 21, 1930 (30 U.S.C. 301–306); the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 41 *et seq.*); the Act of December 12, 1980 (42 U.S.C. 6508; the Attorney General's Opinion of April 2, 1941 (40 Op. Atty. Gen. 41); the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 *et seq.*); the Outer Continental Shelf Land Act, as amended (43 U.S.C. 1331 *et seq.*); the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351–359); Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix); the Act of March 4, 1917 (16 U.S.C. 520); the National Industrial Recovery Act of 1933 (40 U.S.C. 401, 403a and 408); the Emergency Relief Appropriation Act of 1935 (48 Stat. 115, 118); the Act of August 24, 1935 (49 Stat. 750, 781); the Act of July 22, 1937 (7 U.S.C. 1011c and 1018); the Act of June 23, 1952 (66 Stat. 285); the Act of September 1, 1949 (30 U.S.C. 192c); the Act of June 8, 1926 (30 U.S.C. 291–293); the Act of June 30, 1950 (16 U.S.C. 508b); the Act of May 9, 1942 (56 Stat. 273), as amended by the Act of October 25, 1949 (63 Stat. 886); the Act of March 3, 1933 (47 Stat. 1487), as amended by the Act of June 5, 1936 (49 Stat. 1482), and the Act of June 29, 1936 (49 Stat. 2026); the Act of August 4, 1939 (43 U.S.C. 387); the Act of February 28, 1891 (25 U.S.C.397); the Act of March 3, 1927 (25 U.S.C. 398a–398e); the Act of June 30, 1919 (25 U.S.C. 399); the Tribal Leasing Act of 1938 (25 U.S.C. 396a *et seq.*); the Allotted Indian Land Leasing Act of 1909 (25 U.S.C. 396); and the Indian Mineral Development Act of 1928 (25 U.S.C. 2102).

Subpart A—General Provisions

§ 216.1 Purpose.

The purpose of the rules of this part is to ensure that the Federal Government receives proper information regarding energy and mineral resources removed from Federal and Indian leases and federally approved agreements.

§ 216.2 Scope.

The rules of this part shall govern the reporting of oil and gas and solid minerals operations information on Federal and Indian leases or federally approved agreements. The rules of this part shall also govern the reporting of other operational information associated with production from Federal and Indian leases or federally approved agreements when such operations occur prior to the point of sale or royalty determination, whichever is applicable. Reporters are required to continue to submit existing production reports (3160–6 (formerly 9–329 and 9–329–1), 9–152, 9–373A, 9–128, 9–128a, 9–128b, 9–128c, 9–128d, 9–368, 9–1146, etc.) until conversion to PAAS. The appropriate MMS official will nofity reporters being converted to PAAS of the proper schedules for start-up of reporting under PAAS and for discontinuing reporting using the existing production report forms.

§ 216.6 Definitions.

As used in this part, the terms are defined as follows:

(a) "Agreement" means a binding arrangement between two or more parties purporting to the act of agreeing or of coming to a mutual arrangement that is accepted by all parties to a transaction (e.g., communitization, unitization, gas storage, or compensatory royalty agreements.).

(b) "Approved mining plan" as used in this part means an approved resource recovery and protection plan (43 CFR 3480.5) or approved mining plan (43 CFR 3572.1).

(c) "Facility" means a structure(s) used to store or process Federal or Indian mineral production prior to or at the point of royalty determination.

(d) "First purchaser" means any entity receiving the lease production in a *first transfer for value* transaction.

(e) "Indian Lands" means any lands or interest in lands of an Indian tribe or an Indian allottee held in trust by the United States or which is subject to Federal restriction against alienation, including mineral resources and mineral estates reserved to an Indian tribe or an Indian allottee, his heirs or devisees thereto in the conveyance of a surface or nonmineral estate, except that such term does not include any lands subject to the provisions of section 3 of the Act of June 1906 (34 Stat. 539).

(f) "Lease" means any contract, profit-share arrangement, joint venture, or other agreements issued or approved by the Secretary under a mineral leasing law that authorizes exploration for, extraction of, or removal of oil, gas, or solid minerals.

(g) "Lessee" means any person to whom the United States, an Indian tribe, or an Indian allottee, issues a lease, or any person who has been assigned an obligation to make royalty or other payments required by the lease.

(h) "Measurement Device" means a mechanical or electrical device that is used to measure production of oil, gas, or solid minerals for sales, transfers, and/or royalty determination.

(i) "Mine" means the site of coal or other solid mineral production operations involving of one or more Federal and/or Indian lease(s).

(j) "Mineral Leasing Law" means any Federal law administered by the

Secretary authorizing the disposition under lease of oil, gas, or solid minerals.

(k) "Oil or Gas" means any oil or gas originating from, or allocated to Federal (including the Outer Continental Shelf) or Indian lands.

(l) "Operator" means any person, including a lessee who has control of, or who manages operations on, any oil and gas or solid minerals lease site on Federal (including the Outer Continental Shelf) or Indian lands. "Operator" also means any entity engaged in the business of developing, drilling for, producing, transporting, purchasing, selling, or processing oil, gas or solid minerals and/or which has the responsibility of reporting production from a lease or a portion thereof.

(m) "Outer Continental Shelf (OCS)" has the same meaning as provided in Section 2 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1331.

(n) "Production Accounting and Auditing System (PAAS)" means an integrated system of manual and automated processes for minerals production reporting, accounting, and auditing. Based upon production reports submitted by lease and facility measurement point operators, the PAAS will track oil, gas, and solid mineral production on Federal and Indian leases from the source of production to the point of disposition with emphasis on the point of royalty determination, or point of sale, whichever is applicable.

(o) "Raw make" means Natural Gas Liquids (NGL's) that are extracted from the wet gas stream at a gas plant (e.g., ethane through natural gasoline) and transferred to a fractionation plant for further processing.

(p) "Reporter" means any reporting entity required to submit a PAAS report or form to the MMS.

(q) "Secretary" means the Secretary of the Interior or his designee.

(r) "Solid Minerals" means those minerals including but not limited to coal, potash, sodium, phosphate, sulfur, lead, zinc, copper, silica sands, and other minerals under mineral leasing laws originating from or allocated to Federal or Indian leases, excluding oil or gas, oil shale, and geothermal resources.

216.20 Information collection.

The information collection requirements contained in Subpart B require the filing of forms which have been approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3504(h). The forms have been approved by OMB and assigned clearance number 1010-0040. The information is being collected for Federal and Indian royalty accounting purposes. The information collection requirements contained in Subpart E also require the filing of forms which require OMB approval under 44 U.S.C. 3504(h). The forms have been approved and assigned clearance number 1010-0063.

The information collected will be used to permit accounting and auditing of production information submitted by the reporter of Federal and Indian leases and federally approved agreements. Information reporting forms are available from the MMS.

216.20 General obligations of the reporter.

The reporter shall submit accurately and completely, pursuant to the requirements of this part, all information forms and other information required by MMS. Specific guidance on the use of the required forms is contained in the Production Accounting and Auditing System Reporters Handbook. Copies of the handbook are available from the MMS.

A reporter will be provided with 180 days advance notice before being required to convert from existing manual production reporting systems to PAAS.

216.25 Confidentiality.

(a) Information on file with the MMS obtained pursuant to the rules of this part shall be open for public inspection and copying during regular office hours upon a written request, pursuant to rules at 43 CFR Part 2, except that:

(1) Notwithstanding any other provision in this part, information obtained from a reporter under the rules of this part relating to a minerals agreement approved pursuant to the Indian Mineral Development Act of 1982, 25 U.S.C. 2101 *et seq.*, shall not be released without the written consent of the Indian tribe(s) and/or Indian(s) who are parties to the mineral agreement.

(2) Information obtained from a reporter under the rules of this part that constitutes a trade secret and/or commercial or financial information which is privileged or confidential or other information that may be withheld under the Freedom of Information Act (5 U.S.C. 552(b)), such as geologic and geophysical data concerning wells, shall not be available for public inspection or made public or disclosed without the consent of the reporter. Further, when such information is related to Indian lands, the consent to release the information must also be obtained from the cognizant Tribe or allottee.

(b) Upon termination of a Federal lease, geologic and geophysical data submitted under the rules of this part shall be made available to the public. Upon termination of an Indian lease, confidential information may only be released by the cognizant Tribe or by the Bureau of Indian Affairs (BIA) with the consent of the Tribe or allottee.

§ 216.30 Special forms and reports.

The MMS may require the filing of special forms and reports in addition to those specifically provided in this part. When special forms or reports other than those referred to in the regulations in this part may be necessary, instructions for the filing of such forms or reports will be given by the MMS. Such requests will be made in conformity with the requirements of the Paperwork Reduction Act of 1980, and are expected to involve less than 10 respondents annually.

§ 216.40 Assessments for incorrect or late reports and failure to report.

(a) An assessment of $10.00 per day may be charged for each report not received by MMS by the designated due date.

(b) An assessment of $10.00 per day may be charged for each report received by the designated due date but which is incorrectly completed.

(c) For purposes of oil and gas reporting under the PAAS, a report is defined as each line of production information required on the Oil and Gas Operations Report (Form MMS-4054), Gas Analysis report (Form MMS-4055), Gas Plant Operations Report (form MMS-4056), Fractionation Plant Operations Report (form MMS-4057), and Production allocation schedule report (form MMS-4058).

(d) For purposes of solid minerals reporting under PAAS, a report is defined as each line of production information required on the Solid Minerals Operation Report (Form MMS-4059) and Solid Minerals Facility Report (Form MMS-4060).

(e) An assessment under this section shall not be shared with a State, Indian tribe or Indian allottee.

Subpart B—Oil and Gas, General

§ 216.50 [Reserved].

§ 216.51 Facility and measurement information report and supplement.

(a) The Facility and Measurement Information Form (Form MMS-4051) is required by MMS to precisely identify the facilities where oil and gas production is stored or processed and the metering points where production is measured for sale or transfer. The information is used for reference by field operations personnel and auditors to assure that all production is accounted for properly. The form must

be filed for each facility or measurement device which handles production from any Federal and Indian lease, or federally approved agreement, through the point of first sale or the point of royalty computation, whichever is later. The completed form must be filed by the operator of the facility of measurement device on a one time only basis at the request of MMS during the conversion of facility and measurement device operators to the PAAS. Subsequent to conversion, Form MMS–4051 must be filed no later than 30 days after establishment of a new facility or measurement device, or a change to an existing facility or measurement device.

(b) The Facility and Measurement Information Form-Supplement (Form MMS–4051 Supplement) must be filed for each facility or measurement device that handles production from any Federal or Indian lease, or federally approved agreement, through the point of first sale or the point of royalty computation, whichever is later, when such facility or measurement device is operated by any party other than the operator(s) of the lease(s) or approved agreement(s) served by said facility or measurement device. The completed form must be filed by each operator of the lease(s) or federally approved agreement(s) served by said facility or measurement device if that operator is not the same party that operates said facility or measurement device. Form MMS–4051 Supplement must be filed at the request of the MMS on a one time only basis during the conversion of lease and agreement operators to PAAS.

§ 216.52 Well information report.

The Well Information Form (Form MMS–4052) is required by MMS to obtain data or confirmation of data from each lease operator, to assure that all wells are identified. Primary identification is by a number assigned by the American Petroleum Institute (API). Each well on a lease is identified by API and operator well number, producing interval, location, well status, date of first production, and producing reservoir or formation name. The form must be filed at the request of MMS for each Federal or Indian lease, or federally approved agreement, on which there exist wells that are not permanently plugged and abandoned. The completed form must be filed by the operator of the lease or agreement on a one time only basis during the conversion of lease and agreement operators to the PAAS.

§ 216.53 First purchaser report.

The First Purchaser Report (Form MMS–4053) is required by MMS to obtain product prices from selected first purchasers of any product attributable to a Federal or Indian mineral lease. The information is used by MMS auditors to independently verify prices and quantities reported by lease operators. The report must be filed by first purchasers only upon the specific request of MMS.

§ 216.54 Oil and gas operations report.

The Oil and Gas Operations Report (Form MMS–4054) is required by MMS to identify all oil and gas lease production from Federal and Indian lands. Monthly production information will be compared with monthly data on sales and royalty from Form MMS–2014, Report of Sales and Royalty Remittance, to ensure that proper royalties are paid on the oil and gas reported as produced. The report must be filed by the operator of the lease or agreement for each Federal or Indian lease, or federally approved agreement, on which there exist wells that are not permanently plugged and abandoned. Completed Form MMS–4054 must be filed for each calendar month, beginning with the month in which drilling operations are initiated, and must be filed on or before the 15th day of the second month following the month being reported until the lease or agreement is terminated or the last well is permanently plugged or abandoned or until omission of the report is authorized by the MMS.

§ 216.55 Gas analysis report.

The Gas Analysis Report (Form MMS–4055) is required by MMS to identify the separate components of natural gas production. MMS uses the information to determine the specific natural gas liquids on which royalty is due. The report must be filed for each Federal or Indian lease, or federally approved agreement, from which gas is transferred for processing prior to the point of royalty computation. The completed form must be filed by the operator of the lease or approved agreement. The form is due either quarterly or semi-annually, as specified by MMS, and is submitted on or before the 15th day of the second month following the end of the reporting period to which the information applies.

§ 216.56 Gas plant operations report.

The Gas Plant Operations Report (Form MMS–4056) is required by MMS to identify disposition and components of natural gas from Federal and Indian leases. MMS uses the data to compute expected residue gas and natural gas liquids production and to determine royalties due. The report must be filed for each gas plant that processes gas that originates from a Federal or Indian lease, or federally approved agreement, prior to the point of royalty computation, by the operator of the gas plant. Completed Form MMS–4056 must be filed for each calendar month, beginning with the month in which processing of gas meeting the aforementioned criteria is initiated, and must be filed on or before the 15th day of the second month following the month being reported.

§ 216.57 Fractionation plant operations report.

The Fractionation Plant Operations Report (Form MMS–4057) is required by MMS to identify the volumes of raw make transferred to the plant and of natural gas liquids produced. MMS uses the information to determine the production of specific components on which royalties are due, in conjunction with data from the Gas Plant Operations Report (Form MMS–4056). The report must be filed for each fractionation plant that fractionates raw make attributable to a Federal or Indian lease, or federally approved agreement, prior to the point of royalty computation for such lease or agreement. The completed form must be filed by the operator of the fractionation plant. Form MMS–4057 must be filed for each calendar month, beginning with the month in which fractionation of raw make meeting the aforementioned criteria is initiated, and must be filed on or before the 15th day of the second month following the month being reported

§ 216.58 Production allocation schedule report.

The Production Allocation Schedule Report (Form MMS–4058) is required by MMS to determine whether sales reported by the lessee are reasonable in cases where such sales are from production which has been commingled. Each line identifies a lease and its delivered production and allocated sales or transfer volumes. The report must be filed for each facility or measurement device that handles production from two or more Federal or Indian, or two or more Federal or Indian or non-Federal, leases of agreements if production has been commingled prior to measurement for royalty determination. The completed form must be filed by the operator of such facility or measurement device. Form MMS–4058 must be filed for each calendar month, beginning with the month in which handling or production meeting the aforementioned criteria is initiated, and must be filed on or before the 15th day of the second month following the month being reported.

§ 216.61 API well number change report.

The API Well Number Change Report (Form MMS–4061) is required to notify MMS when a well with a temporary identification number is assigned a permanent American Petroleum Institute (API) well number. The report gives the existing well number and producing interval and the new well number and producing interval. MMS uses the information to change the identification of the well in its data base. The report must be filed for each instance where there is a change to an existing API well number and/or the MMS assigned producing interval code within the PAAS, on which an Oil and Gas Operations Report (Form MMS–4054) has been filed. The completed form must be filed by the operator of the Federal and Indian lease, or federally approved agreement, on which the well resides. Form MMS–4061 must be filed at least 10 days prior to the submission of an Oil and Gas Operations Report containing the new API well number and/or the MMS assigned producing interval code.

Subpart C—Oil and Gas, Onshore [Reserved]

Subpart D—Oil, Gas, and Sulphur, Offshore [Reserved]

Subpart E—Solid Minerals, General

§ 216.200 [Reserved].

§ 216.201 Mine information report.

The Mine Information Form (Form MMS–4050) is required by MMS to identify the mine, the products recovered, the leases that make up the mine, and the mining methods used on each lease. The form must be filed for each mine that includes Federal and Indian leases in its approved mining plan. The completed form must be filed by the operator of the mine/lease(s). Form MMS–4050 must be filed at the request of the MMS on a one time only basis during the conversion of the mine-lease(s) to the PAAS.

§ 216.202 Facility and measurement information report.

The Facility and Measurement Information Form (Form MMS–4051) is required by MMS to identify (1) the scales and meters that measure production at each mine and (2) storage and secondary processing facilities. The form must be filed for each facility or measurement device which handles production from any Federal and Indian lease, or federally approved agreement, through the point of first sale or the point of royalty computation, whichever is applicable.

The completed form must be filed by the operator of the facility or measurement device. Form MMS–4051 must be filed at the request of the MMS on a one time only basis during the conversion of facility and measurement device operators to the PAAS. Subsequent to conversion, Form MMS–4051 must be filed no later than 30 days after establishment of a new facility or measurement device, or a change to any existing facility or measurement device that handles production from any Federal or Indian lease, or federally approved agreement, through the point of first sale or royalty computation, whichever is applicable.

§ 216.203 Solid minerals operation report.

The Solid Minerals Operation Report (Form MMS–4059) is required by MMS to identify, for each lease and lease product, the beginning inventory, quantity produced, processing losses, net production, quality of production, type of disposition, quantity disposed of, identification of the processing facility, and ending inventory. For mines whose production is sold after secondary processing or from remote storage the form identifies the lease or development contract credited with an allocated part of the production, the product and quantity sold, and the facility from which it was sold. The report must be submitted by all Federal and Indian lease operators of producing mines or inactive mines that are part of an approved mine plan. Form MMS–4059 must be filed for the same period established for payment in the lease terms, unless a different reporting frequency is established by an MMS authorized official, and on or before the 15th day of the second month following the period being reported until all the leases within a mine are terminated or until omission of the report is authorized by the MMS.

§ 216.204 Solid minerals facility report.

The Solid Minerals Facility Report (Form MMS–4060) is required by MMS to identify for each mineral processed by a mineral processing facility the mine and measuring point from which a mineral was received, the type of product received, and the quantity and quality of inputs and outputs. The report is also used by MMS to identify, for each product and its source mine, the beginning inventory, raw materials received during the reporting period, amount of production, type of disposition, quantity sold or transferred, the facility or measuring point to which it is transferred, and ending inventory. MMS uses this information to insure that lease production is accurately tracked from the mine to the point of royalty determination, when royalty is determined after secondary processing. The information obtained is compared with that from the Solid Minerals Operation Report (Form MMS–4059) for that purpose. The report must be filed by operators of secondary processing facilities that handle Federal and Indian solid minerals production on which royalty has not yet been determined. The report period is monthly, unless a longer period is specified in the lease document, or otherwise approved by the MMS. It must be filed on or before the 15th day of the second month following the period being reported.

Subpart F—Coal [Reserved]

Subpart G—Other Solid Minerals [Reserved]

Subpart H—Geothermal Resources [Reserved]

Subpart I—Indian Lands [Reserved]

[FR Doc. 85–7647 Filed 3–29–85; 8:45 am]
BILLING CODE 4310-MR-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Reopening and Extension of Public Comment Period on Proposed Amendment to the Ohio Permanent Regulatory Program

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

ACTION: Reopening and extension of public comment period.

SUMMARY: By letters dated July 26 and August 24, 1984, Ohio submitted program amendments to OSM consisting of proposed rules of procedure for the Ohio Reclamation Board of Review (RBR). OSM published notices in the **Federal Register** on August 9 and September 13, 1984, announcing receipt of the amendments (49 FR 31912 and 49 FR 35961). The public comment periods ended September 10 and 28, 1984, respectively.

OSM's review of Ohio's proposed amendments identified concerns relating to the RBR's procedures concerning the findings of fact and the conclusions of law and to the awarding of cost and expenses. OSM notified Ohio about its concerns on February 12, 1985 and on February 27, 1985, Ohio responded by revising the proposed amendments.

Accordingly, OSM is reopening and extending the comment period on Ohio's July 26 and August 24, 1984, proposed amendment as modified on February 27, 1985. This action is being taken to provide the public an opportunity to reconsider the adequacy of the proposed amendments.

DATES: Written comments, data or other relevant information relating to this rulemaking not received on or before 4:00 pm April 16, 1985, will not necessarily be considered in the Director's decision.

ADDRESSES: Written comments should be mailed or hand delivered to Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227.

Copies of the Ohio program, and all written comments received in response to this notice will be available for public review at the OSM Field Office listed above and at the OSM Headquarters Office and the Office of State regulatory authority listed below, during normal business hours Monday through Friday, excluding holidays. Each requestor may receive, free of charge, one single copy of the State's submittal by contacting the OSM Columbus Field Office.

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

Ohio Division of Reclamation, Fountain Square, Building B, Columbus, Ohio 43224.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION: The Ohio program was approved effective August 16, 1982, by notice published in the August 10, 1982 **Federal Register** (47 FR 34688). The approval was conditioned on the correction of 28 minor deficiencies contained in 11 conditions. Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register.**

By letters dated July 26 and August 24, 1984, Ohio submitted program amendments consisting of proposed rules 1513-3-01 through 1513-3-22 establishing rules of procedure for the Ohio RBR.

During review of the amendments, OSM identified several concerns:

(1) Ohio rule 1513-3-19(E) provides that decisions of the RBR may be general-unless one of the parties requests that the RBR issue findings of fact and conclusions of law, and only those findings of the Act and conclusions of law made by the RBR or adopted by the RBR shall form part of the record. The Federal rules at 43 CFR 4.1127 provide that decisions by administrative law judges shall incorporate findings of fact and conclusions of law. Therefore, to be no less effective than 43 CFR Part 4, Ohio must require that RBR decisions include findings of fact and conclusions of law.

(2) Ohio rule 1513-3-21(E)(3) provides that appropriate costs and expenses including attorneys' fees maybe awarded to a permittee from any person or the State of Ohio if the permittee initiates or participates in any proceeding under Chapter 1513 of the Revised Code upon a finding that the permittee made a substantial contribution to a full and fair determination of the issues. The Federal rules at 43 CFR 4.1294(c) provide that costs may be awarded to a permittee if the permittee demonstrates that a notice of violation or an order to show cause why a permit should not be suspended or revoked was issued in bad faith or to harass or embarrass the permittee. Therefore, the Federal standard for the award of costs to permittees is a higher standard than the proposed Ohio standard.

OSM notified Ohio about these concerns by letter dated February 12, 1985, and Ohio responded by submitting clarifying information on February 27, 1985. The clarifying information amends regulatory language for rules 1513-3-19 and 1513-3-21.

The full text of the proposed amendments and of the subsequent material is available for review at the locations listed above under ADDRESSES. Accordingly, OSM is now seeking public comment on the adequacy of Ohio's July 26 and August 24, 1984, amendments in light of the State's February 27, 1985 modification.

List of Subjects in 30 CFR Part 935

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

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

Dated: March 25, 1985.

Carl C. Close,

Acting Assistant Director, Program Operations and Inspection.

[FR Doc. 85-7636 Filed 3-29-85; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 944

Utah Permanent Program Under the Surface Mining Control and Reclamation Act of 1977; Reopening of Public Comment Period

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

ACTION: Reopening of public comment period.

SUMMARY: OSM is reopening the period for public comment on the adequacy of proposed amendments to the Utah Permanent Regulatory Program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). On August 13, 1984, Utah submitted proposed program amendments for OSM's approval pertaining to the definition of "affected area," enforcement and penalty requirements and bonding and insurance requirements (Administrative Record UT 336). The public was invited to comment on these provisions for 30 days (49 FR 40421, October 6, 1984). In a letter to the State dated January 28, 1985, OSM informed Utah of deficiencies in its proposed program amendments (Administrative Record UT-353). On March 6, 1985, Utah submitted additional materials to address the deficiencies identified by OSM. (Administrative Record No. UT-355). OSM is reopening the comment period for 15 days to provide the public an opportunity to comment on the additional material submitted by the State on March 6, 1985.

DATES: Written comments from members of the public must be received by 4:30 p.m. on April 16, 1985 to be considered in the Director's decision on whether the proposed amendments satisfy the criteria for approval.

ADDRESSES: Written comments should be sent to Mr. Robert Hagen, Field Office Director, Office of Surface Mining Reclamation and Enforcement, Albuquerque Field Office, 219 Central Avenue, NW., Albuquerque, New Mexico 87102.

Copies of the Utah program, the proposed modifications to the program and all written comments received in response to this notice will be available for public review at the OSM Field Offive above and the OSM Headquarters office and the office of the State regulatory listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays. Each requestor may receive, free of charge, one single copy of the amendments by contracting the

OSM Albuquerque Field Office listed above.

Utah Division of Oil, Gas and Mining, Department of Natural Resources, 4241 State Office Building, Salt Lake City, Utah 84114, Telephone: (801) 533–5771.

Office of Surface Mining, 1100 "L" Street, NW., Room 5124, Washington, D.C. 20240, Telephone: (202) 343–5351.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, D.C. 20240; Telephone: (202) 343–5351.

SUPPLEMENTARY INFORMATION: On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program under SMCRA for the regulation of the surface coal mining operations in the State (46 FR 5899–5915).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Utah program can be found in the January 21, 1981 **Federal Register** (46 FR 5899–5915).

On August 13, 1984, the Utah Division of Oil, Gas and Mining (DOGM) submitted proposed program amendments for OSM's approval (Administrative Record No. UT–336).

The amendments include proposed changes pertaining to the definition of "affected area", enforcement and penalty requirements, and bonding and insurance requirements.

On October 16, 1984, OSM sought public comment on whether the proposed modifications to the Utah permanent program listed above satisfy the criteria for approval of State program amendments set forth at 30 CFR 732.15 and 732.17 (49 FR 40432). In a letter to the State dated January 28, 1985, OSM informed the State of deficiencies identified in the proposed program amendments (Administrative Record No. UT–353). On March 6, 1985, Utah submitted additional material to respond to the concerns raised by OSM in its January 28, 1985 letter (Administrative Record No. UT–355).

OSM is reopening the public comment period on the proposed amendments to provide the public an opportunity to review and comment on the materials submitted by the State on March 6, 1985.

To approve the proposed provisions, OSM must find that the amendments are no less stringent than SMCRA and no less effective than the Federal regulations in meeting the purposes of SMCRA. With respect to Utah's penalty provisions OSM must find that the State program, as proposed to be amended, incorporates penalties no less stringent than those set forth under the Federal requirements and contains the same or similar procedural requirements. With respect to Utah's enforcement provisions, OSM must find that the State program, as proposed to be amended, incorporates sanctions no less stringent than those set forth in the Federal requirements and contains the same or similar procedural requirements. If the Director determines the proposed modifications meet the criteria, the amendments will be approved, and 30 CFR Part 944 modified accordingly. The Director's approval of the amendments would be contingent on the State's adoption of the amendments in the identical form they were reviewed by OSM and the public.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

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

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which would require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 944

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

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

Dated: March 25, 1985.

Carl C. Close,

Acting Assistant Director, Program Operations and Inspection.

[FR Doc. 85–7635 Filed 3–29–85; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD09–83–02]

Special Anchorage Areas; Chicago Harbor, IL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to revise the boundaries of the "Grant Park" special anchorage areas in Chicago Harbor, Illinois. The City of Chicago project to straighten the Lake Shore Drive S-curve required the demolition of the structure which was the reference point for the legal description of the special anchorage areas. The project also required landfill which has covered part of the special anchorage area. The proposed action will describe the location and size of the special anchorage areas as they actually are used at the present time.

DATES: Comments must be received on or before May 16, 1985.

ADDRESSES: Comments should be mailed to Commander, Ninth Coast Guard District, Marine Port and Environmental Safety Branch, 1240 E. 9th St., Cleveland, OH 44199. The comments and other materials referenced in this notice will be available for inspection and copying at Marine Port and Environmental Branch, Ninth Coast Guard District, Room 2019, 1240 E. 9th St., Cleveland, Ohio. Normal office hours are between 8:00 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander P.C. Smith, Marine Port and Environmental Safety Branch, Ninth Coast Guard District, 1240 E. 9th St., Cleveland, OH 44199, or phone (216) 522–7064.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (09–

83-02) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed.

The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are Lieutenant Commander P.C. Smith, project officer, Marine Port and Environmental Safety Branch, and Lieutenant Commander Arthur R. Butler, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Proposed Regulations

The Coast Guard published an advance notice of proposed rulemaking on April 22, 1983 (48 FR 19183) requesting comments on the need for changes of the present special anchorage areas and anchorage grounds in Chicago and Calumet Harbors, Ill. This proposed action relates solely to the special anchorage areas in Chicago Harbor, Ill.

Revision of any other anchorage ground in Chicago Harbor, Ill. will be the subject of separate Notices of Proposed Rule Making. One comment indicated that an anchorage area with mooring facilities in Calumet Harbor, Ill. would be a "tremendous improvement." Captain of the Port, Chicago, has determined, however, that there is insufficient evidence of a demonstrated need for such an anchorage in Calumet Harbor at this time.

Since the establishment of the Grant Park North special anchorage area, the project to straighten the Lake Shore Drive S-curve has required the demolition of the Naval Armory and the Naval Armory Dock as well as significant landfill in the northwest corner of the special anchorage area. After consultation with the U.S. Army Corps of Engineers and the Chicago Park District, the Coast Guard proposes to amend § 110.83 of Title 33, Code of Federal Regulations, to redefine the boundaries of the special anchorage areas. The Chicago Park District controls the location and type of moorings placed in the special anchorage areas. It has requested that the Coast Guard modify the description of the special anchorage areas as provided herein. The proposed action covers four anchorage areas because additional fairways have been established. It takes into account the location and size of the special anchorage areas as they are actually used at the present time.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. No significant economic impact is anticipated because the proposed action describes the location and size of the special anchorage areas as they actually are used at the present time.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

PART 110—[AMENDED]

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations, by revising § 110.83 to read as follows:

§ 110.83 Chicago Harbor, Ill.

(a) *Grant Park North-A.* Beginning at a point 2,120 feet South of the intersection of the North line of the Chicago Yacht Club bulkhead, as constructed in 1927, and the harbor line approved by the Department of the Army on August 3, 1940, along the West side of the harbor, said harbor line runs parallel to the overall alignment of said Grant Park bulkhead between its North and South ends, said intersection is approximately 800 feet South of the South face of the former Naval Armory Dock, and 100 feet East of said bulkhead, that point being approximately on the harbor line; thence North along a straight line parallel to said harbor line and bulkhead, 1,705 feet to a point that is 100 feet East of said harbor line and 150 feet East of the Grant Park bulkhead; thence East at a right angle, 150 feet; thence North at a right angle, parallel to the first described line, passing 100 feet East of the Chicago Yacht Club bulkhead, 440 feet; thence Northeasterly 850 feet to a point 1,070 feet East of the aforesaid Grant Park bulkhead; thence Southeasterly 740 feet to a point 1,600 feet East of said harbor line; thence Southerly 1,960 feet to a point approximately 1,555 feet East of said harbor line and about 1,560 feet East of said Grant Park bulkhead; thence Southwesterly 295 feet to a point 1,180 feet due East, in a direction perpendicular to the West line hereof, from the point of beginning; and thence West to the point of beginning.

(b) *Grant Park North-B.* Beginning at a point 145 feet North of the North line of the Chicago Yacht Club bulkhead, as constructed in 1927, and 320 feet East of the harbor line approved by the Department of the Army on August 3, 1940, along the West side of the harbor, said Chicago Yacht Club bulkhead extends due East, perpendicular to the Grant Park bulkhead's overall alignment between its North and South ends, said bulkhead runs parallel to the aforesaid harbor line and is approximately 800 feet South of the South face of the former Naval Armory Dock, said point is 20 feet East of the East face of the Chicago Park District jetty; thence North parallel to said jetty, 230 feet to a point 20 feet South of the South face of the Lake Shore Drive bulkhead, said bulkhead runs Easterly and Westerly in a curved direction; thence Easterly along a line parallel to said curved bulkhead to a point 20 feet Southwest and perpendicular to a line extended along the Southwest side of the Columbia Yacht Club pier to said curved bulkhead; thence Southeasterly parallel to said extended line, 160 feet; thence Southwesterly to the point of beginning.

(c) *Grant Park North-C.* Beginning at a point 970 feet North of the North line of the Chicago Yacht Club bulkhead, as constructed in 1927, which extends due East and perpendicular from the harbor line approved by the Department of the Army on August 3, 1940, said Chicago Yacht Club bulkhead line is approximately 800 feet South of the South face of the former Naval Armory Dock, and 1,170 feet East of said harbor line, said point of beginning is 20 feet East of the East face of the Columbia Yacht Club pier and 20 feet South of the South face of a breakwater, which runs in a East and West direction; thence East along a line parallel to the South face of said East-West breakwater, 540 feet to a point 20 feet West of the West face of a breakwater, which runs in a North and South direction; thence South along a line parallel to the West face of said North-South breakwater, approximately 965 feet; thence Northwesterly to a point 20 feet

Southeast and perpendicular to the Southeast side of the aforesaid Columbia Yacht Club pier; thence Northerly along a line parallel to the East face of said pier to the point of beginning.

(d) *Grant Park South.* Beginning at a point 2,220 feet South of the intersection of the North line of the Chicago Yacht Club Bulkhead, as constructed in 1927, and the harbor line approved by the Department of the Army on August 3, 1940, along the West side of the harbor, said harbor line runs parallel to the overall alignment of the Grant Park bulkhead between its North and South ends, said intersection is approximately 800 feet South of the South face of the former Naval Armory Dock, and 100 feet East of said Grant Park bulkhead, that point being approximately on the harbor line; thence East, perpendicular to the overall alignment of the Grant Park bulkhead, and perpendicular to said harbor line, 1,180 feet; thence Southeasterly 330 feet to a point 1,510 feet East of said Grant Park bulkhead and 225 feet South of an extension of the first described line; thence South perpendicular to the first described line, 220 feet; thence Southwesterly 2,375 feet along a line generally 100 feet Northwesterly from and parallel to the Northwesterly face of the narrow section of the U.S. Inner Breakwater; thence Northwesterly 100 feet to a point 150 feet East of said Grant Park bulkhead (or 100 feet East of the aforesaid harbor line), and 4,570 feet South of the North line of the aforesaid Chicago Yacht Club bulkhead; and thence North 2,350 feet of the point of beginning.

Authority: 33 U.S.C. 2030, 2035, and 2071; 49 CFR 1.46, 33 CFR 1.05-1(g).

Dated: March 18, 1985.

A. M. Danielsen,

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

[FR Doc. 85-7690 Filed 3-29-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGD09-85-02]

Special Anchorage Area, Little Traverse Bay, Lake Michigan, Harbor Springs, MI

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard at the request of the Harbormaster, City of Harbor Springs, Michigan, is proposing to amend the Anchorage Regulations by establishing a channel through the existing Special Anchorage Area at Little Traverse Bay in Lake Michigan, Harbor Springs, Michigan.

The Harbormaster, City of Harbor Springs has requested the elimination of a section of the existing Special Anchorage Area in order to designate a navigable channel through the harbor.

The creation of this channel through the existing Special Anchorage Area will increase navigational safety in the harbor as it will provide direct assess from the inner harbor to the open waters of Little Traverse Bay and Lake Michigan.

DATE: Comments must be received on or before May 16, 1985.

ADDRESSES: Comments should be mailed to Commander (mpes), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, OH 44199. The comments will be available for inspection and copying at Marine Safety Division, room 2019, 1240 East Ninth Street, Cleveland, OH 44199. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Ensign George Burns III, Marine Safety Division, 1240 East Ninth Street, Cleveland, OH 44199, (216) 522-3919.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, idenfity this notice (CCD09-85-02) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamp self-addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are Ensign George Burns III, Marine Safety Division, project officer, and Lieutenant R. A. Pelletier, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Proposed Regulation

The Harbormaster, City of Harbor Springs, Michigan has requested that a portion of the existing Special Anchorage Area be eliminated so that a navigable channel can be established through the area. The existing Special Anchorage Area blocks many of the waterfront facilities from direct access to the open waters of Little Traverse Bay and Lake Michigan. An increase in boater traffic and an increase in shore lights has made it difficult to navigate through the area at night. By creating this channel, navigational safety will be increased, as the need for navigating around moored vessels will be eliminated. The City of Harbor Springs plans to mark this channel with lighted buoys.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT order 2100.5). Its economic impact is expected to be minimal since this mofification only affects a portion of an existing anchorage area. Based upon this assessment it is certified in accordance with section 605 (b) or the Regulatory Flexibility Act (5 U.S.C. 605 (b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 110

Anchorage Grounds.

PART 110—[AMENDED]

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations, by revising § 110.82a to read as follows:

§ 110.82a Little Traverse Bay, Lake Michigan, Harbor Springs, Michigan.

(a) Area 1. Beginning at latitutde 45°25'42.2" North, longitude 84°59'7.5" West; thence to latitude 45°25'39.5" North, longitude 84°59'09" West; thence to latitude 45°25'35" North, longitude 84°59'07" West; thence to latitude 45°25'35" North, longitude 84°58'55.2" West; thence to latitude 45°25'42.2" North, longitude 84°58'56.5" West; thence to the point of beginning.

(b) Area 2. Beginning at latitude 45°25'42.2" North, longitude 84°58'54" West; thence to latitude 45°25'35" North, longitude 84°58'53" West; thence to

latitude 45°25'35" North, longitude 84°58'24.8" West; thence to latitude 45°25'36.1" North, longitude 84°58'23" West; thence to latitude 45°25'42.2" North, longitude 84°58'39" West; thence to the point of beginning.

(33 U.S.C. 2071; 49 CFR 1.46(h)(14), 33 CFR 1.05-1(g))

Dated: March 18, 1985.

A.M. Danielsen,

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

[FR Doc. 85-7689 Filed 3-29-85; 8:45 am]

BILLING CODE 4910-14

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33 CFR Part 165

[COTP Western Alaska Reg 85-01]

Safety Zone: Kodiak Harbor, Kodiak Island, Alaska

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is establishing a safety zone around the construction barge, JAN B, while it is engaged in the erection of the Near Island Bridge which is being built over the Kodiak Harbor Channel (locally referred to as the Near Island Channel) between Kodiak Island and Near Island, Alaska in the approximate position of 57° 47'20" N. latitude, 152° 23'40" W longitude. The safety zone is needed to protect vessels transiting Kodiak Harbor between Kodiak and Near Island from a safety hazard associated with the erection of the Near Island Bridge overwater spans by the construction barge, JAN B, and its mooring cables, cranes and associated heavy equipment. The construction operations will take place 12 hours a day, 6 days a week for approximately three weeks. Limiting access to this area will serve to protect both vessels and workers involved in the construction operation and other vessels and crews operating in the area.

DATES: Comments must be received on or before May 1, 1985.

ADDRESSES: Comments should be mailed to Commanding Officer, U.S. Coast Guard Marine Safety Office, 701 C. Street, Box 17, Anchorage, Alaska 99513. The comments and other materials referenced in this notice will be available for inspection and copying at the Port Operations Department, U.S. Coast Guard Marine Safety Office Anchorage, 701 C. Street, Room D148, Anchorage, Alaska. Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Edward E. Page, U.S. Coast Guard, U.S. Coast Guard Marine Safety Office, Anchorage, Alaska (907) 271-5137.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice, (COTP Western Alaska Reg 85-01), and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The regulations may be changed in light of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information: The drafters of this notice are Lieutenant Commander Edward E. Page, Project Officer for the Port Operations Department, U.S. Coast Guard Marine Safety Office, Anchorage, and LT A.O. Denny, Project Attorney, Seventeenth Coast Guard District Legal Office.

Discussion of the Proposed Regulations: During the erection of the Near Island Bridge the safe passage of vessels through the entire length of Kodiak Harbor Channel will be prevented by the construction barge, JAN B, its mooring cables, construction barges and an assists tug. It is projected that the construction of the bridge will take three weeks during the month of July, 1985. Work operations will take place approximately 12 hours a day, six days a week. No work is planned on Sundays. At certain stages of the construction the Captain of the Port will restrict vessles from transiting past the JAN B and associated construction equipment due to the safety hazard presented by the mooring cables, bridge girders and the construction vessels. A patrol boat will be present during these times to advise approaching vessels that passage is restricted. At times construction operations will be temporarily terminated so as to permit the movement of major shipping through the channel. The Coast Guard may be contacted on VHF Channel 22 or Channel 16 for specific information as to whether vessels may transit past the construction site. Calls may also be made by phone to the Coast Guard Marine Safety Detachment Kodiak, (907) 487-5750, for up to date information regarding this safety zone; however, this telephone may not be manned at all times. The Coast Guard will also provide current information on this safety zone through both Local Notice to Mariners and Broadcast Notice to Mariners. Some vessel operators will be inconvenienced by these temporary closures which will require their sailing around Near Island to reach their destination, an added three to four miles; however, in the interest of safety, this temporary inconvenience is considered warranted. Vessels underway in this area which are unfamiliar with the safety zone in effect will be approached by a construction assist boat or Coast Guard vessel and advised as to whether through passage is permitted.

Economic Assessment and Certification: These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034, February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This is based on the fact transits to and from all facilities in Kodiak harbor will be permitted while this safety zone is in effect and the impact on maritime operations will be restricted to occasional rerouting of vessel transits around Near Island which would be no greater than 4 miles and in most cases less.

Since the impact of this proposal is expected to be minimal the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

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

Part 165—[AMENDED]

Proposed Regulations: In consideration of the foregoing, the Coast Guard proposes to amend part 165 of Title 33, Code of Federal Regulations by adding § 165.T1701 to read as follows:

§ 165.T1701 Kodiak Harbor.

(a) A safety zone is established to include all waters extending 100 yards from the construction barge JAN B while engaged in the erection of the Near Island Bridge, Kodiak Harbor, Alaska.

(b) Except as indicated below, no vessel may navigate, transit, fish, anchor or drift in the waters within this safety zone without prior permission of the Captain of the Port.

(c) Unless otherwise notified, vessels may transit the area encompassed by the safety zone without specific approval of the Captain of the Port during nonworking hours, Monday through Saturday evenings after 7:00 p.m. to 6:30 a.m. the following morning and Sundays from 6:30 a.m. to 6:30 a.m. the following Monday morning.

(d) Any vessel within the zone shall follow the directions of the patrolling vessel. If instructed to leave, the vessel will do so immediately.

(e) Vessels desiring to transit this area may contact the Captain of the Port about specific restrictions or, to obtain permission to transit the safety zone, by contacting one of the following Coast Guard units:

(1) Coast Guard Marine Safety Detachment Kodiak at: (907) 487–5750, or

(2) Coast Guard Communication Station Kodiak, via VHF channel 22 (preferred) or channel 16.

(f) This regulation is effective on 1 July 1985 and remains continuously in force until 31 July 1985 unless otherwise modified by the Captain of the Port Western Alaska.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; and 33 CFR 165.5)

Dated: March 25, 1985.

G.E. Haines,

Captain, U.S. Coast Guard, Captain of the Port, Western Alaska.

[FR Doc. 85–7688 Filed 3–29–85; 8:45 am]

BILLING CODE 4910–14–M

POSTAL SERVICE

39 CFR Part 111

Annual Fee—Third-Class Bulk Rates

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: In order to achieve consistency in the application of third-class annual bulk fee requirements, the Postal Service proposes to amend the regulation in the Domestic Mail Manual governing the collection of these fees. Specifically, the proposal would require payment of an annual bulk fee only by those persons or organizations which actually enter mailings at the bulk rates. Currently, a bulk fee must be paid by or for any person or organization which enters mailings at the bulk rates and by any person or organization which engages a business concern or other individual to mail for them.

DATE: Comments must be received on or before May 1, 1985.

ADDRESSES: Written comments should be directed to the Director, Office of Mail Classification, Rates and Classfication Department, U.S. Postal Service, Washington, DC 20260–5361.

Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room P220, U.S. Postal Service Headquarters 935 L'Enfant Plaza N., SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Cheryl Beller of the Office of Mail Classification, 202/245–4655.

SUPPLEMENTARY INFORMATION:

I. Background

The regulation proposed for amendment, section 641 of the Domestic Mail Manual, currently requires mailers of third-class bulk matter to pay annual bulk fees even when an agent has been engaged to present their material to the Postal Service. Identifying the "mailer" or orginator of third-class matter may be difficult. Therefore, some rules of thumb have envolved to achieve consistency and render the problem manageable at the post office level. For example, whenever an advertising agency designs and produces a coupon mailing for a collection of advertisers, the Postal Service has considered the mailing to be the product of the advertising agency. Only the preparing firm is required to pay the annual bulk fee at the office of mailing. On the other hand, when an agent merely collects mailing pieces from a variety of persons or organization and bundles them for third-class entry (a typical shared mailing), the Postal Service requires that each entity submitting pieces to the mailing pay the annual fee at the office of mailing.

Because current mailer practices do not always coincide with the previously described Postal Service guidelines, it is becoming increasingly difficult to identify the originators of components of a given mailing and to assess appropriate bulk fees. For example, a shared mailing consisting primarily of promotional pieces prepared by advertisers and furnished to an agent for mailing may also contain advertisements designed and produced for clients by the mailing agent. Similarly, a mailing consisting primarily of coupons developed and produced by an advertising firm may also include coupons or other promotional material produced and furnished by the firm's clients. In these situations, when it is not clear which persons or organizations should be considered "mailers" or originators, the regulation concerning the collection of applicable bulk fees ha not been consistently applied.

The guidelines previously applied by the Postal Service were useful in determining when bulk fees were applicable, but appear to no longer have logical appeal. There is no obvious reason that questions of who designed or who printed the various components of a third-class mailing piece should control decisions about the applicability of bulk fees. The recent problems also highlight the tendency for the current fee requirements, as currently applied, to cause most of the costs the fee itself covers, such as accounting and shared mail verification costs.

II. Recommended Change

The Postal Service concludes that the proposed change would lead to consistent enforcement since it would simplify the regulation and make it analogous to the approach taken to the First-Class annual presort fee. It would also reduce post office workload. Finally, because the fee would henceforth be paid only by those entities which actually present the mail and thus deal directly with the Postal Service, the proposed regulation would be more closely related to the legitimate business purposes which best support the fee.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comments on the following proposed revision of the Domestic Mail Manual, incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

Chapter 6 Third-Class Mail

640—Authorizations and Permits

Revise 641 to read as follows:

641 Annual Fee—Bulk Rates

Each person or organization which enters mailing at the regular or special bulk third-class rates must pay an annual bulk mailing fee at each post office where mailings will be deposited (see 612.1). Persons or organizations paying this fee may enter mail of their clients as well as their own mail. This fee is separate from the fee that must be paid for a permit to mail under the permit imprint system (see 145.2). The annual bulk mailing fee must be paid at

or before the time of the first bulk rate mailing of each calendar year.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

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

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 85-7703 Filed 3-29-85; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-5-FRL-2805-7]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed reaffirmation.

SUMMARY: On September 26, 1984, EPA designated an area within Summit County, Ohio as attaining the primary and secondary national ambient air quality standards (NAAQS) for sulfur dioxide (SO_2). 49 FR 37754. In response to a petition to reconsider that action filed by the Natural Resources Defense Council, Inc. (NRDC), EPA has further studied emissions and ambient levels of SO_2 in that area, and prepared the memorandum entitled "SO_2 Attainment Designation of Barberton, Summit County, Ohio". The memorandum confirms that the area attains the NAAQS, and EPA hereby proposes to reaffirm the attainment designation.

DATES: Comments must be received on or before May 1, 1985.

ADDRESSES: Copies of the report and the supporting data are available for review at the following address: United States Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), 230 South Dearborn Street, Chicago, Illinois 60604.

Comments should be submitted to Mr. Gary Gulezian, Chief, Regulatory Analysis Section, at the same address.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Koerber, Technical Analysis Section, (312) 886-6061.

SUPPLEMENTARY INFORMATION: EPA's Redesignation Criteria. EPA's redesignation criteria are summarized in an April 21, 1983 memorandum from the Director, Office of Air Quality Planning and Standards, entitled "Section 107 Designation Policy Summary" and a December 23, 1983 memorandum from the Chief, Control Programs Operations Branch, entitled "Section 107 Questions and Answers." In general, and SO_2 redesignation to attainment must be supported by: (1) Quality-assured representative ambient monitored data showing no violations over the most recent eight consecutive quarters (or the most recent four quarters if actual, enforceable emission reductions are responsible for air quality improvement), provided that the data reflect anticipated source operating rates; (2) a reference model attainment demonstration at the State Implementation Plan (SIP) allowable emission limitations; and (3) a demonstration that the SIP control strategy, or its equivalent, such as a permanent shutdown of major emitting sources, has been implemented.

EPA's Review of Monitoring and Modeling Data

The most recent nine quarters of quality-assured air quality data collected in the Barberton area from 1982 through the first quarter of 1984 show attainment of the 3 and 24-hour standards. Additionally, EPA reviewed adjusted monitoring data for the period 1978-1981. This data was adjusted to reflect emissions at the maximum allowable emission rate under the State Implementation Plan (SIP) for PPG Industries, Inc., the dominant source in the Barberton area. 45 FR 49550. The adjusted monitored data indicate attainment of the constraining standard, in this case the 24-hour NAAQS, assuming compliance with SIP emission limitations. All major sources in the Barberton area, including PPG, are in compliance with SIP emission limitations, or permanently shutdown.

In addition to monitoring data, the Agency remodeled emissions from PPG using CRSTER and MPTER reference models. The modeling demonstrates attainment of the SO_2 NAAQS in the Barberton area at the SIP allowable emission levels. EPA's modeling analyses are discussed in detail in the Technical Support Documents at the reginal EPA Office listed in the **ADDRESSES** section of this notice.

The NRDC petition raised the issue of whether the NAAQS should be interpreted as "running-" or "block-" average standards. *See PPG Industries, Inc.*, v. *Costle*, 659 F.2d 1239 (D.C. Cir. 1981). The findings discussed above hold under either interpretation. Therefore, this issue is not relevant to the attainment designation.

Conclusion

The attainment status of the Barberton area is supported by both monitored and model data. Thus, after reconsideration, EPA proposes to reaffirm the attainment designation.

Miscellaneous

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

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

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Secs. 107(d) and 301(a) of the Clean Air Act (42 U.S.C. 7407(d) and 7601(a)))

Dated: March 22, 1985.

Charles L. Elkins,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 85-7537 Filed 3-29-85; 8:45 am]

BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 50, No. 62
Monday, April 1, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Designation Renewal of Lincoln Inspection Service, Inc. (NE) and Omaha Grain Inspection Service, Inc. (NE)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the designation renewal of Lincoln Inspection Service, Inc. (Lincoln), and Omaha Grain Inspection Service, Inc. (Omaha), as official agencies responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act).

EFFECTIVE DATE: May 1, 1985.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The November 1, 1984, issue of the **Federal Register** (49 FR 43980) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that Lincoln's and Omaha's designations terminate on April 30, 1985, and requesting applications for designation as the agency to provide official services within each specified geographic area. Applications were to be postmarked by December 3, 1984.

Lincoln and Omaha each applied for renewal of their respective designations. In addition, Richard G. Probst and Darlene M. Probst, proposing to do business as Nebraska-Iowa Grain Inspection Service, applied for the Omaha designation.

FGIS announced the names of these applicants and requested comments on same in the January 1, 1985, issue of the **Federal Register** (50 FR 135). Comments were to be postmarked by February 19, 1985; none were received.

Subsequent to the request for comments, the Probsts withdrew their application for designation.

FGIS evaluated all available information regarding the designation criteria in Section 7(f)(1)(A) of the Act (7 U.S.C. 71 *et seq.*), and in accordance with Section 7(f)(1)(B), decided that Lincoln and Omaha are able to provide official services in the respective geographic areas for which FGIS is renewing their designations. Each assigned geographic area is the entire one previously described in the November 1 **Federal Register** issue.

Effective May 1, 1985, and terminating April 30, 1988, Lincoln and Omaha are responsible to provide official inspection services in their respective specified geographic areas.

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency for the performance of official inspection or Class X or Class Y weighing services and where the agency and one or more of its inspectors or weighers is located. In addition to the specified service points within the assigned geographic area, an agency will provide official services not requiring an inspector or weigher to all locations within its geographic area.

Interested persons may contact the Regulatory branch, specified in the address section of this notice, to obtain a list of an agency's specified service points. Interested persons also may obtain a list of the specified service points by contacting the agency at the following address:

Lincoln Inspection Service, Inc., 505 Garfield Street, P.O. Box 2724, Station B, Lincoln, NE 68502

Omaha Grain Inspection Service, Inc., 1905 Harney Street, 534 Grain Exchange Bldg., Omaha, NE 68102.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: March 27, 1985.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 85–7577 Filed 3–29–85; 8:45 am]

BILLING CODE 3410-EN-M

Request for Comments on Designation Applicants in the Geographic Areas Currently Assigned to Grain Inspection, Inc. (ND) and Kankakee Grain Inspection Bureau, Inc. (IL)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for official agency designation in the geographic areas currently assigned to Grain Inspection, Inc. (Jamestown), and Kankakee Grain Inspection Bureau, Inc. (Kankakee).

DATE: Comments to be postmarked on or before May 16, 1985.

ADDRESS: Comments must be submitted, in writing, to Lewis Lebakken, Jr., Information Resources Management Branch, Resources Management Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 0667 South Building, 1400 Independence Avenue, SW., Washington, DC 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The February 1, 1985, issue of the **Federal Register** (50 FR 4716) contained a notice from the Federal Grain Inspection Service requesting applications for designation to provide official services under the U.S. Grain Standards Act, as Amended (7 U.S.C. 71 *et seq.*) in the areas currently assigned to the official agencies. Applications

were to be postmarked by March 4, 1985.

Jamestown and Kankakee, the only applicants for each respective designation, requested designation for the entire geographic area currently assigned to each agency.

This notice provides interested persons the opportunity to present their comments concerning the applicants for designation. All comments must be submitted to the Information Resources Management Branch, Resources Management Division, specified in the address section of this notice.

Comments and other available information will be considered in making a final decision. Notice of the final decision will be published in the **Federal Register**, and the applicants will be informed of the decision in writing.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: March 21, 1985.

J.T. Ashier,

Director, Compliance Division.

[FR Doc. 85–7578 Filed 3–29–85; 8:45 am]

BILLING CODE 3410-EN-M

Request for Designation Applicants To Perform Official Services in the Geographic Area Currently Assigned to Louisville Grain Inspection Services, Inc. (KY), Minot Grain Inspection Service, Inc. (ND), and Tri-State Grain Inspection Service, Inc. (OH)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standars Act, as Amended (Act), official agency designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act. This notice announces that the designation of three agencies will terminate, in accordance with the act, and requests applications from parties, including the agencies currently designated, interested in being designated as the official agency to conduct official services in the geographic area currently assigned to each specified agency. The official agencies are Lousiville Grain Inspection Services, Inc., Minot Gran Inspection Service, Inc., and Tri-State Grain Inspection Service, Inc.

DATE: Applications to be postmarked on or before May 1, 1985.

ADDRESS: Applications must be submitted to James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250. All applications received will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act (7 U.S.C. 71 *et seq.*) specifies that the Administrator of the Federal Grain Inspection Service (FGIS) is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

Louisville Grain Inspection Services, Inc. (Louisville), 1400 Oldham Street, P.O. Box 10115, Lousiville, KY 40210; Minot Grain Inspection Service, Inc. (Minot), 601 Third Avenue, S.W., Box B, Minot ND 58701; and Tri-State Grain Inspection Service, Inc. (Tri-State), 3906 River Road, Cincinnati, OH 45204, were each designated under the Act as an official agency to perform inspection functions on October 1, 1982.

Each agency's designation terminates on September 30, 1985. Section 7(g)(1) of the Act states, generally, that official agencies' designations shall terminate no later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Louisville, in the States of Indiana and Kentucky, pursuant to Section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is as follows:

In Indiana, Clark, Crawford, Floyd, Harrison, Jackson, Jennings, Jefferson, Lawrence, Martin, Orange, Scott, and Washington Counties.

In Kentucky, Allen, Anderson, Barren, Breckinridge, Bullitt, Butler, Carroll, Edmonson, Fayette, Franklin, Grayson, Hardin, Hart, Henry, Jefferson, Jessamine Larue, Meade, Nelson, Oldham, Scott, Shelby, Simpson, Spencer, Trimble, Warren, and Woodford Counties.

The geographic area presently assigned to Minot, in the State of North Dakota, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is as follows:

Bounded on the North by the North Dakota State line east to State Route 14;

Bounded on the East by State Route 14 south to State Route 5; State Route 5 east to State Route 60; State Route 60 southeast to State Route 3; State Route 3 south to State Rute 200;

Bounded on the South by State Route 200 west to State Route 41; State Route 41 south to U.S. Route 83; U.S. Route 83 northwest to State Route 200; State Route 200 west to U.S. Route 85; U.S. Route 85 south to Interstate 94; Interstate 94 west to the North Dakota State line; and

Bounded on the West by the North Dakota State line.

The following locations, outside of the foregoing contiguous geographic area, are presently assigned to Minot and are part of this geographic area assignment:

1. Farmers Elevator Company, Bottineau, Bottineau County.
2. Farmers Feed & Grain and Farmers Union, Harvey, Wells County.
3. Farmers Union, Rugby, Pierce County.
4. Farmers Elevator & Mercantile Co., and Coast Trading Company, Underwood, McLean County.
5. Merle A. Larson Elevator, Inc., Washburn, McLean County.

The geographic area presently assigned to Tri-State, in the States of Indiana, Kentucky, and Ohio, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is as follows:

In Indiana, Dearborn, Decatur, Franklin, Ohio, Ripley, Rush (south of State Route 244), and Switzerland Counties.

In Kentucky, Bath, Boone, Bourbon, Bracken, Campbell, Clark, Fleming, Gallatin, Grant, Harrison, Kenton, Lewis (west of State Route 59), Mason, Montgomery, Nicholas, Owen, Pendleton, and Robertson Counties.

In Ohio, the area shall be:

Bounded on the North by the northern Preble County line east; the western and northern Miami County lines east to State Route 296; State Route 296 east to State Route 560; State Route 560 south to the Clark County line; the northern Clark County line east to U.S. Route 68;

Bounded on the East by U.S. Route 68 south to U.S. Route 22; U.S. Route 22 east to State Route 73; State Route 73 southeast to the Adams County line; the eastern Adams County line;

Bounded on the South by the southern Adams, Brown, Clermont, and Hamilton County lines; and

Bounded on the West by the western Hamilton, Butler, and Preble County lines.

Interested parties, including Louisville, Minot, and Tri-State, are hereby given opportunity to apply for designation as the official agency to perform the official services in the geographic area, as specified above, under the provisions of section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Designation in each specified geographic area is for the period beginning October 1, 1985, and ending September 30, 1988. Parties wishing to apply for designation should contact the Regulatory Branch, Compliance Division, at the address listed above for forms and information.

Applications submitted and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: March 22, 1985.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 85-7579 Filed 3-29-85; 8:45 am]

BILLING CODE 3410-EN-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Number of Employees, Payrolls, Geographic Location, Current Status, and Kind of Business for the Establishments of Multiestablishment Companies; Consideration for Surveys

Notice is hereby given that the Bureau of the Census proposes to conduct a Company Organization Survey for 1985 under the provisions of Title 13, United States Code, sections 182, 224, and 225. This survey, which has been conducted for many years, is designed to collect information on the number of employees, payrolls, geographic location, current status, and kind of business for the establishments of multiestablishment companies. The information will be used to make company and establishment changes to the data for multiestablishment companies in the Standard Statistical Establishment List. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than December 1, 1985.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject of the proposed survey submitted to the Director in writing within 60 days after the date of this publication will receive consideration.

Dated: March 26, 1985.

John G. Keane,

Director, Bureau of the Census.

[FR Doc. 85-7682 Filed 3-29-85; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Biotechnology Technical Advisory Committee; Partially Closed Meeting

A meeting of the Biotechnology Technical Advisory Committee will be held April 17, 1985, at 9:30 a.m., Herbert C. Hoover Building, Room 3407, 14th Street and Constitution Avenue NW., Washington, D.C.

The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to biotechnology and related equipment or technology.

Agenda

1. Welcoming Remarks—Deputy Assistant Secretary, Walter J. Olson.
2. Welcoming Remarks—DOD, Deputy Under Secretary, International Programs and Technology, Talbot S. Linstrom.
3. Overview of Export Administration—Director, John K. Boidock.
4. Some International Aspects of Biotechnology—DOS, Coordinator for Biomedical Research and Health Affairs, William J. Walsh.
5. Presentation of papers or comments by the public.
6. Introduction of Biotechnology Technical Advisory Committee members.
7. Election of chairman.
8. Current DOC controls in biotechnology: James Seevaratnam.
9. Determination of planned work program—Monty Baltas.
   (a) Requirement for annual plan.
   (b) Requirement for annual report.
   (c) TAC Chairmen's meeting—June 1, 1985.

Executive Session

10. Discussions of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 19, 1985, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: (202) 377-4217. For further information or copies of the minutes contact Margeret A. Cornejo (202) 377-2583.

Dated: March 27, 1985.

Milton M. Baltas,

Director, Technical Programs Staff Office of Export Administration.

[FR Doc. 85-7698 Filed 3-29-85; 8:45 am]

BILLING CODE 3510-DT-M

[A-351-404]

Termination of Antidumping Investigation; Certain Welded Carbon Steel Pipes and Tubes From Brazil

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On March 15, 1985, the Committee on Pipe and Tube Imports withdrew its antidumping petition, filed on July 17, 1984, on Certain Welded Carbon Steel Pipes and Tubes from Brazil. Based on the withdrawal, we are terminating the investigation.

EFFECTIVE DATE: April 1, 1985.

FOR FURTHER INFORMATION CONTACT: Ken Stanhagen, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone: (202) 377-1777.

SUPPLEMENTARY INFORMATION:

Case History

On July 17, 1984, we received a petition from the Committee on Pipe and Tube Imports filed on behalf of the U.S. industry producing certain welded carbon steel pipes and tubes.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We notified the International Trade Commission (ITC) of our action and initiated the investigation on August 6, 1984 (49 FR 21390). On August 31, 1984, the ITC found that there is a reasonable indication that imports of Certain Welded Carbon Steel Pipes and Tubes from Brazil materially injure, or threaten material injury to, a United States industry. (49 FR 35871). On December 24, 1984, we made a preliminary determination that Certain Welded Carbon Steel Pipes and Tubes from Brazil were being, or were likely to be, sold in the United States at less than fair value (49 FR 50753).

Scope of Investigation

The products covered by this investigation are "certain welded carbon steel pipes and tubes," which include certain small-diameter circular welded carbon steel pipes and tubes. Small-diameter circular welded carbon steel pipes and tubes, with an outside diameter of 0.375 inch or more but not over 4.5 inches and with a wall thickness of not less than 0.065 inch, are currently classified in the *Tariff Schedules of the United States, Annotated* (TSUSA) under items 610.3231, 610.3234, 610.3241, 610.3242, and 610.3243. These products, commonly referred to in the industry as standard pipe or structural tubing, are produced to various ASTM specifications, most notably A–120 and A–135.

Withdrawal of Petition

On March 15, 1985, petitioner notified us that it was withdrawing its petition, and requested that the investigation be terminated. UNder section 734(a) of the Act, as amended by section 604 of the Trade and Tariff Act of 1984, upon withdrawal of a petition, the administering authority may terminate an investigation after giving notice to all parties to the investigation. This withdrawal is based on arrangements with the government of Brazil to limit the volume of imports of this product. We have assessed the pulic interest factors set out in section 734(a) of the Act and consulted with potentially affected producers, workers, and consuming interests and with the ITC. On the basis of our assessment of the public interest factors and our consultations with affected interests, we have determined that termination would be in the public interest.

We have notified all parties to the investigation and the ITC of petitioner's withdrawal and our intention to terminate.

For these reasons, we are terminating our investigation.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

March 26, 1985.

[FR Doc. 85–7728 Filed 3–29–85; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

National Advisory Committee on Oceans and Atmosphere; Partially Closed Meeting

March 27, 1985.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1 (1982), as amended, notice is hereby given that a portion of the National Advisory Committee on Oceans and Atmosphere (NACOA) meeting on April 17–18, 1985 will be closed. The portion of the meeting to be closed will be the morning session on April 18, 1985 which will be held at the Intelligence Commission Headquarters on 1724 F Street, NW., Washington, DC. All other sessions of the meeting will be held at 2001 Wisconsin Avenue, NW. in Rooms 416 and B–100.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local governments was established by Congress by Pub. L. 95–63 on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The tentative agenda is as follows:

Wednesday, April 17, 1985

2001 Wisconsin Avenue, NW. Page Building #1, Rooms 416 and B–100 Washington, DC

9:00 a.m.–10:30 a.m.—Plenary, Room 416

- Introductory Remarks.
- Guest Speaker, Congressman Mike Lowry.

10:30 a.m.–12:30 p.m.—Panel meeting

- Federal/State Relationships, Chairman: John Norton Moore, Room 416.

Topic: Work Session on CZMA Reauthorization/Consistency

Speakers: None

12:30 p.m.–1:30 p.m.—Lunch

1:30 p.m.–4:00 p.m.—Panel meetings

- Exclusive Economic Zone, Chairman: Lee Gerhard, Room 416.

Topic: Elements of a National Plan

Speakers:

Harris B. Stewart, Jr., Professor of Marine Studies, Director, Center of Marine Studies, Old Dominion University

George Zahn, President, Deep Sea Ventures, Inc.

Juan Carlos Torres, President, Sea Pharm.

- Atmospheric Affairs, Chairman: S. Fred Singer, Room B–100.

Topic: Acid Rain

Speakers: None

4:00 p.m.–5:00 p.m.—Plenary

- Federal/State Relationships.

Topic: CZMA Reauthorization/Consistency

5:00 p.m.—Recess

Thursday, April 18, 1985

2001 Wisconsin Avenue, NW., Page Building #1, Room 416, Washington, DC

8:30 a.m.–10:00 a.m.—Plenary, Room 416

- Shipbuilding, Presentation by Panel Chairman.

10:30 a.m.–12:30 p.m.—Plenary

Intelligence Commission Headquarters, 1724 F Street, NW., Washington, DC

- Closed Session, Presentation by the Department of Defense on data protection.

12:30 p.m.–1:30 p.m.—Lunch

2:00 p.m.–4:00 p.m.—Plenary

- Panel Reports.
- Other Business.

4:00 p.m.—Adjourn.

The public is welcome to the open sessions and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session. With respect to the closed panel session from 10:30 a.m.–12:30 p.m. on Thursday, April 18, the Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on March 20, 1985, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, by section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to

be disclosed during this closed session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because it will be considered within the purview of 5 U.S.C. 552b(c)(1), i.e., to discuss matters that are authorized to be kept secret in the interest of national defense.

A copy of the determination to close a portion of this meeting is available for public inspection and copying in the Central Reference & Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC 20230, area code 202/377-3271.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235. The telephone number is 202/653-7818.

Dated: March 27, 1985.

Steven N. Anastasion,

Executive Director.

[FR Doc. 85-7678 Filed 3-29-85; 8:45 am]

BILLING CODE 3510-12-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Restraint Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Brazil

March 27, 1985.

On April 1, 1985, the Government of the United States, pursuant to Article 3 and Annex B of the Arrangement Regarding International Trade in Textiles, requested the Government of the Federative Republic of Brazil to enter into consultations concerning exports to the United States of printcloth in Category 315, sateen fabrics in Category 317pt. (only TSUS items 320.— through 331.— with statistical suffixes 50, 87 and 93), knit shirts in Category 338/339, dressing gowns in Category 350, sheets in Category 361, terry and other pile towels in Category 363, and acrylic spun yarn in Category 604 pt. (only T.S.U.S.A. 310.5049), produced or manufactured in Brazil and exported during the twelve-month period beginning on April 1, 1985.

Summary market statements for each of these categories follow this notice.

To forestall market disruption, pending further consultations to reach a mutually satisfactory solution concerning these categories, the United States Government has decided to control imports at the levels designated in the directive to the Commissioner of Customs which follows this notice. Charges for shipments in excess of the level established for man-made fiber textile products in Category 604 pt. (only TSUSA 310.5049) during the twelve-month period which began on April 1, 1984 will exhaust the level for the category for the period beginning on April 1, 1985. Consequently, the category will not reopen.

The United States remains committed to finding a solution for these categories. Should agreement be reached during consultations on mutually satisfactory levels, further notice will be published in the **Federal Register.**

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).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Brazil—Market Statement

Category 315—Cotton Printcloth

March 1985.

Summary and Conclusions

U.S. imports of Category 315 from Brazil tripled in 1984 to 11.95 million square yards. This increase accrued after Brazil's imports doubled in 1983. This is a continual sharp and substantial increase in imports into a sector already adversely affected by imports. This substantial growth could be expected to accelerate if not subject to restraints under a bilateral textile agreement or Article 3 of the MFA.

The market for Category 315 has been disrupted by imports. Imports from Brazil have contributed to the disruption. The removal of restraints on imports from Brizil would only intensify the market disruption.

U.S. Production

U.S. production of Category 315 has been on a downward trend since 1977. During 1977-1982, annual production of cotton printcloth dropped in each year from 770 million square yards to 339 million, declining on an average of about 86 million square yards. In spite of U.S. production increasing in 1983 and the first three quarters of 1984, it is still well below 45 percent, the 1977 level.

U.S. Imports

In four of the last seven years, imports of Category 315 from all sources increased dramatically to a point where overall imports during 1977-1984 increased by more than five fold. An exceptionally large quantity of cotton printcloth entered and severely disrupted the U.S. market in 1981 as in 1978. Again, as in 1978-1979, a significant portion of the 1981 imports were carried over into 1982 when they continued to disrupt the U.S. market for printcloth. Import demand declined in 1982 due to the heavy import carryover; nevertheless, 1982 imports reached a high level, 59 percent, above the 1979-1980 average. Since 1982, imports have increased for two consecutive years at 40 and 30 percent per year for 1983 and 1984, respectively. Imports in 1984, at 338 million square yards were well above the previous record level reached in 1981.

Import Penetration

As a result of the dramatic increases in imports, the ratio of imports to domestic production increased sevenfold, rising from 8.3 percent in 1977 to 60.7 percent in 1983. The ratio for the first three quarters of 1984 was 82.1 percent.

Domestic Producers Market Share

The U.S. producer's share in this market has declined from 92.3 percent in 1977 to 62.2 percent in 1983 with a particularly sharp drop in the first three quarters of 1984 to 54.9 percent.

Brazil—Market Statement

Category 317 Pt.—Cotton Sateen Fabric

March 1985.

Summary and Conclusions

United States imports of Category 317 pt.—cotton sateen fabric from Brazil totalled 8.1 million square yards in 1984, an increase of 171 percent over the 3.0 million square yards imported in 1983. Brazil is now the second largest supplier of cotton sateen fabric and in 1984 accounted for 18 percent of the total cotton sateen imports. In the absence of restraints this rapid import growth is expected to accelerate.

The market for Category 317 pt. is disrupted by imports and the sharp and disruptive growth trends of Brazilian cotton sateen fabric is a major contributor. The expiration of restraints on Brazilian imports would intensify market disruption.

U.S. Production

Domestic production of cotton sateen fabric was adversely affected by imports. Production dropped from 79.2 million square yards in 1981 to 58.1 million square yards in 1982, a 27 percent decline, and then dropped another 22 percent to 45.6 million square yards in 1983. Production rose by 7 percent during the first three quarters of 1984 when measured against the same period of 1983, but remained well below pre-recession levels.

U.S. Imports

Cotton sateen fabric imports from all countries have increased steadily over the last few years. In 1979 imports totalled 25.5 million square yards. They rose to 37.3

million square yards in 1981 and then dropped to 22.2 million square yards in 1982. Cotton sateen fabric imports rebounded in 1983 and again in 1984, reaching 45.3 million square yards, an increase of 104 percent over the 1982 level.

Import Penetration

Rising imports and declining production has sent import to production ratios soaring. In 1982 the ratio was 38.3 percent, but by 1983, it had risen to 66.3 percent. This upward trend continued in 1984 reaching 101.7 percent for the January–September 1984 period.

Market Share

The U.S. poducer's share of the market for domestically produced and imported cotton sateen fabric declined from 72.3 percent in 1982 to 60.1 percent in 1983. Market share losses continued for U.S. producers in 1984, declining from 62.4 percent during the first three quarters of 1983 to 49.6 percent for the same three quarters of 1984.

Employment

As a result of increased imports and declining production, employment in the broadwoven cotton fabric industry declined by 7.2 percent in 1984. Employment in this industry has steadily declined over the years. However, 1984 recorded the single greatest loss in employment in the industry in a non-recession year.

Import Value vs Domestic Producer Price

Approximately 90 percent of cotton sateen fabric is entering from Brazil under TSUSA No. 320.1054. These imports enter at duty-paid values below the U.S. producer price.

Brazil—Market Statement

Categories 338 and 339—Cotton Knit Shirts and Blouses

March 1985.

Summary and Conclusions

Cotton knit shirt and blouse imports from Brazil more than tripled in 1984 to 420,886 dozen from 117,040 dozen in the previous year. Brazil accounted for 7 percent of the growth in cotton knit shirt and blouse imports from all sources that year. This was substantial growth in imports from Brazil and could be expected to accelerate if not subject to restrants under a bilateral textile agreement or unilateral restraint.

The U.S. market for cotton knit shirts and blouses has been disrupted by imports. Imports from Brazil have contributed to the disruption and removal of restraints on imports from Brazil would intensify the market disruption.

U.S. Market

The U.S. market for cotton knit shirts and blouses was at a five year high of 42,755,000 dozen in 1979. Although it declined to 37,066,000 dozen in 1980, it rebounded by 1983 to 40,094,000 dozen.

U.S. producers experienced a steady and substantial erosion in market share during this period. In 1979, U.S. manufacturers contributed 68 percent of the market. By 1983, however, the U.S. share was down to 60 percent. Indications are that the U.S. market share will be reduced even further in 1984, given the four and a half million dozen increase in imports in the latter year. If U.S. production remains at 1983 levels, the 1984 market will exceed 1979 by 2 million dozen but the U.S. market share will be down to 54 percent.

U.S. Production

Cotton knit shirt and blouse production in the United States was 23,976,000 dozen in 1983, a decline of 2.5 percent from the previous year and 17 percent below 1979. However, data for 1982 and 1983 include some additional establishments and teamsport uniforms not previously provided for. Comparable data, it is estimated, would show 1983 production levels 21 percent below 1979. Production is estimated to have declined even further in 1984. Men's and women's knit sport shirt cuttings were down 6.7 percent for the year. All of the decline was in the second half of the year when cuttings were off 4.2 percent in the third quarter of 1984 and 31.2 percent during the fourth quarter.

U.S. Imports

In contrast to the contraction in domestic output, imports of cotton knit shirts and blouses increased 17 percent during 1979–1983 when these imports rose from 13,834,000 dozen to 16,116,000 dozen. On top of this, imports were up 29 percent in 1984 to 20,737,000 dozen. The increase of 4.6 million dozen in 1984 was three times greater than the 1.5 million dozen increase the previous year.

Import to Production Ratio

For every 100 cotton knit shirts and blouses produced in the United States in 1983, 67 were imported. This is significantly higher than the 1979 import to production ratio of 47.8 percent. Given the substantial increase in 1984 imports, even if U.S. production remains at 1983 levels, the 1984 I/P ratio will be almost double 1979.

Employment

Employment in the industries producing cotton knit shirts and blouses was down one percent in December 1984, to 158,000 employees, when compared to December 1983. Compared with December 1979, employment was off by seven percent.

Import Value vs Domestic Producer Price

Twenty-nine percent of the cotton knit shirt and blouse imports from Brazil are entered under TSUSA No. 383.2730—women's nonornamented shirts and blouses other than T-shirts and sweatshirts; fifteen percent under 379.4050—men's and boys' other ornamented cotton shirts; thirteen percent under 383.2706—women's tank tops; and, eleven percent under 383.2720—WGI nonornamented T-shirts. These garments are entering at landed, duty paid values below prices for comparable U.S. garments.

Brazil—Market Statement

Category 350—Cotton Dressing Gowns

March 1985.

Summary and Conclusion

United States imports of Category 350 from Brazil were 58,300 dozen during 1984. These imports compare with 27,500 dozen in 1982. This was substantial growth and could be expected to accelerate if not subject to restraints under a bilateral textile agreement or unilateral restraints.

The market for Category 350 has been disrupted by imports; imports from Brazil have contributed to the disruption; and, removal of restraints on imports from Brazil would intensify the market disruption.

U.S. Production

U.S. production of Category 350, cotton dressing gowns declined steadily from 682,000 dozens in 1979 to 571,000 in 1983. The downward trend reportedly contained in 1984 and is expected to continue in 1985. Production may be below the level of total imports before the end of 1985.

U.S. Imports

Imports from all sources of Category 350 increased steadily from 1979 to 1984 increasing from 173,000 dozens to 531,000 dozens.

Brazil is the fourth largest exporter of cotton dressing gowns to the United States and accounted for 11 percent of all Category 350 imports in 1984. Imports of Category 350 from Brazil increased 33 percent in 1984 reaching 58,300 dozen. This growth was on top of a 60 percent increase in 1983 bringing the total increase for this two year period to 112 percent. Since 1979 imports from Brazil of this category have increased 407 percent.

Import/Production Ratio

The import/production ratio for this category has soared from 25.4 percent in 1979 to close to 95 percent in 1984. In the 1981–84 period, the ratio climbed at least 10 percentage points each year, and if the trend continues in 1985, the I/P will top 100 percent.

Domestic Producer's Market Share

The U.S. market for Category 350 was 855,000 dozen in 1979 and the U.S. producer's market share was 79.8 percent. By 1983 the market had risen to approximately 1.1 million dozens, but the U.S. producers share was 55.3 percent. The 1984 share was probably just in excess of 50 percent since imports increased 15 percent and production reportedly declined.

Import Value vs Domestic Producers Price

Approximately 93 percent of Category 350 imports from Brazil entered under TSUSAs 379.4920, mens and boys cotton, noncorduroy, robes and bathrobes and 383.3770 women's, girls' and infants' cotton, noncorduroy, robes and bathrobes. These items are predominately terry-cloth. The duty-paid values for these garments are below the U.S. producer prices for comparable items.

Brazil—Market Statement

Category 361—Cotton Sheets

March 1985.

Summary and Conclusions

United States imports of Category 361 from Brazil are non-institutional type sheets. Imports from Brazil during 1984 were 305,445 sheets (25,454 dozen), up 231.2 percent from the 1983 imports of 92,225 sheets (7,685 dozen). This was substantial growth and can be expected to accelerate if not subject to restraints.

The market for Category 361 non-institutional sheets has been disrupted by imports: imports from Brazil have contributed to the disruption; and, removal of restraints on imports from Brazil would intensify the market disruption.

U.S. Production

Production of non-institutional cotton sheets in the United States increased from 990,000 dozen in 1979 to 1,279,000 dozen in 1980. Production trended downward after 1980, declining to 1,014,000 dozen sheets in 1983. Production for the first three quarters of 1984 were 567,000 dozen sheets, down 26.3 percent from the same period in 1983. Production by quarters in 1984 trended downward pointing toward a more substantial decline in 1984 than is indicated by the decrease registered during the first three quarters.

U.S. Imports

U.S. imports of non-institutional cotton sheets increased from 22,000 dozen in 1979 to 248,000 dozen in 1983. Imports in 1984 were up 150 percent to 622,000 dozen. Imports during the last quarter of 1985 were 247,000 dozen sheets, almost equal to the total 1983 imports.

Import Penetration

The ratio of imports to domestic production increased sharply, up ten-fold, from 2.2 percent in 1979 to 24.5 percent in 1983. The ratio for the first three quarters of 1984 was 66.1 percent, 263 percent above the same period in 1983. The very sharp spurt in imports during the last quarter of 1984 probably resulted in an import ratio between 80 and 85 percent for the full year of 1984.

Domestic Producers Market Share

The U.S. market for domestically produced and imported non-institutional cotton sheets, after increasing in 1980, was remarkably stable through 1984. The U.S. producers share of the market was also stable through 1981, but began to decline an increasing rate thereafter. The domestic producers share for 1981 was 95 percent; if dropped to 89 percent in 1982; to 80 percent in 1983; and to 60 percent during the first three quarters of 1984. The full year share in 1984 will be even smaller due to the surge in imports during the last quarter.

Import Values vs U.S. Producers Price

Approximately 68 percent of the cotton sheets imported from Brazil are combed sheets entered under TSUSA no 363.3030. The remainder are carded sheets entering under TSUSA No. 363.3010. Imports are better quality sheets which are landed at a duty-paid value below the U.S. producers price for comparable sheets.

Brazil—Market Statement

Category 363—Cotton Terry and Other Pile Towels

April 1985.

Summary and Conclusions

United States imports of Category 363 from Brazil were 14.0 million towels in 1984, two and one-thirds the 1983 level of 6.0 million and four and two-thirds of the 1982 imports of 3.0 million. Its growth from 1982 of 11.0 million towels was one-half the growth in iports from all sources for the period.

The import growth of Category 363 from Brazil was substantial and could be expected to accelerate if imports are not subject to restraints. The market for Category 363 has been disrupted by imports: imports from Brazil contributed to the disruption; and removal of restraints on imports from Brazil would intensify the market disruption.

U.S. Production

Production of cotton terry towels increased in 1983 when demand recovered strongly from the recession impacted low of 1982. Production in 1983 almost rebounded to the 1979 level. Production was especially strong during the last quarter of 1983 when 30 percent of the entire year's production was shipped. Domestic production during the first three quarters of 1984 were 361.4 million towels, down 4 percent from the 375.0 million produced a year earlier. Market reports indicate that the fourth quarter 1984 production will decline at a greater rate than that for the first three quarters as some mills are working short weeks and most mills had extended closures at Thanksgiving and Christmas. Mills were fully occupied during the fourth quarter of 1983.

Imports

Imports from all sources increased by 140 percent from 40.5 million towels in 1979 to 97.1 million in 1984. Imports from Brazil, over the same time span, increased 370 percent from 2.98 million towels for 14.0 million.

Import Penetration

The ratio of imports to domestic production of Category 363 almost doubled from 8 percent in 1979 to 15.9 percent in 1983. The ratio for the first three quarters of 1984 was 21.0 percent.

Domestic Producer's Market Share

The U.S. producers share at the market for domestically produced and imported towels trended downward from 91 percent in 1979 to 83 percent during the first three quarters of 1984. Since domestic production did not increase from 1979 to 1983 and was down in 1984, the market growth accrued to the foreign suppliers.

Import Values vs U.S. Producer Prices

Approximately 96 percent of the Category 363 imports from Brazil in 1984 were entered under TSUSA No. 366.2460—cotton terry towels, over one dollar and forty-five cents per pound in value. These imports are being entered at duty-paid landed values well below the U.S. producer prices for comparable towels.

Brazil—Market Statement

Category 604 Part—Spun Plied Acrylic Yarns

March 1985.

Summary and Conclusions

U.S. imports of Category 604 part, spun plied acrylic yarns, from Brazil totaled 1.7 million pounds in 1984. Imports would have been much higher if imports had not been embargoed. These imports compare with 446,000 for 1981. This substantial growth is expected to accelerate if not subject to restraints under a bilateral textile agreement or unilateral restraint. In just the past three years, Brazil has become the fourth largest supplier of plied acrylic yarns, accounting for eight percent of the 1984 imports.

The U.S. market for plied acrylic yarn has been disrupted by imports and imports from Brazil have contributed to this disruption. The removal of the restraints on Brazil's imports would intensify the market disruption.

U.S. Shipments

U.S. producers' shipments of plied acrylic yarns have been on a downward trend since 1981. Shipments rose from 42.4 million pounds in 1979 to 44.7 million in 1981 than dropped to 38.3 and 35.8 million for 1983 and 1984, respectively. The later figure is 20 percent less than the 1981 level.

During 1984, inventories increased as industry shipments fell. As of December 1984, U.S. producer's inventories were up 46.9 percent over December 1983 level. This increase in inventory growth coupled with a weak domestic market resulted in extended mill shut-downs and some permanent plant closing.

U.S. Imports

During 1979–1984, imports of plied acrylic yarns increased by more than two fold to 20.4 million pounds in the latter years. Imports moderated in 1984, actually declined 6 percent compared with 1983, but still 33 percent above 1982 level and 41 percent higher than the 1979–1983 annual average of 14.5 million pounds. Imports in 1984 were second highest on record.

Import Penetration

The ratio of imports to domestic shipments of plied acrylic yarns increased by three-fold, rising from 21.1 percent in 1979 to 57.1 percent in 1984.

Domestic Producers Market Share

The U.S. producers' share of plied acrylic year market declined from 83 percent in 1979 to 64 percent in 1983 and continued to drop in 1984. Prior to the decline in the U.S. market in 1984, the increase in imports accounted for all the market growth from 1981 to 1983. Over the past five years, the import share more than doubled.

Employment

The number of production workers in the industry producing spun plied acrylic yarns has declined since 1979. Employment during 1984 averaged 2,200 employees compared with 3,335 employees in 1979. This was a drop of 35 percent.

Import Values

All of the 1984 imports of Category 604 from Brazil are entered under TSUSA No. 310.5049, spun plied acrylic yarn. The duty-paid landed values of these imports from Brazil are below the U.S. producer prices for comparable yarn.

March 27, 1985.

Committee for the Implementation of Textile Agreements

Commission of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended, (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on April 1, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Brazil and exported during the twelve-month period beginning on April 1, 1985 and extending through March 31, 1986, in excess of the following levels:

Category	12-month level
315	11,475,556 square yards.
317 pt.[1]	7,324,755 square yards.
338/339	441,078 dozen.
350	51,150 dozen.
361	303,969 numbers.
363	12,249,360 numbers.
604 pt.[2]	376,227 pounds.

[1] In Catergory 317, only TSUSA Numbers 320.— through 331.— with statistical suffixes 50, 67 and 93.
[2] In Category 604, only TSUSA number 310.5049. Merchandise in excess of the limit previously established for Category 604 pt. has amounted to 519,036 pounds and should be charged.

In carrying out this directive cotton and man-made fiber textile products in the foregoing categories, except Catergory 315, produced or manufactured in Brazil and exported to the United States on and after April 1, 1984, and extending through March 31, 1985, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that twelve-month period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to this directive. Textile products in Category 315 which have been exported before January 1, 1985 shall not be subject to this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published inthe **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,

Walter C. Lenahan,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-7696 Filed 3-29-85; 8:45 am]
BILLING CODE 3510-DR-M

Import Restraint Limit for Certain Cotton Textile Products Produced or Manufactured in India

March 27, 1985.

On February 1, 1985 a notice was published in the **Federal Register** (50 FR 4723) announcing that, on December 31, 1984 the United States Government, under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 21, 1982, had requested the Government of India to enter into consultations concerning exports to the United States of cotton gingham and other yarn-dyed fabrics in Category 310/318, produced or manufactured in India.

No agreement has been reached in consultations on a mutually satisfactory solution. The United States Government has decided, therefore, until such time as a different solution is agreed, to control imports of cotton textile products in Category 310/318 at the twelve-month limit of 4,281,876 square yards for Category 310/318, exported during the period which began on January 1, 1985 and extends through December 31, 1985.

Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 310/318, exported during the designated period, in excess of 4,281,876 square yards.

EFFECTIVE DATE: April 1, 1985.

FOR FURTHER INFORMATION CONTACT: Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377-4212).

Walter C. Lenahan,
Chairman, Committee for the Implementation of Textile Agreements.

March 27, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854, and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 21, 1982, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on April 1, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 310/318, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1985 in excess of 4,281,876 square yards.[1]

Textile products in Category 310/318 which have been exported to the United States during the ninety-day period which began on December 31, 1984 and extends through March 30, 1985, shall be subject to this directive.

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 this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Walter C. Lenahan,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-7697 Filed 3-29-85; 8:45 am]
BILLING CODE 3510-DR-M

[1] The limit has not been adjusted to reflect any imports exported after December 31, 1984.

Limits for Certain Cotton Textile Products Produced or Manufactured in the People's Republic of China

March 28, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commission of Customs to be effective on March 29, 1985. For further information contact Diana Bass Solkoff, International Trade Specialist (202) 377–4212.

Background

On April 6, 1984, a notice was published in the **Federal Register** (49 FR 13736), which established an import restraint limit for twills and sateens in Category 317, produced or manufactured in China and exported during the twelve-month period which began on March 29, 1984 and extended through March 28, 1985. This limit is filled.

On December 14, 1984 a further notice was published in the **Federal Register** (49 FR 49879) announcing that, as of January 1, 1985, the Committee for the Implementation of Textile Agreements, in order to prevent market disruption, would direct the U.S. Customs Service, as appropriate, to permit entry into the Unitd States for consumption, or withdrawal from warehouse for consumption, of such goods which were exported during a prior restraint period in excess of the restraint limit at a prescribed rate per month during each of the first five months of the following period. CITA has decidd, in the case of imports in Category 317, exported from China on and after March 29, 1984, to direct Customs to permit entry in an amount not to exceed 3,120,000 square yards in Category 317 with a sublimit of 624,000 square yards in sateen (only TSUS items 320.— through 333.— with statistical suffixes 50, 87 and 93) during each of the thirty-day periods beginning on March 29, 1985 and exending through August 28, 1985. The thirty-day periods are stipulated in the letter to the Commissioner of Customs which 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).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

March 28, 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 (U.S.C. 1854), pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, between the Governments of the United States and the People's Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed, effective on March 29, 1985, to permit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 317, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on March 29, 1984 and extended through March 28, 1985 which were in excess of the restraint limit established for that period, the following amounts per thirty day period.

Category	Amount to be entered per 30-day period
317	3,120,000 square yards of which not more than 624,000 square yards shall be in TSUS items 320.— through 333.— with statistical suffixes 50, 87 and 93.

The thirty-day periods shall be as follows:

March 29–April 28, 1985
April 29–May 28, 1985
May 29–June 27, 1985
June 28–July 28, 1985
July 29–August 28, 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 this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-7869 Filed 3-29-85; 9:28 am]

BILLING CODE 3510-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Extension of Approval of Information Collection Requirements; Flammability Standards for Carpets and Rugs

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval through January 31, 1988, of information collection requirements in regulations implementing flammability standards for carpets and rugs. The regulations are codified at 16 CFR Parts 1630 and 1631, and prescribe requirements for testing and recordkeeping by persons and firms issuing guaranties of products subject to the Standard for the Surface Flammability of Carpets and Rugs and the Standard for the Surface Flammability of Small Carpets and Rugs.

Details About the Requested Extension of Approval of Requirements for Collection of Information

Agency address: Consumer Product Safety Commission, 1111 18th Street NW., Washington, DC 20207.

Title of information collection: Standard for the Flammability of Carpets and Rugs (FF 1–70), 16 CFR Part 1630; Standard for the Flammability of Small Carpets and Rugs (FF 2–70), 16 CFR Part 1631.

Type of request: Extension of approval.

Frequency of collection: Varies depending upon volume of goods manufactured or imported.

General description of respondents: Manufacturers and importers of products subject to the flammability standards for carpets and rugs.

Estimated number of respondents: 120.

Estimated average number of hours for each respondent: 532 per year.

Comments: Comments on this requested extension of approval of

information collection requirements should be addressed to Andy Valez-Rivera, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; telephone: (202) 395–7313. Copies of the request for extension of information collection requirements are available from Francine Shacter, Office of Budget, Planning, and Program Evaluation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone: (301) 492–6529.

This is not a proposal to which 44 U.S.C 3504(h) is applicable.

Dated: March 27, 1985.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 85–7743 Filed 3–29–85; 8:45 am]

BILLING CODE 6355–01–M

Performance Review Board; Senior Executive Service; Appointment of Members

The purpose of this notice is to publish the names of the members of the Performance Review Board of the Consumer Product Safety Commission, effective March 19, 1985. The members are as follows:

(1) Leonard DeFiore, Chairman (membership term expires March 1988);

(2) Daniel R. Levinson (unlimited membership term);

(3) Bert G. Simson (unlimited membership term);

(4) Kenneth R. Rashid (membership term expires July 1985);

(5) Harry I. Cohen (membership term expires June 1987);

(6) John P. Mackey (unlimited membership term).

Dated: March 27, 1985.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 85–7742 Filed 3–29–85; 8:45 am]

BILLING CODE 6355–01–M

COUNCIL ON ENVIRONMENTAL QUALITY

Tennessee-Tombigbee Waterway Wildlife Mitigation Plan, Alabama and Mississippi

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Information only. Recommendations of the Council on environmental quality regarding the Tennessee-Tombigbee Waterway Wildlife Mitigation Plan, Alabama and Mississippi.

SUMMARY: The Council on Environmental Quality's (CEQ) regulations for the implementation of the National Environmental Policy Act (NEPA) includes procedures for referring to CEQ federal interagency disagreements concerning proposed major federal actions that might cause unsatisfactory environmental effects (40 CFR Part 1504).

On December 31, 1984, CEQ received a referral from the Department of the Interior (DOI) regarding the Department of the Army Corps of Engineers' (COE) Final Environmental Impact Statement (FEIS) for the Tennessee-Tombigbee Waterway Wildlife Mitigation Feasibility Study, Alabama and Mississippi. The DOI referral letter stated, in part:

As the FEIS documents, there will be severe long-term environmental impacts as a result of construction of the TTW, including the destruction of approximately 34,000 acres of forested wetlands. Mitigation measures proposed in the subject document inadequately replace project-induced losses. The Corps' mitigation proposal, which in part describes the need for 46,800 acres of separable mitigation lands, is only 49 percent of the separable acreage deemed necessary by Interior. * * *

Though Interior continues to recommend the acquisition of 95,500 acres of separable land as justified and necessary to adequately mitigate for the range of wildlife damages associated with the project, we have expressed a willingness to work with the Corps to forge a mutually acceptable compromise. * * * We met on November 8–9, 1984, but were unable to reach agreement.

The COE responded to the referral by letter of January 23, 1985 and stated in part:

Areas of disagreement are primarily matters of differing agency policy. * * * Resolution of such differences cannot be achieved by compromise on a specific undertaking. At our most recent meeting, held on 8–9 November 1984, the Department of the Interior's principal spokesman concluded, in essence, that while it appeared we could reach agreement on the biological values involved, there appeared to be so many institutional constraints we could not reach a consensus on the mitigation plan. I agree, and conclude that further discussions with the Department of the Interior would be pointless.

Upon review of the documents submitted by the DOI and the COE, the FEIS itself, and letters from the public, the Council determined that there were significant unresolved questions regarding this proposal. To better understand the reasoning of both the DOI and the Corps' decisions regarding the proposal, the Council held an open Sunshine Act meeting with representatives of both agencies on February 19, 1985. 50 FR 5467 Feb. 8, 1985. As a result of the February 19 Sunshine Act meeting, and the materials reviewed before the meeting, the Council determined it was necessary to address two basic issues in the Tennessee-Tombigbee mitigation controversy: (1) in-kind replacement of special resources and (2) the use of land on other projects for mitigating habitat losses on the Tennessee-Tombigbee. By letters of March 25, 1985, to both the referring agency (DOI) and the lead agency (Corps), the Council made the following recommendations regarding these two issues:

The Council believes that the bottomland hardwoods in the Southeast are of such importance as wildlife habitats, and becoming so scarce, that the principle of full, in-kind replacement should override other considerations. We strongly recommend that the Department of the Interior and the Corps of Engineers work out a mitigation plan that fully replaces the 34,000 acres of bottomland hardwoods lost, through a combination of management and acquisition (public or private) of bottomland and hardwood habitats.

We recommend that that the two agencies reach an agreement whereby the management of lands on the five existing projects can be used for credit on the Tennessee-Tombigbee consistent with the principle of in-kind replacement of bottomland hardwoods.

DATE: March 26, 1985.

SUPPLEMENTARY INFORMATION: There follows the text of the letters addressed to E.R. Heiberg, III, Chief of Engineers and Richard R. Hite, Deputy Assistant Secretary, Policy, Budget & Administration, DOI:

This letter is the action taken by the Council on Environmental Quality on the referral of the Tennessee-Tombigbee Waterway Wildlife Mitigation Plan. It is based on evaluation of the official documents presented to the Council by the referring and lead agencies, the written and oral responses of the two agencies at the public meeting held on February 19, and letters written to the Council by the public.

The project itself is an enormous engineering undertaking, encompassing 234 miles. The waterway had been opened for traffic only a month before the Council's public meeting. Not surprisingly, the mitigation plan contains a complex blend of technical and policy decisions. By the time that the Council on Environmental Quality received the referral, most of the technical and policy problems regarding the mitigation plan had been worked out. Nevertheless, a limited number of significant policy questions remained unresolved.

Mitigation as a Public Policy Issue

The Council is deeply concerned about the general policy questions related to mitigation. As a result of this referral, it became clear to us that there is no consistency in mitigation policies from agency to agency, and there are differences in how they are implemented as well. We recommend that a future activity be initiated to discuss and resolve these policy issues, apart from the press of deadlines that characterize specific projects. All agencies that are involved in either wildlife mitigation or construction related activities should be a part of such a cooperative effort. The activity could deal with procedural questions (such as the point in the planning schedule that mitigation discussions begin), technical questions (such as agreement on habitat valuation methods), and policy questions (such as when the policy of in-kind replacement should be employed.

Such a longer term, broad look at mitigation policies would tend to minimize the kinds of disagreements that resulted in this referral. It would, therefore, have a positive impact on wildlife management and project implementation that extends far beyond the narrow issues represented in the Tennessee-Tombigbee Waterway Wildlife Mitigation Plan. In the meantime, the Council must focus on this single project, and we must do it within the schedule imposed by the NEPA regulations.

The Council's Approach

The Council chose not to render a decision on the technical question of the specific acreage of wildlife mitigation that should be provided for the Tennessee-Tombigbee Project. Instead, the Council accepted the referral as an opportunity to openly examine the remaining policy questions related to mitigation and make a recommendation on what the appropriate policies should be.

While the two agencies involved have had their disagreements in the past, we tried to conduct our deliberations in an open and non-adversarial manner. We hoped, as a third party, to help the Department of the Interior and the Corps of Engineers to view their positions more objectively and to find some middle ground on which they can agree.

In this letter, we will analyze the primary unresolved issues and suggest directions in which future negotiations might proceed. Two basic issues in the Tennessee-Tombigbee mitigation controversy seem to overwhelm all the rest. These are (1) in-kind replacement of special resources and (2) the use of lands on other projects (for which mitigation is incomplete) for mitigating habitat losses on the Tennessee-Tombigbee. We also observe the key role that a single factor—time—has played in raising these issues to a level of importance.

In-Kind Replacement

The project will result in a net loss of 34,000 acres of bottomland hardwoods. We were told in the public meeting that forested wetlands can be upgraded by 15 to 25 percent through intensive wildlife habitat management. The COE proposal provides for the upgrading of a total of 87,000 acres of bottomland hardwoods. Thus, if each acre were upgraded by 25 percent, this proposal would replace 21,750 (63 percent) of the bottomland hardwoods lost. The DOI proposal provides for the upgrading of 118,900 acres of bottomland hardwoods. This would replace 29,500 (87 percent) of the bottomland hardwoods lost. We conclude, therefore, that even the more ambitious mitigation proposal may fall short of full replacement of the value of bottomland hardwoods habitat lost.

Both agencies promote in-kind mitigation as a planning goal, but there are key differences in how this policy is expressed. The Department of the Interior promotes in-kind replacement of high value and scarce habitats. This policy is rather strict in application for those habitat types judged to be of high value and scarce. The Corps of Engineers policy promotes in-kind replacement as a mitigation planning goal, but provides broad discretion for substituting alternative habitats based on technical, economic and political feasibility.

There is a similar divergence on the relative importance of bottomland hardwood habitats. Based on recent studies of the losses of bottomland hardwood habitats, the DOI reports that bottomland hardwood forests in the Mississippi Alluvial Plain decreased from 11.8 million acres in 1937 to 5.2 million acres in 1978, with a downward trend expected to continue. This trend, and the high relative habitat value of bottomland hardwoods, provided the basis for a strong stance on the part of the DOI in favor of protecting this habitat type. The COE written materials acknowledge a determination that mitigation proposals should give priority to replacing habitat value of bottomland hardwood habitat losses. However, the mitigation plan replaces much of the bottomland hardwood losses with other habitat types, and the COE representative in the public meeting argued that bottomland hardwoods are not "scarce."

We understand that the two agencies approach the problem of mitigation from different perspectives. The agency consulted on mitigation will concern itself with what is desirable from a wildlife management standpoint, while the construction agency is also concerned with feasibility. In making our decision, we recognize that economic and other factors should be considered in discussions leading to a revised mitigation plan. We considered two questions. First, what mitigation policies are desirable in this case? Second, to what extent is the feasibility test a limiting factor in the Tennessee-Tombigbee mitigation plan?

The Corps contends that its mitigation plan meets the tests of technical, economic and political feasibility, but does not demonstrate that full, in-kind mitigation of bottomland hardwoods would be infeasible.

It is our opinion that full, in-kind replacement may meet all three feasibility tests contained within the COE policy. First, it is technically possible, through intensive wildlife management of other forested wetlands. Second, the value of each additional increment of mitigation still exceeds the cost in the Corps' proposal. Third, the 1983 COE survey of willing sellers indicates the availability of 92,080 acres of flood plain forests (Mitigation EIS, p. 116).

The Council believes that the bottomland hardwoods in the Southeast are of such importance as wildlife habitats, and becoming so scarce, that the principle of full, in-kind replacement should override other considerations. We strongly recommend that the Department of the Interior and the Corps of Engineers work out a mitigation plan that fully replaces the 34,000 acres of bottomland hardwoods lost, through a combination of management and acquisition (public or private) of bottomland hardwood habitats.

Mitigation Credits from other Projects

Both agencies agree, in principle, with the concept of allowing mitigation credits from existing projects to apply to new projects. Examples were cited in which this has been done. However, for the Tennessee-Tombigbee, the DOI objects because the existing projects had not yet been fully mitigated. The COE agrees that they were not fully mitigated, but contends that they never will be, apart from an alternative source of funding such as the Tennessee-Tombigbee. The Council recognizes that the projects were constructed in the 1950's and it is unreasonable to subject them to today's standards.

We recommend that the two agencies reach an agreement whereby the management of lands on the five existing projects can be used for credit on the Tennessee-Tombigbee consistent with the principle of in-kind replacement of bottomland hardwoods.

Time as a Contributing Factor

Time was a factor in disagreements on the issue of mitigating the Tennessee-Tombigbee Waterway. The agencies agreed on a technical approach under which the wildlife mitigation planning was initiated. The analysis, using the Habitat Analysis Procedures (HEP), was conducted by a multi-agency team, using nine key species for the evaluation. Subsequently, the DOI published its mitigation Policy which provided for full in-kind replacement of certain special habitats. In addition, the COE later conducted an independent evaluation, using a modified approach but continuing to use the nine key species.

Changes in project plans and mitigation plans are to be expected. However, some provision should have been made for accommodating change. We recommend that mitigation planning on future projects begin early, and that the participants agree in advance on a procedure for modifying the mitigation plan as the project plans change and as habitat information changes.

Sincerely,

A. Alan Hill,

Chairman.

William L. Mills,

Member.

Jacqueline E. Schafer,

Member.

A. Alan Hill,

Chairman.

[FR Doc. 85-7718, Filed 3-29-85; 8:45 am]

BILLING CODE 3125-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Blue Ribbon Panel on Sizing DoD Medical Treatment Facilities; Meeting

AGENCY: Blue Ribbon Panel on Sizing DoD Medical Treatment Facilities.

ACTION: Notice of open and closed meeting.

SUMMARY: Pursuant to the provisions of Pub. L. 92-463, notice is hereby given that an open and closed meeting of the blue ribbon panel on sizing DoD medical treatment facilities has been scheduled as follows:.

DATE: April 11, 1985, 1:30 p.m. to 4:00 p.m.

ADDRESS: The Pentagon, Room 3E869, Washington, D.C.

NOTICE CLOSED MEETING: The panel will meet in closed session from 8:30 a.m. to 12:30 p.m. on April 11, 1985 in room 3E467, the Pentagon, Washington, D.C. to discuss classfied information that pertains to sizing issues in accordance with section 10(d) of 5 U.S.C. APP I.

FOR FURTHER INFORMATION CONTACT: LTC Michael Averbuch, Deputy Staff Director, Blue Ribbon Panel on Sizing DoD MTF c/o ASD (HA), Room 3E349, The Pentagon, Washington, D.C. 20301 [(202) 653-0080/0081].

SUPPLEMENTARY INFORMATION: The open meeting will concentrate on presentation of information related to staffing ambulatory care, and need determination methodologies within the Military Health Care System. The open meeting will be followed by an Executive Session to discuss personnel matters. To obtain access to the meeting room, members of the public must call 653-0080, by 4:00 p.m. on 10 April 1985 to arrange for an escort.

Patrica H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

March 27, 1985.

[FR Doc. 85-7721 Filed 3-29-85; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board; Advisory Committee meeting

AGENCY: Office of the Secretary, DOD.

ACTION: Notice of Advisory Committee meeting.

SUMMARY: The Defense Science Board will meet in closed session on 8-9 May 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 the affect the perceived needs of the Department of Defense. At this meeting the Board will discuss interim findings and tentative recommendations resulting from ongoing Task Force activities associated with Strategic, Tactical, Intelligence/Command, Control and Communications, and Technology Issues. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

March 27, 1985.

[FR Doc. 85-7722 Filed 3-29-85; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Acquisition Management of Conventional Munitions; Advisory Committee Meeting Change

The meeting of the Defense Science Board Task Force on Acquisition Management of Conventional Munitions scheduled for May 8-9, 1985 in the Pentagon, Arlington, Virginia as published in the **Federal Register** (Vol. 49, No. 220, Tuesday, November 13, 1984, FR Doc. 84-29709) has been changed to May 15-16, 1985. In all other respects the notice remains unchanged.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

March 27, 1985.

[FR Doc. 85-7723 Filed 3-29-85; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Software; Advisory Committee Meetings

AGENCY: Office of the Secretary, DOD.

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Software will meet in closed executive session on April 22 1985 and in closed session on May 28-29 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. The meeting on April 22, 1985 will allow the Task Force to assess the alternatives available to the DoD to improve software productivity. The meeting on May 28-29 1985 will provide the Task Force members with information on the software engineering techniques used by various DoD program managers and associated contractors in on-going development efforts.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been 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.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

March 27, 1985.

[FR Doc. 85-7724 Filed 3-29-85; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

AGENCY: Office of the Secretary, DoD.

ACTION: Public Information Collection Requirement Submitted to OMB for Review.

SUMMARY: The Department of Defense has submitted to OMB for review the following request for renewal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4)

Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (3) The point of contact for whom a copy of the information proposal may be obtained.

Revision

DoD FAR Supplement Part 20 and Related Clauses in Part 52.220

Information concerns certain data required to support award of labor surplus area contracts.

Reporting is necessary to determine eligibility of contractor (responsiveness) to perform a labor surplus set-aside award.

Small business firms.
Responses: 805
Burden Hours: 201

T2Addresses: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503, and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1535, Pentagon, Washington, D.C. 20301-1155, telephone (202) 694-0187.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. Fred J. Kohout, OUSDRE(AM)CP, Room 3D116, Pentagon, Washington, D.C. 20301, telephone (202) 697-8334. This is a revision of an existing collection.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

March 27, 1985.

[FR Doc. 85-7725 Filed 3-29-85; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

AGENCY: Office of the Secretary, DoD.

ACTION: Public Information Collection Requirement Submitted to OMB for Review.

SUMMARY: The Department of Defense has submitted to OMB for review the following request for renewal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C., Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact for whom a copy of the information proposal may be obtained.

Revision

DoD FAR Supplement Part 19 and Related Clauses in Part 52.219

Information concerns certain data required to support evaluation of certain set-aside awards and to provide a basis for required reporting on awards placed in labor surplus areas under combined small business labor surplus procedures.

Reporting is necessary to insure proper evaluation and to obtain a contractor's statement of intent to perform in a labor surplus area.

Small business firms.
Responses: 1,610
Burden hours: 402

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503, and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301-1155, telephone (202) 694-0187.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. Fred J. Kohout, OUSDRE(AM)CP, Room 3D116, Pentagon, Washington, D.C. 20301, telephone (202) 697-8334. This is a revision of an existing collection.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

March 27, 1985.

[FR Doc. 85-7726 Filed 3-29-85; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Addition to the Notice of Intent To Prepare Supplemental Environmental Impact Statement for the Production of QL, a Binary Munition Precursor Chemical

AGENCY: Department of Army, DOD.

ACTION: Addition to Notice of Intent to prepare a Supplemental Environmental Impact Statement for the production of QL, a non-lethal precursor chemical to be used in binary chemical munitions.

SUMMARY: 1. The previous Notice of Intent (January 18, 1985, 50 FR 2706) explained that the Army is considering three sources for the production of QL: A commercial source; Newport Army Ammunition Plant, Newport, Indiana; and the Pine Bluff Arsenal, Pine Bluff, Arkansas. This addition announces that the commercial production option is with Crawford and Russell, Inc., Stamford, CT; their intended subcontractor for production is the Vertac Chemical Corporation located in the West Helena Industrial Park, Highway 242 South, West Helena, Arkansas 72390. Also, as a result of reviewing existing environmental documentation as described in the previous Notice and new cost data indicating that Pine Bluff Arsenal is much more expensive than the other alternatives, the Army is deleting Pine Bluff Arsenal as a reasonable alternative for the production of QL.

2. A public scoping meeting in the Newport, Indiana, area has already been held. The scoping process for the environmental document is being extended to include direct input from the West Helena area. Government officials and community leaders in the area will be consulted, and a public meeting may be held if the public expresses an interest in holding such a meeting. Public comment is also sought by direct communication to the address below. To provide an opportunity for public input to the extended scoping process, government agencies, private organizations and interested individuals, both residents and non-residents of the affected areas, are invited to submit information and comments on this proposed action for consideration by the Army and possible incorporation into the Environmental Impact Statement. To be considered in the draft environmental document, comments should be received by April 17, 1985.

3. Comments and questions regarding the environmental document may be addressed to Commander, US Army Chemical Research and Development Center, ATTN: SMCCR-MUP-P (Mr. Duggan), Aberdeen Proving Ground, MD 21010 or by calling Mr. Duggan at (301) 671-4186. Mr. Duggan may also be contacted by individuals who wish to be added to the contact list to be notified of any future meetings and announcements.

Lewis D. Walker,

Deputy for Environment Safety and Occupational Health.

[FR Doc. 85-7619 Filed 3-29-85; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee will meet on April 23–24, 1985, at the Naval Base, Charleston, South Carolina. The first session will commence at 8:30 A.M. and terminate at 4:00 P.M. on April 23. The second and final session will commence at 8:30 A.M. and terminate at 12:30 P.M. on April 24. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to orient the Committee members with capabilities of surface ships and submarines and mine warfare. The agenda for the meeting will consist of readiness briefings and tours of surface ships and submarines, and a briefing on mine warfare. These briefings and tours will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest rquires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M.B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217–5000, Telephone number (202) 696–4870.

Dated: March 27, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85–7608 Filed 3–29–85; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Naval Special Warfare Panel; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee Naval Special Warfare Panel will meet on 18–19 April 1985, at the Office of Naval Research, 800 North Quincy Street, Arlington, Virginia. The agenda will include technical briefings on the capability to respond to warfare situations that require mobile, self-contained forces of an unconventional nature. The meeting will commence at 8:30 A.M. and terminate at 4:30 P.M. on April 18 and 19, 1985. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to examine the technological capability of Naval Special Warfare forces to respond to warfare situations that require mobile, self-contained forces of an unconventional nature. These matters constitute classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217–5000, Telephone number (202) 696–4870

Dated: March 27, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85–7607 Filed 3–29–85; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATE: Interested persons are invited to submit comments on or before April 29, 1985.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place NW., Room 3208, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 426–7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Deputy Under Secretary for Management publishes this notice containing proposed information collection requests prior to the submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of collection; (5) The affected public; (6) Reporting burden; and/or (7) Recordkeeping burden; and (8) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: March 27, 1985.

Linda M. Combs,

Deputy Under Secretary for Management.

Office of Postsecondary Education

Type of Review Requested: Reinstatement

Title: Alternate Disbursement System (ADS) Validation Roster for the Pell Grant Program

Agency Form Number: ED 579

Frequency: Annually

Affected Public: Businesses or other for-profit; Non-profit institutions; Small Businesses or organizations

Reporting Burden: Responses: 1,100; Burden Hours: 1,650

Recordkeeping Burden: Recordkeepers: 1,100; Burden Hours: 88

Abstract: The Validation Roster will be used to verify data previously submitted by institutions participating in the Pell Grant Program through the Alternate Disbursement System (ADS)

and to reconcile accounts for the ADS system

Office of Special Education and Rehabilitative Services

Type of Review Requested: New
Title: Evaluation of the Impact of the Projects With Industry Program as It Relates to the Competitive Employment of Disabled Individuals
Agency Form Number: B20–5P
Frequency: One time only
Affected Public: Individuals or households; Businesses or other for-profit; Non-profit institutions
Reporting Burden: Responses: 1,017; Burden Hours: 1,057.6
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: The Rehabilitation Act of 1973, as amended by Pub. L. 98–221, mandates a comprehensive evaluation of the Projects With Industry (PWI) program and a report to Congress by February 1, 1986. All PWI projects and a sample of PWI participants and employers will be surveyed to evaluate the operations and effectiveness of the PWI program in assisting persons with disabilities to obtain competitive employment.

Office of Educational Research and Improvement

Type of Review Requested: New
Title: College and University Libraries Survey, Fall 1984
Agency Form Number: ED 2300–5
Frequency: Biennially
Affected Public: Non-profit institutions
Reporting Burden: Responses: 3,450; Burden Hours: 3,278
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: This survey will provide information on academic libraries that will enable Federal agencies to administer library programs and to evaluate the condition of libraries. The data are also needed by State library agencies, library administrators, and library associations to appraise and compare library resources, to develop accreditation criteria and to evaluate markets for library materials.

Type of Review Requested: New
Title: National Assessment of Educational Progress—The Foundations of Literacy: A Description of Fundamental Knowledge of U.S. History and Literature
Agency Form Number: ED 2371–17
Frequency: Non-recurring
Affected Public: Individuals or households; State or local governments
Reporting Burden: Responses: 72,000; Burden Hours: 1,188
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: Congress mandated the collection of National Assessment survey data. Exercises in U.S. History and Literature are to be field tested in 1985 and the results will be used to select exercises for the 1985–86 Assessment. Respondents will be 17 year old, eleventh-grade students. The 1985–86 Assessment will be used by the National Assessment of Educational Progress (NAEP) and by the Excellence in Education Network, a project which is funded by the National Endowment for the Humanities.

Type of Review Requested: New
Title: Fast Response Survey System—Survey of School Districts on High School Academic Requirements and Initiatives
Agency Form Number: ED 2379–23
Frequency: Non-recurring
Affected Public: Local educational agencies
Reporting Burden: Responses: 600; Burden Hours: 300
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: This survey will be used by the National Institute of Education to determine the level of local educational agency initiatives and to identify programs and issues that promote excellence in education.

Type of Review Requested: Revision
Title: 1985 Survey of 1983–84 College Graduates
Agency Form Number: ED 2385
Frequency: Biennially
Affected Public: Individuals or households
Reporting Burden: Responses: 18,400; Burden Hours: 3,864
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: This survey is conducted biennially by the National Center for Education Statistics to study the post degree employment and education experiences of recent college graduates. It is also used to produce a report on the supply and demand of persons newly qualified to teach and on the status of other new college graduates in the job market.

[FR Doc. 85–7737 Filed 3–29–85; 8:45 am]
BILLING CODE 4000–01–M

Office of Elementary and Secondary Education

School Construction in Areas Affected by Federal Activity; Cutoff Date Notice for the Transmittal of Applications for Fiscal Year 1985

Applications are invited for new projects under the School Construction Program.

Authority for this program is contained in Pub. L. 81–815, school construction in areas affected by Federal activities.

(20 U.S.C. 631–647)

Notice is given that the Secretary of Education has established a cutoff date for the transmittal of applications for increase periods ending June 1985 or June 1986 for assistance under Sections 5 and 9 of Pub. L. 81–815. (An increase period is a period of four consecutive regular school years during which a school district has experienced a substantial increase in school membership as a result of new or increased Federal activities.) This cutoff date also applies to applications for new projects under Section 14 of Pub. L. 81–815, and to new applications for supplemental assistance under Section 8 of Pub. L. 81–815. (Section 14 authorizes assistance for certain school districts which serve children residing on Indian lands, or which are significantly burdened by the presence of nontaxable Federal property. Section 8 authorizes assistance that supplements certain awards made under Sections 5, 9, and 14 of Pub. L. 81–815.)

Approval of these applications is subject to availability of funds.

Cutoff Date for Transmittal of Applications: Applications must be mailed or hand delivered to the U.S. Secretary of Education from the State educational agencies on or before July 1, 1985.

Applications Delivered by Mail: An application sent by mail must be addressed to the Secretary of Education, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 2107A, Washington, D.C. 20202–6272.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legibly mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office. An applicant is encouraged to use registered or at least first class mail. Each late applicant for a new project will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, 400 Maryland Avenue, SW., Room 2107A, Washington, D.C.

A hand-delivered application will be accepted between 8:00 a.m. and 4:30 p.m. (Washington, D.C., time) daily, except Saturday, Sundays, and Federal holidays. A hand-delivered application will not be accepted after 4:30 p.m. on the cutoff date.

Program Information: Federal funds are provided for the construction or temporary provision of urgently needed minimum school facilities in school districts which have had substantial increases in school membership of children who reside on Federal property or reside with a parent who is either in the Uniformed Services of the United States or who is employed on Federal property. Federal funds are provided for construction of needed minimum school facilities in school districts which serve children residing on Indian lands, or which are significantly burdened by the presence of nontaxable Federal property.

Intergovernmental Review: On June 24, 1983, the Secretary published in the **Federal Register** final regulations (34 CFR Part 79, published at 48 FR 29158) implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

This program is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to States and local officials by requiring Federal agencies to accommodate States 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 12373. 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:

State	
Alabama	New Mexico
Arizona	New York
Arkansas	North Carolina
California	North Dakota
Colorado	Ohio
Connecticut	Oklahoma
Delaware	Oregon
District of Columbia	Pennsylvania
Florida	Rhode Island
Hawaii	South Carolina
Illinois	South Dakota
Indiana	Tennessee
Iowa	Texas
Kansas	Utah
Louisiana	Vermont
Maine	Virginia
Maryland	Washington
Massachusetts	West Virginia
Michigan	Wisconsin
Mississippi	Wyoming
Missouri	Guam
Montana	Northern Mariana Islands
Nebraska	
Nevada	Puerto Rico
New Hampshire	Trust Territory
New Jersey	Virgin Islands

Immediately upon receipt of this notice, applicants that are governmental entities, including local educational agencies, must contact the appropriate Stae single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States not listed above, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State process recommendation and other comments submitted by a State single point of contact and any comments from State, areawide, regional, and local entities must be mailed or hand delivered by *September 3, 1985* to the following address:

The Secretary, U.S. Department of Education, Room 4181, 84.040, 400 Maryland Ave, SW., Washington, D.C. 20202. (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 application. *Do not send applications to the above address.*

Application forms: Application forms and instructions may be obtained from the appropriate State educational agency which serves the applicant local educational agency.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The program information is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations governing the competitions.

(Approved by the Office of Management and Budget under control number 1810-0036)

Applicable regulations: The regulations applicable to the program are:

(a) Regulations governing the School Construction Program (34 CFR Part 221).

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 79).

(20 U.S.C. 633)

(Catalog of Federl Domestic Assistance No. 84.040, School Assistance in Federally Affected Areas-Construction)

Dated: March 27, 1985.

Lawrence F. Davenport,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 85-7738 Filed 3-29-85; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Request for Comments on the Public Utility Regulatory Policies Act Annual Report on Electric and Gas Utilities

AGENCY: Energy Information Administration DOE.

ACTION: Request for Comments on the Public Utility Regulatory Policies Act (PURPA) Annual Report on Electric and Gas Utilities, Form ERA–166.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Department of Energy (DOE), through its Energy Information Administration (EIA), conducts a consultation program to provide the general public with an opportunity to comment on proposed and continuing reporting forms. This program helps to ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

At this time, EIA requests comments on the continuing use of the PURPA Annual Report on Electric and Gas Utilities form. The form is described in the Supplementary Information Section of this Notice. Interested persons are asked to review the form and its instructions and provide comments to the information contact descibed below.

EFFECTIVE DATE: Written comments must be submitted on or before May 1, 1985.

ADDRESS: Comments should be sent to Mr. Steven Mintz at the address listed immediately below.

FOR FURTHER INFORMATION CONTACT: For further information or copies of the form or instructions contact: Mr. Steven Mintz (RG–22), Economic Regulatory Administration, Department of Energy, Mail Station: GA–007, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 252–9506.

SUPPLEMENTARY INFORMATION:

I. Background

The EIA announces a proposed extension of the Form ERA–166, "PURPA Annual Report on Electric and Gas Utilities." This form continues the annal collection of data pursuant to sections 116(a) and 309(a) of PURPA. These sections require State regulatory authorities and certain nonregulated utilities to submit to the DOE annual reports on their progress in considering ratemaking and other regulatory standards established by Titles I and III of PURPA. The information requested in Form ERA–166 is required annually from all electric and gas utilities covered by the provisions of PURPA sections 102(c) and 301(d). The form provides DOE with the only readily available source of data with which to access utility progress in considering the ratemaking and other regulatory standards.

The form provides information such as general questions on the State regulatory authority or nonregulated utility, questions pertaining to the consideration status of each of the eleven standards, and standard specific questions. The data from Form ERA–166 is summarized and analyzed by the Economic Regulatory Administration and serves as the basis for the annual reporting requirement to the President and Congress pursuant to sections 116(b) and 309(b) of PURPA.

II. Comment Procedures

The EIA invites prospective respondents and users of the data from this collection to comment within 30 days of the publication of this notice. The following general guidelines are provided to assist in the responses.

(As a potential data provider:)

A. Are the instructions and definitions clear and sufficient? If not, which instructions require clarification?

B. Can the data be submitted using the definitions included in the instructions?

C. Can the data be submitted in accordance with the response time specified in the instructions?

D. How many hours, including time for computation, preparation and administrative review, will it take your organization to complete and submit the form?

E. What is the estimated cost of completing the form, including direct and indirect costs associated with the data collection? Direct costs should include all one-time and recurring costs, such as development, assembly, equipment, ADP, and other administrative costs, directly attributable to providing this Information.

F. Do you know of other Federal, State, or local agencies that collect similar data? (If yes, please identify.)

G. How can this form be improved?

(As a potential data user:)

A. Can your company analysts use data at the levels of detail indicated on the form?

B. For what purpose would you use these data? (Be specific.)

C. How could the form be improved to better meet your specific data needs?

D. Are there alternative sources of data and do you now use them? What are their deficiencies?

EIA is also interested in receiving comments from persons as to their views on the need for the collection of this information. Comments or summaries of comments submitted in response to this notice will be included in the request for Office of Management and Budget approval of this data collection and will become a matter of public record.

Issued in Washington, DC, on March 26, 1985.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 85–7644 Filed 3–29–85; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project No. 6523–003]

Campbell Development, Inc.; Surrender of Preliminary Permit

March 26, 1985.

Take notice that Campbell Development, Inc., Permittee for the proposed North Lone Pine Creek Hydro Project No. 6523, has requested that its preliminary permit be terminated. The permit was issued on December 29, 1982, and would have expired December 31, 1985. The project would have been located on the North Lone Pine Creek in Larimer County, Colorado. The Permittee cites that the proposed project is not economically feasible as the basis for the surrender request.

The Permittee filed the request on March 5, 1985, and the preliminary permit for Project No. 6523 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. 85–7651 Filed 3–29–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP85–350–000, et al.]

Natural Gas Certificate Filings; El Paso Natural Gas Company et al.

Take notice that the following filings have been made with the Commission:

1. El Paso Natural Gas Company.

[Docket No. CP85-350-000]

March 25, 1985.

Take notice that on March 11, 1985, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP85-350-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization under the certificate issued in Docket No. CP82-435-000 pursuant to section 7 of the Natural Gas Act, to install and operate a sales meter station in El Paso County, Texas, to permit the delivery of natural gas to Southern Union Gas Company (SUG) for resale in Homestead Meadows (Homestead), all as more fully set forth in the request for authorization on file with the Commission and open for public inspection.

It is stated that El Paso presently sells and delivers natural gas to SUG for distribution and resale to consumers situated in various communities and areas in the State of Texas, pursuant to a service agreement dated September 1, 1959, between El Paso and SUG. It is stated that El Paso received a written request from SUG for natural gas service at a location on El Paso's existing 26-inch California line and 30-inch California first loop line in El Paso County, Texas. The natural gas would be utilized to serve residential and commercial space-heating requirements of consumers in an unincorporated area in El Paso County, east of the City of El Paso, Texas.

El Paso proposes to install a 1-inch sales tap and valve assembly and one American 250B positive meter on El Paso's existing 26-inch California line and 30-inch California first loop line to accommodate the subject request for service. It is stated that SUG projects the estimated annual and peak-day deliveries required to serve Homestead during the third full year of service to be 122,907 Mcf and 1,601 Mcf, respectively. El Paso indicates that SUG would install a distribution system to serve the Homestead area.

El Paso states that the additional quantities of gas to be delivered would be sold by El Paso to SUG for resale to Homestead in order to accommodate projected Priority 1 and 3 requirements. It is stated that the projected Priority 1 load growth, would not alter SUG's entitlements under El Paso's Permanent Allocation Plan approved in Docket No. RP72-6, *et al.*

El Paso submits that the anticipated Priority 3 load growth would be accommodated within the existing monthly average day end-use profiles that currently limit the quantities available to SUG from El Paso for service to Priority 3 requirements under the operation of El Paso's Permanent Allocation Plan.

Comment date: May 9, 1985, in accordance with Standard Paragraph G at the end of this notice.

2. Colorado Interstate Gas Company

[Docket No. CP82-483-006]

March 25, 1985.

Take notice that on March 11, 1985, Colorado Interstate Gas Company (Petitioner), P.O. Box 1087, Colorado Springs Colorado 80944, filed in Docket No. CP82-483-006 a petition to amend further, the order of November 26, 1982, as amended on January 14, 1985, issuing a certificate of public convenience and necessity in Docket No. CP82-483-000 pursuant to section 7(c) of the Natural Gas Act by deleting authorization for the operation of two supply delivery points for the receipt of natural gas by Petitioner for Wycon Chemical Company (Wycon), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

It is stated that Wycon has been purchasing natural gas from Mountain Fuel Supply Company and its successor in interest, Mountain Fuel Resources, Inc. (Mountain Fuel), pursuant to the terms of a gas purchase and sale agreement dated June 3, 1982, as amended. It is also stated that Wycon and Petitioner entered into a gas transportation agreement dated March 16, 1982, as amended, which agreement constitutes Rate Schedule X-44 of Petitioner's FERC Gas Tariff. Pursuant to the terms of the transportation agreement, Petitioner receives gas from Mountain Fuel for the account of Wycon at the Kanda and Green River delivery points in Sweetwater County, Wyoming, it is indicated. Petitioner states that such gas is then transported for ultimate redelivery to Wycon's Cheyenne, Wyoming, facilities.

It is indicated that Wycon, having secured alternative sources of supply which are currently being transported by Petitioner, has terminated its gas purchase contract with Mountain Fuel. It is further indicated that Mountain Fuel has filed, in Docket No. CP85-168-000, for authority to abandon the service provided for Wycon through the Kanda and Green River delivery points. Therefore, Petitioner requests deletion of the authorization to operate the Kanda and Green River delivery points under the agreement between Petitioner and Wycon. Petitioner states that no facilities would be abandoned under this proposal.

Comment date: April 15, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

3. Alabama-Tennessee Natural Gas Company

[Docket No. CP85-359-000]

March 25, 1985.

Take notice that on March 12, 1982, Alabama-Tennessee Natural Gas Company (Applicant) P.O. Box 918, Florence, Alabama 35630, filed in Docket No. CP-85-359-000 an application pursuant to section 7 of the Natural gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities and the transportation and sale of natural gas and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Comment date: April 15, 1985, in accordance with Standard Paragraph F at the end of this notice.

Northwest Central Pipeline Corporation

[Docket No. CP85-313-000]

March 26, 1985.

Take notice that on February 25, 1985, Northwest Central Pipeline Corporation (Applicant), P.O. Box 3288 Tulsa, Oklahoma 74101, filed in Docket No. CP85-313-000 an application pursuant to section 7(c) of the Natural Gas Act for limited-term certificate of public convenience and necessity authorizing the continued transportation of natural gas for Georgia-Pacific Corporation (Georgia-Pacific) beyond June 30, 1985, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to continue transporting gas for Georgia-Pacific, as presently authorized under prior notice in Docket No. CP85-149-000, beyond the June 30, 1985, date imposed by Order No. 234-B under the blanket certificate program. It is stated that the term of the transportation agreement runs for a period of one year which began October 30, 1984, and would extend to October 29, 1985, and month to month thereafter until terminated by either party.

It is stated that Applicant would continue to transport gas which Georgia-Pacific purchases from Williams Gas Supply Company (Williams) at points in

Pawnee, Washington, Payne and Nowata Counties, Oklahoma, to Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), in Barton County, Kansas. Applicant states that Northern would continue to deliver the gas to Panhandle Eastern Pipe Line Company (Panhandle), which in turn would continue to deliver it to Central Illinois Public Service Company (CIPS) for final delivery to Georgia-Pacific. It is submitted that the interruptible service of 1,500 Mcf of natural gas per day is provided for use in Georgia-Pacific's paper mill in Taylorville, Illinois. Applicant submits that this transportation service does not significantly alter its system operations and that CIPS states that it has sufficient capacity to transport gas to Georgia-Pacific without detriment or disadvantage to its other customers.

Applicant states that, in consideration of the transportation service rendered by Applicant, Georgia-Pacific shall compensate Applicant in accordance with the then-effective rates and provisions, including added incentive charge, set forth from time to time in Applicant's F.E.R.C. Gas Tariff, Original Volume No. 2.

Comment date: April 16, 1985, in accordance with Standard Paragraph F at the end of this notice.

5. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket No. CP85-358-000]

March 26, 1985.

Take notice that on March 12, 1985, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85-358-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon and remove one 128 horsepower compressor unit located in Beaver County, Oklahoma, all or more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern states that due to declining volume production, one 128 horsepower compressor unit is no longer needed at the Beaver County No. 10 gathering station.

Northern proposes to utilize said compressor elsewhere on Northern's system or sell it to a potential buyer.

Comment date: April 16, 1985, in accordance with Standard Paragraph F at the end of this notice.

6. Consolidated Gas Transmission Corporation

[Docket No. CP85-355-000]

March 26, 1985.

Take notice that on March 12, 1985, Consolidated Gas Transmission Corporation (Consolidated) 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP85-355-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to add four new delivery points to Hope Gas, Inc. (Hope), an existing customer, and to construct and operate apurtenant measuring and regulating facilities, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Consolidated proposes to add new delivery points to Hope at the following locations on its pipeline system:

(1) Line No. H-171 near the community of Chelyan in Cabin Creek, Kanawha County, West Virginia, for estimated annual deliveries of approximately 1,603,500 dekatherms equivalent of natural gas;

(2) Line No. TL-404 near the community of Proctor in Proctor District, Wetzel County, West Virginia, for estimated annual deliveries of approximately 279,000 dekatherms equivalent of natural gas;

(3) Line No. TL-440 near the community of New Martinsville District, Wetzel County, West Virginia, for estimated annual deliveries of approximately 278,000 dekatherms equivalent of natural gas; and,

(4) Line No. TL-255 near the community of Ripley, Ripley District, Jackson County, West Virginia, for estimated annual deliveries of approximately 212,000 dekatherms equivalent of natural gas.

Consolidated states that Hope has requested these delivery points and quantities to meet increases in its market requirements and that its requirement-type service to Hope, under Rate Schedule RQ of its FERC Gas Tariff, Original Volume No. 1, permits such an increase in deliveries. Consolidated states that Hope has advised it that the gas it will purchase at these delivery points will be sold to a public utility customer in West Virginia to meet its system supply requirements and that such sale will be in intrastate commerce and subject to the jurisdiction of the Public Service Commission of West Virginia.

Comment date: May 10, 1985, in accordance with Standard Paragraph G at the end of this notice.

7. Columbia Gulf Transmission Company

[Docket No. CP85-328-000]

March 26, 1985.

Take notice that on March 4, 1985, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP85-328-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for Natural on an interruptible, best-efforts basis up to 8,000 Mcf of natural gas per day and such further volumes as Applicant agrees to accept, pursuant to a gas transportation agreement dated November 12, 1984. Applicant submits that Natural is purchasing gas produced from Main Pass Block 77, offshore Louisiana. It is stated that Natural would transport or cause the transportation of this gas from offshore Louisiana to the point of receipt at the interconnection of Applicant's and Sea Robin Pipeline Company's facilities located in Vermilion Parish, Louisiana. Applicant states that it would receive Natural's volumes of gas for transportation at the point of receipt and redeliver thermally equivalent volumes to Natural, by displacement, either at the tailgate of Texaco Inc.'s Henry processing plant, located in Vermilion Parish, Louisiana (Henry point of delivery) or at existing Measuring Station No. 426 connecting the facilities of Applicant and Natural in Cameron Parish, Louisiana (Cameron point of delivery). Deliveries would be made at the Cameron point of delivery only when deliveries cannot be made at the Henry point of delivery, it is stated. Applicant states that the volumes delivered would be reduced to reflect the retainage of 1.2 percent of the total volumes of gas received at the point of receipt for Natural's *pro rata* share of gas used as fuel and unaccounted-for volumes.

It is stated that Natural would pay Applicant 6.20 cents per Mcf for gas received at the point of receipt for transportation to the Henry point of delivery and would pay Applicant 8.56 cents per Mcf for gas received at the point of receipt for transportation to the Cameron point of delivery.

Applicant submits that the transportation service commenced on January 4, 1985, pursuant to

authorization granted in Docket No. CP80–105 in Docket No. ST85–456–000 and that the service would continue in effect for a period of eight years from the date of initial receipt of gas and from year to year thereafter.

Comment date: April 16, 1985, in accordance with Standard Paragraph F at the end of this notice.

8. Columbia Gas Transmission Corporation

[Docket No. CP85–340–000]

March 26, 1985.

Take notice that on March 6, 1985, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP85–340–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Briggs Division of The Celotex Corporation (Briggs) under the certificate issued in Docket No. CP83–76–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to transport up to 310 million Btu equivalent of natural gas per day for Briggs through June 30, 1985. Columbia states that the gas to be transported would be purchased from Yankee Resources, Inc. (Yankee), and would be used as process gas in Briggs' Somerset, Pennsylvania, plant.

Columbia also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Columbia will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

It is indicated that Columbia has released certain gas supplies of Yankee and that these supplies are subject to the ceiling price provisions of Sections 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978. It is further indicated that Briggs has made arrangements to purchase this released gas from Yankee. Columbia states that it would receive the gas from Yankee and redeliver the gas to Columbia Gas of Pennsylvania, Inc. (COP) the distribution company serving Briggs, near Somerset, Pennsylvania.

Columbia states that it would charge one of the rates in its Rate Schedule TS–1 for its transportation service: gas received from receipt points other than Leach, Kentucky—29.93 cents per million Btu provided the volumes are within COP's total daily entitlements (TDE). However, Columbia states it would charge 41.27 cents per million Btu for gas received from receipt points other than Leach, Kentucky, if the volumes are in excess of COP's TDE's. Columbia further states it would retain 2.43 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas. In addition, Columbia states it would collect the General R&D Funding Unit of the Gas Research Institute for all quantities transported under the transportation arrangement.

Comment date: May 10, 1985, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–7655 Filed 3–29–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TC85–11–000]

Mississippi River Transmission Corp.; Proposed Tariff Change

March 26, 1985.

Take notice that on March 15, 1985, Mississippi River Transmission Corporation (Mississippi), 9900 Clayton Road, St. Louis Missouri 63124, tendered for filing in Docket No. TC85–11–000 the following revised tariff sheets in its FERC Gas Tariff, Second Revised Volume No. 1, to become effective April 15, 1985:

Fourth Revised Sheet No. 75
Third Revised Sheet No. 76
Fourth Revised Sheet No. 78
Third Revised Sheet No. 79

Mississippi states that this filing reflects changes in the Index of Protected Essential Agricultural Use (Step 10) Entitlements and in the Index of High Priority (Step 11) Entitlements. The proposed tariff sheets would be effective during the period, April 15, 1985, through October 31, 1985, pursuant to paragraph 8.2(a)(i) of Mississippi's curtailment plan, it is explained.

Any person desiring to be heard or to make any protest with reference to said tariff sheet filing should on or before April 5, 1985, file with the Federal Energy Regulatory Commission, 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 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-7652 Filed 3-29-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-2-29-004]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

March 25, 1985.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on March 19, 1985 tendered for filing Second Substitute Thirty-Second Revised Sheet No. 12, Third Substitute Thirty-Third Revised Sheet No. 12 and Third Substitute Thirty-Fourth Revised Sheet No. 12 to its FERC Gas Tariff, Second Revised Volume No. 1. The proposed effective dates of these tariff sheets are November 1, 1984, February 13, 1985 and March 1, 1985, respectively. The revised tariff sheets reflect a rate decrease in accordance with Section 4.1(c) of Transco's Rate Schedule LSS, effective November 1, 1984 which is attributable to reduced rates for service rendered by Transco's supplier, Consolidated Gas Transmission Corporation (Con Gas).

As a result of Con Gas' filing of November 19, 1984 in Docket No. RP82-115-000 which resulted in a reduction in Con Gas' monthly capacity charge for service to Transco under Con Gas' Rate Schedule GSS, Transco is reducing the monthly capacity charge from 5.29¢ per dt of annual storage capacity to 5.16¢ under Transco's Rate Schedule LSS.

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, N.E., 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 and 385.214). All such motions or protests should be filed on or before April 2, 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. 85-7653 Filed 3-29-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP85-369-000, et al.]

Natural Gas Certificate Filings; United Gas Pipe Line Company et al.

March 22, 1985.

Take notice that the following filings have been made with the Commission:

1. United Gas Pipe Line Company

[Docket No. CP85-369-000]

Take notice that on March 15, 1985, United Gas Pipe Line Company (United), Post Office Box 1478, Houston, Texas 77001, filed in Docket No. CP85-369-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of American Cyanamid Company (Shipper) under the certificate issued in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United proposes to transport up to 9,500 Mcf of natural gas per day and up to 3,375,000 Mcf of natural gas per year on behalf of Shipper. It is stated that Shipper is purchasing gas from Libra Energies, Inc., an intrastate pipeline, and Wheless Industries, Inc., a producer of natural gas. It is further stated that the Shipper would cause the natural gas to be delivered to 24 receipt points in Louisiana and Texas as designated in the gas transportation agreement dated December 20, 1984. United proposes to transport and deliver thermally equivalent volumes to Shipper's facilities located near Pensacola, Escambia County, Florida.

United explains that its proposed transportation charge would be based upon United's Northern Zone Rate which includes components for gas consumed in the operation of United's pipeline system and the Gas Research Institute surcharge. Such rate is currently 43.19 cents per Mcf, it is asserted. United states there is no added incentive charge for the proposed service.

Shipper would utilize the natural gas transported for boiler fuel use at its Santa Rosa plant located in Escambia County, Florida, it is stated. United further states that it would not construct or add to its existing facilities to provide this service. United proposes to perform this service for a term not to extend beyond June 30, 1985.

Comment date: May 5, 1985, in accordance with Standard Paragraph G at the end of this notice.

2. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket No. CP85-309-000]

Take notice that on February 25, 1985, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85-309-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to modify an existing delivery point to a accommodate natural gas deliveries to Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples), under the certificate issued in Docket No. CP82-401-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Applicant proposes to modify an existing delivery point for the delivery of natural gas to Peoples to accommodate the increased crops drying needs of one of Peoples' customers, Joe Auge, d/b/a Farmers Mill and Elevator (Joe Auge), in Dakota County, Minnesota. Applicant states that it would install an additional 7M meter at the existing delivery point to accommodate these needs. It is said that the modifications to existing facilities would allow deliveries of natural gas to Peoples for Joe Auge to increase from 270 Mcf on a peak day and 3,422 Mcf annually to 990 Mcf on a peak day and 20,811 Mcf on an annual basis.

Applicant estimates the cost of the facility to be $4,060.

Comment date: May 5, 1985, in accordance with Standard Paragraph G at the end of this notice.

3. Natural Gas Pipeline Company of America

[Docket No. CP82-50-010]

Take notice that on March 7, 1985, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP82-50-010, a petition to amend the order issued May 19, 1982, as amended, in Docket No. CP82-50-000 pursuant to section 7(c) of the Natural

Gas Act so as to authorize the transportation on a best-efforts basis on behalf of United Gas Pipe Line Company (United) of natural gas assigned or released by United to third parties (release gas), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Pursuant to a letter agreement dated June 15, 1984, to the gas transportation agreement dated October 20, 1982 (agreement), Natural states it has agreed to receive release gas at the specific existing receipt points in the Anadarko Basin area of Texas, Oklahoma and Kansas under the agreement and transport such gas on behalf of United on a best-efforts basis to existing redelivery points. It is explained that such release gas would be excess deliverability purchased by third parties to whom United assigns or releases its contractual rights.

Natural states that the daily volumes of release gas transported would be limited to the volumes provided under the interim period of the agreement, not to exceed a daily volume equal to the lesser of the volume of gas attributed to the specific wells or interest, or 137.5 billion Btu less the gas volumes owned by and transported for United.

Natural states that its obligation to transport the release gas is on a best-efforts basis and that in the event Natural is unable to receive all or a portion of the release gas for transportation, the total monthly demand charges paid by United would not be reduced.

Natural submits that the transportation of release gas would continue for a period of one year following the commencement date and thereafter, unless cancelled by either party's giving six month advanced written notice to the other. Natural requests abandonment authority upon the expiration of the transportation arrangement.

Comment date: April 12, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

4. Great Lakes Gas Transmission Company

[Docket No. CP85-333-000]

Take notice that on March 4, 1985, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP85-333-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a gas transportation service for TransCanada PipeLines Limited (TransCanada) and construction and operation of appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that TransCanada has requested the transportation of additional volumes of gas to be delivered at the point of interconnection of the facilities of TransCanada and Applicant at Sault Ste. Marie, Michigan, for a total winter quantity at that point of 102,000 Mcf per day.

Applicant further states that in order to perform the service, it proposes to construct approximately 15.12 miles of 12-inch loop pipeline parallel to its existing line presently serving Sault St. Marie and Rudyard, Michigan, and Sault Ste. Marie, Ontario.

Applicant alleges that to provide this service, the Great Lakes-TransCanada gas transportation contract dated September 12, 1967, as amended, would be further amended to increase the maximum daily delivery by 10,000 Mcf per day.

Applicant states that the estimated cost of constructing the facilities is $3,907,300 which would be financed by internally generated funds together with short-term bank borrowing, if necessary.

Comment date: April 12, 1985, in accordance with Standard Paragraph F at the end of this notice.

5. El Paso Natural Gas Company

[Docket No. CP85-344-000]

Take notice that on March 7, 1985, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP85-344-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to continue to operate certain existing metering facilities under the certificate issued in Docket No. CP82-435-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant states that in 1946 it constructed a non-jurisdictional camp fuel metering facility (Jal Camp Meter Station) and a 2⅜-inch fuel line from its Jal No. 1 plant to the Jal No. 2 propane line to provide natural gas service to company housing units (Jal Camp) near the City of Jal in Lea County, New Mexico. Applicant also states that, by order issued August 21, 1969, in Docket No. CP69-23, it was granted authorization to continue the operation of existing facilities for the sale and delivery of natural gas to Jal Gas Company, Inc. (Jal Gas), for resale and distribution in Jal, New Mexico.[1]

Applicant indicates that the Jal Camp housing is no longer needed and that the houses may be purchased by the employees or sold to qualified buyers. It is stated that Jal Gas proposes to acquire the Jal Camp distribution facilities commencing at the existing Jal Camp Meter Station on Applicant's 2⅜-inch fuel line. Jal Gas would receive up to 162 Mcf of gas per day, pursuant to the Service Agreement, from Applicant at the metering facility in order to continue service to Jal Camp, it is averred. Applicant proposes to charge Jal Gas the currently effective Rate Schedule X-1 rate as reflected in its FERC Gas Tariff for this service.

6. East Tennessee Natural Gas Company

[Docket No. CP85-346-000]

Take notice that on March 7, 1985, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37939-0245, filed in Docket No. CP85-346-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a pipeline loop to enhance the integrity of its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 3,700 feet of 22-inch pipeline loop across the Melton Hill Lake on the Clinch River in Knox and Anderson Counties, Tennessee. Applicant avers that it has reviewed its entire system and concluded that its system's integrity would be substantially enhanced with the looping of certain major river crossings. Applicant further avers that the proposed crossing is at a very critical location on its system in that, based on market analysis of peak and average deliveries, some 58 percent of its total marketable gas passes through this crossing. Applicant contends that while some of its downstream customers have peaking supplies which could be utilized on an emergency basis, it would be unable to serve over half its market in the event of a failure in the Clinch River. Applicant further contends that failure on the service in the Clinch River would

[1] It is explained that deliveries by Applicant to Jal Gas are made pursuant to the currently effective service agreement (Service Agreement) dated December 15, 1980, which provides for the sale and delivery of natural gas to Jal Gas for resale and distribution in certain areas in New Mexico. Comment date: May 5, 1985, in accordance with Standard Paragraph G at the end of this notice.

have a severe, irreparable impact on many customers and cause considerable economic hardship and human suffering.

Applicant asserts that the proposed facilities would not increase the throughput or alter the capacity of its system. Applicant estimates the cost to construct of the proposed facilities to be $2,040,000. Applicant proposes to finance the cost from funds on hand or generated internally within Tenneco Inc.

Comment date: April 12, 1985, in accordance with Standard Paragraph F at the end of this notice.

7. Consolidated Gas Transmission Corporation

[Docket No. CP85-354-000]

Take notice that on March 12, 1985, Consolidated Gas Transmission Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP85-354-000 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term off-system sale in interstate commerce of natural gas for resale to Orange and Rockland Utilities, Inc. (O&R), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell for resale up to 30,000 dt equivalent of natural gas per day to O&R from the date following the receipt of regulatory authorization through February 28, 1986. Applicant states that the sale would be made on an interruptible basis at a rate equivalent to the average unit cost at 100 percent load factor under Applicant's Rate Schedule RQ of its FERC Gas Tariff, Original Volume 1, which is presently $3.7600 per dt. Applicant proposes to deliver the gas for the account of O&R at existing points of interconnection between the facilities of Applicant and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee). Applicant further states that the gas would be transported for O&R by Tennessee on a self-implementing basis pursuant to section 311(a) of the Natural Gas Policy Act of 1978 and the Commission's Regulations. It is stated by Applicant that the subject natural gas is, and would be, surplus to the need of Applicant's present customers throughout the term of the proposed to be constructed.

Comment date: April 12, 1985, in accordance with Standard Paragraph F at the end of this notice.

8. Columbia Gulf Transmission Company

[Docket No. CP85-323-000]

Take notice that on March 1, 1985, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP85-323-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation on an interruptible basis of up to 3,000 Mcf of natural gas per day for Champlin Petroleum Company (Champlin), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 3,000 Mcf of gas per day, as well as excess volumes, for Champlin on a best-efforts interruptible basis for a term of five years. It is stated Applicant would receive the gas at the point of interconnection of the facilities of Applicant and Trunkline Gas Company in St. Mary Parish, Louisiana. It is further stated that Applicant would transport the gas and deliver it to Texas Gas Transmission Corporation (Texas Gas), for the account of Champlin, at an interconnection of the facilities of Applicant and Texas Gas in Acadia Parish, Louisiana.

Applicant states it would charge Champlin 6.60 cents per Mcf of gas received from Champlin and that Applicant would retain 1.82 percent of the gas for fuel and unaccounted-for volumes.

Applicant submits that the proposed transportation is the most practical and economical way to make Champlin's gas supplies available to Champlin.

Comment date: April 12, 1985, in accordance with Standard Paragraph F at the end of this notice.

9. Columbia Gas Transmission Corporation

[Docket No. CP85-342-000]

Take notice that on March 6, 1985, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP85-342-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Rocco Feeds, Inc. (Rocco Feeds), under the certificate issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to transport up to 220 million Btu of natural gas per day, less retainage, for Rocco Feeds through June 30, 1985. Columbia states that the gas to be transported hereunder would be used as boiler fuel in Rocco Feeds' Harrisonburg, Virginia, plant.

Columbia indicates that the gas to be purchased involves gas supplies released by Columbia and that such supplies are subject to the ceiling price provisions of sections 103, 107 and 108 of the Natural Gas Policy Act of 1978. It is further stated that Columbia would receive the gas from Energy Management, Inc. and redeliver such gas to Columbia Gas of Virginia, Inc., (distribution company), which in turn redelivers the gas to Rocco Feeds.

Columbia states that it would charge its current rate of 29.93 cents per dt equivalent of volumes that are within the distribution company's total daily entitlement, or its current rate of 41.27 cents per dt equivalent of volumes that are in excess of distribution company's total daily entitlement, exclusive of company-use and unaccounted-for gas. It is further stated that Columbia would retain for company-use and unaccounted-for gas a percentager of the gas delivered hereunder as reflected in Columbia's rate filings; this percentage is currently 2.43 percent.

Columbia also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end/user. The flexible authority requested applies only to points related to sources of gas supply not to delivery points in the market area. Columbia will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: May 5, 1985, in accordance with Standard Paragraph G at the end of this notice.

Columbia Gas Transmission Corporation

[Docket No. CP85-341-000]

Take notice that on March 6, 1985, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP85-341-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Industrial Platers, inc. (Industrial Platers), under the certificate issued in

Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to transport up to 148 million Btu equivalent of natural gas per day for Industrial Platers through June 30, 1985. Columbia states that the gas to be transported would be purchased from Energy Management, Inc. (EMI), and would be used as boiler fuel in Industrial Platers' Columbus, Ohio, plant.

It is indicated that Columbia has released certain gas supplies of EMI and that these supplies are subject to the ceiling price provisions of section 103, 107, and 108 of the Natural Gas Policy Act of 1978. It is further indicated that Industrial Platers has made arrangements to purchase this released gas from EMI. Columbia states that it would receive the gas from EMI and redeliver the gas to Columbia Gas of Ohio, Inc. (COH), the distribution company serving Industrial Platers, near Columbus, Ohio.

Columbia states that it would charge one of the rates in its Rate Schedule TS-1 for its transportation service: gas received from receipt points other than Leach, Kentucky—29.93 cents per million Btu, provided the volumes are within COH's total daily entitlements (TDE). However, Columbia states it would charge 41.27 cents per million Btu for gas received from receipt points other than Leach, Kentucky, if the volumes are in excess of COH's TDE's. Columbia further states it would retain 2.43 percent of the total unaccounted-for gas. In addition, Columbia states it would collect the General R & D Funding Unit of the Gas Research Institute for all quantities transported under the transportation arrangement.

Columbia also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Columbia will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: May 5, 1985, in accordance with Standard Paragraph G at the end of this notice.

11. Columbia Gas Transmission Corp. and Columbia Gulf Transmission Co.

[Docket No. CP85-324-000 and CP85-324-001]

Take notice that on March 1, 1985, Columbia Gas Transmission Corporation (Columbia Transmission), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027, hereinafter referred to jointly as Applicants, filed in Docket No. CP85-324-000 an application, as supplemented March 13, 1985, in Docket No. CP85-324-001, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for SCM Corporation (SCM), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to transport up to 12,000 million Btu equivalent of natural gas per day on behalf of SCM through June 30, 1985. It is stated that the gas to be transported would be purchased from The Resource Group, Inc., and would be used as boiler fuel and as fuel for sulfate and chloride plant heating equipment. It is explained that Columbia Gulf would receive the gas at existing points of receipt in Louisiana from United Gas Pipe Line Company and deliver it to Columbia Transmission which would deliver it to Baltimore Gas and Electric Company, the distribution company serving SCM.

Applicants also request flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Applicants will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Columbia Transmission states that it would charge rates set forth in its Rate Schedule TS-1; Columbia Gulf states that it would charge rates set forth in its Rate Schedule T-2. Further, Columbia Transmission states that it would retain 2.43 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas as set forth in Rate Schedule TS-1; Columbia Gulf states that it would retain the applicable percentage as set forth in Rate Schedule T-2.

Comment date: April 12, 1985, in accordance with Standard Paragraph F at the end of this notice.

12. Colorado Interstate Gas Company

[Docket No. CP85-311-000]

Take notice that on February 25, 1985, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP85-311-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate three new delivery points for the City of Fort Morgan, Public Service Company of Colorado, and Greeley Gas Company to provide additional service under the certificate issued in Docket No. CP83-21-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

CIG states that it has sufficient capacity to render the proposed service without detriment or disadvantage.

It is indicated that the City of Fort Morgan's new delivery point would be known as the County Road S sales delivery point, which would service a larger asphalt plant in Morgan County, Colorado. CIG states that gas volumes are expected to rise from the present 25 Mcf per hour to 60 Mcf per hour maximum and that the maximum daily volume obligation (MDVO) is estimated at 505 Mcf.

It is also stated that the Public Service Company of Colorado proposed tap and delivery point would serve the Pinon market area in Pinon, Colorado. The MDVO is estimated at 30 Mcf, which would be used to serve residential and commercial customers.

CIG indicates that Greeley Gas Company's sales tap and delivery point would serve Fremont County, Colorado, Industrial Park. The MDVO usage is estimated to be 150 Mcf.

It is asserted that the gas volumes to be delivered are within the respective total daily entitlements of each existing customer. CIG states that it has sufficient capacity to render the proposed service without detriment or disadvantage to any of its other existing customers.

Comment date: May 5, 1985, in accordance with Standard Paragraph G at the end of this notice.

13. ANR Pipeline Company

[Docket No. CP85-329-000]

Take notice that on March 4, 1985, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP85-329-000

an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a firm natural gas transportation service on behalf of Trunkline Gas (Trunkline), all as more fully set forth in the application on file with the Commission and open to public inspection.

ANR states that it proposes to transport for Trunkline up to 14,000 Mcf of natural gas per day (contract demand) on a firm basis pursuant to a transportation agreement dated June 15, 1984. ANR states that it would receive natural gas for Trunkline's account, up to the contract demand, at a subsea value on the High Island Area Block A-355 lateral line, offshore Texas, and transport thermally equivalent volumes, less Trunkline's share of fuel, lost and unaccounted-for gas, to High Island Offshore System (HIOS) for the account of Trunkline at a manifold platform in High Island Area block A-343, offshore Texas. It is indicated that the term of the proposed firm transportation service is for an initial term of ten years from first deliveries and from year-to-year thereafter, unles cancelled by either party with six months prior written notice. It is explained that ANR is currently providing a best-efforts service on behalf of Trunkline to transport the subject gas pursuant Subpart C of Part 284 of the Commission's Regulations.

ANR states that as consideration for the service Trunkline would pay ANR a monthly demand charge of $2.55 per Mcf of contract demand.

Comment date: April 12, 1985, in accordance with Standard Paragraph F at the end of this notice.

14. American Distribution Company, Inc.

[Docket No. CP85-361-000]

Take notice that on March 12, 1985, American Distribution Company, Inc. (ADC), 1234 Capital Bank Plaza, Houston, Texas 77002, filed in Docket No. CP85-361-000 an application pursuant to section 7(c) of the Natural Gas Act and § 284.222 of the Commission's Regulations (18 CFR 384.222) for a certificate of public convenience and necessity for blandet authorization to transport, sell or assign natural gas in interstate commerce under the Natural GAs Act as if ADC were an interstate pipeline as defined subject to the Commission's regulations in Subparts C, D and E of Part 284 of the Commission's Regulations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

ADC states that its rates, services and facilities are subject to the regulatory jurisdiction of the Railroad Commission of Texas and that it would comply with the conditions set forth in § 284.222(e) of the Commission's Regulations. ADC also states that because it commenced service on February 12, 1985, it is unable to supply the volumetric information required by § 284.222(c) of the Commission's Regulations.

ADC indicates that it intends to enter into mutually beneficial exchange agreements with interstate pipelines for which no rate will be charged. ADC also states that if in the future it wishes to charge for any transaction entered into under the blanket certificate, it would comply with the provisions of § 284.222(e) of the Commission's Regulations.

Comment date: April 12, 1985, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-7650 Filed 3-29-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF85-295-000, et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.; Bennington Power Associates et al.

Comment date: Thirty days from publication in the Federal Register, in accordance with Standard Paragraph E at the end of this notice.

March 25, 1985.

Take notice that the following fillings have been made with the Commission:

1. Bennington Power Associates

[Docket No. QF85-295-000]

On March 11, 1985, Bennington Power Associates, (Applicant) of 37 Coats Street, Wellsville, New York 14895, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Bennington, New Hampshire at the site of Monadnock Paper Mills. The facility will consist of two steam boilers and one extraction-condensing turbine generating unit. The net electric power production capacity will be 20 MW. Extraction steam produced from the facility will be utilized at the Monadnock Mills for further electric power production, mechanical drive and, drying paper products. The primary

energy source of the facility will be wood or coal. The facility's expected on-line date is April, 1987.

2. LEMCO-IPS

[Docket No. QF85-292-000]

On March 11, 1985, LEMCO Engineers, Inc. of 11933 Westline Industrial Drive, St. Louis, Missouri 63146 and Independent Power Systems International, Inc. of 321 North Lake Boulevard, Suite 210, North Palm Beach, Florida 33408, a joint venture Applicant known as LEMCO-IPS, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Archbald Borough, Lackawanna County, Pennsylvania. The facility will consist of a boiler used to produce high pressure steam to drive an extraction condensing steam-turbine generator. Low pressure steam extracted from the turbine will be used to heat water that will be circulated in a nearby produce greenhouse for heating purposes. The primary energy source will be culm, a waste product of anthracite coal mining. The electric power production capacity will be 18.77 megawatts. Construction is scheduled to be completed and commercial operation to begin by early 1987.

3. New York Zoological Society

[Docket No. QF85-290-000]

On March 8, 1985, the New York Zoological Society, Bronx Zoo, 185th Street & Southern Boulevard, Bronx, New York 10460, 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 Bronx Zoo cogeneration facility will consist of three dual-fueled reciprocating engine/generator sets generating approximately 2000 kW of electrical power. The facility will be primarily natural gas fired with distillate oil as the alternative fuel. Medium temperature hot water will be recovered and used for heating, cooling and domestic hot water.

Environmental review, in accordance and 24 CFR Part 58, was completed on January 30, 1985 for release of Urban Development Action Grant funds.

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. 85-7657 Filed 3-29-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER85-374-000, et al.]

Electric Rate and Corporate Regulation Filings; Florida Power & Light Company et al.

March 25, 1985.

Take notice that the following filings have been made with the Commission:

1. Florida Power & Light Company

[Docket No. ER85-374-000]

Take notice that on March 18, 1985, Florida Power & Light Company (FP&L) tendered for filing a document entitled Amendment Number Nine to Agreement to Provide Specified Transmission Service Between FP&L and Jacksonville Electric Authority (Rate Schedule FERC No. 60).

FP&L states that under Amendment Number Nine, FP&L will transmit power and energy for Jacksonville Electric Authority as is required in the implementation of its interchange agreement with the City of Tallahassee, Florida.

FP&L requests waiver of the Commission's regulations be granted and that the proposed Amendment be made effective immediately.

Comment date: April 10, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. American Electric Power Service Corporation

[Docket No. ER85-363-000]

Take notice that on March 13, 1985, American Electric Power Service Corporation (AEP) on behalf of its affiliate Ohio Power Company (OPCO), which is an AEP affiliated operating subsidiary, Modification No. 22 dated January 30, 1985 to the Operating Agreement dated June 14, 1962 between OPCO and the Cleveland Electric Illuminating Company (Cleveland Company). The Commission has previously designated the 1962 Agreement as OPCO's Rate Schedule FERC No. 31 and Cleveland Company's Rate Schedule FERC No. 1.

AEP states that Sections 1 and 2 of Modification No. 22 provide for an increase in the transmission demand rate for Short Term Power when OPCO 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 OPCO is the supplying party to $2.00 per kilowatt per month. The proposed rates included in this Modification No. 22 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 for Short Term and Limited Term Power transmission demand rates which have been filed with the Commission on behalf of OPCO. AEP requests an effective date of April 15, 1985, which will allow AEP to offer similar services at similar rates to electric utility systems interconnected with AEP affiliated 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 Public Utilities Commission of Ohio.

Comment date: April 8, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. American Electric Power Service Corporation

[Docket No. ER85-373-000]

Take notice that on March 18, 1985, American Electric Power Service Corporation (AEP) tendered for filing on behalf of its affiliate Ohio Power Company (OPCO) an agreement dated May 1, 1984 between OPCO and City of St. Marys, Ohio (St. Marys).

AEP states that St. Mary's is a Municipal Corporation of the State of Ohio and owns and operates an electric utility system in the city of St. Marys and presently is a patron of American Municipal Power-Ohio, Inc. (AMPO). AMPO is a not-for-profit organization existing under the laws of the State of Ohio for the benefit of municipal electric systems in Ohio which are patrons of AMPO, including St. Marys. This

Agreement was entered into for the purpose of establishing facilities for the delivery of Power and Energy Agreement which enable St. Marys to utilize the services, subject to the existing rates, presently in effect between AMPO and OPCO, due to St. Marys' standing as patron of AMPO.

AEP further states that this Agreement does not revise any rates between the parties.

AEP requests an effective date of May 31, 1985, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the City of St. Marys, Ohio, AMPO, and the Public Utilities Commission of Ohio.

Comment date: April 10, 1985, in accordance with Standard Paragraph E at the end of this notice.

4. Arkansas Power and Light Company

[Docket No. ER85-364-000]

Take notice that on March 14, 1985, Arkansas Power and Power Company (AP&L) tendered for filing the Tenth Amendment to the Power Coordination, Interchange and Transmission Service Agreement between AP&L and Arkansas Electric Cooperative Corporation (AECC). The amendment provides for an increase in capacity at one delivery point, the transfer of capacity at two delivery points, the addition of one point of delivery, and the abandonment of two points of delivery.

AP&L requests that the Commission waive any notice requirements.

Comment date: April 8, 1985, in accordance with Standard Paragraph E at the end of this notice.

5. Florida Power & Light Company

[Docket No. ER84-370-000]

Take notice that on March 15, 1985, Florida Power & Light Company (FP&L) tendered for filing the following documents:

Amendment Number Sixteen to Revised Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and New Smyrna Beach Utilities Commission.

Amendment Number Seventeen to Revised Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and New Smyrna Beach Utilities Commission.

FP&L states that under Amendment Number Sixteen and Amendment Number Seventeen, FP&L will transmit power and energy for New Smyrna as is required in the implementation of its interchange agreements with Seminole Electric Cooperative, Inc. (Seminole) and City of Starke, Florida (Starke), respectively.

FP&L requests waiver of the Commission's notice requirements to allow the proposed Amendments to become effective immediately.

Copies of this filing were served on the City of New Smyrna Beach.

Comment date: April 8, 1985, in accordance with Standard Paragraph E at the end of this notice.

6. Gulf States Utilities Company

[Docket No. ER85-371-000]

Take notice that on March 15, 1985, Gulf States Utilities Company (Gulf States) tendered for filing proposed changes in its rate schedules regarding electric service to the Town of Erath, The Town of Gueydan, the City of Kaplan, and the City of St. Martinville, Louisiana (the Towns). The rate schedule changes do not provide for a rate increase.

Gulf States states that these contracts were entered into so that the Towns would cease to take service under Rate Schedule WSD (Wholesale Power at Distribution Voltage) and start to take service under Rate Schedule WST (Wholesale Power at Transmission Voltage). To qualify for the WST rate, the Towns agreed to pay a facilities charge of 2 percent per month of the allocated cost of the existing Gulf States substation and associated equipment (Rider A). With these changes, the Towns pay less for electric service.

Gulf States indicates that all necessary waivers of the Commission's rules be granted so that the changes in rate schedules from the WSD rate schedule to the WST rate schedule and Rider A to the WST rate schedule become effective as of March 15, 1983, for the Town of Erath, as of March 25, 1983, for the Town of Gueydan, as of February 22, 1983, for the City of Kaplan, and as of March 14, 1984, for the City of St. Martinville. Gulf States represents that granting the requested waivers would eliminate any uncertainty that might exist as to the status of the contracts being submitted for filing and should have no effect upon purchasers under other rate schedules.

Copies of the filing have been served on the Towns and upon the Louisiana Public Service Commission.

Comment date: April 10, 1985, in accordance with Standard Paragraph E at the end of this notice.

7. Iowa Power and Light Company

[Docket No. ER85-366-000]

Take notice that on March 14, 1985, Iowa Power and Light Company (Iowa Power) tendered for filing a Council Bluffs Generating Station Unit 3 Electric Transmission and Substation Facilities Operating Agreement (Agreement) between Iowa Power, Atlantic Board of Waterworks and Electric Light and Power Plant Trustees (Atlantic), Cedar Falls Municipal Electric Utility (Cedar Falls), Central Iowa Power Cooperative, Inc. (CIPCO), Corn Belt Power Cooperative, Inc. (Corn Belt), Eastern Iowa Light and Power Cooperative, Inc. (EILP), and Iowa-Illinois Gas and Electric Company (Iowa-Illinois), dated July 1, 1981.

The Agreement pertains to outlet transmission related to Council Bluffs Generating Station Unit 3 and the manner in which the transmission facilities identified as Unit 3 Electric Transmission and Substation Facilities ("CB3 Transmission") would be owned, operated and maintained. An effective date of December 4, 1978 is requested for the Agreement, and waiver of the Commission's notice requirements are requested accordingly.

Iowa Power and Light Company states that in addition to providing for the operation of CB3 Transmission, the Agreement provides for the determination and establishment of capacity schedules CB3 Transmission and for assignment of such capacity schedules by a party to another party, or nonparty, including the associated rights, obligations, and charges. Iowa Power and Light Company further states the purpose of the proposed rate for assignment of such capacity schedules is to compensate the assigning parties for the costs of the portion of CB3 Transmission over which the capacity schedule flows.

Iowa Power and Light Company states that a copy of the filing has been mailed to each of the other parties to the Agreement, the Iowa State Commerce Commission, and the Illinois Commerce Commission.

Comment date: April 8, 1985, in accordance with Standard Paragraph E at the end of this notice.

8. Long Island Lighting Company

[Docket No. ER85-335-000]

Take notice that on March 4, 1985, Long Island Lighting Company (LILCO) tendered for filing as an initial rate schedule a transmission agreement between LILCO and the Power Authority of the State of New York (PASNY) where by LILCO agreed to wheel power sold by PASNY to an additional PASNY customer, the Grumman Corporation.

LILCO requests an effective date of October 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Comment date: April 8, 1985, in accordance with Standard Paragraph E at the end of this notice.

9. Pacific Power & Light Company, an Assumed Business Name of PacifiCorp

[Docket No. ER85-369-000]

Take notice that on March 15, 1985, Pacific Power & Light Company (Pacific), an assumed business name of PacifiCorp, tendered for filing Exhibits A and B, Revision No. 14 to the Transmission Agreement between Pacific and Western Area Power Administration (Western) under Pacific's FPC Rate Schedule No. 45.

Exhibits A and B to the Transmission Agreement dated May 16, 1962, between Pacific and Western is revised annually in accordance with Articles 15(a)(ii) and 18(a)(ii) of this Agreement, specifying commitments for service for a four-year rolling period.

Copies of the filing were supplied to Western and the Wyoming Public Service Commission.

Comment date: April 8, 1985, in accordance with Standard Paragraph E at the end of this notice.

10. Public Service Company of New Hampshire

[Docket No. ER85-365-000]

Take notice that on March 14, 1985, the Public Service Company of New Hampshire (PSNH) tendered for filing an amendment to paragraph (C) of Article IV of the June 30, 1959 power and transmission contract between PSNH and Central Maine Power Company (Central Maine). The changes are necessary to track identical changes made in a March 4, 1985 compliance filing by Yankee Atomic Electric Company (Yankee Atomic) in Docket No. ER84-654-000.

PSNH and Central Maine are both stockholders in Yankee Atomic, but, since Central Maine is not located in a state adjacent to Massachusetts, it is not entitled to purchase power directly from Yankee Atomic. Instead, PSNH purchases 9.5% of Yankee Atomic's output and resells it to Central Maine under the contract being amended by this filing. The arrangement is intended to flow through to Central Maine the same costs that PSNH pays Yankee Atomic. The payment provisions of the contract being amended by PSNH's filing are therefore the same as in the contract under which PSNH buys the power from Yankee Atomic.

On February 1, 1985 the Commission, in accepting a rate increase filed by Yankee Atomic in Docket No. ER84-654-001, required changes in the contract under which Yankee Atomic sells power to PSNH. On March 4, 1985 Yankee Atomic submitted its compliance filing making the changes. The same changes are incorporated in the amended payment provisions of PSNH's contract with Central Maine tendered for filing here. Article VIII of that contract permits PSNH to file these changes unilaterally.

PSNH requests that the present filing be accepted to become effective as of the same date as the changes filed by Yankee Atomic are permitted to become effective. PSNH requests waiver of the Commission's 60-day notice requirements.

Copies of this filing have been mailed to Central Maine, the New Hampshire Public Utilities Commission and the Maine Public Utilities Commission.

Comment date: April 9, 1985, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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. 85-7656, Filed 3-29-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-406; FRL-2808-1]

Certain Companies; Pesticide Tolerance Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and food additive petitions relating to the establishment, amendment and/or withdrawal of tolerances for certain pesticide chemicals in or on certain agricultural commodities.

ADDRESS: By mail, submit comments identified by the document control number [PF-406] and the petition number, attention Product Manager (PM) named in each petition, at the following address:

Information Services Section (TS-757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to: Information Services Section (TS-757C), Environmental Protection Agency, Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed in response to this notice will be available for public inspection in the Information Services Section office at the address given above, from 8 a.m., to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

By Mail:

Registration Division (TS-767C), Attn: (Product Manager (PM) named in each petition), Environmental Protection Agency, Office of Pesticide Programs, 401 M St., SW., Washington, D.C. 20460.

In person: Contact the PM named in each petition at the following office location/telephone number:

Product manager	Office location/ telephone number	Address
PM-16, William Miller.	Rm. 211, CM#2 (703-557-2600).	EPA, 1921 Jefferson Davis Hwy, Arlington, VA 22202.
PM-17, Timothy A. Gardner.	Rm. 207, CM#2 (703-557-2690).	Do.

SUPPLEMENTARY INFORMATION: EPA has received pesticide (PP) and food additive (FAP) petitions relating to the establishment, amendment and/or withdrawal of tolerances for certain pesticide chemicals in or on certain agricultural commodities.

I. Initial Filing

FAP 5H5457. Roussel Uclaf, 163, Avenue Gambetta, 75020 Paris, France. Proposes amending 21 CFR Part 193 by establishing a regulation permitting residues of the insecticide tralomethrin: (1*R*,3*S*)3[(1'*RS*)(1',2',2',2'-tetrabomoethyl)]-2,2-dimethylcyclopropanecarboxylic acid (*S*)-alpha-cyano-3-phenoxybenzyl ester and its major metabolites, deltamethrin: (1*R*,3*R*)-3(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylic acid (*S*)-alpha-cyano-3-phenoxybenzyl ester and *trans*-deltamethrin: (1*S*,3*R*)-3[2,2-(dibromovinyl]-2,2-dimethylcyclopropanecarboxylic acid (*S*)-alpha-cyano-3-phenoxybenzyl ester in or on the commodity cottonseed oil (crude and refined) at 0.16 part per million (ppm). (PM–17)

II. Amended Petition

PP 4F3110. American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540. EPA issued a notice published in the **Federal Register** of January 30, 1985 (50 FR 4265) which announced that American Cyanamid Co. had submitted PP 4F3110 to the Agency proposing to amend 40 CFR 180.400 by establishing tolerances for residues of the insecticide (±) cyano (3-phenoxyphenyl)methyl (±)-4-(difluoromethoxy)-alpha-(1-methylethyl) benzeneacetate in or on the commodities field corn fodder (stover) and forage at 1.0 ppm, and field corn silage at 0.05 ppm.

Mobay has amended the petition by increasing the tolerance level on corn fodder (stover) and forage from 1.0 ppm to 3.0 ppm.

The proposed analytical method for determining residues is gas chromatography. (PM–17)

III. Petition Withdrawal

PP 1F2451. Mobay Chemical Corp., P.O. Box 4913, Kansas City, MO 64120. EPA issued a notice published in the **Federal Register** of March 3, 1981 (46 FR 14954) which announced that Mobay Chemical Corp. had submitted pesticide petition 1F2451 to the Agency proposing to amend 40 CFR 180.387 by establishing a tolerance for the combined residues of the insecticide 1-methylethyl 2-[(ethoxy[(1-methylethyl)amino]phosphinothioyl)oxy] benzoate and its cholinesterase-inhibiting metabolities 1-methylethyl(amino) phosphinoyl)oxy), benzoate, 1-methylethyl 2-[(ethoxy(1-amino) phosphinothioyl)oxy) benzoate, and 1-methylethyl 2-[(ethoxy(1-amino) phosphinothioyl)oxy) benzoate in or on the dry bulb of onions at 1.0 ppm.

Mobay Chemical Corp. has withdrawn this petition without prejudice to future filing in accordance with section 408 of the Federal Food, Drug and Cosmetic Act. (PM–16)

(Sec. 408(d)(2) 68 Stat. 512, (21 U.S.C. 346a(d)(2)), 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: March 21, 1985.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 85–7661 Filed 3–29–85; 8:45 am]

BILLING CODE 6560–50–M

[AD–FRL–2807–4]

National Air Pollution Control Techniques Advisory Committee; Open Meeting

Under Pub. L. 92–463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held on May 1 and 2, 1985, at the Sheraton University Center, Greenbriar Ballroom (2nd Floor), 2800 Middleton Avenue at Morreene Road and 15–501, Durham, North Carolina 27705. The commercial telephone number is (919) 383–8575.

The tentative agenda for the meeting is as follows:

May 1 (Wednesday)—9:00 a.m.

Coke Oven Emissions From Wet-Coal-Charged By-Product Coke Oven Batteries—Status Report to Committee, National Emission Standards for Hazardous Air Pollutants (Section 112 of the Clean Air Act).

Ammonium Sulfate Manufacture, Review of Standards of Performance for New Stationary Sources (Section 111 of the Clean Air Act).

Industrial Boilers—Sulfur Dioxide, New Source Performance Standards (Section 111 of the Clean Air Act).

May 2 (Thursday)—9:00 a.m.

Continuation of May 1—As Required.

Lead, Control Techniques Document (Section 108 of the Clean Air Act).

Plastic Parts for Business Machines—Surface Coating, New Source Performance Standards (Section 111 of the Clean Air Act).

All meetings are open to the public. Anyone wishing to make a presentation should contact Ms. Mary Jane Clark at the Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, by April 26, 1985. The commercial telephone number is (919) 541–5571, and the FTS number is 629–5571.

The dockets containing material relevant to coke oven emissions from wet-coal-charged by-product coke oven batteries (A–79–15), ammonium sulfate manufacture (A–84–47), industrial boilers-sulfur dioxide (A–83–27), and plastic parts for business machines-surface coating (A–83–50) are located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby-Gallery 1, 401 M Street, SW., Washington, DC 20460. The dockets may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

Dated: March 24, 1985.

Charles L. Elkins,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 85–7541 Filed 3–29–85; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MEDIATION AND CONCILIATION SERVICE

President's Advisory Committee on Mediation and Conciliation; Meeting

Pursuant to section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that the first meeting of the President's Advisory Committee on Mediation and Conciliation will be held on April 10, 1985, from 10:30 a.m. to 4:30 p.m. in the Maryland Room of the Mayflower Hotel, 1127 Connecticut Avenue, Northwest, Washington, D.C. 20036.

The functions of the Committee, established pursuant to Executive Orders 12462 and 12497, are to:

(1) Advise the President and the Director of the Federal Mediation and Conciliation Service on methods of improving the efficiency of arbitration of disputes arising under collective bargaining agreements, and on other matters, not involving particular labor disputes, of general significance to strengthening and increasing the effectiveness of bilateral dispute resolution mechanisms under such agreements, and

(2) Review regulations promulgated by the Federal Mediation and Conciliation Service that affect established arbitration and mediation procedures, and offer their findings and recommendations in a report to the President and the Director of the Federal Mediation and Conciliation Service.

The meeting will be open to the public. Interested persons may file statements with the Committee. Subject to reasonable Committee procedures, interested persons may also make oral statements on matters germane to subjects under consideration at the Committee meeting.

Further information regarding this meeting can be obtained from Mr.

Dennis Minshall, Advisory Committee Management Officer, Federal Mediation and Conciliation Service, 2100 K Street, Northwest, Washington, D.C. 20427, or call (202) 653-5290.

Dated: March 26, 1985.

Duane M. Buckmaster,

Deputy Director, Federal Mediation and Conciliation Service.

[FR Doc. 85-7736 Filed 3-29-85; 8:45 am]

BILLING CODE 6372-01-M

FEDERAL RESERVE SYSTEM

B-Banc Corp.; Formation of; Acquisition by; or Merger of Bank Holding Companies

The company listed in this notice has 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 225.24) 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)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application 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.

Comments regarding this application must be received not later than April 15, 1985.

A. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *B-Banc Corp.*, Odessa, Texas; to become a bank holding company by acquiring all of the voting shares of Andrews Financial Corporation, Odessa, Texas, and thereby indirectly acquire First National Bank of Hamilton, Hamilton, Texas, and Andrews Bancshares, Inc., Odessa, Texas, and its subsidiary bank, Commercial State Bank, Andrews, Texas; De Leon Bancshares, Inc., Odessa, Texas, and thereby indirectly acquire Farmers and Merchants Bank, De Leon, Texas; Dublin Bancshares, Inc., Odessa, Texas, and thereby indirectly acquire Dublin National Bank, Dublin, Texas; Glen Rose Bancshares, Inc., Odessa, Texas, and thereby indirectly acquire First National Bank in Glen Rose, Glen Rose, Texas; Ranger Bancshares, Inc., Odessa, Texas, and thereby indirectly acquire First State Bank, Ranger, Texas.

B-Banc Corp. has also applied to acquire the leasing portfolio of Andrews Financial Corporation and Andrews Bancshares, Inc., and thereby engage in leasing activities under 12 CFR 225.25(b)(5).

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

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-7839 Filed 3-29-85; 8:45 am]

BILLING CODE 6210-01-M

F.N.B.Corp. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 22, 1985.

A. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *F.N.B. Corporation*, Hermitage, Pennsylvania; to acquire 100 percent of the voting shares of Reeves Bank, Beaver Falls, Pennsylvania.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Citizens Bancshares, Inc.*, Weston, West Virginia; to become a bank holding company by acquiring 100 percent of the voting share of The Citizens Bank of Weston, Weston, West Virginia.

C. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Commerce Corporation*, St. Francisville, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Feliciana Commerce Corporation, St. Francisville, Louisiana, thereby indirectly acquiring Bank of Commerce & Trust Company, St. Francisville, Louisiana.

2. *First National Bancshares of Paulding County, Inc.*, Dallas, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Paulding County, Dallas, Georgia.

D. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Community Bancorp, Inc.*, Manchester, Missouri; to acquire 64.56 percent of the voting shares of The Citizens Bank of Owensville, Owensville, Missouri.

E. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *C.C.B., Inc., New Central Colorado Company*, and *Central Bancorporation, Inc.*, all of Denver, Colorado; to acquire 100 percent of the voting shares of Cherry Creek National Bank, Denver, Colorado.

F. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First Richardson Bancshares, Inc.*, Richardson, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of First National Bank of Richardson, Richardson, Texas.

Board of Governors of the Federal Reserve System, March 26, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 7622 Filed 3-29-85; 8:45 am]

BILLING CODE 6210-01-M

Republic New York Corp., Saban, S.A., Republic Holding S.A., Trade Development Finance (Netherlands Antilles) N.V., and Trade Development Holland Holding B.V.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's 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.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 18, 1985.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Republic New York Corporation*, New York, New York; *Saban S.A.*, Panama City, Republic of Panama; *Republic Holding S.A.*, City of Luxembourg, Grand Duchy of Luxembourg; *Trade Development Finance (Netherlands Antilles) N.V.*, Curacao, The Netherlands Antilles; and *Trade Development Holland Holding B.V.*, Amsterdam, The Netherlands; to engage *de novo* through its subsidiary, Republic Information and Communications Services, Inc., in providing off-site hardware and standard software disaster facilities for funds transfer services to allow financial institutions to satisfy the requirements of banking regulatory agencies at minimal costs, pursuant to section 225.25(b)(7).

Board of Governors of the Federal Reserve System, March 26, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-7623 Filed 3-29-85; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES AMINISTRATION

Interim Correction to the Looseleaf Version of the Federal Acquisition Regulation

AGENCY: Office of Acquisition Policy, General Service Administration.

ACTION: Notice of interim correction to the looseleaf version of the Federal Acquisition Regulation.

SUMMARY: Civilian Agency Acquisition Council letter, March 26, 1985, Subject: Interim Correction to the Looseleaf Version of the Federal Acquisition Regulation, requests heads of civilian agencies other than NASA to disseminate instructions to FAR recipients to make certain pen-and-ink changes to the looseleaf version of the FAR pending receipt of more formal changes. The purpose of this notice is to disseminate the information to recipients of the looseleaf version of the FAR who are concerned with contracting with civilian agencies other than NASA.

EFFECTIVE DATE: April 1, 1985.

FOR FURTHER INFORMATION CONTACT: Lawrence J. Rizzi, Acting Chairman, Civilian Agency Acquisition Council, (202) 523-0692.

Lawrence J. Rizzi,

Acting Chairman, Civilian Agency Acquisition Council.

SUPPLEMENTARY INFORMATION: The following Civilian Agency Acquisition Council letter to heads of civilian agencies other than NASA contains information of interest to recipients of the looseleaf version of the FAR who are concerned with contracting with civilian agencies other than NASA:

Civilian Agency Acquisition Council Letter

March 26, 1985.

TO: Heads of Civilian Agencies, Other Than NASA

SUBJECT: Interim Correction to the Looseleaf Version of the Federal Acquisition Regulation.

The Competition in Contracting Act of 1984 imposed certain deadlines with respect to implementation of the statute in the FAR, with certain materials to be effective on April 1, 1985, and other materials to be effective prior to that date. The developoment and publication of FAR coverage in a sequence that corresponded to the respective statutory deadlines, however, was not feasible. As a result, it was necessary to issue Federal Acquisition Circular (FAC) 84-5 with an effective date of April 1, 1985 and FAC 84-6 with an effective date of January 10, 1985. Accordingly, the looseleaf version of FAC 84-5 is to be filed in the FAR after the looseleaf version of FAC 84-6 is filed. When this happens, it will result in certain inaccuracies that must be corrected.

Therefore, pending receipt of more formal changes, agencies are requested to disseminate instruction to FAR recipients to make the following pen-and-ink changes to the looseleaf version of FAC 84-5. This will conform the looseleaf version of the FAR to the regulatory actions actually taken, as reflected is the **Federal Register.**

On the page entitled "General Structure" change Part 33, Disputes and Appeals, to read as follows:

Part 33, Protests, Disputes, and Appeals.

On the table of contents for Part 1, revise Subpart 1.5—Agency and Public Participation to read as follows:

Subpart 1.5—Agency and Public Participation

1.501 Solicitation of agency and public views.
1.501-1 Definition.
1.501-2 Opportunity for public comments.
1.501-3 Exceptions.
1.502 Unsolicited proposed revisions.
1.503 Public meetings.

On page 14-17 and 14-18, delete the coverage under the heading 14.407-8, Protests aganist award, and substitute therefor the following:

See Subpart 33.1, Protests.

Lawrence J. Rizzi,

Acting Chairman, Civilian Agency Acquisition Council.

[FR Doc. 85-7825 Filed 3-29-85; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Announcement of Competitive Grant Applications for General Family Planning Training Projects

AGENCY: Office of the Assistant Secretary for Health, HHS.

ACTION: Notice.

SUMMARY: The Office of Population Affairs, Office of Family Planning, announces that applications from public and nonprofit private entities are now being accepted for grant awards under section 1003(a) of the Public Health Service (PHS) Act (42 U.S.C. 300a-1(a)) as implemented by regulations at 42 CFR Part 59 to provide training for personnel to carry out family planning service programs described in section 1001 of the PHS Act (42 U.S.C. 300).

DATE: Applications for projects to serve Regions I, IV, VIII, and IX must be postmarked or received by the close of business May 20, 1985. Applications not meeting this requirement will not be accepted for review.

ADDRESS: Completed applications should be mailed to the following address: Grants Management Office, Office of Population Affairs, DHHS North Building, Room 1351, 330 Independence Avenue SW. Washington, D.C. 20201. Application kits, including all necessary forms, instructions, review criteria, and information relating to the grant application may be obtained upon written request or by calling this Office on 202/245-0146.

FOR FURTHER INFORMATION CONTACT: Joyce Elmore-Almonte, Ph.D., R.N. Project Officer, Office of Population Affairs, Office of Family Planning, DHHS North Building, Room 1351, 330 Independence Avenue, S.W., Washington, D.C. 20201. Telephone number 202/245-0151.

SUPPLEMENTARY INFORMATION: The program anticipates approximately $845,000 will be available for four competitive general family planning training grants. Grants will be made to public and/or private nonprofit organizations to assist in the establishment and operation of projects which will promote the purposes of section 1003 of the PHS Act, taking into account the degree to which the project meets the requirements of the regulations (42 CFR 59.205 and 59.206). Applications are invited for the following four grants:

One general training grant for Department of Health and Human Services (DHHS) Region I (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont). A funding range of $150,000-$165,000 is under consideration for this grant.

One general training grant for DHHS Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee). A funding range of $289,000-$352,000 is under consideration for this grant.

One general training grant for DHHS Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming). A funding range of $130,000-$145,000 is under consideration for this grant.

One general training grant for DHHS Region IX (Arizona, California, Hawaii, Nevada, American Samoa, Guam, and Trust Territory of Pacific Islands). A funding range of $216,000-$238,000 is under consideration for this grant.

Criteria for review include the following categories: (1) Organization and Administration, (2) Personnel, (3) Curriculum, (4) Students/Trainees, (5) Resources. Detailed Information will be provided with the application kit.

Applications under this announcement are subject to the review requirements of Executive Order 12372, State Review of Applications for Federal Financial Assistance, as implemented by 45 CFR Part 100. Applicants should discuss their projects with the State Single Point of Contact (SPOC) for each State in the area to be served. The application kit will contain the current available listing of the SPOCs which have elected to be informed of the submission of applications. For those States not represented on the listing, further inquiries should be made by the applicant regarding the submission of information to the relevant SPOC. All comments by the SPOC(s) should be forwarded to the Grants Management Office, Office of Population Affairs, Room 1351, HHS North Building, 330 Independence Avenue SW., Washington, D.C. 20201. Such comments must be received by the Office of Population Affairs within 60 days of the due date for the application to be considered. In the event that an application is submitted to the Office of Population Affairs without notification to the relevant SPOC(s), the SPOC(s) will be notified of the submission.

Dated: March 22, 1985.

(Catalog of Federal Domestic Assistance number 13.260)

Jo Ann Gasper,

Acting Deputy Assistant Secretary for Population Affairs.

[FR Doc. 85-7649 Filed 3-29-85; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Proposed Finding Against Federal Acknowledgment of the Southeastern Cherokee Confederacy, Inc., the Northwest Cherokee Wolf Band, and the Red Clay Inter-Tribal Indian Band

March 26, 1985.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.9(f) (formerly 25 CFR 54.9(f)), notice is hereby given that the Assistant Secretary proposes to decline to acknowledge that three separate but related petitioners (the Southeastern Cherokee Confederacy, Inc., the Northwest Cherokee Wolf Band, and the Red Clay Inter-tribal Indian Band) exist either individually as Indian tribes or collectively as one Tribe within the meaning of Federal law. This finding includes all bands and clans now affiliated with these organizations or affiliated in their past history. The petitioners are:

Southeastern Cherokee Confederacy, Inc., c/o William R. Jackson, Route 1, Box 111, Leesburg, Georgia 31763.

Northwest Cherokee Wolf Band, Southeastern Cherokee Confederacy, Inc., c/o Robert E. Ponder, P.O. Box 592, Talent, Oregon 97540.

Red Clay Inter-tribal Indian Band, Southeastern Cherokee Confederacy, Inc., c/o John F. Neikirk, 7703 Georgetown Road, Ooltewah, Tennessee 37363.

This notice is based on determinations that these groups individually as well as collectively do not meet four of the criteria set forth in 25 CFR 83.7 and, therefore, do not meet the requirements necessary for a government-to-government relationship with the United States. Preliminary determinations follow regarding each of these groups.

The Southeastern Cherokee Confideracy (hereinafter SECC), which was initially organized in November 1976, has had a continuous existence of less than nine years. No predecessor group existed prior to that time. The

SECC is not the historical and legal successor to the Cherokee Nation of 1839, which has existed in Oklahoma since 1839 and in western North Carolina as the federally recognized Eastern Band of Cherokees. Headquarters for the SECC, which includes some four "clans" in Georgia and eight "bands" elsewhere in the United States, are located in Leesburg, Georgia. The size of the current membership is estimated at 823, and is spread over 37 states.

The Northwest Cherokee Wolf Band (NWCWB) began as a band of the SECC in August of 1980. In July of 1982 the group dissociated itself from the SECC and formed a separate and autonomous organization. It has had a separate, continuous existence of less than three years. No predecessor group is known to have existed in Oregon or elsewhere prior to August, 1980. Headquarters for the NWCWB are located in Talent, Oregon. The group includes at least two "bands" in Oregon, one in Georgia, and one in Idaho. Current membership is estimated to be 609.

The Red Clay Inter-tribal Indian Band (RCIIB) also began as a band of the SECC in July 1982. In April of 1984 it dissociated itself from the SECC and formed a separate and autonomous organization. Thus the RCIIB has had a separate, continuous existence of less than one year. No predecessor group is known to have existed in Tennessee or elsewhere, and no historical connection can be made to the historic Red Clay settlement of the Cherokees. RCIIB headquarters are located in Ooltewah, Tennessee. The group currently is organized into two "bands," one in Tennessee, the other in Oregon, with an estimated total membership of 87.

The SECC, NWCWB, and RCIIB do not represent themselves as historical communities nor do they claim to descend as groups from historical predecessor groups. Group members do not live in residential clusters or communities which are viewed as American Indian and distinct from other populations in the area.

The petioners submitted copies of governing documents now being used by the organization. They also each submitted current and former membership data where it existed. Membership in each of the petitioning organizations is open to persons who are of 1/16th Indian blood of any American Indian tribal heritage. Although Cherokee is the predominant Indian ancestry claimed by members, ancestry is also claimed from as many as 37 other recognized and unrecognized tribes and groups. Virtually all of this Indian ancestry appears to be unverifiable.

In general, individuals joining the petitioning organizations have done so in an effort to get in contact with and learn more about their own Indian heritage. Members are recruited by word of mouth as well as through the use of notices in the local media. Group size and composition fluctuates significantly largely because membership status is based on payment or non-payment of annual dues. There has been virtually no intermarriage either between families within the petitioning groups or between the petitioning groups.

Only a few members of all three groups combined appear also to be enrolled members of federally recognized North American Indian tribes. The SECC, NWCWB, and RCIIB have not been the subject of Congressional legislation which has terminated or forbidden the Federal relationship.

The SECC, NWCWB, and RCIIB and their affiliated bands and clans (past and present), whether considered individually or collectively as one group, are recently formed, overtly multi-tribal voluntary associations of individuals who believe themselves to be of Indian descent. The petitioning organizations are not consistent in any way with the concept of tribe intended by the regulations (25 CFR Part 83).

Based on this preliminary factual determination, we conclude that each of the petitioning organizations (SECC, NWCWB, RCIIB) meets criteria d, f, and g, but does not meet a, b, c, and e of § 83.7 of 25 CFR.

Section 83.9(g) of the regulations provides that any individual or organization wishing to challenge the proposed finding may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 120 days from the date of publication of this notice.

Under Section 83.9(f) of the Federal regulations, a report summarizing the evidence for the proposed decision is available to the petitoners and interested parties upon written request. Comments and requests for a copy of the report should be addressed to the Office of the Assistant Secretary—Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, Attention: Branch of Acknowledgment and Research.

After consideration of the written arguments and evidence rebutting the proposed finding and within 60 days after the expiration of the 120-day response period, the Assistant Secretary will publish a final determination regarding the petitioners' status in the **Federal Register** as provided in § 83.9(h).

Theodore C. Krenzke,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 85-7700 Filed 3-29-85; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[AA-8612]

Alaska Native Claims Selection; Albert W. Wilson

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(h)(5) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(h)(5), will be issued to Albert W. Wilson for approximately 120 acres. The lands involved are in the vicinity of Sitka, Alaska.

Cooper River Meridian Alaska

T. 56 S., R. 64 E. (Unsurveyed)
A portion of sec. 20.
Containing approximately 120 acres.

A notice of the decision will be published once a week for four (4) consecutive weeks, in the Sitka Sentinel. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271-5593).

Any party claiming a property interest which is adversely affected by the decisions shall have until May 1, 1985 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E (1983) (as amended, 49 FR 6371, February 21, 1984) shall be deemed to have waived their rights.

Ruth Stockie,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 85-7695 Filed 3-29-85; 8:45 am]

BILLING CODE 4310-JA-M

Colorado; Grand Junction Draft Resource Management Plan and Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of the Draft Resource Management Plan and Environmental Impact Statement and notice of public hearings.

SUMMARY: Pursuant to section 202 of the Federal Land Policy and Management Act of 1976 and section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft resource management plan (RMP) and environmental impact statement (EIS) for proposed management of public land in the Grand Junction Resource Area.

The BLM also had identified potential areas of critical environmental concern (ACECs) within the Grand Junction Area pursuant to 43 CFR 1610.7–2.

ADDRESS: Copies of the draft RMP EIS are available upon request from the Grand Junction Resource Area office, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81506.

FOR FURTHER INFORMATION CONTACT: Forest Littrell, Area Manager, Bureau of Land Management, Grand Junction Resource Area, 764 Horizon Drive, Grand Junction, Colorado 81506. Telephone: 303–243–6552.

SUPPLEMENTARY INFORMATION:

Alternatives Analyzed

Four alternatives for managing 1,280,000 acres of public land are analyzed in the draft RMP EIS. In addition to public land within the Grand Junction Resource Area, 108,703 acres in the Montrose District, Colorado, and Moab District, Utah, are analyzed for wilderness and/or grazing only.

The Continuation of Current Management Alternative represents the existing situation and serves as the baseline for analyzing other alternatives. The present level of management of public land would continue. No wilderness study areas would be recommended for wilderness designation. No areas would be recommended for designation as areas of critical environmental concern (ACEC's).

The Commodity Alternative would emphasize making public land and resources available for use and development. Environmental values would be protected only to the extent required by law or regulation. Restrictions on mineral leasing and development, off-road vehicle use, and timber harvesting would be minimal. Disposal of isolated or difficult to manage parcels of public land would also be emphasized. No wilderness study areas would be recommended as suitable for wilderness designation. Four areas totaling 19,310 acres would be recommended for ACEC designation:

1. Indian Creek (350 acres) would be managed as a high value archaeological site.

2. The Baxter/Douglas Pass soil slump area (18,000 acres) would be managed to reduce soil slumping. Surface occupancy and surface disturbance would be limited to that necessary to reduce possible soil slumping.

3. An area in Cactus Park (800 acres) would be managed as a high value archaeological site and to stabilize severely-eroding soils.

4. Skipper's Island (160 acres) would be managed to protect riparian values. Most surface-disturbing activities would be prohibited, including no surface occupancy for oil and gas.

The Protection Alternative would emphasize the maintenance or improvement of environmental values and fragile and unique resources. Restrictions on mineral leasing and development, off-road vehicle use, and timber harvesting would be stringent. Wildlife habitat would be managed to improve habitat condition, to protect species from surface-disturbing activities, and to increase wildlife populations. Management of intensive recreation use would increase substantially. All seven wilderness study areas and an expanded acreage to enhance manageability would be recommended as suitable for wilderness designation. Eight areas totaling 54,170 acres would be designated as ACECs:

1. Indian Creek (350 acres) would be managed as a high value archaeological site. Surface occupancy for mineral development would be prohibited, off-road vehicle use would be limited to designated roads, and timber harvesting would be prohibited.

2. The Baxter/Douglas Pass soil slump area (18,000 acres) would be managed to reduce soil slumping. Surface occupancy would be prohibited, and surface-disturbing activities would be severely limited.

3. An area in Cactus Park (1,500 acres) would be managed as a high value archaeological site, and severely-eroding soils would be stabilized. The area would be leased with no surface occupancy for mineral development, closed to off-road vehicle use. Other surface-disturbing activities would be severely limited.

4. Skipper's Island (160 acres) would be managed to protect riparian values. Timber harvesting, off-road vehicle use, and placement of public utilities would be prohibited.

5. South Shale Ridge (22,500 acres) would be managed to protect scenic values, consistent with valid existing rights. Stipulations would be placed on mineral development to protect natural and scenic values, off-road vehicle use would be limited to designated roads, and a portion of the area would be identified as unsuitable for public utilities.

6. Mount Garfield and the slope of Grand Mesa (9,520 acres) would be designated a visual resource management Class I area and managed to protect scenic values. The area would be leased with a no surface occupancy stipulation for mineral development, closed to off-road vehicle use, and identified as unsuitable for public utilities.

7. The Badger Wash Uplands (1,230 acres) would be managed to protect a sensitive plant association. The area would be leased with a no surface occupancy stipulation for mineral development, closed to off-road vehicle use, and identified as unsuitable for public utilities.

8. Rough Canyon (1,470 acres) would be managed to protect an endangered plant and scenic values and also as a high value archaeological site. Except for archaeological investigations, surface-disturbing activities would be severely limited. It would be leased with a no surface occupancy stipulation for mineral development, closed to off-road vehicle use, and identified as sensitive to public utilities.

The Preferred Alternative represents the Bureau's favored management approach. It includes aspects from the other three alternatives and would provide a rational and balanced approach to management of public land. Production and use of commodity resources and commercial use authorization would occur, and fragile and unique resources would be protected. Four wilderness study areas would be recommended as suitable for wilderness designation. No areas would be recommended for ACEC designation.

Public Hearings

Public hearings have been scheduled to solicit comments on the draft RMP EIS. Public hearings are required because of the wilderness issue; however, comments on other issues will also be accepted. The public hearings will be held as shown below:

May 13, 1985, 7:30–8:30 p.m.—Grand Junction District Office, Bureau of

Land Management, 764 Horizon Drive, Grand Junction, Colorado

May 14, 1985, 7:30–8:30 p.m.—Gateway Community Center, Gateway, Colorado

May 15, 1985, 7:30–8:30 p.m.—Delta Middle School, 822 Grand Avenue, Delta, Colorado

May 20, 1985, 7:30–8:30 p.m.—Ramada Inn Foothills, 11595 West Sixth Avenue, Denver, Colorado

An informal open house has been scheduled to precede each hearing. The open house will start at 6:30 p.m. and run until 7:30 p.m.

Dated: March 15, 1985.

Kannon Richards,

State Director, Colorado State Office.

[FR Doc. 85-7452 Filed 3-29-85; 8:45 am]

BILLING CODE 4310-GJ-M

[ES-034708, Group 179]

Florida; Filing of Plat of Dependent Resurvey and Survey

March 26, 1985.

1. The plat of the dependent resurvey of the west boundary and the survey of the east and south boundaries, Township 51 South, Range 35 East, Tallahassee Meridian, Florida, will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m., on May 10, 1985.

2. The dependent resurvey and survey were made at the request of the Bureau of Indian Affairs.

3. All inquiries or protests concerning the technical aspects of the dependent resurvey and survey must be sent to the Deputy State Director for Cadastral Survey, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, prior to 7:30 a.m., May 10, 1985.

4. Copies of the plat will be made available upon request and prepayment of the reproduction fee of $4.00 per copy.

Lane J. Bouman,

Deputy State Director for Cadastral Survey.

[FR Doc. 85-7628 Filed 3-29-85; 8:45 am]

BILLING CODE 4310-GJ-M

[ES-034706, Group 179]

Florida: Filing of Plat of Retracement and Establishment

March 26, 1985.

1. The plat of the establishment of the corner of Townships 49 and 50 South, Ranges 35 and 36 East, and the retracement of the west boundary, Township 49 South, Range 35 East, Tallahassee Meridian, Florida, will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m., on May 10, 1985.

2. The retracement and establishment were made at the request of the Bureau of Indian Affairs.

3. All inquiries or protests concerning the technical aspects of the retracement and establishment and must be sent to the Deputy State Director for Cadastral Survey, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, prior to 7:30 a.m., May 10, 1985.

4. Copies of the plat will be made available upon request and prepayment of the reporduction fee of $4.00 per copy.

Lane J. Bouman,

Deputy State Director for Cadastral Survey.

[FR Doc. 85-7630 Filed 3-29-85; 8:45 am]

BILLING CODE 4310-GJ-M

[ES-034709, Group 179]

Florida; Filing of Plat of Retracement and Survey

March 26, 1985.

1. The plat of the survey of a portion of the south boundary and a portion of the subdivisional lines, Township 49 South, Range 36 East, and the retracement of a portion of the south boundary, Township 48 South, Range 36 East, Tallahassee Meridian, Florida, will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m., on May 10, 1985.

2. The retracement and survey were made at the request of the Bureau of Indian Affairs.

3. All inquiries or protests concerning the technical aspects of the retracement and survey must be sent to the Deputy State Director for Cadastral Survey, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, prior to 7:30 a.m., May 10, 1985.

4. Copies of the plat will be made available upon request and prepayment of the reproduction fee of $4.00 per copy.

Lane J. Bouman,

Deputy State Director for Cadastral Survey.

[FR Doc. 85-7629 Filed 3-29-85; 8:45 am]

BILLING CODE 4310-GJ-M

[ES-034707, Group 179]

Florida; Filing of Plat of Retracement, Dependent Resurvey and Survey

March 26, 1985.

1. The plat of the retracement of a portion of the west boundary, dependent resurvey of a portion of the west boundary, and the survey of the east boundary, Township 50 South, Range 35 East, Tallahassee Meridian, Florida, will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m., on May 10, 1985.

2. The retracement, dependent resurvey and survey were made at the request of the Bureau of Indian Affairs.

3. All inquiries or protests concerning the technical aspects of the retracement, dependent resurvey and survey must be sent to the Deputy State Director for Cadastral Survey, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, prior to 7:30 a.m., May 10, 1985.

4. Copies of the plat will be made available upon request and prepayment of the reproduction fee of $4.00 per copy.

Lane J. Bouman,

Deputy State Director for Cadastral Survey.

[FR Doc. 85-7627 Filed 3-29-85; 8:45 am]

BILLING CODE 4310-GJ-M

Bureau of Mines

Advisory Committee on Mining and Mineral Research; Meeting

This notice is issued in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I) and the Office of Management and Budget Circular No. A63, Revised. The Advisory Committee on Mining and Mineral Research will meet from 9:00 a.m. to 5:00 p.m. (or completion of business), on Thursday, May 16, 1985.

The Committee meeting will be held in: Room 5160, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

The meeting will deal with the following subjects:

1. Welcome of Committee members by Secretary.

2. Election of Cochairman.

3. Review of minutes of meeting of June 18, 1984.

4. Status of 1985 allotment grant awards.

5. Status of research grants for five generic research areas.

6. Status of congressional action on mineral institute budget.

7. Procedure for determining continuing eligibility of mineral institutes based on revised eligibility criteria of Public Law 98-409.

8. Procedure for developing a National plan for research in mining and mineral resources to be submitted to the Secretary, the President, and the Congress on or before March 1, 1986.

9. New business.

The meeting is open to the public. Approximately 20 visitors can be accommodated on a first-come, first-

served basis. Written statements concerning the subjects are welcome.

In order to ensure admission to the building and the availability of seating, visitors who expect to attend must make this known no later than May 13, by informing Dr. Ronald Munson, Chief, Office of Mineral Institutes, Bureau of Mines, MS 1020, 2401 E Street, NW., Washington, DC 20241, phone (202) 634–1328.

Dated: March 26, 1985.

Robert C. Horton,

Director.

[FR Doc. 85–7618 Filed 3–29–85; 8:45 am]

BILLING CODE 4310-53-M

Minerals Management Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Office of Management and Budget Interior Department Desk Officer, Washington, D.C. 20503, telephone (202) 395–7313; with copies to David A. Schuenke; Chief, Branch of Rules, Orders, and Standards; Offshore Rules and Operations Division; Mail Stop 646; Room 6A110; Minerals Management Service; 12203 Sunrise Valley Drive; Reston, Virginia 22091.

Title: Outer Continental Shelf Order No. 13, "Production Measurement and Commingling," Submitted Under Plans, Programs, Procedures, and Other Narrative Formats

Abstract: Respondents are required to submit information and recordkeeping in the form of plans, programs, procedures, and other narrative formats on meter measurement factors, facilities, and malfunctions. This information will be used by the Minerals Management Service District Supervisors to evaluate and approve or disapprove the adequacy of equipment and/or procedures to be used during production measurement and commingling operations offshore.

Bureau Form Number: None

Frequency: On occasion

Description of Respondents: Federal oil and gas lessees performing production operations offshore.

Annual Responses: 15,540

Annual Burden Hours: 31,680

Bureau Clarence Officer: Dorothy Christopher, (703) 435–6214

Dated: February 25, 1985.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 85–7685 Filed 3–29–85; 8:45 am]

BILLING CODE 4310-MR-M

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Office of Management and Budget Interior Department Desk Officer, Washington, D.C. 20503, telephone (202) 395–7313; with copies to David A. Schuenke; Chief, Branch of Rules, Orders, and Standards; Offshore Rules and Operations Division; Mail Stop 646; Room 6A110; Minerals Management Service; 12203 Sunrise Valley Drive; Reston, Virginia 22091.

Title: Exploration, Development, and Production Activities

Abstract: Respondents are required to submit an exploration plan and a development and production plan along with their respective Environmental Reports to the Minerals Management Service for approval prior to the exploration, development and production of a lease. The information is being collected and will be used to analyze and evaluate the planned exploration and development and production activities of lessees offshore in order to assure compliance with the requirements of the Outer Continental Shelf Lands Act.

Bureau Form Number: None

Frequency: On occasion

Description of Respondents: Federal oil and gas lessees

Annual Responses: 1,233

Annual Burden Hours: 516,219

Bureau Clearance Officer: Dorothy Christopher, (703) 435–6214

Dated: February 25, 1985.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 85–7686 Filed 3–29–85; 8:45 am]

BILLING CODE 4310-MR-M

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Office of Management and Budget, Interior Department Desk Officer, Washington, D.C. 20503, telephone (202) 395–7313; with copies to David A. Schuenke; Chief, Branch of Rules, Orders, and Standards; Offshore Rules and Operations Division; Mail Stop 646; Room 6A110; Minerals Management Service; 12203 Sunrise Valley Drive, Reston, Virginia 22091.

Title: Outer Continental Shelf Order No. 2, "Drilling Operations," Submitted Under Plans, Programs, Procedures, and Other Narrative Formats

Abstract: Respondents are required to submit information and recordkeeping in the form of plans, programs, procedures, and other narrative formats on drilling operations. The information will be used by the Minerals Management Service District Supervisors to ascertain the drilling conditions of a drilling site in order to mitigate hazards inherent in drilling operations and to increase the margin of safety of personnel and the environment.

Bureau Form Number: None

Frequency: On occasion

Description of Respondents: Federal oil and gas lessees performing drilling operations offshore.

Annual Responses: 2,368

Annual Burden Hours: 23,422

Bureau Clearance Officer: Dorothy Christopher, (703) 435–6214

Dated February 25, 1985.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 85-7687 Filed 3-29-85; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Capital Memorial Advisory Committee; Meeting

Pursuant to section 9 of the Federal Advisory Committee Act of October 6, 1972 (86 Stat. 770), the Secretary of the Interior approved a charter establishing the National Capital Memorial Advisory Committee. This charter was renewed by the Secretary on February 14, 1985. In 1975 the Committee established criteria and guidelines which were published in the **Federal Register**. The Committee recently amended those guidelines with the addition of Item #5 to the Criteria and Guidelines, concerning recommendations to the Secretary of the Interior on proposals for memorialization of persons and events on Federal lands in the National Capital Region, through the media of monuments, memorials and statues.

It is the purpose of this notice, through the publication of information and materials included herein, to apprise the public as well as governmental agencies, associations and all other organizations and individuals interested in memorial proposals, of the amended actions that have been taken by the Committee in order that there will be a greater awareness of the means by which memorials are considered and erected in the Nation's Capital and its environs, as well as the criteria which is used in evaluating each memorial proposal. The notice includes the amended criteria and guidelines as adopted by the Committee and an analysis of the action taken by the Committee concerning future military memorials.

Persons who wish to file written comments on the guidelines and criteria or who want further information concerning the National Capital Memorial Advisory Committee may contact or write Mr. John G. Parsons, Associate Regional Director, Land Use Coordination, 1100 Ohio Drive, SW., Room 201, Washington, D.C., 20242, telephone: 202/426-7750, within 30 days after publication of this notice. At that time the comments will be evaulated and if necessary, revisions of the guidelines will be considered in light of such comments before they are submitted to the Secretary of the Interior for final adoption.

Dated: March 22, 1985.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

National Capital Memorial Advisory Committee

Criteria and Guidelines

Because of their National importance as well as their availability and visibility to the visitor, the parks of the Nation's Capital, both large and small, have been sought after for many years for the memorialization of various persons and events.

In recognition of the diminishing number of memorial sites on lands under the jurisdiction of the Secretary of the Interior in the National Capital Region, and in particular in the Monumental Core of the Nation's Capital, it shall be deemed appropriate for the National Capital Memorial Advisory Committee to recommend limiting the use of the few remaining sites to memorializations of events of National or international significance, quality and value; and to memorialization of persons of exceptional national or international significance and achievements. Suitable sites outside the Monumental Core shall be recommended for other memorializations. Through this action, it is hoped that the early depletion of the limited memorial sites in the Monumental Core will be curtailed while still providing for the memorialization of persons and events through expressions of commemorative ideas. The following guidelines are provided to achieve the above objectives.

1. The National Capital Memorial Advisory Committee, hereinafter referred to as the Committee, will review each proposal for a memorial to be placed on lands under the jurisdiction of the Department of the Interior and on all other Federal lands or public properties in the National Capital Region where such review is provided for in proposed or enacted legislation. The Committee will consider the location appropriateness and adequacy of each proposal as it prepares its recommendations to the Secretary of the Interior.

2. Sponsors are urged not to select specific sites or prepare designs prior to consultation with the National Capital Memorial Advisory Committee. Site determination should be made by the Secretary of the Interior in consultation with the National Capital Planning Commission and the Commission of Fine Arts after enactment of legislation. Where circumstances preclude a site selection recommendation by the Committee, the Committee shall assist the Secretary of the Interior in locating the memorial and guiding development on the site selected. The Committee will coordinate site and design matters with the National Capital Planning Commission and the Commission of Fine Arts. The committee will forward its decisions on proposals to the above Commissions.

3. Sites shall be determined by considering such matters as: Appropriateness of memorialization, location, compatibility with surroundings and effects on environmental integrity. The Committee, in making its recommendations, will give consideration to identifying the most suitable site having surroundings that will tend to enhance the purpose and quality of the memorial. Natural features of the landscape would be preserved and utilized to the fullest extent possible in the memorial design. When a site is selected, it should include a positive and intentional contribution to urban design determined in advance to be an integral part of the aesthetic urban composition.

4. Subjects to be memorialized within the Monumental Core of the Nation's Capital shall be of outstanding national or international significance. The monument or memorial must be of enduring quality and character. The Committee will make a strict interpretation of the long term historic importance of subjects of memorialization in meeting these criteria.

5. Military memorials should be limited to a specific war which relates to a major combat operation or branches of service of the Armed Forces, such as the U.S. Army, U.S. Navy, U.S. Air Force, U.S. Marine Corps, U.S. Coast Guard and the Merchant Marine.

6. Persons interested in sponsoring a memorial or anyone wishing advice with respect to procedures to be followed for memorialization should contact the Regional Director, National Capital, Region, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242.

Analysis of Military Memorial Proposals; National Capital Memorial Advisory Committee

Supplementary Information

Because of their National significance as well as their availability and visibility to the visitor, the parks of the Nation's Capital, both large and small, have been sought after for many years for the memorialization of various persons and events.

The criteria and guidelines established by the Committee recommended limiting the use of the remaining sites to memorialization of exceptional significance, quality, and value; and, as to person, their degrees of achievement. Military memorials commemorating all members of the Armed Forces identified with an important event (World War II, the Korean War, etc.), and memorials to the individual branches of the service (Army, Air Force, etc.), would be appropriate.

Background

The existing 106 monuments, memorials and plaques which honor various individuals from the United States and foreign countries, Presidents of the United States, military units, military heroes of the Civil, Revolutionary and World Wars, and significant events and people, are categorized as follows: Presidential memorials-13; military units-7; Civil War heroes-14; Revolutionary War heroes-4; various individuals-29; international persons-12; military units-3; wars-2; plaques-13; and events-9.

The design of the City of Washington, D.C., has resulted in magnificent park areas which are suitable for memorialization of our National and international heroes, persons and events. Over 100 memorials have been erected in the last 100 years. A recent review of potential memorial sites under the jurisdiction of the Secretary of the Interior indicates that approximately 50 suitable locations remain. Suitability criteria for site selection were:

1. Within the historic L'Enfant City.
2. Sites where the memorial would not encroach on an existing memorial.
3. Sites where a memorial would not intrude on the previously established legislative purpose of a park.

Of course, if consideration was given to more remote park areas, such as Rock Creek Park, Fort Circle Parks, or the Anacostia River parklands, numerous additional sites could be found. However, in our experience, proponents of memorials reject these park areas in favor of the highly visible "Memorial and Monumental Core" of this historic L'Enfant city.

Branch of Specialties—At the present time there are existing military memorials which commemorate the U.S. Marine Corps (Iwo Jima Statue), and the U.S. Navy, currently under construction in Market Square along Pennsylvania Avenue. Thus, only the U.S. Army, the U.S. Air Force and the U.S. Coast Guard remain to be memorialized. In considering the potential impact of a proliferation of military memorials, the three organizational levels of the Armed Forces were considered. If branches or specialties of the various units of the Armed Forces were considered as the appropriate level of memorialization, 49 potential memorials could result. The existing memorial to the Seabees is in this category.

Unit Level Memorials—If Division size or larger were considered appropriate, there would be a potential 498 memorials. Three division level memorials now exist. Additional memorials could evolve from special existing associations. A preliminary review indicates 11 such associations.

If the various branches, specialties and divisions were to seek memorial legislation for the use of Federal parkland, there would not be enough open space available to accommodate the memorializations. Memorials of this type should be erected at military establishments which are significant to their history, and included in memorials in Washington to wars or branches of service.

[FR Doc. 85-7684 Filed 3-29-85; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-251X)]

Rail Carriers; Burlington Northern Railroad Co.; Abandonment in Boulder County, CO; Exemption

Applicant has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abondon its 1.40-mile line of railroad between milepost 47.15 near Barnett and milespost 48.55 near Lyons in Boulder County, CO.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Colorado Public Utilities Commission has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective May 1, 1985 (unless stayed pending reconsideration). Petitions to stay must be filed by April 11, 1985, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by April 22, 1985 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Peter M. Lee, 3800 Continental Plaza, 777 Main Street, Forth Worth, TX 76102.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: March 22, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-7705 Filed 3-29-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-252X)]

Rail Carriers; Burlington Northern Railroad Co.; Abandonment Exemption in Logan County, CO; Exemption

Applicant has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon its 1.9-mile line of railroad between milepost 230.1 and milepost 232.0 near Sterling, CO.

Applicant has certified (1) that no local traffic has moved over the tine for at least 2 years and that overhead traffic may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective May 1, 1985 (unless stayed pending reconsideration). Petitions to stay must be filed by April 22, 1985, and petitions

for reconsideration, including environmental, energy, and public use concerns, must be filed by April 11, 1985, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Peter M. Lee, 3800 Continental Plaza, 777 Main St., Fort Worth, TX 76102.

If the notice of exemption contains false or misleading information, use of the exemption is void *ad initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental of public use conditions.

Decided: March 21, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-7704 Filed 3-29-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-245)]

Rail Carriers; Burlington Northern Railroad Co.; Abandonment in Cass and Traill Counties, ND; Findings

The Commission has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its 10.45-mile rail line between Hunter (milepost 75.50) and Blanchard (milepost 85.95) in Cass and Traill Counties, ND. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

James H. Bayne,

Secretary.

[FR Doc. 85-7706 Filed 3-29-85; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes a monthly notice of all agency records schedules (requests for records disposition authority) which include records proposed for disposal. This is the first monthly notice. Records schedules identify records of continuing value for eventual preservation in the National Archives of the United States and authorize agencies to dispose of records of temporary value. NARA invites public comment on proposed records disposals as required by 44 U.S.C. 3303a(a).

DATE: Comments must be received in writing on or before May 31, 1985.

ADDRESS: Address comments and requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, D.C. 20408. Requestors must cite the control number assigned to each schedule when requesting a copy. The control number appears in parenthesis immediately after the title of the requesting agency. Copies of the schedule are also available for public inspection during the comment period at the Office of the Federal Register, Room 8401, 1100 L. St. NW, Washington, D.C.

SUPPLEMENTARY INFORMATION: Each year U.S. government agencies create billions of records in the form of paper, film, magnetic tape, and other media. In order to control the accumulation of records, Federal agencies prepare records schedules which specify when the agency no longer needs them for current business and what happens to the records after the expiration of this period. Destruction of the records requires the approval of the Archivist of the United States, which is based on a thorough study of their potential value for future use. A few schedules are comprehensive; they list all the records of any agency or one of its major subdivisions. Most schedules cover only one office, or one program, or a few series of records, and many are updates of previously approved schedules.

The monthly public notice identifies the Federl agencies and their appropriate subdivisions requesting disposition authority, includes a control number assigned to each schedule, and briefly identifies the records covered by the schedule. The complete records schedule contains additional information about the records and their disposition. Additional information about the disposition process will be furnished with each copy of a records schedule requested.

Schedules Pending Approval:

1. Department of the Air Force (NC1-AFU-85-16). Records relating to the administration at Air Force installations of postal accounts, such as those pertaining to money orders, stamp stock, and postage meter operations.

2. Department of the Army, Office of the Adjutant General (NC1-AU-85-33). Certificates indicating receipt and accountability for petty cash and change funds, signed by individuals.

3. Department of the Army, Office of the Adjutant General (NC1-AU-85-34). Plan for distribution of publications and blank forms received by an office or activity.

4. Tennessee Valley Authority, Office of Corporate Services, Division of Medical Services (NCI-142-85-2). Administrative records and case files, in paper, microfilm and machine-readable format, used by rehabilitation counselors to monitor the rehabilitation process of injured employees returning to the work force.

G.N. Scaboo,

Deputy Archivist of the United States.

[FR Doc. 85-7561 Filed 3-29-85; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL LABOR RELATIONS BOARD

Appointments of Individuals To Serve as Members of Performance Review Boards

5 U.S.C. 4314(c)(4) requires that the appointments of individuals to serve as members of performance review boards be published in the **Federal Register**. Therefore, in compliance with this requirement, notice is hereby given that the individuals whose names and position titles appear below have been appointed to serve as members of performance review boards in the National Labor Relations Board for the rating year beginning January 1, 1984 and ending December 31, 1984.

Name and Title

Robert E. Allen—Associate General Counsel, Enforcement Litigation

Harold J. Datz—Associate General Counsel, Advice
Joseph E. DeSio—Associate General Counsel, Operations Management
John E. Higgins, Jr.—Deputy General Counsel
Joseph A. Latham—Chief Counsel to Board Member
Paul E. Long—Deputy Director of Administration
Hugh L. Reilly—Solicitor
Peter B. Robb—Chief Counsel to Board Member
Eugene L. Rosenfeld—Deputy Associate General Counsel, Operations Management
Earnest Russell—Director of Administration
Berton B. Subrin—Director, Office of Representation Appeals
John C. Truesdale—Executive Secretary
Terry Vann—Chief Counsel to Board Member
Robert F. Volger—Deputy Executive Secretary
Melvin J. Welles—Chief Administrative Law Judge
Charles M. Williamson—Chief Counsel to the Chairman

Dated: Washington, D.C., March 26, 1985.

By Direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 85-7625 Filed 3-29-85; 8:45 am]

BILLING CODE 7545-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Linguistics; 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 Linguistics.

Date and Time: April 17-19, 1985: 9:00 A.M. to 5:00 P.M. each day.

Place: National Science Foundation, 1800 G Street, NW., Room 338, Washington, D.C. 20550.

Type of Meeting:

Part Open-Open 4/19 9:00 a.m. to 12:00 Noon
Closed 4/17 9:00 a.m. to 5:00 p.m.
Closed 4/18 9:00 a.m. to 5:00 p.m.
Closed 4/19 12:00 Noon to 5:00 p.m.

Contact person: Dr. Paul G. Chapin, Program Director, Linguistics Program, Room 320, National Science Foundation, Washington, D.C. 20550 (202) 057-7666.

Summary minutes: May be obtained from the Contact Person at the above stated address.

Purpose of meeting: To provide advice and recommendations concerning support for research in linguistics.

Agenda: Open—General discussion of the current status and future plans of the Linguistics Program.

Closed—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.

M. Rebecca Winkler,

Committee Management Officer.

March 27, 1985.

[FR Doc. 85-7693 Filed 3-29-85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Sensory Physiology and Perception; Meetings

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Sensory Physiology and Perception Program.

Date and time: April 17, 18, and 19, 1985; 9:00 a.m. to 5:00 p.m. each day

Place: National Science Foundation, 1800 G St., NW, Room 1141, Washington, DC.

Type of meeting:

Part Open-Closed 4/17—9:00 a.m. to 5:00 p.m.
Closed 4/18—9:00 a.m. to 12:00 noon
Open 4/18—12:00 noon to 2:00 p.m.
Closed 4/18—2:00 p.m. to 5:00 p.m.
Closed 4/19—9:00 a.m. to 5:00 p.m.

Contact person: James Larimer, Program Director, Sensory Physiology and Perception, Room 320, National Science Foundation, Washington, DC 20550, telephone (202) 357-7428.

Summary minutes: May be obtained from the Contact Person at the above stated address.

Purpose of meeting: To provide advice and recommendations concerning support for research in sensory physiology and perception.

Agenda: Open—General discussion of the current status and future plans of the Sensory Physiology and Perception Program.

Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of the 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.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85-7694 Filed 3-29-85; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-199]

Renewal of Facility Operating License; Manhattan College

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. R-94 for Manhattan College (the licensee) which renews the license for operation of the training and research reactor located in New York City, New York. The facility is a non-power reactor that has been operating at power levels not in excess of 0.1 watt (thermal). The renewed Operating License No. R-94 will expire twenty years from its date of issuance.

The amended license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I. Those findings are set forth in the license amendment. Opportunity for hearing was afforded in the notice of the proposed issuance of this renewal in the **Federal Register** on September 30, 1983, at 48 FR 44952. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared a Safety Evaluation Report (NUREG-1098) for the renewal of Facility Operating License No. R-94 and has, based on that report, concluded that the facility can continue to be operated by the licensee without endangering the health and safety of the public.

The Commission also has prepared an Environmental Assessment dated February 6, 1985, for the renewal of Facility Operating License No. R-94 and has concluded that this action will not have a significant effect on the quality

of the human environment. The Notice of Finding of No Significant Environmental Impact was published in the **Federal Register** on March 13, 1985 at 47 FR 9734.

For further details with respect to this action, see (1) the application for amendment dated August 26, 1983, as supplemented, (2) the Finding of No Significant Environmental Impact, (3) Amendment No. 6 to Operating License R-94, (4) the Commission's related Safety Evaluation Report (NUREG-1098), and (5) the Environmental Assessment. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Copies of NUREG-1098 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, DC 20555, or purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 26th day of March 1985.

For the Nuclear Regulatory Commission.

Cecil O. Thomas,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 85-7720 Filed 3-29-85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Nuclear Regulatory Commission; Meeting Agenda

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 20939, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on April 11-13, 1985, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published in the **Federal Register** on March 19, 1985.

The agenda for the subject meeting will be as follows:

Thursday, April 11, 1985

8:30 A.M.—8:45 A.M.: Report of ACRS Chairman (Open)—The ACRS Chairman will report briefly regarding items of current interest to the Committee.

8:45 A.M.—10:45 A.M.: Long-Range Activities of the NRC (Open)—The members will discuss proposed activities of the ACRS ad hoc subcommittee to consider long-range activities of the NRC.

10:45 A.M.—11:30 A.M.: Nuclear Power Plant Scram Systems (Open)—The members will hear and discuss the report of is subcommittee on actions taken by the NRC to improve the performance of nuclear power plant scram systems and a proposed ACRS report on reliability of scram systems in PWR nuclear power plants.

11:30 A.M.—12:30 P.M.: Management and Disposal of Radioactive Wastes (Open)—Members of the Committee will discuss the extent of ACRS participation in DOE and NRC activities related to management and disposal of civilian radioactive wastes

1:30 P.M.—2:00 P.M.: Topics for Discussion with NRC Commissioners (Open)—Discuss ACRS positions and comments regarding the preposed NRC rule on backfitting of nuclear power plants, the desirability of an organization like the NTSB to evaluate nuclear power plant accidents, and the ACRS role in the management and disposal of high-level civilian radioactive wastes.

2:00 P.M.—3:30 P.M.: Meeting with NRC Commissioners (Open)—The members of the Committee will discuss the items noted above with members of the Nuclear Regulatory Commission.

3:30 P.M.—5:00 P.M.: Nuclear Accident Source Term (Open)—The members will hear and discuss a briefing by members of the American Physical Society regarding their recent Study Group on Radionuclide Release from Severe Accidents in Nuclear Power Plants.

5:00 P.M.—5:30 P.M.: ACRS Subcommittee Activities (Open)—The members will hear and discuss the report of its subcommittee on prioritization of an additional group of generic safety issues. Members of the NRC Staff will participate to the degree considered appropriate.

5:30 P.M.—6:00 P.M.: Future ACRS Activities (Open)—The members will discuss anticipated activities of ACRS subcommittees and proposed items for consideration by the full Committee.

Friday, April 12, 1985

8:30 A.M.—11:00 A.M.: General Electric Standardized Safety Analysis (GESSAR II) (Open/Closed)—The members of the Committee will hear and discuss the report of its subcommittee regarding the request for preliminary design approval of the GESSAR II type nuclear power plant. Representatives of the NRC Staff and the Applicant will participate.

Portions of this session will be closed as necessary to discuss Proprietary Information and details of the secuirty provisions for this type of nuclear facility.

11:00 A.M.—12:00 Noon: NRC Research, Programmatic Activities and Policies (Open)—The members will discuss proposed Committee comments in response to a request from Congressman Morris K. Udall regarding NRC research, programmatic activities, and policies for FY 1986 and 1987.

1:00 P.M.-2:00 P.M.: NRC Vendor Inspection Program (Open)— The members will hear and discuss a briefing by representatives of the NRC Office of Inspection and Enforcement regarding the NRC vendor inspection program.

2:00 P.M.-3:00 P.M.: Systematic Review of Nuclear Power Plants (Open)—The members will discuss proposed clarification of the ACRS report to NRC dated July 18, 1984 on the proposed NRC Policy Statement on Severe Accidents with respect to the systematic review of nuclear power plants.

3:00 P.M.-5:45 P.M.: ACRS Subcommittee Activities (Open/Closed)—Chairmen of designated ACRS subcommittees will report on recent activities regarding assigned areas of reponsibilities, including requalification of nuclear power plant operators, emergency core cooling systems, seismic margins in nuclear power plant, seismic reevaluation of the Diablo Canyon Nuclear Plant, and reliability of electrical power supplies (emergency diesel-generators).

Portions of this session will be closed as necessary to discuss information involved in an adjudicatory proceeding.

Saturday, April 13, 1985

8:30 A.M.-11:30 A.M.: Preparation of ACRS Reports (Open/Closed)—The members will discuss proposed ACRS reports regarding items discussed during this meeting and proposed ACRs comments regarding conduct of NRC activities regarding the Diablo Canyon Nuclear Power Plant.

Portions of this session will be closed as required to discuss Proprietary Information, detailed safeguards information, and information involved in an adjudicatory proceeding

11:30 A.M.-12:30 P.M.: Long-Range Activities of the NRC (Open)—The members will continue discussion of the ACRS ad hoc subcommittee assignment to consider long-range technical activities of the NRC.

1:30 P.M.-2:30 P.M.: Subcommittee Activities (Open)—Chairmen of designated subcommittees will report on recent activities of assigned subcommittees in designated areas including the proposed NRC base

research program and ACRS policies and practices.

2:20 P.M.–4:00 P.M.: Miscellaneous Activities (Open)—Complete Committee discussion of topics considered during this meeting.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 3, 1984 (49 FR 193). In accordance with these procedures, oral or written statements may be presented by members of the public, 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 Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, R. F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) P.L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss safeguards informtion (5 U.S.C. 552b(c)(3)), Proprietary Information (5 U.S.C. 552b(c)(4)), and information involved in an adjudicatory proceeding (5 U.S.C. 552b(c)(10)) related to the topics being discussed.

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 can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 A.M. and 5:00 P.M. e.s.t.

Dated: March 26, 1985.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 85–7719 Filed 3–29–85; 8:45 am]

BILLING CODE 7590–01–M

PENSION BENEFIT GUARANTY CORPORATION

Withdrawal of Request for Determination of No Substantial Damage With Respect to Cessation of Contributions by TAF Delivery Systems, Inc., to Trucking Employees of North Jersey Welfare Fund, Local 641

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of withdrawal of request.

SUMMARY: This notice advises interested persons of the withdrawal of a request for a determination of no substantial damage under section 4203(d) of the Employee Retirement Income Security Act of 1974 ("ERISA"). Section 4203(d) provides a special withdrawal rule for cessations of contributions involving plans and employers in the trucking industry (as defined in that section). On April 16, 1984, the Pension Benefit Guaranty Corporation published (at 49 FR 15033) a notice of the pendency of a request from TAF Delivery Systems, Inc. ("TAF"), for a determination of no substantial damage under section 4203(d)(5) of ERISA with respect to the cessation of contributions by TAF under the Trucking Employees of North Jersey Welfare Fund, Local 641. TAF has withdrawn its request. The effect of this notice is to advise interested persons that the request has been withdrawn.

FOR FURTHER INFORMATION CONTACT: Deborah Murphy, Attorney, Corporate Policy and Regulations Department (611), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006; 202–254–4860 (202–254–8010 for TTY and TDD). (These are not toll-free numbers.)

Issued at Washington, D.C., this 25th day of March, 1985.

C.C. Tharp,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 85–7674 Filed 3–29–85; 8:45 am]

BILLING CODE 7708–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–4088]

Issuer Delisting; Application To Withdraw From Listing and Registration; Triangle Industries, Inc.

March 26, 1985.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the 11½% Subordinated Debentures ("Debentures") due 2003 of Triangle Industries, Inc. ("Company") from listing and registration on the American Stock Exchange, Inc. ("Exchange").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

(1) The Company has considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its Debentures on both the Exchange and the New York Stock Exchange, Inc. The Company does not see any particular advantage in the dual trading and believes that dual trading would fragment the market for its Debentures.

(2) The Exchange has informed the Company that it poses no objection to the withdrawal of the Company's Debentures from listing on the Exchange.

Any interested person may, on or before April 16, 1985, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85–7642 Filed 3–29–85; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

March 25, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stock:

Royal International Optical Corporation
Common Stock, $.10 Par Value, File No. 7–8371

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 15, 1985, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85–7641 Filed 3–29–85; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Inc.

March 25, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stock:

Pittston Company
Common Stock, $1.00 Par Value, File No. 7–8372

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 15, 1985, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85–7640 Filed 3–29–85; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

March 27, 1985.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Giant Food, Inc.
Class A Common Stock, $1.00 Par Value, File No. 7–8373

Giant Yellowknife Mines Ltd.
Capital Stock, No Par Value, File No. 7–8374

Kirby Exploration Company
Common Stock, $1.00 Par Value, File No. 7–8375

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 17, 1985, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85–7713 Filed 3–29–85; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–21898; SR–MSRB–85–3]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board, Order Approving Proposed Rule Change

The Municipal Securities Rulemaking Board ("MSRB"), on February 5, 1985, submitted copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, to amend MSRB rule G–3 [1] to require a person who otherwise is a municipal securities principal, and who has been associated for two or more years with a municipal securities broker or municipal securities dealer that has not filed with the MSRB in compliance with MSRB rule A–12,[2] to pass the Municipal Securities Principal Exam and be qualified as a municipal securities representative in order to retain his or her status as a municipal securities principal.

Notice of the proposed rule change was given in Securities Exchange Act Release No. 21773, published in the **Federal Register** (50 FR 7680, February 25, 1985). No comments on the proposed rule change were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: March 27, 1985.

John Wheeler,

Secretary.

[FR Doc. 85–7714 Filed 3–29–85; 8:45 am]

BILLING CODE 8010–01–M

[1] MSRB rule G–3 sets forth qualification standards for being or becoming a municipal securities principal or representative.

[2] MSRB rule A–12 requires every municipal securities broker or municipal securities dealer to pay an initial fee to the MSRB.

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

March 27, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stock:

MAXXAM Group, Inc.

Common Stock, $.08-⅓ Par Value, File No. 7-8325

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 17, 1985, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-7716 Filed 3-29-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14436 (File No. 812-6032)]

Equitable Life Financing Corporation; Application and Opportunity for Hearing

March 26, 1985.

Notice is hereby given that Equitable Life Financing Corporation ("Applicant"), c/o The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, New York 10019, filed an application on January 25, 1985, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of all applicable provisions thereof.

According to the application, Applicant, a Delaware corporation, is a wholly-owned subsidiary of The Equitable Life Assurance Society of the United States ("Equitable"), a New York mutual life insurance company. Applicant states that Equitable issues a wide variety of individual and group life insurance policies and annuity contracts, directly and through its subsidiaries. Applicant states that the Equitable organization also offers other insurance and investment products, provides investment advisory services to individuals, institutions and group pension plans, and manages its own large porfolio of mortgages, debt and equity securities, real estate and other investments that support its obligations. Applicant further states that Equitable is subject to extensive supervision and regulation by the Insurance Department of the State of New York under the New York Insurance Law.

Applicant represents that its primary function will be to borrow funds through the offer and sale of its debt securities in United States and European or other overseas markets and to invest the proceeds in Funding Agreements issued by Equitable. Applicant further represents that it will only invest in Funding Agreements issued by Equitable, Government securities and other securities described in Rule 3a-5(a)(6) under the Act, within the limits of Rule 3a-5(a)(5), under the Act. Applicant also represents that it will not issue its voting securities to any person other than Equitable, nor will it issue covertible securities. Finally, Applicant represents that Equitable will not pledge or otherwise encumber its stock of the Applicant.

Applicant states that it will issue its debt securities pursuant to indentures ("Indentures") to be entered into among Applicant, Equitable and a trustee ("Trustee") which will be a major United States money center bank. Applicant states that the proceeds of each debt issuance will be used to acquire a specific Funding Agreement that will be issued to the Applicant and the Trustee. Applicant states that its interest in the Funding Agreement will be assigned to the Trustee under the Indenture for the benefit of holders of that particular class of debt securities issued by the Applicant. Applicant further states that the terms of each Indenture will require Equitable to make all payments under the Funding Agreement directly to the Trustee, and that the Trustee, in turn, will be required to make all payments of principal, interest and premium, if any, directly to the individual investors who have purchased the debt securities issued by the Applicant under the Indenture.

Applicant represents that under the terms of each Indenture, the holders of the Applicant's debt securities, acting through the Trustee, will have recourse against Equitable to enforce payment under the Funding Agreement, should that ever become necessary, without the need to first bring an action against the Applicant. Applicant further represents that the Funding Agreements will require Equitable to make payments in amounts and at times which correspond to the principal, interest and any premium payment obligations of the Applicant under the Indenture. Thus, it is asserted, although Equitable will not guarantee Applicant's debt there will at all times be an uninterrupted payment of funds by Equitable to the Trustee.

Applicant states that the Funding Agreements will be supported by assets held in Equitable's general account. It is further stated that holders of the Applicant's debt securities will also benefit from safeguards that are not present in the guarantee of the usual, non-regulated industrial parent, since Equitable is subject to regulation and supervision under the New York Insurance Law. This, according to the Applicant, together with Equitable's assets, creates a backing that in economic reality must be regarded as at least equal to an "unconditional guarantee."

Applicant proposes to offer and sell an issue of its notes (the "Notes") in a firm commitment underwriting to be managed by one or more major underwriters. The offering will be made solely overseas and will be structured to assure that no Notes will be offered or sold to United States citizens or residents or entities organized or having their principal place of business in the United States (collectively, "United States Investors"). Although additional debt offerings are expected to be made overseas, on a similar basis, to persons who are not United States Investors, Applicant does not presently propose to make any public offering of its securities in the United States. However, Applicant states that it could offer its debt securities in the United States in transactions exempt from registration under the Securities Act of 1933.

Applicant states that it may be subject to the Act because, by acquiring Funding Agreements which will constitute more than 40% of its assets exclusive of cash items, Applicant may be deemed an "investment company"

under Section 3(a)(3) of the Act. Equitable does not concede that the fixed type Funding Agreements supported by general account assets are "securities" within the meaning of the Act. Nor does the Applicant concede that it will be primarily in the business of investing, reinvesting, owning, holding, or trading in securities and thus unable to rely on the exclusion in Section 3(b)(1). Nevertheless, the Applicant is submitting the application in order to remove any doubt as to its status under the Act.

Applicant states that it may not rely on the safe harbor provided by Rule 3a-5 under the Act because Equitable is exempted from the definition of investment company under Section 3(c) of the Act instead of Section 3(a) or 3(b) of the Act and would not fall within the definition of a "parent company" under Rule 3a-5. Applicant submits that the concern in excluding Section 3(c) exempted issuers is that these companies could be engaged or intend to engage primarily in investment company activities. Applicant asserts that the nature of Equitable's operations does not raise the concerns that prompted the exclusion of Section 3(c) persons from the literal terms of Rule 3a-5 under the Act. Applicant states that Equitable's exempt status under the Act is derived from Section 3(c)(3) of the Act and that it is an insurance company whose primary activities involve the business of insurance. Applicant further asserts that its primary purpose is to finance the business operations of Equitable and that neither its structure nor its mode of operation resembles that of an investment company.

Applicant states that it also cannot rely on the Rule because its debt securities are not unconditionally guaranteed as specified in the Rule. However, Applicant asserts that the Funding Agreements issued in connection with Applicant's financing activities are at least equivalent to the unconditional guarantee referred to in the Rule. Applicant states that the Funding Agreements involve a direct obligation by Equitable to make payments to a Trustee which is required to make principal, interest and any premium payments directly to Applicant's debt holders, and that they are supported by assets held in Equitable's general account, including reserves maintained for such agreements.

On the basis of the foregoing, Applicant submits that granting the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 19, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-7717 Filed 3-29-85; 8:45 am]

BILLING CODE 8010-01-M

[File No. 812-5785; Release No. 14367A; March 27, 1985; Correction]

Robert E. Lee; Filing of an Application for an Order; Correction

This document corrects paragraphs 4-6 of Release No. 14367 published February 19, 1985 (50 FR 7022) FR Doc. 85-3890 to read as follows.

* * * * *

At the time of the alleged violation, the Applicant was the Chief Executive Officer of IntraWest Bank of Denver, N.A., which was then the largest subsidiary of InterWest Financial Corporation, a registrant under the Securities Exchange Act of 1934. The allegations leading to the Complaint and the Decree related to the method of determining the Allowance for Possible Loan Losses in IntraWest Bank of Denver, N.A. and the amount of such Allowance actually determined as of March 31, June 30, and September 30, 1982. It was alleged that the method of determining the Allowance was described in a false and misleading manner in the 10-K Report of IntraWest Financial Corporation for 1981, and that the Allowance was set at an insufficient level as of March 31, June 30, and September 30, 1982, which resulted in material overstatements of the earnings of the bank (and accordingly of the registrant, IntraWest Financial Corporation).

On October 1, 1983, IntraWest Bank of Denver, N.A. was merged into First Interstate Bank of Denver, N.A., a subsidiary of First Interstate Bankcorp. The applicant is now Chairman of the Board of First Interstate Bank of Denver, N.A. From and after October 1, 1983, there has been no connection between IntraWest Financial Corporation and either the Applicant's present employer, First Interstate Bank of Denver, N.A., or its parent, First Interstate Bancorp.

The Applicant represents that it is foreseeable that in performance of his duties as Chairman of a major bank, the Applicant will be requested or required to commence acting in the capacity of an employee, officer, director, member of an advisory board, investment advisor, or depositor for a registered investment company at a future time, either because First Interstate Bank of Denver, N.A. ceases by statutory enactment to be exempt from the Act or because a subsidiary of its parent holding company or some other company affiliated or associated in business with said Bank becomes registered under the Act.

* * * * *

John Wheeler,

Secretary.

March 27, 1985.

[FR Doc. 85-7715 Filed 3-29-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of Department of Transportation's Procedural Regulations (See, 14 CFR 302.1701 et seq.); Week Ended March 22, 1985

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Mar. 18, 1985	42960	Presidential Airways, Inc., c/o Jonathan B. Hill, Dow, Lohnes & Albertson, Suite 500, 1255 23d Street, NW., Washington, D.C. 20037. Application of Presidential Airways, Inc., pursuant to section 401 of the Act and subpart Q of Regulations requests a certificate of public convenience and necessity to engage in scheduled air transportation of persons, property and mail in interstate and overseas transportation. Conforming Applications, Motions to Modify Scope and Answers may be filed by Apr. 15, 1985.
Mar. 20, 1985	42969	Air Borealis, Inc., c/o Robert L. Murray, 201 East 51st, Anchorage, Alaska 99502. Application of Air Borealis, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, applies for a certificate of public convenience and necessity to perform scheduled Anchorage—Seattle and Anchorage—Honolulu service for an indefinite period. Conforming Applications, Motions to Modify Scope and Answers may be filed by Apr. 17, 1985.
Do	42976	Continental West Airlines, Inc., c/o Emory N. Ellis, Fulbright & Jaworski, 1150 Connecticut Ave., NW., Washington, D.C. 20036. Application of Continental West Airlines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations requests issuance of a certificate of public convenience and necessity authorizing it to engage in scheduled interstate and overseas air transportation of persons, mail and property. Conforming Applications, Motions to Modify Scope and Answers may be filed by Apr. 17, 1985.
Mar. 22, 1985	42982	DHL Airways, Inc. c/o Herbert A. Rosenthal, Hausman & Rosenthal, 2020 K St., NW., Suite 350, Washington, D.C. 20006. Application of DHL Airways, Inc., pursuant to section 401(d)(1) of the Act and subpart Q of the Regulations requests issuance of a new or amended certificate of public convenience and necessity authorizing it to engage in scheduled foreign air transportation of property between points in the United States and points in Japan. Conforming Applications, Motions to Modify Scope and Answers may be filed by Apr. 19, 1985.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 85-7739 Filed 3-29-85; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

National Airspace Review Enhancement; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 4-3 of the Federal Aviation Administration National Airspace Review Enhancement Advisory Committee. The agenda for this meeting is as follows: Microwave Landing System (MLS) has been adopted by ICAO member states as the world standard to replace Instrument Landing System. MLS provides full range (civil/military) operational requirements including multiple approach courses and selectable glide paths with precision distance measuring equipment. The full spectrum of resultant adjustments to associated procedures, regulations, and airspace assignments should be reviewed and include study of microwave landing system application for situations such as wake turbulence avoidance, noise abatement, and aircraft segregation from excluded airspace in terminal areas.

DATE: Beginning Tuesday, May 14, 1985, at 9 a.m., through Friday of the first week and resuming at 9 a.m. Monday through Thursday of the following week.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 9A/B/C, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Enhancement Program Management Staff, room 639, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, (202) 755-5624. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Enhancement Advisory Committee, Associate Administrator for Administration, AAD-1, 800 Independence Avenue, SW., Washington, D.C. 20591, by May 7, 1985. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C. on March 25, 1985.

Burton L. Gifford,

Manager, National Airspace Review Enhancement Staff, Office of the Associate Administrator for Administration.

[FR Doc. 85-7612 Filed 3-29-85; 8:45 am]

BILLING CODE 4910-13-M

Proposed Advisory Circular 24-XX; Auxiliary Fuel System Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed Advisory Circular (AC) 25-XX, and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) concerning auxiliary fuel system installations. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATE: Comments must be received on or before July 1, 1985.

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Regulations and Policy Office, ANM-110, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jan Thor, Regulations and Policy Office, at the address above, telephone (206) 431-2127.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the draft AC may be obtained by contacting the person named above under **"FOR FURTHER INFORMATION CONTACT."** Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters should identify AC 25-XX and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Regulations and Policy Office before issuing the final AC.

Background

In recent years, the FAA has received a number of applications for amended or supplemental type certificates to incorporate additional fuel capacity in existing certificated transport category airplanes. Because the design and safety concepts for fuel storage and transfer proposed in these applications have varied considerably, the FAA conducted a public forum on November 15 through 18, 1983, to discuss the various certification requirements pertaining to auxiliary fuel tanks. In addition to FAA personnel, attendees included representatives of various manufacturers, modifiers, and users. The proposed AC, which provides guidance concerning satisfactory auxiliary fuel tank installations, is a direct result of the discussions held during this forum.

Issued in Seattle, Washington, on March 20, 1985.

Donald L. Riggin,

Acting Manager, Aircraft Certification Division, ANM-110.

[FR Doc. 85-7609 Filed 3-29-85; 8:45 am]

BILLING CODE 4910-13-M

Maritime Administration

Proposed Procedures for Considering Environmental Impacts

Correction

In FR Doc. 85–6770 beginning on page 11606 in the issue of Friday, March 22, 1985, make the following correction: On page 11608, in the first column, in paragraph 3, in the first line, insert "environmental assessment, the Coordinator shall direct preparation of either an" after "of the".

BILLING CODE 1505-01-M

National Highway Traffic Safety Administration

[Docket No. EX85-1; Notice 2]

British Coach Works Ltd.; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

On March 14, 1985, Notice was published inviting comment on the petition by British Coach Works, Ltd., of Arnold, PA, for temporary exemption from several Federal motor vehicle safety standards on grounds of substantial economic hardship (50 FR 10340).

The Notice inadvertently omitted the company's request for a three-year exemption from Motor Vehicle Safety Standard No. 207, *Seating Systems*. The petitioner has stated that the seating system of its vehicle consists of two individual seats that are replicas of those used in the original MG TD car. The seat tracks to which the seats are attached are those of the Chevrolet Chevette "and in compliance with the requirements of the standard". Petitioner is unsure, however, whether the seating system would meet all the performance requirements of the standard and due to the limited resources of the company, "actual testing of the seating system as set out in the standard would not be feasible".

Interested persons are invited to submit comments on the petition of British Coach Works, Ltd., as supplemented above. Comments should refer to the docket number and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

Comment closing date: April 15, 1985.

(Sec. 3, Pub. L. 92–548, 86 Stat 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on March 26, 1985.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 85–7632 Filed 3–27–85; 11:12 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[4-00236]

Eastern Indemnity Company of Maryland; Surety Companies Acceptable on Federal Bonds; Liquidation

Eastern Indemnity Company of Maryland, a Maryland corporation, formerly held a Certificate of Authority as an acceptable surety on Federal bonds and was last listed as such at 49 FR 27252, July 2, 1984. The company's authority was terminated by the Department of the Treasury effective December 14, 1984. Notice of the termination was published in the **Federal Register** of December 20, 1984, on page 49534.

There is printed below a copy of the Order of Liquidation dated January 28, 1985, from the Maryland Department of Insurance, indicating the company is now being liquidated. All persons having claims against Eastern Indemnity must file their claim by January 28, 1986, or be barred from sharing in the distribution of assets. The Maryland Insurance Department anticipates providing all currently known claimants with a Proof of Claim form as soon as the form becomes available. It is recommended that any person who has not yet filed their claim with the Maryland Insurance Department should submit their claim, in writing to: Mr. James A. Gordon, Receiver, Eastern Indemnity Company of Maryland in Liquidation, P.O. Box 17391, Baltimore, MD 21203.

Government agencies involved in Federal surety bonding operations where third parties such as subcontractors, materialmen, and suppliers may have a claim against the company are requested to use their best efforts to notify such third parties of the liquidation, assist them in filing claims, inform them of their priority status based on section 3713 of the United States Code and provide them with copies of the notice of liquidation. If priority status is not being granted, please notify the Department of Treasury at the address indicated below.

Government agencies should be aware that, where reinsurance was obtained on a bond, the reinsuring company may be liable to the United States Government for the full amount of the reinsurance or the full amount of the default, whichever is less.

Questions concerning this notice may be directed to the Surety Bond Branch, Finance Division, Financial Management Service (formerly Bureau of Government Financial Operations), Department of the Treasury, Washington, D.C. 20226, telephone (202) 634–2319. An information notice containing additional information concerning the filing of claims will be distributed by this office to Federal agencies.

Dated: March 20, 1985.

W.E. Douglas,

Commissioner, Financial Management Service.

Order of Liquidation

State of Maryland, ex rel. Edward J. Muhl, State Insurance Commissioner of Maryland v. Eastern Indemnity Company of Maryland

In the Circuit Court for Montgomery County Case No: 3406, in consideration of the application for Order of Liquidation and Request for Hearing regarding Order of Insolvency filed in the above-captioned matter by the State Insurance Commissioner of Maryland and Rehabilitator of Eastern Indemnity Company of Maryland ("Commissioner"), and pursuant to Maryland Code Annotated Article 48A, § 137 and § 142, this Court finds that further efforts to rehabilitate EICOM appear to be futile and, therefore, it is this 28th day of January, 1985, ORDERED that:

1. Edward J. Muhl, State Insurance Commissioner of Maryland and Rehabilitator of Eastern Indemnity Company of Maryland ("EICOM") is directed forthwith to take possession of the property of EICOM; to liquidate its business, to deal with EICOM's property and business either in his own name as State Insurance Commissioner, or in the name of EICOM as this Court may direct;

2. To give notice to all creditors who may have claims against the insurer to present such claims;

3. Within 120 days of the signing of this Order, the Commissioner shall file an Affidavit of compliance with paragraph 2 above with the Clerk of this Court; and

4. Pursuant to Maryland Code Annotated Article 48A, § 135 and § 151 all persons asserting claims against EICOM are hereby enjoined, for a period of 180 days from the date of this order from: commencing or maintaining any action in the nature of an attachment, garnishment, or execution against EICOM or its assets; and from commencing, maintaining, or prosecuting any actions, or obtaining any preferences, judgments, attachments, liens, or the making of any levy against EICOM or its assets, except that nothing in this Order shall prevent any person from asserting a claim against EICOM pursuant to Maryland Code Annotated Article 48A, sections 147, 148 or 149.

David L. Cahoon,

Judge.

[FR Doc. 85–7616 Filed 3–29–85; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 62
Monday, April 1, 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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	Items
Board of Governors of the Federal Reserve System	1
Consumer Product Safety Commission	2
Federal Mine Safety and Health Review Commission	3
Tennessee Valley Authority	4

1

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Friday, April 5, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., 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 record announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 28, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-7838 Filed 3-28-85; 3:04 pm]

BILLING CODE 6210-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Wednesday, April 3, 1985.

LOCATION: Third Floor Hearing Room, 1111—18th Street, NW., Washington, D.C.

STATUS: Part Open/Part Closed to the Public.

MATTERS TO BE CONSIDERED: 1. ATV Proposal

The Commission will consider action options on all terrain vehicles.

Open to the Public

2. Mid-year Review

The Commission will consider CPSC's Fiscal Year 1985 Operating Plan.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION CALL: 301—492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301-492-6800.

Dated: March 27, 1985.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 85-7741 Filed 3-28-85; 9:00 am]

BILLING CODE 6355-01-M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

March 26, 1985.

TIME AND DATE: 10:00 a.m., Thursday, March 28, 1985.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Closed (Pursuant to 5 U.S.C. § 552b(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. United Mine Workers of America on behalf of Rowe, etc. v. Peabody Coal Company, Docket Nos. KENT 82-103-D, etc., and Secretary of Labor on behalf of Williams v. Peabody Coal Company, Docket No. LAKE 83-69-D. (Consideration of allegations of judicial misconduct.)

2. Chapman Merrell v. Peabody Coal Co., Docket No. KENT 84-250-D. (Consideration of petition for interlocutory review.)

It was determined by a unanimous vote of Commissioners that a meeting be held on these items and that no earlier announcement of the meeting was possible. (5 U.S.C. § 552b(e)(1).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5632.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 85-7792 Filed 3-28-85; 12:13 pm]

BILLING CODE 6735-01-M

4

TENNESSEE VALLEY AUTHORITY

Meeting No. 1347

TIME AND DATE: 10:15 a.m. (CST), Wednesday, April 3, 1985.

PLACE: Richards Education Center, 541 Riverview Drive, Florence, Alabama.

STATUS: Open.

Agenda

Approval of minutes of meeting held on March 19, 1985.

Action Items

Old Business Item

1. Supplement to Contract No. TV-61451A between TVA and Forest Resources Systems Institute covering arrangements for establishment of a research and development arm of the Institute.

New Business Items

B—Purchase Awards

B1. Invitation 64-949143—Requirement contract for powdered ion exchange resin at Browns Ferry Nuclear Plant.

B2. Contract payment on Nuclear Steam Supply System Contract 75C60-84840-2 and Nuclear Fuel Contract 75P65-6087-2 with Combustion Engineering, Inc., for Yellow Creek Nuclear Plant.

C—Power Items

C1. Cooperative agreement TV-66389A with the Electric Power Research Institute for the 160-MW Atmospheric Fluidized Bed Combustion Demonstration Plant Project.

E—Real Property Transactions

E1. Grant of permanent easement to the Town of Oliver Springs, Tennessee, for municipal purposes affecting approximately 4.4 acres of Oliver Springs Flood Project lands in Anderson, Morgan, and Roane Counties, Tennessee—Tract No. XTOSFP-10E.

E2. Grant of permanent easement to Rhea County, Tennessee, for a firehall/community building affecting approximately 0.6 acre of Watts Bar Reservoir land in Rhea County, Tennessee—Tract No. XTWBR-132FC.

E3. Abandonment of certain rights to A. E. Jolley affecting approximately 0.13 acre of Cherokee Reservoir land in Hawkins County, Tennessee—Tract No. XCK-389.

E4. Sale of term easements to accommodate the construction and operation of commercial parking facilities affecting up to 7.5 acres of TVA property adjacent to and south of the new Chattanooga Office Complex building in Chattanooga, Tennessee—Tracts XCOFC-1PL and -2PL.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: March 27, 1985.

W.F. Willis,

General Manager.

[FR Doc. 85-7791 Filed 3-28-85; 12:13 pm]

BILLING CODE 8120-01-M

federal register

Monday
April 1, 1985

Part II

Office of Personnel Management

SES Positions That Were Career Reserved During 1984; Notice

OFFICE OF PERSONNEL MANAGEMENT

SES Positions That Were Career Reserved During 1984

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: As required by the Civil Service Reform Act of 1978, this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during 1984.

FOR FURTHER INFORMATION CONTACT: Charles Vaughn, Office of Executive Personnel, (202) 632–4625.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were career reserved any time in calendar year 1984, whether or not they were still career reserved on December 31, 1984. Section 3132(B)(4) of Title 5, United States Code, requires that the head of each agency publish the list by March of the following year. OPM is publishing a consolidated list for all agencies.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984

Agency organization	Career reserved positions
ACTION	
Ofc of the Director	Deputy Assistant Director for Compliance
	Inspector General.
	Asst Dir for Financial Management.
Administrative Conference of the U.S.	
Administrative Conference of the U.S.	Executive Director.
	General Counsel.
	Research Director.
Advisory Council on Historic Preservation	
Ofc of the Exec Director.	Executive Director.
Department of Agriculture	
Ofc of the Inspector General.	Asst Inspector General for Investigations.
	Dep Asst Inspector General for Investigation.
	Asst Inspector General for Audit.
	Asst Inspector General for Sec & Spec Oper.
	Asst Inspector General for Analysis and Eval.
	Regional Inspector General for Audit.
	Regional Inspector General for Audit.
Office of Asst Sec'y Administration.	Assistant Secretary for Administration.
Office of Operations	Director Office of Operations.
Farmers Home Administration.	Dep Admr—Financial and Administrative Opers.
	Asst Admin, Accounting & Dir, Finance Ofc.
	Asst Dep Admin for Automated Sys Development.
	Asst Admin for Planning, Budgeting & Finance.
	Asst Admr, Community and Business Programs.
Agricultural Marketing Service.	Deputy Administrator, Management.
	Director, Fruit & Vegetable Division.
	Director, Cotton Division.
	Director, Dairy Division.
	Director, Livestock Division.
	Director, Warehouse & Seed Division.
	Director, Tobacco Division.
	Agricultural Marketing Svc., Dir Poultry Div.
	Assoc. Deputy Administrator for Compliance.
Animal & Plant Health Inspection Service.	Deputy Administrator for Management & Budget.
	Assoc Dep Administrator for Mgt. & Budget.
	Assist Dep Admin for International Programs.
Veterinary Services	Asst Dep Adm: R-Animal Health Progs—Vet Serv.
	Dir Natl Veterinary Services Labs, Ames.
	Dir., Nat Prog Planning Staffs, Vet Services.
	Director, Northern Region.
	Dir, SE Region, Veterinary Services.
	Dir, Natl Brucellosis Eradication Program.
	Director, Western Region.
	Director, South Central Region.
	Director, North Central Region.
Plant Protection & Quarantine Service.	Dir. Nat Prog Plan Staff, Plant Prot & Quarantine.
	Dir, SE Region, Plant Prot & Quarantine.
	Assist Dep Admin for Natl & Emergency Progr.
	Director, Northeastern Region.
	Director, South Central Region.
	Director, Western Region.
	Assistant to Director.
	Asst Dep Admin, National & Emergency Programs.
Federal Grain Inspection Service.	Asst Dep Admin—Program Opers (Field).
Food Safety and Inspection Service.	Asst Deputy Admin Technical Services.
	Dep Admr—Administrative Mgmt.
	Dir Northeast Region, Phila., PA.
	Regl Director, Atlanta, Georgia.
	Dir, North Central Region, Des Moines, Iowa.
	Director, Southwestern Region, Dallas, Texas.
	Dir, Western Region, Alameda, California.
	Asst Dep Admr Comp & Staff Operations.
	Asst Deputy Admin Regional Operations.
	Assistant Deputy Admr Science FSQS.
	Asst Dep Admin (Admin Mgt).
	Deputy Administrator, Science.
	Dep Admr Interni Programs.
Food & Nutrition Service.	Deputy Admin for Financial Management.
	Deputy Admr for Management.
Agricultural Stabilization & Conservation Service.	Accounting Officer.
Foreign Agricultural Service.	Asst Administrator, Management.
	Dir, Grain & Feed Div.
	Dir, Oilseeds & Prod Div.
	Dir, Dairy, Livestock & Poultry Div.
	Deputy Assistant Administrator Export Credits.
	Dep Asst Admr, Interni Agric Statistics.
Ofc of Dir Science and Education Administration.	Research Leader, Wheat Research.
	Research Leader—Fruit & Vegetable Chem Research.
	Research Leader—Forage and Turf Research.
	Res Leader—Plant Physio & Photosynthesis Res.
	Dep Admr for Adm Mgmt.
	Director, Nutrition Research Ctr on Aging.
	Dir, Children's Nutrition Research Center.
	Dir, Western Human Nutrition Research Center.
Agriculture Research Service.	Dir, Beltsville Human Nutrition Research Ctr.
	Chief Fermentation Laboratory.
	Chf, Plant Virology Lab Beltsville, MD.
	Res Leaders Natural Products Chemistry Res.
	Dir, Southern Regional Res Center, New Orlean.
	Assoc Dep Admr.
	Director, USDA Honey Bee Research Laboratory.
Regional Offices, ARS	Dir Northern Regional Research Center.
	Dir Nat'l Animal Disease Ctr.
	Director, Beltsville Agric Research Center.
	Director Eastern Regl Research Center.
	Dir, Plum Island Animal Disease Ctr.
	Director, Western Regional Research Center.
	Director, California-Hawaii-Nevada Area.
	Director, Florida-Antilles Area.
	Director, Southern Plains Area.
	Director, Natl Soil Erosion Res Laboratory.
	Director, Mid-South Area.
	Director, Pacific Northwest Area.
	Director, Northern States Area.
	Director, Arid Southwest Area.
	Director, Conservation & Production Res Lab.
	Dir, Grand Forks Human Nutrition Res Ctr.
	Dir Midwest Area.
	Director, North Atlantic Area.
	Dir Pacific Basin Area.
	Director, Northwest Region.
	Director, South Atlantic Area.
	Director, Beltsville Area Office.
	Director, Mountain States Area.
	Director, Central Plains Area.
National Program Staff	Deputy Administrator National Program Staff.
	Assoc Dep Admr, Natl Prog Staff.
Research Staff	Director, U.S. Salinity Laboratory.
	Dir Insects Affecting Man Laboratory.
Extension Service	Deputy Admin Management.
	Dep Admr, Home Economics & Human Nutrition.
Office of Grants and Program Systems.	Administrator, Ofc of Grants and Prog Systems.
	Director, Ofc of Grants and Program Systems.
Soil Conservation Service.	Director, Engineering Division.
	Dir Ecological Sciences and Technology Divisi.
	Dep Chf for Administration.
	Dir, Consv Planning and App.
	Dir, Project Dev and Maint.
	Dir, Basin & Area Planning (Soil Conserv).
	Assoc Dep Chief for Administration.
	Dir, Soils (Soil Scientist).
	Dir, Land Treatment Program.
	Dir Information Resources Management.
	Dir South National Technical Center.
	Flach Klaus W.
Forest Service	Dep Chf for Administration.
	Associate Deputy Chief—Administration,Dir Forest Pest Mgmt Staff.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Dir Fiscal and Accounting Management.
	Director, Cooperative Fire Protection.
	Associate Deputy Chief for Administrator.
Research	Director, Timber Mgmt Research Staff.
	Dir Insect and Disease Research Staff.
	Dir Forest Environment Research Staff.
	Director, Forest Resource Economics Staff.
	Dir Forest Products & Eng Res Staff.
	Dir, Forest Fire & Atmos Sciences Res Staff.
Nat'l Forest System	Dir, Range Management Staff.
	Dir, Recreation, Mgmt Staff.
	Dir Timber Management Staff.
	Director, Engineering Staff.
	Director, Aviation and Fire Management Staff.
	Director, Lands Staff.
	Dir Land Management Planning Staff.
	Dir, Wildlife & Fisheries Mgt Staff.
	Dir, Minerals & Geology Staff.
	Dir, Watershed Mgt Staff.
State & Private Forestry	Dir of Area Planning & Dev Staff.
	Dir Cooperative Forestry.
Field Units	NE Area Dir, State & Private Forestry, U Darb.
	Dir Intermountain Forest & Range Exp Stat, OGD.
	Dir N Eastern Forest Experiment Station.
	Dir, North Central Forest Exp Station.
	Dir, Pacific NW Forest & Range Exp Station.
	Dir, Pacific SW for & Range Exper Sta.
	Director Rocky Mt Forest & Range Exper Stat.
	Dir S Eastern Forest Experiment Station.
	Dir, S. Forest Experiment Station, New Orleans.
	Director, Forest Products Laboratory.
	Dep Dir Forest Products Lab.
Economic Research Service.	Admr, Economic Research Service.
	Associate Administrator—Economic Rsch Svc.
	Director International Economics Division.
	Career Reserved Positions.
	Director National Economics Division.
	Dir, Natural Resource Economics Div.
	Director, Economic Development Division.
	Dep Admr/Planning & Organizational Relations.
Economics Management Staff.	Director, Economics Management Staff.
Statistical Research Service.	Administrator SRS.
	Dep Administrator, Statistical Reporting Svc.
	Dir Estimates Div.
	Director Survey Division.
	Director Statistical Research Division.
	Director State Statistical Division.
World Agricultural Outlook Board.	Chairperson.
	Dep Chairperson.
Board for International Broadcasting	
Board Staff	Exec Director.
	Financial Manager.
	Foreign Information Officer.
	Foreign Information Officer.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Department of Commerce	
Office of the General Counsel.	Dep Asst GC for Administration.
Ofc of Asst Secy for Administration.	Dir, Ofc of Information Resources Management.
	Dep Dir for Procurement & Admin Services.
Director for Management and Information.	Dir, Ofc of Information Management.
	Dir, Ofc of Information Systems.
	Dir Ofc of Adm Serv.
Director for Management Support Operations.	Dir, Ofc of Admin Services Operations.
Director Personnel and Civil Rights.	Director for Personnel and Civil Rights.
	Deputy Director of Personnel.
Director for Planning Budget and Evaluation.	Director, Office of Budget.
Ofc of the Under Secy for Economic Affairs.	Dep Dir Bureau of Industrial Economics.
	Statistical Coor for the Asst Sec for Eco Aff.
	Dir Office of Business Analysis.
	Supervisory Economist.
Ofc of Asst Secy for Productivity, Tech & Innov.	Research and Development Administrator.
	Dep Dir Ofc of Productivity Tech & Innovation.
Bureau of Industrial Economics.	Dir, Bureau of Industrial Economics.
	Dir Ofc of Industry Econ Res and Analysis.
	Director Office of Producer Goods.
	Dir Ofc of Basic Industries.
	Dir, Ofc Consumer Goods & Svc Ind.
	Dir Ofc Regulatory & Federal Prog Anal.
Bureau of Economic Analysis.	Director.
	Dep Dir, Bur of Economic Analysis.
	Assoc Dir for Natl Economic Accounts.
	Assoc Dir for Natl Analysis & Projections.
	Assoc Dir for Regional Economics.
	Assoc Dir for Internat'l Economics.
	Chief Economist.
	Chf Statistician.
	Asst to the Director for Econometrics.
	Chf, Nat'l Income & Wealth Div.
	Chief, Current Business Analysis Div.
	Chief, Business Outlook Div.
Bureau of the Census	Dep Dir.
	Asst Dir for Computer Services.
	Chief Data User Services Division.
	Chief, Computer Operations Division.
	Chief, Technical Services Division.
	Assoc Dir for Management Services.
	Senior Program Analyst.
	Asst Dir for Administration.
	Chief, Long-Range ADP Planning Staff.
Demographic Fields	Associate Director for Demographic Fields.
	Asst Dir for Demographic Censuses.
	Chf, Population Div.
	Chf, Statistical Methods Div.
	Chief Demographic Surveys Division.
	Asst Dir for International Programs.
	Chief, Decennial Census Div.
Statistical Standards and Methodology.	Assoc Dir for Statistical Standards & Method.
	Chief Statistical Research Division.
Field Operations	Assoc Dir for Field Operations.
	Chf, Geography Div.
	Chief, Field Div.
	Chief Data Preparation Division.
Economic Fields	Associate Director for Economic Fields.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Asst Dir for Economic & Agric Censuses.
	Chief, Agriculture Div.
	Chf, Business Div.
	Chf, Construction Statistics Div.
	Chf, Econ Surveys Div.
	Chf, Foreign Trade Div.
	Chf, Government Div.
	Chf, Industry Div.
	Chief Center for Economic Studies.
	Asst Dir for Economic Surveys.
Institute for Telecommunications Sciences.	Assoc Admr for Telecommunications Science.
	Deputy Dir for Systems & Networks.
	Special Technology Liaison.
	Deputy Director for Spectrum.
Economic Development Administration.	Dir, Off of Public Works.
	Director, Ofc of Plan, Techn Asst, Res & Eval.
Ofc of the Inspector General.	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Deputy Assistant Inspector Gen for Auditing.
	Asst Inspector Gen for Planning & Evaluation.
	Technical Advisor to the Inspector General.
	Counsel to the Inspector General.
	Asst Insp Gen for Vulnerability Asses & Mgt Svc.
	Technical Advisor to the Inspector General.
	Asst Inspector General for Auto Info Sys.
Ofc of Dep Asst Secy for Basic Industries.	Dir, Ofc of Metals, Minerals & Commodities.
Ofc of Dep A/S Capital Goods & Internat'l Construction.	Dir, Office of Special Industrial Machinery.
Ofc of Dep A/S for Automotive Affairs & Consumer Goods.	Director Office of Consumer Goods.
National Oceanic and Atmospheric Administration.	Asst Dir Ocean Minerals and Energy.
Office of Budget and Finance.	Director, Office of Budget and Finance.
	Dep Dir, Office of Budget and Finance.
Office of Administrative & Technical Services.	Dep Dir, Office of Admin and Technical Serv.
	Chief, Personnel Division.
	Chief, Information & Management Serv Div.
	Deputy Dir for Management Support Operation.
	Chief, General Services Management Division.
National Marine Fisheries Service.	Chief, Management and Budget Staff.
Fisheries Centers	Dir NE Fisheries Ctr.
	Dir SE Fisheries Ctr.
	Dir SW Fisheries Center.
	Dir NW & Alaska Fisheries Ctr.
Natl Environ Satellite, Data & Info Services.	Chief, Systems Planning & Development Staff.
Deputy Asst Admr for Satellites.	Chief Satellite Experiment Laboratory.
	Chief Earth Science Laboratory.
Dep Asst Admr for Information Services.	Dir, Environmental Science Info Center.
	Dir, Natl Oceanographic Data Center.
	Dir, Assessment and Information Services.
	Deputy Director.
	Director, National Climatic Data Center.
	Dir, National Geophysical Data Center.
Office of Sea Grant & Extramural Programs.	Dep Dir, Ofc of Sea Grant & Extramural Progr.
Environmental Research Laboratories.	Dep Dir, Environmental Research Laboratories.
	Dir Ofc of Weather Res & Modification.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Atlantic Oceanographic and Meteorological Labs.	Dir, Atlantic Oceanographic & Meteorological.
	Depy Dir Atlantic Oceanographic & Meteorologi.
Wave Propagation Lab.	Director.
Aeronomy Lab.	Director, Aeronomy Laboratory.
	Senior Scientist Deputy Director.
Geophysical Fluid Dynamics Laboratories.	Director.
	Supervisory Rsch Meteorologist.
	Supervisory Rsch Meteorologist.
	Supervisory Rsch Meteorologist.
Great Lakes Environmental Research Lab.	Dir Great Lakes Environmental Research Lab.
National Severe Storms Laboratory.	Dir Nat'l Severe Storms Lab.
Air Resources Laboratory.	Director Air Resources Laboratory.
Pacific Marine Environmental Lab.	Dir Pacific Marine Environmental Lab.
Ofc of Program Devel & Coordination.	Spec Proj & Weather Modification Officer.
Ocean Services & Coastal Zone Management.	Chf Scientist.
	Dir, Engrg Dev Lab.
	Special Assistant to the Chief Scientist.
Ocean and Coastal Resources Management.	Spec Asst to Dir Ofc of Ocean & Coastal Res.
	Dir, National Marine Pollution Programs Ofc.
Oceanography & Marine Services.	Chief, Ocean Systems Division.
	Chief, Ocean Resources Assessment Division.
	Chief, Ocean Services Division.
	Chief, Ocean Requirements & Data Anal Div.
National Ocean Service.	Dir Geodetic Research & Development Lab.
	Assoc Dir Ofc of Aeronautical Charting & Cart.
	Chief Geodesist.
National Weather Service.	Dep Dir—National Weather Service.
	Director, NOAA Data Buoy Office.
	Chief, International Affairs Staff.
	Dir, Nexrad Joint Systems Program Ofc.
	Chief, Management and Budget Staff.
	Chf, External Relat & Indus Meteorology Staff.
	Chf, Ofc of the Fed Coordinator for Meteorolg.
	Chief, Policy and Long Range Planning Staff.
Office of Meteorology.	Dir, Office of Meteorology.
	Chief Operations Division.
	Chf, Prog Requirements & Plng Division.
Office of Hydrology.	Director, Office of Hydrology.
	Chief, Hydrologic Services Division.
	Chief, Hydrologic Research Laboratory.
Office of Technical Services.	Dir, Ofc of Technical Services.
	Chf, Communications Division.
	Chief, Engineering Division.
	Chief AFOS Operations Division.
Office of Systems Development.	Director, Office of Sytemss Development.
	Chief, Integrated Systems Laboratory.
	Chief, Techniques Devel Laboratory.
	Chief, Advanced Systems Laboratory.
National Meteorological Ctr.	Director National Meteorological Center.
	Deputy Director.
	Chief, Climate Analysis Center.
	Chief, Automation Division.
	Chief, Development Div.
	Chf—Forecast Division.
Regional Offices & Centers.	Dir Southern Region, Ft Worth.
	Dir, Salt Lake City Region.
	Dir, Alaska Region, Anchorage.
	Dir Eastern Region Nws.
	Director Central Region.
	Dir, Natl Severe Storms Forecast Center.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Director, Natl Hurricane Center.
National Bureau of Standards.	Assoc Dir for International Affs.
	Tech Advisor to the Director.
	Director, Planning Ofc.
	Assoc Dir for Programs, Budget, and Finance.
	Deputy Dir Office of Product Standards Policy.
National Measurement Lab.	Senior Science Advisor.
	Senior Mathematical Statistician.
	Associate Director for Planning.
	Group Leader Surface and Structure Kinetics.
	Chief Inorganic Analytical Research Division.
	Chief Gas and Particulate Science Division.
Deputy Director for Programs.	Deputy Director for Programs.
	Chief, Off of Environmental Mgmts.
	Director, Standard Reference Data.
	Prog Manager, Industrial Process Data.
	Program Manager, Energy and Environmental Dat.
	Director, Measurement Services.
Center for Basic Standards.	Director, Center for Basic Standards.
	Senior Research Fellow.
	Chief, Electricity Division.
	Mgr. Tech Applications of Measurement Stds.
Quantum Physics Division.	Chf, Quantum Physics Div (Ctr for APQ).
	Sr Sci & Fellow of Jila.
	Senior Research Scientist.
	Senior Scientist, Boulder.
	Sr Scientist & Fellow of Jila.
	Senior Scientist—Fellow of Jila.
Time and Frequency Division.	Chf, Time & Frequency Div.
	Group Leader & Senior Scientist.
Center for Analytical Chemistry.	Director—Center for Analytical Chemistry.
	Group Leader, Laser Analytical Chemistry.
	Deputy Director, Ctr for Analytical Chemistry.
	Scientific Asst to the Dir Ctr for Analytical.
	Deputy Dir Center for Analytical Chemistry.
Center for Radiation Research.	Dir, Center for Radiation Research.
	Dep Dir, Ctr for Radiation Research.
	Chf Atomic & Plasma Radiation Div.
	Chf—Radiation Source & Instrumentation Divisi.
	Chief Radiometric Physics Division.
Nuclear Radiation Division.	Chief Nuclear Radiation Div.
	Physicist (Nuclear).
	Physicist (Nuclear).
	Principal Scientist Radiation Physics Div.
Radiation Physics Division.	Prin Scientist in X-Ray Physics.
	Group Leader for Far Ultraviolet Physics.
Center for Materials Science.	Dir—Center for Materials Science.
	Deputy Dir Center for Materials Science.
	Senior Scientist.
	Group Leader for Fiberous Systems.
	Chf, Ofc of Nondestructive Evaluation.
	Chief, Metallurgy Div.
	Scientific Assistant to the Director.
Fracture and Deformation Division.	Chf, Fracture and Deformation Division.
	Group Leader Mechanical Properties.
	Chief Inorganic Materials Division.
Ceramics Glass and Solid State Science Division.	Group Leader for Crystallography.
	Grp Leader for Glass Tech Inorganic Materl Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Polymer Science and Standards Division.	Chf Polymers Science and Standards Div.
	Physicist (Solid State).
Reactor Radiation Division.	Chf, Reactor Radiation Div.
	Group Leader Neutron Condensed Matter Science.
Center for Chemical Physics.	Director Center for Chemical Physics.
	Deputy Director, Center for Chemical Physics.
	Quantum Chemistry Group Leader.
	Group Leader for Environ Chemical Process.
	Chief, Surface Science Div.
	Chief, Molecular Spectroscopy Division.
National Engineering Lab.	Assoc Dir for Technical Evaluation.
	Group Leader Equation of State.
	Chief, Office of Sponsored Programs.
	Deputy Director for NEL Programs.
Center for Fire Research.	Director—Center for Fire Research.
	Chief, Fire Safety Technology Division.
	Chief, Fire Measurement & Research Division.
	Chief, Office of Fire Research Resources.
Center for Building Technology.	Director—Center for Building Technology.
	Deputy Director, Center for Building Tech.
	Chf, Building Thermal & Serv Sys Div.
	Chf Thermal Analysis Program.
	Chief, Structures Division.
	Chief Building Physics Division.
	Chf, Building Materials Div.
	Chief, Building Equipment Division.
Ctr for Mechanical Engring & Process Technology.	Dir Center for Manufacturing Engineering.
	Deputy Dir Ctr for Manufacturing Engineering.
	Chief Automated Production Technology Div.
	Chief Mechanical Production Metrology Div.
	Manager Ofc of Auto Manufacturing Tech Transf.
	Chief, Industrial Systems Division.
	Chf, Thermophysical Properties Div.
Center for Applied Mathematics.	Director, Center for Applied Mathematics.
	Deputy Director.
	Chf Statistical Engineering Division.
	Chief, Scientific Computing Division.
	Assoc Dir for Computing.
	Chief, Operations Research Division.
	Chief, Scientific Computing Division.
Center for Electronics and Electrical Engring.	Dir—Ctr for Electronics & Electrical Engineer.
	Deputy Director.
	Chf Electrosystems Division.
	Chf—Electromagnetic Technology Division.
	Senior Research Scientist.
	Chief, Semiconductor Materials & Proc Div.
Center for Field Methods.	Chief Semiconductor Devices & Circuits Div.
	Chief, Electromagnetic Fields Division.
Center for Chemical Engineering.	Deputy Director Ctr for Chemical Engineering.
	Director Center for Chemical Engineering.
	Chief Thermophysics Division.
Inst for Computer Sciences and Technology.	Dir Center for Programming Science & Techn.
	Dir Center for Computer Systems Engineering.
	Chief, Systems & Network Architecture Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Chief, Systems & Network Architecture Div.
	Assoc Dir for Planning Budget & Evaluation.
	Chief System Components Division.
	Chief, Data Mgt. & Programming Lang. Division.
Patent and Trademark Administration.	Asst Commissioner for Finance and Planning.
	Assistant Commissioner for External Affairs.
Office of Assistant Commissioner for Patents.	Adm'r for Documentation.
	Spec Asst to the Dep Asst Comm for Patents.
Chemical	Group Director 110.
	Group Director 120.
	Group Director for 130.
	Group Director 150.
	Group Director for 260.
Electrical	Group Director 210.
	Group Director for 220/290.
	Group Director—230.
	Group Director 240.
	Group Director 250.
Mechanical	Group Director—310.
	Group Director—320.
	Group Director—330.
	Group Director—340.
	Group Director—350.
Office of Assistant commissioner for Trademarks.	Deputy Asst Commissioner for Trademarks.
	Director, Trademark Examining Operation.
	Chairman, Trademark Trial & Appeal Board.
	Deputy Assistant Commissioner for Trademarks.
Board of Patent Interferences.	Chairman.
Commodity Futures Trading Commission	
Office of the General Counsel.	Assoc Gen Counsel (Opinions & Review).
	Deputy General Counsel (Litigation).
	Deputy General Counsel (Reg & Adm).
Office of the Executive Director.	Dep Exec Dir.
Division of Economics Analysis.	Dep Chf Economist.
	Chf, Analysis Section.
	Associate Director for Surveillance.
Division of Enforcement	Deputy Dir Division of Enforcement.
	Deputy Director Division of Enforcement.
	Deputy Director (Westeren Operations.
	Deputy Director (Eastern Operations).
Division of Trading and Markets.	Deputy Director, Div of Trading & Markets.
	Deputy Director (Contract Markets).
	Chief Counsel.
Consumer Product Safety Commission	
Ofc of General Counsel	Dep Gen Counsel Reg Aff/Gen Law.
Ofc of Executive Dir	Dir, Ofc of Prog Mgt.
	Director, Ofc of Budget, Prog Plan & Eval.
	Associate Executive Dir for Field Operations.
Office of AED for Epidemiology.	Associate Exec Dir for Epidemiology.
Ofc of AED for Compliance & Administrative Litigation.	Assoc Exec Dir for Compl & Admin Litigation.
Ofc of AED for Administration.	Assoc Exec Dir for Adm.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Ofc Secy of Defense	
Office of the Secretary	Asst to the Secy of Defense (Intel Oversight).
Ofc of Deputy Under Secy for Policy.	Dir, Counter Intel & Investigative Prog.
	Dir, Information Security.
Director Operational Test and Evaluation.	Dep Dir, Policy, Resources & External Affairs.
	Asst Dep Dir, Tactical & Elec Warfare Systems.
	Asst Dep Dir, Strategic, Space & C3I Systems.
Organization Abolished	Director Contract Audit Follow-up.
Ofc of Inspector General.	Deputy Inspector General
	Asst Inspector General for Audit Follow-up.
	Dir Audit res & Internal Audit & Ivest Fol-up.
	Asst Inspector General for Investigations.
	Asst Inspector General for Management.
	Dir Internal Audit Oversight & Evaluation.
	Dir, Contract & Ext O/Sight and Evaluation.
	Dep Asst Inspector Gen for GAO Reports Analy.
	Director Major Acquisition Programs.
	Director Contract Audits.
	Asst Insp Gen for Criminal Invest Pol & Ovsht.
	Asst Inspector Gen for Audit Policy & Oversht.
	Asst Dep IG for Progr Lpanning, Review & Eval.
	Dep Asst Inspector General (Audit-Followup).
	Dep Asst Inspector General for Auditing.
Defense Audit Service	Director, Defense Audit Service.
	Deputy Director, Defense Audit Service.
	Assoc Director—Special Program Audits.
	Assoc Dir Intelligence and Communications Aud.
	Assoc Dir, Systems & Logistics Audits.
	Assoc Dir, Resources & Overseas Audits.
	Assoc Dir Financial Mgmt and Manpower Audits.
Ofc Dep Asst Sec (Civilian Personnel Policy & Req).	Dir, Overseas & Nonappropriated Fund Per/Mgmt.
	Dir Personnel Management.
	Deputy Director for Labor Management Relation.
	Dep Dir Compensation & Overseas Emply Policy.
Ofc Dep Asst Sec Mil Personnel & Force Management.	Director, Accession Policy.
Ofc of Deputy Asst Sec, Equal Opportunity.	Dir for Civilian Equal Opportunity Programs.
Ofc of Dir of DOD Dependents Scflools.	Dir Pacific Region Dobbs.
	Director, Germany Region.
ODASD (Mobilization Planning & Requirements).	Assistant Director for Engineering.
Office Assistant Sec Health Affairs.	Dir, Def Enrolmnt Eligibl Reptng Sys (Deers).
Office of Assistant Secretary, Public Affairs.	Dir, Freedom of Information & Security Review.
Ofc of Dep Director (Strategic Programs).	Dir Strat Def and Theater Nuclear Forces Div.
Washington Headquarters Services.	Director of Personnel and Security.
Ofc Dep Asst Secy of Defense (Cost & Audit).	Dep Comptroller for Audit Policy.
Ofc of Under Secretary for Research and Engineering.	Asst Under Secy of Def (Plans & Devel).
	Spec Asst for Assessment & Exec Officer—DSB.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Director, Program Control and Administration.
	Asst U/S of Def (Conv In) & Dir Conv in Prog.
	Special Assistant for Resource Planning.
Ofc of Dep Under Secy (International Programs and Tech).	Asst Dep Under Secy of Def (Interni Progs).
	Dir, Technology Export.
	Special Assistant for Technology Transfer.
	Director, NATO Affairs.
	Dir Far East & Southern Hemisphere Affairs.
	Asst Dep Under Secretary of Defense.
	Spec Asst for Interni Coop Matters & STE.
Ofc of Asst Dep Und Secy of Def (Prod Policy).	Asst Dep Under Secy of Def (Production Pol).
	Dir Standardization & Acquisition Support.
	Dir Industrial Resources.
	Dir Industrial Productivity.
Ofc of Asst Dep Und Secy of Def (Acquisition).	Asst Dep Under Secy of Defense (Acquisition).
	Director Cost Pricing and Finance.
	Dir, Defense Acquisition Regulatory Systems.
	Director Major Systems Acquisition.
	Dir DOD Contract Studies & Mgmt Spt Services.
	Director Contract Policy.
	Director Contract Administration.
Office of the Director Test and Evaluation.	Dep Dir (Strategic & Naval Sys Div).
	Dep Dir for Test Facilities and Resources.
	Staff Spec for Strategic & Naval Warfare Sys.
Ofc of Dep Under Secy for Research and Advanced Tech.	Asst Dep Under Sec of Defense (Res & Adv Tech).
	Dir, Very High Speed Integrated Cir & Elec De.
Ofc-Dir-Engineering Technology.	Dir (Engineering Technology).
	Staff Specialist for Vehicle Propulsion.
	Staff Specialist for Materials & Structures.
	Staff Specialist for Ordnance.
	Staff Specialist for Weapons Technology.
	Staff Specialist for Directed Energy Weapons.
Ofc-Dir-Electronics and Physical Sciences.	Staff Spec for Elec Warfare and Target Acq.
	Staff Specialist for Search and Surveillance.
Ofc-Dir-Environmental Life and Sciences.	Staff Specialist for Chemical Technology.
	Dir Environmental & Life Sciences.
Ofc-Dir-Rsch and Technical Info.	Dir, Research & Technical Information Ofc.
	Staff Specialist for Research.
Office of Directed Energy Programs.	Dir, Directed Energy Programs.
Ofc of Computer Software and Systems.	Director, Computer Software and Systems.
	Staff Specialist for Software Tech (A&RS).
Ofc of the Dir, Offensive and Space Systems.	A/D Under S/D (Offensive & Space Systems).
	Staff Specialist for Space & Advanced Systems.
	Staff Spec for Techn & Analysis (Off Sys).
Ofc-Dir-Defensive Systems.	A/D Under S/D (Defensive Systems).
	Staff Spec for Early Warn, Air Def & At Asses.
	Staff Spec for Ball Missile Def Sys.
Ofc Dir Strat Aero & Theat Nuc Sys.	A/D Under S/D (Strategic Aeron & Theater N/S).
Ofc-Dir-Start & Arms Control Office.	A/D Under S/D (Start & Arms Control).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Ofc-Dir-Land Warfare	Asst Dep Under Secy of Def (Land Warfare).
	Staff Specialist for Ground Air Defense Sys.
Ofc Dir Air Warfare	Asst Dep Under Secy of Def (Air Warfare).
	Staff Spec for Interdication/Naval Strike.
	Staff Spec. Close Air Sup/Battlefield Int.
Ofc of Director-Naval Warfare	Asst Dep Under Secy of Def. (NW and Mobility).
	Staff Specialist for Antisub & Mine Systems.
	Stf Spec for Naval Proj & Anti-Air Systems.
Office of Mobility and Special Projects	Director Mobility and Special Projects.
	Staff Specialist for Air Mobility.
	Staff Spec Intertheater/Intratheater Mobility.
Office of Munitions	Director, Office of Munitions.
Office of Dep Asst Secy of Defense (C3I)	Asst Dep Under Sec of Def (Commun Comm & Cont).
	Staff Spec for Switched & Spec Purpose Comm S.
	Staff Spec for WWMCCS & Other C3 Systems Arc.
	Staff Spec for Satellite Communications Syste.
	Staff Specialist for Tactical Command & Contr.
	Dir Long-Range Planning & Sys Evaluation.
	Dir, Electronic Warfare & C3 Countermeasures.
	Director, Information Systems.
	Stf Spec/Elec Warfare & C3 C/ Meas Supt Actv.
	Dir Theater & Tactical Commun Command & Contr.
	Dir Strategic & Theater Nuclear Forces C3.
	Special Asst for C3 Prog Assessment & Eval.
	Director C3 Resources.
	Assistant Director, Electronic Combat Systems.
	Dir Special Warfare Systems.
	Asst Director, Special Operations Technology.
	Spec Asst for C3 Mobilization.
Office of Dep Asst Secy of Defense (Intelligence)	Director, Tactical Intelligence Systems.
	Director National Intelligence Systems.
	Staff Specialist for Combat Systems Analysis.
	Sr Scientist for Natl Intelligence Systems.
	Senior Scientist for Tactical Intell Systems.
	Staff Spec for Combat Systems Architecture.
Under Ofc of Asst Dep Secy of Def (Systems Integration)	Director, Systems Architecture and Analysis.
	Director, C3I Resource Management.
Defense Advanced Research Projects Agency	Deputy Director for Research.
	Deputy Director for Technology.
Tactical Technology Office	Dir—Tactical Technology Office.
	Dep Dir Tactical Technology Office.
	Assistant Director for Air Warfare.
	Assistant Director for Land Warfare.
Information Processing Techniques Office	Dir, Information Processing Techn Ofc.
	Prin Res Manager (Info Process Tech Ofc).
	Computer Research Manager.
	Assistant Director, Electronics Sciences.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Engineering Applications Office	Assistant Director for Applications.
	Director, Defense Strategic Computing Office.
	Deputy Director, Engineering Applications Ofc.
Material Sciences Office	Assistant Director for Materials Sciences.
Defense Sciences Office	Dir, Defense Sciences Ofc.
	Dep Dir, Def Sciences Ofc.
	Assistant Director for Geophysical Sciences.
	Assistant Director Systems Sciences.
	Dir Defense Sciences Office.
Strategic Technology Office	Dir—Strategic Technology Office.
	Asst Dir, Surveillance.
	Dep Dir, Strategic Techn Ofc.
	Asst Dir for Advanced Systems Research.
Directed Energy Office	Dir, Directed Energy Ofc.
	Dep Dir, Directed Energy Ofc.
	Asst Dir for Technology, Directed Energy Off.
	Deputy Director for Space Defense Technology.
	Dep Dir for Laser & Particle Beam Technology.
Vehicles Technology Office	Asst Dir Naval Warfare Division.
Office of the Joint Chiefs of Staff	Scientific and Technical Advisor to the Chief.
	Deputy Joint Requirements Integration Mgr.
	Dep Joint Requir Integrat Mgr/Sci Tech Adv.
Defense Contract Audit Agency	Director, DCAA.
	Deputy Director DCAA.
	Asst Dir Operations & Professional Dev.
	Asst Dir Policy & Plans.
	Director Field Detachment.
Regional Managers	Regional Director, Atlanta.
	Regional Director, Boston.
	Regional Director, Chicago.
	Regional Director, Los Angeles.
	Regional Director, Philadelphia.
	Regional Director, San Francisco.
Defense Logistics Agency	Special Asst for Integrity in Contracting.
Off of Exec Dir, Qual Assurance, ODDCAS	Dep Exec Dir, Quality Assurance.
Off of the Staff Dir—Small & Disadvantaged Business Util	Staff Dir Small & Disadvantaged Business Uti.
Office of Staff Director, Personnel	Staff Director, Personnel.
	Deputy Staff Director, Personnel.
Ofc of Telecommunications & Information Systems	Chief, ADP & Telecomm Technology Division.
	Chief AIS Development & Control Division.
Exec Dir, DLA Contracting	Executive Director, Contracting.
	Chief, Contracts Division.
Exec Dir, DLA, Tech & Logistics Services	Chf Property Disposal Div.
National Communications System	Asst Mgr NCS for Technology & Standards.
	Deputy Manager National Communications System.
	Asst Mgr NCS Plans and Operations.
	Scientific Advisor for Operations Research.
WWMCCS System Engr Organ	Dep WWMCCS System Engineer—Europe.
	Spec Asst to the Dep Dir, C3 (A & MA).
	Dep Dir, C3 Architecture & Mission Analysis.
	Dir, Planning & Systems Integration Center.
Center for Planning and Systems Integration	S/A to the Dir, CPSI for Satellite Com Sys.
	S/A to the Dir, CPSI/Strat & Theat Nuc Forc.
	S/A to the Dir, CPSI for NATO & Intern'l C3.
Defense Communications Engineering Center	Dep Dir, Def Communications Engineering Cente.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Career Reserved Positions.
	Chf Interoperability & Standards Div.
	Associate Director for Integrated Sys Design.
	Deputy Director Switched Network Engineering.
	Associate Deputy Director, Switched Systems.
	Dir, Communications Architectures & Plng Dir.
	Dir, Def Communications Engineering Center.
Office of Comptroller	Special Asst to the Compt for C3 Prog Assesm.
Ofc of Dep Dir, Commd & Control Techn Ctr	Dep Dir, Command and Control Technical Center.
	Tech Dir, WWMCCS ADP Technical Supt Direct.
Command and Control Engineering Center	Director, Command & Control Engineering Ctr.
	Dep Dir, Strategic Connectivity Engr Dir.
	Dep Dir, Engineering Integration Directorate.
	Dep Dir, Command & Control Sys Organization.
Natl Military Comd Syst ADP Directorate, CCTC	Asst Deputy Dir, NMCS ADP.
	Asst Dep Dir for Computer Services.
	Asst Dep Dir Def Communications Engr Ctr.
	Program Manager, Defense Switched Network.
Military Satellite Communications Office	Dep Dir Mil Satellite Communication Systems.
Office of the Director	Dir, Acquisition Management Directorate.
Office of Deputy Director Science & Technology	Dep Dir (Science & Technology).
	Scientific Asst to Dep Dir (Science and Tech).
	Asst to Dep Dir (Sci & Tec) for Theoretical R.
	Asst to the Dep Dir (Experimental Res).
	Asst to the Dep Dir (Sci & Tech) for Testing.
	Chf, Strategic Structures Division.
	Chf Aerospace Sys Div.
	Chief, Atmospheric Effects Division.
	Scientific Advisor to Director (AFRRI).
	Tech Pro Mngr for Nuclear Assessment Director.
	Chf, Electromagnetic Pulse Eff Div.
	Chief Lethality Hardening Division.
DMA Headquarters	Dep Dir for Systems & Techniques.
	Dep Dir, Mngmt & Technology.
	Dep Dir for Progs, Prod & Oper.
	Asst Dep for Plans and Requirements.
	Chief, Advanced Technology Division.
	Chf Acq Sys Dev Div.
	Staff Director of Personnel.
	Asst Deputy Dir for Programming.
	Asst Deputy Dir for Production and Distributi.
	Dir Spec Prog Ofc for Exploitation Modernizat.
	Associate Deputy Director for Hydrography.
	Dep Dir, Spec Prog Ofc Exploit & Modernization.
DMA Field Activities	Tech Dir DMA Aero Center.
	Tech Dir—DMA Hydrographic/ Topographic Center.
	Dep Dir Prog Prod Oper DMA HTC.
	Dep Dir for Progs, Production and Operations.
Defense Investigative Service	Dir Defense Investigative Service.
	Deputy Director (Investigations).
	Dep Dir (Industrial Security).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Department of Air Force	
Office of the Secretary	Administrative Assistant to the Secy.
	Dep Adm Asst.
Ofc Dir of Procurement Policy	Dir, Ofc of Small & Disadv Bus Utilization.
Office of the Under Secretary	Special Assistant for International Affairs.
ODAS M/P Res & Military Pers	Dep for Air Force Review Boards.
ODAS Installations Environment & Safety	Deputy for Installations Management.
ODAS Acquisition Management	Dep for Acquisition.
ODAS Logistics	Dep for Programs & Production.
	Dep for Supply & Maintenance.
	Dep for Transporation & Civil Aviation.
Office of Assistant Secretary, Financial Management	Deputy for Accounting and Internal Audit.
	Deputy Assistant Secretary (Acct and Audit).
Office, Asst Vice Chief of Staff	Chief Office of Air Force History.
Director of Administration	Chief, Publishing Div.
Asst Chief of Staff for Information Systems	Associate Director (Technical).
Ofc of Dep Chief of Staff, Logistics and Engineering	Assoc Dir for Logistics Plans & Programs.
	Assoc Dir of Maintenance Engineering & Supply.
	Assoc Dir for Engineering & Services.
Office of Dep Chf of Staff, Res & Dev and Acquisition	Assoc Dir of Contracting & Manufacturing Pol.
Special Advisory Group	Special Advisor.
Director of Civilian Personnel	Dep A/S (CPP & EEO) & Dir of Civilian Pers.
	Deputy Director of Civilian Personnel.
Office of Deputy Chief of Staff, Comptroller	Dep Comptroller.
Director of Management Analysis	Assoc Dir of Mgmt Analysis.
Director of Budget	Deputy Director of Budget.
	Asst Dep Dir of Budget (Operations).
	Chief Budget Management Division.
	Chf, Investment Appropriations Div.
National Guard Bureau	Spec Asst to the Chief, NGB.
Office of the Commander, DCS Contracting & Manufacturing	Assistant for Product Assurance.
	Prin Asst/Contracting & Manufacturing.
	Chairperson Contract Review Committee.
	Dir of Manufacturing.
DCS Personnel	Director of Civilian Personnel.
Deputy Chief of Staff/ Comptroller, DCS/Development Plans	Asst to the DCS/Comptroller.
	Asst Dep Chief of Staff/Plans and Programs.
DCS/Intelligence	Dep Chf of Staff for Intelligence.
AF Ofc of Scientific Research, Air Force Space Technology Center, Air Force Weapons Laboratory	Tech Director AF Ofc of Scientific Research.
	Asst Dep for Procurement & Manufacturing.
	Techn Dir (Physical Optics, Lasers, Prototype).
	Technical Director (Nuclear Technology).
Aeronomy Division	Director Aeronomy Division.
Space Physics Division	Dir, Space Physics Div, AFGL.
Optical Physics Division	CH, Atmospheric Structure BR.
Air Force Rocket Propulsion Laboratory	Dir Optical Physics Division.
	Dir, Solid Rocket Div.
Electronic Systems Division	Deputy (Technical Operations & Prod Assurance).
	Asst Dep for Contracting & Manufacturing.
	Assistant Deputy for Tactical Systems.
	Asst Dep for Strategic Systems.
	Dep Comm for Intel C3 Countermeas & Supp Sys.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Rome Air Development Center	Director (Plans).
	Techn Dir (Intelligence & Reconnaissance).
	Technical Director (Communications).
	Tech Dir Reliability & Compatibility.
	Technical Dir (Surveillance).
	Technical Director (Command & Control).
Aeronautical Systems Division	Deputy Comptroller.
	Techn Dir, Flt Systems engineering.
Dep for Proc and Manufacturing, ASD	Asst Deputy for Procurement and Manufacturing.
Dep for Engineering, ASD	Tech Dir Directorate of Equipment Engineering.
	Techn Dir, Directorate of Avionics.
	Technical Director, Deputy for Avionics.
	Director of Engineering Tactical Systems.
	Engineering Advisor Product Assurance Engr.
	Dir Engineering Propulsion Systems.
Systems Engineering Office, ASD	Director of Engineering (F-16).
	Dir of Eng Reconnaissance & Elec Warfare Sys.
	Director of Engineering (Airlift Trainer Sys).
Materials Laboratory, AFWAL	Dir, Metals & Ceramics Div.
	Sr Sci Organic Chemistry.
	Dir Manufacturing Technology Division.
Aero Propulsion Laboratory, AFWAL	Dir, Turbine Engine Div.
Armament Division	Technical Advisor.
Foreign Technology Division	Technical Director (Aerospace Systems).
	Technical Director (Engineering).
	Technical Director (Technology and Threat).
USAF School of Aerospace Medicine	Research Director (Crew Technology).
Aerospace Medical Research Lab	Dir, Toxic Hazard Div.
	Director Human Engineering.
Air Force Human Resources Lab, AMD	Chief Scientist.
Air Force Flight Test Center	Techn Dir (Engineering).
Air Force Logistics Command	Asst Dep Chf of Staff, Maintenance.
	Chairman AF Logistics Command Procur Committ.
	Asst DCS/Plans & Operations.
	Director of Civilian Personnel.
	Asst DCS/Procurement & Production.
	Deputy Asst to the Commdr—Interni Logistics.
	Asst Dep Chief/Logistics Management Systems.
	Asst Deputy Chief of Staff, Material Mgt.
	Director Acquisition Logistics.
AF Acquisition Logistics Div	Asst DCS—Comptroller.
	Asst to the Commander AFALD.
	Deputy for Contracting and Manufacturing.
	Asst to the Commander, Logistics Oper Center.
	Dep for Log Force Structure, Dev & Acquisit.
Air Logistics Center, San Antonio	Dep Dir, Directorate of Maintenance.
	Dep. Dir. Material Mgt. San Antonio Log. Ctr.
Air Logistics Center, Okahoma City	Dep Dir, Directorate of Material Mgmt.
	Dep Dir, Directorate of Maintenance.
Air Logistics Center, Warner Robins	Deputy Director, Directorate of Material Mgt.
	Deputy Dir, Dir of Maintenance.
Air Logistics Center, Ogden	Dep Dir, Directorate of Maintenance.
	Deputy Director, Directorate of Material Mgt.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Air Logistics Center, Sacramento	Dep Dir, Directorate of Material Management.
	Dep Dir, Directorate of Maintenance.
Air Force Audit Agency	The Auditor General of the Air Force.
	Director of Field Activities.
	Director of Operations.
	Director of Forces and Support Management.
	Dir, Acquisition & Logistics Systems.
Air Force Electronic Security Command	Asst to the Commander.
Air Force Communications Command	Tech Asst to Comdr Data Sys Design Center.
Science & Research	Chief, Operations Analysis Division.
	Chief, Applied Research Division.
Tactical Air Command	Chief Scientist Tactical Air Warfare Ctr.
Headquarters, Pacific Air Force	Chief, Operations Analysis.
U.S. Air Forces in Europe	Director of Civilian Personnel.
SHAPE Technical Center	Chief Information Systems Division, NATO.
	Director, SHAPE Technical Centre.
Space Command	Senior Space Scientist.
Dep Chf of Staff, Plans & Programs	Senior Scientific and Technical Advisor.
AF Operational Test and Eval Center (AF OTEC)	Scientific Advisor (Test & Evaluation).
Joint Electronic Warfare Center (JEWC)	Technical Director.
Air Force Commissary Service	Deputy to the Commander, AF Commissary Serv.
Directorate of Accounting & Finance	Dep Dir, Acctng & Finance.
	Director of Plans & Systems.
Joint Program Management Office (JPMO)	Technical Director.
AF Engrg and Services Center (Field)	Technical Director.
	Technical Director.
Office of Civilian Personnel Operations (OCPO)	Chf Ofc of Civilian Personnel Opers.
Department of Army	
Office of the Under Secretary	Operations Research Analyst.
	Chf, Opers Res GRP for Forces & Readiness.
	Operations Research Analyst for Systems.
	Opers Research Analyst for CMD, Cont, C & I.
Ofc of the Administrative Assistant	Adm Asst to the Secy of the Army.
	Dep Administrative Assistant.
	Director, Defense Supply Service—Washington.
OASA Research Development and Acquisition	Director Acquisition Management Review Agency.
ODASA Acquisition	Dep for Materiel Acq Mgmt.
	Dep for Procurement Policy.
ODASA Management and Programs	Dep for Management and Programs.
	Assistant Deputy for Management and Programs.
Ofc of Asst Secretary (Installations & Logistics)	Asst Deputy for Installations & Housing.
	Asst Dep for Logistics.
Ofc of Asst Secy (Financial Mgmt)	Deputy for Information Resource Management.
Off of Asst Secretary, Manpower & Reserve Affairs	DASA (DA Review Bds and Personnel Security).
	Dep for Civ Personnel Pol & Eq Opportunity.
	Dep A/S of the Army (Rev Bd's & Personnel Sec).
Ofc of Asst Secretary Civil Works	Dep for Program Planning Review & Evaluation.
	Deputy for Management and Budget.
	Dep for Policy, Ptng & Legislative Affairs.
Office, Assistant Chief of Staff, Intelligence	Spec Asst to the ACSI.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Ballistic Missile Def Prog Manager.	Chief Scientist Ballistic Missile Prog Ofc.
Ballistic Missile Def Sys Command.	Chief, Contracts Office.
Ballistic Missile Def Adv Techn Ctr.	Dir Technology Analysis Directorate.
	Dir Discrimination Directorate.
	Dir Missile Directorate.
	Director Radar Directorate.
	Dir—Data Processing Directorate.
	Director Optics Directorate.
Chf Scientist & Director of Army Research.	Asst Dir for Laboratory Actvities.
	Asst Director for Research Programs.
	Asst Dir for Technology Planning.
	RDA Analysis Officer.
	Asst Dir Technology Planning.
	Director of Army Research & Technology.
	Assistant Director, Laboratory Management.
	Assistant Director, Research.
Dir of Combat Support Systems.	Physical Scientist Admr (Chem & Engr Sci).
	Combat Spt Sys Techol Mgr.
	Assistant Director Technology Assessment.
	Assistant Director Threat Integration.
Dir of Weapons Systems.	Physical Scientist (Aerospace Engr).
Office, Dep Chief of Staff for Personnel.	U.S. Army Safety Director
Directorate of Civilian Personnel.	Director of Civilian Personnel.
	Dep Director of Civ Personnel.
	Chief, Pos Mgmt, Class & Comp Policy Ofc.
	Chief, Staffing, Career Mgmt & Training Ofc.
Civilian Personnel Center.	Chf—Civilian Personnel Ctr.
Army Research Institute for Behavioral & Social Sciences.	Dir, Systems Rsch Lab & Assoc Dir An.
	Dir Training Res Lab & Assoc Dir Ari.
	Dir, Manp & Pers Res Lab & Assoc Dir. Ari.
Dir Manpower Plans and Budget.	Dep Dir Manpower Plans and Budget.
Office, Deputy Chief of Staff for Logistics.	Asst Director for Supply Mgmt.
	Asst Dir of Resources and Mgmt.
	Asst Dir For Maintenance Mgmt.
	Spec Asst to DCSLOG & Chf Av Log Ofc.
	Chief Security Assistance Policy Coord Ofc.
	Asst Dir for Transportation.
	Asst Dir for Energy & Troop Support.
Office of the Comptroller of the Army.	Dep Comptroller.
	Director of Cost Analysis.
	Deputy Director of Operations & Maintenance.
	Director of Resource Management.
	Asst Comptroller of the Army for Econ Policy.
Finance and Accounting Center.	Dep C mdr US Army Finance & Acctng Ctr.
	Assoc Dep Asst Comp of the (F&A) & PM for Afs.
	Army Internal Control Program Administrator.
Director of Army Budget.	Deputy Director.
	Dep Dir of Army Budget for Budget Management.
Army Audit Agency.	The Auditor General, U.S. Army.
	Deputy Auditor General.
	Director, Logistical & Financial Audits.
	Director, Acquisition & Systems Audits.
	Dir Personnel and Force Management Audits.
	Dir Audit Policy Plans and Resources.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Regional Auditor General (European Region).
Ofc Dep Chf of Staff for Operations & Plans.	Tech Adv to Dep Chf of Staff for Opers & Plan.
	Dir, US Army Ctr of Mil His & Chf of Mil His.
Directorate of Command, Control, Comms & Computers.	Dep Asst Chf of Staff Automation and Comms.
	Army Spectrum Manager.
US Army Computer Systems Command.	Dir, Army Mgmt Systems Support Agency.
US Army Nuclear & Chemical Agency.	Technical Director.
Concepts Analysis Agency (OCSA).	Dir for Joint Forces & Strategy.
	Dir of Methodology & Resources & Computation.
Army Center of Military History.	Chief Historian.
Army War College	Director of Academic Affairs.
USA Med Rsch & Devel Cmd.	Special Assistant for Biotechnology.
U.S. Army and Med Res Inst of Infectious Dis, Ft Detrick MD.	Deputy for Science.
	Program Director Hazardous Viruses.
	Deputy for Science.
Training and Doctrine Command (TRADOC).	Scientific Advisor.
	Dep Chief of Staff for Persnl Admin Logistics.
	Asst Deputy Chief of Staff for Resources Mgmt.
Combat Developments Experimentation Command.	Dir, USA Combat Develop Experimentation Ctr.
TRADOC Operations Research Activity.	Director, TRADOC Operations Research Activity
US Army TRADOC Systems Analysis Activity.	Dir US Army TRADOC Systems Analysis Activity.
TRADOC Combined Arms Test Facility.	Scientific Advisor.
Military Traffic Mgmt Commd.	Special Assistant for Transportation Engr.
U.S. Army Forces Command.	Civilian Personnel Director.
	Deputy Comptroller.
U.S. Army Corps of Engineers.	Chief, Office of Personnel.
	Spec Asst to the Chf of Engrs For Interni Aff.
	Deputy Director, Resource Management.
Ofc, Asst Chf of Engineers.	Chief, Programing Div, Ace.
Directorate of Civil Works.	Chf—Ofc of Policy.
	Chf, Eng Div, Civil Works.
	Chief, Elect & Mech Br, Engineering Div.
	Chf, Programs Div.
	Chf—Planning Division.
	Chf Construction—Operations Division.
	Chief Operations & Readiness Division.
Water Resources Support Center.	Chief Dredging Division.
Organization Abolished	Deputy Director for CEMXPA.
	Chief Engineering Directorate.
Directorate of Engineering & Construction.	Chief, Engineering Division.
	Chf, Construction Division.
	Chf, Operations & Maintenance Div.
	Deputy Chief Construction Division.
	Chief Construction Division.
	Chief Engineering Division.
	Dep/Dir Engineering and Construction.
Board of Engineers for Rivers and Harbors.	Tech Dir, Bd Engr Rivers and Harbors.
Institute for Water Resources.	Director Institute for Water Resources.
Planning Divisions, COE.	Chf Planning Div, Ohio River Div.
	Chf Planning Div, No Pacific Div.
	Chf, Planning Div, South Atlantic Div.
	Chief, Planning Div Lower Miss Valley Div.
	Chf, Planning Div, Mo River Div.
	Chf, Planning Div, South Pacific.
	Chief Planning Div, N. Atlantic Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Chf Planning Div—Southwestern Div.
	Chf Planning Dir North Central Div.
Engineering Divisions, COE.	Chief Engineering Div., Ohio River Div.
	Chief Engineering Div, Southwestern Div.
	Chief, Engineering Div., N. Central Div.
	Chief, Engineering Div., S. Pacific Div.
	Chief, Engineering Div, N Atlantic Div.
	Chief, Engineering Div, S. Atlantic Div.
	Chief, Engineering Div, Lwr Miss Valley Div.
	Chief Engineering Div Middle East.
	Chief, Engineering Div, Missouri River Div.
	Chief, Engineering Div, North Pacific Div.
	Chief, Engineering Div, Pacific Ocean Div.
	Chf Engineering Div, Europe Div.
	Chief Engineering Div, Huntsville Div.
Construction Divs—COE.	Chf Construction Div, Middle East.
	Chf, Construction—Operations Div, S Atlantic.
	Chief Construction—Operations Div S Western.
	Chief Construction—Operations Div, Ohio River.
	Chief Construction—Operations Div, Lr MS Val.
Direc for Mgmt Info Sys.	Dir of Mgmt Information Systems.
	Dir Automated Logistics Mgt. Systems Activity.
Direc for Supply, Maint & Trans.	Dep Dir of Supply Maintenance & Transp.
Direc for Product Assurance & Test.	Director of Product Assurance and Test.
	Deputy Director of Product Assurance and Test.
Ofc Dep Cmdg Gen Material Dev Darcom.	Prin Asst Dep for Res Develop and Acquisition.
	Asst Dep for Science & Technology.
	Asst Dep Int'l Programs & Technical Transfer.
	Dir Technology Planning Management.
Dir for Devel Engineering & Acquisition.	Dep Dir of Develop Engineering & Acquisition.
	Deputy for Systems Management.
	Deputy for Program Management.
Office of Manufacturing Technology.	Dir of Manufacturing Technology.
Ofc Dep Cmdg Mat.l Readiness.	Asst Dep for Material Readiness.
Direc for Internat'l Logistics.	Dep Dir of Security Assistance.
Direc for Material Management.	Duputy for Weapon Systems Management.
	Deputy for Policy Plans and Procedures.
Direc for Readiness.	Dep Dir of Readiness.
	Deputy Director of Readiness.
Direc for Procurement & Production.	Assoc Dir for Procurement.
	Dep Dir Procurement and Production.
Direc for Test, Measurement & Diag Eq.	Deputy Executive Director for TMDE.
Ofc Dep Commanding General for Resource Management.	Asst Deputy for Resource Management.
Direc for Personnel Trng & Force Dev.	Dep Dir, Personnel Training & Force Devel.
	Chief, Civilian Personnel Div.
Office of Comptroller DARCOM Hq.	Deputy Comptroller.
	Assistant Deputy for Cost Analysis.
Program Analysis & Evaluation Directorate.	Director for Program Analysis & Evaluation.
Armament Materiel Readiness Command (ARRCOM).	Comptroller.
	Deputy for Procurement and Production.
	Deputy for Logistics Readiness.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Dep for Indust Preparedness & Installations.
Office of Commander ARRADCOM.	A/Tech/Dir/ (Sys Development & Engineering).
	Director of Product Assurance.
Large Caliber Weapon Systems Lab ARRADCOM.	Chf—Energetic Materials Div.
	Chief Munitions Systems Division.
	Chief Nuclear and Fuze Division.
	Chief Applied Sciences Division.
Fire Cont & Small Caliber Weapon Sys Lab ARRADCOM.	Chf Fire Control Systems Division.
Chemical Sys Lab ARRADCOM.	Chf Munitions Division.
	Chief Research Division.
Ballistics Research Lab ARRADCOM.	Chf, Sys Engineering & Concepts Analysis Div.
	Chief Interior Ballistics Division.
	Chf—Launch and Flight Division.
	Chf Terminal Ballistics Div.
	Chf Vulnerability Lethality Division.
Aviation Systems Command (AVSCOM).	Dir of Procurement and Production.
Directorate of Systems Engineering.	Director, Development and Qualification.
Research & Technology Labs.	Dir—Aeromechanics Laboratory.
	Dir—Structures Laboratory.
	Director Propulsion Laboratory.
	Dir—Research and Technology Labs.
Communications & Elect Comd (CECOM).	Comptroller, CERCOM.
	Dir of Procurement and Production.
	Dir of Product Assurance and Test.
Communications Res & Dev Command (CORADCOM).	Director, Communications Systems Center.
	Dir Systems Engineering and Integration.
Program Mgr Army Tactical Data Systems (CORADCOM).	Assoc Techn Dir (Command, Control & Commun).
Depot Systems Command (DESCOM).	Deputy for Command Operations.
Electronics Research & Development CMMD (ERADCOM).	Assoc Technical Dir for Res & Technology.
	Assoc Tech Dir for Elec Warfare and Intel.
Harry Diamond Labs (ERADCOM).	Chf, Dev & Eng Div.
	Director, Harry Diamond Laboratories.
Night Vision & Electro-Optics Lab (ERADCOM).	Dep Dir, Night Visions and Electro-Optics Lab.
Ofc of Commander—(MICOM).	Director for Procurement and Production.
	Associate Director for Systems.
	Dir, Missile Logistics Ctr.
	Director of Product Assurance.
Project Mgmt Offices (MICOM).	Deputy Project Manager, US Roland.
	Deputy Director for Directed Energy.
Engineering Lab (MICOM).	Dir for System Engineering.
	Dir for Test and Evaluation.
	Dep Dir Systems Simulation & Development.
Technology Lab (MICOM).	Director for Advanced Sensor.
	Chief, Advanced Technology Function.
	Asst Dep for Readiness.
Missile Intelligence Agency.	Dep Dir, Missile Intelligence Agency.
	Director Missile Intelligence Agency.
Belvoir Research & Development Center.	Assoc Techn Dir for Research & Dev.
	Assoc Tech Dir for Engineering and Acqui.
Natick Research & Development Center.	Director Individual Protection Laboratory.
	Director Science & Advance Technology Lab.
	Director, Food Engineering Laboratory.
Tank-Automotive Comd (TACOM).	Comptroller, TARCOM.
	Dir for Procurement and Production.
	Director of Product Assurance.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Aberdeen Proving Ground, Md. TE Command.	Assoc Dir—Materiel Testing Directorate.
Patriot Project Office	Dep Project Manager, Patriot.
XM-1 Tank Project Office.	Chf Engineer/Chf, Systems Engineering Div.
Fighting Vehicle Systems Project Ofc.	Dep Program Mgr—Fighting Vehicle Systems.
Advanced Attack Helicopter Project Office.	Dep/Prog/Mgr Advanced Attack Helicopter.
Army Research Office DARCOM (Durham NC).	Dir, Engr Sci Div.
Foreign Science & Technol Ctr DARCOM.	Dep Director Foreign Sci & Technology Center.
	Dir of Intelligence Production.
Army Material Systems Analysis Agency DARCOM.	Chf Combat Support Div AMSAA.
	Chf Air Warfare Div.
	Chf Reliability, Availability & Maintainabit.
	Chf Ground Warfare Division—AMSAA.
Army Communications Command.	Comptroller.
Headquarters US Army, Europe.	Asst Dep Chf of Staff, Personnel (Civ Pers).
	Asst Dep Chief of Staff Eng for Eng & Housing.
Joint Tactical Command, Control & Comms Agency.	Dep Dir for Engineering.
	Associate Director Tri-Tac Office.
	Chf, Systems Div.
	Dep Dir Acquisition Management Directorate.
DOD Wage Fixing Authority.	Director, Technical Staff.
Department of Navy	
Office of the Under Secretary of the Navy.	Assistant for Administration.
Office of the Auditor General.	Auditor General of the Navy.
Naval Audit Service Headquarters.	Director, Plans and Policy.
	Director, Audit Operations.
Ofc of the Asst Secy of Navy (Manpwr & Res Affs).	Staff Dir/Director, Manpower Analysis.
	Staff Director Program Policy.
Office of the Comptroller of the Navy.	Assoc Dir, Budget & Reports/Fiscal Manag Div.
	Exec Asst Compt for Financial Mgmt Systems.
	Exec Asst Comp Bank, Cash Mgmt, Cont Fin, Comp S.
	Counsel.
	Dir, Investment & Dev Div.
	Assoc Dir for Finance.
	Dir, Budget & Mgmt, Policy and Procedures Div.
	Exec Asst Comptroller for Accounting Systems.
	Dir, Budget Evaluation Group.
	Dep Director for Independent Cost Analysis.
	Dir Civilian Manpower Division.
Navy Comptroller Standard Systems Activity.	Dir, Navy Comptroller Standard Sys Activity.
Office of the General Counsel.	Asst General Counsel (Acquisition).
	Asst Gen Counsel (Civilian Personnel Law).
Director—Naval Administration/Asst Vice CNO.	Deputy Director, Long Range Planning Group.
Director, Navy Program Planning.	Asst for Net Assessment & Mid-Range Objective.
	Asst for Spec Analyses & Head, Proj Forces Br.
	Hd Support Force Manpower & Logistics Branch.
	SecNav/CNO Advisor for Resource Analysis.
	Chairman Resources & Cost Analysis.
	Dep Director, Strategic Sealift Division.
	Tactical Development & Evaluation Support.
	Deputy Director for Programming.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Asst for Readiness & Sustainability.
Director Command and Control.	Dir, Electromagnetic Spectrum Management.
	Assoc Director, Information Systems Division.
Director, Naval Warfare	Technical Advisor.
Office of the Oceanographer of the Navy.	Dep for International & Interagency Affairs.
Director, R&D Test and Evaluation.	Spec Asst for Financial Matters.
	Asst for RDT&E Aquisition Mgmt.
Director, Naval Intelligence.	Spec Asst to Dir of Naval Intel.
	Spec Asst to Dir of Naval Intel-Investgatns.
	Tech Dir—Ofc of Naval Intelligence.
	Advisor for Research & Development Programs.
	Sr Adv to the Dir of Naval Intel for Sov Doc.
DCNO (Manpower, Personnel & Training).	Director, Total Force Information Sys Mgt Div.
ADCNO (CCP/EEO)/Civ Pers Pol Division.	Asst Dep Chf of Naval Opers (Civilian Personn)
	Dep Dir, Civilian Personnel Div.
	Head, Staffing and Pay Systems Branch.
	Hd, Labor & Employee Relations Branch.
	Head Personnel Management & Evaluation Br.
Office DCNO (Submarine Warfare).	Technical Director, SSBN Security Program.
	Technical Director of Research & Development.
Office DCNO (Logistics)	Dep Dir, Logistics Plans Division.
Office DCNO (Air Warfare).	Spec Asst for Aviation Budget and Acquisition.
Office DCNO (Plans, Policy & Operations).	Assoc Dir OP-63/Dir, Intern'l Prog, Pol & Nog.
Naval Civilian Personnel Command.	Director, Naval Civilian Personnel Command.
Naval Civilian Personnel Command—Pacific Region.	Director Pacific Region.
Naval Civilian Personnel Command.	Dir Military Pay Financial Mgmt Directorate.
Naval Observatory	Dir, Time Service Div.
Naval Data Automation Command Headquarters.	Technical Director.
	Comptroller.
Naval Intelligence Support Center.	Technical Director.
	Director of Threat Assessments.
Naval Intelligence Processing System Support Activity.	Technical Director.
Naval Medical Research and Development Command.	Dir of Prog & Scientific Advisor.
Naval Aerospace Medical Research Laboratory.	Spec Asst, Scien Progs & Hd, Psychophysiology.
U.S. Naval Medical Research Unit #3.	Hd, Medical Zoology Dept, Cairo, Egypt.
Military Sealift Command.	Dep Ex Dir.
	Counsel.
	Engineering Officer.
	Comptroller.
Naval Tactical Support Activity.	Dir Navy Tactical Support Acty.
Naval Space Command	Technical Director.
	Comptroller.
Ofc of the Chief of Naval Education and Training.	Prin Adv Edu Trig/Deputy Cnet Edu Dev and R&D.
U.S. Marine Corps Headquarters Office.	Fiscal Dir of the Marine Corps.
	Asst Dcs for Installations and Logistics.
	Dir Contracts Division.
	Counsel for the Commandant.
	Sci Adv to Deputy Chief of Staff (R&D).
	Accounting Officer of Marine Corps.
	Special Assistant to the Dir of Intelligence.
	Deputy Director Materiel Division.
Office of Naval Research.	Technical Director.
	Dir of Planning and Assessment.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Assistant Td for Ocean Science.
	Dep Dir for Technology Programs.
	Counsel, Office of Naval Research.
	Science Advisor.
Ofc of the Comptroller	Dir, Fin Mgmt/Compt/Spec Asst (FM) to ASN (R, E &S.
	Deputy Comptroller.
	Dep to the Spec Asst (FM) to the ASN (RE&S).
Ofc of Assistant Chief for Patents.	Dir Navy Patents Program/Patent Counsel Navy.
	Field Dir, Navy Patents.
	Departmental Director, Navay Patents.
Office of Procurement Services.	Director, Acquisition.
Office of the Assistant Chief for Research.	Dir of Research Programs.
	Dep Dir Ocean Sciences & Techn Div.
	Head Information Sciences Division.
	Head Mechanics Division.
	Head Physics Division.
	Head Chemistry Division.
	Leader, Arctic, Atmos & Ionospheric Scie Div.
	Head, Psychological Sciences Division.
	Assoc Dir for Life Sciences.
	Head Biological Sciences Division.
	Assoc Dir for Mathematical & Physical Science.
	Head Mathematical Sciences Division.
	Associate Director for Engineering Sciences.
	Head Electronics Division.
	Head Geophysical Sciences Division.
	Head Ocean Sciences Division.
	Head Materials Division.
Assistant Chief for Technology.	Dir Mgnt & Manpower.
Ocean Science and Technology Division.	Associate Director for Environmental Sciences.
Office of Naval Technology.	Assoc Tech Dir for Weapons & Platform Tech.
	Dep Tech Dir/Dir, Tech Plan'g & Assess Group.
	Technical Director.
	Director, Support Technology Division.
	Dreactor Surveillance & C3 Division.
Naval Ocean Research and Development Activity.	Tech Dir.
	Assoc Tech Dir & Dir Ocean Prog Mgmt Ofc.
	Assoc Tech Dir & Dir, Ocean Science Directorate.
	Assoc Tech Dir & Dir Ocean Acoustics & Tech Dir.
Office of the Director of Research.	Dir of Research.
Technical Services Directorate.	Assoc Dir of Res & Dir of Tech Services.
Systems Research and Technology Directorate.	Assoc Dir of Res & Dir of Sys Res and Tech.
Acoustics Division	Supt, Acoustics Div.
Underwater Sound Refence Division.	Supt Underwater Sound Reference Division.
Radar Division	Supt, Radar Div.
Marine Technology Division.	Superintendent Marine Technology Division.
Tactical Electronic Warfare Division.	Supt, Tactical Electronic Warfare Div.
Material Science and Component Technology Direc.	Assoc Dir of Res & Dir of Mat Sci & Comp Tech.
	Head Magnetism Branch.
	Chf Sci, Lab for Structure of Matter.
Chemistry Division	Supt, Chemistry Div.
	Head Combustion and Fuels Branch.
Material Science and Technology Division.	Supt Materials Sci and Tech Division.
	Head Thermostructural Materials Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Electronics Technology Division.	Superintendent Electronics Technology Div.
Optical Sciences Division.	Superintendent, Optical Sciences Div.
Radiation Technology Division.	Supt Condensed Matter & Radiation Sci Div.
Plasma Physics Division	Chief Sci Lab for Computational Physics.
Space and Communications Technology Directorate.	Assoc Dir of Res & Dir of Space & Comm Techn.
Space Systems Division	Superintendent, Space Systems Div.
	Head, Space Technology Br.
	Superintendent, Space Systems Div.
Communication Sciences Division.	Superintendent, Communications Sciences Div.
	Chf Sci for Telec & Hd, Transm Techn Br.
General Science and Technology Directorate.	Assoc Dir of Res & Dir of Gen Sci and Tech.
Plasma Physics Division	Superintendent, Plasma Physics Div.
	Cont Therm Res Coord Hd, Exp Plas Physics Br.
Space Science Division	Superintendent Space Science Div.
Office of the Dir, NATO, SACLANT AWS Research Ctr.	Director NATO SACLANT AWS Research Centre.
Naval Material Command Headquarters.	Dir Manpower/Personnel Mgmt.
	Dir, CCPO, Crystal City.
Director of Resources Management.	Asst Dep Cnm for Program Budget & Finance.
	Cnm Adv for Cost Analysis/Dir, Cost Analy Div.
	Spec Asst to Dir Res Mgmt/Dir Fin Mgnt Sys Di.
Dep Chief of Naval Material (Logistics).	Asst Dep Chf of Naval Material (Oper & Logist).
	Dir, Logistic Programs & Assessments Div.
Dep Chief of Naval Material (Acquisition).	Executive Director for Acquisition.
Asst Dep Chf of Naval Mat (Contracts & Bus Mgmt).	Exec Dir for Contracts and Business Managemen.
	Dir, Procurement Control & Clearance Div.
Dep Chief of Naval Material (Laboratories).	DCNM (Laboratories)/Dir of Navy Laboratories.
	Assoc Dir of NV Labs.
	Spec. Assistant to the Director of Navy Labs.
Asst Dep Chf of Naval Mat (Reliability & Eng).	Asst Dep Chf Nav Mat (Reliability and Eng).
Executive Development Cadre.	Director, Civilian Resources Management Dir.
	Asst for Transition of Ship Eng Tech.
	Corporate Management Consultant to the Cmdr.
	Spec Asst for Long Range Strategic Planning.
	Special Assistant to the President.
Naval Training Equipment Center.	Dir, Def Training Data & Analysis Center.
Plans and Program Division.	Director, Plans & Programs Division.
	Deputy Director, Plans & Programs Division.
	Head, Resources Branch.
Technical Division	Chf Engr.
	Asst for Systems Integration & Compatibility.
Navigation Branch	Hd, Navigation Equip Sect.
	Branch Engineer, Navigation Branch.
Test and Instrumentation Branch.	Test & Instrumentation Branch Engineer.
Fire Control and Guidance Branch.	Hd, Guidance Section.
	Head Fire Control Section.
	Br Engr Fire Control & Guidance Br.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
SSBN Security Technology Program.	Chief Scientist, SSBN Security Technology Pro.
Missile Branch	Head Operations Engineering Section.
	Sec Engr, Engrg Section.
	Chf Engr, Missile Branch.
	Sect Head, Reentry Systems Sect Missile Br.
Launcher Branch	Branch Engr, Launcher Branch.
Ship Installation and Design Branch.	Branch Engr, Ship Installation & Design Br.
Trident Systems Project Office.	Technical Dir, Trident Systems Project Office.
Joint Cruise Missile Project Office.	Exec Dir, Acquisition Directorate.
	Chief Engineer, Joint Cruise Missiles Project.
	Technical Dir Joint Cruise Missiles Project.
Anti-Submarine Warfare Systems Project Office.	Director Financial Managment Office.
	Techn Dir.
Theatre Nuclear Warfare Project Office.	Tech Dir Theater Nuclear Warfare Proj Office.
Naval Air System, Command.	Deputy Commander, Naval Air Sys Command.
Ofc of Asst Commdr for Research and Technology.	Director, Research Division.
	Director, Surveillance Division.
	Command Control & Guidance Technology Admr.
	Director, Weapons Division.
	Director, Aircraft Division.
	Assoc Techn Dir for Res & Technology.
	Director, Avionics Division.
	Techn
	Dir, Res & Techn Chief Scientist
	Technology Demonstration Manager.
	Director, Operations & Management Directorate.
Office of the Assistant Chief for Contracts.	Exec Dir, Procurement Management.
	Dir, Aircraft Weapons Systems Purchase Div.
	Dir, Missile Weapons Systems Contract Div.
Asst Commdr for Logistics/Fleet Support.	Deputy Dir Logistics/Fleet Support & Group.
	Asst Dir Logistics Mgmt Div.
Deputy Commander for Plans and Programs.	Executive Director, Management, Plans & Progr.
	Asst Dep Commander for Anti-Air Warfare R & EWP.
	Prog Dir/Air for EW & Mission Support Prog.
	ADC/for Anti-Submarine Warfare & Support Proj.
Dep Commander for ASW Warfare Projects.	Deputy Project Manager (LAMPS).
Office of Counsel	Counsel, Naval Air Systems Command.
Deputy Comptroller	Deputy Comptroller.
Assistant Commander for Systems and Engineering.	Exec Dir for Acquisition Management.
	Tech Dir—Armament Div.
	Dir, Engineering Sup & Prod Integ Mgmt Div.
	Techn Dir, Core Avionics Div.
	Dir, Evaluation Div.
	Technical Director Air Vehicle Division.
	Dir, Systems Acquisition Directorate.
	Director Cost Analysis Division.
	Dir, Systems Alternatives Directorate.
	Dir,Mission and Effectiveness Anaylsis Div.
	Asst Dir Propulsion & Power Division.
	Assoc Dir Systems Engineering Mgmt.
	Director, Corporate Management Directorate.
Asst Commander for Test and Evaluation, NAVAIR.	Tech Dir, Test & Evaluation.
	Director Resources Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Naval Air Engineering Center.	Technical Director.
Naval Air Test Center	Technical Director, NATC, Patuxent Riv, MD.
Naval Avionics Center	Executive Director. Dir of Applied Research. Director of Engineering.
Pacific Missile Test Center.	Technical Director.
System Evaluation Directorate.	Assoc Dir-Sys Evaluation Directorate.
Range Directorate	Assoc Dir and Assoc TD (Ranges and Tests). HD, Range Dev Dept.
Navy Aviation Logistics Center.	Exec Dir.
Navel Electronic Systems Command.	Deputy Comptroller. Counsel. Techn Dir, C31 Systems & Techn Directorate. Technical Dir, C3 Software Dev & Support.
Director Logistics Directorate.	Executive Director, Life Cycle Support Group.
Contracts Directorate	Exec Dir, Contracts.
Navelex Project Offices	Asst Proj Mgr, Ship & Shore Communications Div. Tech Dir, Navy Space Project Ofc. Dep Proj Mg & Tech Dir REWSON Systems Proj. Asst Project Mgr For ELF Communications. Asst Proj Manager for Submarine Commun Syst. Assoc Dep Proj. Manager/Technical Dir. Project Manager for Communications Systems. Deputy Director Research and Technology Group.
Research and Technology Directorate.	Techn Dir, Sys Intergration & Design Group. Exec. Dir, C31 Requirements Analysis Group.
Acquisition Engineering Directorate.	Deputy Project Manager/Technical Director. ADC—Life Cycle (Engring & PID). Deputy Project Mgr/Tech Dir, Com Sys Proj Ofc.
Command Support System Office.	Dep Assistant Project Dir for C2 Programs. Exec Director for Systems Engineering.
Office of Commander	Counsel. Dep Dir of Programs & Comptroller. Techn Advisor-Real Property Management. Asst Commander for Facilities & Transp.
Asst Commander, Design and Engineering.	Asst Commander for Engineering & Design.
Deputy Commander for Acquisition.	Assistant Commander for Contracts. Chief Engineer.
U.S. Naval Construction Battalion Center.	Technical Director.
Naval Sea Systems Command.	Asst Deputy Commander for Logistics.
Office of Commander & Staff Offices NAVSEA(OO).	Counsel. Dir, Corporate Planning Office. Director, Reliability and Maintainability. Deputy Counsel.
Compt Directorate NAVSEA (01).	Asst Dep Commdr, Plans, Prog Financ Mgt/Dep Com. Director Cost Estimating & Analysis.
Contracts Directorate, NAVSEA (02).	Asst Dep Commander for Contracts. Dir, Shipbldg & Overhaul Contracts Div. Dir, Surface Warfare, Elec & R&D Contract Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Ship Design and Intergration Directorate, NAVSEA (03).	Dir, Ship Des Res & Tech Ofc (SEA-03R). Dir, Adv Des Div/At Dep Dir, Ship Conc Dev Gp. Dir, Structural Integrity Div. Exec Dir/Dep Ofc Dir/Dep Grp Dir/Div Dir. Exec Dir/Dep Ofc Dir/Dep Grp Dir/Div Dir. Exec Dir/Dep Ofc Dir/Dep Grp Dir/Div Dir. Exec Dir/Dep Ofc Dir/Dep Grp Dir/Dep Dir.
Ship Systems Directorate, NAVSEA (05).	Exec Dir, Ship Systems Directorate. Dir, Ship Systems Res & Technology Office. Deputy Director, Propulsion Systems Subgroup. Deputy Dir Hull Systems Sub Group. Dep Dir, Auxiliary Systems Group. Deputy Director, Electrical Systems Group. Director, Materials Engineering Office.
Combat Systems Directorate, NAVSEA (06).	Asst Div Dir/Tech Dir Combat Sys Des & Int Di. Dir Combat Systems Design & Test Subgroup. Exec Director, Combat Systems Directorate.
Industrial and Facilities Mgmt, Direct NAVSEA (07).	Asst Dep Cmdr, Ind/Fac Mgmt Directorate.
Nuclear Propulsion Directorate, NAVSEA (08).	Director-Reactor Materials Division. Head-Advanced Design Branch. Head, Improved Reactor Design Branch. Dir—Secondary Plant Components Division. Asst Dir React Engr Div, Hd Adv Reactor Br. Director Reactor Plant Valve Division. Deputy Director For Submarines.
Acquisition Directorate, NAVSEA (90).	Dir Surface Ship Systems Division. Technical Assistant for Surface Ship Systems. Executive Director Acquisition Directorate.
Submarine Directorate, NAVSEA (92).	Dep Dir, Submarine Logistics Div.
Surface Combatant Ships Directorate, NAVSEA (93).	Exec Dir, Submarine Directorate. Executive Director, Surface Ship Directorate. Dep Dir, Surface Combatant Ship Logistics Div.
Management Support Directorate, NAVSEA (99).	Asst Dep Comd for Acquisition & Admin.
Undersea Warfare Systems Group WS & E NAVSEA.	Dep Asst (Tecn) for ASW & Undersea Wt Sys.
Surface Warfare Systems Group WS & E NAVSEA.	Exec Dir, Surface Warfare Sys Grp.
Research Technology and Assessment Office, NAVSEA.	Dir, Research Tech, & Assessment Ofc.
Deep Submergence Systems Project Office.	Dep Proj Mgr & Techn Dir. Dep Proj Mgr, Guided Miss Frig Ship ACQ Proj. Exec Dir-Aegis Shipbuilding Project. Dep Proj Mgr/Tech Dir Nucl Power Aircraft Lab. Dep Proj Mgr/Tech Dir Attack Sub Project Ofc. Dep Program Mgr Directed Energy Laser Weapons. Director—SSW Submarine Systems Division. Dep Proj Mgr/Tech Dir Aux & Spec Mission Ship. Dep Program Mgr Amphibious Ship ACQ Program. Dep Techn Dir, Technical Division. Torp Md Adv Cap Weap Sys Prog Manage.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Project Manager, Deep Submergence Sys Project.
Naval Weapons Station, Seal Beach.	Technical Director.
Naval Undersea Warfare Engineering Station.	Technical Director.
Naval Ship Weapons Systems Engineering Station.	Technical Director.
Naval Ordnance Station	Technical Director.
Naval Supply Systems Command.	Executive Director, Planning and Resources.
Headquarters	Counsel. Asst Dep Commander for Plans, Policy & Syst D. Asst Dep Cmdr for Fin Mgmt/Comp. Spec. Asst—Breakout & Competitive Procurement. Director of Research & Technology. Asst Dep Commander, Fleet Support & Sup Oper.
Navy Ships Parts Control Center.	Exec Dir Acquisition & Logistics Plng & Suppt.
Navy Aviation Supply Office.	Executive Dir Logistics Planning & Support.
Navy Fleet Material Support Office.	Exec Dir, ADP System Planning and Development.
Naval Air Development Center.	Dir—Communication & Navigation Tech Directora. Dir Sensors & Avionics Technology Directorate. Head-Computer Department. Dir—Systems Directorate. Dir Aircraft and Crew Systems Technology Dire. Dir—Planning Assessment Resources Staff. Technical Director/Consultant. Technical Director/Consultant. Dir, Software/Computer Technology Directorate. Senior Sci, Airborne ASW Technol. Weapons Systems Technology Manager.
Naval Coastal Systems Center.	Tech Dir/Consultant. Hd, Coastal Technol Dept. Head Engineering & Test/Evaluation Department. Head Systems Department.
Naval Ocean Systems Center.	Dir Command Control and Communications. Director Ocean Surveillance. Director Weapon Systems. Director Engineering and Computer Sciences. Chief Res Sci Subm Arctic Tech & Dir Arctic Subm. Dir Independent Research and Development. Technical Director/Consultant. Assoc Technical Dir, San Diego, Cal. Dir Marine Science & Technology Directorate. Head Electronics Engineering & Sciences Dept.
Naval Personal Res & Dev Center.	Technical Director, NPRDC. Dep Techn Dir for Manpower & Personnel. Assistant for Civilian Personnel Research. Dir Training Research Laboratory.
David W. Taylor Naval Ship Research & Dev Center.	Dir for Long Range Plans & Programs. Tech Dir Consultant.
Aviation and Surface Effects Department.	Associate Tech Dir for Sys Development. Asst Tech Dir (Research Consultant). Assoc Tech Dir for Aerodynamics. Assoc Tech Dir Computation & Mathematics.
Ship Acoustics Department.	Assoc Tech Dir for Ship Acoustics.
Propulsion and Auxiliary Systems Department.	Assoc Tech Dir Prop & Auxiliary Systems.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Ship Performance Department.	Assoc Tech Dir for Ship Performance.
Materials Department	Assoc Tech Dir for Materials Sci & Technology.
Structures Department	Head Submarine Division.
	Assoc Tech Dir Structural Mechanics.
Naval Surface Weapons Center.	Tech Dir Consultant.
	Dept Hd/Dep Tech Dir/Assoc Tech Dir.
	Dept Hd/Dep Techn Dir/Assoc Techn Dir.
	Dept Hd/Dep Tech Dir/Assoc Tech Dir.
	Dept Hd/Dep Tech Dir/Assoc Tech Dir.
Combat Systems Integration Department.	Dept Hd/Dep Tech Dir/Associate Tech Dir.
Weapons Systems Department.	Dept Hd/Dep Tech Dir/Assoc Tech Dir.
Strategic Systems Department.	Dept Hd/Dep Tech Dir/Assoc Tech Dir.
Engineering Department	Dept Hd/Dep Tech Dir/Assoc Tech Dir.
	Dept Hd/Dep Tech Dir/Assoc Tech Dir.
Research and Technology Department.	Dept Hd/Dep Tech Dir/Assoc Tech Dir.
Naval Underwater Systems Center.	Deputy Technical Director.
	Tech Dir Consultant.
Associate Technical Director Plans and Analysis.	Assoc Tech Dir for Plans & Analysis.
Systems Development Directorate.	Head, Submarine Sonar Department.
	Hd Weapons Sys Dept.
	Head, Surface Ship Sonar Department.
	Head Undersea Ranges Department.
	Hd, Submarine Electromagnetic Sys Dept.
Science and Technology Directorate.	Assoc Tech Dir for Technology.
Naval Weapons Center	Tech Dir/Consultant.
	Test & Eval Dir/Asst Tech Dir for Test & Eval.
	Head Aerothermochemistry Division.
Laboratory Directorate—NWC.	Laboratory Dir/Deputy Tech Dir.
	Asst Tech Dir Dev (E/W)/Hd Elec Wartare Dept.
	Asst Tech Dir Deve (Ord Sys) & Dept Head.
	Asst Tech Dir for Weapons & Head Weapons Dept.
	Asst Tech Dir for Res & Head Res Dept.
	Asst Tech Dir for Aircraft Wpns Integration.
	Asst Tech Dir for Engne & Head Engnr Dept.
	Asst Tech Dir for Plans & Hd Weapons Plan Grp.
	Asst Tech Dir for Fuzes/Hd Fuzes Dept.
	Asst Tech Dir for Weapons & Head Weapons Dept.
Naval Training Equipment Center.	Technical Director.
	Director of Engineering.
Department of Education	
Management	Dir Admin Resource Management Service.
	Director Personnel Management Service.
	Dir, Assistance Management & Procurement Serv.
	Director Financial Management Service.
Inspector General	Deputy Inspector General
	Assistant Inspector General for Audits.
	Asst Insp for Policy Plng & Mgmt Serv.
	Asst Inspector General for Investigation.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Dep Asst Insp General for Tech Serv & Fld Ope.
General Counsel	Associate General Counsel
Post-Secondary Education.	Dir, Div of Grants & Loan Management.
National Center for Education Statistics.	Asst Admr Postsecondary & Voc Ed Stats.
	Adm, National Ctr for Educational Research.
	Asst Admr for Research and Analysis.
	Asst Admr for Elem & Secondary Edu Stats.
Department of Energy	
Office of Hearings & Appeals.	Dep Dir for Legal Analysis.
	Dep Dir for Financial Analysis.
	Dep Dir for Econ Analysis.
Albuquerque Operations Office.	Dir Weapons Prod Div.
	Director Quality Assurance Division.
	Dir Fac and Const Mgmt Div.
	Asst Mgr for Administration.
	Dir Transportation Sfgds Div.
	Dir Ofc of Strategic Planning & Analysis.
	Dir Budget & Resources Mgmt Div.
	Director, Production Operations Div.
	Director, Weapon Programs Division.
	WIPP Project Manager.
Chicago Operations Office.	Asst Manager for Administration.
	Area Manager Batavia Area Office.
	Asst Mgr for Acquisition and Assistance.
	Asst Mgr for Laboratory Management.
Idaho Operations Office	Assistant Manager for Administration.
	Dir Reactor Ops & Prgrms.
	Dir Nuclear Fuel Cycle and Waste Mgmt Div.
Nevada Operations Office.	Chief Counsel.
	Asst Mgr for Admin.
	Asst Mgr for Energy & Conservation.
	Assistant Manager for Administration.
Oak Ridge Operations Office.	Dir Enriching Op Div.
Richland Operations Office.	Asst Mgr for Admin.
	Assistant Manager for Defense.
	Asst Mgr Commercial Nuclear Waste & Projects.
	Asst Mgr for Safety, Safeguards & Qual Assur.
San Francisco Operations Office.	Asst Mgr for Admin.
Savannah River Operations Office.	Director, Livermore Site Office.
	Asst Mgr for Admin.
	DWPF Project Manager.
Bonneville Power Administration.	Asst Admr for Pwr Mgmt.
Western Area Power Administration.	Asst Admr for Mgmt Svcs.
Ofc of Asst Insp Gen for Audits.	Manager, Western Regional Audit Office.
	Director Program Development Division.
	Manager, Eastern Regional Audit Office.
	Director Audit Management Division.
	Manager Capital Regional Audit Office.
Ofc of Asst Insp Gen for Inspections.	Asst Insp Gen for Inspec.
Ofc of Asst Insp Gen for Investigations.	Asst Inspector General for Investigations.
Office of Management Services.	Dir Ofc of Mgmt and Program Coordination.
Energy Information Administration.	Director, EIA-ADP Services Staff.
Office of Oil & Gas	Dir, Ofc of Oil and Gas.
	Dep Dir, Ofc of Oil and Gas.
	Director Petroleum Supply Division.
	Director Electric Power Division.
	Chief Data Analysis and Support Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Dir Reserves and Natural Gas Division.
	Director Petroleum Marketing Division.
Ofc. of Coal, Nuclear, Electric & Alternate Fuels.	Dir Ofc of Coal Nucl Elec & Altern Fuels.
	Dir Coal Division/Dep Dir Ofc.
	Dir, Nuclear and Alternate Fuels Division.
Office of Energy Markets & End Use.	Director, Ofc of Energy Markets & End Use.
	Director, Energy End Use Division.
	Director Longer-Term Information Division.
	Director Economics & Statistics Division.
	Dir Internal & Contingency Planning Division.
	Dir, Energy Analysis & Forecasting Division.
Office of Statistical Standards.	Dir Ofc of Statistical Standards.
	Director Quality Assurance Division.
Asst. Sec. for Conservation & Renewable Energy.	Dir Photovoltail Energy Technology Div.
Office of State & Local Assistance Programs.	Dir Weatherization Assistance Programs Div.
Office of Industrial Programs.	Deputy Director, Ofc of Industrial Programs.
Office of Energy Systems Research.	Director, Electric Energy Systems Division.
Ofc of Solar Heat Technologies.	Dir Active Heating and Cooling Division.
Office of Renewable Technology.	Dir Geothermal & Hydropower Technologies Div.
	Dir Biomass Energy Technology Division.
	Dir, Solar Thermal Technology Div.
Office of Nuclear Safety	Chf, Environmental Protection & Pub Safe Br.
Office of Military Application.	Dir, Prog Analytsis & Resource Management Div.
	Dep Dir, Div of Safty, Envr & Emergy Action.
	Associate Director of Military Applications.
	Dir Div of Weapons Research Dev & Testing.
Office of Safeguards & Security.	Dir, Div of Safeguards.
	Dir, Div of Pol and Prog Support.
Office of Scientific & Technological Intelligence.	Dir Ofc of Scientific Techology Intelligence.
Office of Energy Research.	Scientific Computing Staff.
Office of Management	Director, Fiscal Management Division.
	Deputy Dir for Management.
	Director for Management.
Office of Health & Environmental Research.	Director, Human Health & Assessment Div.
	Dir Health Effects Research Division.
Office of Basic Energy Sciences.	Dir Engr Math and Geo Sci Div.
	Dir Chem Sci Div.
	Dir Adv Egy Proj Div.
	Dir Mat Sci Div.
	Chf Fund Interactions Br.
	Chf Processes and Tech Br.
	Chf Solid St Phy and Mat Chemistry Branch.
Office of High Energy & Nuclear Physics.	Chf Physics Research Branch.
	Dir High En Physics Div.
Fossil Energy Field Centers.	Dir Coal Projects Management Division.
Deputy Assistant Secretary for Naval Reactors.	Program Manager for Commissioned Submarines.
	Director, Reactor Safety & Computation Div.
	Director, Submarine Systems Division.
	Director, Instrumentation & Control Div.
	Director, Office of Resources Management.
	Hd Submarine Section.
	Assoc Dir for Trid & Adv Sub Projs.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Director, Reactor Refueling Division.
	Dep Dir for Kesserling.
	Assoc Dir for Surf Ship & WCB.
	Hd Surface Ship Section.
	Sr Naval Reactors Rep (W Milton).
	Asst Program Manager for Surface Ships.
	Deputy Director for Naval Reactors.
	Prog Mgr for Prototypes & SAPSO.
	Assistant Chief Physicist.
	Director Nuclear Technology Div.
	Dir Reactor Engineering Division.
	Chief Advanced CORE Manufacturing Branch.
	Dep Dir, Nuclear Techn Div.
	Dep Director Reactor Materials Division.
	Director, Fiscal Division.
	Program Manager for Shipyard Matters.
	Dir Nuclear Components Division.
	Program Mgr for Surface Ships & Adv Sub Proj.
Schenectady Naval Reactors Office.	Asst Manager for Operations.
Pittsburgh Naval Reactors Office.	Sr. Naval Reactors Rep (Portsmth).
	Sr. Naval Reactors Rep. (Nwpt News).
	Senior Naval Reactors Rep (Pearl Harbor).
	Senior Naval Reactors Representative.
Ofc of Terminal Waste Disposal & Remedial Action.	Director, Div of Waste Repository Deployment.
Office of Personnel	Dir Ofc of Personnel.
	Director, Personnel Policies and Programs.
	Dir Empl Dvlmt & Trng Div.
	Dir Hq Personnel Operations Div.
Office of Organization & Management Services.	Dir Ofc of Org and Mgmt Sys.
	Dep Dir Ofc of Org and Mgmt.
	Dir Management Sys Analysis Div.
	Dir Manpwr Res Mgmt Div.
	Dir Org Plng and Mgmt Div.
Office of Project & Facilities Management.	Dir Construction & Facilities Mgmt Div.
	Dir, Prog/Const Mgm, Proce & Operations Div.
	Director Real Estate Management Division.
	Dep Dir Ofc of Project and Facilities Mgmt.
Office of Administrative Services.	Dir Ofc of Admin Svcs.
Office of ADP Management.	Dep Dir of Admin Serv.
	Dir Ofc of ADP Mgmt.
	Dep Dir Ofc of ADP Mgmt.
Office of Computer Services & Telecommun Mgmt.	Dir Ofc Comp Serv and Tel Mgmt.
	Dep Dir Ofc of Comp Serv and Tele Mgmt.
	Dir—Div of Telecommunications.
	Director, Operations Division.
	Dir Information Systems Division.
	D/ADP Telecomm Plning & Integrity Division
Office of Industrial Relations.	Dir Ofc of Industrial Relations.
	Dir Cont Psnl Mgnt Div.
	Dir Prgm Mgmt and Asmt Div.
Procurement & Assistance Management Directorate.	Director, Procurement Management Rev Div.
	Director, Policy and Procedures Division.
Ofc of Small & Disadvantaged Business Utilization.	Dir of Sm and Disadv Bus Utiz.
Office of Policy	Dir Ofc of Policy.
	Dir Policy and Procedures Div.
Office of Procurement Support.	Dir Ofc of Procurement Support.
Office of Procurement Review.	Director Office of Procurement Review.
	Dir Cont Bus Crnce Div.
Office of Procurement Operations.	Dir Ofc of Procurement Operations.
	Dep Dir Ofc of Procur Op.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Asst Controller for Budget Policy & Compliance.	Dir Ofc of Budget.
	Dir Budget Oper Div.
	Dep Dir Ofc of Budget.
	Director, Budget Analysis Division.
	Director, Budget Operations Division.
Asst Controller for Financial Sys & Accounting.	Dir, Dept Accounting & Analysis Div.
	Director, Financial Pol & Rev Div.
	Dir Ofc Headquarters Accounting Operations.
	Director, Ofc of Departmental Accounting.
	Dir Ofc of Financial Policy.
Office of Policy, Integration & Outreach.	Director, Institutional Relations Staff.
Office of Geologic Repositories.	Dir Geosciences & Technology Division.
	Dir Engineering & Licensing Division.
	Dir Rep Coordination Division.
	Director Siting Division.
Office of Storage & Transportation Systems.	Deputy Assoc Dir for Storage & Sys Devel.
	Dir, Transportation and Waste Systems Div.
	Director Storage Division.
Enviromental Protection Agency	
Office of the Assoc Admr for Internatl Activibes.	Sr Advisor for Intern'tl Chemica Affairs.
Ofc of the Asst Admr for Admin & Resources Management.	Assoc to Asst Adm for Prog Mgmt and Policy.
	Spec Asst to the Asst Admin for Administrator.
	Spc Asst to Asst Admin for Admin & Resc Mgnt.
Office of the Comptroller.	Dir Ofc of the Comptroller.
	Dir, Financial Mgmt Div.
	Associate Comptroller.
	Associate Comptroller for Operations.
	Director, Budget Division.
	Dir Resource Systems Staff.
Office of Administration	Dir Ofc of Administration.
	Deputy Dir Ofc of Administration
	Dir Occupational Health & Safety Staff.
	Dir, Grants Admin Div.
	Director, Personnel Management Div.
	Dir, Management and Organization Division.
	Dir Procurement & Contracts Mgmt Division.
Office of Information Resources Management.	Dir Ofc of Information Resources Management.
	Dep Dir Ofc Info Resources Management.
	Dir Mgmt Info and Data Sys.
	Dir. Facilities and Support Services Division.
Office of Administration—Cincinnati, OH.	Dir Ofc of Admin—Cincinnati.
Office of Administration—RTP, NC.	Director, Office of Administration—RTP.
	Director Office of Adminsitration Res Mgmt.
	Director, Office of Data Processing.
Office of Human Resource Management.	Director, Office of Human Resource Mgmt.
	Director, Senior Executive Service Staff.
Ofc Asst Admr for Enforcement & Compliance Monitoring.	Dir Ofc of Management Operations.
National Enforcement Investigations Ctr—Denver.	Dir Nat'l Enforcement Investigations Center—D.
Office of Policy Analysis	Dir Econ Analysis Div.
	Director, Energy Policy Division.
	Dir, Intergated Environmental Mgmt Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Dir, Integrated Environmental Mgmt Division.
Office of Standards and Regulations.	Chief, Regulatory Reform Staff.
	Dir, Chemical & Statistical Policy Division.
Office of Management Systems and Evaluation.	Dir Ofc of Management Systems & Evaluation.
	Director, Program Evaluation Division.
	Dir, Management Systems Div.
Office of the Inspector General.	Deputy Inspector General.
	Assist Inspector Gen for Investigations.
	Asst Inspector General for Audits.
	Dep Asst Inspector General for Audits.
	Dep Asst Inspector General for Investigations.
	Asst Insp General for Mgnt & Technical Assess.
	Deputy Inspector General.
Office of the Assistant Administrator for Water.	Policy Advisor.
Office of Water Enforcement and Permits.	Director Enforcement Division.
	Director, Permits Division.
Office of Water Regulations and Standards.	Director, Effluent Guidelines Division.
	Director, Monitoring & Data Support Div.
	Director, Criteria and Standard Division.
	Dir, Analysis and Evaluation Division.
Office of Water Program Operations.	Director Municipal Construction Division.
	Director, Facility Requirements Division.
	Dir Water Planning Division.
Office of Drinking Water.	Dir Criteria and Standards Division.
	Dir, Ofc of Prog Dev & Evaluation.
	Director, State Programs Division.
Office of Ground-Water Protection.	Sr Adv for Ground-Water Policy & Management.
Office of Waste Programs Enforcement.	Dep Dir, Office of Waste Programs Enforcement.
	Dir, CERCLA Enforcement Division.
	Director, RCRA Enforcement Division.
Office of Solid Waste	Dir, Hazardous & Industrial Waste Div.
	Dir, State Prog & Resource Recovery Div.
	Dir Wast Mgmt and Economics Division.
	Dir Characterization & Assessment Division.
	Director, Permits & State Programs Division.
Office of Emergency and Remedial Response.	Dir, Hazardour Response Support Div.
	Dir, Emergency Response Div.
	Director, Hazardous Site Control Division.
Ofc of the Asst Admr for Air and Radiation.	Director, Ofc of Program Mgmt Operations.
	Director State & Local Programs Div.
	Director, Standards & Regulation Div.
Office of Air Quality Planning and Standards.	Dir—Stationary Source Enforcement Div.
	Director, Monitoring & Data Analysis Division.
	Dir, Strategies & Air Stds Div—Durham, NC.
Office of Mobile Sources.	Director, Emission Control Technology Div.
	Director Certification Division.
	Dir Manufacturers Operations Division.
	Dir Field Operations & Support Division.
Ofc of Asst Admr for Pesticides & Toxic Substances.	Dir International Chemical Affairs Staff.
	Dir Regulatory Reform Staff.
	Dir, Complisnce Monitoring Staff.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Director, Chemical Coordination Staff.
Office of Pesticides Programs.	Dir, Ofc of Pesticides Programs.
	Dir—Registration Division.
	Director—Program Support Division.
	Dir—Hazard Evaluation Division.
	Dir Benefits and Field Studies Div.
	Sr Science Advr (Hazard Evaluation).
Office of Toxic Substances.	Director Exposure Evaluation Division.
	Dir, Existing Chemicals Assessment Division.
	Dir, Health & Environmental Rev Div.
	Director Chemical Control Division.
	Director, Mgmt Support Division.
	Dir Toxic Subs Control Act Assistance Ofc.
	Sr Scientific Advisor for Chemical Info.
	Director Economics & Technology Division.
	Director, Chemical Coordination Staff.
Ofc of the Asst Admr for Research and Development.	Principal Physical Science Advisor.
	Dir, Ofc of Exploratory Research.
	Principal Science Advisor for Ecology.
Ofc of Research Program Management.	Dep Dir for Technical Information.
	Dep Dir for Operations.
Center for Environmental Research Info—Cincinnati.	Dir Environmental Research Information Center.
Office of Health and Environmental Assessment.	Director Reprod Effects Assessment Group.
	Director Exposure Assessment Group.
Environmental Criteria & Assessment Ofc (RTP).	Dir, Env Criteria & Ofc (Air)—RTP.
Ofc of Monitoring Systems and Quality Assurance.	Dir Air Toxics & Radiation Monitoring Res Div.
	Director Water & Waste Mngt Monitoring Resc.
	Dir, Acid Deposition & Atmospheric Res Div.
Environmental Monitoring Systems Lab—RTP.	Dir Envir Monitoring & Systems Laboratory.
Environmental Monitoring & Support Lab—Cincinnati.	Dir Environmental Monitoring & Support Lab Cin.
Environmental Monitoring Systems Lab—Las Vegas.	Dir, Env Monitoring Sys Lab, Las Vegas.
Ofc ofEnvironmental Engineering and Technology.	Dir, Industrial & Extractive Processes Div.
	Dir Waste Management Division.
	Dir Energy Processes Division.
Industrial Environmental Research Laboratory—RTP.	Dir Industrial Environmental Research Lab RTP.
Industrial Environmental Research Lab—Cincinnati.	Dir, Industrial Environmental Res Lab—Cinci.
	Dep Dir—Industrial Env Res Lab Cincinnati.
Municipal Environmental Research Lab—Cincinnati.	Director Municipal Envirorimental Research Lab.
	Dir Water Supply Research Div.
Office of Environmental Process and Effects.	Dir, Integrated Pest Management Program.
	Director Toxics and Pesticides Division.
	Director, Water and Land Division.
Environmental Sciences Research Laboratory—RTP.	Dir, Environmental Sciences Res Lab—RTP.
	Dep Dir-Environmental Sciences Rsch Lab—RTP.
Environmental Research Laboratory—Corvallis.	Dir, Env Research Laboratory Corvallis.
Environmental Research Laboratory—Athens.	Dir Environmental Research Lab Athens, GA.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Robert B. Kerr Environmental Res Laboratory—ADA.	Dir, Robert S. Kerr Environmental Res Lab.
Environmental Research Laboratory—Duluth.	Dir Environmental Research Lab—Duluth.
Environmental Research Laboratory—Narragansett.	Dir Environmental Research Lab.
Environmental Research Laboratory—Gulf Breeze.	Dir Env Res Lab Gulf Breeze.
Office of Health Research.	Dir, Air, Noise & Radiation Health Res Div.
	Dir Water & Toxic Substance Health Res Div.
Health Effects Research Laboratory—RTP.	Dir—Health Effects Research Lab—RTP.
Region I—Boston	Director, Water Management Division.
	Dir Waste Management Division.
	Regional Counsel.
Region II—New York	Director, Environmental Services Division.
	Director, Water Management Division.
	Asst Regl Admr for Policy and Management.
	Dir Air & Waste Management Division.
	Regional Counsel, Region II, New York.
	Dir, Office of Emergency & Remedial Response.
Region III—Philadelphia	Director, Water Management Division Reg III.
	Director, Air & Waste Management Div Reg III.
	Regional Counsel.
	Asst Reg Admin for Policy & Management.
Region IV—Atlanta	Dir Water Management Division Region IV.
	Dir Air & Waste Management Division.
	Dir Environmental Services Division Region IV.
	Asst Regional Admin for Policy and Mgmt.
	Regional Counsel, Reg IV, Atlanta Georgia.
Region V—Chicago	Dir Air Management Div Region V
	Dir Envir Services Div Region V
	Dir Water Management Div Region V.
	Asst Regional Admr for Policy & Management.
	Regional Counsel.
	Director, Waste Management Division.
Region VI—Dallas	Dir Air & Waste Management Div.
	Dir Water Management Division
	Director, Environmental Services Division.
	Asst Regional Admr for Management.
	Regional Counsel.
Region VII—Kansas City.	Dir Water Management Division.
	Dir Air & Waste Management Division.
	Regional Counsel.
Region VIII—Denver	Dir Water Management Division
	Dir Environmental Services Division.
	Regional Counsel.
Region IX—San Francisco	Director, Water Management Division.
	Director, Air Management Division
	Regional Counsel, Reg IX, San Fran Cal.
	Asst Regl Admr for Pol, Techn & Res Mgmt.
	Dir, Toxics & Waste Management Div.
	Asst Regional Admr for Policy & Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Region X—Seattle	Director, Air & Waste Management Division.
	Dir—Water Div Reg X.
	Director, Environmental Services Division.
	Regional Counsel.
	Director, Air and Toxics Division.
	Director, Hazardous Waste Division.
Equal Employment Opportunity Commission	
Office of the Chairman	Director, Office of Review and Appeals.
Region I	Dist Dir (Baltimore).
	Dist Dir (New York).
	Dist Dir (Atlanta).
	Dist Dir (Miami).
	Dist Dir—(Birmingham).
	Dist Dir—(Charlotte).
	Dist Dir— (Philadelphia).
Region II	District Director (Detroit).
	Dist Dir (Chicago).
	Dist Dir—(St. Louis).
	Dist Dir (Indianapolis).
	Dist Dir (Memphis).
	Dist Dir—(New Orleans).
	Dist Dir (Cleveland).
Region III	Dist Dir (Houston).
	Dist Dir (San Francisco).
	Dist Dir (Dallas).
	District Director (Los Angeles).
	Dist Dir—(Denver).
	Dist Dir—(Phoenix).
	Dist Dir—(Seattle).
Farm Credit Administration	
Farm Credit Administration.	Division Director.
Ofc of Examination & Supervision.	Associate Deputy Governor.
	Assistant Deputy Governor.
	Division Director.
	Division Director.
Organization Abolished	Assoc Dep Governor and Chf Examiner.
Ofc of Administration	Director, Record and Projects Division.
	Associate Deputy Governor & Chief Economist.
Ofc of Internal Audit	Director of Internal Audit.
Federal Communications Commission	
Mass Media Bureau	Chief Audio Services Division.
	Chief Video Services Division.
	Chf, Enforcement Div.
Private Radio Bureau	Chief Land Mobile & Microwave Division.
Field Operations Bureau.	Chief Enforcement Division.
Common Carrier Bureau	Chief, Tariff Division.
	Asst Bureau Chief (International).
	Chief Domestic Facilities Division.
	Chief Enforcement Division.
	Chief, Accounting and Audits Division.
Ofc of Science & Technology.	Chief Spectrum Management Division.
	Chief Technical Analysis Division.
	Chief Authorization & Standards Div.
Federal Emergency Management Agency	
Office of the Director	Inspector General.
	Comptroller.
	Deputy Inspector General.
Emergency Operations Directorate	Deputy Associate Director.
	Asst Assoc Dir Opers, Anal & Control.
	Asst Assoc Dir Operating Systems Mgmt.
	Asst. Assoc. Director of Facilities Mgmt.
	Asst Assoc Dir Readiness P,ng & Ops.
	Asst. Assoc. Dir. of Emerg Coord & Support.

Positions That Were Career Reserved During Calendar Year 1984—Continued

Agency organization	Career reserved positions
Office of Resources Preparedness.	Asst Assoc Dir. Off Resource Prep.
	Chief Economic Resources Division.
	Chief Mobilization Resources Div.
Office of Federal Preparedness.	Chief, Government Continuity Div.
Office of Civil Preparedness.	Chief, Industrial Protection Division.
Organization Abolished.	Asst Assoc Dir. of Research.
Office of Natural and Technological Hazards Programs.	Chief, Technological Hazards Division.
Federal Insurance Administration.	Deputy Administration.
Federal Energy Regulatory Commission (DOE)	
Ofc of Chief Accountant.	Deputy Chief Accountant.
	Dir, Division of Audits.
	Dep Dir, Div of Audits.
Ofc of Pipeline and Producer Regulation.	Dir, Div. of Producer Rates and Certifications.
Federal Home Loan Bank Board	
Office of Administration.	Director Administration.
Office of Examinations & Supervision.	Dep Dir Examinations/Field Operations.
	Deputy Director-Examinations/Policy.
Ofc of Internal Eval and Compliance.	Dir Internal Evaluation and Compliance Ofc.
Federal Labor Relations Authority	
Federal Service Impasses Panel.	Exec Director FSIP.
Ofc of the Executive Director.	Executive Director/Administrator.
	Deputy Executive Director.
	Solicitor.
Office of The Chief Counsel.	Dir Case Management.
	Chief Counsel.
	Asst Chief Counsel for Negotiability.
	Asst Chf Coun for Rep & Unfair Labor Practice.
	Assistant Chief Counsel for Arbitration.
Ofc of the General Counsel.	Deputy General Counsel.
	Asst General Counsel (Field Management).
	Asst General Counsel (Appeals).
	Asst Counsel (Field Mgmt/Legal Policy).
	Associate General Counsel.
Regional Offices	Regional Director—Washington, D.C.
	Regional Director—Boston.
	Regional Director—New York.
	Regional Director—Atlanta.
	Regional Director—Dallas.
	Regional Director, Chicago Illinois.
	Regional Director—Los Angeles.
	Regional Director, San Francisco.
	Regional Director, Denver.
Federal Maritime Commission	
Office of the Members	Secretary.
Office of the General Counsel.	Dep Gen Coun for Reports Opinions and Decision.
Program Offices	Director of Programs.
	Dir, Bureau of Agreement & Trade Monitoring.
	Dir, Bureau of Tariffs.
	Dir, Bureau of Investigations.
	Dir, Bureau of Hearing Counsel.
Federal Trade Commission	
Ofc of Executive Director.	Deputy Exec Dir for Management.
Dep Exec Dir for Planning & Information.	

Positions That Were Career Reserved During Calendar Year 1984—Continued

Agency organization	Career reserved positions
General Services Administration	
Office of the Administrator.	Special Counsel to the Admr for Ethics.
	Dir, Ofc of Small & Disadvantaged Bus Utiliz.
Office of Associate Administrator for Administration.	Director of Personnel.
	Deputy Director of Personnel.
Office of Policy and Management Systems.	Director Office of Oversight.
	Director of Administrative Service.
	Director of oversight.
Office of the Inspector General.	Deputy Inspector General.
	Asst Inspector Gen for Auditing.
	Deputy Asst Inspector General for Auditing.
	Asst I/G for Investigations.
	Counsel to the Inspector General.
	Asst Insp Gen for Policy, Plans & Mgmt Sys.
Office of Acquisition Policy.	Asst Admr for Acquisition Policy.
	Deputy Assistant Admr for Acquisition Policy.
	Dir of Acquis Mgmt and Contract Clearance.
	Policy Advr to the Asst Admr for Acq Policy.
	Director Federal Acquisition Institute.
Office of the Comptroller.	Dir of Finance.
	Director of Budget.
	Director of Transportation Audits.
Federal Property Resources Service.	Asst Commr for Real Property.
	Asst Commissioner for Stockpile Management.
	Asst Commissioner for Stockpile Transactions.
Public Buildings Service.	Asst Commissioner for Building Management.
	Asst Commr for Space Planning & Management.
	Asst Commr for Design and Construction.
	Asst Commissioner for Fed Protective Ser Mgmt.
	Assistant Commissioner for Public Utilities.
Office of Information Resources Management.	Director of Information Resources Procurement.
	Director of Network Services.
	Dir of Information Resources Mgmt Policy.
	Director of Advanced Planning.
	Director of Office Information Systems.
	Director, of Regional Information Services.
	Director of GSA Information Systems.
	Dir of Systems and Technology Assessment.
	Prog Dir, Wash Interagency Telecom Sys (WITS).
	Chief, Federal Program Information Branch.
National Archives and Records Service.	Dir, L B Johnson Library.
	Asst Archivist for Fed Records Ctr.
	Dir, Harry S. Truman Library.
	Dir, Dwight D. Eisenhower Library.
	Asst Archivist, Natl Archives.
	Assistant Archivist for Records Admin.
Office of Federal Supply and Services.	Director of Procurement.
	Dir of Policy and Agency Assistance.
	Dir of Transportation.
	Director of Property Management.
	Director of Contract Management.
Region 1—Boston	Asst Reg Admr for Public Bldg and Real Property.
Region 2—New York	Asst Reg Admr for Public Bldg and Real Property.
	Regional Controller, R-2 (NY).
	Asst Reg Admr for Federal Supply and Services.

Positions That Were Career Reserved During Calendar Year 1984—Continued

Agency organization	Career reserved positions
Region 3—Philadelphia	Asst Regl Admr for Public Bldng and Real Prpty.
National Capital Region	Region Controller.
	Asst Regl Admr for Pub Bldgs and Real Property.
	Asst Regl Admr for Info Resources Mgmt.
	Asst Reg Admr for Federal Supply and Services.
Region 4—Atlanta	Asst Reg Admr for Public Bldg and Real Pro R-4.
	Assistant Reg Admin for Inform Res Mgmt—R-4.
	Asst Reg Admr for Federal Supply and Services.
Region 5—Chicago	Regional Controller.
	Asst Regl Admr for Pub Bldgs and Real Prop R-5.
	Asst Reg Admr for Federal Supply and Services.
Region 6—Kansas City	Regional Controller—Region 6.
	Asst Reg Admr for Public Bldgs and Real Property.
	Asst Reg Admr for Information Res Management.
Region 7—Fort Worth	Asst Regl Admr for Pub Buildings and Real Prop.
	Asst Regl Admr for Info Resources Mgmt R-7.
	Asst Reg Admr for Federal Supply and Services.
Region 8—Denver	Asst Reg Admr for Public Bldgs and Real Property.
Region 9—San Francisco.	Asst Regl Admr for Pub Bldgs and Real Property.
	Asst Reg Admr for Federal Supply and Services.
	Asst Reg Admr for Information Res Management.
Region 10—Auburn, Washington.	Asst Regl Admr for Public Build and Real Prop.
Department of Health and Human Services	
OAS for Management and Budget.	Dep Asst Sec., Finance.
	Dir, Div of Accounting Systems and Procedures.
	Dep Asst Secy for Procurement, Asst and Log.
	Dir Off Procurement and Asst Financial Mgmt.
	Dep to the Dep Asst Secretary Finance.
OAS for Personnel Administration.	Asst Sec for Personnel Administration.
	Dir Ofc of Personnel Systems Integrity.
Office of the General Counsel.	Asst Gen Counsel (Business and Admin Law Div).
	Dep Asst Gen Count Bus and Admin Law Division.
Office of the Inspector General.	Asst Inspector General for Audit.
	Dep Asst Inspector General for Audit.
	Asst I/G for Health Care and Systems Review.
	Asst Inspector General for Investigations.
	Dep Asst Inspector Gen for Investigations.
	Sr Asst Insp Gen for Audit and Systems.
	Executive Assistant Inspector General.
	Asst Inspector Gen for Health Fin Integrity.
	Dir, Health Care Financing Audit Division.
	Dep Asst Inspector Gen for SSP Integrity.
	Dep Asst Insp Gen for Criminal Investigation.
	Director Grants Intnal Sys Audit Division.
	Dep Asst Inspector Gen for Civil Fraud.
	Director, Social Security Audit Division.
	Dep/Asst/Insp/Gen for Headquarters Operations.

Positions That Were Career Reserved During Calendar Year 1984—Continued

Agency organization	Career reserved positions
	Asst/Dep/Insp/Gen for Info Res Management.
Health Care Financing Administration.	Dir Ofc of Program Validation.
OAA for Management and Support Services.	Dep Dir, Bureau of Support Services.
	Dir Bur of Support Services.
	Dir Ofc of Financial Management.
	Dir Office of Human Resources and Admin Service.
	Dir, Ofc of Financial and Actuarial Analysis.
	Dir, Bureau of Data Management and Strategy.
	Dep Dir, Bureau of Data Management and Strategy.
OAA for Operations	Dir Ofc of Prog Adm, Bur of Prog Operations.
	Deputy Director Bureau of Quality Control.
	Dir Office of Quality Control Programs.
	Dir, Ofc of Professional Stds Review Org.
OAA for Policy	Dir Ofc of Demonstrations and Evaluations.
	Director, Ofc of Research.
	Dep Dir, Ofc of Research and Demonstrations.
OAS for Health	Dep Dir, Office of Administrative Management.
	Director, Office of Resource Management.
	Assoc Dir, Cooperative Hlth Stats Sys.
National Center for Health Statistics.	Assoc Dir for Coop Health Statistics System.
	Assoc Dir for Analysis and Epidemiology.
	Assoc Dir for Research and Methodology.
	Assoc. Dir, Ofc. of Prog. Plng. Eval. and Coord.
National Ctr For Health Services Research.	Dir Div of Intramural Research.
	Dir Div of Extramural Research.
	Associate Director for Research.
	Dir Ofc of Health Technology Assessment.
Alcohol, Drug Abuse and Mental Health Admin.	Assoc Admin for Extramural Programs.
Natl Inst of Alcohol Abuse and Alcoholism.	Chief Laboratory of Clinical Studies.
	Dir Division of Extramural Research.
	Dir, Div of Intramural Clinical and Bio Res.
	Dir Div of Biometry and Epidemiology.
National Institute on Drug Abuse.	Director Addiction Research Center.
	Dir Div of Preclinical Research.
	Director Division of Clinical Research.
	Dir, Div of Epidemiology and Statistical Analy.
Natl Inst of Mental Health.	Dir Division of Extramural Research Programs.
	Dir, Div of Scientific and Techn Info.
	Chf, Theoretical Statstics and Mathmatics Bran.
	Dir Div of Mental Health Svc Programs.
	Assoc Dir Extramural Programs.
	Chf, Pharmacologic and Somatic T/ments Res Br.
	Dir Div of Human Resources.
	Dep Dir, Div of Extramural Research Programs.
Saint Elizabeths Hospital.	Asst Superintendent, St. Elizabeths Hospital.
	Director John E. Marr Division.
	Dir Gooding Div.
	Director Richardson Division.
	Dir Overholser Division of Training.
	Dir Div of Medical Surgical Support Programs.
	Chief Blackburn Laboratory.
	Dir, Medicine and Surgery Branch.
	Chief Department of Medicine.
Intramural Research	Dir, Intramural Research Programs.
	Dir Division of Special Mental Health Research.
	Chief, Lab. of Preclinical Pharmacology.
	Chf, Lab of Cerebral Metabolism.
	Chief, Section of Myelin Chemistry.
	Chf, Lab Neurochemistry.
	Chf, Lab of Gen and Comparative Biochemistry.
	Chief, Lab of Brain Evolution and Behavior.
	Chief, Lab of Neurobiology.
	Chf, Lab of Neurophysiology.
	Chf Lab of Socio-environmental Studies.
	Chf Lab of Developmental Psychology.
	Chf, Sect on Pharmacology.
	Chf Clinical Neuropharmacology Branch.
	Chf Clinical Psychobiology Branch.
	Chief Lab of Psychology and Psychopathology.
	Chief Laboratory of Neuropsychology Dcbr.
	Chief Section Histopharmacology.
Centers for Disease Control.	Deputy Director, NIOSH.
	Dir, Div of Biomedical and Behavioral Science.
	Dir, Bacteriology Div.
	Chf, Licensure and Proficiency Testing Division.
	Dir Parasitology Div.
	Dir Clinical Chemistry Div.
	Assoc Director for Research.
	Assistant to the Director.
	Asst Dir for Laboratory Science.
Food and Drug Administration.	Director Parklawn Computer Center.
	Director Orphan Products Development.
Office of Regulatory Affairs.	Dep Assoc Commissioner for Regulatory Affairs.
	Director, Enforcement Policy Staff.
	Regl Food and Drug Dir, Reg I, Boston.
	Regional Director, FDA, Reg II, New York.
	Regl Food and Drug Dir, Reg III, Philadelphia.
	Regl Dir, Food and Drug Adm, Reg IV, Atlanta.
	Regl Food and Drug Director, Reg V, Chicago.
	Regional Food and Drug Dir, Reg VI, Dallas.
	Regl Food and Drug Dir Reg VII, Kansas City.
	Regl Food and Drug, Reg VIII, Denver.
	Regl Dir, Food and Drug Adm, Reg IX (San Francisco).
	Regl Food and Drug Dir, Reg X, Seattle.
National Center for Toxicological Research.	Director, Division of Biometry.
	Assoc Dir for Research.
	Assoc Dir for Chemical Evaluations.
Center for Food Safety and Applied Nutrition.	Dir Division of Toxicology.
	Dir, Div of Chemistry and Physics.
	Dir, Ofc of Physical Sciences.
	Dir, Div of Food Technology.
	Deputy Dir or Ofc of Physical Sciences.
	Dir Ofc of Nutrition and Food Sciences.
	Assoc Dir for Laboratory Investigations.
	Dir Div of Nutrition.
	Dir Ofc of Compliance.
	Dir Div of Microbiology.
	Director, Division of Regulatory Guidance.
	Dep Dir, Ofc of Nutrition and Food Sciences.
	Dir Div of Chemical Technology.
	Director Ofc of Toxicological Sciences.
	Dir Div of Food and Color Additives.
	Director Division of Mathematics.
Center for Drugs and Biologics.	Asso Director for New Drug Evaluation.
	Dir, Div of Anti-Infective Drug Products.
	Dir Div of Scientific Investigations.
	Dir Div of Cardio-Renal Drug Products.
	Dir Office of Compliances.
	Dep Assoc Dir for Drug Monographs.
	Assoc Dir for Pharmaceutical Research and Testi.
	Dir, Div of Drug Biology.
	Director—Division of Drug Chemistry.
	Assoc Dir for Information Systems.
	Dep Dir Ofc of Epidemiology and Biostatistics.
	Dir Div of Biometrics.
	Dir Div of Drug and Biological Experience.
	Dir, Div of Blood and Blood Products.
	Dir, Div of Neuropharmacological Drug Prod.
	Dir Div of Surgical Dental Drug Products.
	Dir, Div of Metabolism and Endocrine Drug Prod.
	Dir Ofc of Epidemiology and Biostatistics.
	Dep Assoc Dir, Pharmaceutical Res and Testing.
	Dir Div Biological Product Compliance.
	Dep Dir for Prog Management.
	Dir, Div of Product Quality Control.
	Dep Dir Ofc of Biologics Research and Review.
	Deputy Director for Medical Activities.
	Director, Division of Biochem and Biophysics.
	Director, Division of OTC Drug Evaluation.
	Dir Ofc of Drug Research and Review Ctr.
	Associate Director for Program Coordination.
	Director, Office of Drug Standards.
	Deputy Dir, Ofc of Drug Standards.
Center for Veterinary Medicine.	Dir—Div of Thera Drugs for Non Food Animals.
	Dir Ofc of Surveillance and Compliance.
	Dir Ofc of Scientific Evaluation.
	Director, Office of Research.
	Director Office of Human Food Safety.
	Dir Ofc of Voluntary Compliance and Operations.
	Dir, Div of Drugs Manufacturing and Controls.
	Dir Div of Biometrics and Production Drugs.
	Dir Div of Therapeutic Drugs for Food Animals.
	Dir Div of Veterinary Medical Research.
	Assoc Dir Scientific Infor and Education.
Center for Devices and Radiological Health.	Director Division of Risk Assessment.
	Assoc Director for Standards.
	Director Office of Compliance.
	Dir Ofc of Standards and Regulations.
Immediate Office of the Director.	Director, Div of Financial Management.
	Director, Division of Contracts and Grants.
	Dir Ofc of Protection From Research Risk.
	Assoc Dir for Intramural Research.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Nat'l Heart, Lung and Blood Institute.	Assoc Director for Review.
	Assoc Dir Epidemiology and Biometry Res Prog.
	Chf Sickle Cell Disease Branch.
	Dir Div of Lung Diseases.
	Dep Dir Div of Lung Diseases.
	Dir, Div of Blood Diseases and Resources.
	Dir, A/Sclerosis, Hypertension and Lip Met Prog.
	Dep Director Div of Extramural Affairs.
	Assoc Dir Clinical Applic Program Div.
Intramural Research	Chf Surgery Br.
	Chf Lab of Biochemical Genetics.
	Chf Lab of Biochemistry.
	Chief Lab of Molecular Hematology.
	Hd, Section On Chemistry.
	Chief, Laboratory of Chemical Pharamacology.
	Sr Rsch Chemist, Sect on Cell Biology.
	Chief Macromolecules Section.
Division of Cancer Biology and Diagnosis.	Dep Dir Div of Cancer Biology and Diagnosis.
	Chf—Laboratory of Pathophysiology.
	Chief, Laboratory of Cell Biology.
	Hd Biochemical Genetics Section.
	Assoc Chf—Lab/Immunbiology/Hd Humoral Immunit.
	Head, Cell Organization Sect, Lab Molecular.
	Hd, Protein Chemistry Section.
	Chief Laboratory of Biochemistry.
	Director, Extramural Research Program.
	Chf, Macromnlecular Interactions Section.
	Chief, Dermatology Branch.
	Head, Cellular Immun of Mod Self Antigens Gr.
Division of Cancer Etiology.	Dir, Div of Cancer Etiology.
	Chief Lab of Biology.
	Chief Biometry Branch.
	Chief Clinical Epidemiology Branch.
	Chief Laboratory of Molecular Carcinogenesis.
	Chf Lab of Experimental Pathology.
	Sci Coord for Environmental Carcinogenesis.
	Head, Math Statistics and Applied Mathematics.
	Head in Vitro Carcinogenesis Section.
	Chief, Lab of Viral Carcinogenesis.
	Associate Dir for Biological Carcinogenis.
	Assoc Dir for Chem and Physical Carcinogenesis.
Division of Cancer Prevention and Control.	Dep Dir, Div of Cancer Prevention and Control.
	Associate Director, Prevention Program.
	Assoc Dir, Centers and Community Oncology Prog.
	Associate Dir, Cancer Control Science Program.
Division of Extramural Activities.	Dir, Div of Extramural Activities.
	Deputy Dir, Div of Extramural Activities.
Division of Cancer Treatment.	Director Division of Cancer Treatment.
	Dep Dir—Div of Cancer Treatment.
	Assoc Dir Developmental Therapeutics Prog.
	Chf—Radiation Oncology Br.
	Chf—Drug Evaluation Branch.
	Chf—Lab of Medicinal Chemistry and Biology.
	Assoc Dir, Cancer Therapy Evaluation Program.
	Assoc Dir Radiation Research Program.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Assoc/Dir Biological Response Modifiers Prog.
Natl Inst of Arthritis Diabetes and Digestive and K D.	Assoc Dir Prog Anal Scientific Communication.
	Assoc Dir for Digestive Diseases and Nutrition.Kidney, Urologic and Chematologic Diseases.
	Dir Div Kidney, Urologic and Hematologic Diseases.
	Dir Divison of Extramural Activities.
	Assoc Dir for Diabetes, Endocrin and Metab Dis.
	Assoc Dir for Arthritis, Bone, Skin Diseases.
	Associate Dir for Nutrition.
	Assoc Director for Research and Assessment.
Intramural Research	Chf, Laboratory of Nutrition and Endocrinology.
	Chf Sect on Enzymes and Cellular Biochemistry.
	Chf Sect on Intermediary Metabolism.
	Chief Section on Biochemical Mechanisms.
	Chf Sect on Biochemistry.
	Chf Sect Biochemistry of Amino Acids.
	Chf, Lab of Physical Biology.
	Chf, Section on Comparative Physiology.
	Chf, Section on Spectroscopy and Structure.
	Chf, Sect on Metabolic Enzymes.
	Chf Sect on Physical Chemistry.
	Chief, Section on Molecular Structure.
	Sr Res Physicist, Mathematical Research Br.
	Sr Chemist, Clinical Endocronology Br.
	Senior Research Chemist.
	Chief Lab of Chemistry.
	Chief Section on Physical Biochemistry.
	Chf Arthritis and Rheumatism Br.
	Senior Research Chemist.
	Chief, Laboratory of Bio-Organic Chemistry.
	Chief, Genetics and Biochemistry Branch.
	Chief Oxidation Mechanisms Section L B C.
National Library of Medicine.	Dep Dir, Natl Lib of Medicine.
	Dep Dir for Res and Education.
	Associate Director for Library Operations.
	Associate Director Div of Extramural Programs.
	Dir Lhnc for Biomedical Commun.
	Assoc Dir, Specialized Info Services.
	Asst Dir for International Programs.
	Dep Dir Lister Hill Natl Crt for Biomed Comms.
	Associate Director for Planning.
	Director, Information Systems.
Natl Inst of Allergy and Infectious Diseases.	Dir—Immunology-Allergic and Immunologic Disease.
	Dir—Intramural Research Prog.
	Chf, Lab of Parasitic Diseases.
	Chf, Lab of Biology of Viruses.
	Chf, Laboratory of Microbial Immunity.
	Spec Asst for Biometry, Otf Sci Dir.
	Hd, Molecular Virology Section.
	Director, Microbiology and Infectious Dis Progs.
	Chief, Lab of Immunogenetics.
	Director, Extramural Activities Program.
	Ch, Lab of Microbial Structure and Function.
	Chief Lab of Molecular Microbiology.
	Head Malaria Section.
Natl Inst on Aging	Scientific Dir NIA.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Clinical Dir and Chf Clin Physiology Branch.
	Chief, Lab of Molecular Aging.
	Chief Lab of Cellular and Molecular Biology.
	Associate Dir for Behavioral Sciences Res.
Natl Inst of Child Health and Human Development.	Chief, Laboratory of Molecular Genetics.
	Dep Dir Center for Population Res.
	Chf, Endocrinology and Reproduction Research Br.
	Dir Epidemiology and Biometry Res Program.
	Director Ctr for Res for Mothers and Children.
	Chief Pregnancy Research Branch.
	Director Ctr for Population Research.
Natl Institute of Dental Research.	Chief Lab of Microbiology and Immunology.
	Chf, Laboratory of Dev Biology and Anomalies.
	Chf, Enzyme Chemistry Section.
	Assoc Dir, Extramural Research Program.
	Chief Mineralized Tissue Research Branch.
	Assoc Dir, Epidem & Oral Disease Preven Prog.
Natl Inst of Environmental Health Sciences.	Scientific Dir, NIEHS.
	Chf, Lab of Pulmonary Function and Toxicology.
	Chief, Biometry Branch.
	Hd, Cell Pharmacology Section.
	Chief, Lab of Genetics.
	Head Mutagenesis Section.
	Head Mammalian Mutagenesis Section.
	Dir Biometry and Risk Assessment Program.
	Dir Toxicology Research and Testing Programs.
Natl Inst of General Medical Sciences.	Dir, Cell and Molec Basis of Disease Prog.
	Dir Genetics Program.
	Assoc Dir for Program Activities.
	Dir, Pharmacological Sciences Program Branch.
	Dir Bio Phys Sciences Program Branch.
Natl Inst of Neuro & Comm Disorders & Stroke.	Chf, Ofc of Biometry and Epidemiology.
	Dir Fundamental Neurosciences Program.
	Director, Communicative Disorders Program.
	Director, Stroke and Trauma Program.
Intramural Research	Clinical Dir, NINCDS.
	Chief Lab of Central Nervous System Studies.
	Chf, Devel and Metab Neurology Branch.
	Chf Lab of Molecular Biology.
	Deputy Chief, Lab of Central Nervous Sys Stud.
	Hd Cellular Neuropathology Section.
	Chief, Section on Neuroradiology.
	Chief, Lab of Biophysics.
	Chf, Lab of Neuropathology & Neuroanatomical S.
	Chf, Lab of Neurochemistry.
	Chief, Neuronal Interactions Section.
	Chf, Surgical Neurology Branch.
	Chf, Lab of Neuro-Otolaryngology.
	Chief Laboratory of Molecular Genetics.
Nat'l Eye Institute	Clinical Director NEI.
	Chf, Lab of Vision Research.
	Chf, Ofc of Biometry & Epidemiology.
	Dep Chief Ofc of Biometry and Epidemiology.
	Head Experimental Pathology Section.

Positions That Were Career Reserved During Calendar Year 1984—Continued

Agency organization	Career reserved positions
	Dir, Intramural Research Program, NEI.
	Chief, Lab of Molecular & Dev. Biology.
	Chief, Laboratory of Sensorimotor Research.
NIH Clinical Center	Assoc Dir For Clin Care NIH & Dir Clin. Al Cen.
	Health Systems Administrator.
Division of Computer Research & Tech.	Chief, Computer Center Branch.
	Chief, Lab of Applied Studies.
	Chief, Physical Sciences Lab.
	Chief, Data Management Branch.
Division of Research Resources.	Dir, Div of Research Resources.
	Dep Dir, Div of Res Resources.
	Dir, Gen Clinical Res Center Program Branch.
Division of Research Grants.	Chief, Referral & Review Branch.
Division of Research Services.	Chf Biomedical Engineering & Instrumentation.
Ofc of Mgmt, Budget, and Pers.	Dir Ofc of Materiel Resources.
	Dir Ofc of Financial Resources.
Ofc of Assessment	Asoc. Commr. for Assessment.
	Dir Ofc of Security and Program Integrity.
	Deputy Associate Commissioner Assessment.
Ofc of Hearings and Appeals.	Dep Assoc Commr OHA.
Ofc of Actuary	Chf Actuary.
	Dep Chief Actuary (Long-Range).
	Dep Chief Actuary Short Range SSA.
Ofc of System Integration.	Director, Office of Programmatic System.
Ofc of System Operations.	Dir. Ofc of Computer Processing Operations.
Ofc of System Requirements.	Dir. Office of Claims & Payment Requirements.
	Dir, Ofc of Planning Control & Validation.
	Dir, Ofc. of Pre-Claims Requirement.
Ofc of Policy	Chief Mathematical Statistician.
	Dir Div of Supplemental Security Studies.
Department of Housing and Urban Development	
Office of the Inspector General.	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Asst Inspector General for Audit.
	Asst IG for Fraud Control & Mgmt Operations.
	Deputy Asst Inspector General For Audit Oper.
	Dep Asst Inspector Gen for Technical Services.
Assistant Secretary for Administration.	Deputy Director of Personnel.
	Director, Office of Finance & Accounting.
	Dir. Mortgage Insurance Accounting Group.
	Director Ofc of Procurements & Contracts.
	Director, General & Program Accounting Group.
	Deputy Director Office of Finance & Accounting.
	Dep Dir for Accounting Policy & Planning.
Asst Secy for Policy Development and Research.	Dir Building Technology Division.
	Dir Government Capacity Sharing Division.
Assistant Secretary for Housing.	Dir, Interstate Land Sales Registeration Div.
	Director, Field Monitoring Staff.
Asst Secy for Fair Housing and Equal Opportunity.	Dir Ofc of HUD Program Compliance.
	Dir Ofc of Fair Housing Enforce and Sec 3.
Asst Secy for Community Planning and Development.	Dir Office of Environment and Energy.
Region II—New York	Manager.
	Area Manager—NY Region II.
Region III—Philadelphia	Manager.
Region IV—Atlanta	Manager.
Region V—Chicago	Manager.
	Manager.
	Manager.
	Manager.
Region VI—Dallas	Manager.
	Manager.
Region IX—San Francisco	Manager.
Department of Interior	
Ofc of the Inspector General.	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigations.
Office of Hearings and Appeals.	Special Counsel.
Organization Abolished	Mem—Bd of Surface Mining and Reclamation Appe.
	Mem—Bd of Surface Mining & Reclamation Appeal.
Ofc of the Solicitor	Deputy Assoc Solicitor, General Law.
	Deputy Assoc Solicitor, Indian Affairs.
	Asst Solicitor Bureau of Parks and Recreation.
	Special Asst to the Assoc Solicitor—Gen Law.
	Dep Associate Solicitor—Energy & Resources.
Asst Secy for Policy, Budget & Administration.	Chief, Division of Acquisition and Grants.
	Asst Dir for Economics.
	Asst Dir for Studies.
	Chief, Div of Budget Operations (A).
	Chief Division of Budget Operations (B).
Nat'l Park Service	Senior Scientist.
	Superintendent Great Smoky Mtns Natl Park.
	Asst Dir Minority Business Enterprise.
US Fish & Wildlife Service.	Deputy Assoc Dir—Federal Assistance.
	Dep Assoc Dir—Natl Wildlife Refuge Sys.
	Deputy Associate Director—Research.
	Assoc Dir, Planning and Budget.
	Deputy Associate Director—Fishery Resources.
	Deputy Assoc Dir—Wildlife Resources.
	Deputy Associate Director—Environment.
Bureau of Mines	Chief Scientist.
	Resch Dir, Pittsburgh Research Center.
	Research Dir, Twin Cities Research Ctr.
	Research Director, Albany Research Ctr.
	Chf, Div of Minerals Informations Systems.
	Chief Div of Materials & Recycling Technology.
	Chief Mineral Economist.
	Chief Division of Minerals Availability.
	Staff Asst to Asst Dir Mineral Data Analysis.
	Chief Div of Extractive Metallurgy Technology.
	Research Director, Twin Cities Research Ctr.
	Chief Engineer.
	Staff Asst to Asst Dir Mining Research.
	Chief Div of Health & Safety Technology.
	Chief Div of Conservation & Development.
	Chief State Liaison Office.
Bureau of Reclamation	Chief Div of Design.
	Chief, Div of Atmospheric Water Resources Mgm.
	Chief Div of Research & Lab Services.
	Chief, Div of Program Coordination & Finance.
US Geological Survey	Chief, Earth Resources Observation Sys Prog.
	Deputy Asst Dir for Information Systems.
	Staff Geologist for NPRA/Alaska Activities.
National Mapping Div	Chief, National Mapping Division.
	Associate Chief, National Mapping Division.
	Chief, EROS Data Center.
	Asst Division Chief for Plans Operations.
	Chief Western Mapping Center.
	Chief Mid-Continent Mapping Center.
	Chief Rocky Mountain Mapping Center.
	Digital Cartography Program Manager.
	Asst Div Chief for Information & Data Svc.
	Chief Eastern Mapping Center.
	Asst Div Chf for Research.
Water Resources Div	Chief Hydrologist.
	Assoc Chief Hydrologist.
	Regl Hydrologist Central Reg Lakewood.
	Chief, Branch of Surface Water.
	Chief, Branch of Ground Water.
	Regl Hydrologist, Southeastern Region.
	Asst Chief Hydrologist, Res and Tech Coordinati.
	Regional Hydrologist, Western Region.
	Regional Hydrologist, Northeastern Region.
	Chief, Branch of Water Quality.
	Chf, Water Data Coordn.
	Asst Chf Hydrologist for Operations.
	Asst Chf Hydrologist, Scien Public and Data Mg.
	Dep Asst Chf Hydrologist for Res and Tech Coord.
	Chf, Ofc Natl Water Summary and Long Range Ptng.
	Stl Asst to the Chf Hydrologist for Spec Proj.
	Chf Water Res Scie Intfm Ctr (WRSIC) Oper Ofc.
	Senior Water Research Coordinator.
	Spec Asst for Water Research Programs.
Geologic Div	Chief Geologist.
	Chief, Ofc of Earthquakes, Volcanoes and Engr.
	Chief, Ofc of Scientific Publications.
	Assoc Chf Geologist.
	Chf, Ofc of Mineral Resources.
	Chief, Office of Energy and Marine Geology.
	Chief, Office of International Geology.
	Chief, Office of Regional Geology.
	Asst Chief, Ofc of Energy and Marine Geology.
	Assistant Chief Geologist for Programs.
	Staff Assistant to Chief Geologist.
Bureau of Land Management.	Asst Dir—Technical Services.
	Asst Dir—Renewable Resources.
	Asst Dir, Land Resources.
	Asst Dir, Fluid Leasable Minerals.
	A/D/D Ener and Min Res and A/D Min Res and Mining Law.
	Asst Dir, Solid Leasable Minerals.
	Special Liaison for Tribal and Indian Lands.
Ofc of Surface Mining Reclam and Enforcement.	Dep Asst Dir for Prog Opers and Insp (East).
	Dep Asst Dir, Prog Operations and Inspect Wt.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Administrator—Technical Center-East.
	Administrator—Technical Center-West.
	Spec Asst to the Asst Dir Prog Opers and Inspec.
Minerals Management Service.	Regional Manager, Gulf of Mexico OCS Region.
	Dep Associate Director for Offshore Leasing.
	Chief, Leasing Management Division.
	Regional Manager, Atlantic OCS Region.
	Regional Manager, Alaska OCS Region.
	Assistant Assoc Dir for Offshore Minerals Mgt.
	Regional Manager, Pacific OCS Region.
	Dep Associate Dir for Royalty Management.
	Dep Associate Dir for Offshore Operations.
	Asst Assoc Dir for Int Prog and Strat Crit Min.
	Staff Economist.
Bureau of Indian Affairs	Assistant Dir of Admin (Financial Manager).
	Dep Dir of Indian Ed Progs (Comptroller).
International Development Cooperation Agency	
Ofc of the General Counsel.	Deputy General Counsel.
Office of the Inspector General.	Asst Inspector General for Security.
	Asst Inspector General for Investigations.
	Assistant Inspector General for Audit.
Office of Equal Opportunity Programs.	Dir, Ofc of Equal Opportunity Programs.
Bureau for Management	Assistant to the Administrator for Management.
Office of Financial Management.	Controller and Senior Financial Officer.
	Deputy Controller.
Office of Personnel Management	Deputy Dir, Office of Personnel Management.
	Dep Dir, Office of Personnel Management.
Directorate for Program and Management Services.	Associate Director for Management.
	Dir, Ofc of Contract Management.
	Dep Dir Ofc of Contract Management.
	Dir, Commodity Management.
	Dir Office of Information Resource Management.
	Dir, Ofc of Management Operations.
Interstate Commerce Commission	
Office of the General Counsel.	Associate General Counsel, Litigation.
	Assoc Gen Counsel—Litigation.
Ofc of the Managing Director.	Dir of Personnel.
Bureau of Accounts	Director, Bureau of Accounts.
	Dep Dir, Bureau of Accounts.
Bureau of Traffic	Dir, Bureau of Traffic.
	Asst Dir, Bu of Traffic.
Office of Transportation Analysis.	Assoc Dir, Ofc of Transportation Analysis.
Office of Compliance & Consumer Assistance.	Dir Ofc of Compliance & Consumer Assistance.
	Deputy Director for Enforcement.
	Associate Director.
	Deputy Director/Chief Section of Operations.
	Dep Dir for Policy Dev & Coordination.
Regional Offices	Regional Director (Boston).
	Regional Director (Philadelphia).
	Regional Director (Atlanta).
	Regional Director (Chicago).
	Regional Director (Fort Worth).
	Regional Director (San Francisco).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Office of Proceedings	Associate Dir.
	Deputy Director.
	Deputy Director.
	Assistant Deputy Director.
	Assistant Deputy Director.
	Asst to the Director.
Department of Justice	
Office of the Attorney General.	Counsel on Professional Responsibility.
	Dep Counsel on Professional Responsibility.
Justice Management Division.	Asst Attorney General for Administration.
	Prin Dep Asst Atty General for Administration.
	Dir Audit Staff.
	Director Security Staff.
	Special Asst to the Asst Attorney Gen for Adm.
	Deputy Director Audit Staff.
	Senior Management Counsel.
	Senior Management Counsel.
	Senior Advisor.
Office of the Controller	Deputy Assistant Attorney General.
	Director, Budget Staff.
	Dir Finance Staff.
	Director, Evaluation Staff.
Office of Personnel and Administration.	Deputy Assistant Attorney General.
	Director Personnel Staff.
	Director Procurement and Contracts Staff.
	Director Administrative Services Staff.
Office of Information Technology.	Deputy Assistant Attorney General.
	Dir Computer Techn & Telecommunications Staff.
	Director, Systems Policy Staff.
	Director, Litigation Systems Staff.
Executive Office for Immigration Review.	Chief Immigration Judge.
	Assistant to the Director.
Immigration and Naturalization Service.	Comptroller.
	Asst Commissioner for Detention & Deportation.
	Assistant Commissioner for Border Patrol.
Associate Commissioner for Information Systems.	Assistant Commissioner for Record Systems.
	Assistant Commissioner for Data Systems.
Associate Commissioner for Examinations.	Asst Commissioner for Adjudication & Natural.
	Asst Comm for Inspections.
Associate Commissioner for Enforcement.	Assistant Commissioner for Investigations.
Associate Commissioner for Management.	Asst Commissioner for Administration.
	Asst Commr for Personnel & Training.
Community Relations Service.	Regl Director, Region IX, San Francisco.
	Regl Director, Region III, Philadelphia.
Executive Ofc for U.S. Attorneys.	Dir Ofc of Mgnt Information Systems Support.
	Senior Management Advisor.
U.S. Parole Commission	Executive Director.
Federal Prison System	Asst Dir for Planning and Development.
	General Counsel.
	Assoc Commr, Fed Prisons Industries, Unicor.
	Dep Assoc Commr—Sec, Fed Prison Industries, I.
	Dep Assoc Comm for Fed Prison Industries.
	Dep Asst Dir for Edu and Vocational Training.
	Deputy Asst Dir for Admin.
Office of Correctional Programs.	Dep Asst Dir for Correctional Programs.
	Asst Dir Correctional Programs Div.
Northeast Region	Regional Director.
	Warden, Lewisburg, PA.
	Warden, Otisville, New York.
	Warden—Petersburg, VA.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Warden.
Southeast Region	Regional Director.
	Warden Atlanta.
	Warden, Lexington Kentucky.
North Central Region	Regional Director.
	Warden Leavenworth Kansas.
	Warden.
	Warden Marion Illinois.
	Warden Terre Haute, IN.
	Warden Rochester NY.
South Central Region	Regional Director.
	Warden El Reno Okla.
Western Region	Regional Director.
	Warden Terminal Inland, CA.
	Warden, Lompoc, CA.
Ofc of Justice Resnarch and Statistics.	Gen Counsel.
	Comptroller, Ofc of the Comptroller.
National Institute of Justice.	Asst Dir, Ofc of Research Programs.
	Asst Dir, Ofc of Dev Testing & Dissemination.
Bureau of Justice Statistics.	Deputy Dir, Bureau of Justice Statistics.
U.S. Marshals Service	Associate Director for Administration.
	Associate Director for Operations.
	Assistant Director for Inspections.
	Assistant Director for Financial Management.
Department of Labor	
Ofc of the Inspector General.	Deputy Inspector General.
	Asst Inspector Gen for Investigations.
	Asst Inspector Gen for Audit.
	Deputy Assistant Inspector General for Audit.
	Dir Ofc Resource Mgmt & Legislative Assmt.
	Dir, Ofc of Resource Mgmt & Legislative Assmt.
Office of the Solicitor	Deputy Solicitor (Regional Operations).
	Associate Solicitor for Labor-Management laws.
	Assoc Solicitor for Plan Benefits Security.
	Assoc Solicitor for Civil Rights.
	Assoc Solicitor for Occupational Safety & Hlt.
	Assoc Solicitor for Mine Safety & Health.
	Assoc Solicitor for Fair Labor Standards.
	Assoc Solicitor for Employee Benefits.
	Associate Solicitor for Spec Litigation.
	Assoc Sol for Spec Appel & Sup Court Lit.
	Assoc Solic for Occupati Safety & Health.
Regional Solicitors	Regional Solicitor.
	Regional Solicitor Region IV—Atlanta.
	Regl Solicitor Boston.
	Regl Solicitor New York.
	Regional Solicitor Philadelphia.
	Regl Solicitor Dallas.
	Regl Solicitor Kansas City.
	Regl Solicitor San Francisco.
OAS for Administration and Management.	Asst Sec'y for Admin & Mgmt.
	Dep Asst Sec for Adm and Mgmt.
	Dir Admin Serv & Safety & Health Programs.
	Dir Ofc of Budget.
	Dir Ofc Labor Mgmt Relations.
	Dir of Management Policy.
	Comptroller for the Department.
	Dir., Office of Equal Employment Opportunity.
	Dir. Of Personnel Management.
	Dep Dir of Personnel Management.
	Deputy Comptroller.
	Dir, Ofc of Information Technology.
	Deputy Director Office of Civil Rights.
	Dir. Ofc of Civil Rights.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Dir, of Procurement & Grants Management.
	Dir, Natl Capital Service Center.
Office of Management, Administration and Planning.	Dir. Ofc of Mgmt., Administration and Planning.
Ofc of Federal Contract Compliance Programs.	Dir—Div of Enforcement Coordination.
Wage and Hour Division	Asst Admin for Program Operations.
	Asst Admin for Policy Planning & Review.
Ofc of Workers Compensation Programs.	Dir, Federal Employees Compensation.
	Dir, Coal Mine Workers Compensation.
Office of Management	Director, Office of Management.
Organization Abolished	Dir. Ofc of Labor—Management Stds Enforcement.
Office of Pension & Welfare Benefit Programs.	Dep Admr for Pension & Welfare Benefit Prog.
	Assistant Administrator for Enforcement.
	Asst Admr for Pension & Welfare Benefit Prog.
	Asst Admr for Fiduciary Standards.
	Asst Admr, Reporting & Plan Standards.
	Dep Administrator for Program Operations.
	Asst/Admnr for Regulations & Interpretations.
	Assistant Administrator for Prog Services.
	Deputy Asst Admin for Program Services.
Office of Labor Management Standards.	Asst Director for Compliance & Enforcement.
	Dir Ofc of Standards, Tech Asst & Disclosure.
	Dir Ofc of Elect Trustshp/Intern'l Union Audt.
Bureau of Labor Statistics.	Assoc Commr for Field Operations.
Data Analysis	Assoc. Commr. OCC Safety & Health Stat.
	Assoc Commr. Economic Growth.
	Assoc Comr for Prices and Living Conditions.
	Assoc Commr Productivity & Technology.
	Assoc Commr for Wages & Industrial Relations.
	Assoc Commissioner for Research & Evaluation.
	Assoc Comm for Employment & Unempl Statistics.
	Dep Assoc Commr for Prices & Liv Conditions.
	Asst Commr for Consumer Prices & Price Indexes.
	Asst Commr for Indust Prices & Price Indexes.
	Dep Assoc Comm for Empl & Unempl Statistics.
Statistical Operations & Processing.	Asst Commissioner for Mathematical Statistics.
Administrative and Internal Operations.	Assistant Commissioner for Administration.
	Dep Comm for Adm and Internal Operations.
	Assistant Commissioner and Survey Processing.
	Asst Commissioner for Tech & Operations Rev.
Regional Commissioners.	Reg Commr—BLS (Chicago).
Office of Employment Security.	Director, Ofc of Trade Adjustment Assistance.
Office of Financial Control and Management Systems.	Dir. Ofc of Management & Information Sys.
	Comptroller.
	Admin Ofc of Financial Control & Mgmt Sys.
	Dep Admr Ofc Financial Ctlr & Mgmt Sys.
Administrative Programs	Dir, Adm Progs.
Health Standards Programs.	Dir Health Standards Programs.
Safety Standards Programs.	Director Safety Standards Programs.
Federal/State Operations.	Director Federal/State Operations.
Technical Support	Dir Tech Support.
Mine Safety and Health Administration.	Chf of Standards, Regulations & Variances.
	Director of Administration and Management.
	Director of Technical Support.
Merit Systems Protection Board	
Ofc of Managing Director.	Managing Dir. Assistant Managing Director for Management.
	Asst Managing Dir for Regional Operations.
	Assoc Asst Managing Director for Management.
Ofc of General Counsel	Deputy General Counsel.
	Associate General Counsel for Litigation.
Office of Appeals Counsel.	Associate Director Office of Appeals Counsel.
Regional Offices	Regional Director, New York.
	Regional Director, San Francisco.
	Regional Director, Chicago.
	Regional Director, Atlanta.
	Regional Director, Philadelphia.
	Regional Director, Dallas.
	Regional Director, Washington, D.C.
National Aeronautics and Space Administration	
Office of the Comptroller.	Asst Compt for Prog Status Rev & Cost Assess.
Institutional Analysis Division.	Director Institutional Analysis Division.
Financial Management Division.	Dir Financial Mgmt Div.
	Dep Dir, Financial Management Div.
Resources Analysis Division.	Deputy Dir Resources Analysis Div.
	Dir Resources Analysis Division.
Budget Operations Division.	Dir, Budget Operations Div.
Ofc of Chief Engineer, NASA.	Director, Safety Division.
	Dir, Reliability & Quality Assurance Division.
	Dep Chief Engr for Safety Reliability & Q/A.
	Dir Safety Reliability & Quality Assur Progs.
Ofc of the Assoc Admr, Space Science and Applications.	Director Space Station Concept Development.
Information Systems Office.	Manager, Information Systems Office.
Environmental Observations Division.	Dep/Dir Earth Science & Applications Division.
	Chief, Atmospheric Processes Branch.
	Chief, Oceanic Processes Branch.
	Discipline Chief Agristars Program.
	Discipline Scientist Interplanetary Physics.
	Chf, Atmospheric Dynamics and Radiation Br.
Communications Division.	Deputy Director Communications Division.
Life Sciences Division	Dept Dir Life Sciences Division.
	Chf, Res & Tech Development Branch.
	Manager Operational Medicine.
	Chief, Flight Programs Branch.
Earth and Planetary Exploration Division.	Dep/Dir Solar System Exploration Division.
	Chief, Non-Renewable Resources Branch.
	Chief Scientist (Geodynamics Program).
	Chief, Geodynamics Branch.
	Chief Mission Operations & Information Sys Br.
	Dep Dir, Earth and Planetary Exp Div (Tech).
	Chief Planetary Science Branch.
	Chief, Advanced Development Branch.
Spacelab Flight Division	Dep Dir, Spacelab Flight Div.
	Mgr, Advanced Instrumentation & Sensor Engineer.
	Chf, Space Science Missions Branch.
	Chief Astrophysics Payload Branch.
Astrophysics Division	Dep Director Astrophysics Division (Science).
	Manager, Advanced Programs & Technology.
	Chf, High Energy Astrophysics Br.
	Chief, Astronomy/Relativity Branch.
	Chief Research Flight Programs Dev Branch.
	Chief, Observatories Development Branch.
	Chf, Solar & Heliospheric Physics Br.
	Asst Director, Astrophysics Div (Technical).
Space Telescope Development Division.	Dir Space Telescope Development Division.
Office of Procurement	Asst Admr for Procurement.
	Deputy Asst Admr for Procurement.
	Director, Program Operations Division.
	Director, Procurement Policy Division.
	Dir Procurement Management Division.
	Dir Contract Pricing & Finance Office.
Government Affairs Division.	Chief, Industry Affairs Division.
Ofc of the Assoc Admr Space Flight.	Tech Asst to the Asst Assoc Admn (Space Shut).
Advanced Programs & Plans.	Dep Dir Adv Progs.
	Chief, Platforms & Services Branch.
Resources and Institutions Office.	Deputy Dir Resources & Institutions Ofc.
	Chief Sts Program Budget and Control.
Space Transportation Support Program Division.	Chief, Sts/Centaur Program Branch.
	Dep Dir, Space Transp Support Prog Div.
Spacelab Division	Deputy Director, Spacelab Program Division.
	Chief, Development Branch.
	Chief, Operations Branch.
Customer Services Division.	Director, Resources Management and Admin.
	Chf, Commercial and Foreign Utilization Branch.
	Chief, DOD Utilization Branch.
	Chief, NASA Utilization Branch.
	Chief, Policy/Business Development Branch.
	Special Assistant to the Director.
	Deputy Director, Customer Service Division.
Space Shuttle Operations Office.	Director, Shuttle Operations Division.
	Chf, Production and Logistics Branch.
	Director, Integration Divison.
	Deputy Director, Shuttle Operations Division.
	Chief, Operations Integration.
Orbiter Programs Division.	Director, Space Shuttle Orbiter Division.
	Director, Shuttle Orbiter Division.
Propulsion Division	Deputy Director, Shuttle Propulsion Division.
	Chief, External Tank Programs.
	Mgr, Spc Shuttle Propulsion Pro/Oper Support.
	Director, Shuttle Propulsion Division.
Flight and Turnaround Operations.	Dir, Flight and Turnaround Operations Div.
Office of the Associate Administrator, Management.	Director, Management Support Office.
	Dir Aircraft Management Ofc.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Headquarters, Administration Division.	Dep Dir Headquarter Administration Division.
Facilities and Engineering and Computer Management Div.	Dir, Facilities Engineering and Comp Mgmt Div.
	Deputy for Facilities Management.
Logistics Management and Information Programs Division.	Dir, Logistics Mgmt and Info Programs Division.
	Chf Scientific and Tech Info Br.
	Dep Dir, Logistics Mgmt and Info Prog Div.
Personnel Programs Division.	Dir Personnel Programs Div.
	Dep Dir Personnel Progs Div.
Information Systems Division.	Dep Dir, Automated Information Systems Div.
	Director Automated Information Systems Div.
Ofc of the Assoc Admr, Aeronautics and Space Tech.	Asst Assoc Administrator for Mgmt Support.
	Manager, Small Business Innovation Research.
	Spec Asst to the Associate Administrator.
Ofc of Director for Aeronautics.	Deputy Director for Aeronautics.
	Deputy Director, Aeronautical Systems Div.
	Manager, Rotocraft.
	Manager, High Performance Aircraft.
	Manager Subsonic Aircraft.
	Manager, Fluid and Thermal Physics.
	Assistant Director for Program Development.
	Assistant Director for Aeronautics.
	A/D for Aeronaut (Gen Aviat and Trans Aircraft).
	S/A to the Director (Military Programs).
Ofc of Dir for Space	Deputy Director for Space.
	Manager, Spacecraft Systems Office.
	Manager, Transportations Systems Office.
	Manager, Space Power Systems.
	Dep Dir Space Sys Div.
	Manager Space Station Systems.
	Asst Dir for Space (Space Station Technology).
	Dep Dir for Space (Program Development).
Ofc of Dir for Institutions.	Deputy Director for Institutions.
	Deputy Director for Resources.
	Assistant Director for Facilities.
Aerodynamics Divison	Deputy Director, Aerodynamics Division.
Information Sciences and Human Factors Division.	Deputy Director Aerospace Research Division.
	Mgr for Propulsion Systems Office.
	Materials and Structures, Manager of The.
	Manager, Controls and Flight Management.
	Manager Computer Science and Electronics.
	Deputy Director Info Sci & Human Factors Div.
Materials & Structures Divison.	Director, Materials and Structures.
	Deputy Director, Materials and Structures.
Propulsion, Power, and Energy Divison.	Manager, Energy Systems.
	Dir, Propulsion, Power and Energy Division.
	Deputy Director (Aeronautics).
	Manager Alternate Energy Sources.
Flight Projects Division	Deputy Director, Flight Projects Division.
Policy & Plans Office	Deputy Dir Policy & Plans Office.
	Chief Cooperative Programs Plans Branch.
Engineering Division	Chief Sys/Management Engineering Branch.
	Deputy Dir Engineering Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Ofc of the Assoc Admr, Space Tracking and Data Systems.	D/A/A Space Tracking & Data Systems (Networks).
	Spec Asst (Operations).
Communications and Data Systems Division.	Dir, Communications & Data Systems Div.
	Assoc Dir, Communications & Data Systems Div.
Deep Space Network Operations Programs.	Manager, Deep Space Network Operations Progra.
	Mgr Space Tracking and Data Network Prog.
Network Systems Development Programs Division.	Dep Director Network Systems Division.
TDRSS Division	Assoc Dir, Tracking & Data Relay/SSPD.
	Chief, TDRSS Operations.
Discrimination Complaints Division.	Director, Discrimination Complaints Division.
Office of the Inspector General.	Assist Inspector General for Investigation.
	Assistant Inspector General for Auditing.
	Asst Inspector General for Technical Services.
Ames Research Center	Assoc Dir, NASA Ames Res Ctr.
	Chief Engineer.
Aeronautics and Flight Systems Directorate.	Dep Dir of Aeronautics and Flight Systems.
	Chief, Aerodynamics Division.
	Chief, Aircraft Operations Division.
	Chf Flight Systems & Simulation Rsch Div.
	Chf Helicopter & Powered Lift, Technology Div.
Life Sciences Directorate.	Deputy Director of Life Sciences.
	Chief, Biomedical Research Division.
	Chief, Extraterrestrial Research Division.
	Chief, Biosystems Division.
	Chief Aero-Space Human Factors Research Div.
Research Support Directorate.	Dep Dir, Engineering & Computer Systems.
	Chief, Computer Systems Division.
Astronautics Directorate.	Deputy Director of Astronautics.
	Chief, Airborne Mission & Applications Div.
	Chief, Space Science Division.
	Chief, Thermo- and Gas-Dynamics Division.
	Chief Computational Fluid Dynamics Branch.
	Chf, Systems Engineering Div.
Flight Operations Directorate.	Chf Engineer.
	Chief Dryden Aircraft Operations Division.
	Chief Flight Support Division.
	Deputy Chief Dryden Aircraft Operations Div.
	Chief Shuttle Project Office.
Goddard Space Flight Center.	Comptroller.
	Chief Counsel.
	Asst Dir for Technology Plng & Assessment.
	Deputy Comptroller.
Management Opers Directorate.	Dep Dir of Management Operations.
	Procurement Officer.
Flight Assurance Directorate.	Director of Flight Assurance.
Flight Projects Directorate.	Deputy Director of Flight Projects.
	Dep Dir Flight Proj Space Telescope Goddard.
	Assoc Dir of Flight Proj for User Systems.
	Assoc Dir of Flight Proj for Sys Mgmt.
	Assoc Dir of Flight Projects for New Projects.
	Project Manager, Landsat-D.
	Project Mgr. Tracking & Data Relay Satellite Sys.
	Delta Project Manager.
	Assoc Dir of Flight Proj for Mission Systems.
	Manager Adv Land Obser Sys Studies Ofc.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Dep Dir of Flight Proj for Space Stat-Goddard.
	Project Manager, METSAT Project.
Mission Operations & Data Systems Directorate.	Dep Dir of Mission & Data Operations.
	Asst Dir of Mission & Data Ops (Rsch & Tech).
	Deputy Dir of Mission Operations & Data Sys.
	Deputy Dir of Networks (for Networks).
	Dep Dir of N/Works for the TDRS.
	Chief Networks Division.
Space & Earth Sciences Directorate.	Deputy Director (Research).
	Deputy Director (Projects).
	Assoc Dir of Sciences.
	Chief, Lab for Atmospheric Sciences.
	Head, Electrodynamics Branch.
	Chief, Lab for High Energy Astrophysics.
	Chief, Lab for Astronomy and Solar Physics.
	Chief, Lab for Extraterrestrial Physics.
	Asst Dir for Space Station (Mission Planning).
	Chief, Space Data and Computing Division.
	Special Assistant to the Director.
	Special Assistant to the Director.
	Chief, Laboratory for Terrestrial Physics.
	Associate Director for Program Planning.
	Associate Director for Space Station.
Engineering Directorate	Dep Dir Engineering.
	Chief, Instrument Division.
	Chief, Applied Engineering Div.
	Chief Space Technology Division.
	Asst Dir of Engineering for Development Proj.
	Assistant Director for Technical Resources.
Organization Abolished	Deputy Director of Applications.
	Asst Dir of Aps for Earth & Ocean Phys Aps Prog.
	Chief, Information Extraction Div.
	Chief, Lab for Planetary Atmospheres.
	Chief Earth Survey Applications Divisions.
	Chief Applications Systems Analysis Ofc.
Johnson Space Center	Assistant to Dir (Plans).
	Dir of Public Affairs.
	Special Assistant to the Director.
Center Support	Deputy Dir Center Operations.
	Deputy Dir Admin.
	Dir Admin.
	Dir of Procurement.
	Dir Center Operations.
	Assistant Director, Administration.
Space Operations	Assistant to the Director of Space Operations.
	Chief, Astronaut Office.
	Chief, Aircraft Operations Division.
	Chief Training Division.
	Chief, Mission Planning & Analysis Division.
	Chf., Spacecraft Software Div., Data Systems.
	Director, Mission Operations.
	Deputy Director Mission Operations.
	Deputy Director, Missions Support.
	Chief Operations Division.
	Chief, System Div.
	Asst for Planning Assessment.
	Dep Chief Flight Operations Integration Ofc.
Research & Engineering.	Deputy Director, Engineering.

Positions That Were Career Reserved During Calendar Year 1984—Continued

Agency organization	Career reserved positions
	Asst to the Dir of Research & Engineering.
	Assistant Director, Space & Life Sciences.
	Chief, Tracking & Communications Division.
	Chief, Avionics Systems Div.
	Chief, Propulsion & Power Division.
	Chief, Structures and Thermal Division.
	Chief, System Engineering Division.
	Chf., Crew Systems Div., Engineering & Dev.
	Chief Solar System Exploration Division.
	Chief, Medical Sciences Division.
	Director, Engineering.
	Asst for Program Development
Natl Space Transp Sys Prog Ofc.	Deputy Manager NSTSPO.
	Manager, Mission Integration Office.
	Manager Systems Integration.
	Manager Operations Integration.
	Assistant to the Director, DS/AD.
Space Shuttle Projects Ofc.	Mgr, Shuttle Flight Equip Proj Ofc.
	Asst Manager, Space Shuttle Projects Ofc.
	Dep Mgr, Space Shuttle Projects Office.
	Manager, Shuttle Avionics Office.
Safety, Reliability & Quality Assurance.	Manager, Manufacturing & Test Off.
	Dir, Safety, Reliability, & Quality Assurance.
	Dep Dir, Safety, Reliability & Qual Assurance.
STS Operations Programs Office.	Manager, Customer Integration Office.
	Dep Manager, Space Station Program Office.
	Manager, Sys Engineering & Integration Office.
	Manager, Integration & External Affairs Ofc.
NASA White Sands Test Facility.	Manager, NASA White Sands Test Facility.
Kennedy Space Center	Dir, Exec Management Ofc.
	Associate Deputy Director.
Comptroller	Deputy Comptroller.
Biomedical Office	Chf., Biomedical Office.
Public Affairs	Dir Public Affairs.
Safety, Reliability and Quality Assurance.	Dir., Safety Reliability & Quality Assurance.
Chief Engineer	Chief Engineer.
KSC Off Site Operations Shuttle Project.	Manager, KSC Off-Site Operations Shuttle Proj.
Shuttle Processing	Director, Launch and Landing Operations.
OIC Engineer	Director, Shuttle Engineering.
Launch Support Services.	Director, Launch Support Services.
Information Systems	Director of Information Systems.
Center Support Operations.	Director of Center Support Operation.
	Deputy Director of Center Support Operation.
Engineering Development.	Deputy Director of Engineering Development.
Project Management	Director, Project Management.
Mechanical and Facilities Engineering.	Dir., Mechancial & Facilities Engineering.
Electronic Engineering	Director, Electronic Engineering.
Cargo Management and Operations.	Deputy Director, Cargo Operations.
STS Cargo Operations	Dir STS Cargo Operations.
Deployable Payloads	Director, Deployable Payloads.
Projects Directorate	Manager, Aeronautical Systems Office.
Electronic Directorate	Chf., Analysis & Computation Division.
	Chief, Flight Dynamics and Control Division.
	Chf., Flight Electronic Division.
	Chf, Instrument Research Division.

Positions That Were Career Reserved During Calendar Year 1984—Continued

Agency organization	Career reserved positions
	Chief Flight Control Systems Division.
Structures Directorate	Chf., Acoustics & Noise Reduction Div.
	Asst Chief, Acoustics & Noise Reduction Div.
	Chief, Structures and Dynamics Division.
	Chf., Materials Division.
	Chief, Loads and Aeroelasticity Division.
Aeronautics Directorate	Chief Transonic Aerodynamics Div.
	Chief, High-Speed Aerodynamics Div.
	Chief, Low-Speed Aerodynamics Division.
Space Directorate	Chief, Space Systems Division.
	Chief Atmospheric Sciences Division.
	Special Assistant to the Director for Space.
	Manager Evolutionary Definition Office.
Systems Engineering and Operations Directorate.	Assistant Dir for Systems Engineering Oper.
	Chief Facilities Engineering Division.
	Chief Systems Engineering Div.
Lewis Research Center	Dep Dir Gtc of Rsch & Technology Assessment.
	Special Asst. Altitude Wind Tunnel Project.
Administration & Computer Services.	Chief, Computer Services Division.
	Asst for Computer Systems.
Aeronautics Directorate	Chf Aerothermodynamics and Fuels Division.
	Chf, Aerodynamics & Engine Systems Division.
	Chief Internal Fluid Mechanics Division.
	Chf, Propulsion Systems Div.
	Chief Aeropropulsion Facilities & Exper Div.
	Chief Advanced Programs and Planning Office.
	Deputy Director of Aeronautics.
Space Stations Systems Directorate.	Dep Dir of Space Station Systems.
	Chief, Energy Technology Division.
	Chief, Space Power Technology Division.
	Chief Power Sys Engineering Division.
Aero Space Technology Directorate.	Dep Dir of Aerospace Technology.
	Chief, Space propulsion Technology Division.
	Chief Structures & Mechanical Technol Div.
	Chief, Materials Division.
	Chief, Structures Division.
Space Flight Systems Directorate.	Chief, Space Communications Division.
	Manager Acts Project Office.
	Manager, Atlas Centaur Project Office.
	Manager Shuttle/Centaur Project Office.
	Chief, Space Transportation Engineering Div.
Engineering & Technical Services Directorate.	Chief, Engineering Design Division.
Marshall Space Flight Center.	Center Comptroller, NASA MSFC.
	Executive Assistant to the Director.
Science and Engineering	Dep Dir, Science & Engineering.
	Assoc Dir for Engineering.
	Chf Engineer, Solid Rocket Booster Integratio.
	Chf, Engineer, Space Shuttle Main Engineer.
	Chf Engineer, Space Telescope.
	Dir, Reliability & Quality Assurance Otc.
	Chf Guidance Cont and Instrumentation Div.
	Dir Materials & Processes Laboratory.
	Director, Space Sciences Lab.
	Chf, Atmospheric Sciences.

Positions That Were Career Reserved During Calendar Year 1984—Continued

Agency organization	Career reserved positions
	Director, Structures & Propulsion Laboratory.
	Dep Dir Structures and Propulsion Lab.
	Director, Syst Anal & Integration Laboratory.
	Dep Dir Sys Analysis and Integration Lab.
	Chf Mission Analysis Division.
	Director, Systems Dynamics Laboratory.
	Chf, Aerophysics Div.
	Dir—Test Laboratory.
	Deputy Director Materials and Processes Lab.
	Deputy Associate Director for Engineering.
	Chf Engineer, External Tank Project.
	Chf Engineer, Space Shuttle Main Propul Sys.
	Dep Div, Systems Dynamics Laboratory.
	Director Information & Electronic Sys Lab.
	Dep Dir Information & Electronic Systems Lab.
Spacelab Payload Project.	Dep Mgr, Spacelab Payload Proj Ofc.
	Manager Applications & Technology Missions.
	Manager, Science Payload Projects.
Space Station Projects Office.	Manager, Space Station Projects Office.
Spacelab Program Office.	Deputy Manager, Spacelab Program Office.
Program Development	Deputy Direcor, Program Development.
	Director, Preliminary Design Office.
Shuttle Projects Office	Manager, External Tank Project Office.
	Manager, Solid Rocket Booster Project Office.
	Manager, Flight Engine Project.
	Deputy Manager, for Development.
	Manager, Development Engine Project.
	Deputy Manager, for Production & Logistics.
	Manager, Systems Management Office.
Space Telescope Project Office.	Deputy Manager, Space Telescope Project.
	Manager Optical Telescope Project Office.
	Dep Mgr for Sys Engineering & Intergration.
Administration and Program Support.	Dep Dir, Administration & Program Support.
National Space Technology Laboratories.	Deputy Manager.
	Deputy Manager—Programs.
National Capital Planning Commisaion	
National Capital Planning Commission Staff.	Assoc Exec Dir Regional Affairs.
	Executive Director.
	Assoc Exec Dir D.C. Affairs.
	General Counsel.
	Assistant Executive Director for Operations.
National Credit Union Administration	
Central Office	Director, Off Of Internal Audit & Invest.
National Endowment for the Arts	
National Endowment for the Arts.	Director of Program Coordination
	Deputy Chairman for Management
National Endowment for the Humanities	
National Endowment for the Humanities.	Director of Administration.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
National Labor Relations Board	
Ofc of the Board Members.	Executive Secy.
	Deputy Executive Secretary.
Div of Enforcement Litigation.	Deputy Assoc. Gen. Counsel Appellate Court Br.
	Director, Office of Appeals.
Div of Advice	Associate Gen Counsel, Div of Advice.
	Deputy Assoc Gen Counsel.
Div of Administration	Director of Administration.
	Deputy Director of Administration.
Div of Operations Management.	Assoc General Counsel, Div of Operation—Mgmt.
	Dep Asso Gen Counsel, Div of Operations—Mgmt.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Asst to the General Counsel.
Regional Offices	Regl Dir Reg. 1, Boston.
	Regional Director, Reg. 2, New York.
	Regional Director, Reg. 3, Buffalo.
	Regl Dir, Reg 4, Philadelphia.
	Regional Director, Reg. 5, Baltimore.
	Regional Director, Reg. 6, Pittsburgh.
	Regl Dir, Region 7, Detroit, Mich.
	Regional Director, Reg. 8, Cleveland.
	Regional Director, Reg. 9, Cincinnati.
	Regl Dir, Reg, 10, Atlanta.
	Regl. Dir, Reg. 11, Winston Salem.
	Regional Director, Reg. 12, Tampa.
	Regional Director, Reg. 13, Chicago.
	Regl Dir, Reg. 14, St Louis.
	Regl Dir, Reg. 15, New Orleans.
	Regl Dir, Reg. 16, Ft Worth.
	Regl Dir, Reg. 17, Kansas City.
	Regl Dir, Reg. 18, Minneapolis.
	Regl Dir, Reg. 19, Seattle.
	Regional Dir, Reg. 20, San Francisco.
	Regional Director, Reg. 21, Los Angeles.
	Regional Director, Reg. 22, Newark.
	Regional Director, Reg. 23, Houston, Texas.
	Regional Director, Reg. 24, Hato Rey, Puerto Rico.
	Regl Dir, Reg. 25, Indianapolis.
	Regl Dir, Reg. 26, Memphis.
	Regl Dir, Reg. 27, Denver.
	Regl Dir, Reg. 28, Phoenix.
	Regl Dir, Reg. 29, Brooklyn.
	Regl Dir, Reg. 30, Milwaukee.
	Regl Dir, Reg. 32, Oakland.
	Regional Director, Reg. 33, Peoria, Ill.
	Regl Dir, Reg. 31, Los Angeles.
National Science Foundation	
Office of the Director	Senior Staff Assoc. for Inter-Agency Affairs.
	Senior Staff Associate.
	Special Assistant.
	Special Assistant.
	Special Assistant.
	Special Assistant.
	Special Assistant.
Office of the General Counsel.	Deputy General Counsel.
Office of Audit and Oversight.	Director 2
	Deputy Director and Head, Audit Office.
	Head, Evaluation Staff
Office of the Controller	Chief Budget Analysis & Executive Branch.
	Chief Program & Budget Development Branch.
Organization Abolished	Division Director.
Office of Legislative and Public Affairs.	Assoc Dir for Public Programs.
Directorate for Astro, Atmos, Earth and Ocean Sciences.	Senior Staff Associate.
Division of Astronomical Sciences.	Section Head, Ast. Center Section.
	Section Head, Ast Research Section.
Division of Atmospheric Sciences.	Section Head Grant Programs Section.
	Section Head—Ctrs and Facilities Program Sec.
Division of Ocean Sciences.	Sec Hd, Oceanographic Facilities Support Sec.
	Section Head Ocean Sciences Research Section.
Division of Polar Programs.	Deputy Division Director.
	Manager Polar Ops Section.
Directorate for Engineering.	Senior Staff Associate.
	Senior Staff Associate.
Division of Electrical, Computer & Systems Engineering.	Deputy Division Director.
Division of Chemical and Process Engineering.	Deputy Division Director.
Directorate for Biological, Behavioral Social Sciences.	Executive Asst/Planning.
Organization Abolished	Senior Scientist.
Division of Behavioral and Neural Sciences.	Deputy Division Director.
Division of Social and Economic Sciences.	Sect Head Political & Policy Sciences Sect.
	Section Head Economics Section.
	Sect Hd Social Meas and Anal.
Division of Cellular Biosciences.	Deputy Division Director.
Division of Molecular Biosciences.	Deputy Division Director.
Directorate for Mathematical and Physical Sciences.	Dep Asst Dir.
	Senior Staff Associate for Planning.
	Senior Staff Associate for operations.
Division of Physics	Deputy Division Dir.
	Section Head Nuclear Science Section.
	Senior Staff Associate.
Division of Mathematical Sciences.	Deputy Division Director.
Division of Computer Research.	Deputy Division Director.
Division of Materials Research.	Sect Head, Metallurgy, Polymers, & Ceramics.
	Sect Hd Cond Matter Science.
Division of Chemistry	Sect Hd Chem Syn and Analy.
	Sect Hd Phy Chem and Dynam.
Directorate for Science & Engineering Education.	Deputy Office Director.
	Head Fellowship Section.
	Head, Awards Amdn & Liaison Section.
	Senior Staff Associate.
Organization Abolished	Deputy Division Director.
Office of College Sciences Instrumentation.	Office Head.
Directorate for Scientific, Tech & Internat'l Affairs.	Dir of Strategic Planning and Assessment.
Planning and Special Projects Staff.	Senior Planning Officer.
	Senior Staff Assoc for Strategic Plan Asses.
Division of Policy Research and Analysis.	Deputy Division Director.
	Section Head, Science & Innovation Pol. Sec.
	Section Head, Policy Sciences Section.
	Section Head, Technology & Resource Policy Sec.
Division ODF Sciences Resources Studies.	Dep Division Director.
	Section Head, Sci & Tech Pers.
Division of International Programs.	Deputy Division Director
	Head, Special Program Section.
	Head, Industrial Countries Section.
	Head, Developing Countries Section.
	Senior Advisor on International Science Plcy.
Division of Industrial Sciences & Technology Innovation.	Section Head Industrial Support Section.
	Section Head Productivity Improvement Res Sec.
	Senior Staff Associate.
Division of Research Initiation & Improvement.	Dep Dir for Intergovernmental Progs.
	Prgm. Dir. Exper. Prgms.—Stimulate Comp. Rsch.
Directorate for Administration.	Director Reform '88 Project Coordinst Staff.
	Senior Staff Associate.
Division of Grants and Contracts.	Division Director.
Division of Financial Management.	Division Director.
Division of Personnel and Management.	Division Director.
National Transportation Safety Board	
Office of the Managing Director.	Deputy Managing Director.
Bureau of Administration.	Dir Bureau of Administration.
Bureau of Accident Investigation.	Director Bureau of Accident Investigation
	Dep Dir for Operations.
	Director, Bureau of Field Operations.
Bureau of Technology	Dir Bureau of Technology.
	Deputy Director of Technology.
Bureau of Safety Programs.	Director, Bureau of Safety Programs.
Nuclear Regulatory Commission	
Atomic Safety and Licensing Brd Panel.	Chairman ASLBP.
	Deputy Chief Administrative Judge Executive.
Atomic Safety and Licensing Appeal Panel.	Chairman ASLAP.
	Vice Chairman ASLAP.
Office of Inspector and Auditor.	Director, Office of Inspector and Auditor.
	Dir OIA.
	Dep Dir and Asst Dir for Audits.
Office of Investigations	Dir Policy and Program Support Staff.
Ofc for ANA and EVA Oper Data.	Chief Reactor Operations Analysis Branch.
	Chief, Program Technology Branch.
Div of Contracts	Director, Division of Contracts.
Div of Security	Director, Div of Security.
Hearing Division	Assistant Chief Hearing Counsel III.
	Assistant Chief Hearing Counsel IV.
	Assistant Chief Hearing Counsel I.
	Assistant Chief Hearing Counsel VI.
	Asst Chf Hearing Counsel II/Anti-trust Counsel.
Division of Accounting and Finance.	Dir Divison of Accounting and Finance.
Ofc of Small and Disadv Bus Utilization/Civil Rights.	Director.
Asst Dir for Operating Reactors.	Chf Operating Reactors Branch #1.
	Chief Operating Reactors Br #2.
	Chief Operating Reactors Br #3.
	Chief Operating Reactors Br #4.
Asst Dir for Licensing	Chief Licensing Branch #1.
	Chief Licensing Branch #2.
	Chief Licensing Branch #3.
	Chief Licensing Branch #4.
Asst Dir for Safety Assessment.	Chf Standardization and Spec Projects Branch.
	Chief Operating Reactors Branch #5
	Chf, Systematic Evaluation Program Branch.
	Chief Operating Reactors Assessment Branch.
Asst Dir for Components and Structures Engineering.	Chief Structural Engineering Br.
	Chief Mechanical Engineering Branch.
	Chief Geoscience Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Chf Structures and Geotechnical Engr Branch.
	Chief Equipment Qualifications Branch.
Asst Dir for Materials, Chemical and Environ Technology.	Chief Chemical Engineering Branch.
	Chief Materials Engineering Branch.
	Chief Site Analysis Branch.
	Chief Environmental and Hydrology Branch.
Asst Dir for Core and Plant Systems.	Chief Instrum and Control Systems Branch.
	Chief Power Systems Branch.
	Chief Containment Systems Branch.
	Chief Auxiliary Systems Branch.
	Chief Core Performance Branch.
Asst Dir for Radiation Protection.	Chief Radiological Assessment Branch.
	Chief Accident Evaluation Branch.
	Chief, Meterology and Effluent Treatment Branch.
Asst Dir for Reactor Safety.	Chief Reactor Systems Branch.
Division of Human Factors Safety.	Chief Human Factors Engr Branch.
	Chief Procedures and Test Review Branch.
	Chief Licensee Qualifications Branch.
	Chief Operator Licensing Branch.
	Chief Procedures and Systems Review Branch.
Asst Dir for Generic Projects.	Chief Generic Issues Branch.
	Chief Research and Stds Coordination Branch.
Asst Director for Technology.	Chief, Safety Program Evaluation Branch.
	Chief Reliability and Risk Assessment Branch.
Office of Nuclear Material Safety and Safeguards.	Dir NMSS.
Division of Safeguards	Chief Material Transfer SG Licensing Branch.
	Chief Fuel Facility SG Licensing Branch.
	Chief Power Reactor SG Licensing Branch.
	Chf, Licensing Policy and Programs Br.
	Chief Safeguards Special Projects Branch.
Division of Fuel Cycle and Material Safety.	Chief Transportation Branch.
	Chf Uranium Fuel Licensing Br.
	Chief Procedures and Certification Br.
	Chf Advanced Fuel and Spent Fuel Licensing Br.
	Chief, Materials Licensing Branch.
Division of Waste Management.	Chief Low-Level Waste License Br.
	Chf, Hi-Level Waste Technical Developmen. Br.
	Chf Hi-Level Waste Licens Mgmt Br.
	Chf Licensing Proc and Integration Br.
	Chief Geotechnical Branch.
	Chief Engineering Branch.
	Chief Low Level Waste and Uranium Rec P Branch.
Division of Engineering Technology.	Chief, Mechanical/Structural Engineering Br.
	Chief Materials Engineering Br.
	Chief Chemical Engineering Branch.
	Chief Electrical Engineering Branch.
	Chief Elec Engr and Instrumentation Control Sta.
Division of Accident Evaluation.	Chief, Severe Accident Assessment Branch.
	Chief Fuel Systems Research Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
	Chief Experimental Programs Branch.
	Chief Reactor Systems Research Branch.
	Chief Containment Sys Research Branch.
Division of Risk Analysis and Operations.	Chief, Transportation and Materials Risk Br.
	Chief, Reg Analysis Br.
	Chief, Reactor Risk Branch.
	Chief Regulatory Analysis and Matls Risk Branch.
	Chief Human Factors and Safeguards Branch.
Organization Abolished	Chief, Human Factors Br.
	Chief, Instrumentation and Control Staff.
Division of Radiation Programs and Earth Sciences.	Chief Occupational Protection Branch.
	Chief Earth Sciences Branch.
	Chief Waste Management Branch.
	Chief Health Effects Branch.
Office of Inspection and Enforcement.	Director Enforcement Staff.
Division of Quality Assurance, Safeguards and Insp Prog.	Cht, Safeguards Branch.
	Chief, Quality Assurance Branch.
	Dep Brch Chief, Quality Assurance Branch.
	Chief, Operating Reactor Programs Branch.
	Chief, Reactor Construction Programs Branch.
	Chief, Safeguards and Materials Programs Brch.
	Chief Vendor Program Branch.
Div of Emergency Preparedness & Engineering Response.	Chief, Events Analysis Branch.
	Chief Engineering Generic Communication Branch.
	Chief Incident Response Branch.
	Chief Emergency Preparedness Branch.
Region I	Deputy Regional Administrator.
	Dir, Div of Resident and Reactor Project Insp.
	Dir Div of Eng & Tech Inspection Region 1.
	Dir, Div of Radiation Safety & Safeguards.
	Deputy Director, Division of Reactor Projects.
Region II	Deputy Regional Administrator Region II.
	Dir Div of Engineering & Technical Inspection.
	Dir Div of Res and Reactor Project Inspection.
	Dir, Div of Radiation Safety & Safeguards.
	Deputy Director, Division of Reactor Projects.
	Director, Division of Reactor Projects.
	Director, Division of Reactor Safety.
Region III	Dep Regional Administrator Region III.
	Director, Division of Reactor Safety.
	Director, Division of Reactor Projects.
	Dir, Div of Radiation Safety & Safeguards.
	Deputy Director Division of Reactor Projects.
Region IV	Deputy Regional Administrator Region IV.
	Dir Div of Vendor & Technical Programs.
	Dir Div of Res Reactor Proj & Eng Programs.
	Director Uranium Recovery Field Office.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Region V	Deputy Regional Administrator Region V.
	Dir, Div of Resident Reactor Proj & Engr Prog.
	Dir, Div of Radiation Safety & Safeguards.
Office of Management and Budget	
Office of the Director	Deputy Associate Director for Administration.
	Deputy Associate Dir for Economic Policy.
Office of Special Counsel/Civil Rights.	Dep Gen Counsel for Reg Affr & Litigation.
Legislative Reference Division.	Asst Dir Legislative Reference.
	Dep/Asst/Dir for Legislative Reference.
	Chief, Economics, Science & Govt. Branch.
	Chief, Resources—Defense—International Branch.
Office of Federal Procurement Policy.	Principal Assoc Admr for Procurement.
	Asst Admr for Commercial Products.
	Dir Federal Acquisition Institute.
	Assoc. Administrator for Management Control.
Office of Information and Regulatory Affairs.	Chief Information Policy Branch.
	Chief Reports Management Branch.
	Senior Mgmt Policy Analyst.
	Chief Regulatory Policy Branch.
	Senior Regulatory Policy Analyst.
	Chief Statistical Policy Branch.
	Deputy Chief, Information Policy Branch.
	Chief Regulatory Analysis Branch.
Associate Director for Management.	Asst Dir Fed Pers Policy.
Planning and Communications Management Div.	Deputy Associate Director.
Organization Abolished	Dep Assoc Dir FPR Interagency Activities.
Finance and Accounting Division.	Dep Assoc Dir for Finance and Accounting.
Management Improvement Division.	Dep Assoc Dir Mgmt Improvement Div.
Budget Review Division.	Asst Dir for Budget Review.
	Dep Assistant Director for Budget Review.
	Chief Fiscal Analysis Branch.
	Dep Chief Fiscal Analysis Branch.
	Cht, Budget Preparation Branch.
	Chief, Resources Systems Branch.
	Chief Fed Prog Info Branch.
	Deputy Chief Budget Preparation Branch.
Assoc Dir for National Security and International Affs.	Dep Assoc Dir for Management.
International Affairs Division.	Dep Assoc Dir for Internatl Affairs.
	Dep Chief, International Affairs Division.
	Chief, State—ICA Branch.
	Chief, Economic Affairs Branch.
	Chief International Security Affairs Branch.
National Security Division.	Dep Assoc Dir for National Security.
	Dep Chief.
	Cht., Intelligence Community Branch.
	Chief, Navy Branch.
	Chief, Air Force Branch.
	Chief, Army Branch.
	Chief, Manpower, Pay & Policy Branch.
Assoc Dir for Human Resources, Veterans and Labor.	Dep Assoc Dir for Management.
Health and Income Maintenance Division.	Dep. Assoc. Dir. for Health & Income Maintena.
	Chief Health Branch.
	Cht, Income Maintenance Branch.
	Chief Health & Social Services Branch.
	Chief Health & Financing Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Labor, Veterans, and Education Division	Deputy Associate Director for Labor, Vet & Ed.
	Dep Div Chf—Labor
	Chief, Education Branch.
	Chf Veteran Affairs Branch.
Associate Director for Economics and Government.	Dep Assoc Dir for Special Studies.
Transportation, Commerce, and Housing Division.	Dep Assoc Dir for Transportation—Comm & Housi.
	Chief Transportation Branch.
	Chief Commerce Branch.
	Chief Housing & Urban Dev Branch.
	Chf Housing & Urban Dev Branch.
Justice, Treasury and Personnel Division.	DAD for Justice, Treas & Gen Mgmt.
	Chief, Justice and Personnel Branch.
	Chief, Treasury & General Services Branch.
	Senior Management Analyst.
Assoc Dir for Natural Resources, Energy, and Science.	Dep Assoc Dir for Spec Studies.
Natural Resources Division.	Dep, Associate Dir, for Natural Resources.
	Chief, Water Resources Branch.
	Chief, Agricultural Branch.
	Chief, Environment Branch.
	Chief Interior Branch.
Energy and Science Division.	Dep. Assoc. Dir for Energy & Science.
	Chief, Nuclear Energy Branch.
	Chief Science and Space Programs Branch.
	Deputy Div Chief.
	Chief Non-Nuclear Energy Branch.
Office of Personnel Management	
Office of the Inspector General.	Inspector General.
Office of the Actuary	Chief Actuary.
Office of Retirement Programs.	Asst Dir for Retirement Programs.
Office of Insurance Programs.	Asst Dir for Insurance Program.
Office of Staffing Operations.	Chief, Medical Policy and Programs Division.
Office of Standards Development.	Assistant Dir for Standards Development.
Office of Staffing Policy	Asst Dir for Personnel Research & Development.
	Chief, Examining Policy Analysis Division.
Office of Agency Compliance & Eval.	Ass Dir for Agency Compliance & Evaluation.
Office of Personnel Investigations.	Asst Dir for Personnel Investigations.
Office of the Special Counsel (MSPB).	
Headquarters, Office of the Special Counsel.	Assoc Spec Counsel (Investigation).
	Dep Assoc Spec Counsel (Investigation).
	Assoc Special Counsel (Prosecution).
	Deputy Associate Spec Counsel for Prosecution.
	Managing Director for Operations.
Railroad Retirement Board	
Board Staff	Assoc Exec Dir for Unempl & Sickness Insur.
	Dir of Retirement Claims.
	Executive Director.
	Chf Actuary.
	Deputy Executive Director.
	Dir Budget & Fiscal Opers.
	Dir Bureau of Data Processing.
	Associate Executive Director for Financial.
	Assoc. Executive Dir. for Program Operations.
	Assoc Exec Dir for Legal & Adm Serv & Gen Cou.
	Assoc Exec Dir for Retirement Claims.
	Chief Actuary and Director of Research.
	Assoc Exec Director—Field Services.
Securities and Exchange Commission	
Office of the Chairman	Dep Chf Accountant
Office of the Executive Director.	Dep Exec Director.
Div of Corporate Finance.	Assoc Dir (Operations).
Selective Service System	Assoc Dir, Administration.
	Assoc Director, Planning.
Selective Service System.	Associate Director, Ofc of Mgt Services.
	Chief of Staff.
Small Business Administration	
Ofc of the Inspector General	Assistant Inspector General for Audits.
	Asst Inspector General for Investigations.
Office of the General Counsel.	Associate General Counsel for General Law.
	Assoc. Gen Counsel Litigation.
	Associate General Counsel for Financial Law.
Office of EEO and Compliance.	Dir Ofc of Equal Employment Opport & Complian.
Office of Hearings and Appeals.	Asst Administrator for Hearings and Appeals.
Office of Procurement & Technology Assistance.	Director of Procurement Assistance.
Ofc of Minority Small Business & Capital Ownership Dev.	Dir of Business Development.
	Deputy Dir of Business Development.
Office of Administration	Director of Computer Sciences.
Office of Personnel	Director of Personnel.
District Directors	District Dir Phila.
	District Dir, Reg IX, Los Angeles.
	District Director, Region V, Chicago.
	District Director, New York.
	District Director.
Department of State	
Foreign Policy Planning Council.	Member, Planning & Coordination Staff.
Bureau of Economic & Business Affairs.	Dir, Office of East-West Trade.
	Spec Asst Asst Sec State Economic Affs.
Bureau of Intelligence and Research.	Dir, Ofc of Resources Policy.
	Dir, Ofc of Research & Analysis Soviet Affrs.
	Dep Dir, Ofc of Economic Analysis.
International Boundary & Water Commission.	Supervisory Civil Engineer.
Department of Transportation	
Office of Inspector General.	Asst Insp General for Auditing.
	Asst I/G for Policy, Planning and Resources.
	Dir, DOT-Wide Programs.
	Asst Inspector General for Investigations.
	Dir, Ofc of Surface Transportation Programs.
	Dir, Ofc of Aviation Marine & Research Progs.
	Dep Asst Inspector General for Auditing.
	Dir, Office of Adp Audits & Technical Support.
Asst Sec for Administration.	Asst Secy for Administration.
Ofc of Installations and Logistics.	Dir, Ofc of Installation & Logistics.
Assoc Adm'r for Safety	Assoc Admr for Safety.
Ofc of Pipeline Safety Regulation.	Assoc Dir, Ofc of Pipeline Safety Regulation.
Ofc of Operations and Enforcement.	Assoc Dir, Ofc of Opers & Enforcement—M.T.B.
Maritime Administration	International Activities Officer.
	Assoc Admr for Marketing & Domestic Enterpris.
Office of Associate Administrator for Research and Dev.	Dir, National Maritime Research Center, KP.
	Dir, Office of Advanced Ship Operations.
	Director, Office of Maritime Technology.
Office of Assoc Admr for Shipbuilding Opers & Research.	Dir, Ofc of Ship Construction.
	Dir, Ofc of Shipbuilding Costs.
	Dir/Ofc of Naval Architecture & Engineering.
	Dir, Office of Shipbuilding Costs & Production.
Office of Associate Administrator for Maritime Aids.	Associate Administrator for Maritime Aids.
Office of Aviation Safety.	Dir, Ofc of Aviation Safety, Ofc Aviation Saf.
	Dep Director, Office of Aviation Safety.
	Mgr, Safety Regulations Division.
Office of Accounting	Dir Office of Accounting.
Acquisition and Materiel Service.	Dir Acquisition & Materiel Service.
	Deputy Dir Acquisition & Materiel Service.
	Mgr, Contracts Division.
Assoc Admr for Air Traffic	Assoc. Administrator for Air Traffic.
	Dep Assoc Admin for Air Traffic.
	Manager, Procedures Division.
	Mgr, ATC Automation Division.
	Mgr, System Plans and Programs Division.
	Mgr, Airspace—Rules & Aeronautical Int. Div.
	Manager, Operations Division.
	Manager, Quality Assurance Division.
Advanced Automation Program Office.	Dir, Advanced Automation Program Office.
	Dep Dir Advanced Auto Program Office.
	Mgr, System Engineering Division.
	Manager System Development Division.
Office of Airport Planning and Programming.	Dir, Office of Airport Planning and Program.
	Mgr, Grants-in-Aid Division.
Assoc Admr for Aviation Standards.	Assoc Admr for Aviation Standards.
	Deputy Assoc Admr for Aviation Standards.
Office of Airworthiness	Director Office of Airworthiness.
	Deputy Director Office of Airworthiness.
	Manager, Aircraft Engineering Division.
	Mgr, Aircraft Maintenance Division.
Office of Civil Aviation Security.	Director, Office of Civil Aviation Security.
Office of Flight Operations.	Dir Ofc of Flight Operations.
	Deputy Director Office of Flight Operations.
	Mgr, General Aviation and Commercial Div.
	Mgr, Air Transportation Div.
Aviation Standards—National Field Office.	Dir, Aviation Standards Natl Field Ofc.
	Deputy Directors.
Office of Aviation Medicine.	Fed Air Surgeon.
	Deputy Federal Air Surgeon.
	Mgr, Aeromedical Stds Div.
Mike Monroney Aeronautical Center.	Mgr, Civil Aeromed Institute.
Great Lakes Region—Chicago.	Mgr, Air Traffic Division.
	Mgr, Flight Standards Division.
New England Region—Burlington, MA.	Mgr, Flight Standards Division.
	Mgr, Aircraft Certification Division.
Northwest Mountain Region—Seattle.	Mgr, Aircraft Certification Division.
	Mgr, Los Angeles Area Aircraft Cert Ofc.
	Mgr, Seattle Area Aircraft Cert Office.
	Mgr, Flight Standards Div.
	Mgr, Air Traffic Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1984—Continued

Agency organization	Career reserved positions
Central Region—Kansas City.	Mgr, Flight Standards Div.
	Mgr, Aircraft Certification Division.
	Manager, Air Traffic Division.
Eastern Region—New York.	Mgr, Air Traffic Division.
	Mgr, Flight Standards Div.
Southern Region—Atlanta.	Mgr, Flight Standards Division.
	Mgr, Air Traffic Division.
Southwest Region—Fort Worth.	Mgr, Air Traffic Div.
	Mgr, Flight Standards Div.
	Mgr, Aircraft Certification Division.
Western Pacific Region—Los Angeles.	Mgr, Flight Standard Div.
	Mgr, Air Traffic Division.
Federal Highway Administration.	Executive Director.
Assoc Admr for Admin	Director Office of Fiscal Services.
Assoc Admr for Safety Traffic Engr and Motor Carriers.	Assoc Admr/Safety Traffic Engrng and Motor Crs.
Bu of Motor Carr Safety.	Director.
	Dep Dir.
Office of Highway Safety.	Dir Ofc of Highway Safety.
Assoc Admr for Right of Way and Environment.	Assoc Admr for Right-of-Way and Environment.
Off of Environmental Policy.	Dir Ofc of Environmental Policy.
	Chf Environmental Programs Div.
Off of Right of Way	Director, Office of the Right-of-Way.
	Chief, Real Estate Division.
	Chief Relocation Division.
Natl Center for Statisitics and Analysis.	Chf, Accident Investigation Div.
Vehicle Research and Test Ctr.	Chf Safety Research Lab.
Ofc of Vehicle Safety Comp.	Chief, Validation Division.
Ofc of Vehicle Safety Standards.	Chf Crash Avoidance Division.
	Chf Crashworthiness Division.
U.S. Coast Guard	Technical Director.
Department of Treasury	
Office of the Secretary	Senior National Intelligence Adviser.
Ofc of the Inspector General.	Asst Inspector General (Fiscal Svc/Adp).
	Assistant Inspector General (TOSCA).
Ofc of Tax Analysis	Deputy Director (Revenue Estimating).
	Assistant Director (Revenue Forecasting).
	Senior Advisor (Economics).
Ofc of Asst Secy (Economic Policy).	Asst Dir for Economic Forecasting.
	Senior Adv for Bal of Payments Anal and Proj.
	Sr Economist.
Ofc of the Fiscal Asst Secy.	Fiscal Assistant Secretary.
	Deputy Fiscal Asst Secy.
	Assistant Fiscal Assistant Secretary.
Bureau of Government Financial Operations.	Comm'r of Government Financial Operations.
	Dep Com, Bur of Govt Financial Operations.
	Dep Commr Bur of Gov Financial Operations.
	Asst Commissioner, Banking & Cash Management.
	Asst Commissioner, Comptroller.
	Asst Commr Govt-Wide Accounting.
	Asst Commr Disbursement & Claims.
	Dir Div of Check Claims.
	Chief Disbursing Officer.
	Dir Govt Accounting Sys Staff.
	Dir Div of Govt Accounts and Reports.
	Dir Div of ADP.
	Assistant Commissioner, Information System.
	Asst Commissioner Federal Finance.
	Assistant Commissioner, Comptroller.
	Asst Commissioner Headquarters Operations.
	Asst Commissioner Field Operations.
	Director, Check Claims Group.
	Director, Operations Group.
	Director, Sytems Development Group.
	Director, Accounting Group.
	Director, Technology & Information Group.
	Asst Commissioner Administration.
	Director, Working Capital Group.
Bureau of Public Debt	Commissioner.
	Dep Commr of the Public Debt.
	Asst Commissioner (Savings Bond Operations).
	Assistant Commissioner (Washington).
	Asst Commr (Financing).
	Asst Commr (Administration).
Federal Finance	Dir, Ofc of Finance and Market Analysis.
Dep Asst Secy for Developing Nations.	Dir Ofc of International Debt Policy.
Ofc of Foreign Exchange Operations.	Dir Ofc of Foreign Exchange Operations.
Ofc of the Comptroller of the Currency.	Dep Comptroller for Sys and Financial Mgmt.
Ofc of the Chief Counsel.	Dir, Enforcement & Compliance.
Dir, Litigation Div.	
	Dir Legal Advisory Services Division.
Sr Dep Comptroller (Policy & Planning).	Dep Comp for Bank Organization and Structure.
Sr Dep Comptroller (Bank Supervision).	Senior Deputy Comptroller (Bank Supervision).
	Dep Comptroller for Internal Rel & Fin Eval.
Multinational Banking	Dep Comptroller for Multinational Banking.
Special Surveillance	Dep Comptroller for Special Surveillance.
	Deputy Comptroller for Supervisory Analysis.
	Dir for Spec Projects.
Chief National Bank Examiner.	Deputy Comptroller for Trust and Securities.
	Chf National Bank Examiner.
	Assistant Chief National Bank Examiner.
Sr Dep Comptroller (National Operations).	Deputy Comptroller for Operations.
Senior Dep Comptroller (National Operations).	
	Deputy Comptroller for Operations.
	Senior Deputy Comptroller for Natl Operations.
District Officers	Reg'l Adm'r of National Banks (Region 2).
	Reg'l Adm'r of Nat'l Banks (Reg 12).
	Regional Admr of National Banks (Reg 6).
	Regl Admr of Natl Banks (Reg 11).
	Regl Admr of Natl Banks (Reg 13).
	Deputy Comptroller (Northeastern District).
	Deputy Comptroller of the Currency.
	Deputy Comptroller of the Currency.
	District Administrator (Midwestern District).
	District Administrator.
	Deputy Comptroller (Southeastern District).
	Deputy Comptroller (Southwestern District).
	District Administrator.
	District Administrator.
	Deputy Comptroller (Western District).
	District Administrator (Northeastern District).
	District Administrator (Central District).
Ofc of Personnel	Dep Dir of Personnel.
	Asst Dir (Exec Manpower and Emp).
Bur of Alcohol, Tobacco, Firearms.	Associate Director (Compliance Operations).
	Assistant Director (Criminal Enforcement).
	Assistant Director Internal Affairs.
	Regional Director for Investigations.
	Midwest Regl Counsel.
	Southeast Regl Counsel.
	North:Atlantic Regional Counsel.
	Regl Dir of Investigations, Atlanta, Georgia.
Deputy Director (Compliance Operations).	Deputy Director (Compliance Operations).
	Dep. Associate Dir. (Compliance Operations).
Deputy Director (Law Enforcement).	Deputy Director (Law Enforcement).
	Deputy Assoc Dir (Law Enforcement).
	Special Agent in Charge, Chicago Dist Off.
Comptroller	Director, Laboratory Services.
US Customs Service	Asst to the Commr.
	Special Assistant to the Commissioner.
Ofc of the Chief Counsel.	Asst Chief Counsel (Customs Court Litigat).
	Miami Regl Counsel.
	Chicago Regl Counsel.
	New York Regl Counsel.
	Regional Counsel (Pacific Region).
Office of the Comptroller.	Dir Ofc of Financial Mgmt & Prog Analysis.
	Director, Ofc of Data Systems.
	Dir Budget and Planning.
	Director, Office of Human Resources.
Ofc of Asst Commr for Internal Affairs.	Asst Commissioner or Internal Affairs.
Ofc of Asst Commr for Enforcement.	Deputy Assistant Commissioner (Enforcement).
	Dir Ofc of Patrol.
	Dir Ofc of Investigations.
	Dir Ofc of Enforcement Support.
	Director Office Intelligence.
Ofc of Asst Commr for Inspection & Control.	Asst Commr (Inspection & Control).
	Deputy Asst Commr (Inspection & Control).
Ofc of Asst Commr for Commerical Operations.	Director Technical Services Div.
	Director, Classification and Value Division.
	Dir Ofc of Regulations and Rulings.
	Director, Entry Proceddures & Penalties Div.
	Dir Duty Assessment Div.
	Dir Ofc of Trade Operations.
Ofc of Asst Commr for International Affairs.	Dep. Asst. Commission—Ofc. Internal Affairs.
Regional Offices	Regl Commr Reg 2, NY.
	Reg. Commr. Reg 1, Boston.
	Asst Regn Commr Operations Reg III, New York.
	Regl Commr, Reg 4, Miami.
	Regl Commr:Reg V, New Orleans.
	Reg Commr of Customs, Reg VI.
	Regional Commissioner, Chicago.
	Asst Regional Commr (Operations).
	Asst Regl Commr (Operations).
	Asst Regl Commr (Operations).
	Asst Regl Commr.
	Asst Regional Commr (Operations).
	Asst Regional Commissioner LA (Enforcement).
	Asst Regional Commissioner Enforcement.
	Deputy Regional Commissioner, Pacific Region.
	Area Director, JFK Airport.
	Area Director, New York Seaport.
	Asst Regl Commr—Houston (Enforcement).

Positions That Were Career Reserved During Calendar Year 1984—Continued

Agency organization	Career reserved positions
	Asst Regl Commr—Miami (Enforcement).
	District Director, Los Angeles.
	Asst Regl Commr (Enforcement).
US Secret Service	Director of the Secret Service.
	Deputy Director U.S. Secret Service.
	Asst to the Dir, Training.
	Asst to the Dir, Pub Affs.
	Assistant to the Director (Interpol—USNCB).
Ofc of Administration	Assistant Director, Administration.
Ofc of Inspection	Assistant Director Inspection.
Ofc of Protective Research.	Asst Dir (Protective Research).
	Dep. Asst. Dir (Protective Research).
	Spec Agent in Charge—Tech Sec Div.
	Spec Agent in Charge—Intelligence Div.
Ofc of Protective Operations.	Asst Dir (Protective Operations).
	Dep Asst Dir (Protective Operations).
Spec Agent in Charge—Presidential Protective.	DAD Protective Opers (Uniformed Div).
	Spec Agent in Charge—VP Protect Div.
	Spec Agent in Charge—Dignitary Protective Div.
	Deputy Special Agent in Charge—Pres Prot Div.
	Deputy Special Agent in Charge.
Office of Investigations	Asst Director, Investigations.
	Dep Asst Dir Investigations.
	Special Agent in Charge, New York Office.
	Dep Spec Agent in Charge—NY Field Office.
	Special Agent in Charge, Chicago.
	Special Agent in Charge, Los Angeles Office.
	Spec Agent in Charge—Washington Field Office.
	Spec Agent in Charge—Philadelphia Field Office.
Ofc of the Treasurer of the US.	Dep to the Treasurer of the U.S. (Manuf).
Bureau of the Mint	Associate Director of Operations.
	Assoc Dir of Pol & Management.
Ofc of the Commissioner.	Deputy Commissioner.
	Asst to the Deputy Commissioner.
	Director, Legislative Analysis Division.
	Asst to the Commissioner (Equal Opportunity.
	Taxpayer Ombudsman.
Appeals Division	Director, Appeals Division.
	Reg Dir of Appeals—Central Region.
	Reg Dir of Appeals, Mid-Atlantic Region.
	Reg Dir of Appeals—Southwest Reg.
	Reg Dir of Appeals—Southeast Reg.
	Regional Dir of Appeals, North Atlantic Region.
	Reg Dir of Appeals, Midwest Reg.
	Regional Director of Appeals—Western Region.
	Chief Appeals Office, New York City.
Data Processing	Assoc Commr (Data Processing).
	Director, Taxpayer Service Division.
	Director, National Computer Center.
	Dir, Returns Processing and Accounting Div.
	Director Planning and Control Staff.
	Dir, Program Planning & Review Staff.
	Asst Dir Returns Processing & Accounting Div.

Positions That Were Career Reserved During Calendar Year 1984—Continued

Agency organization	Career reserved positions
	Dep Asst Commissioner (Computer Services).
	Director, Statistics of Income Division.
	Assistant Commissioner (Tax System Redesign).
	Dep Asst Commr (Returns & Info Processing).
	Director, Management Systems Division.
	Asst Dir, Statistics of Income Division.
	Assistant Dir, Taxpayer Service Division.
	Director, Management System Div.
	Asst Commissioner (R&IP).
	Director, Hardware Division.
	Assistant Director Software Division.
	Director, Software Division.
	Asst Commr (Computer Services).
Ofc of Asst Commr, Inspection.	Assistant Commissioner (Inspection).
	Dep Asst Commr (Inspection).
	Director, Internal Audit Div.
	Assistant Director Internal Audit Division.
	Director, Internal Security Division.
	Asst Dir, Internal Security Division.
	Regional Inspector, Midwest Reg.
	Regional Inspector, North Atlantic.
	Regional Inspector, Western Region.
	Regional Inspector, Southwest Reg.
	Regional Inspector, Mid-Atlantic Reg.
	Regional Inspector, Central.
	Regional Inspector, Southeast.
Policy and Management	Associate Commissioner (Policy and Mgmt).
	Dir, Tax Forms & Publications Div.
	Dir, IRS Data Center Detroit.
	Fiscal Management Officer.
	Dir, Facilities Mgt Div.
	Director, Personnel Division.
	Asst Dir, Personnel Div.
	Dir, Resources Management Div.
	Director, Ta Administration Adv Serv Drv.
	Asst Commr (Planning, Finance & Research).
	Dep Asst Commissioner (Support and Services).
	Dep Asst Commr (Planning, Finance, & Resch).
	Asst Dir, Disclosure & Security Division.
	Director Centralized Service Division.
	Director, Human Resources Technology Staff.
	Assistant Commissioner (Support & Services).
	Director, Training and Dev Div.
	Director, Planning and Analysis Division.
	Director, Disclosure and Security Division.
	Dep Asst Commr (Human Resources).
	Director, Personnel Division.
	Director, Research Division.
	Assistant Dir, Tax Forms & Publications Div.
	Asst Fiscal Management Officer.
	Assistant Commissioner (Human Resources).
Central Region	Regional Commr.
	ARC (Examination) Central Region.
	Asst Regional Commissioner (Criminal Investi).
	Asst Regl Comm (Resource Management).
	Assistant Regional Commissioner (Collection).
	Asst Regl Commissioner (Data Processing).
	Dir Service Ctr Cincinnati

Positions That Were Career Reserved During Calendar Year 1984—Continued

Agency organization	Career reserved positions
	District Dir (Cleveland).
	District Director Detroit.
	District Director (Parkersburg).
	District Director, Indianapolis.
	District Director, Louisville.
	District Dir, Cincinnati.
	Asst District Director, Cleveland.
	Assistant District Director Detroit.
Mid-Atlantic Region	Regl Commissioner.
	ARC (Examination) Mid-Atlantic.
	ARC (Criminal Investigation) Mid Atlantic Reg.
	ARC (Resources Mgmt).
	Asst Regl Commr (Collection).
	Assistant Regional Commissioner (Data Proc).
	Service Center Dir. Philadelphia.
	District Dir, Newark.
	District Dir, Philadelphia.
	District Dir, Pittsburgh.
	District Director Richmond District.
	Asst District Dir, Philadelphia.
	Asst District Director (Newark).
	Assistant District Director—Baltimore, MD.
	District Director, Wilmington.
	District Dir, Baltimore.
	Director, Foreign Operations District.
Midwest Region	Regional Commr, Midwest Region.
	Asst Regl Commr (Resources Mgmt).
	ARC (Criminal Investigation) Midwest Region.
	Assistant Regional Commissioner (Data Proc).
	ARC (Examination), Midwest Region.
	ARC (Collection) Midwest Region.
	Special Asst to the Regional Commissioner.
	Srvc Ctr Dir, Kansas City.
	District Dir, Chicago.
	District Director, St Louis.
	District Dir, Des Moines.
	District Dir, St Paul.
	District Dir, Omaha.
	District Dir, Springfield.
	District Dir, Milwaukee.
	Asst District Dir, Chicago.
	Asst District Dir, St Louis.
	District Director, Fargo.
	District Director, Aberdeen.
	Chief, Examination Division.
North Atlantic Region	Regl Commr.
	Asst Regl Commr (Exam) North Atlantic Reg.
	ARC (Criminal Investigating).
	ARC (Resources Mgmt).
	ARC (Collection) North Atlantic Region.
	Assistant Regional Commissioner (Data Proc).
	Service Center Director, Andover, Mass.
	Srvc Ctr Dir, Brookhaven.
	District Dir, Manhattan.
	District Dir, Brooklyn.
	District Dir, Boston.
	Chief Examination Div, Manhattan.
	District Dir, Albany.
	District Dir, (Hartford).
	District Dir, Buffalo.
	Asst Dist Dir, Brooklyn.
	Assistant District Director Manhattan.
	Asst District Dir, Boston.
	District Director, Providence.
	Dist Dir, Augusta.
	District Director, Portsmouth.
	District Director, Burlington.
Southeast Region	Regl Commr.
	ARC (Examination) Southeast Region.
	Asst Reg Commissioner—Criminal Investigation.
	Asst Regl Commr (Resources Management).
	Asst Regl Commr. (Collection-SE Reg Atlanta.

Agency organization	Career reserved positions
	Assistant Regional Commissioner (Data Proc).
	Service Center Director, Memphis.
	Srvc Ctr Dir, Atlanta.
	District Dir, Jacksonville.
	District Dir, Atlanta.
	District Director, Greensboro.
	District Dir, Nashville.
	District Director, Birmingham.
	District Director, Columbia.
	District Director, Jackson, Miss.
	Asst District Director, Jacksonville.
	Assistant District Director, Atlanta.
Southwest Region	Regional Commr.
	Asst Regl Commr (Examination).
	ARC (Criminal Investigation) SW Region.
	ARC (Resources Mgmt).
	Assistant Regional Commissioner (Collection).
	Assistant Regional Commissioner (Data Proc).
	Service Center Director.
	District Dir, Austin.
	District Director, Dallas.
	Service Center Dir (Austin).
	District Director, Wichita.
	District Director, Oklahoma City.
	District Dir, New Orleans.
	District Director, Little Rock District.
	District Dir, Denver.
	Asst Dist Dir, Austin.
	Assistant District Director, Dallas.
	District Director, Albuquerque.
	District Director, Cheyenne.
	Assistant District Director.
	District Director, Houston.
Western Region	Regl Commr.
	ARC (Criminal Investigation).
	Asst Regl Commr (Collection), Western Region.
	Assistant Regional Commissioner (Data Proc).
	Asst Regional Commissioner (Examination).
	Asst Regl Commr (Collection).
	Asst Regl Commr/(Resources Management).
	Service Center Director, Fresno.
	Service Center Dir, Ogden.
	District Dir, Los Angeles.
	District Dir, San Francisco.
	District Dir, Reno.
	District Director, Portland District.
	District Dir, Seattle.
	District Dir, Phoenix.
	Asst District Dir, Los Angeles.
	Asst Dist Dir, San Francisco.
	District Director, Salt Lake City.
	District Director, Honolulu.
	District Director, Anchorage.
	District Director, Boise.
	Chf, Examination Div, Los Angeles.
	District Director (Sacramento).
	District Director, San Jose.
	District Director, Helena.
	Assistant District Director, Laguna Niguel.
	District Director, Laguna Niguel.
Operations	Assoc Commr (Operations).
	Asst Commr (Employee Plans & Exemp & Organiza).
	Director, Exempt Organizations Division.
	Dir, Employee Plans Division.
	Director, Actuarial Division.
	Special Asst for Exempt Organization Matters.
	Assistant Director, Employee Plans Division.
	Chief, Technical Branch, EO.
	Chief, Technical Branch, EP.
	Spec Asst for Employee Plans.
	Assistant Commissioner (Examination).
	Asst Commr (Criminal Investigation).
	Dir, Exempt Organizations, Technical Division.
	Dir, Employee Plans & Exempt Org Oper Div.
	D/Employee Plans Tech & Actuarial Division.
	Deputy Assistant Commissioner (Examination).
	Dep Asst Commr (Criminal Investigation).
	Asst/Dir Exempt Organizations Techn Division.
	Asst/Dir Employee Plans Techn and Actuarial Div.
	Tech Adv/Asst to Dir Employee Plans Div.
	D/A Commissioner (Employee Plan and Exempt Orgs).
	Dep Asst Commr (Collection).
	Assistant Commissioner (Collection).
Ofc of Chf Counsel	Deputy Chief Counsel.
	Associate Chief Counsel (Technical).
	Associate Chief Counsel (Litigation).
	Deputy Associate Chief Counsel (Technical).
	Deputy Associate Chief Counsel (Litigation).
	Director Individual Income Tax Div.
	Director, Corporation Tax Division.
	Tech Adv to Dir—Corp Tax Div.
	Chf, Corporation Tax Branch.
	Chf Individual Income Tax Branch.
	Chief, Engineering and Valuation Branch Corp Tax.
	Asst Dir, Individual Tax Division.
	Asst Dir, Corporation Tax Div.
	Dir, General Litigation Div.
	Dir, Tax Litigation Div.
	Dir, Interprative Div.
	Dir, Legislation and Regulations Div.
	Director, Operations Division.
	Dir, Criminal Tax Div.
	Dir, Gen Legal Services Div.
	Director, Disclosure Litigation Division.
	Dir—Employee Plans and Exempt Org Div.
	Asst Dir, Tax Court Litigation Div.
	Asst Dir, Interprative Div.
	Asst Dir, Legislation and Regulations Div.
	Chf Estate and Gift, Wage Excise and Prov Br.
	Career Reserved Positions.
	Chief, Reoganization Branch.
	Techn Adv to the Assoc Chf Counsel (Techn).
	Special Appellate Counsel.
	Sen Tech Adv to the Assoc Chf Counsel (Tech).
	Assistant to the Chief Counsel.
	Assistant to the Chief Counsel.
	Special Litigation Counsel.
Regl Counsels	Regl Counsel, Central Reg.
	Dep Regl Counsel (Criminal Tax).
	Regional Counsel, Mid-Atlantic Region.
	Dep Regl Counsel (Criminal Tax).
	Regl Counsel Midwest Region.
	Dep Regl Counsel (Criminal Tax).
	Dep Regl Counsel (General Litigat).
	Dep Regl Counsel (Tax Litigation).
	Regl Counsel, North Atlantic Region.
	Dep Regl Coun (Tax Litigat) No-Atlantic Reg.
	Deputy Regional Counsel (General Litigation).
	Regional Counsel SE Region.
	Regl Counsel Southwest Region.
	Regional Counsel.
	Dep Regl Counsel (Gen Litigation).
	District Counsel—Boston.
	District Counsel—Los Angeles.
	District Counsel—Cincinnati.
	District Counsel—Philadelphia.
	District Counsel—Newark.
	District Counsel—Chicago.
	District Counsel—Manhattan.
	District Counsel—Atlanta.
	District Counsel—Dallas.
	District Counsel—San Francisco.
U.S. Arms Control and Disarmament Agency	
Verification and Intelligence Bureau.	Chief, Computer Services Group.
	Senior Advisor—Operations Res and Analysis.
	Chief, Verification Division Ver and Intell Bur.
	Chief, Operations Analysis Division.
	Senior Operations Research Analyst.
Ofc of Administration	Administrative Director.
Theatre Affairs Division	Chief, Theatre Affairs Division.
Strategic Affairs Division.	Chf, Strategic Affs Div.
Nuclear and Weapons Control Bureau.	Chief, Def Prog and Analysis Div.
	Chf, Arms Transfer Div
	Chf, Nuclear Safeguards and Technology Div.
	Chief, International Nuclear Affairs Division.
Multilateral Affairs Bureau.	Chief Scientist.
United States Information Agency	
Ofc of the Director	Inspector General.
Bureau of Management	Director Office of Personnel.
	Director Office of Comptroller.
	Dir of Security.
	Dep Dir of Admin for Technology.
	Dir Ofc of Contracts.
Bureau of Broadcasting	Deputy for Operations.
Ofc of the Gen Counsel & Cong Liaison.	Dep General Counsel.
U.S. International Trade Commission	
Office of Industries	Dir, Ofc of Industries.
Office of Investigations	Dir, Ofc of Investigations.
Veterans Administration	
Inspector General	Dep Inspector General.
	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigation.
	Asst Insp Gen for Policy, Plan & Resources.
	Executive Asst to Inspector General.
	Dep Asst for Inspec General for Hdqtrs Audits.
	Dep Asst Inspec General for Regional Audits.
	Dep Asst I/G for Policy, Planning & Resources.
Board of Veterans Appeals.	Chairman.
	Vice Chairman.
	Deputy Vice Chairman.
	Deputy Vice Chairman.
Office of Construction	Project Director, Northeastern Region.
	Project Dir, Southern Region.
	Project Director—Central Region.
	Project Director, Western Region.
	Dir, Program Control and Analysis.
Office of Procurement and Supply.	Dir, Office of Procurement & Supply.
	Dep Dir, Office of Procurement and Supply.
Office of Info Mgmt & Statistics.	Dir, Office of Information Mgmt & Statistics.
Office of Data Management and Telecommunications.	Assoc Dir for ADP Policy and Oper Management.
	Assoc Dir for Sys Design & Integration Mgmt.
	Associate Director for Telecommunications.
Data Processing Center (DPC) Directors.	Director DPC Austin.
Office of Personnel and Labor Relations.	Assoc Dir for Personnel Policy.
	Assoc Dir for Personnel Operations.
Department of Veterans Benefits.	Director Budget Staff.
	Dep Dir, Compensation & Pension Service.
Department of Medicine & Surgery.	Dir, Facility Eng Plann & Construction Office.
	Dep Dir, Mental Health & Behavioral Sciences.
	Dir, Canteen Service.
	Dep Dir, Facility Eng, Plan & Const Ofc.
	Dir, Resources Management Ofc
	Deputy Director, Resource Management Office.

[FR Doc. 85-7122 Filed 3-29-85; 8:45 am]

BILLING CODE 6325-01-M

federal register

Monday
April 1, 1985

Part III

Department of Health and Human Services

Office of Human Development Services

Resource Centers for Child Welfare Services, Availability of Funds and Request for Applications; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement No. CWS-RC-85-1]

Resource Centers for Child Welfare Services; Availability of Funds and Request for Applications

AGENCY: Administration for Children, Youth and Families (ACYF), Office of Human Development Services (OHDS), Department of Health and Human Services (DHHS).

ACTION: Announcement of availability of funds and request for applications under the Office of Human Development Services' Discretionary Grants Program.

SUMMARY: The Office of Human Development Services announces that applications are being accepted for new grants for Resource Centers for Child Welfare Services authorized by multiple discretionary funding program legislation, as identified below.

It should be noted that this grant competition is separate from the Office of Human Development Services' (OHDS) Coordinated Discretionary Funds Program for which availability of funds was announced in the **Federal Register** on August 23, 1984 (49 FR 33530), and others which may apppear later this fiscal year.

DATE: The closing date for receipt of applications is June 17, 1985.

FOR FURTHER INFORMATION CONTACT: HDS/ACYF/Children's Bureau, Program Support Division, P.O. Box 1182, Washington, D.C. 20013, Carolyn Dean, (202) 755-7730.

SUPPLEMENTARY INFORMATION:

Statutory Authorities

The individual statutory authorities under which grants will be awarded through this program announcement are as follows:

Section 426 of the Social Security Act, 42 U.S.C. 626 and Section 4(a) of the Child Abuse Prevention and Treatment Act, 42 U.S.C. 5103(a).

Scope of This Announcement

This Program Announcement covers all Resource Center grants to be awarded for fiscal year 1985.

The FY 1985 Resource Center Grant Program includes the following provisions:

1. Applications received under this Announcement will be reviewed, awarded, and administered by the Administration for Children, Youth and Families central office in Washington, D.C.

2. Grants will be awarded in nine priority areas related to child welfare services which have been identified under this grant program. At least two of the grants awarded will focus specifically on issues related to child abuse and neglect.

3. Competition for grants in all priority areas will be national, by priority area, with some consideration given to geographic distribution of competing applications. While we are not necessarily seeking to fund a Center in each Department of Health and Human Services Regional area, to the extent possible, we will seek a broad geographic spread.

Program Purpose

The purpose of this grant program is to develop, expand, strengthen, and improve the capacity of State and local, public and private child welfare agencies to utilize exemplary methods and resources to provide effective services to children and families. Therefore, consideration will be given to applications which propose to enhance the resources and techniques available to State and local service providers. The Office of Human Development Services (OHDS) will support a series of Resource Centers for Child Welfare Services designed to improve the delivery and management of social service programs for children and families. Funds are intended to support projects that provide leadership in the identification, collection, development, dissemination, and utilization of program models, systems improvements, training programs, and other resource materials on effective methods of addressing child welfare service needs, and the improvement of State and local capacities to address those needs.

OHDS will support a three year effort to develop and disseminate resources and facilitate the exchange of information on effective and innovative practices for child welfare services. The Resource Centers will function as centers of excellence whose services will be sought by the field, enabling them to provide resources, training, and consultative services, and to receive payment for their services such that they can become self-supporting over a three year period. In purchasing such services from the Resource Centers, State or local agencies may use other Federal funds if the authority by which they were granted permits. It is anticipated that grant related program income retained by the Resource Centers may be used in accordance with all three alternatives identified in Title 45 of the Code of Federal Regulations (CFR) Part 74, subpart F. Applicants should identify which alternative or alternatives they intend to use in reporting program income.

Background

Over the past ten years, the Children's Bureau funded a series of regional resource centers focused on particular areas of child welfare. Funding for resource centers on child abuse and neglect began in 1974, and additional centers on adoption and child welfare training were added in 1979. In 1982, the three types of regional centers were consolidated into a single region-wide operation capable of providing technical assistance, expert consultation, and support to State and local agencies in multiple program areas including child abuse and neglect, adoption, foster care, child welfare training, youth services, and other related program areas. Funding for the consolidated centers terminated at the end of the 1984 fiscal year.

However, because the state-of-the-art of service programs is dynamic, it is critical to identify and develop mechanisms for the dissemination and utilization of new information and resource materials that are being developed. The newly established Resource Centers will build on the information and experience gained from previous OHDS grant programs, and make information, exemplary materials, and expertise readily available to State and local child welfare agencies and other service providers so that effective methods and strategies for improved child welfare services can be more broadly implemented in the field.

Approach

The FY 1985 Resource Centers for Child Welfare Services will be task-oriented, time-limited, and specific. All Resource Centers approved for funding will be designed to address common, clearly defined functions which will include the following activities:

1. Identification, collection, and dissemination of known, useful resource materials including the review and evaluation of existing materials.

2. Provision of technical assistance, training, and consultation to promote utilization of resources and best practices related to child welfare services including methods and techniques for program implementation and evaluation.

3. Documentation and development of innovative methods and appropriate materials to repond to recognized deficiencies of resources in specific

aspects of programs and emerging program needs.

4. Development of networking and coordination activities to establish linkages between agencies, organizations, and individuals serving children and families.

In addition, all Resource Centers will be required to develop specific work plans for addressing the needs of minority children and families within their respective areas of activity. In developing work plans, special attention should also be given to the requirements of Pub. L. 95–608, the Indian Child Welfare Act of 1978.

Because Federal funding of the Resource Centers will be limited to a three year period at the end of which Federal funding will terminate, all applicants will be required to identify non-Federal sources of funding and document the level of support that will be provided to supplement Federal funds during the three year project period. Foundation support and private sector involvement which reflect an on-going partnership between the applicant and other sources of funding are particularly encouraged. Centers will also be required to develop a three year plan, outlining strategies for acquiring additional non-Federal support to sustain the full cost of the project when Federal funding terminates. Projects should develop contractual arrangements with State and local agencies and other relevant service providers to acquire additional program income on a fee-for-services basis. Projects should focus on the marketing of exemplary resource materials and training and consulation services.

As an incentive for continuation funding, one of the criteria for approval of second and third year grants will be the extent to which the Centers have succeeded in marketing their skills and services, and have firm commitments for purchase of services. By the ninth month of the first year of funding, grantees must show evidence of commitments for income producing services or products. By the twenty-first month, grantees must have firm commitments for income producing activities of not less than 40 percent of the second year funding amount, in order to obtain third year funding.

All Centers will also be required to develop a program component specifically designed to attract private sector initiatives, and involve private sector agencies and organizations in the activities of the Centers.

Program Priorities: The following program priorities are of special interest to OHDS. Applications must address a single priority area, and should describe how the proposed Centers will address the specific issues and tasks discussed under the selected priority area. Multiple applications are not prohibited, although it is unlikely that the same applicant will be funded to conduct more than one Center.

1. Resource Center for Foster Care Programs

Children in foster care, and their families continue to be a large and very costly segment of the population served by child welfare agencies. In the four years since passage of Pub. L. 96–272, the child welfare population has been reduced by 40 percent; however, 250,000 children remain in foster care. Major elements of Pub. L. 96–272, were specifically directed to improving services to children living outside of their own homes. Public child welfare agencies are required to establish services and procedures to improve the quality of substitute care and to make specific efforts to reunify children with their families or provide another permanent home, usually through adoption.

A Resource Center directed to foster care program improvement should assist child welfare agencies in the following areas:

(a) Methods and techniques for implementing the permanency planning purposes of Pub. L. 96–272 including:

(i) Statewide implementation of case review systems and training in developing appropriate case plans and other activities to facilitate family reunification;

(ii) Developing and maintaining reliable systems to assure timely and appropriate services delivery;

(iii) Establishing clear guidance for terminating parental rights including documentation of efforts at family reunification;

(b) Procedures for regular assessment of the nature and scope of needs for foster homes and recruitment and training of an adequate number and range of foster homes, particularly family foster homes for adolescents, pregnant adolescents and physically and mentally handicapped children;

(c) Development of family foster homes for care of children with severe medical problems;

(d) Coordination with other agencies concerned with services to children with complex care needs, particularly State and local health and education agencies.

2. Resource Center for Adoption Services

Adoption is a critical service needed to achieve permanent homes for children with special needs who are in the public child welfare system. In the six years since the passage of Pub. L. 95–266, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, Title II, the Adoption Opportunities Program, through grants and contracts, has developed extensive resources, training material and program models to address barriers to the adoption of these children.

The programs were successful in assisting States to place greater numbers of children with special needs in adoptive homes. However, there remains a strong need to provide on-going assistance to States in developing and implementing services required for the adoptive placement of the large number of children with special needs awaiting adoption. The most recent available statistics indicate that of the 33,000 children in the public child welfare system free for adoption but not placed, 58.2 percent are 11 years old and older, 42 percent are of minority background, and 37 percent are handicapped.

With the large increase in the number of children with special needs placed for adoption, we learned that post-placement, and post-adoption (post-legalization) services for the families were necessary to sustain placements. This need was also recognized in Pub. L. 98–457, Title II—Amendments to the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978. This amended Act directs the Department to promote quality standards for adoption services, pre-placement, post-placement and post legal adoption services for children in need of adoption.

An Adoption Resource Center is now needed to provide agencies with broader access to methods and techniques for expanded special needs adoption services in the following areas:

(a) Recruitment of adoptive families for children with special needs at the State and local community level;

(b) Adoption preparation of children with special needs and for prospective adoptive parents;

(c) Models of placement, post-placement and post-adoption services specifically designed to support adoptive families of children with special needs;

(d) Effective utilization of adoption subsidies for children with special needs;

(e) Cooperation and networking with agencies providing services to children with developmental disabilities;

(f) Techniques to avoid adoption disruption and to determine what services are needed if it occurs;

(g) Mechanisms for interstate cooperation including assistance to States in the passage of authorizing legislation and adoption of the Interstate Adoption Compact;

(h) Repository for products from previous HHS corporate sector grants, such as the model adoption benefit kits, industry guides to adoption, and other descriptive materials specifically designed for corporate use and involvement in promoting special needs adoption.

3. Resource Center for Family Based Preventive Services

Under Pub. L. 96-272, all States must provide services designed to prevent separation of children from their families, and in cases where placement cannot be prevented, States must provide services designed to reunify foster children with their families. Methods for providing family based and family support services are not widely known. Agency restructuring and extensive training as well as the development of additional community resources are frequently required.

Evaluation of services is essential to put together the most effective and cost-effective models of service delivery. Most evidence indicates that family based or family systems approaches are most effective, but care in planning and structuring is essential to attain quality services. The Resource Center for Family Based Preventive Services must offer agencies programs for placement prevention through the provision of emergency and on-going family based services.

This Center will provide technical assistance and consultation and will identify and disseminate information on exemplary programs with an emphasis on effective and cost-effective family based services directed toward two different levels of activity:

(a) Technical assistance and consultation to State, County, Tribal and private agencies to restructure and reorient services to provide effective emergency and family based services for child abusing or neglecting families. Technical assistance should also assist agencies in meeting the Pub. L. 96-272 "reasonable efforts" requirement to try to eliminate the need for removal from the home, and, generally, to meet the requirements of Pub. L. 93-247 (Child Abuse Prevention and Treatment Act, as amended) and Pub. L. 96-272 (Adoption Assistance and Child Welfare Act of 1980, as amended) as they relate to parents. The Center's activities will encourage use of family based and crisis services, and education and support services for families in crisis.

(b) On the community level, provide information, consultation, and networking activities to encourage the development of family and parental capacity through parent education, parent support, drop-in centers, and self-held groups. Networking among local resource systems should be specifically encouraged.

4. Center for Services to Developmentally Disabled Children in the Child Welfare System

Historically, developmentally disabled children have come into the child welfare system because of family problems not necessarily related to the handicapping condition of the child. However, many of these children were then referred by child welfare agencies to developmental disability or mental health facilities for care. Only a small percentage of the children were cared for by the child welfare system and, generally, the two systems were not closely linked. As community services to the developmentally disabled have improved, many children are able to remain with their families and, as with every segment of the population, many families incur the need for child welfare services.

Most child welfare agencies give policy recognition to the principle that developmentally disabled children are entitled to the full range of services of the agency, however, most lack the expertise to assure that a full range of needed services are provided and coordinated.

The complex and ongoing needs of children with developmental disabilities require coordination of agencies and services beyond those required for non-disabled children. The case management may include monitoring of a variety of medications, medical appliances, physical, occupational, or other educational therapies, behavioral management programs, environmental adaptations, and others. Successful implementation of permanency planning goals in often hindered by the overwhelming complexity of the child's disability.

It is clear, also, that agency staff need additional training to more fully understand developmental disabilities in order to recruit and prepare families and to provide appropriate pre-placement and post-placement services to child and family.

A Resource Center for developmentally disabled children should assist child welfare agencies to develop expertise in providing services to meet these complex needs and to develop linkages with State and local developmental disabilities programs to assure a full range of services and effective services delivery.

5. Resource Center for Youth Services

Important activities to be addressed in the field of youth services include technical assistance and dissemination of training materials for States, localities, non-profit and profit-making agencies, and coordinated networks of such agencies for meeting the needs of youth in the child welfare system, especially older adolescents. Increasing numbers of adolescents are in need of assistance to make the transition from foster care situations into independent living, which traditional youth-serving agencies are unable to provide. Large numbers of youth-at-risk including runaway and homeless youth are only marginally served by public child welare agencies which do not provide effective alternatives or solutions to the problems of youth involved with drug abuse, prostitution, teenage pregnancy, and suicide.

Child welfare agencies have traditionally provided some counselling services for youth in the child welfare system, but as the needs of the youth have become more problematic, fewer services or effective alternatives have been provided. This is especially true for pregnant teenagers whose numbers have increased significantly in recent years. Child welfare agencies need assistance in providing information, resources and alternatives for pregnant teenagers and for other sub-groups of youth-at-risk within the child welfare system. The Center must be prepared specifically to assist State and local agencies with programs to counsel pregnant teenagers about the "adoption option" and to prepare and provide training and materials on the "adoption option".

Program models, training materials, and technical assistance are especially needed in these critical program areas to insure that effective services can be provided to those young people most in need of assistance. Linkages are also needed between State and local youth-serving agencies and established networks of alternative service providers so that adolescents with special needs and problems can be served by appropriate community-based programs.

A Resource Center for Youth Services is needed to:

(a) Disseminate information on effective program models and resources for working with youth-at-risk;

(b) Provide training and consultation services to State and local child welfare agencies and other public youth-serving agencies that interface with the child

welfare system including the educational system, family courts, and law enforcement agencies;

(c) Facilitate coordination and exchange of information between Federal, State and local agencies focusing on youth populations (including OHDS, Public Health Services, and the Departments of Justice, Labor, and Education) and alternative private non-profit youth service providers;

(d) Assist public and voluntary child welfare agencies in providing information and services to pregnant adolescents including programs that promote adoption as an alternative to abortion;

(e) Assist public and voluntary child welfare agencies to develop and provide effective alternatives for youth involved with or potentially involved with drugs, prostitution, pregnancy, and suicide.

6. Resource Center for Child Welfare Program Management and Administration

Child welfare program management and administration have become increasingly complex. Recent developments have placed new demands on State agencies which are responsible for more varied and difficult client populations, a wider range of services and placement settings, mandated case review systems, and more specialized staffs. Programs are funded under broad and complex legislation which holds agencies accountable for client outcomes and for the effectiveness of agency operations in producing services for clients. Innovative use of information, efficient resource utilization, and creative management approaches are required for program success.

Currently State agency information systems are frequently outdated, data entry is slow and data are not readily retrievable, especially statewide. In many instances, tracking systems, although meeting the legislative requirements of Pub. L. 96-272, have limited capacity for program monitoring, management and evaluation. Many States have numerous information systems pertaining to child welfare that cannot be linked. Often child welfare client and case characteristics are stored in a different information system than payment records. Sound program and fiscal planning is difficult if mechanisms for the integration of these systems are not available.

State agencies also need assistance with a variety of personnel issues which present administrative and management problems. These include recruitment and management of personnel, staff development and training, and performance evaluation.

In recent years, agencies have had to respond to a growing demand for new services such as those for child sexual abuse victims and their families, families who have adopted children with special needs, adolescents in foster care, and families requiring in-home services. These developments stimulated the need for increased staff training and also for innovative approaches to organization and management of child welfare agencies.

Many of the specific mandates of Pub. L. 96-272 can be reinforced by State level licensing programs. Licensing also mandates conditions which prevent abuse of children and provides a mechanism for corrective action when abuse occurs. The positive potential of licensing is not realized in most States. The amount of written material and specialized resources on licensing are quite limited.

The Resource Center for management and administration should address methods and techniques for imporving State program management and administration through:

(a) Improved capability of data systems including managment information, case management and case review systems, and program planning and evaluation;

(b) Improved methods of staff recruitment and retention, development and training, and performance evaluation;

(c) Development, collection, and dissemination of effective licensing materials and direct assistance to States in implementing and adopting improvements;

(d) Innovative approaches to organization and management including improved internal communication and methods of gathering and analyzing data for planning for future service needs.

Projects capable of adapting recently developed management approaches from business and industry to fit the needs of child welfare agencies are particularly encouraged.

7. Center for Legal Resources on Child Welfare Programs

All child welfare programs operate within a framework of law. Recently, the legal context of child welfare programs has been expanded and redefined by major legislation. New and complex programs have been mandated and relationships have been redefined between State agencies, judicial systems and a range of advocacy groups and constituencies. State agencies are inundated with new concerns, conflicting issues and reinterpretations of principles and policies. Practical experience and legal expertise are needed to assist States to delineate a range of legal issues and through access to legal precedents, avoid a trial and error approach to these developing areas of law.

The Center for Legal Resources on Child Welfare Programs will focus on methods and techniques for addressing issues and problems and improving coordination between the child welfare system and judicial systems, provide a legal education function for State, local and voluntary agencies on emerging child welfare issues, and perform legal research and clearing house functions to provide a valid legal background against which legally supportable procedures can be developed on complex issues. Projects may identify a variety of problem areas such as confidentiality in child sexual abuse cases, legal issues related to Pub. L. 96-272, problems of youthful offenders and other relevant legal issues.

The Center will disseminate relevant information and materials to appropriate State and local agencies including resource materials developed by other OHDS grantees. Materials developed by the National Council of Juvenile and Family Court judges project, adoption and other legal codes developed by the American Indian Law Center, and information on the American Bar Association's Court Appointed Special Advocates (CASA) project will be broadly disseminated.

8. Resource Center on Child Abuse and Neglect

The 1,008,134 cases of child maltreatment reported in 1983 represent a 142 percent increase over the number of reports in 1976, the first year that national data were gathered. No single project or program model can be expected to address the full gamut of maltreatment related issues, or to meet the needs of all providers, professional groups, legislators, policy makers, volunteers or community support groups. The increasing pressures on service providers and continued increases in the reports of child abuse and neglect testify to the pervasiveness of the problem. The complexity of the problem and the multiplicity of service systems involved require that multidisciplinary and coordination approaches be strengthened, developed and expanded.

A Resource Center on child abuse and neglect is needed:

(a) To facilitate coordination and exhange of information for State and

local public and private agencies and providers of child protective services, such as health, law enforcement, judicial, educational, professional, volunteers, and other community agencies and organizations involved in the identification, prevention and treatment of child abuse and neglect.

(b) To disseminate information on effective treatment techniques, methods and skills, as well as prevention models for working with families.

(c) To develop innovative approaches to managing services to abused and neglected children and their families by the systems and providers that serve them, including ways to reduce out of home placement of neglected children.

(d) To enhance statewide and local systems to improve child protective service case management and to increase providers' knowledge and skills in case management.

(e) To assist State child protective service agencies to respond to and manage the increased volume of reported child abuse and neglect cases.

9. Resource Center for Prevention and Treatment of Child Sexual Abuse

Child sexual abuse has been defined in a variety of ways and encompasses a wide range of behavior, from fondling and exhibitionism, forcible rape and incest, to commercial exploitation in prostitution or the production of pornographic materials. The Child Abuse Prevention and Treatment Act, as amended, by Pub. L. 98–457, the Child Abuse Amendments of 1984, defines the term sexual abuse as:

". . . (i) the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct (or any simulation of such conduct) for the purpose of producing any visual depiction of such conduct, or;

. . . (ii) the rape, molestation, prostitution, or other such form of sexual exploitation of children, or incest with children, under circumstances which indicate that the child's health or welfare is harmed or threatened thereby . . ."

The Child Abuse Amendments of 1984 also expressly broadened the definition of persons responsible for the child's welfare to include an employee of a residential facility or any staff person providing out of home care. This change broadens the scope of preventive efforts and extends protective services to children abused in out of home situations, such as day care centers.

The scope of this Resource Center shall include attention to both intrafamilial and extrafamilial sexual abuses of children as well as sexual exploitation of children as defined in the legislation. The Center shall be comprehensive in addressing issues of prevention, identification, diagnosis and treatment of child sexual abuse. Emphasis shall also be placed on serving as a resource to public, private, and voluntary agencies as well as multidisciplinary professionals (child protective services workers, health providers, law enforcement, court personnel, counselors, therapists, school personnel, and others) and the general public concerned with the care and treatment of child victims and their families.

Marketable resource services shall be developed to enhance the exchange of new knowledge, best case management practices, effective treatment approaches and modalities, sensitive and coordinated investigatory and judicial procedures, and other methods in the investigation and management of child sexual abuse cases from the initial report through disposition. Resource Center services shall be available to State and local child protective service agencies, law enforcement agencies, the courts, schools, day care providers, mental health and other health care providers, and others who respond to the children and their families.

Eligible Applicants

Any State, local, public or non-profit organization or agency including accredited colleges and universities may submit an application under this announcement. Applications developed jointly by State, local, and community based social services agencies, foundations, colleges or universities are encouraged.

Availability of Funds

Of funds expected to be available for fiscal year 1985, approximately $2,000,000 will be awarded for new Resource Center grants. Funding levels for each Center will vary based upon the scope of work projected in the grant application.

Grants will be made for a three year project period, subject to availability of funds and specified performance criteria. One of the criteria for continuation funding will be the extent to which projects have succeeded in marketing their skills and services, and obtained commitments for purchase of services for the second and third year of the grant period.

Grantee Share of the Project

At least 25 percent of the total cost of proposed projects must come from a source other than the Federal government except in the case of research grants with universities which already have an institutional cost sharing agreement with the Department of Health and Human Services. The non-Federal share of project costs may be in the form of grantee incurred costs or third party in-kind contributions. For every three dollars of Federal support requested, a minimum of one dollar must come from a non-Federal source, except in those cases identified as item (1) or (2) above. This represents a minimum 25 percent grantee non-Federal share contribution. The simplest way to arrive at the correct non-Federal share is to divide the Federal share requested by three (3). The following example illustrates this requirement:

Federal share	$75,000
Non-Federal share—$75,000 ÷ 3	25,000
Total project cost	100,00

The Application Process

Availability of Forms

Full applications for grants for the Resource Centers for Child Welfare Services must be submitted on standard forms provided for this purpose. The standard form 424 and application instructions have been reprinted for your convenience as Appendices A and B of this program announcement. Additional copies of application forms and instructions may be obtained from the Regional Office listed at the end of this announcement, or by writing or telephoning:

Program Support Division, Children's Bureau; ACYF, P.O. Box 1182, Washington, D.C. 20013, (202) 755–7730.

Application Submission

At a minimum, one signed original and two copies of the application are required. However, an additional five copies would be helpful in expediting the review process. Applications, including all attachments, must be submitted to:

Grants Management Office, OHDS, Grants and Contracts Management Division, Humphrey Building, Room 345–F–1, 200 Independence Avenue, SW., Washington, D.C. 20201, Attention: Mary White CWS–RC–85–1

In order to be considered for a grant under this program announcement, an application must be submitted on the forms and in the manner required by the Administration for Children, Youth and Families. The application must be executed by an individual authorized to act for the applicant agency and to

assume responsibility for the obligations imposed by the terms and conditions of the grant award.

Application Consideration

Applications which are complete and conform to the requirements of this program announcement are subject to a competitive review and evaluation by qualified individuals. The Commissioner, Administration for Children, Youth and Families determines the final action to be taken with respect to each grant application for this program. In addition to the results of the review, in making final decisions the Commissioner will also take into consideration comments from Central and Regional Office staff.

After the Commissioner has approved the final selection, unsuccessful applicants will be notified in writing of this final decision. The successful applicant will be notified through the issuance of a Notice of Financial Assistance Awarded which sets forth the amount of funds awarded, the budget period for which support is given, and the total period for which project support is contemplated.

Notification Under Executive Order 12372

This program is covered under Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs", and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities". State Processes or directly affected State, area-wide, regional, and local officials and entities have 60 days to comment on the application, starting from the deadline date for application submission to ACYF. A Single Point of Contact (SPOC) to fulfill the requirements of E.O. 12372 has been established in all States and territories except Alaska, Idaho, American Samoa and Guam (applicants from these four areas need take no action regarding E.O. 12372). Applicants must submit required material to their SPOCs so that ACYF can obtain comments from the SPOCs as part of the award process. (Applicants for programs to be administered directly by Federally recognized Indian tribes are exempt from the requirements of E.O. 12372). Applicants should contact their SPOC as soon as possible to alert them of the prospective application and receive specific instructions regarding the process (see Appendix A for addresses). Required material should be sent to the SPOC as early as possible. SPOCs will submit their comments directly to:

Beatrice D. Moore, Director, Program Support Division, Children's Bureau, ACYF, OHDS, P.O. Box 1182, Washington, D.C. 20013.

OHDS will notify the State of any application received which has no indication that the State Process has had an opportunity for review.

Additional Requirements for Applications

To insure that proposed projects are designed to achieve the purpose, goals, and objectives identified in this Program Announcement, the following requirements have been established. Applicants are advised that applications will be reviewed for conformance with these requirements, and that applications that are non-conforming will not be considered for funding:

(a) Applications must include letters of support from foundations, private sector organizations, and affiliated State and local agencies which document that they intend to participate in the planning and implementation of the proposed project and indicate the kinds of involvement these organizations will undertake to insure specific and substantive support of specified goals and objective.

(b) Applications must include a three year plan documenting the level of support to be derived from foundations, and other private sector organizations, and identifying the continued involvement of these and other affiliated State and local agencies in selected program activities. Applications must also indicate how the proposed project will secure additional non-Federal sources of funding to sustain the project when Federal funding terminates, and how the transition to self-sufficiency will be administered.

(c) Applications must identify and address a specific program priority and develop specific work plans to address all four functional activities outlined above under "Approach".

(d) Applications must indicate how the proposed project will address the specific needs of minority children and families in the child welfare system.

(e) The proposed budget must include funds for travel to two State or regional meetings on child welfare issues per project year, and to an annual national meeting of all Resource Centers in Washington, D.C.

Criteria for Review and Evaluation of Applications

Applications which are determined to be in conformance with this announcement will be reviewed by panels of experts in child welfare services and related disciplines. Panels may be composed of staff from Federal, State, or local agencies, colleges and universities, national organizations, and other non-government agencies. Applications will be reviewed and evaluated competitively against the following criteria:

(1) Project Design and Soundness of Work Plan (20 points)

The project design or methodology is clearly presented. Specific problems to be addressed are clearly stated. The application contains a concise statement of goals and objectives, and the project methodology and work plan are clearly related to the problems and issues the project intends to address.

Work plans describe how the proposed project will achieve specific program objectives including all four functional activities identified in the program announcement, as well as specific activities related to minority children and families, and private sector involvement. Target indicators for identifying and measuring program outcomes are proposed and timetables are included.

(2) Outcomes and Potential for Success (15 points)

The proposed project will result in identifiable, measurable outcomes including, for example, concrete reduction of a significant problem. The goals of the proposed project are realistic, and if well executed, are capable of achieving their intended results.

(3) Evidence of Non-Federal Support (15 points)

The application contains documentation identifying non-Federal sources of support and indicates the precise nature, level, and extent of assistance that is anticipated.

(4) Marketing Strategy and Evidence of User Interest (15 points)

The marketing strategy is workable, clearly presented, and if well executed will provide supplementary sources of program income. The application also includes documentation indicating the nature and extent of user interest in the services or products proposed.

(5) Experience and Capability of the Applicant (15 points)

The project personnel are well qualified to conduct the proposed project, and the application indicates that the applicant has adequate resources and the organizational, professional, and educational capacity to address the critical issues related to the project's goals and objectives.

(6) Innovativeness of Approach and Implementation (10 points)

The application clearly proposes a significant improvement upon or important departure from previous related work in the field of child welfare services, and identifies methods or techniques for implementing new approaches.

(7) Cost/Benefit (10 points)

The estimated costs to the government and to the proposed project are reasonable considering the anticipated results, and the applicant has included funds to send key staff to two state-wide or regional meetings related to child welfare issues and to one national meeting of all Resources Centers in Washington, D.C. for each project year.

Instructions for Completing the Application

1. *Application Requirements.* In order to be considered for a Resource Center grant, an applicant must submit one signed original and two copies of the grant application, including all attachments. ACYF encourages the submission of an additional five copies for a total of one original and seven copies in order to expedite the processing and to facilitate the panel review process. There is no penalty for not submitting these additional copies. The original copy of the application must have original signatures. Each copy should be stapled (back and front) in the upper left corner. One copy of the complete application should be sent to the appropriate Regional Office listed at the end of this announcement. The remaining complete applications, including the original and all other copies, must be sent to:

HDS/Division of Grants and Contracts Management, 200 Independence Avenue, SW., Room 345–F–1 Humphrey Building, Washington, DC. 20201

ATTENTION: Mary White, CWS–RC–85–1

In order to facilitate handling, please do not use covers, binders or tabs. Three extra copies of the SF–424 and three copies of the cover sheet/abstract, stapled together apart from the copies of the application are requested.

2. *Content of Application.* Each copy of the application must contain the following items in the order listed:

(a) A Standard Form 424, page 1

(b) A Project Abstract Form

(c) Part II—Project Approval Information

(d) Part III—Budget Information

(e) Part IV Project Narrative

(f) HHS–SF 441, Assurance of Compliance, Title VI, Civil Rights Act of 1964

(g) HHS–SF 641, Assurance of Compliance, Sec. 504, Rehabilitation Act of 1973, As Amended.

3. *Instructions for Preparing the Application.* For your convenience, we have reprinted the forms and instructions for applying for Federal Assistance from HDS programs as Appendices A and B of this announcement. We suggest that you reproduce the forms and use them to prepare your application. Additional copies of the application forms and instructions may be obtained from the Regional offices listed at the end of this announcement. Prepare your application in accordance with the following instructions:

(a) Standard Form 424, Page 1:

Follow instructions contained in Appendix B except for the following specific instructions:

Item 6.a. Omit program number. Check multiple box.

Item 6.b. Enter CWS—Resource Center, *and* the number and title of the Resource Center which the application addresses, as follows:

1. Foster Care
2. Adoption
3. Family Based Preventive Services
4. Developmentally Disabled Children
5. Youth Services
6. Program Management and Administration
7. Legal Resources
8. Child Abuse and Neglect
9. Child Sexual Abuse

Item 7. The title should describe the focus of the proposed project briefly and clearly. Do not use acronyms, abbreviations or jargon. Avoid unnecessary phrases. Do not use more than 100 characters, including punctuation and spaces between words. Characters in excess of 100 will be lost during electronic data entry.

(b) Project Abstract Form: Use a single sheet of plain white bond, and type single-spaced:

- Title of application (exactly as entered in item 7 on Form 424).
- Name and address of applicant organization (exactly as in item 4).
- Priority area under which the application is submitted, as indicated in item 6b.
- Target population(s).
- Total project period and total amount requested.
- Proposed match which should be at least one dollar for every three requested from HDS except in the case of research grants with universities which already have an existing cost sharing agreement with DHHS. If this exception applies, state so clearly here.
- Project abstract: In 200 non-technical words or less, summarize the proposed project. The abstract should be so clearly written that the following questions could be answered by a member of the general public who reads it:

What is the specific purpose of the project?

How is the project to be conducted?

What concrete outcomes will result from the project?

What difference might the results make?

It is important that the abstract be an accurate reflection of the activities proposed in the application.

- Indicate the name of the author(s), their current relationship to the applicant and their proposed role in the conduct of the project.

c. Part II—Project Approval Information: Follow the instructions contained in Appendix B.

d. Part III—Budget Information: Follow the instructions contained in Appendix B.

e. Part IV—Project Narrative: Describe the project you propose in response to this announcement. Your narrative (30 pages typed double-spaced, or 15 pages typed single-spaced maximum, on 8½" x 11" plain white bond with 1" margins on both sides) should provide information on how the application meets the review criteria and how the proposed project will achieve the purpose, goals, and objectives identified in this program announcement. We strongly suggest that you follow the format and page limitations outlined below:

(1) *Project Design* (12 pages typed double-spaced or 6 pages typed single-spaced maximum)

This portion of the application should describe a well-defined and carefully worked out technical approach for the proposed project. It should include a discussion of the problems and issues the project will address and a clear statement of the project's goals and objectives. The project design should include a discussion of the methodology to be used in the conduct of the project and the relationship between the methodology and the issues or problems the project is designed to address.

(2) *Project Implementation Plan* (6 pages typed double-spaced or 3 pages typed single-spaced maximum)

This portion of the application should present the specific work plans for the proposed project identifying all major tasks to be undertaken during the project period and the time frames

anticipated for accomplishing these tasks. In addition to providing information on the programmatic initiatives to be developed for the proposed project, this section of the application should include specific information on how the project will address the needs of minority children and families and how the project will acquire additional non-Federal and other private sector support, including specific activities to generate program income on a fee for services basis.

(3) *Beneficial Impact* (4 pages typed double-spaced or 2 pages typed single-spaced maximum)

This portion of the application should indicate how the information, methods or technology to be developed or disseminated by the project can be expected to impact benefically on human service programs or the specific target populations identified to be affected by the project. Target indicators should be clearly identified, and emphasis should be placed on specific outcomes that can be identified and measured.

(4) *Staffing and Management* (4 pages typed double-spaced maximum or 2 pages typed single-spaced)

This portion of the application should list the proposed staff and briefly describe their qualifications to conduct the proposed project. The division of responsibility for specific project tasks and the proportion of staff time to be allocated per project task should be included. This portion of the application should also describe the capacity of the applicant organization to conduct the proposed project including relevant resources and facilities that will be utilized.

(5) *Budget* (4 pages typed double-spaced maximum or 2 pages typed single-spaced)

This portion of the application should indicate that the proposed budget is commensurate with the level of effort needed to accomplish the project goals and objectives and that the cost of the project is reasonable in relationship to the results anticipated.The application should also clearly identify all non-Federal services of support and the precise nature and extent of assistance that is anticipated. The contributions of all collaborative agencies and organizations including foundations and other private sector organizations must be assured in writing and included with the application when it is submitted.

f. HHS–SF 441, Assurance of Compliance, Title VI, Civil Rights Act of 1964: self explanatory

g. HHS–SF 641, Assurance of Compliance, Sec. 504, Rehabilitation Act of 1973, as amended: self explanatory

Closing Date for Receipt of Applications

The closing date for receipt of applications is (75 days after publication). Applications may be mailed or hand delivered to:

Grants Management Office, HDS Grants and Contracts, Management Division, 200 Independence Ave., SW., Room 345–F–1 Humphrey Building, Washington, D.C. 20201

Attention: Mary White, CWS–RC–85–1

Applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date at the HDS Grants and Contracts Management Office, or

(2) Sent on or before the deadline date and received by the granting agency in time to be considered during the competitive review and evaluation process. (Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing).

Late applications: Applications which do not meet these criteria are considered late applications and will not be considered in the current competition.

Hand-delivered applications: Hand-delivered applications are accepted at the HDS Grants and Contracts Management Office during the normal working hours of 8:30 A.M. to 5:00 P.M. Monday through Friday.

Extention of deadlines: OHDS may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is widespread disruption of the mails. However, if OHDS does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant.

Regional Program Directors Administration for Children, Youth, and Families

Region I—(VT, CT, ME, NH, RI, MA)

Mr. Richard Stirling, Regional Program Director, Office of Human Development Services, John F. Kennedy Federal Building, Room 2011, Boston, Massachusetts 02203,

Attention: Tina Burrell (617–223–6450)

Region II—(NY, NJ, PR, VI)

Mr. Dennis Coughlin, Acting Regional Program Director, Office of Human Development Services, 26 Federal Plaza, Room 4149, New York, New York 10278

Attention: Ward Sinclair (212–264–2974)

Region III—(DE, DC, MD, VA, WV, PA)

Mr. Alvin Pearis, Regional Program Director, Office of Human Development Services, 3535 Market Street, P.O. Box 13714, Philadelphia, Pennsylvania 19101,

Attention: Donald Barrow (215–596–6763)

Region IV—(AL, FL, GA, KY, MS, NC, SC, TN)

Mr. John Jordan, Regional Program Director, Office of Human Development Services, 101 Marietta Tower, Suite 903, Atlanta, Georgia 30323,

Attention: Thad Godwin/Jim Shelton (404–242–2128)

Region V—(IL, IN, MN, OH, WI, MI)

Mr. German White, Regional Program Director, Office of Human Development Services, 300 South Wacker Drive, Chicago, Illinois 60606,

Attention: Thelma Thompson (312–353–8065)

Region VI—(LA, NM, OK, TX, AR)

Mr. Tommy Sullivan, Regional Program Director, Office of Human Development Services, 1200 Main Tower, 20th Floor, Dallas, Texas 75202,

Attention: S. M. Pat Murphy (214–729–6596)

Region VII—(IA, KS, MO, NE)

Mr. Hilton Baines, Regional Program Director, Office of Human Development Services, Federal Office Building, Room 384, 601 East 12th Street, Kansas City, Missouri 64106,

Attention: Robert Fain (816–374–5401)

Region VIII—(CO, MT, ND, SD, UT, WY)

Mr. David Chapa, Regional Program Director, Office of Human Development Services, 1961 Stout Street, Federal Office Building, 9th Floor, Denver, Colorado 80294,

Attention: Jane Mathieu (303–844–3106)

Region IX—(AZ, CA, HI, NV, GU, AS, TT, CN, MI)

Mr. Roy Fleischer, Regional Program Director, Office of Human Development Services, 50 United Nations Plaza, San Francisco, California 94102,

Attention: Ray Myrick (415–556–6178)

Region X—(AK, ID, OR, WA)

Mr. William Hayden, Regional Program Director, Office of Human Development Services, 2901 Third Avenue, Mail Stop 503, Seattle, Washington 98121,

Attention: Richard McConnell (206–442–0850)

Executive Order 12372—State Single Points of Contact

Alabama

Mrs. Donna J. Snowden, SPOC, Alabama State Clearinghouse, Alabama Department of Economic and Community Affairs, 3465 Norman Bridge Road, Post Office Box 2939, Montgomery, Alabama 36105–0939

Alaska

None

Arizona

Office of Economic Planning and Development, State of Arizona

Note.—Correspondence & questions concerning this State's E.O. 12372 process should be directed to:

Jo Stephens, Director, Local Government Assistance, ATTN: Arizona State Clearinghouse, 1700 West Washington, Rm. 205, Phoenix, Arizona 85007, Tel. (602) 255–5004

Arkansas

State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, tel. (501) 371–2311

California

Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Tel. (916) 445–0282

Colorado

State Clearinghouse, Division of Local Government, 1313 Sherman Street, Rm. 520, Denver, Colorado 80203, Tel. (303) 866–2156

Connecticut

Gary E. King, Under Secretary, Comprehensive Planning Division, Office of Policy and Management, Hartford, Connecticut 06106–4459

Note.—Correspondence & questions concerning this State's E.O. 12372 process should be directed to:

Intergovernmental Review Coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106–4459, Tel. (203) 566–4298

Delaware

Executive Department, Thomas Collins Building, Dover, Delaware 19903, Attn: Franchine Booth, Tel. (302) 736–4204

Flordia

Ron Fahs, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32301, Tel. (904) 488–8114

Georgia

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, S.W., Atlanta, Georgia 30334, Tel. (404) 656–3855

Hawaii

Kent M. Keth, Director, Department of Planning and Economic Development, P.O. Box 2359, Honolulu, Hawaii 96804,

For Information Contact: Hawaii State Clearinghouse, Tel. (808) 548–3085

Idaho

None

Illinois

Tom Berkshire, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Tel. (217) 782–8639

Indiana

Ms. Susan J. Kennell, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Tel. (317) 232–5604

Iowa

Office for Planning and Programming, Capital Annex, 523 East 12th Street, Des Moines, Iowa 50319, Tel. (515) 281–6483

Kansas

Kansas Department of Human Resources, Office of the Secretary, Attention: Judy Krueger, 401 Topeka Avenue, Topeka, Kansas 66603, Tel. (913) 296–5075

Kentucky

Kentucky State Clearinghouse, 2nd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Tel. (502) 564–2382

Louisiana

Michael J. Jefferson, Dept. of Urban & Community Affairs, Office of State Clearinghouse, P.O. Box 44455, Capitol Station, Baton Rouge, Louisiana 70804, Tel. (504) 925–3722

Maine

State Planning Office, Attn: Intergovernmental Review Process, State House Station #38, Augusta, Maine 04333, Tel. (207) 289–3154

Maryland

Guy W. Hager, Director, Maryland State Clearinghouse for Intergovernmental Assistance, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201–2365, Tel. (301) 383–7875

Massachusetts

Executive Office of Communities and Development, 100 Cambridge Street, Rm. 1401, Boston, Massachusetts 02202, Tel. (617) 727–7078

Michigan

Carol Hoffman, Director, Office of Business and Community Development, Michigan Department of Commerce, P.O. Box 30004, Lansing, Michigan 48909, Tel. (517) 373–0933

Mississippi

Office of Federal State Programs, Department of Planning and Policy, 1504 Walter Silers Bldg., 500 High Street, Jackson, Mississippi 39202

For Information Contact: Mr. Marlan Baucum, Department of Planning and Policy, Tel. (601) 359–3069

Minnesota

Thomas N. Harren, Minnesota State Planning Agency, Capitol Square Bldg., Rm. 101, St. Paul, Minnesota 55101, Tel. (612) 296–3698

Missouri

Missouri Federal Assistance Clearinghouse, Office of Administration, Division of Budget and Planning, Capitol Bldg., Rm. 129, Jefferson City, Missouri 65102, Tel. (314) 751–4834 or 751–2345

Montana

Anges Fipperian, Intergovernmental Review Clearinghouse, c/o Office of the Lieutenant Governor, Capitol Station, Helena, Montana 59620, Tel. (406) 444–5522

Nebraska

Policy Research Office, P.O. Box 94601, State Capitol, Rm. 1321, Lincoln, Nebraska 68509, Tel. (402) 471–2414

Nevada

Ms. Linda A. Ryan, Director, Office of Community Services, Capitol Complex, Carson City, Nevada 89710, Tel (702) 885–4420

Note.—Correspondence & questions concerning this State's E.O. 12372 process should be directed to:

John Walker, Clearinghouse Coordinator, Tel. (702) 885–4420

New Hampshire

David G. Scott, Acting Director, New Hampshire Office of State Planning, 2½ Beacon Street, Concord, New Hampshire 03301, Tel. (603) 271–2155

New Jersey

Mr. Barry Skokowski, Director, Division of Local Government Services,

Department of Community Affairs, CN 803, 363 West State Street, Trenton, New Jersey 06825, Tel. (609) 292–6613

Note.—Correspondence & questions concerning this State's E.O. process should be directed to:

Nelson S. Silver, State Review Process, Division of Local Government Services—CN 803, Trenton, New Jersey 08625–0803, Tel. (609) 292–9025

New Mexico

Peter C. Pence, Director, Dept. of Finance and Administration, State of New Mexico, 515 Don Gaspar, Santa Fe, New Mexico 87503, Tel. (505) 827–3885

New York

Director of the Budget, New York State

Note.—Correspondence & questions concerning the State's E.O. 12372 process should be directed to:

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Tel. (518) 474–1605

North Carolina

Mrs. Chrys Baggett, Director, State Clearinghouse, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27611, Tel. (919) 733–4131

North Dakota

Office of Intergovernmental Assistance, Office of Management and Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505, Tel. (701) 224–2094

Ohio

State Clearinghouse, Office of Budget and Management, 30 East Broad Street, Columbus, Ohio 43215

For Information Contact: Mr. Leonard E. Roberts, Deputy Director, Tel. (614) 466–0699

Oklahoma

Office of Federal Assistance Management, 4545 North Lincoln Blvd., Oklahoma City, Oklahoma 73105, Tel. (405) 528–8200

Oregon

Intergovernmental Relations Division, State Clearinghouse, Executive Building, 155 Cottage Street, N.E., Salem, Oregon 97310, Tel. (503) 373–1998

Pennsylvania

Pennsylvania Intergovernmental Council, P.O. Box 1288, Harrisburg, Pennsylvania 17108

ATTN: Charles Griffiths, Executive Director, Tel (717) 783–3700

Rhode Island

Daniel W. Varin, Chief, Rhode Island Statewide Planning Program, 265 Melrose Street, Providence, Rhode Island 02907, Tel. (401) 277–2656

South Carolina

Danny L. Cromer, Grant Services, Office of the Governor, 1205 Pendleton Street, Rm. 477, Columbia, South Carolina 29201, Tel. (803) 758–2417

South Dakota

Jeff Stroup, Commissioner of the Bureau of Intergovernmental Relations, Second Floor, Capitol Building, Pierre, South Dakota 57501, Tel. (605) 773–3661

Tennessee

Tennessee State Planning Office, 1800 James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37219, Tel. (615) 741–1676

Texas

Bob McPherson, State Planning Director, Office of the Governor, Austin, Texas 78711, Tel. (512) 475–6156

Utah

Michael B. Zuhl, Director, Office of Planning and Budget, State of Utah, 116 State Capitol Building, Salt Lake City, Utah 84114, Tel. (801) 533–5245

Vermont

State Planning Office, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Tel. (802) 828–3326

Virginia

Robert H. Kirby, Intergovernmental Review Officer, Dept. of Planning and Budget, P.O. Box 1422, Richmond, Virginia 23211, Tel. (804) 786–1921

Washington

Ken Black, Washington Department of Community Development, Ninth and Columbia Building, Olympia, Washington 09504, Tel. (206) 753–2200

West Virginia

Mr. Fred Cutlip, Director, Community Development Division, Governor's Office of Economic and Community Development, Building #6, Rm. 553, Charleston, West Virginia 25305, Tel. (304) 348–4010

Wisconsin

Secretary Doris J. Hanson, Wisconsin Department of Administration, 101 South Webster—GEF 2, Madison, Wisconsin 53702, Tel. (608) 266–1212

Wyoming

Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Tel. (307) 777–7574

Virgin Islands

Toya Andrew, Federal Program Coordinator, Federal Programs Office, Office of the Governor, The Virgin Islands of the United States, P.O. Box 580, Charlotte, Amalie, St. Thomas 00801, Tel. (809) 774–6511, Staff contact: Phyra Budson

District of Columbia

Pauline Schneider, Director, Office of Intergovernmental Relations, Rm. 416, District Building, Washington, D.C. 20004, Tel. (202) 727–6265

Puerto Rico

Nelson Soto, President, Puerto Rico Planning Board, P.O. Box 4119, Minilla Station, San Juan, Puerto Rico 00940, Tel. (809) 724–7900

North Mariana Islands

Planning and Budget Office, Office of the Governor, Saipan, CM 96950

American Samoa

None

Guam

None

(Catalog of Federal Domestic Assistance Program Numbers: 13.608 ACYF Child Welfare Research and Development, 13.628 Child Abuse and Neglect Prevention and Treatment.)

Dated: March 25, 1985.

Dodie Livingston,

Commissioner, Administration for Children, Youth and Families.

Approved: March 25, 1985.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

BILLING CODE 4130-01-M

APPENDIX A

OMB Approval No. 0348-0006

FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION (Mark appropriate box)
- ☐ NOTICE OF INTENT (OPTIONAL)
- ☐ PREAPPLICATION
- ☐ APPLICATION

2. APPLICANT'S APPLICATION IDENTIFIER
- a. NUMBER
- b. DATE (Year month day) 19

3. STATE APPLICATION IDENTIFIER (NOTE TO BE ASSIGNED BY STATE)
- a. NUMBER
- b. DATE ASSIGNED (Year month day) 19

Leave Blank

SECTION I—APPLICANT/RECIPIENT DATA

4. LEGAL APPLICANT/RECIPIENT
- a. Applicant Name
- b. Organization Unit
- c. Street/P.O. Box
- d. City
- e. County
- f. State
- g. ZIP Code
- h. Contact Person (Name & Telephone No.)

5. EMPLOYER IDENTIFICATION NUMBER (EIN)

6. PROGRAM (From CFDA)
- a. NUMBER
- MULTIPLE ☐
- b. TITLE

7. TITLE OF APPLICANT'S PROJECT (Use section IV of this form to provide a summary description of the project.)

8. TYPE OF APPLICANT/RECIPIENT
A—State; B—Interstate; C—Substate Organization; D—County; E—City; F—School District; G—Special Purpose District; H—Community Action Agency; I—Higher Educational Institution; J—Indian Tribe; K—Other (Specify):
Enter appropriate letter

9. AREA OF PROJECT IMPACT (Names of cities, counties, states, etc.)

10. ESTIMATED NUMBER OF PERSONS BENEFITING

11. TYPE OF ASSISTANCE
A—Basic Grant; B—Supplemental Grant; C—Loan; D—Insurance; E—Other
Enter appropriate letter(s)

12. PROPOSED FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. Total	$	.00

13. CONGRESSIONAL DISTRICTS OF:
- a. APPLICANT
- b. PROJECT

15. PROJECT START DATE (Year month day) 19

16. PROJECT DURATION (Months)

18. DATE DUE TO FEDERAL AGENCY ► (Year month day) 19

14. TYPE OF APPLICATION
A—New; B—Renewal; C—Revision; D—Continuation; E—Augmentation
Enter appropriate letter

17. TYPE OF CHANGE (For 14c or 14e)
A—Increase Dollars; B—Decrease Dollars; C—Increase Duration; D—Decrease Duration; E—Cancellation; F—Other (Specify):
Enter appropriate letter(s)

19. FEDERAL AGENCY TO RECEIVE REQUEST
- a. ORGANIZATIONAL UNIT (IF APPROPRIATE)
- b. ADMINISTRATIVE CONTACT (IF KNOWN)
- c. ADDRESS

20. EXISTING FEDERAL GRANT IDENTIFICATION NUMBER

21. REMARKS ADDED ☐ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT►

To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.

a. YES, THIS NOTICE OF INTENT/PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:
DATE _____
b. NO, PROGRAM IS NOT COVERED BY E.O. 12372 ☐
OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW ☐

23. CERTIFYING REPRESENTATIVE
- a. TYPED NAME AND TITLE
- b. SIGNATURE

SECTION III—FEDERAL AGENCY ACTION

24. APPLICATION RECEIVED (Year month day) 19

25. FEDERAL APPLICATION IDENTIFICATION NUMBER

26. FEDERAL GRANT IDENTIFICATION

27. ACTION TAKEN
- ☐ a. AWARDED
- ☐ b. REJECTED
- ☐ c. RETURNED FOR AMENDMENT
- ☐ d. RETURNED FOR E.O. 12372 SUBMISSION BY APPLICANT TO STATE
- ☐ e. DEFERRED
- ☐ f. WITHDRAWN

28. FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

29. ACTION DATE► (Year month day) 19

30. STARTING DATE (Year month date) 19

31. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)

32. ENDING DATE (Year month date) 19

33. REMARKS ADDED ☐ Yes ☐ No

NSN 7540-01-008-8162
PREVIOUS EDITION IS NOT USABLE

424-103

STANDARD FORM 424 PAGE 1 (Rev. 4-84)
Prescribed by OMB Circular A-102

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OMB NO. 0348-0006

PART II
PROJECT APPROVAL INFORMATION

Item 1.
Does this assistance request require State, local regional, or other priority rating?
_____ Yes _____ No

Name of Governing Body _____
Priority Rating _____

Item 2.
Does this assistance request require State, or local advisory, educational or health clearances?
_____ Yes _____ No

Name of Agency or Board _____
(Attach Documentation)

Item 3.
Does this assistance request require State, local, regional or other planning approval?
_____ Yes _____ No

Name of Approving Agency _____
Date _____

Item 4.
Is the proposed project covered by an approved comprehensive plan?
_____ Yes _____ No

Check one: State ☐ Local ☐ Regional ☐
Location of Plan _____

Item 5.
Will the assistance requested serve a Federal installation?
_____ Yes _____ No

Name of Federal Installation _____
Federal Population benefiting from Project _____

Item 6.
Will the assistance requested be on Federal land or installation?
_____ Yes _____ No

Name of Federal Installation _____
Location of Federal Land _____
Percent of Project _____

Item 7.
Will the assistance requested have an impact or effect on the environment
_____Yes _____ No

See instructions for additional information to be provided.

Item 8.
Will the assistance requested cause the displacement of individuals, families, businesses, or farms?
_____ Yes _____ No

Number of:
Individuals _____
Families _____
Businesses _____
Farms _____

Item 9.
Is there other related assistance on this project previous, pending, or anticipated
_____Yes _____ No

See instructions for additional information to be provided.

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OMB NO. 0348-0006

PART III - BUDGET INFORMATION

SECTION A - BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	- Grant Program, Function or Activity				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges					
j. Indirect Charges					
k. TOTALS	$	$	$	$	$
7. Program Income	$	$	$	$	$

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OMB NO. 0348-0006

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. TOTAL	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION
(Attach Additional Sheets if Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

PART IV PROGRAM NARRATIVE (Attach per instruction)

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PART V

ASSURANCES

The Applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines and requirements, including 45 CFR Part 74, and OMB Circulars No. A-102 and A-110, as they relate to the application, acceptance and use of Federal funds for this federally-assisted project. Also the Applicant assures and certifies to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.

3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.

4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.

5. It will comply with the provisions of the Hatch Act which limit the political activity of employees.

6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.

7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

8. It will give the sponsoring agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.

9. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.

10. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

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The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

11. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.

12. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

13. Applicants for the Administration for Native Americans Programs, hereby certify in accordance with 45 CFR 1336.53, that the financial assistance provided by the Office of Human Development Services for the specified activities to be performed under this program, will be in addition to, and not in substitution for, comparable activities provided without Federal assistance.

14. It will comply with the Age Discrimination Act of 1975 which provides that: No person in the United States shall, on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity for which the applicant receives Federal financial assistance.

15. It will comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto.

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ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

_____ (hereinafter called the "Applicant")
(Name of Applicant)

HEREBY AGREES THAT it will comply with title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 80) issued pursuant to that title, to the end that, in accordance with title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Dated_____ _____
(Applicant)

By _____
(President, Chairman of Board, or comparable authorized official)

_____

_____
(Applicant's mailing address)

HDS GRANTS MANAGEMENT

HHS-441 Return Original To: Office of Civil Rights, Room 5627/B North Building
330 Independence Ave. S.W.
Washington, D.C. 20201

Send Copy to Grants Management

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DEPARTMENT OF HEALTH AND HUMAN SERVICES
ASSURANCE OF COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED

The undersigned (hereinafter called the "recipient") HEREBY AGREES THAT it will comply with section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto.

Pursuant to § 84.5(a) of the regulation [45 C.F.R. 84.5(a)], the recipient gives this Assurance in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts (except procurement contracts and contracts of insurance or guaranty), property, discounts, or other federal financial assistance extended by the Department of Health and Human Services after the date of this Assurance, including payments or other assistance made after such date on applications for federal financial assistance that were approved before such date. The recipient recognizes and agrees that such federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance and that the United States will have the right to enforce this Assurance through lawful means. This Assurance is binding on the recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the recipient.

This Assurance obligates the recipient for the period during which federal financial assistance is extended to it by the Department of Health and Human Services or, where the assistance is in the form of real or personal property, for the period provided for in § 84.5(b) of the regulation [45 C.F.R. 84.5(b)].

The recipient: [Check (a) or (b)]

a. ( ) A73 employs fewer than fifteen persons;

b. ( ) A74 employs fifteen or more persons and, pursuant to § 84.7(a) of the regulation [45 C.F.R. 84.7(a)], has designated the following person(s) to coordinate its efforts to comply with the HHS regulation:

Name of Designee(s) – Type or Print
C12 C42

Name of Recipient – Type or Print
A12 A41

Street Address or P.O. Box
A42 A71

(IRS) Employer Identification Number
A1 A11
B1 B11
C1 C11

City
B12 B41

State B42 Zip B71

I certify that the above information is complete and correct to the best of my knowledge.

Date
B72 B77

Signature and Title of Authorized Official
B78

If there has been a change in name or ownership within the last year, please PRINT the former name below:

NOTE: The 'A', 'B', and 'C' followed by numbers are for computer use. Please disregard.

PLEASE RETURN ORIGINAL TO: Office for Civil Rights, Room 5627/B North Building
330 Independence Ave. S.W.
Washington, D.C. 20201

Send Copy to Grants Management
HDS GRANTS MANAGEMENT

HHS-641 (10/80)

BILLING CODE 4130-01-C

Appendix B

OMB 0980–0016
EXPIRES: 2/85
CLEARANCE
PENDING: 2/88

Instructions for Applying for Federal Assistance from HDS Programs

Introduction

Use of Forms

The forms included in this "kit" shall be used to apply for all new discretionary grants and cooperative agreements awarded by the Office of Human Development Services. They shall also be used to request supplemental assistance, proposed changes or amendments, and request continuation or refunding for previously approved grants or cooperative agreements from the Office of Human Development Services. An original and two copies of the forms should be submitted to the responsible grants management office. If an item cannot be answered or does not appear to be related or relevant to the assistance required, write "NA" for not applicable.

Applications

Applicants for new awards and competing continuations are required to submit a complete application which consists of Parts I (SF–424) through Part V. Applicants for new projects must include completed Standard Forms 441, Civil Rights Assurance and HHS—641, Rehabilitation Act Assurance. Applicants for additional funding (such as a non-competing continuation or supplemental grant) or amendments to a previouy submitted application should include only affected pages. Previously submitted pages whose information is still current need not be resubmitted. Additionally, applicants for certain HDS programs may be subject to Executive Order 12372, Intergovernmental Review of Federal Programs (see Attachments 1 and 2). These applicants must follow the instructions provided relative to Executive Order 12372 coverage where appropriate, as listed on page 11.

Submission of Applicants

(1) Non-competing Continuation Grants—Applicants for continuation grants must submit these forms not later than 90 days prior to the budget period end date.

(2) New Projects and Competing Continuations—Applicants for Assistance to support new projects or for competing continuations should refer to program announcements for information regarding deadline dates for submission of forms.

Instructions for Completion of Part I (SF–424)

Section I

Applicants shall complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk(*) and use Section IV. An explanation follows for each item.

Item

1. Mark appropriate box. Preapplication and application are described in OMB Circular A–102 and HDS program instructions. Use of the SF–424 as a Notice of Intent is at State option. HDS does not require Notice of Intent.

2a. Applicant's own control number, if desired.

2b. Date Section I is prepared.

3a. For a program covered by Executive Order 12372, enter the number assigned, if any, by the State Point of Contact Office. Applications submitted to OHDS must contain this identifier, if provided by the State Point of Contact. Note: Item 22 of this form must be completed for programs covered by E.O. 12372.

3b. Date identifier is assigned by State.

4a.–4h. Enter legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.

IF THE PAYEE WILL BE OTHER THAN THE APPLICANT, ENTER IN THE REMARKS SECTION "PAYEE". THE PAYEE'S NAME, DEPARTMENT OR DIVISION. COMPLETE ADDRESS AND EMPLOYER IDENTIFICATION NUMBER AND DHHS ENTITY NUMBER.

If an individual's name and/or title is desired on the payment instrument, the name/or title of the designated individual must be specified.

5. Enter Employer Identification Number of applicant as assigned by the Internal Revenue Service. If the applicant organization has been assigned a DHHS Entity Number consisting of the IRS employer identification number prefixed by "1" and suffixed by a two-digit number, enter the full Entity Number. If applicant has other grants with DHHS and has been assigned a Payee Identification Number, enter PIN in parenthesis () beside employer identification number.

6a. Enter the Catalog of Federal Domestic Assistance number assigned to progam under which assistance is requested. If more than one program (e.g., joint funding) enter "multiple" and explain in Section IV remarks. If unknown, cite Public Law or U.S. Code.

6b. Enter the program title from Catalog of Federal Domestic Assistance. Abbreviate if necessary.

7. Enter title and appropriate description of project. For Notification of Intent, continue in Section IV if necessary to convey proper description. If project affects particular sites as, for example, construction or real property projects, attach a map showing the project location.

8. Enter appropriate letter to designate grantee type—"City" includes town, township or other municipality. If the grantee is other than that listed, specify type on "Other" line e.g., Council of Government. Note: Non-profit organizations which have not previously received HDS program support must submit proof of nonprofit status.

9. Enter Governmental unit where significant and meaningful impact could be observed. List only largest unit or units is affected, such as State, county, or city. If entire unit as affected, list it rather than subunits.

10. Identify estimated number of persons directly benefiting from project, as described in the program narrative.

11. All applicants for new, competing continuation and non-competing continuation grants should enter the letter "A". And applicants for supplemental grant funding should enter the letter "B".

12. Enter amount requested or to be contributed during the initial funding/budget period by each contributor. Where allowable the value of in-kind contributions should be included. If the action is a change in dollar amount of existing grant (a revision or augmentation), indicate only the amount of the change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in Section IV. For multiple program funding use totals and show program breakdowns in remarks. Item definitions: 12a, amount requested from Federal Government; 12b, amount applicant will contribute; 12c, amount from State, if applicant is not a State; 12d, amount from local government, if applicant is not a local government; 12e, amount from any other sources, explain in Section IV. Note: Applicants for research grants should complete 12a and 12f only.

13a. Self explanatory.

13b. Enter the district(s) where most of actual work will be accomplished. If city-wide or State-wide covering several

districts, write "city-wide" or "State-wide".

14. Enter appropriate letter. Definitions are:

A. *New.* A submittal for the first time for a new project or project period (includes competing continuations).

B. *Renewal.* Not applicable to HDS grant programs.

C. *Revision.* A modification to project after the initial funding/budget period and within the approved project period.

D. *Continuation.* Support for a non-competing continuation project after the initial funding/budget period and within the approved project period.

E. *Augmentation.* (Referred to elsewhere in these instructions and in other HDS publications as a "supplemental"). An application for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.

15. Enter approximate date project is expected to begin. If initial budget period is other than 12 months, check item 21 and explain in Part IV.

16. Enter estimated number of months to complete project after Federal funds are available.

17. Complete only for revisions (item 14c), or augmentations (Supplements) (Item 14e).

18. Date application/preapplication must be submitted to HDS in order to be eligible for funding consideration.

19. Name and address of the Federal agency to which this request is addressed. Indicate as clearly as possible the name of the office to which the application will be delivered.

20. Enter existing Federal grant identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".

21. Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

Section II

Applicants will always complete either item 22a or 22b and items 23a and 23b. An explanation follows for each item.

22a. Complete if application is subject to Executive Order 12372 (State review and comment).

Note.—All written comments submitted by or through the State Contact must be attached, if available. Applicants are advised of the delay of funding near the end of the fiscal year, if a timely notification to the State Contact is not made.

22b. Check if application is not subject to E.O. 12372.

23a. Name and title of authorized representative of legal applicant.

23b. Self explanatory.

Note:—Authorized representative signature cannot be signed by designee.

Note:—Applicant completes only sections I and II. Section III is completed by Federal agencies.

Instructions for Completion of Part II

Negative answers will not require an explanation unless the responsible HDS program office requests more information at a later date. All "Yes" answers must be explained on a separate page in accordance with these instructions.

Item 1—Provide the name of the governing body establishing the priority system and the priority rating assigned to this project. If the priority rating is not available, give the approximate date that it will be obtained.

Item 2—Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval. If the clearance is not available, give the approximate date that it will be obtained.

Item 3—Furnish the name of the approving agency and the approval date. If the approval has not been received, state approximately when it will be obtained.

Item 4—Show whether the approved comprehensive plan is State, local or regional; or, if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination, and state whether this project is in conformance with the plan. If the plan is not available, explain why.

Item 5—Show the population residing or working on the Federal installation who will benefit from this project. (Federally recognized Indian reservations are not "Federal Installations")

Item 6—Show the percentage of the project work that will be conducted on Federally-owned land or leased land. Give the name of the Federal installation and its location.

Item 7—Briefly describe the possible beneficial and/or harmful effect on the environment because of the proposed project. If an adverse environmental effect is anticipated, explain what action will be taken to minimize it.

Item 8—State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions, if additional data is needed.

Item 9—Show the Catalog of Federal Domestic Assistance number, the program number, the type of assistance, the status, the amount of each project where there is related previous, pending or anticipated assistance from another funding source.

Instructions for Completion of Part III

This form is designed so that application can be made for funds to support one or more functions or activities. Generally, HHS funded programs do not require a breakdown by function or activity. Therefore, only Line 1 need be completed. However, Head Start, funded by the Administration for Children, Youth and Families requires that activities commonly identified by program accounts be displayed separately on individual lines (Lines 1–4 under Section A and Columns 1–4 under Section B).

Since HDS programs award funds to support activities for budget periods which are generally 12 months in duration, Section A, B, C, and D must provide budget information for the requested budget period. Section E should reflect the need for Federal assistance in subsequent budget periods.

Applicants for research grants are not required to complete information items related to non-Federal share. Rather, research cost sharing shall be negotiated separately with the funding office.

Section A—Budget Summary

Lines 1–4

Col. (a): For applications pertaining to a single grant program and *not* requiring a functional, activity or program account breakout enter on Line 1 under Column (a) the Federal Domestic assistance Catalog program title (See attached listing). For "Head Start", enter the activities (program accounts) name and number for which funds are being requested on separate lines.

Col. (b): Enter appropriate Catalog of Federal Domestic Assistance number. For "Head Start", enter the activities (program accounts) name and number for which funds are being requested on separate lines.

Col. (c)-(g): For *New applications*, leave Columns (c) and (d) blank. For each line entry, enter in Columns (e), (f), and (g) the appropriate amounts needed to support the project for the first budget period. Applicants for research grant should make no entries in Column (f).

For *non-competing*, or *competing continuation applications*, enter in Columns (c) and (d) the estimated amounts for funds which will remain unobligated at the end of the current budget period. Enter in columns (e), (f), and (g) the appropriate amounts needed

to support the project for the new budget period. (Applicants for research grants should make no entries in Columns (d) or (f). Column (g) should equal the total of Column (e) and Column (f).

For *augumentation* (supplements) *and changes to existing grants*, leave Columns (c) and (d) blank and enter in Columns (e) and (f) the amount of increase or decrease of Federal and non-Federal funds, as appropriate. Enter in Column (g) the new total budgeted amount (Federal and non-Federal) which includes the previously authorized total budgeted amounts for the current budget period plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Columns (g) should not equal the sum of the amounts in Columns (e) and (f). Applicants for research grants should make no entries in columns (d) or (f).

Line 5

Enter the totals for all columns completed.

Section B—Budget Categories

Column 1–5

In the Column heading (1) through (4), enter the same titles of the grant programs and/or program accounts shown on Lines 1 through 4, Column (a), Section A. For each grant program or activity (program account) entered in Columns (1) through (4) enter the total requirements for *Federal funds* by object class categories and enter total in Column 5.

Allowability of costs are governed by applicable cost principles set forth in Subpart Q of 45 CFR Part 74 and the HDS Grants Administration Manual.

Personnel—Line 6a: Enter the total costs of salaries and wages of applicant/grantee staff. Do not include costs of consultants or personnel costs of delegate agencies. (See Section F, Line 21, for additional requirements).

Fringe Benefits—Line 6b: Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate. Provide break-down of amounts and percentages that comprise fringe benefit costs.

Travel—Line 6c: Enter the total costs of out-of-town travel for employees of the project. Do not enter costs for consultant's travel or local transportation. Provide justification for requested travel costs. (See Line 6h and Section F, Line 21, for additional instructions).

Equipment—Line 6d: Enter the total costs of all equipment to be acquired by the project. "Equipment" means an article of tangible personal property having a useful life of more than two years and an acquisition cost of $500 or more per unit. An applicant may use its own definition of equipment, provided that such a definition would at least include all tangible personal property as defined in the preceeding sentence. (See Section F. Line 21 for additional requirements).

Supplies—Line 6e: Enter the total costs of all tangible personal property (supplies) other than that included on line 6d.

Contractual—Line 6f: Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.), and, (2) contracts agreements with secondary recipient organizations including delegate agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. Attach a list of contractors indicating the name of the organization; the purpose of the contract; statement (scope) of work; period of performance; and the estimated dollar amount of the award. If the Name of Contractor, Scope of Work and estimated total is not available or has not been negotiated, include in Line h, "Other". (Note: Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must submit sections A and B of Part III, Budget Section, completed for each delegate agency by agency title, along with the required supporting information referenced in the applicable instructions. The total cost of all such agencies will be part of the amount shown on Line 6(f). Provide back-up documentation identifying Name of contractor, purpose of contract and major cost elements.

Construction—Line 6g: Enter the costs of alterations or renovation. Provide narrative justification and break-down or costs. New construction is unallowable.

Other—Line 6h: Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to, insurance, food, medical and dental costs, (noncontractual), fees and travel paid directly to individual consultants, local transportation (all travel which does not require per diem is considered local travel), space and equipment rentals, printing and publication, computer use, training costs including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

Total Direct Charges—Line 6i: Show the total of Lines 6(a) through 6(h).

Indirect Charges—Line 6j: Enter the total amount of indirect costs. If no indirect costs are requested enter "none". This line should be used only when the applicant (except local governments) has an indirect cost rate approved by the Department of Health and Human Services. If rate has recently been approved, please enclose a copy of current rate. Local governments shall enter the amount of indirect costs determined in accordance with HHS requirements. In the case of training grants to other than State or local governments, the reimbursement of indirect costs will be limited to the lesser of actual indirect costs or 8 percent of the amount allowed for direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alteration and renovations. It should be noted that when an indirect cost rate is requested, these costs included in the indirect cost pool should not be also charged as direct costs to the grant.

Total—Line 6k: Enter the total amounts of Lines 6(i) and 6(j). For all new competing and non-competing continuation applications, the total amount shown in Column (5), Line 6(k), should be the same as the amount shown in Section A, Column (e), Line 5.

For all supplements or changes, the total of the amount shown in Columns (1) through (4) should equal the amount shown in Section A, Line 5(e). The amount shown in Column (5) should include the cumulative total of the previously approved Federal share for the current budget period plus or minus, as appropriate, the increase or decrease of Federal funds.

Program Income—Line 7: Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or substract this amount from the total project amount. Show, in the program narrative statement, the nature and source of income.

Section C—Non-Federal Resources

Line 8–11: Enter amounts of non-Federal resources that will be used to support the project. (Applicants for research grants should not complete this Section but will negotiate appropriate cost sharing arrangements with the funding office). Provide a brief explanation, on a separate sheet, showing the type of contribution, and whether it is in cash or in-kind. If in-kind, is allowable and included, show the basis for computation including:

(1) Numbers and types of volunteers and rates at which their services are valued;

(2) Valuation of donated space (use only) including number of square feet and value assigned per square foot; and

(3) Determination of depreciation and use allowance for grantee-owned space; [Include statement whether space was purchased or constructed, totally or in part with federal funds for items (2) and (3)].

(4) Type and value of other in-kind contributions expected.

Column (a): Enter the program title or activities (program accounts) as in Column (a) Section A.

Column (b): Enter the amount of cash and in-kind contributions to be made by the applicant.

Column (c): Enter the State contribution. If the applicant is a State agency, enter the non-Federal funds to be contributed by the State other than the applicant State agency.

Column (d): Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e): Enter the totals of Columns (b), (c), and (d).

Line 12—Enter total of each of Columns (b) through (e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D—Forecasted Cash Needs

Line 13—Enter the amount of Federal cash needed for this grant, by quarter, during the budget period.

Line 14—Enter the amount of cash from all other sources needed by quarter during the budget period. (Applicants for research grants should not complete this line).

Line 15—Enter totals of amounts on Line 13 and 14.

Section E—Budget Estimates of Federal Funds Needed for Balance of Projects

Line 16–19—Enter in Column (a) the same program title or activities (program accounts) as in Column (a) Section A. For new or competing continuation or non-competing continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding budget periods (usually in years). Do not enter current year budget amount; enter second, third, fourth, and fifth year budget estimate needs. This Section need not be completed for Headstart applicants with indefinite project periods or for revisions or supplements for the current budget period which do not increase the general level of support.

Line 20—Enter the totals of each of the Columns (b) through (e).

Section F—Other Budget Information

Line 21—Use this space to fully explain and justify the major items included in the budget categories shown in Section B. Include sufficient detail to facilitate determination of allowability, relevance to the project, and cost benefits. Particular attention must be given to the explanation of any requested direct cost budget item which requires explicit approval by the HDS program office. Budget items which require identification and justification shall include, but not be limited to, the following:

1. Salary amounts and percentage of time worked for those key individuals who are identified in the project narrative.

2. Any foreign travel;

3. A list of all equipment (See Part III, Section B, Line 6d) and estimated cost of each item to be purchased. Need for equipment must be supported in program narrative.

4. Contractual: Major items or groups of smaller items; and

5. Other: group and major categories, e.g., consultants, local transportation, space rental, training allowances, staff training, computer equipment, etc. Provide a complete break-down of all costs that make up this category.

Line 22—Enter the type of indirect rate (provisional, final fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied and the total indirect expense. Also, enter the date HDS approved the rate, where applicable. Attach a copy of rate agreement if recently approved.

Line 23—Provide any other explanations required or deemed necessary.

Attachment 1

EXECUTIVE ORDER 12372 COVERAGE

1. General

Executive Order 12372, "Intergovernmental Review of Federal Programs," provides for the State and local government coordination and review of proposed Federal financial assistance. Certain applicants for HDS grants must comply with the provisions of E.O. 12372 and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and activities." The following table provides a listing of all HDS assistance programs identified by Catalog of Federal Domestic Assistance Number (CFDA), and shows those programs and activities which are covered by E.O. 12372 and those which are exempt from coverage.

Federally recognized Indian Tribes are exempt from the provisions and requirements of E.O. 12372 (see 48 FR 29196 dated June 24, 1983).

States may design their own processes for reviewing and commenting on proposed Federal assistance under certain Federal programs. States adopting a review process under the E.O. will have designated a State official or organization to act as the State's "Single Point of Contact" (SPOC) for sending official State recommendations to HDS. Applicants with projects subject to E.O 12372 review must adhere to the requirements of their State processes.

2. Procedures for New and Competing Continuation Applications

E.O. 12372 requires applicants for new and competing continuation grants and cooperative agreements to coordinate their plans at the State and local levels through the State SPOC. Names and addresses of the State SPOC are listed in the **Federal Register** announcement soliciting applications or in the application kit. A current listing can also be obtained from the regional or headquarters grants management office. Potential applicants should contact their State SPOC at the earliest feasible time and notify them of their intent to apply for Federal assistance. Many State offices have their own notification forms and instructions, and applicants should obtain this material directly from them.

Applications submitted to HDS must respond to the E.O. 12372 Certification, Item 22 on Standard Form 424. HDS will notify the State SPOC of any application covered by E.O. 12372 that does not indicate that the State contact has had an opportunity to review it. Therefore, failure to notify the State of the proposed application to HDS may result in a delay of funding as HDS will not make an award without assurance of compliance with this process.

State SPOC offices have sixty (60) days after the HDS deadline date for the receipt of applications in which to review and resolve problems with the applicant and submit comments to HDS.

3. Procedures for Non-Competing Continuation Applications

Applicants for non-competing continuations of awards covered by E.O. 12372 must contact the State SPOC regarding their application at the earliest possible time. Applications submitted to HDS must respond to the E.O. 12372 Certification, Item 22 on the Standard Form 424. HDS will notify the State SPOC of the receipt of any covered program application which has

no indication that the State process has had an opportunity for review.

The closing date for submission of State comments is thirty (30) days after the deadline date for receipt of applications. Applicants are advised to make clear to the SPOC that they are applying for a non-competing continuation award with a thirty day rather than a sixty (60) day review period.

Attachment 2

HDS PROGRAMS AND ACTIVITIES COVERED BY EXECUTIVE ORDER 12372

Catalog of Federal domestic assistance No.	Discretionary grants	Mandatory or formula grants
13.600	Head Start—Basic Head Start Program, Research, Training and Technical Assistance, Demonstration, and Pilot Projects.	
13.623	Runaway Youth—All projects.	
13.628	Child Abuse and Neglect Prevention and Treatment—All projects.	State Child Abuse and Neglect Prevention and Treatment.
13.630		Development Disabilities—Basic Support and Advocacy.
13.631	Developmental Disabilities Special Projects.	

HDS PROGRAMS AND ACTIVITIES COVERED BY EXECUTIVE ORDER 12372—Continued

Catalog of Federal domestic assistance No.	Discretionary grants	Mandatory or formula grants
13.633		Aging—Title III-A and III-B, Grants for Supportive Services and Senior Centers.
13.635		Aging—Title III-C, Nutrition Services.
13.645		Child Welfare Services—Title IV-B State Grants.
13.646		Work Incentive Program (WIN).

HDS PROGRAMS AND ACTIVITIES COVERED BY EXECUTIVE ORDER 12372

Catalog of Federal domestic assistance No.	Discretionary grants	Mandatory or formula grants
13.608	Child Welfare Research and Demonstration Section 426 of Social Security Act (SSA).	
13.612	Native American Program—Financial Assistance.	
13.632	Development Disabilities—University Affiliated Facilities and Satellite Centers.	

HDS PROGRAMS AND ACTIVITIES COVERED BY EXECUTIVE ORDER 12372—Continued

Catalog of Federal domestic assistance No.	Discretionary grants	Mandatory or formula grants
13.647	Social Services Reserach and Demonstration—Section 1110 of SSA.	
13.648	Child Welfare Services (426) Training.	
13.652	Adoption Opportunities—Research and Demonstration.	
13.655	Aging—Title VI Grants to Indian Tribes.	
13.658		Title IV-E—Foster Care.
13.659		Title IV-E—Adoption Assistance.
13.661	Native American Programs—Research, Demonstration, and Evaluation.	
13.662	Native American Programs—Training and Technical Assistance.	
13.667		Social Services Block Grant.
13.668	Aging—Title IV Research, Demonstration, and Training.	

[Fr Doc. 85-7606 Filed 3-29-85; 8:45 am]
BILLING CODE 4130-01-M

federal register

Monday
April 1, 1985

Part IV

Department of Health and Human Services

Office of Human Development Services

45 CFR Part 1321

Grants for State and Community Programs on Aging; Interim Rule

45 CFR Part 1328

Grants to Indian Tribes for Supportive and Nutrition Services; Interim Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Parts 1321 and 1328

Grants for State and Community Programs on Aging; and Grants to Indian Tribes for Supportive and Nutrition Services

AGENCY: Office of Human Development Services (HDS), HHS.

ACTION: Interim Final Rules With Comment Period.

SUMMARY: The Administration on Aging (AoA), in the Office of Human Development Services, is issuing interim final regulations for the Title III and Title VI programs under the Older Americans Act (OAA). These interim final regulations respond to the comments on the AoA Notice of Proposed Rulemaking (NPRM) published on March 2, 1983 (48 FR 8964). They recodify current regulations to delete statutory language, reduce reporting and paperwork requirements and provide options to grantees in the administration of these programs.

In addition, they incorporate conforming changes, as appropriate, pursuant to the 1984 Amendments to the OAA.

DATE: The interim final regulations are effective May 1, 1985, except the information collection requirements contained in sections 1321.7–1321.13 and 1328.19 will not go into effect until OMB approval has been obtained; comments on the interim final regulations must be received on or before May 31, 1985.

ADDRESSES: Address comments in writing to Commissioner on Aging, Administration on Aging, Room 4639, HHS North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201. Agencies and organizations are requested to submit comments in duplicate. Beginning two weeks from today, the public may review the comments submitted in response to this notice in Room 4639, HHS North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, between the hours of 9 a.m. and 4 p.m. Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Donald Smith or Frederick Luhmann, Office of Management and Policy Control, Administration on Aging, Room 4639, 330 Independence Ave., S. W., Washington, D.C. 20201 (202) 472–3057.

SUPPLEMENTARY INFORMATION:

1. Background

History of Program

The Older Americans Act was first enacted in 1965. The Act was amended 10 times between 1965 and 1984. On October 9, 1984 the President signed the Older Americans Act Amendments of 1984 (Pub. L. 98–459).

As first enacted, the Act authorized funding under Title III to support in each State a State Agency on Aging. Title III also provided funds for each State agency to initiate local community projects to provide social services to older persons. In fiscal year 1966, the total appropriation under the Act was $7.5 million.

In 1972, a new Title VII, which authorized funds for local community projects to provide nutrition services to the elderly, was enacted. The projects were designed to provide older persons aged 60 and older and their spouses with at least one hot nutritious meal five or more days a week. Emphasis was placed on services to older persons with greatest economic need, and on reducing the isolation of old age.

A second major change occurred in 1973. The amendments revised the Title III State Grant Program by requiring the State agency to: (1) Divide the entire State into planning and services areas, (2) determine in which areas an area plan would be developed, and (3) designate an area agency on aging to develop and administer the plan in each area. The 1973 amendments also added a new Title V to the Act which authorized the Commissioner to make grants directly to local community agencies to pay part of the cost of the construction, acquisition, renovation, alternation, or initial staffing of facilities for use as multipurpose senior centers.

The 1975 amendments specified that three priority services be provided under State plans: Access, in-home services and legal services. These amendments added a new section 303(b)(3) to the Act. It authorized the Commissioner to withhold a portion of a State's allotment and to grant it directly to an Indian tribe if he or she determined that the State had failed to provide benefits to older Indians that were equivalent to those provided to non-Indian older persons and that the Indians would be better served by a direct grant. This provision was never used.

The 1978 amendments consolidated under Title III the social services, nutrition services, and multipurpose senior center programs formerly authorized under Titles III, V and VII. This consolidation was designed to eliminate duplicative and overlapping functions that had been conducted under each Title. It also reemphasized the concept of a single focal point for service delivery within each community. The 1978 amendments also required each area plan on aging to spend at least 50 percent of the area's Title III social services funds for the three priority services: access, in-home, and legal services. These amendments also enacted a new Title VI, a direct grant program to Indian tribal organizations for older Indians.

The 1981 amendments made several technical amendments to the Act and reinforced the basic direction established under the 1978 amendments. They also made several significant changes in both the Title III and Title VI programs. Most of the changes increased administrative flexibility. For example, one of the Title III changes provides discretion in how funds are spent by requiring only that "an adequate proportion" (instead of a minimum of 50 percent, as between 1978 and 1981) of such area's Title III supportive services funds be spent for priority services.

The 1984 amendments to the Act reemphasized the thrust of the 1981 amendments and further clarified the roles of the State and Area Agencies on Aging. The amendments incorporated into the Act several definitions which previously appeared only in regulations. The amendments also included a requirement to give particular attention to minority low income persons in the delivery of services. In the area of services, the amendments: Referenced services to prevent elder abuse; increased the authority of States to transfer funds between supportive and nutrition services; and required States, after September 30, 1986, to spend some service funds for effective demonstration projects in health and nutrition education. Additionally, the amendments eliminated the separate authorization of funds for State agency administration and, as an alternative, authorized States to use a portion of their services allotments for State agency administration. The Secretary especially invites public comments on the changes made to conform to the 1984 Amendments. A more detailed discussion of the amendments and of their regulatory implications is provided elsewhere in this preamble.

2. Approach to Writing the NPRM and the Interim Final Rules

On March 2, 1983, we published an NPRM for the Title III and Title VI programs. The NPRM was written based on the Department's effort to reduce regulatory burden; provide greater

flexibility to State and area agencies and tribal organizations in administering their program; and, by publishing an NPRM that did not repeat the statutory provisions, help grantees and the public distinguish between statutory and regulatory requirements.

The NPRM was based on six rulemaking principles the Department is applying in the development of all regulations. These principles are:

1. Insure that all regulations are clearly within the authority delegated by law and consistent with Congressional intent.
2. Emphasize private market forces whenever feasible, rather than government mandate, when developing policies to reach desired objectives.
3. Provide maximum flexibility to State and local governments.
4. Minimize Federal, State, local and private costs.
5. Prevent fraud, abuse, waste and inefficiency.
6. Eliminate regulations not serving a compelling Federal interest or reform those not implemented in the least intrusive means available.

In the NPRM we stated that the regulations would supplement, not repeat, the requirements of the Act and urged readers to read the regulations in conjunction with the Act. We anticipated that commenters would be better able to focus on the regulatory provisions we had proposed.

Despite this explanation many commenters were confused by the shortened version of the regulations and by the deletion of many sections of the regulations with which they had become familiar. They interpreted this to mean that if provisions were no longer in regulations they would not be in effect despite their presence in the Act. They believed that the Department had retreated from its commitment to Older Americans Act programs.

The Department remains firmly committed to the goals and requirements of the Older Americans Act. It is our view that regulations which reduce burdens and offer additional flexibility to grantees will be easier to administer and allow grantees to adapt the program to meet better the unique needs of older persons in the area they serve.

3. Written Comments

During the 60 day comment period following publication of the NPRM, we received approximately 375 letters; however, only three of those concerned the Title VI program. The letters came from a cross section of individuals and organizations: Members of Congress (27), national organizations (22), State units on aging (24), 25 of the 57 State human services agencies, 100 of the 662 area agencies on aging, other community agencies (130), and individuals (47). Many of the letters applauded the Administration's efforts to encourage greater State flexibility. However, a number of commenters indicated that there are provisions in current regulations they wish to see retained.

As a result of the comment review process, a number of regulatory sections were revised or added. Changes were made in areas where the majority of comments were concentrated and where we felt that such changes met a compelling Federal interest and/or were necessary to maintain the integrity of the Title III program.

Major changes include the addition of a new *Subpart D, Area Agency Organization, Functions, and Responsibilities*, several new regulatory sections in *Subpart C, State Agency Responsibility*. In addition, we have adapted the appropriate language from the Legal Services Corporation Act regulations.

The regulatory provision restricting expenditure of funds for program development and coordination (section 1321.25) has also been incorporated as a State plan assurance under § 1321.9(e)(5). These revisions and others which are described in this preamble have resulted in substantial numerical re-designation of Part 1321.

Discussion of Comments and Changes Made From the NPRM

A. Legal Services (Section 1321.73)

(1) The NPRM indicated that the Legal Services Corporation had published proposed rules containing revisions to 45 CFR Chapter XVI on November 8, 1982 and that AoA intended to adapt appropriate subparts of the final Legal Services Corporation regulations to the interim final Title III regulations. Although the Legal Services Corporation had not published final rules for all of Chapter XVI, § 1612.4 *Legislative and Administrative Representation* was amended pursuant to the lobbying provisions of Pub. L. 97-377 and was published in final, as § 1612.5, on May 21, 1984, (48 FR 11709), after the publication of the Title III NPRM.

Many commenters argued that we should not include in the final Title III regulations the broader restrictions under Pub. L. 97-377, in particular, the new provisions set forth in paragraph § 1612.5(f). Section 1612.5(f) precludes providers from using funds to directly or indirectly influence any decision by Federal, State of local agencies. Most commenters noted that the restrictions were pursuant to the continuing resolution which appropriated FY 1983 funds for the Legal Services Corporation (Pub. L. 97-377), and not pursuant to the Legal Services Corporation Act. Therefore, commenters submitted that, since the Older Americans Act refers only to regulations promulgated under the Legal Services Corporation Act, it is questionable whether or not the Department of Health and Human Services has the authority to adopt restrictions promulgated pursuant to other laws. Most commenters contended that § 1612.5(f) concerning restrictions on lobbying was intended to deal specifically with the Legal Services Corporation network and was to expire on September 30, 1983. For these reasons, they did not think that § 1612.5(f) should be made applicable to legal services programs funded under the Older Americans Act.

AoA response: The Older Americans Act makes providers of legal assistance funded under Title III of the Act subject to specific restrictions and regulations promulgated under the Legal Services Corporation Act as determined appropriate by the Commissioner. Section 307(a) of the Act clearly allows the Commissioner to select any Legal Services Corporation Act regulation as an appropriate requirement for the provision of legal assistance under Title III. These interim final regulations contain the codified text of Parts 1604, 1608, 1609 and 1612 of the current Legal Services Corporation Act regulations as adapted for the Title III program. The Commissioner has concluded that the provisions of § 1612.5(f) are appropriate for Title III legal assistance providers because they clearly define those specific lobbying activities that are prohibited.

Part 1612 of the Legal Services Corporation regulations will apply to all assistance and providers under the Older Americans Act. These requirements as adapted under subsection 1321.73 of these regulations, will only apply to legal services providers, and only when they are using Older Americans Act funds.

(2) Many commenters opposed the inclusion of Part 1604 *Outside Practice of Law* from the Legal Services Corporation Act regulations into the Older Americans Act regulations. This Part, according to commenters, restricts outside practice by severely limiting the selection of legal services contractors to Legal Services Corporation grantees and prohibits legal services providers from employing part-time lawyers.

AoA response: The NPRM did not change the current Title III regulations, as published on March 31, 1980, which

require a legal services provider to ensure that no attorney of the provider engages in any outside practice of law if the director of the provider has determined that the practice is inconsistent with the attorney's full-time responsibilities. Adoption of Part 1604 of the Legal Services Corporation regulations retains the current restrictions on outside practice. The additional provisions adopted from Part 1604 will clarify those areas of compensated and uncompensated outside practice of law in which a provider may permit an attorney to engage.

Clearly, the provider determines what an attorney's full-time responsibilities will be. Therefore, nothing in § 1321.73(f) would preclude an area agency from contracting with a provider from the private sector or a provider from employing a part-time attorney.

3. Many commenters proposed that convenient sites, capacity to be cost effective, and ability to obtain other resources be retained as selection factors for legal services providers. Some commenters suggested that efforts to involve the private bar be retained as a contract condition.

AoA response: Section 307(a)(15)(A) of the Act requires the Commissioner to promulgate standards for the provision of legal assistance. We think that accessibility of offices, cost effectiveness, obtaining other resources, and involving the private bar as a contract condition are dependent on geography, available resources, and the manner in which services are coordinated in a given planning and service area. Therefore, the discretion to use these types of service standards will be given to the area agencies.

B. Planning and Service Area (Section 1321.7)

Some commenters, particularly State units on aging, suggested that there was no need to require State agencies to submit their intent to maintain or amend the designation of existing planning and service area boundaries prior to the submission of the State plan, as proposed in § 1321.7 of the NPRM. Most commenters contended that the geographical description of the planning and service areas in the State plan was sufficient. A few commenters suggested that the requirement is not in keeping with the Department's stated objective of more State flexibility.

AoA Response: Under section 305 of the Older Americans Act, a State is required to divide the State into distinct planning and service areas. This is one of the requirements for a State to be eligible to participate in programs of grants to States from allotments under Title III of the Act. The requirements in section 305 must be completed prior to the submission of a State plan under section 307. The assurances under section 307(a)(1) [*State plan will be based on area plans developed by area agencies on aging within the State designated under section 305(a)(2)(A)*] substantiate the statutory intent that requirements under section 305 be met prior to the submission of the State plan.

As the comments indicate, it has not been clear at the State and local levels that the requirements under section 305 and section 307 are different. Further, it has not been clear that the establishment of eligibility under section 305 is a periodic process that the Commissioner is required to monitor and review, although not required to approve. For these reasons we have added the requirements under § 1321.7 to ensure that the requirements and procedures of section 305(b) of the Act are periodically carried out by State agencies in a timely manner. We do not think that the requirements under § 1321.7 would be met through the submission of planning and service area information under the State plan because that approach would deny the Commissioner the opportunity to monitor and review the planning and service area designation process. We do not think that this procedure will abridge State flexibility in any manner. Accordingly, we have retained § 1321.7 as it appeared in the NPRM.

C. Prior Review of Grants and Contracts (Section 1321.55)

Some commenters, particularly State units on aging, recommended the removal of § 1321.35, which precludes a State agency from requiring an area agency to submit subgrants or contracts from public or private non-profit organizations for prior review or approval. Many of these commenters thought that prior review and approval is a good way to safeguard against fraud, abuse, and the prevention of future audit problems.

AoA Response: AoA's policy for some time has clearly supported the authority of the area agency to award grants or contracts to public or private non-profit agencies or organizations without prior State agency review or approval. In designating area agencies under section 305(a)(2)(A) of the Act, the State agency must provide assurance to the Commissioner as set forth in section 305(c)(5) that area agencies will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the area plan. Making grants or entering into contracts is a normal exercise of area agency responsibility. We have, therefore, concluded that the Federal interest in preserving the autonomy of area agencies is sufficient to require that area agency granting and contracting not be subject to prior review and approval by the State agency except as provided under section 212 of the Act. Accordingly, we have not changed this provision in § 1321.55.

D. State and Area Agency Administration (Sections 1321.5, 1328.5, 1321.21, and 1321.57)

A number of letters recommended retention of the current rules which require State and area agencies to have a single organizational unit. A significant number of letters were also received on the related issue of staffing. Most of the comments supported continuation of regulations which require the hiring of a qualified full-time director and adequate numbers of qualified staff, including a State ombudsman, to administer the Title III program. Most commenters expressed concern that elimination of these requirements would disperse the State and/or area agency functions among staff in various organizational structures who may not be qualified to administer the Title III program. Further, some commenters felt that this change in the regulations would diminish the role of State and area agencies as focal points for services to older persons. Finally, some commenters objected to the removal of affirmative action plans for State and area agencies, suggesting that the removal of this requirement is a retreat from the enforcement of affirmative action.

AoA Response: After careful consideration of these comments, we have decided to modify those provisions of current regulations pertaining to the organization and staffing of the State and area agencies. We are sensitive to the anxieties expressed by commenters. Nonetheless, State agencies have been in existence since the passage of the Older Americans Act in 1965, and, in some cases, prior to that time. Many area agencies date back to the 1973 amendments to the Act or shortly thereafter. For more than a decade, in the case of area agencies, and two decades, in the case of State agencies, we have witnessed a remarkable maturation of the network. Both State and area agencies have gained, through their own prodigious efforts, respected and secure status as advocates and focal points for the concerns of their

respective constituencies of older persons.

We believe, therefore, that through the exemplary nature of their performance State and area agencies have attained a high degree of credibility and that they have a broad base of support at the State and community levels. For these reasons, and because of our commitment to provide maximum flexibility to State and local communities, we are disinclined to be overly prescriptive in the matter of imposing organizational and staffing requirements for State and area agencies. We are convinced that the record and present performance of State and area agencies speak for themselves. It is our firm opinion that State and area agencies on their own strength and merit will continue as integral, visible and important focal points for the concerns of the increasing numbers of older persons in our nation. This will occur, we are convinced, regardless of any Federal regulatory prescriptions. Yet, we are not unmindful of the lingering concern expressed by commenters on the NPRM. In response to this concern, in §§ 1321.21 and 1321.57 we have retained modified regulatory provisions regarding the organization and staffing of State and area agencies.

Regarding affirmative action, the current regulations require State agencies and area agencies which are public organizations to have affirmative action programs which comply with the provisions of Title 5 of the Code of Federal Regulations, Part 900, Subpart F, Standards of a Merit System of Personnel Administration. We deleted this requirement because State agencies, and public agencies which include area agencies, are required by the sole authority of Title 5 of the Code of Federal Regulations, Part 900, Subpart F, Standards of a Merit System of Personnel Administration, to have affirmative action programs. There is no reason to repeat the requirement in this rule. Although we have deleted affirmative action requirements for the above reasons, the Department remains committed to affirmative action requirements, and encourages State agencies to continue their efforts in this important area.

E. Advocacy Responsibilities (Sections 1321.33, 1321.65)

A number of commenters, including members of the Congress, objected to the deletion of sections on the advocacy responsibilities of State and area agencies. Most of these objections were based on the idea that advocacy activities are a major function of State and area agencies and that deletion of the advocacy concept from Title III regulations denotes decreased emphasis on advocacy by the Administration.

AoA Response: We concur with the views of commenters regarding the importance of advocacy in behalf of older persons. Section 305(a)(1)(D) and section 306(a)(6)(D) of the Act specify that State and area agencies, respectively, must engage in advocacy. Although this statutory mandate is clear, comments indicate that State and area agencies have found it helpful to have advocacy concepts defined in regulations. We also consider advocacy to be a major State and area agency function from a programmatic as well as a statutory perspective. During this time of diminishing resources, the importance of advocacy as a tool for tapping the services and benefits of volunteers and other public and private organizations should not be underestimated. Further, State and area agency advocacy in behalf of older persons has been and should continue to be a mechanism which highlights needs and destroys stereotypes that plague older persons. Therefore, the deletion of advocacy from the Title III regulations, does not signify a de-emphasis on advocacy. On the contrary, we consider it to be a major component of the Title III program framework underlying all State and area agency activities.

However, in retaining these sections, we have modified them to give States and area agencies more flexibility in carrying out their responsibilities. We have modified paragraph (a) in §§ 1321.33 and 1321.65 to delete the requirement for public hearings. This change allows States and area agencies to use whatever methods they determine appropriate (including public hearings) to obtain comments from the public on the needs of older persons.

In addition, we are concerned that those advocacy activities undertaken by State and area agencies, in compliance with the law, do not extend to prohibited lobbying and related activities. Accordingly, we have deleted the references to representing the interests of older persons before legislative, executive and regulatory bodies in the State, and we have added paragraphs that clearly prohibit lobbying.

F. Public Participation: (Sections 1321.27 and 1321.61)

A number of comments recommended retention of current regulations which address requirements for establishing State advisory councils on aging, fifty percent representation by older persons on area agency advisory councils, and the need to hold public hearings. Most commenters expressed the view that these are tools which enhance opportunities for participation by older persons and the public in decision-making about the Title III program.

AoA response: We concur with the views of commenters about the importance of participation in Title III program decision-making by older persons. As discussed in the NPRM, we feel that the Act adequately establishes in sections 305(a)(2)(B) and 306(a)(6)(C) the responsibility of States to obtain the views of recipients of supportive and nutrition services in connection with matters involving the developmental and administration of the State and area plans. However, many commenters, including members of Congress, felt that the current regulatory requirements for public participation should be retained in the regulations.

The Department, strongly supports obtaining the advice of the elderly and persons knowledgeable in the development and administration of older Americans Act programs. However, State advisory councils and public hearings are not the only, or necessarily the best, way to do so.

In response to these concerns, we have revised § 1321.27 based on current requirements for public participation in State plan development. Section 1321.27 incorporates this decision with the addition of the words "and administering" which were inadvertently omitted. These words are found in the statute. Section 1321.27 now reads: "The State must have a mechanism to obtain and must consider the views of older persons in developing and administering its State plan."

Our expectation is that the great majority of States will continue to use already established methods of obtaining citizen input, but, based on the experience under the block grants, other States will institute innovative, equally or more effective models. However, we will monitor the implementation of this provision and will consider regulatory changes if problems arise.

To parallel the change we have made above for State agencies, we have revised § 1321.61 to allow area agencies the same flexibility, except that area agency advisory councils are required by the statute at section 306(a)(6)(F). The current requirements for area agency advisory councils (Section 1321.97), including the requirement for a 50% representation of the elderly, are now found in § 1321.61.

In addition, we have retained in § 1321.37, *Intrastate funding formula*, the provision in section 305(a)(2)C) which requires a State agency to publish

its intrastate funding formula for review and comment.

G. State Agency Maintenance of Effort (Section 1321.53)

Most commenters opposed the removal of the current maintenance of effort provisions from the regulations. Under these provisions, each fiscal year, a State must spend at least the same amount of State funds it spent in the last fiscal year to meet the required non-Federal share. The commenters indicated that removal might result in a less flexible interpretation of the maintenance of effort requirements in section 309(c) of the Act. Many commenters felt that a more restrictive interpretation would jeopardize the appropriation of additional State funds for programs and would particularly penalize the use of one-time monies for research, demonstration, evaluation, construction, or start-up purposes.

AoA response: We do not think that the statutory requirement in section 309(c) was intended to penalize States that choose to increase their expenditures from State sources or to experiment with special demonstration projects. Accordingly, to make explicit our interpretation of expenditures from State sources under the State plan, we have retained the current maintenance of effort provision in section 1321.53.

H. Types of Agencies That May Be an Area Agency (Secton 1321.45)

Many commenters recommended that AoA retain the provision precluding any regional or local agencies of the State from being designated area agencies. Most commenters said that Congress intended that there be some type of separation between State and area agencies. They thought that removal of the prohibition would clearly allow State agencies to designate State regional or local agencies as area agencies.

AoA Response: We did not intend that regional and local agencies of the State become area agencies. Therefore, we have retained the provision that precludes such designations in section 1321.45.

I. Food Requirements for Nutrition Services Providers (Section 1321.9)

Most of the letters received on this subject supported inclusion of regulations which require nutrition services providers to comply with all State and local health laws concerning the preparation, handling and serving of food. Some commenters also advocated regulations requiring nutrition services providers to follow procedures which preserve nutritional value of meals and to assist participants in taking advantage of benefits under the food stamp program.

AoA Response: The issue of food safety in the purchase, handling, preparation and delivery of meals received careful review. We concur with some commenter who view food safety as a matter of national as well as State and local concern. However, our analysis of health and safety issues revealed other areas where these questions are of equal concern, such as the alteration, renovation and construction of multipurpose senior centers or the provision of transportation services. Since health and safety questions cover a broad range of issues, the NPRM at § 1321.9 proposed requiring a State plan assurance that all services provided under Title III meet any existing State and local licensure, and safety requirements establised for the provision of those services. We feel that this provision adequately addresses commenters' concerns about safe provision of nutrition services as well as other Title III services. Therefore, we have decided to retain without change the provision for State plan assurance of compliance with State and local licensure and safety requirements in § 1321.9.

Regarding regulatory guidance on procedures to preserve the nutritional value of meals, we feel that this matter is adequately addressed in section 331(a) of the Act. It states that providers must assure that each meal served includes a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences—National Research Council. We feel that the development of procedures to assure that meals meet this standard is a matter of State and area agency policy making.

We also agree that it is appropriate for nutrition services providers to assist participants in obtaining access to the food stamp program. The Act at section 331(3) allows State and local agencies the option of providing nutrition education services as well as other appropriate nutrition services. We concluded, therefore, that it would not be necessary to emphasize the food stamp or any other specific program at this is a matter for State and local decision. Again, we feel that, in the interest of flexibility, development of procedures assuring appropriate access to specific services is a matter for State and area agency decision. These decisions result from needs assessments and public input. We also recommend that the provision of specific services by nutrition services providers be addressed in grant and contract negotiations.

J. Title VI Application Approval (Section 1328.21)

As indicated in the preamble to the 1980 regulations, AoA may continue to give first priority to those applicants that have successfully performed under a previous Title VI grant. We have added a new § 1329.21(b) to reflect this policy.

5. Other Comments (Sections 1321.9 and 1321.37)

Some commenters were concerned about the removal of a number of regulatory sections that they believed should have been retained. We did not include these sections under the major discussion because the regulatory requirements were clearly removed in response to either allowing State flexibility or because the regulation substantially repeated the Act. Therefore, those sections that addressed expenditures in rural areas, priority services, State plan based on area plans, community focal points, and comprehensive and coordinated delivery systems were removed because they substantially repeated the Act. Further, those sections that addressed minimum hearing procedures, written area agency administrative procedures, content of area plan, direct provision of services tests, outreach and training, and amendments to area plans were removed to provide States with greater flexibility in the administration of Title III programs.

Many commenters were concerned that both the regulations and the Act had to be read to fully understand all the responsibilities of State and area agencies. While we agree that it is more time consuming to have to read both the Act and regulations, we think that it is more important to distinguish between what is required by the Act and what AoA is actually regulating. For this reason we have continued to apply the rulemaking principle of not duplicating statutory provisions except when needed for clarity.

Many commenters disagreed with the deletion of provisions which assure preference is given to older persons in greatest social or economic need. These commenters insisted that the proposed rules retreated from AoA's responsibility in this area. We disagree with this preception that AoA has retreated from its responsibility. In § 1321.9(e)(1) and § 1321.37, assurances and requirements have been established which require State and area agencies to

monitor and, when necessary, advocate on behalf of older individuals in greatest social or economic need. Although we have deleted specific reference to the provisions of preference to older persons in greatest economic or social need, State and area agencies must continue to assure that such preference is provided for in the delivery of services under the plans. This is required under sections 306 and 307 of the Act, and we have not retreated from our belief that such preference is needed to assure that services are targeted to the low income and minority elderly.

Some commenters were concerned that the establishment of poverty income guidelines by the Secretary of Health and Human Services, rather than the Bureau of the Census, would confuse State and area agency planning efforts. At the time the Notice of Proposed Rulemaking was issued, there was no definition in the Older Americans Act of the term "greatest economic need." The 1984 amendments added a new provision to sec. 306(a) of the Act defining this phrase in terms of the poverty threshold established by the Bureau of the Census. Therefore, the interim final regulations have been amended to be consistent with that provision of the law. See the discussion of the 1984 Amendments.

6. Technical Changes (Sections 1321.11, 1321.41, 1321.63, 1321.3, 1321.13 and 1321.15)

We have revised § 1321.11, Amendments to the State plan, to include, for simplification, all the requirements previously found in § 1321.27 by adding language that describes when a State must amend its plan. A State must amend its plan to reflect a material change in any law, organization, policy, or State agency operation.

Both § 1321.28 (new 1321.41) and § 1328.13, respectively, required State agencies and tribal organizations to assure that they would comply with chapter 23 of the Uniform Building Code, or Chapter 12 of the Standard Building Code when State or local laws or codes concerning load bearing members did not exist at either level. We have determined that most State and local governments have such codes and there is no longer a need for a Federal standard.

To clarify the requirements implicit in §§ 305(c)(5), 306(a) and 307(a)(1), we have added a new § 1321.63 requiring that "The area agency must submit the area plan or amendments to the State agency for approval, following procedures specified by the State agency."

A–95 clearinghouse requirements were not included in § 1321.63, *Submission of an area plan to the State for approval* because the provisions of OMB Circular A–95, Part I are no longer required. However, under Executive Order 12372 and implementing regulations (45 CFR Part 100), States must establish their own review procedures.

With regard to Title VI, we have clarified the definition of older Indian in § 1328.3 by changing the word "identified" to "determined". This clarifies statutory intent allowing tribes to determine the minimum age for receiving Title VI services. This differs from tribal eligibility for the Title VI program which requires that based on changes in the 1984 amendments a tribe have at least 60 individuals who are age 60 or older.

We have removed those provisions under § 1328.15 that require tribal organizations to comply with the provisions of 7 CFR Part 250 General Regulations and Policies—Food Distribution. The provision was removed because participants in USDA programs are required to comply with Part 250 solely on the authority of that Part.

Summary of the 1984 Amendments and Discussion of Changes Made

The 1984 amendments made several technical changes in the Act. These changes reinforce the basic direction of the 1981 amendments and clarify the roles of State and area agencies on aging. Many increased administrative flexibility. The six rulemaking principles mentioned above were also used to analyze these statutory changes. A section-by-section discussion of these revisions is as follows.

Section 301

The amendments to section 301 of the Act strike *local agencies* and insert *area agencies;* add *implementation* to comprehensive and coordinated service systems; and add *voluntary organizations* to the list of service providers. These technical amendments to the Act are clear in nature and require no changes to the interim final regulations.

Section 302

One of the major amendments to section 302 of the Act modifies the requirement in the term "information and referral source" that the State or any public or private agency employ a specifically trained staff where such employment is feasible.

This modification to the definition in the Act is clear, therefore it was not repeated in §§ 1321.21 and 1321.57 on agency organization and staffing.

The amendments also require that reference to "legal services" in section 302 be changed to "legal assistance." This required conforming changes in the language in § 1321.73.

The amendments to section 302 define the term, "older individual", for purposes of Title III to mean "any individual who is 60 years of age or older." The statutory definition is clear, therefore no regulation is necessary.

A new definition in section 302, defines the term, "multipurpose senior center." Because of our rulemaking criterion of not repeating statutory language, this new statutory definition has removed the necessity for AoA to continue to define "multipurpose senior center" in the regulations, and accordingly, the definition of "multipurpose senior center" was removed from § 1321.3.

A new definition in section 302, defines the term, "focal point", as "a facility established to encourage the maximum collocation and coordination of services for older individuals." The statute is clear; therefore, this language need not be repeated in the interim final regulations.

Section 303

The amendments establish new authorization of appropriations for supportive services, congregate and home-delivered nutrition services. This funding information is not in the interim final regulations because it would only repeat the statute.

Section 304

The amendments require each State, after September 30, 1986, to set aside not more than one percent of its Title III allotment to conduct demonstration projects in health and nutrition education. The statute is clear; therefore, this language need not be repeated in the interim final regulations.

Section 305

The amendments expand the provisions in section 305, which require each State agency to provide assurances that preference be given to older individuals with the greatest economic or social needs by specifying that in doing so it give "particular attention to low-income minority individuals." The minority preference statement refers directly to those in "greatest economic or social need." Therefore, it does not require changes in the interim final regulations to clarify or provide emphasis. However, criteria for the intrastate funding formula in § 1321.37

have been modified to include "low-income minority individuals."

Section 305 is amended to specify which components of each State's formula for intrastate distribution of Title III funds will be published for review and comment. No change in §1321.37 of the interim final regulations was required. The Commissioner, by law, continues to establish guidelines that require the State to consult with area agencies and to reflect the needs of older individuals in greatest economic or social need in developing its intrastate funding formula. We have retained those current regulatory provisions which require the State agency to review and update its formula when submitting a new State plan, and assure that older persons and the general public review and comment on the formula.

The 1984 amendments to section 305 require that whenever a State agency designates a new area agency after the date of enactment of the 1984 amendments, the State agency shall give the right of first refusal for area agency designation to a unit of general purpose local government with boundaries that are reasonably contiguous with the planning and service area. This amendment required some modification of § 1321.45 in the interim final regulations. This was necessary to clarify a possible conflict with paragraph 305(c) of the Act which also gives priority to established offices on aging. To implement this 1984 amendment, we provided, in effect, that this right of first refusal takes precedence over the priority given to established area offices on aging.

Section 305 is amended to define "greatest economic need" as "income below the poverty threshold as established by the Bureau of the Census", and to define "greatest social need" as "non-economic factors which restrict ability to perform normal daily tasks or which threaten capacity to live independently". These definitions parallel the definitions in the current regulations. AoA developed these definitions to clarify these terms pursuant to the 1978 amendments to the Act. Now that the Congress has adopted the definitions in the statute, the regulatory version would merely repeat the statute. Therefore, we struck these definitions from §1321.3. Further, the statutory language is clear and does not need to be regulated.

Section 306

Section 306 is now amended to include a reference to the efforts of voluntary organizations under the area agency planning responsibilities. Since the statute is clear, no regulation change was required.

Section 306 now allows the provision of supportive services to the families of elderly victims of Alzheimer's disease and other neurological and organic brain disorders. This merely adds to the list of supportive services and did not require a change to the interim final regulations.

The amendments to section 306 also require that the area agency annually detail in its area plan the amount of funds expended for each category of priority service during the previous fiscal year. This requirement is included in § 1321.9(e)(6) to clarify that area agencies must comply with this annual requirement.

The amendments to section 306 require that area agencies give particular attention to low-income minority individuals in carrying out the requirement under the area plan to give preference to individuals with the greatest economic or social need. The interim final regulations do not address area plan requirements, as the statute is clear.

The amendments to section 306 require that each area advisory council include within its membership older minority individuals who are participants or who are eligible to participate in the Act's programs. We have amended § 1321.61 to include minority individuals in the composition of the area agency advisory council.

The amendments to section 306 add the following new area plan requirements: (1) Conduct efforts to facilitate the coordination of community-based, long-term care services; (2) identify the entities involved in the treatment of elder abuse and determine the extent to which the need for appropriate services for such individuals is unmet; and (3) facilitate the involvement of long-term care providers and work to ensure community awareness of and involvement in addressing the needs of residents of long-term care facilities. Although these are new area plan requirements, it is clear that the area agencies' responsibilities to coordinate, identify, conduct need assessments, and advocate are unchanged. These are local decisions which will be made based on the needs and resources of a particular planning and services area with guidance and leadership from the State agency. Therefore, a change in the interim final regulations was not required.

Finally, the amendments to section 306 require that an area agency, before requesting waiver of a priority service requirement, conduct a public hearing meeting certain procedural requirements. The statute is clear that the area agency must conduct a public hearing on its waiver request and furnish a record of the hearing to the State agency along with the request. Any specific procedures should be provided by the State agency which has the responsibility for approving the waiver request. Therefore, a change to the interim final regulations was not required.

Section 307

Section 307 has six new provisions which will be reflected in the content of State Plans. They affect program operation, personnel, and the Ombudsman and Legal Assistance programs. Specifically:

(1) An exception to the direct provision of service can now be made when the service is directly related to the State or area agency administrative functions or when services of comparable quality can be provided more economically by the State or area agency on aging;

(2) The State ombudsman must be a full-time worker; training staff is authorized; and the views of area agencies, older individuals, and service providers must be considered in planning and operating ombudsman programs;

(3) Nutrition project grantees or contractors may now solicit voluntary contributions rather than "charge" participants for meals;

(4) The Act's requirement that a grantee may not furnish legal services unless it is a recipient of funds from the Legal Service Corporation has been deleted, as has the requirement that the legal assistance program provide legal assistance to *all* individuals with social or economic need; in addition, the State must assign personnel to "provide State leadership in developing legal assistance programs for older individuals";

(5) State and area agency activities related to elder abuse—its prevention, confidentiality of records, and prevention of "involuntary or coerced participation in those services"—are specified; and

(6) States must provide inservice training opportunites for personnel of agencies and programs under the Act.

In all the above State plan provisions, we found that the statute was sufficiently clear, or that the provision was already contained in the NPRM. Thus, no changes relating to section 307 were required in the interim final regulation.

Section 308

Section 308, *Administration of State Plans*, contains two changes. It makes several technical amendments to the administration of State Plans and incrementally increases the percentage of funds which may be transferred between Title III supportive and nutrition services to 27% in 1985, 29% in 1986 and 30% in 1987. It also allows States to use, for State Plan administration, the greater of 5 percent or $300,000 in any fiscal year when the appropriated amount for Title III does not exceed $800 million and allows States to use the greater of 5 percent or $500,000 in any fiscal year that the Title III appropriation exceeds $800 million. The statute is clear on both transfers between Parts B and C and funding requirements for administration of State Plans, so no change in the final regulation was required. However, because the Act allows the Commissioner to determine the percentage transfer between congregate and home delivered meals, we have revised § 1321.35 of the interim final regulations to allow States to transfer up to 30 percent without having to obtain the Commissioner's permission. This will reduce the State's paperwork burden and will require States to continue to request authority for all transfers over 30 percent.

Section 311

Section 311 makes several technical amendments to the USDA program of commodities or cash in lieu of commodities. In Addition, States are now required to submit interim final reimbursement claims for meals within 90 days after the last day of the quarter for which the reimbursement is claimed. The statute is clear; therefore, no changes were required in the interim final regulations.

Section 313

Section 313 prohibits State and Area Agencies on Aging from requesting information or data from providers which is not pertinent to services furnished under the Act or a payment for service. The statute is clear, so no regulation was necessary.

Section 321

Section 321 adds four new types of Title III–B supportive services: (1) Elder abuse prevention; (2) inservice training and State leadership for legal assistance activities; (3) health and nutrition education; and (4) services to enable mentally impaired older persons to attain and maintain emotional well being and independent living. It also amends the present description of Title III–B services designed to assist older individuals in avoiding institutionalization by specifically referring to "client assessment through case management". The statute clearly describes the new services; no additional changes were needed in the interim final regulations.

Section 602

Section 601 of Pub. L. 98–459 amended section 602 of the Older Americans Act to reduce from 75 to 60 the number of individuals aged 60 and older which an Indian Tribe must represent to be eligible for Title VI assistance. To conform with the statutory amendment, we have revised the language of § 1328.19 to incorporate this change.

Summary of Interim Final Regulations on Which Comments Are Especially Invited

Of the 35 amendments, four required language changes, two required removal, and two required additions to the regulations.

Technical changes in regulatory language:

- Section 1321.73—changes term "legal services to legal assistance".
- Section 1321.61—adds language to include minority individuals in the composition of the area agency advisory council.
- Section 1321.37—modifies criteria for the intrastate funding formula to include "low-income minority individuals".
- Section 1328.19—revises language to reduce from 75 to 60 the number of individuals aged 60 or older needed for tribal eligibility for Title VI assistance.

Sections removed from the regulations:

- Section 1321.3—removes the definition for "multipurpose senior center".
- Section 1321.3—removes the definitions for greatest economic and social need.

Sections added to the regulations:

- Section 1321.45—requires modification to clarify a possible conflict with 305(c) of the Act which also gives priority to established offices on aging.
- Section 1321.9—requires modification to clarify how this impacts on the State's option to allow area agencies to develop two, three, or four year area plans.

Executive Order 12291

The Secretary has determined, in accordance with Executive Order 12291, that these rules do not constitute a major rule because it will not have an annual effect on the economy of $100 million or more; result in major increase in costs or prices for consumers, any industries, any governmental agency or any geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or import markets.

Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act of 1980, Pub. L. 96–354, requires that an agency prepare a regulatory flexibility analysis for a proposed or final rule if the rule would have significant economic impact on a substantial number of "small entities", i.e. small businesses, small non-profit organizations, or small governmental jurisdictions.

The responsibility for meeting the requirements of these regulations is on the State agencies and to a lesser extent on area agencies. Actual delivery of services may be provided in some circumstances by proprietary, public and not-for-profit agencies or organizations under grants or contracts from State or area agencies. Although area agencies and most service delivery agencies and organizations are "small entities" within the meaning of the Act, this rule will impose no significant burdens on State agencies, area agencies or other affected parties and will provide flexibility to State and area agencies in implementing the provisions of the Act. For these reasons, the Secretary hereby certifies that these regulations will not have a significant impact on a substantial number of small entities.

Recordkeeping and Reporting Requirements

Sections 305, 307, and 604 of the Act require area and State plans and tribal applications. These rules at §§ 1321.7–1321.13 and 1328.19 contain information collection requirements for plans and applications. As required by section 3504(h) of the *Paperwork Reduction Act of 1980*, we submitted a copy of these information collection requirements to the Office of Management and Budget (OMB) for its review.

OMB has not approved the information collection requirements contained in these rules. The information collection requirements contained in §§ 1321.7–1321.13 and 1328.19 will not go into effect until OMB approval has been obtained. Although OMB has not approved the sections of these regulations associated with the

development of State and area plans and tribal applications, those statutory activities required to maintain eligibility for funding remain in effect. When OMB assign numbers, we will publish a notice in the **Federal Register.**

List of Subjects

45 CFR Part 1321

Administrative practice and procedure, Aged, Grant program/social programs, Nutrition, Reporting requirements.

45 CFR Part 1328

Administrative practice and procedures, Aged, Grant programs Indians, Grant programs social programs, Indians, Reporting requirements, Supplemental security income (SSI).

(Catalog of Federal Domestic Assistance Program Numbers: 13.633 Special Programs for Aging, Title III Parts A and B—Grants on Aging: 13.635 Special Programs for Aging, Title III Part C—Nutrition Services); (13.655 Special Programs for Aging—Title VI—Grants for Indian Tribes)

Dated: February 13, 1985.

Carol Fraser Fisk,

Acting Commissioner on Aging.

Approved: March 19, 1985.

Margaret M. Heckler,

Secretary of Health and Human Services.

Accordingly, for the reasons set forth in the preamble we amend 45 CFR Chapter XIII, as follows:

1. Subchapter C, Part 1321 is revised as follows:

PART 1321—GRANTS TO STATE AND COMMUNITY PROGRAMS ON AGING

Subpart A—Introduction

Sec.

1321.1 Basis and purpose of part.
1321.3 Definitions.
1321.5 Applicability of other regulations.

Subpart B—The State plan

1321.7 Amendment of planning and service areas.
1321.8 Duration, format and effective date of the State plan.
1321.9 Content of State plan.
1321.11 Amendments to the State plan.
1321.13 Submission of a State plan to the Commissioner for approval.
1321.15 Notification of State plan approval.
1321.17 State agency administration.
1321.19 Confidentiality and disclosure of information.

Subpart C—State Agency Responsibility

1321.21 Organization and staffing of the State agency.
1321.23 Restriction of delegation of authority to other agencies.
1321.27 Public participation.
1321.33 Advocacy responsibilities: General.
1321.35 Transfer between congregate and home-delivered nutrition service allotments.
1321.37 Intrastate funding formulas.
1321.39 Withdrawal of area agency designation.
1321.41 Licensure and safety.
1321.43 Designation of planning and service areas.
1321.45 Designation of area agencies.
1321.47 Appeal to Commissioner.
1321.49 Interstate planning and service area.
1321.51 Single State planning and service area.
1321.53 State agency maintenance of effort.
1321.55 Area agency subgrants or contracts.

Subpart D—Area Agency Organization, Functions, and Responsibilities

1321.57 Organization and staffing of the area agency.
1321.61 Area agency advisory council.
1321.63 Submission of an area plan to the State for approval.
1321.65 Advocacy responsibilities of the area agency.

Subpart E—Service Requirements

1321.67 Greatest economic or social need preference.
1321.69 Service contributions.
1321.71 Home-delivered nutrition services.
1321.73 Legal assistance.

Subpart F—Hearing Procedures for State Agencies

1321.75 Scope.
1321.77 When a decision is effective.
1321.79 How the State may appeal.
1321.81 How the Commissioner may reallot the State's withheld payments.

Authority: Title III of the Older Americans Act (42 U.S.C. 3021 through 3030g).

Subpart A—Introduction

§ 1321.1 Basis and purpose of part.

(a) This part prescribes requirements State agencies must meet to receive grants to develop comprehensive and coordinated systems for the delivery of supportive and nutrition services under Title III of the Older Americans Act, as amended (Act). These requirements include—

(1) Designation and responsibilities of State agencies;

(2) State plans and amendments;

(3) Services delivery; and

(4) Hearing procedures for applicants for planning and services area designation.

(b) The requirements of this part are based on Title III of the Act. Title III provides for formula grants to State agencies on aging under approved State plans for the development of comprehensive and coordinated systems for the delivery to older persons of supportive services, including multipurpose senior centers, and nutrition services. Each State agency designates planning and service areas in the State, and makes a subgrant or contract under an approved area plan to one area agency in each planning and service area. Area agencies in turn make subgrants or contracts to service providers.

§ 1321.3 Definitions.

"Act" means the Older Americans Act of 1965 as amended.

"Administrative action," as used in section 307(a)(12)(A) of the Act with respect to the investigation and resolution of complaints under long-term care ombudsman programs, means any action or decision made by an owner, employee, or agent of a long-term care facility, or by a government agency, which affects the provision of service to residents covered under the long term care program.

"Altering" or "renovating," as used in section 307(a)(14) of the Act with respect to multipurpose senior centers, means making modifications to or in connection with an existing facility which are necessary for its effective use as a center. These may include renovation, repair, or expansion which is not is excess of double the square footage of the original facility and all physical improvements.

"Constructing," as used in section 307(a)(14) of the Act with respect to multipurpose senior centers, means building a new facility, including the costs of land acquisition and architectural and engineering fees.

"Department" means the Department of Health and Human Services.

"Fiscal year," as used in section 303 and 304 of the Act with respect to authorization of appropriations, uses of funds and allotment, and Federal share, means the Federal Fiscal Year.

"Human services," as used in § 1321.51(a)(1) of this Part, with respect to criteria for designation of a statewide planning and service area, means social, health, or welfare services.

"Means test," as used in the provision of services, means the use of an older person's income or resources to deny or limit that person's receipt of services under this part.

"Reservation," as used in section 305(b)(4) of the Older Americans Act with respect to the designation of planning and service areas, means any federally or State recognized Indian tribe's reservation, pueblo, or colony, including reservations in Oklahoma, Alaskan Native regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), and Indian allotments.

"Service provider," as used in section 306(a)(1) of the Older Americans Act

with respect to the provision of supportive and nutrition services, means an entity that is awarded a subgrant or contract from an area agency to provide services under the area plan.

§ 1321.5 Applicability of other regulations.

The following requirements in Title 45 of the Code of Federal Regulations apply to all activities under this Part:

(a) Part 16—Procedures of the Departmental Grant Appeals Board;

(b) Part 74—Administration of Grants, except Subpart N;

(c) Part 80—Nondiscrimination under Programs Receiving Federal Assistance through the Department of Health and Human Services: Effectuation of Title VI of the Civil Rights Act of 1964;

(d) Part 81—Practice and Procedures for Hearings Under Part 80;

(e) Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Benefits from Federal Financial Participation;

(f) Part 91—Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from HHS; and

(g) Part 100—Intergovernmental Review of the Department of Health and Human Services Programs and Activities.

Subpart B—The State Plan

§ 1321.7 Amendment of planning and service areas.

Prior to the Commissioner's final approval of a State plan, under these regulations, the following requirements must be completed:

(a) A notice of intent either to maintain or amend the designation of existing planning and service area geographic boundaries must be received by the Commissioner before the submission of the State plan.

(b) A State agency must submit to the general public (including older persons, governmental officials, and the aging services network) the details of the State's intention to maintain or amend the designation of existing planning and service area boundaries, at least 30 days following the notice of intent to the Commissioner.

§ 1321.8 Duration, format and effective date of the State plan.

A State may use its own judgment as to the format to use for the plan, how to collect information for the plan, and whether the plan will remain in effect for two, three, or four years.

(a) An approved State plan or amendment becomes effective on the date designated by the Commissioner.

(b) An agency may not make expenditures under a new plan or amendment until it is approved.

§ 1321.9 Content of State plan.

To receive a grant under this part, a State must have an approved State plan as prescribed in section 307 of the Act. In addition to meeting the requirements of section 307, a State plan must include:

(a) Identification by the State of the single State agency that has been designated to develop and administer the plan.

(b) Statewide program objectives to implement the service delivery requirements under Title III of the Act and any objectives established by the Commissioner through the rulemaking process.

(c) A resource allocation plan indicating the proposed use of all Title III funds directly administered by a State agency, and the distribution of Title III funds to each planning and service area.

(d) Identification of the geographic boundaries of each planning and service area.

(e) Each of the assurances and provisions required in sections 305 and 307 of the Act, and provisions that the State meets each of the requirements under §§ 1321.5 through 1321.73 of this part, and the following assurances as prescribed by the Commissioner:

(1) Preference is given to older persons in greatest social or economic need in the provision of services under the plan;

(2) Procedures to ensure that all services under this part are provided without use of any means tests;

(3) All services provided under Title III meet any existing State and local licensure, health and safety requirements for the provision of those services; and

(4) Older persons are provided opportunities to contribute voluntarily to the cost of services.

(5)(i) The State will not fund program development and coordination activities as a cost of supportive services, until it has first spent 8.5 percent of the total of its combined allotments for supportive and nutrition services on the administration of area plans; and

(ii) State and area agencies on aging will, consistent with their budgeting cycles (annually, biannually or otherwise), submit the details of their proposals to pay for program development and coordination as a cost of supportive services, to the general public (including older persons, government officials, and the aging services network) for review and comment.

(6) Area plans will specify as submitted, or be amended annually, to include details of the amount of funds expended for each priority service during the past fiscal year.

§ 1321.11 Amendments to the State plan.

A State must amend a plan whenever necessary to reflect: (1) New or revised Federal statutes or regulation or (2) a material change in any law, organization, policy or State agency operation. If a State intends to amend provisions of its plan required under § 1321.9 (a) or (e), it must submit its proposed amendment to the Commissioner for approval. If the State changes any of the provisions of its plan required under § 1321.9 (b) through (d), it must amend the plan and notify the Commissioner. A State need only submit the amended portions of the plan.

§ 1321.13 Submission of a State plan to the Commissioner for approval.

Each State plan must be signed by the Governor or his/her designee and submitted to the Commissioner to be considered for approval at least 45 calendar days before the proposed effective date of the plan.

§ 1321.15 Notification of State plan approval.

(a) The Commissioner approves a State plan by notifying the Governor or his/her designee in writing.

(b) When the Commissioner proposes to disapprove a State plan, the Commissioner notifies the Governor in writing, giving the reasons for the proposed disapproval, and informs the agency that it has 60 days to request a hearing on the proposed disapproval following the procedures specified in Subpart F.

§ 1321.17 State agency administration.

(a) A State agency must have and follow written policies to carry out its activities under this part at the State and area level. A State agency must keep its policies current, and revise them as necessary.

(b) A State must have on file for review a functional statement of the manner in which an agency performs all of its functions under this part.

§ 1321.19 Confidentiality and disclosure of information.

(a) A State agency must have procedures to protect the confidentiality of information about older persons collected in the delivery of services. The procedures must ensure that no information about an older person, or obtained from an older person by a service provider or the State or area

agencies, is disclosed by the provider or agency in a form that identifies the person without the informed consent of the person or of his or her legal representative, unless the disclosure is required by court order, or for program monitoring by authorized Federal, State, or local monitoring agencies.

(b) A State agency is not required to disclose those types of information or documents that are exempt from disclosure by a Federal agency under the Federal Freedom of Information Act, 5 U.S.C. 552.

Subpart C—State Agency Responsibility

§ 1321.21 Organization and staffing of the State agency.

The State shall designate a sole State agency with a qualified staff to perform the functions prescribed in this Part.

§ 1321.23 Restriction of delegation of authority to other agencies.

A State or area agency may not delegate to another agency the authority to award or administer funds under this part.

§ 1321.27 Public participation.

The State agency must have a mechanism to obtain and must consider the views of older persons in developing and administering the State plan.

§ 1321.33 Advocacy responsibilities: General.

(a) The State agency must—

(1) Review and, where appropriate, comment on all State plans, budgets, and policies which affect older persons;

(2) Solicit comments from the public on the needs of older persons;

(3) Coordinate statewide planning and development of activities related to the purposes of the Act and assure that each area agency has effective procedures to coordinate programs related to the purposes of the Act within the planning and service area;

(4) Provide technical assistance to agencies, organizations, associations, or individuals representing older persons;

(5) Establish and operate the long-term care ombudsman program; and

(6) Review and comment, upon request, on applications to State and Federal agencies for assistance relating to meeting the needs of older persons.

(b) No requirements in this section shall be deemed to supersede statutory or other regulatory restrictions regarding lobbying or political advocacy with Federal funds.

§ 1321.35 Transfer between congregate and home-delivered nutrition service allotments.

(a) A State agency may, without the approval of the Commissioner, transfer between allotments up to 30 percent of a State's separate allotments for congregate and home-delivered nutrition services.

(b) A State agency may apply to the Commissioner to transfer from one allotment to the other a portion exceeding 30 percent of a State's separate allotments for congregate and home-delivered nutrition services. A State agency must:

(1) Specify the percent which a State agency proposes to transfer from one allotment to the other;

(2) Specify whether the proposed transfer is for the entire period of a State plan or a portion of a plan period; and

(3) Specify the purpose of the proposed transfer.

§ 1321.37 Intrastate funding formula.

The State agency, after consultation with all area agencies in the State, must develop and use an intrastate funding formula for the allocation of funds to area agencies under this part. The State agency must publish the formula for review and comment by older persons and the general public. The formula must reflect the porportion among the planning and service areas of persons age 60 and over in greatest economic or social need with particular attention to low-income minority individuals. The State agency must review and update its formula as often as a new State plan is submitted for approval.

§ 1321.39 Withdrawal of area agency designation.

(a) In carrying out section 305 of the Act, a State must withdraw the area agency designation whenever it, after reasonable notice and opportunity for a hearing, finds that—

(1) An area agency does not meet the requirements of this part;

(2) An area plan or plan amendment is not approved; or

(3) There is substantial failure in the provisions or administration of an approved area plan to comply with any provision of the Act or of this part.

(b) If a State agency withdraws an area agency's designation under paragraph (a) of this section it must—

(1) Provide a plan for the continuity of services in the affected planning and service area; and

(2) Designate a new area agency in the planning and service area in a timely manner.

(c) If necesary to ensure continuity of services in a planning and service area, the State agency may, for a period up to 180 days after its final decision to withdraw designation of an area agency—

(1) Perform the responsibilities of the area agency; or

(2) Assign the responsibilities of the area agency to another agency in the planning and and service area.

(d) The Commissioner may extend the 180 day period if a State agency—

(1) Notifies the Commissioner in writing of its action under (c);

(2) Requests an extension; and

(3) Demonstrates to the satisfaction of the Commissioner a need for the extension.

§ 1321.41 Licensure and safety.

The State must ensure: (a) That, in making awards for multipurpose senior center activities, the area agency will ensure that the facility complies with all applicable State and local health, fire, safety, building, zoning and sanitation laws, ordinances or codes.

(b) The technical adequacy of any proposed alteration or renovation of a multipurpose senior center assisted under this part, by requiring that any alteration or renovation of a multipurpose senior center that affects the load bearing members of the facility is structurally sound and complies with all applicable local or State ordinances, laws, or building codes.

§ 1321.43 Designation of planning and service area.

(a) In designating planning and service areas, a State agency must meet all the requirements in § 1321.7.

(b) Any unit of general purpose local government, region within a State recognized for areawide planning, metropolitan area, or Indian reservation may make application to the State agency to be designated as a planning and service area, in accordance with State agency procedures.

(c) A State agency must approve or disapprove any application submitted under paragraph (b) of his section.

(d) Any applicant under paragraph (b) of this section whose application for designation as a planning and service area is denied by a State agency, may appeal the denial to the State agency, under procedures specified by the State agency.

(e) If the State denies an applicant for designation as a planning and service area under paragraph (b), the State must provide a hearing on the denial of the application, if requested by the

applicant, as well as issue a written decision.

§ 1321.45 Designation of area agencies.

An area agency may be any of the types of agencies under section 305(c) of the Act. A State may not designate any regional or local agency of the State as an area agency. However, when a new area agency on aging is designated, the State shall give right of first refusal to a unit of general purpose local government as required in section 305(b)(5)(B) of the Act. If the unit of general purpose local government chooses not to exercise this right, the State shall then give preference to an established office on aging as required in section 305(c)(5) of the Act.

§ 1321.47 Appeal to Commissioner.

This section sets forth the procedures the Commissioner follows for providing hearings to applicants for designation as a planning and service area, under § 1321.43(b), whose application is denied by the State agency.

(a) Any applicant for designation as a planning and service area under § 1321.43(b) whose application is denied, and who has been provided a hearing and a written decision by the State agency, may appeal the denial to the Commissioner in writing 30 days following receipt of a State's hearing decision.

(b) The Commissioner holds a hearing, and issues a written decision, within 60 days following receipt of an applicant's written request to appeal the State agency hearing decision to deny the applicant's request under § 1321.43(b).

(c) When the Commissioner receives an appeal, the Commissioner requests the State Agency to submit:

(1) A copy of the applicant's application for designation as a planning and service area;
(2) A copy of the written decision of the State; and
(3) Any other relevant information the Commissioner may require.

(d) The procedures for the appeal consist of—

(1) Prior written notice of the applicant and the State agency of the date, time and location of the hearing;
(2) The required attendance of the head of the State agency or designated representatives;
(3) An opportunity for the applicant to be represented by counsel or other representative; and
(4) An opportunity for the applicant to be heard in person and to present documentary evidence.

(e) The Commissioner may—

(1) Deny the appeal and uphold the decision of a State agency;
(2) Uphold the appeal and require a State agency to designate the applicant as a planning and service area; or
(3) Take other appropriate action, including negotiating between the parties or remanding the appeal to the State agency after initial findings.

(f) The Commissioner upholds the decision of the State agency if it followed the procedures specified in § 1321.43, and the hearing decision is not manifestly inconsistent with the purposes of this part.

(g) The Commissioner's decision to uphold the decision of a State agency does not extend beyond the period of the approved State plan.

§ 1321.49 Interstate planning and service area.

(a) Before requesting permission of the Commissioner to designate an interstate planning and service area, the Governor of each State must execute a written agreement that specifies the State agency proposed to have lead responsibility for administering the programs within the interstate planning and service area and lists the conditions, agreed upon by each State, governing the administration of the interstate planning and service area.

(b) The lead State must request permission of the Commissioner to designate an interstate planning and service area.

(c) The lead State must submit the request together with a copy of the agreement as part of its State plan or as an amendment of its State plan.

(d) Prior to the Commissioner's approval for States to designate an interstate planning and service area, all applicable requirements and procedures in §§ 1321.7, 1321.43 and 1321.45 of this part, must be met.

(e) If the request is approved, the Commissioner increases the allotment of the State with lead responsibility for administering the programs within the area and reduces the allotment(s) of the State(s) without lead responsibility by one of these methods:

(1) Reallotment of funds in proportion to the number of individuals age 60 and over for that portion of the interstate planning and service area located in the State without lead responsibility; or
(2) Reallotment of funds based on the intrastate funding formula of the State(s) without lead responsibility.

§ 1321.51 Single State planning and service area.

(a) The Commissioner approves the application of a State which was, on or before October 1, 1980, a single planning and service area, to continue as a single planning and service area if the State agency demonstrates that:

(1) The State is not already divided for purposes of planning and administering human services; or

(2) The State is so small or rural that the purposes of this part would be impeded if the State were divided into planning and service areas; and

(3) The State agency has the capacity to carry out the responsibilities of an area agency, as specified in the Act.

(b) Prior to the Commissioner's approval for a State to continue as a single planning and service area, all the requirements and procedures in §§ 1321.7 and 1321.43 must be met.

(c) If the Commissioner approves a State's application under paragraph (a) of this section:

(1) The Commissioner notifies the State agency to develop a single State planning and service Area Plan which meets the requirements of sections 306 and 307 of the Act.

(2) A State agency must meet all the State and area agency function requirements specified in the Act.

(d) If the Commissioner denies the application because a State fails to meet the criteria or requirements set forth in paragraphs (a) or (b) of this section, the Commissioner notifies the State that it must follow procedures in section 305(A)(1)(E) of the Act to divide the State into planning and service areas.

§ 1321.53 State agency maintenance of effort.

In order to avoid a penalty, each fiscal year the State agency must spend under the State plan for both services and administration at least the same amount of State funds it spent under the plan in the previous fiscal year to meet the required non-Federal share applicable to its allotments under this part. If the State agency spends less than this amount, the Commissioner reduces the State's allotments for social and nutrition services under this part by a percentage equal to the percentage by which the State reduced its expenditures.

§ 1321.55 Area agency subgrants or contracts.

The State agency may not require the area agency to submit to it for prior review or approval any proposed subgrants or contracts with public or private nonprofit agencies or organizations.

Subpart D—Area Agency Organization, Functions, and Responsibilities

§ 1321.57 Organization and staffing of the area agency.

The State shall designate a sole agency in each planning and service area with a qualified staff to perform the functions prescribed in this Part.

§ 1321.61 Area agency advisory council.

(a) *Functions of council.* The area agency must establish an advisory council. The council must advise the agency to—

(1) Develop and administer the area plan;

(2) Conduct public hearings;

(3) Represent the interest of older persons; and

(4) Review and comment on all community policies, programs and actions which affect older persons.

(b) *Composition of the council.* The advisory council must be made up of—

(1) More than 50 percent older persons and include—

(i) Older persons with greatest economic or social need;

(ii) Older minority individuals; and

(iii) Participants under this part;

(2) Representatives of older persons;

(3) Local elected officials; and

(4) The general public.

(c) *Review by advisory council.* The area agency must submit the area plan and amendments for review and comment to the advisory council.

§1321.63 Submission of an area plan to the State for approval.

The area agency must submit the area plan or amendments to the State agency for approval following procedures specified by the State agency.

§ 1321.65 Advocacy responsibilities of the area agency.

(a) The area agency must—

(1) Monitor, evaluate, and, where appropriate, comment on all policies, programs, hearings, levies, and community actions which affect older persons;

(2) Solicit comments from the public on the needs of older persons;

(3) Represent the interests of older persons to local level and executive branch officials, public and private agencies or organizations;

(4) Carry out activities in support of the State administered long-term care ombudsman program; and

(5) Coordinate planning with other agencies and organizations to promote new or expanded benefits and opportunities for older persons.

(b) No requirements in this section shall be deemed to supersede statutory or other regulatory restrictions regarding lobbying or political advocacy with Federal funds.

Subpart E—Service Requirements

§ 1321.67 Greatest economic or social need preference.

Each area agency on aging must establish priorities and methods for serving older persons with greatest economic or social need. Such methods may include location of services and specialization in the types of services most needed by these groups to meet this requirement. However, means tests may not be used.

§ 1321.69 Service contributions.

This section applies to the requirements and procedures for collecting contributions.

(a) Each service provider must:

(1) Provide each older person with an opportunity to contribute voluntarily to the cost of the service;

(2) Protect the privacy of each older person with respect to his or her contributions;

(3) Establish appropriate procedures to safeguard and account for all contributions;

(4) Use all supportive services contributions only to expand the services provided under this part; and

(5) Use all nutrition services contributions only to expand services as provided under section 307(a)(13)(C)(ii) of the Act.

(b) Each service provider may develop a suggested contribution schedule for services provided under this part. In developing a contribution schedule, the provider must consider the income ranges of older persons in the community and the provider's other source of income. However, means tests may not be used.

(c) A service provider that receives funds under this part may not deny any older person a service because the older person will not or cannot contribute the cost of the service.

§ 1321.71 Home-delivered nutrition services.

The area agency may award home-delivered nutrition services funds under this part to provide meals and other nutrition services as follows:

(a) Eligibility—

(1) A person age 60 or over who is homebound by reason of illness, imcapacitating disability, or is otherwise isolated, is eligible to receive a home delivered meal;

(2) The spouse of the older person, regardless of age or condition, may receive a home-delivered meal if, according to criteria determined by the area agency, receipt of the meal is in the best interest of the homebound older person.

(b) Selection of home-delivered meals providers—

(1) The area agency may make awards for home-delivered nutrition services to a provider that furnishes either or both congregate or home delivered nutrition services.

(2) The area agency, to the extent feasible, must give preference in making awards for home-delivered nutrition services to providers that meet the requirements of section 307(a)(13)(H) of the Act.

(c) Each provider must:

(1) With the consent of the older person, or his or her representative, bring to the attention of appropriate officials for follow-up, conditions or circumstances which place the older person or the household in imminent danger;

(2) Where feasible and appropriate, make arrangements for the availability of meals to older persons in weather related emergencies;

(3) Assist participants in taking advantage of benefits under other programs.

§ 1321.73 Legal assistance.

(a) The provisions and restrictions in the section apply only to legal assistance providers and only they are providing legal assistance under section 307(a)(15) of the Act.

(b) The area agency must award funds to the legal assistance provider(s) that most fully meet the standards in this subsection. The legal assistance provider(s) must—

(1) Have staff with expertise in specific areas of law affecting older persons in economic or social need, for example, public benefits, institutionalization and alternatives to institutionalization;

(2) Demonstrate the capacity to provide effective administrative and judicial representation in the areas of law affecting older persons with economic or social need;

(3) Demonstrate the capacity to provide support to other advocacy efforts, for example, the long-term care ombudsman program;

(4) Demonstrate the capacity to deliver legal services to institutionalized, isolated, and homebound older individuals effectively; and

(5) Demonstrate the capacity to provide legal assistance in the principal language spoken by clients in areas where a significant number of clients do not speak English as their principal language.

(c) A legal assistance provider may not require an older person to disclose information about income or resources as a condition for providing legal assistance under this part.

(d) A legal assistance provider may ask about the person's financial circumstances as a part of the process of providing legal advice, counseling and representation, or for the purpose of identifying additional resources and benefits for which an older person may be eligible.

(e) Nothing in this section is intended to prohibit an attorney or staff attorney from providing any form of legal assistance to an eligible client, or to interfere with the fulfillment of any attorney's professional responsibilities to a client.

(f) Each legal assistance provider and its attorney and employees must comply with the following regulations when engaged in the outside practice of law:

(1) No attorney shall engage in any outside practice of law if the director of the provider has determined that such practice is inconsistent with the attorney's full time responsibilities.

(2) If the requirement of paragraph (f)(1) is met, a provider may permit an attorney to engage in compensated outside practice of law when the attorney is newly employed and has a professional responsibility to close cases from a previous law practice, and does so as expeditiously as possible; or

(3) If the requirement of paragraph (f)(1) is met, a provider may permit an attorney to engage in compensated outside practice of law when the attorney is acting pursuant to an appointment made under a court rule or practice of equal applicability to all attorneys in the jurisdiction, and remits to the provider all compensation received.

(4) If the requirement of paragraph (f)(1) is met, a provider may permit an attorney to engage in uncompensated outside practice of law when the attorney is acting pursuant to an appointment made under a court rule or practice of equal applicability to all attorneys in the jurisdictional or on behalf of a close friend, family member, religious community, or charitable group.

(g) A provider, employee of the provider, or staff attorney shall not engage in the following prohibited political activities:

(1) A provider shall not contribute or make available Older Americans Act funds, or any personnel or equipment to any political party or association to the campaign of any candidate for public or party office; or for use in advocating or opposing any ballot measure, initiative, or referendum;

(2) No employee shall intentionally identify the Title III program or provider with any partisan or nonpartisan political activity, or with the campaign of any candidate for public or party office;

(3) No employee shall use any Older Americans Act funds for activities prohibited to attorneys under § 1321.73(g)(1); nor shall an employee intentionally identify or encourage others to identify the provider with such activities;

(4) While engaged in legal assistance activities supported under the Act ["Legal assistance activities," means any activity carried out during an employee's working hours which uses resources provided under the Older Americans Act, and, in fact, provides legal assistance to an eligible client], no employee and no staff attorney shall, at any time—

(i) Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office, whether partisan or nonpartisan;

(ii) Directly or indirectly coerce, attempt to coerce, command or advise an employee under the Act to pay, lend, or contribute anything of value to a political party, or committee, organization, agency or person for political purposes; or

(iii) Be a candidate for partisan elective public office;

(5) While engaged in legal assistance activities supported under the Act, no attorney shall engage in—

(i) Any political activity;

(ii) Any activity to provide voters with transportation to the polls, or to provide similar assistance in connection with an election; or

(iii) Any voter registration activity; and

(6) Nothing in this section is intended to prohibit an attorney or staff attorney from providing any form of legal assistance to an eligible client, or to interfere with the fulfillment of any attorney's professional responsibilities to a client.

(h) No provider shall use funds received under the Act to provide legal assistance in a free-generating case unless other adequate representation is unavailable. All providers shall establish procedures for the referral of fee-generating cases.

(1) "Fee-generating case" means any case or matter which, if undertaken on behalf of an eligible client by an attorney in private practice, reasonably may be expected to result in a fee for legal services from an award to a client, from public funds, or from the opposing party.

(2) Other adequate representation is deemed to be unavailable when the provider has determined that fee referral is not possible because any of the following—

(i) The case has been rejected by the local lawyer referral service, or by two private attorneys;

(ii) Neither the referral service nor any lawyer will consider the case without payment of a consultation fee; or

(iii) Emergency circumstances compel immediate action before referral can be made, but the client is advised that, if appropriate, and consistent with professional responsibility, referral will be attempted at a later time; or

(3) Other adequate representation is deemed to be unavailable when—

(i) Recovery of damages is not the principal object of the case and a request for damages is merely ancillary to an action for equitable or other non-pecuniary relief; or inclusion of a counterclaim requesting damages is necessary for effective defense or because of applicable rules governing joinder of counterclaims; or

(ii) A court appoints a provider or an employee of a provider pursuant to a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction; or

(iii) An eligible client is seeking benefits under Title II of the Social Security Act, 42 U.S.C. 401, et seq., Federal Old Age, Survivors, and Disability Insurance Benefits; or Title XVI of the Social Security Act, 42 U.S.C. 1381, et seq., Supplemental Security Income for Aged, Blind, and Disabled.

(4) A provider may seek and accept a fee awarded or approved by a court or administrative body, or included in a settlement, if—

(i) The requirements of paragraph 1321.73(g) (2) and (3) are met; and

(ii) Funds received are not used for purposes prohibited by the Act.

(5) When a case or matter subject to this section results in a recovery of damages, other than statutory benefits, a provider may accept reimbursement from the client for out-of-pocket costs and expenses incurred in connection with case or matter, if

(i) The requirements of paragraph 1321.73(g) (2) and (3) are met; and

(ii) The client has agreed in writing to reimburse the provider for such costs and expenses.

(i)(1) While carrying out legal assistance activities funded under the Act, no employee shall—

(i) Knowingly participate in any public demonstration, picketing, boycott, or

strike, except as permitted by law in connection with the employee's own employment situation; or

(ii) Intentionally exhort, direct, or coerce others to engage in such activities, or otherwise usurp or invade the rightful authority of a client to determine what course of action to follow.

(2) While employed under the Act, no employee shall, at any time—

(i) Knowingly participate in any rioting or civil disturbance; activity in violation of an outstanding injunction of any court of competent jurisdiction; or any other illegal activity that is inconsistent with an employee's responsibilities under the Act, or the Code of Professional Responsibility; or

(ii) Intentionally exhort, direct, or coerce others to engage in such activities, or othewise usurp or invade the rightful authority of a client to determine what course of action to follow.

(3) Nothing in this part shall prohibit an attorney from—

(i) Informing and advising a client about legal alternative to litigation or the lawful conduct thereof;

(ii) Fulfilling the professional responsibilities of an attorney to a client.

(j) No funds made available to a provider under the Act shall be used, at any time, directly or indirectly, to support activities intended to influence the issuance, amendment, or revocation of any executive or administrative order or regulation of a Federal, State or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body or State proposals by initiative petition, except that—

(1) An employee may respond to a request from a governmental agency or a legislative body, committee, or member made to the employee or to a recipient to testify, draft or review measures or to make representation to such agency, body, committee or member on a specific matter; or

(2) An employee may engage in such activities at the request of an eligible client of a provider, to the extent such activities are necessary to the provision of a legal advice and representation to a client who has sought such legal advice and representation with respect to particular legal rights and responsibilities which would be affected by particular legislation or administrative measures, but no employee shall solicit a client in violation of professional responsibilities for the purpose of making such representation possible.

(k) Providers shall adopt procedures and forms to document that the legislative and administrative activities in which the engage fall within the activities permitted in § 1321.73(j). Such documentation shall include—

(1) With respect to activities permitted under § 1321.73(j)(1), a written request signed by an official of the governmental agency or a member of the legislative body or committee making the request which states the type of representation or assistance requested and identifies the executive or administrative order or regulation, or legislation to be addressed.

(2) With respect to activities permitted under § 1321.73(j)(2), a retainer agreement, signed by the client or clients represented, or by an official of the client group in the case of a group client, which agreement shall specify the legislative or administrative measure on which representation is sought, (appearance at a hearing, legislative drafting, etc.), and which shall include a statement of the client's direct interest in the particular legislative or administrative measure to be addressed;

(3) Providers shall obtain the documentation required by this section prior to undertaking any of the activities permitted by paragraphs 1321.73(j)(1), or, 1321.73(j)(2) except that providers may respond to an oral request made pursuant to §§ 1321.73(j)(1) or 1321.73(j)(2) in the absence of a written request provided that the fact, nature, and circumstances of the request are subsequently documented in writing and signed by the requesting authority.

(l) No funds made available under the Older Americans Act shall be used to:

(1) Maintain separate offices for the sole purpose of engaging in legislative activity;

(2) Pay dues to any organization (other than a bar association), a substantial purpose or function of which is to take positions on matters pending before legislative or administrative bodies;

(3) Pay for transportation to legislative or administrative proceedings of persons other than employee engaged in activities permitted under this section or witnesses entering appearances in such proceedings on behalf of clients of the providers, except that such funds may be used to transport the client where necessary and appropriate. This subsection does not authorize payment of transportation expenses for employees not actually engaged in permitted representation activities;

(4) Pay, in whole or in part for the conduct of or transporation to, an event in if a primary purpose of the expenditure is to facilitate lobbying or any other activity which would be prohibited if conducted with funds made available under the Older Americans Act;

(5) Pay for administrative or related costs associated with any activity prohibited by this part; or

(6) Assist others, through legislative liaison activities, to influence legislation in a manner that would be prohibited is undertaken with funds made available under the Older Americans Act. Legislative liaison activities include but are not limited to attending legislative sessions or committee hearings, gathering information regarding pending legislation, and analyzing the effect of pending legislation.

(m) Notwithstanding the provisions of § 1321.73(j)(1) providers shall not use funds made available under the Act for publicity or propaganda purposes designed to support or defeat proposed legislation or legislation pending before Congress or any State legislature. For purposes of this regulation, "publicity or propaganda" means any oral communication or any advertisement, telegram, letter, article, newsletter, or other printed or written matter or device which contains a direct suggestion, or, when taken as a whole, an indirect suggestion to the public at large or to selected individuals to contact elected representatives in support of or in opposition to pending or proposed legislation.

(n) No funds made available to a provider under the Act shall be used to support the preparation, production, and dissemination of any article, newsletter, or other publication or written matter for general distribution which contains any reference to proposed or pending legislation unless—

(1) The publication does not contain any publicity or propaganda prohibited by § 1321.73(m);

(2) The provider has adopted a policy requiring the provider's executive director, or his or her designee, to review each publication produced by the provider prior to its dissemination for conformity to these regulations;

(3) The provider provides a copy of any such material produced by the provider to the area agency within 30 days after publication; and

(4) Such funds are used only for costs incident to the preparation, production, and dissemination of such publications to providers, providers' staff and board members, private attorneys representing eligible clients, and the area agency, as opposed to the public at large.

(o)(1) Notwithstanding the provisions of § 1321.73(j), no funds made available to a provider under the Act shall be

used directly or indirectly, to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except where legal assistance is provided by an employee of a provider to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights and responsibilities, or to influence any Member of Congress or any other Federal, State, or local elected officials to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications made in response to any Federal, State, or local official upon a specific matter.

(2) The exception for communications to officials does not authorize communication with anyone other than the requesting party. No employee of the provider shall, directly or indirectly, solicit a request from any official to testify or otherwise advocate the support or defeat of legislative measures.

(p) Nothing in this section is intended to prohibit an employee from—

(1) Communicating with a governmental agency for the purpose of obtaining information, clarification, or interpretation of the agency's rules, regulations, practices, or policies;

(2) Informing a client about a new or proposed statute, executive order, or administrative regulation consistent with the requirements of paragraphs (m) and (n) of this section;

(3) Responding to an individual client's request for advice only with respect to the client's own communications to officials unless otherwise prohibited by the Older Americans Act, Title III regulations or other applicable law. This provision does not authorize publication or training of clients on lobbying techniques or the compostion of a communication for the client's use; or

(4) Making direct contact with the area agency for any purpose.

Subpart F—Hearing Procedures for State Agencies

§ 1321.75 Scope.

(a) Hearing procedures for State plan disapproval, as provided for in section 307(c) and section 307(d) of the Act are subject to the provisions of 45 CFR Part 213 with the following exceptions:

(1) Section 213.1(a); § 213.32(d); and § 231.33 do not apply.

(2) Reference to SRS Hearing Clerk shall be read to mean HDS Hearing Clerk.

(3) References to Administrator shall be read to mean Commissioner on Aging.

(b) Instead of the scope described in § 213.1(a), hearing procedures described in this subpart apply to nature and opportunity for a hearing on:

(1) Disapproval of a State plan or amendment;

(2) Determination that a State agency does not meet the requirements of this part;

(3) Determination that there is a failure in the provisions or the administration of an approved plan to comply substantially with Federal requirements.

§ 1321.77 When a decision is effective.

(a) The Commissioner's decision specifies the effective date for AoA's reduction and withholding of the State's grant. This effective date may not be earlier than the date of the Commissioner's decision or later than the first day of the next calendar quarter.

(b) The decision remains in effect unless reversed or stayed on judicial appeal, or until the agency or the plan is changed to meet all Federal requirements, except that the Commissioner may modify or set aside his or her decision before the record of the proceedings under this subpart is filed in court.

§ 1321.79 How the State may appeal.

A State may appeal to the U.S. Court of Appeals which has jurisdiction in the State the final decision of the Commissioner disapproving the State plan or plan amendment, finding noncompliance, or finding that a State agency does not meet the requirements of this part. The State must file the appeal within 30 days of the Commissioner's final decision.

§ 1321.81 How the Commissioner may reallot the State's withheld payments.

The Commissioner disburses funds withheld from the State directly to any public or nonprofit private organization or agency, or political subdivision of the State, that has the authority and capacity to carry out the functions of the State agency and submits a State plan which meets the requirements of this part and which contains an agreement to meet the non-federal share requirements.

2. Subchapter C, Part 1328 is revised to read as follows:

PART 1328—GRANTS TO INDIAN TRIBES FOR SUPPORTIVE AND NUTRITIONAL SERVICES

Sec.

1328.1 Basis and purpose of part.
1328.3 Definitions.
1328.5 Applicability of other regulations.
1328.7 Confidentiality and disclosure of information.
1328.9 Contributions.
1328.11 Prohibition against supplantation.
1328.13 Optional services.
1328.15 Nutrition services.
1328.17 Information and referral.
1328.19 Application requirements.
1328.21 Application approval.
1328.23 Hearing procedures.

Authority: Title VI of the Older Americans Act (42 U.S.C. 3057).

§ 1328.1 Basis and purpose of part.

This part implements Title VI of the Older Americans Act, as amended, by establishing the requirements that an Indian tribal organization must meet in order to receive a grant to provide supportive and nutrition services to older Indians and to acquire, alter, or renovate a facility for use as an Indian multipurpose senior center. This part also prescribes application and hearing requirements and procedures for these grants.

§ 1328.3 Definitions.

"Acquiring," as used in section 307 (a)(14) of the Act, means obtaining ownership of an existing facility in fee simple or by lease for 10 years or more for use as a multipurpose senior center.

"Act" means the Older Americans Act of 1965, as amended.

"Altering" or "renovating," as used in section 307(a)(14) of the Act with respect to multipurpose senior centers, means making modifications to or in connection with an existing facility which are necessary for its effective use as a center. These may include renovation, repair, or expansion which is not in excess of double the square footage of the original facility and all physical improvements.

"Budget period," as used in § 1328.19 of this part, means the intervals of time into which a period of assistance (project period) is divided for budgetary and funding purposes.

"Department," means the Department of Health and Human Services.

"Indian reservation," means the reservation of any Federally recognized Indian tribe, including any band, nation pueblo, or rancheria, any former reservation in Oklahoma, any community on non-trust land under the

jurisdiction of an Indian tribe, including a band, nation, pueblo, or rancheria, with allotted lands, or lands subject to a restriction against alienation imposed by the United States, and Alaskan Native regions established, pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688).

"Indian tribe," means any Indian tribe, band, nation, or organized group or community, including any Alaska Native Village, regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement act (85 Stat. 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of the status as Indians (25 U.S.C. 450b).

"Means test," as used in the provision of services, means the use of an older Indian's income or resources to deny or limit that person receipt of services under this part.

"Older Indians," means those individuals who have attained the minimum age determined by the tribe for services.

"Project period," as used in § 1328.19 of this part, means the total time for which a project is approved for support, including any extensions.

"Service area," as used in § 1328.9(b) and elsewhere in this part, means that geographic area approved by the Commissioner in which the tribal organization provides supportive and nutritional services to older Indians residing there. A service area may include all or part of the reservation and any portion of a county or counties which have a common boundary with the reservation. A service area may also include a non-contiguous area is the designation of such an area will further the purpose of the Act and will provide for more effective administration of the program by the tribal organization.

"Service provider," means any entity that is awarded a subgrant or contract from a tribal organization to provide services under this part.

"Tribal organization," as used in § 1328.7 and elsewhere in this part, means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities. Provided that in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each Indian tribe shall be a prerequisite to the letting or making of the contract or grant (25 U.S.C. 450b).

§1328.5 Applicability of other regulations.

The following regulations in Title 45 of the Code of Federal Regulations apply to all activities under this part:

(a) Part 16—Procedures of the Departmental Grant Appeals Board;

(b) Part 74—Administration of Grants, except subpart N;

(c) Part 75—Informal Grant Appeals Procedures;

(d) Part 80—Nondiscrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services: Effectuation of Title VI of the Civil Rights Act of 1964;

(e) Part 81—Practice and procedures for hearings under Part 80;

(f) Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Benefits from Federal Financial Participation; and

(g) Part 91—Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from HHS.

§ 1328.7 Confidentiality and disclosure of information.

A tribal organization must have confidentiality and disclosure procedures as follows:

(a) A tribal organization must have procedures to ensure that no information about an older Indian or obtained from an older Indian by any provider of services is disclosed by the provider of such services in a form that identifies the person without the informed consent of the person or of his or her legal representative, unless the disclosure is required by court order, or for program monitoring by authorized Federal or tribal monitoring agencies.

(b) A tribal organization is not required to disclose those types of information or documents that are exempt from disclosure by a Federal agency under the Federal Freedom of Information Act, 5 U.S.C. 552.

§ 1328.9 Contributions.

(a) Each tribal organization must—

(1) Provide each older Indian with a free and voluntary opportunity to contribute to the cost of the service;

(2) Protect the privacy of each older Indian with respect to his or her contribution;

(3) Establish appropriate procedures to safeguard and account for all contributions;

(4) Use all supportive services contributions to expand the services provided under this part; and

(5) Use all nutrition services contributions only to expand services as provided under section 307(a)(13)(c)(ii) of the Act.

(b) Each tribal organization may develop a suggested contribution schedule for services provided under this part. In developing a contribution schedule, the tribal organization must consider the income ranges of older Indians in the service area and the tribal organization's other sources of income. However, means tests may not be used.

(c) A tribal organization that receives funds under this part may not deny any older Indian a service because the older Indian will not or cannot contribute to the cost of the service.

§ 1328.11 Prohibition against supplantation.

A tribal organization must ensure that the activities provided under a grant under this part will be in addition to, and not in substitution for, comparable activities provided without Federal assistance.

§ 1328.13 Optional services.

(a) A tribal organization may provide all the services mentioned under Part B, of the Older Americans Act, and any other supportive services that are necessary for the general welfare of older Indians.

(b) If an applicant elects to provide multipurpose senior center activities or uses any of the funds under this part for acquiring, altering or renovating a multipurpose senior center facility, it must comply with the following requirements:

(1) The tribal organization must comply with all applicable local health, fire, safety, building, zoning and sanitation laws, ordinances or codes.

(2) The tribal organization must assure the technical adequacy of any proposed alteration or renovation of a multipurpose senior center assisted under this part. The tribal organization assures technical adequacy by requiring that any alteration or renovation of a multipurpose senior center that affects the load bearing members of the facility is structurally sound and complies with all applicable local or State ordinances, laws, or building codes.

(c) If an applicant elects to provide legal services, it must substantially comply with the requirements in § 1321.73 and legal services providers must comply fully with the requirements in § 1321.73(c) through 1321.73(p).

§ 1328.15 Nutrition services.

(a) In addition to providing nutrition services to older Indians, a tribal organization may—

(1) Provide nutrition services to the spouses of older Indians;

(2) Provide nutrition services to nonelderly handicapped or disabled Indians who reside in housing facilities occupied primarily by the elderly, at which congregate nutrition services are provided; and

(3) Offer a meal, on the same basis as meals are provided to older Indians, to individuals providing volunteer services during meal hours.

(b) Each tribal organization is entitled to receive cash payments in lieu of donated foods for all or any portion of its entitlement available under section 311(a)(4) of the Act.

To receive cash or commodities, the tribal organization must have an agreement to be a distributing agency with the U.S. Department of Agriculture's Food and Nutrition Service (FNS).

(c) Where applicable, the tribal organization must work with agencies responsible for administering other programs to facilitate participation of older Indians.

§ 1328.17 Information and referral.

A tribal organization must—

(a) Establish or have a list of all services that are available to older Indians in the service area.

(b) Maintain a list of services needed or requested by the older Indians; and

(c) Provide assistance to older Indians to help them take advantage of available services.

§ 1328.19 Application requirements.

A tribal organization must have an approved application. The application must be submitted as prescribed in section 604 of the Act and in accordance with the Commissioner's instructions for the specified project and budget periods. The application must provide for—

(a) Program objectives, as set forth in section 604(a)(5) of the Act, and any objectives established by the Commissioner.

(b) A description of the geographic boundaries of the service area proposed by the tribal organization;

(c) Documentation of the ability of the tribal organization to deliver supportive and nutrition services to older Indians, or documentation that the tribal organization has effectively administered supportive and nutrition services within the last 3 years;

(d) Assurances as prescribed by the Commissioner, including assurances that—

(1) A tribal organization has methods and procedures to ensure that older Indians represented under the grant do not receive services under Part 1321 for the period of the grant;

(2) A tribal organization represents at least 60 individuals who have attained 60 years of age or older;

(3) A tribal organization will comply with all applicable State and local licensure and safety requirements for the provision of those services;

(4) If a substantial number of the older Indians residing in the service area are of limited English-speaking ability, the tribal organization will utilize the services of workers who are fluent in the language spoken by a predominant number of older Indians;

(5) Procedures to ensure that all services under this part are provided without use of any means tests; and

(6) A tribal organization will comply with all requirements set forth in §§ 1328.7 through 1328.17.

(e) A tribal resolution(s) authorizing the tribal organization to apply for a grant under this part; and

(f) Signature by the principal official of the tribe.

§ 1328.21 Application approval.

(a) Approval of any application under section 604(e) of the Act, shall not commit the Commissioner in any way to make additional, supplemental, continuation, or other awards with respect to any approved or portion thereof.

(b) The Commissioner may give first priority in awarding grants to grantees which have effectively administered such grants in the prior year.

§ 1328.23 Hearing procedures.

In meeting the requirements of section 604(d)(3) of the Act, if the Commissioner disapproves an application from an eligible tribal organization, the tribal organization may file a written request for a hearing with the Commissioner.

(a) The request must be postmarked or delivered in person within 30 days of the date of the disapproval notice. If it requests a hearing, the tribal organization must submit to the Commissioner, as part of the request, a full written response to each objection specified in the notice of disapproval, including the pertinent facts and reasons in support of its response, and any and all documentation to support its position. Service of the request must also be made on the individual(s) designated by the Commissioner to represent him or her.

(b) The Administration on Aging will have the opportunity to respond within 30 days to the merits of the tribal organization's request.

(c) The Commissioner notifies the tribal organization in writing of the date, time and place for the hearing.

(d) The hearing procedures include the right of the tribal organization to—

(1) A hearing before the Commissioner or an official designated by the Commissioner;

(2) Be heard in person or to be represented by counsel, at no expense to the Administration on Aging;

(3) Present written evidence prior to and at the hearing, and present oral evidence at the hearing if the Commissioner or designated official decides that oral evidence is necessary for the proper resolution of the issues involved, and

(4) Have the staff directly responsible for reviewing the application either present at the hearing, or have a deposition from the staff, whichever the Commissioner or designate official decides.

(e) The Commissioner or designated official conducts a fair and impartial hearing, takes all necessary action to avoid delay and to maintain order and has all powers necessary to these ends.

(f) Formal rules of evidence do not apply to the hearings.

(g) The official hearing transcript together with all papers, documents, exhibits, and requests filed in the proceedings, including rulings, constitutes the record for decision.

(h) After consideration of the record, the Commissioner or designated official issues a written decision, based on the record, which sets forth the reasons for the decision and the evidence on which it was based. The decision is issued within 60 days of the date of the hearing, constitutes the final administrative action on the matter and is promptly mailed to the tribal organization.

(i) Either the tribal organization or the staff of the Administration on Aging may request for good cause an extension of any of the time limits specified in this section.

[FR Doc. 85-7405 Filed 3-29-85; 8:45 am]
BILLING CODE 4130-01-M

federal register

Monday
April 1, 1985

Part V

Department of Energy

Bonneville Power Administration

Impact Aid Policy; Final Revised Policy; Notice

DEPARTMENT OF ENERGY

Bonneville Power Administration

Impact Aid Policy; Final Revised Policy

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Adoption of Final Revised Impact Aid Policy and Submission for Approval to the Federal Energy Regulatory Commission (FERC).

SUMMARY: Section 7(m) of the Pacific Northwest Electric Power Planning and Conservation Act (Pacific Northwest Power Act) provides that BPA may establish a regionwide uniform formula for payment of impact aid to local governments which have been substantially impacted by the presence of a BPA major transmission facility located within the government's boundaries. This final policy responds to public comment on earlier proposed versions. The first proposal was published in the **Federal Register** on May 20, 1982 (47 FR 21912); the second (revised) proposal was published on December 15, 1983 (48 FR 55763).

The final policy contains the formula and administrative requirements for making impact aid payments. The payment formula itself takes into account the nature and costs of local government services provided to the BPA Administrator in connection with major transmission facilities.

DATES: This policy will become effective immediately upon FERC approval.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa M. Cunningham, Public Involvement Staff, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212, or at (503) 230–3478. Oregon callers outside of Portland may use the toll-free number 800–452–8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800–547–6048. Information may also be obtained from:

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97232, (503) 230–4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, (503) 687–6952.

Mr. Wayne R. Lee, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, (509) 456–2518.

Mr. George Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, (406) 329–3060.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, (509) 662–4377, extension 379.

Mr. Richard Casad, Puget Sound Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, (206) 422–4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, (509) 525–6226.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, (208) 523–2706.

Mr. Frederic D. Rettenmund, Boise District Manager, Owyhee Plaza, Suite 245, 1109 Main Street, Boise, Idaho 83707, (208) 334–9137.

SUPPLEMENTARY INFORMATION:

I. Background

A. Public Review and Comment

The Pacific Northwest Power Act allows BPA to develop a regionwide formula for making annual impact aid payments to appropriate local governments in accordance with the procedures for public notification and hearings as described in sec. 7(m) of the Pacific Northwest Power Act.

BPA held hearings on its proposed formula in May and June of 1982. In addition to the opportunity to submit oral and written material, BPA encouraged the submission of written views, data, and arguments for inclusion in the record. The Administrator developed a revised proposed formula after considering the public comments received. That revised formula was published, and comment solicited during the following 3-month period (December 1983–March 1984). After a second revision, the final policy has been signed by the Administrator to establish a uniform regionwide formula for impact aid. Pursuant to sec. 7(m)(2), of the Pacific Northwest Power Act, the policy must still be approved by FERC before it may be implemented.

B. Summary of Impact Aid Formula

The final policy represents BPA's efforts to maximize payments to affected local governments, given the limitations contained in the Congressional authorization. The intent is to pay for a qualifying local government's cost of services concerning a BPA major transmission facility located within the government's boundaries. If the local government spends more than the amount calculated by the formula, the additional amount will be paid. That facility must have been completed, or a modification of it undertaken, after passage of the Pacific Northwest Power Act, and it must result in a substantial impact on the local government. The latter requirement is met where application of the construction period formula results in an annual payment figure of at least $1,000. Services covered are all those reasonably related to the facility and the personnel associated with it, and include fire protection, police protection, facility planning services, emergency services, road maintenance, school services, etc.

As stipulated in the Pacific Northwest Power Act, payments may not begin until the first full fiscal year after approval of a regional plan by the Pacific Northwest Electric Power and Conservation Planning Council (Regional Council). The Regional Council approved the plan in April 1983; BPA's fiscal year begins on October 1. However, the Pacific Northwest Power Act also requires that the formula be approved by the Federal Energy Regulatory Commission. That approval is currently being sought. After approval, payments may begin. At that time, a qualifying local government would receive payment for services provided since December 5, 1980. Thereafter, construction payments would be made at the beginning of each fiscal year, and preconstruction and operation and maintenance period payments would be made generally at the time of incurrence.

C. Discussion of Significant Concerns About and Changes in the Policy

The public's subjects of concern fell into several general categories:

- Potential exclusions of other local governments and school districts in impact aid payment formula;
- Perceived disparity between impact payments and the anticipated loss of tax revenue;
- Equalization of payments to account for "richer" and "poorer" counties;
- The perceived requirement to prove an expenditure of $1,000 before qualifying for impact payments; and
- The perceived burdens of recordkeeping in obtaining or qualifying for impact aid.

A Staff Evaluation/Record of Decision has been prepared to address the points above, to record the decisions taken, and to discuss the significance of the following issues. It is available from the Public Involvement staff member listed earlier.

Issue: Qualifying Local Governments

BPA's definition of a local government is the county. This definition does not include other local governments, such as cities, towns, school districts, water districts, fire districts, and other special

districts. These other entities provide services to BPA which were not compensated for directly under the revised proposed formula.

BPA Decision: The final Impact Aid Policy recognizes other local taxing authorities, because BPA does not wish to provide impact aid inequitably. These other entities will pass their claims through the appropriate county for BPA approval and payment beyond the construction payment formula.

Issue: Substantially Impacted

The construction period formula is based on the number of non-local workers introduced into the county by the project. Counties were under the misapprehension that they must demonstrate $1,000 in *expenditures* in order to qualify for aid. In fact, the local government does not have to spend or to demonstrate that it spent more than $1,000, unless it is claiming expenses greater than the amount calculated by the construction formula.

BPA Decision: The wording of the policy, including the section explaining the process for payment of costs exceeding that provided by the formula, has been rewritten for clarity.

Issue: Adjustments for Dependents of Non-Local Workers

The revised proposed policy multiplier to compensate for dependents accompanying non-local workers into the project area was 1.67. A study commissioned by BPA *(Transmission Line Construction Worker Profile)* used a figure of 1.677.

BPA Decision: The formula has been rounded off for simplicity by using a multiplier of 1.7, rather than 1.67 or 1.677, to determine the number of non-local dependents.

Issue: Interest Payments

The revised proposed policy allowed the inference that BPA maintained an inconsistent policy on interest payments, declining to pay interest if BPA impact aid payments were late and claiming as part of the compensation any interest gained by county governments from prepayment. This struck the public as unfair.

BPA Decision: The intent has been clarified to show that any interest gained by the qualifying local government from BPA's prepayment will be in addition to the payment made according to the proposed formula.

Issue: Application Procedures

Commenters expressed concern over the implications of a statement that impact aid would be paid only subject to availability of funds. As with all BPA expenses, impact aid is subject to available funds and budget authority. However, it is not necessary to state this fact.

BPA Decision: The statement introduces unnecessary controversy. Therefore it has been removed from the policy.

Issue Disqualification of Local Governments

Commenters expressed concern that attempts to correct noncompliance would not be well received by BPA.

BPA Decision: Policy language has been clarified to allow governments to correct such problems.

II. Impact Aid Policy

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Section 1. Introduction

The following provisions constitute Bonneville Power Administration's (BPA) implementation of a regionwide uniform formula, as allowed by sec. 7(m) of the Pacific Northwest Electric Power Planning and Conservation Act (Pacific Northwest Power Act). Funds will be provided for the implementation of this policy as part of the annual BPA budget. Section 7(m) allows impact aid payments to qualifying local governments which have been substantially impacted by the location of a major transmission facility within their jurisdictional boundaries. In compliance with the Pacific Northwest Power Act, the payment formula is to identify and take into account the services provided to the BPA Administrator concerning such facilities and the associated costs to such governments as the result of such facilities.

To be eligible for impact aid payments, the construction of the facilities, or any modification thereof, must be completed after the effective date of the Pacific Northwest Power Act (December 5, 1980), and any modification must result in a substantial increase in capacity. Payments may not begin until the beginning of the first fiscal year (FY 84) after final adoption of a Regional Plan (FY 83) and approval of the formula by the Federal Energy Regulatory Commission (FERC).

Additional requirements are identified in sec. 7(m) of the Pacific Northwest Power Act and in the provisions that follow. Failure to comply with any requirements herein may disqualify a local government from impact aid payments, if such non-compliance cannot be corrected to the satisfaction of BPA.

Section 2. Definitions

a. "Construction Period" includes the time from the first Notice to Proceed (NTP) date to the final completion date, as scheduled in or for the construction contracts, and is applied to the separately energized segments of each Major Transmission Facility.

b. "Fiscal Year" is the BPA (and Federal Government) fiscal year of October 1 through September 30.

c. "Location" or "Located" generally means the beginning of construction of a Major Transmission Facility or segment thereof, but may also include preconstruction activity related to BPA consideration of various sites. Alternative sites will be covered only to the extent they are so identified in BPA's Notice of Intent. [See also sec. 2(g) of the Policy.]

d. "Major Transmission Facility" [as defined in sec. 3(c) of the Federal Columbia River Transmission System Act (FCRTSA)] means a transmission facility completed after the effective date of the FCRTSA that has been or would have been identified for inclusion in BPA's budget as a major transmission facility requiring specific Congressional approval.

e. "Notice of Intent" is publication in the **Federal Register** of the BPA Administrator's decision to consider construction of a given facility.

f. "Operation and Maintenance (O&M) Period" includes the time from the construction completion date as stated in the construction contract, until such time as the facility is permanently taken out of service (decommissioned), is subject to reconstruction or major modification, or is sold or otherwise removed from BPA operation.

g. "Preconstruction Period" includes the time from publication of BPA's Notice of Intent (NOI) in the **Federal Register** regarding a facility until the Notice to Proceed (NTP) date for that particular facility's construction. [See also sec. 2(c) of the Policy.]

h. "Qualifying Local Governments" are counties which have been Substantially Impacted by the location of BPA Major Transmission Facilities within their jurisdictional boundaries. A qualifying county may represent other local governmental entities which submit invoices for actual service costs through the county to BPA pursuant to sec. 3 of the policy.

i. "Regional Plan" means the plan and program developed and adopted by the Pacific Northwest Electric Power and Conservation Planning Council pursuant to secs. 4(d) and 4(h) of the Pacific Northwest Power Act.

j. "Substantially Impacted" is a requirement met by a local government where application of the Construction Period formula results in an annual payment figure of at least $1,000.

k. "Substantial Increase of Capacity" is a requirement for modifications to existing Major Transmission Facilities. It is met where there is a 100-percent increase in the design electrical capacity of such facility.

Section 3. Payment Section

Each Qualifying Local Government shall be paid pursuant to the following formula:

a. *Preconstruction Period:* Actual costs plus reasonable overhead costs, will be paid, in accordance with the Office of Management and Budget Circular No. A–87, Cost Principles for State and Local Governments, for all services requested by BPA or necessarily incurred as a direct consequence of proposed BPA action. The Substantially Impacted requirement shall not be applicable during this period. A negotiated advance will be paid by BPA to each local government. That amount may be increased as necessary, and the local government will return any excess within 60 days after construction has commenced.

b. *Construction Period:* Annually, an amount equal to the estimated non-local work force and family members present in the county times the county's per capita cost for services will be paid. This can be represented by:

$1.7 \times A \times B$

Where

A = county share of facility average non-local work force

B = county's annual per capita budgeted service expenditure

The .7 factor reflects the presence of workers' family members. The average non-local work force is determined based on BPA construction estimates. The county share is determined on the basis of the ratio of structure mileage in a county to total facility mileage for the line, with substation work force allocated separately. Annually updated county budget and population figures will determine per capita expenditure. Annually updated figures will be sent to BPA by the counties.

Annual construction payments will be prorated for periods of construction lasting less than 1 calendar year. Payments will be offset for any period of construction suspension (not applicable to seasonal adjustment). The first payment will cover the period from the effective date of the Pacific Northwest Power Act through the calendar year numbered the same as the fiscal year in effect at the time of formula approval. Any interest gained by counties as a result of the advance formula payment shall not be recovered and shall not offset BPA payments.

The construction payment is intended to pay for normal services provided by Qualifying Local Governments. Where a Qualifying Local Government can prove an annual expenditure for services which exceeds that allowed by the construction period formula, BPA will pay the actual amount. Any extraordinary expenditures are beyond the coverage of this policy and will be handled separately.

c. *Operation and Maintenance (O&M) Period:* Actual costs plus reasonable overhead costs, in accordance with OMB Circular A–87, for all services requested by BPA or necessarily incurred as a direct consequence of proposed BPA action or presence will be paid. The Substantially Impacted requirement shall not be applicable during this period. Payment will be made 30 days after approval of invoices received for such services.

Other entities providing services on behalf of a major transmission facility may submit invoices for actual service costs through the appropriate county to BPA. BPA will make payment 30 days after approval of such invoices.

Section 4. Payment Schedule

As the regional Plan was finally adopted in fiscal year 1983, payments shall begin following approval of the impact aid formula by FERC [see Pacific Northwest Power Act secs. 7(m)(1) and (2)]. For facilities already located, formula-derived payment will be mailed to all known Qualifying Local Governments. For future facilities, payments shall begin once such facilities have been appropriately identified by the BPA Administrator in a Notice of Intent. Thereafter, as appropriate, construction payments shall be made annually at the beginning of each fiscal year for the same numbered calendar year, and other payments shall be made as indicated in sec. 3 of this policy. No interest will be paid with respect to impact aid payments.

Section 5. Recordkeeping and Review

All Local Governments receiving impact aid payments shall keep adequate records of their total service budget and population figures, and shall make such records available to BPA upon request. In addition, BPA, or its designee, may conduct such audits, examinations, or inspections of the local government's records and procedures, as BPA deems appropriate. Any audit will be performed in accordance with audit standards established by the Comptroller General of the United States. The number, timing, and extent of such audits will be at the discretion of BPA or its designee. The right to audit will be available for a 3-year period subsequent to the date of payment.

Section 6. Penalties

Officials or others who provide information or documentation under this formula are subject to, among other laws, the criminal penalties of Title 18 of the United States Code. Sections 287 and 1001, which punish the submission of false, fictitious, or fraudulent claims and the making of false, fictitious, or fraudulent statements, provide for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both. Violators are likewise subject to the civil penalties of 31 U.S.C. 231. Section 231 provides that the person liable "shall forfeit and pay to the United States the sum of $2,000, and, in addition, double the amount of damages which the United States may have sustained by reason of doing or committing such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit."

Section 7. Modification

This formula is subject to modification where determined necessary by the BPA Administrator; such modification shall not occur more often than once a year. Any changes of a major nature shall require application of the Pacific Northwest Power Act sec. 7(i) procedure, including FERC review.

Issued in Portland, Oregon, on March 18, 1985.

Robert E. Ratcliffe,

Acting Administrator.

[FR Doc. 85–7643 Filed 3–29–85; 8:45 am]

BILLING CODE 6450–01–M

Federal Register

Monday
April 1, 1985

Part VI

Department of Energy

Office of Conservation and Renewable Energy

10 CFR Part 430

Energy Conservation Program for Consumer Products; Energy Efficiency Standards for Dishwashers, Television Sets, Clothes Washers, and Humidifiers and Dehumidifiers; Notice of Proposed Rulemaking and Public Hearing

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 430

[Docket No. CAS-RM-79-113]

Energy Conservation Program for Consumer Products; Proposed Rulemaking and Public Hearing Regarding Energy Efficiency Standards for Dishwashers, Television Sets, Clothes Washers, and Humidifiers and Dehumidifiers

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Notice of proposed rulemaking and publlic hearing.

SUMMARY: The Energy Policy and Conservation Act, as amended by the National Energy Conservation Policy Act, as a general matter requires that the Department of Energy prescribe an energy efficiency standard for each of certain major household appliances, unless it determines, by rule, that a standard will not result in significant conservation of energy, is not technologically feasible, or is not economically justified.

The Department of Energy is proposing to determine that an energy efficiency standard for dishwashers, television sets, clothes washers, and humidifiers and dehumidifiers would not result in a significant conservation of energy or be economically justified. Therefore, the Department is today proposing to amend Title 10, Part 430 of the Code of Federal Regulations to include a determination of no standard for the above-mentioned covered products.

The purpose of this notice of proposed rulemaking is to provide interested persons an opportunity to comment on the proposed rule and to invite interested persons to participate in the rulemaking process.

DATES: Written comments in response to this notice must be received by July 1, 1985; requests to speak at the public hearing must be received by May 8, 1985; speakers will be notified by May 9, 1985; statements must be submitted by May 10, 1985; the public hearing will be held on May 15, 1985, at 9:30 a.m.

ADDRESSES: Written comments, requests to speak at the public hearing, and copies of statements of each speaker are to be submitted to: U.S. Department of Energy, Office of Conservation and Renewable Energy, Office of Hearings and Dockets, Appliances (Docket No. CAS-RM-79-113), Room 6B-025, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. (202) 252-9319.

The public hearing will be held at Room 1E-245, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585.

Copies of the transcript of the public hearing, the Technical Support Document, and the public comments received may be obtained from the DOE Freedom of Information Reading Room, Room 1E-190, 1000 Independence Avenue SW., Washington, D.C. 20585. (202) 252-6020. 9:00 am-4:00 pm.

FOR FURTHER INFORMATION CONTACT:

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I. Introduction

a. Authority

Part B of Title III of the Energy Policy and Conservation Act (EPCA) (Pub. L. 94-163), as amended by the National Energy Conservation Policy Act (NECPA) (Pub. L. 95-619),[1] created the Energy Conservation Program for Consumer Products Other Than Automobiles. The consumer products subject to this program (referred to hereafter as "covered products") are: refrigerators and refrigerator-freezers; freezers; dishwashers; clothes dryers; water heaters; room air conditioners; home heating equipment, not including furnaces; television sets; kitchen ranges and ovens; clothes washers; humidifiers and dehumidifiers; central air conditioners; and furnaces, as well as any other consumer product classified by the Secretary of Energy, if the product uses a specified minimum amount of energy. *See* section 322. The Secretary has not so classified any additional products.

Under the Act, the program consists essentially of three parts: testing, labeling, and energy efficiency standards. The Department of Energy, in consultation with the National Bureau of Standards, is required to establish test procedures for each of the covered products. *See* section 323(a)(2). The purpose of the test procedures is to provide for test results that reflect the energy efficiency, energy use, or estimated annual operating costs of each of the covered products. *See* section 323(b)(1). All test procedures were required to be adopted not later than May 1, 1978. *See* section 323(a) (4) and (6). A test procedure was not required if DOE determined by rule that one could not be developed. *See* section 323(a)(6)(B). Beginning 180 days after a test procedure for a product is adopted, no manufacturer may represent the energy consumption of or the cost of energy consumed by the product except as reflected in tests conducted according to the DOE procedure. *See* section 323(c). Test procedures have been prescribed relating to all products, but on the basis of continuing review, certain classes of products do not have currently applicable test procedures.

The Federal Trade Commission (FTC) is required by the Act to prescribe rules

[1] Part B of Title III of EPCA, as amended by the NECPA, is often referred to in this notice as the "Act."

governing the labeling of the covered products. *See* section 324(a). These rules are to require that each particular model of a covered product bear a label that indicates its estimated annual operating cost and the range of estimated annual operating costs for other models of that product. *See* section 324(c)(1). A rule is not required under section 324 if the Secretary of Energy determines that disclosure of estimated annual operating costs on a label is not technologically feasible or if the FTC determines that such disclosure is not likely to assist consumers in making purchasing decisions or is not economically or technically feasible. *See* section 324(c). No labeling rule can be made with respect to a product for which there is no DOE test procedure. *See* section 324(b)(3). At the present time, there is an FTC rule requiring labels under the Act for the following products: room air conditioners, furnaces, clothes washers, dishwashers, water heaters, freezers, and refrigerators and refrigerator-freezers.[2] The FTC has proposed a rule that requires labels for central air conditioners.[3]

For each of the covered products, DOE is required to establish mandatory energy efficiency standards that are designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. *See* section 325 (a)(1) and (c). The Act provides, however, that no standard for a product is to be established if there is no test procedure for the product, or if DOE determines by rule either that a standard would not result in significant conservation of energy or that a standard is not technologically feasible or economically justified. *See* section 325(b). In determining whether a standard is economically justified, the Department is directed to determine whether the benefits of the standard exceed its burdens by weighing six specific factors, as well as any other factors DOE considers relevant. *See* section 325(d). The factors are:

(1) The economic impact of the standard on the manufacturers and on the consumers of the product subject to such standard;

(2) The savings in operating costs throughout the estimated average life of the covered product in the type (or class), compared to any increase in the price of, or in the initial charges for, or maintenance expenses, of the covered products which are likely to result from the imposition of the standard;

(3) The total projected amount of energy savings likely to result directly from the imposition of the standard;

(4) Any lessening of the utility or the performance of the covered products likely to result from the imposition of the standard;

(5) The impact of any lessening of competition determined in writing by the Attorney General that is likely to result from the imposition of the standards; and

(6) The need of the Nation to conserve energy.

A rule establishing an energy efficiency standard for a product may set different levels of efficiencies for different classes [4] of that product if they use a different kind of energy or have different capacity or performance related features that justify different levels of efficiencies. *See* section 325(f). When a standard has been established, DOE may exempt a manufacturer from the effect of the standard for up to two years, if a manufacturer's gross revenues in the preceding year did not exceed $8 million and, after obtaining the views of the Attorney General, DOE determines that failure to grant the exemption would likely result in a lessening of competition. *See* section 325(e).

The Act specifies the priorities and procedures to be followed in adopting efficiency standards. Nine of the 13 covered products are given priority under the Act. *See* section 325(g). These nine products are: refrigerators and refrigerator-freezers; freezers; clothes dryers; water heaters; room air conditioners; home heating equipment, not including furnaces; kitchen ranges and ovens; central air conditioners; and furnaces. The remaining four covered products assigned a lesser priority are dishwashers, television sets, clothes washers, and humidifiers and dehumidifiers. The latter four products are the subject of this rulemaking.

The procedures to be followed in adopting an efficiency standard included a requirement for an advance notice of proposed rulemaking upon which interested persons may make written comments. *See* section 325(i)(1). Thereafter, there is to be a notice of proposed rulemaking, upon which interested persons may make written and oral comments, including an opportunity to question those who make such comments with respect to disputed issues of material fact. *See* section 325(i)(3) and section 336(a)(1).

Section 327 of the Act addresses the effect of Federal rules concerning testing, labeling, and standards on State laws or regulations concerning such matters. Generally, all such State laws or regulations are superseded by the Federal rule. *See* section 327(a). A rule by DOE that an efficiency standard is not technologically feasible, economically justified, or likely to save significant amounts of energy is a rule that supersedes any State standard. *See* section 325(b). If, because there is no Federal rule, a State efficiency standard is not superseded, persons subject to it may petition DOE to have it superseded on the basis that there is no significant State or local interest sufficient to justify the regulation and such regulation unduly burdens interstate commerce. *See* section 327(b)(1). A State whose energy efficiency standard is superseded may petition the Department for a rule that it not be superseded, on the basis that there is a significant State or local interest to justify the standard and the State standard is a stricter standard. However, DOE cannot issue the requested rule if the State standard would unduly burden interstate commerce. *See* section 327(b)(3).

b. Background

On December 13, 1979, the DOE published an advance notice of proposed rulemaking pursuant to section 325(i)(1) for dishwashers, television sets, clothes washers, and humidifiers and dehumidifiers (44 FR 72276). (Hereafter referred to as the December 1979 advance notice.) The advance notice was designed to present a full discussion of the Department's views concerning the standards program and the process for its implementation. DOE also set forth its views concerning the criteria for selecting classes in each product type and the maximum technologically feasible energy efficiency level for each class of product. DOE specifically requested comments on all matters presented in the advance notice. Meetings were held on January 15 and 17, 1980 to solicit the views of all concerned parties.

II. General Discussion

As indicated in the *Authority* section above, the Act prohibits DOE from promulgating a standard for a product if (1) there is no test procedure for the product, (2) a standard is not technologically feasible, (3) DOE finds a standard would not result in a significant conservation of energy, or (4) DOE finds a standard would not be economically justified. DOE analyzed

[2] 44 FR 66475 (November 19, 1979).
[3] 45 FR 53340 (August 11, 1980).

[4] Each covered product type may be made up of several classes.

the effect of standards for each product or class of product.[5]

a. Test Procedures

Test procedures have been prescribed for each of the four product types subject to today's proposal. Test procedures for clothes washers were published on September 28, 1977 (42 FR 49802); for television sets on September 14, 1977 (42 FR 46171); for humidifiers on October 18, 1977 (42 FR 55599); for dehumidifiers on October 18, 1977 (42 FR 55608); and for dishwashers on August 8, 1977 (42 FR 39964). On May 19, 1981, DOE amended the test procedures for clothes washers to clarify sections concerning automatic termination controls, test cloths, and dryer preconditioning, and to include technical revisions (46 FR 27324). On June 17, 1982, DOE proposed amendments to the test procedures for dishwashers to include water heating dishwashers (47 FR 26143). On March 3, 1983, a final rule amending the dishwasher test procedure was published (48 FR 9202). On June 4, 1984, DOE proposed amendments to the test procedures for dishwashers to revise the definition of water heating dishwashers (49 FR 23142). On November 27, 1984, the test procedures for dishwashers were amended to revise the definition of water heating dishwashers (49 FR 46533).

The Act specifically prohibits standards for a product (or class of products) if there is no applicable test procedure for it.[6] All classes of products addressed in today's proposed rule have applicable test procedures.

b. Technological Feasibility

The maximum technologically feasible energy efficiencies for each product class are shown in Table 1. Preliminary maximum technologically feasible energy efficiencies for the four products were published in the December 1979 advance notice. These levels were based on design options commercially available in 1978. These design options are reported in the product specific discussions in today's proposed rule.

TABLE 1.—PRODUCT CLASSES AND MAXIMUM TECHNOLOGICALLY FEASIBLE ENERGY EFFICIENCIES

Product type	Product class	Maximum technologically feasible energy efficiency
Dishwasher	Standard	0.41 cycles/kWh.
	Compact	0.50.
	Water Heating	0.455.
Television Sets	Color	200 percent.
	Monochrome	176.
Clothes Washers	Top Loading	1.302 ft³/kWh.
	Front Loading	1.25.
Humidifiers	Central System	98.6 percent.
	Room	93.
Dehumidifiers	(No separate classes specified).	2.90 pints/kWh.

The maximum technologically feasible energy efficiency levels proposed today by DOE for the four products are those levels which are currently commercially available.[7] For compact dishwashers, monochrome television sets, front loading clothes washers, room humidifiers, and dehumidifiers, the levels proposed today are indentical to the levels in the December 1979 notice. DOE received no information for these products at that time stating that the proposed levels were not appropriate for the maximum technologically feasible energy efficiency. The maximum technologically feasible energy efficiency levels for standard size dishwashers, color television sets and central system humidifiers are being revised today to reflect product developments which are currently available in the marketplace. These products were not available when the December 1979 advance notice was published. Since then, DOE established the dishwasher class called water heating dishwashers (48 FR 9202, March 3, 1983) and the maximum technologically feasible energy efficiency for this product class is also based on design options currently available in the marketplace. For top loading clothes washers, the level proposed today is based on comments from the Association of Home Appliance Manufacturers (AHAM) in response to the December 1979 advance notice requesting each private labeler, importer or manufacturer of a consumer product covered by the notice to complete two survey forms.

DOE is interested in receiving data, comments and statements concerning whether the levels proposed today are the maximum improvement in energy efficiency which is technologically feasible for each of covered products.

c. Energy Savings

1. *Significance of Savings.* Under section 325(b) of EPCA, as amended, DOE is prohibited from adopting a standard for a product if that standard would not result in "significant" energy savings. The statute, however, does not define the term "significant." Such a term is not readily susceptible to precise definitions, and DOE believes that Congress used such a term with the intent that DOE would, in the exercise of its informed judgment, determine what level of savings is significant and under what circumstances.

In the December 1982 final rule, DOE adopted three tests to determine whether the savings attributable to a standard would result in a significant conservation of energy under section 325(b)(1). If the savings attributable to that standard would meet any one of the three tests, then the savings attributable to that standard would be deemed significant. The three tests were generally described as: whether savings of oil or gas are large enough to decrease meaningfully this Nation's reliance on foreign sources of energy; whether savings of electricity are large enough either to reduce significantly new generation requirements or to affect significantly the environment; and, whether a standard would result in a product using 16.67 percent less energy than it would absent a standard. Specifically, the first test would deem significant the savings attributable to a standard if the standard would result in the savings of 10,000 bpd of oil, or the savings of natural gas equivalent to 10,000 bpd of oil (56,530 mcf/day) over the period of the average life of the product in question beginning with the year 1987.[8] The second test would deem significant the savings attributable to a standard if the standard would result in the savings of one percent of national electricity use over the period of the average life of the product in question beginning with the year 1987. The third test would deem savings significant if the annual energy savings attributable to a standard for a product were equal to 16.67 percent of a standard measured over the one-year period following the period of the average life of the product

[5] As used in this preamble, "product" refers to the generic product of each type lised in section 322(a) of EPCA (e.g., dishwasher or television set). "Class" means a product subset which has the same primary energy source (e.g., gas, oil or electricity) and the same capacity or performance-related features which affects the energy efficiency of the unit (e.g., color television set and monochrome television set).

[6] For example, for dishwashers, DOE did not consider basing the standard levels on a certain European design in which the dishwasher is no longer connected to the hot water supply line. The European dishwasher directly heats incoming cold water, which is assumed to be 55 °F. Currently applicable test procedures for dishwashers cover incoming water which is at either 120 °F of 140 °F. Therefore, DOE did not consider these European dishwashers for the standard levels because the test procedures do not cover dishwashers which use cold water.

[7] The one exception is the Level 2 standard for top loading clothes washers in which the maximum technologically feasible energy efficiency level is based on the highest level expected to be commercially available January 1, 1988.

[8] 56,530 mcf of natural gas contain the same BTUs as 10,000 barrels of oil.

purchased in the last year before the standard could be imposed.

During the eight products rulemakings, commenters contended that the three tests were not appropriate because one or more products were technically incapable of meeting one or more of the significance tests. If the savings attributable to a standard for a product cannot meet a particular test for significance because the technologically feasible improvements are insufficient to produce a large amount of savings, this is not by itself evidence of a fault of the significance test. Congress, in specifying certain products concerning which DOE would be required to conduct standards rulemakings, did not prejudge or determine that a standard for any or all of these products could in fact result in a significant conservation of energy. Rather, the specific products named were included because of the amount of energy they used. Whether a standard was appropriate, i.e., among other things whether it would result in a significant conservation of energy, was to be determined by DOE. For example, DOE proposed no standard for electric furnaces because improvements would not save energy. Similarly improvements to efficiency in other products may save only small amounts of energy. It is clear, however, that the fact that the potential savings are too small to meet one or more of the significance tests does not constitute a fault with the test.

Moreover, the fact that a particular product does not use enough energy to be able to meet the oil or gas and electricity tests does not indicate the inappropriateness of those tests. DOE acknowledges that the oil or gas and electricity savings tests had a natural bias toward products that use a large amount of energy. That is, a relatively small improvement in energy efficiency attributable to a standard for a product that uses a large amount of energy might meet the oil or gas or electricity savings tests, but for certain products that use relatively little energy, those tests might be impossible to meet. Accordingly, DOE proposed the third test which would be neutral as to the amount of energy used by the product, by measuring the savings as a percent of the use by that product. Consequently, DOE concludes that the three tests are appropriate, even if a particular product might not be able to meet one or more tests.

2. *Determination of Savings.* Energy savings attributable to standards for the four products were forecasted by the Energy Use Projection Model (EUP Model), which was developed by DOE especially for the four products standards analysis. The Oak Ridge National Laboratory Residential Energy End Use Model (ORNL Model), which was used by DOE for the eight products standards rulemakings, was not used for today's proposed rule for the four products, as discussed below.

DOE decided against using the ORNL Model because it does not treat the four products separately. The ORNL Model determines the energy use for ten categories of appliances—the nine priority products and lighting. A single miscellaneous category is used for all other residential appliances. The ORNL Model does not specifically identify the appliances that are included in the miscellaneous category; however, it is certain that it includes appliances in addition to the four products; for example, household fans, automatic coffeemakers, stereos and power tools. DOE believes that it would be difficult to determine the portion that each of the four products contribute to the miscellaneous category in the ORNL Model. Therefore, DOE determined it preferable that the four products standards rulemaking proceed using the EUP Model in lieu of the ORNL Model.

A. *EUP Model.* The EUP Model is the analytical tool developed for forecasting savings due to energy efficiency standards for dishwashers, television sets, clothes washers, and humidifiers and dehumidifiers. It is an interactive BASIC computer program. The EUP Model forecasts the residential energy use for each of the four products each year from 1988 to 2006 for two separate scenarios, a market-based scenario (one without standards) and a standards scenario. The market-based scenario projects the year-by-year energy use of a product by using a forecast of market-based efficiency improvements similar to the forecast of market-based efficiency improvements for the eight products. The standards scenario estimates the year-by-year energy use of a product by using the forecast of market-based efficiency improvements as the sales-weighted efficiency level for all products purchased before 1988, the year that standards would be implemented. After 1988, the standards level is used as the efficiency level for the products. Savings due to standards is the difference in energy use between the two scenarios. The EUP Model uses the dominant product class in a product type for determining energy savings. See the product specific discussions in today's proposal for the product classes chosen to represent the product type in the EUP Model.

Oil savings are expressed in barrels of oil per day (bpd). The EUP Model expressed natural gas savings in barrels of oil per day equivalent (bpde). Natural gas savings have been converted to thousand cubic feet of gas (mcf) per day in today's proposed rule so that these savings are consistent with the eight products rulemakings. Electricity savings are expressed in either trillion Btu's or percent savings of national electricity use over the average life of the product.

The EUP Model uses the sales-weighted energy efficiency (SWEF) in 1972 and 1978 of each product, the standard level for each product, the annual amount of product use, the market saturation of each product in households, the total population of households, the average capacity (television sets, clothes washers, humidifiers and dehumidifiers only) and the average product lifetime. Energy efficiency and the total population of households were assumed to change over time.

Two prominent features in the EUP Model were developed from the ORNL Model. First, the total population of households used in the EUP Model were forecasted by the ORNL Model. Second, the trend in energy efficiency in the market-based scenario in the EUP Model is based upon forecasts made by ORNL Model for the eight products. The ORNL Model predicts that the sales-weighted energy efficiency for products shipped in 2005 would range from 75.9 percent of the standards level for central air conditioners to 100 percent of the standards level for oil furnaces. The average for the eight products was 91.2 percent of the standards level. *See* Table 2.

Due to the lack of information concerning the trend in energy efficiency in the market-based scenario for the four products, DOE decided to pattern the future trend in energy efficiency for the four products after the average of the trends forecasted by the ORNL Model for the eight products. That is, the EUP Model assumes that the sales-weighted energy efficiency in 2006 for each of the four products will be 91.2 percent of the standards level.[9] DOE is

[9] An exception to this rule is when the 1978 SWEF is greater than 91.2 percent of standards level. For example, the 1978 SWEF for humidifiers is 90 percent. The standard level is 93 percent so that 91.2 percent of the standards level would be 85 percent. The EUP Model assumes that energy efficiency cannot decrease over time. Therefore, the energy efficiency for humidifiers remains constant at the 1978 SWEF of 90 percent during the no standards scenario.

interested in receiving data, comments and statements concerning the appropriateness of basing the future trend in energy efficiency for the four products on the average of the trends forecasted by the ORNL Model for the eight products.

TABLE 2.—APPLIANCE ENERGY EFFICIENCIES IN 2005

Appliance	Base level	Standards level	Ratio
Gas furnace	88.0	88.2	0.998
Oil furnace	93.6	93.6	1.000
Room air conditioner	7.57	9.13	0.829
Central air conditioner	7.93	10.45	0.759
Electric water heater	88.1	92.1	0.957
Gas water heater	60.6	61.1	0.992
Refrigerator-freezer	7.64	8.50	0.899
Freezer	14.0	16.2	0.864
Average			0.912

Source: Table 3-12, *Supplement To: March 1982 Consumer Products Efficiency Standards Engineering Analysis and Economic Documents*, DOE/CE-0045, July 1983.

The EUP Model calculates the energy use in the base year (1978). The energy use in each succeeding year to the year 2006 is calculated by a three-step process. First, the energy use for the units in the base year population still in service is calculated by assuming that these units are replaced by new units at a retirement rate that depends on the product lifetime. Second, the energy use of new units added in each year since 1978 due to the retirement of base year units and the growth in total households is calculated. Lastly, the EUP Model checks to see if any of the new units, added after 1978, are retired in order to calculate the energy use for new units which replaced units added after 1978. For example, the energy use in the year 1988 is the sum of the following: the energy use of the base year units still in service in the year 1988; the energy use of the new units added since 1978 and still in service in the year 1988; and the energy use for new units which replaced those units added since 1978. *See* Technical Support Document, pages 9 through 13 and 106 and 107.

B. *Model Validation.* Results from both the EUP and ORNL Models should be reasonably close. To demonstrate that results between the two models are close, the EUP Model was modified to forecast the savings realized by standards for refrigerators and refrigerator-freezers. The modifications included adding data for refrigerators and refrigerator-freezers into the EUP Model. The data included the 1977 per unit annual energy consumption, the 1978 sales-weighted energy efficiency, the number of refrigerators per household, and the standards level. *See* Technical support Document, Chapter VIII. The estimated savings were then compared to the ORNL Model savings.

The product type, refrigerators and refrigerator-freezers, was selected for comparison because the EUP Model does not consider fuel switching, such as replacing an oil furnace with a gas furnace. DOE is interested in comments and statements concerning whether the EUP Model is a valid analytical tool for forecasting energy savings due to standards for the four products.

Results from the refrigerator-freezer version of the EUP Model were compared to the ORNL Model results. The difference in energy efficiency between the two models is within 2 percent. *See* Table 3. For the ORNL Model, refrigerators and refrigerator-freezers are forecasted to use about 1.19 Quads in 1990 and about 1.07 Quads in 2000. For the EUP Model, refrigerators and refrigerator-freezers are forecasted to use about 1.17 Quads in 1990 (for a 1.9 percent difference) and about 1.07 Quads in 2000 (no difference). For refrigerators and refrigerator-freezers, the ORNL Model estimated that they will use about 21.20 Quads from 1987 to 2005 while the EUP Model forecasted use of about 20.95 Quads from 1988 to 2006. The difference between the two forecasts is 1.2 percent. In the August 1983 final rule, using the ORNL Model, it was estimated that Level 4 standards for refrigerator-freezers would save 1.7 Quads over the 1987–2005 time frame. *See* Table 5–1 in Supplement to March Consumer Products Efficiency Standards Engineering Analysis and Economic Analysis Document, DOE/CE–0045, July 1983. The EUP Model forecasts energy savings of 1.77 Quads which is about a 4 percent difference. *See* Technical Support Document, Table 39. Some of the differences between the two models occur because the EUP Model uses a different retirement function and a different equation for projecting future shipments.

TABLE 3.—REFRIGERATORS AND REFRIGERATOR-FREEZERS ENERGY EFFICIENCY

(Ft³/kwh/cycle)

Year	ORNL model	EUP model	Percent difference
1990	6.79	6.815	0.4
1995	7.07	7.196	1.8
2000	7.35	7.496	2.0
2005	7.64	7.752	1.5

For Level 4 standards for refrigerator-freezers, the ORNL Model predicts that the electricity savings to the national electricity use over the appliance lifetime is 0.22 percent, based on the energy savings of 1.65 Quads. For the EUP Model, the electricity savings to the national electricity use over the appliance lifetime are about 0.23 percent, based on the energy savings of 1.70 Quads. Also, the savings in the year 2006, which is the year following the period of the average life of a refrigerator-freezer purchased in the last year before standards would be imposed, is forecasted to be about 14.59 percent for the ORNL Model and about 14.64 percent for the EUP Model.

For the ORNL Model, the residential sales for refrigerator-freezers were forecasted to be about 6.308 million in 1990 and about 6.476 million in 2005. For the EUP Model, residential sales for refrigerator-freezers were forecasted to be about 5.685 million in 1990 (for a 9.9 difference) and about 6.494 million in 2005 (for a 0.3 percent difference). Differences in residential sales between the two models are due to differences in both the retirement function and in the equation for projecting residential sales. Comparisons in annual shipments were shown only for two years, because data for 1990 and 2005 were readily available for refrigerator-freezers. Even though differences in any particular year may be large, the overall number of refrigerator-freezers sold from 1987 to 2005 for the EUP Model is expected to be close to the number for the ORNL Model.

In summary, DOE believes the results from the EUP Model were reasonably close to projections that could have been expected from the ORNL Model. In most cases, the differences between the two models were within 2 percent. Two exceptions were the 4 percent difference in total energy savings over the lifetime of an appliance and the 9.9 percent difference in residential sales in 1990.

C. *Sensitivity Analyses.* In the EUP Model, the future trend in energy efficiency during the market-based scenario is represented as assigned percentages of the particular standards level in question. The assigned percentages increase to 91.2 percent of the standards level in 2006, the last year of the analysis. Assigned percentages were used because the future trend in energy efficiency for the four products is not well known.

Accordingly, sensitivity analyses were conducted that used different assumptions about trends in energy efficiency during the market-based scenario. Four sensitivity analyses were conducted about the Level 1 standards. One sensitivity analysis was conducted about the Level 2 standards. The five sensitivity analyses are the constant efficiency analysis, the conservative analysis, the historical analysis (Case 1),

the historical analysis (Case 2), and the Level 2 sensitivity analysis.

For the constant efficiency analysis, the future trend in energy efficiency during the market-based scenario remains constant at the 1978 SWEF. There is no improvement in energy efficiency over the 1978–2006 period. The standards scenario is based on the Level 1 standards. This scenario was selected to show the maximum effect that Level 1 standards could have in saving energy.

For the conservative improvement in efficiency analysis, the future trend in energy efficiency is taken to be the lowest trend in energy efficiency forecasted by the ORNL Model for the eight products. This was for central air conditioners for which the energy efficiency in 2005 was projected to be 75.9 percent of the standards level. The standards scenario is based on Level 1 standards. This sensitivity analysis was undertaken to show the effect that Level 1 standards would have were there to be a less optimistic trend in increased energy efficiency (a trend culminating in 75.9 percent of the standards level) than used during the standards analysis, where the SWEF for the year 2006 reached 91.2 percent of the standard level.

Two historical analyses were conducted which provided estimates of the upper and lower limits of energy savings assuming that improvements in energy efficiency are expected to continue. For each, the future trend in energy efficiency without standards is expected to increase, initially, at the historical rate. The historical rate was based on the improvement in energy efficiency from 1972 to 1978. The rate is then assumed to decrease over time and approach an efficiency limit, which for Case 1 is the Level 1 standards and for Case 2 is the Level 2 standards. The standards scenario in each case is based on the Level 1 standards. A straight line rate was not considered to be reasonable for the historical analyses because improvements in energy efficiency tend to decrease over time as was projected by the ORNL Model for the eight products. Therefore, the historical analyses were based on the premises that the rate of energy efficiency improvements would decrease over time and that the energy efficiency would reach an upper limit.

For the Level 2 sensitivity analysis, the future trend in energy efficiency during the market-based scenario is identical to the market-based scenario in the Level 1 standards analysis. The standards scenario is based on Level 2 standards. This scenario was selected to show the effect that standards would have due to a more pessimistic trend in energy efficiency during the market-based scenario than was used in the Level 2 standards analysis. DOE is interested in receiving comments and statements concerning the sensitivity analyses conducted for the four products.

d. Economic Justification

Section 325(b) prohibits an appliance efficiency standard for a product if that standard is not economically justified. Section 325(d) states that a standard can be economically justified only if DOE determines that the benefits of the standard exceed its burdens. In other words, even if a standard saved "significant" amounts of energy, if the benefits of that standard did not outweigh its burdens, the standard would not be economically justified. In determining whether a particular standard's benefits exceed the burdens, to the greatest extent practicable, DOE is to weigh six specific factors as well as any other factors DOE deems appropriate. *See* section 325(d) (1)–(7). These factors are separately addressed below.

Certain of these factors can be quantified, albeit through projections and computer models; others are not quantifiable. Congress recognized this and indicated that greater weight should not be given to a factor merely because it was quantifiable. *See* H.R. Rep. No. 95–1751, 95th Cong., 2d Sess. 116 (1978).

1. *Economic Impact on Manufacturers and Consumers (Sec. 325(d)(1)).* For consumers, one measure of economic impact is the first cost of the product. Increased first costs to consumers resulting from standards can affect different consumers in different ways. For lower income consumers, increases in first costs for a particular product can have the effect of precluding the purchase of a new model of that product. As a result, some consumers may retain products past their useful life or purchase older used appliances. These older products are generally less efficient than newer models to begin with, and DOE believes that for some appliances initial efficiencies may deteriorate if they are retained beyond their useful life. Thus, these consumers might, because of standards, be forced to live with less efficient products and, in turn, use more energy. However, if no standards were adopted, consumers of all income levels would be able to choose from a range of products with varying energy efficiencies and prices. It would then be possible for a lower income person to purchase a new product with a higher efficiency than the model it was replacing, albeit at an efficiency less than would be required under standards, but also at a purchase price less than would be available under standards. DOE believes that this impact of standards on lower income persons is important even if the number of such persons disadvantaged is relatively small compared to the total number of persons affected by standards. This is so because lower income persons are the least able to endure economic disadvantage resulting from governmental regulatory action.

The development of first cost relationships to efficiency for the four products was patterned after the method used for the eight products. When possible, exponential cost curves were developed based on retail price and energy efficiency data. Otherwise, cost curves were developed by use of regression analyses. *See* Technical Support Document, pages 81 thru 88. Market survey data were used for the four products because, unlike in the eight products rulemaking, detailed engineering cost data were not available.

The market survey data provided information by model on price and energy efficiency. However, the market survey data provided no information of this nature as to individual utility or performance related features or individual design options associated with improvements in energy efficiency.[10]

In the case of dishwashers, clothes washers, and humidifiers, the market survey data points correlated well with a simplified form of the curves used for the eight products. Accordingly, simplified exponential costs curves were developed and used for dishwashers, clothes washers, and humidifiers. The exponential cost curves initially developed for both television sets and dehumidifiers, however, significantly overestimated the costs of very efficient products and did not rationalize well the frequent occurrences of more efficient products at lower prices. For these two products, analytical regression curve techniques were used to derive a relationship between cost and efficiency.

DOE is interested in receiving further cost and energy efficiency data specific to particular design options. DOE is also interested in receiving comments

[10] For example, the market survey data for television sets listed products at the same energy efficiency, but with a wide variation in price. The variation in price was, in part, due to utility features, such as remote control and cable ready, that were included in the higher price models. These kinds of features had little effect on energy efficiency.

concerning whether first cost curves can be developed for the four products by using market survey data in lieu of detailed engineering costs and whether the first cost curves for television sets and dehumidifiers, which use analytical regression curve techniques in lieu of an exponential cost curve, are reasonable.

For consumers, another measure of economic impact is the life cycle cost of a product, becase it takes account of the increased first cost, any increased maintenance costs, and the reduced fuel costs over the product's service life resulting from the product's greater efficiency. The life cycle cost analyses are discussed under a separate heading below.

For manufacturers, no measure of economic impact was made. Results from the EUP Model projected that standards would probably not result in significant conservation of energy for any of the four products. Moreover, the economic impact on consumers predicted that standards would likely increase both the first costs and the life cycle costs for all four products. DOE considers the failure of a standard to achieve significant conservation of energy and the associated increases in both first and life cycle costs to be substantial impediments towards standards. Consequently, DOE did not determine the economic impact on manufacturers.

2. *Life Cycle Cost (Sec. 325(d)(2)).* The life cycle cost (LCC) analysis calculates the total cost of ownership for consumers for each class of product. The lifetime operating costs for each of the four products accounted for the future escalation in energy prices and were discounted to the present. The discount rate of 10 percent, which was used for the eight products, was used. The forecasts for energy prices were from NEPP IV. The amount of energy used annually by a typical consumer product was based on the DOE test procedures. *See* Technical Support Document, Chapter IX. Comparison of the life-cycle cost of the projected 1988 sales weighted energy efficiency models with models at the standard level allows DOE to determine the changes in total cost of ownership.

If the life cycle at a particular standard level is greater than the life cycle cost of the projected 1988 sales weighted energy efficiency model, this demonstrates that it is not economically beneficial for the average consumer to purchase a product built to the standard level compared to the projected 1988 sales weighted energy efficiency model. That is, the increased first costs of obtaining a particular efficiency are not offset by fuel savings over the life of the product.

The life cycle cost analysis was used to determine the life cycle cost minimum, which for the "average" consumer should be at the optimal efficiency level. Where a consumer is not average, however, that level is not necessarily optimal. If the consumer has higher than average fuel prices or higher than average usage rates, there may be a more optimal efficiency level for that consumer, but the consumer is not penalized because the market is able to provide such a model. If, however, the consumer has lower than average fuel prices or lower than average usage rates, the consumer may be penalized by having to purchase a product whose efficiency level was required by a Federal standard that assumed higher fuel prices or higher usage than is true for that consumer.

For the eight products, DOE conducted a net present value (NPV) analysis to show the total differential economic impacts on consumers that would occur generally from the adoption of standards, compared to a base case with no standards but with market-induced efficiency improvements. The NPV analysis is similar to the LCC analysis, and the greatest NPV generally should occur at the standard level set at the LCC minimum for the product. The ORNL Model calculated the total cost for each product (discounted total value of energy consumption from 1987 through the last year of use for those products purchased through the year 2005, plus the total discounted equipment costs for equipment purchased from 1987 through 2005) with and without standards. The difference between these two is the NPV attributable to standards. A positive NPV for a product at a given standard level indicates that, if that standard were adopted, consumers of that product as a whole would save that much more money in fuel costs, discounted to the present, than they would pay in increased first cost for more efficient products, discounted to the present, compared to the situation where no standard is adopted. DOE considers the failure of a standard to achieve a positive NPV to result in a substantial burden.

It is anticipated that, if a NPV analysis were to be conducted for the four products, it would result in a negative NPV. The primary reason for the negative NPV is that the standards level identified for analysis in each instance deviated from the minimum LCC point. This results in a substantial burden for consumers and fails the test of positive savings. Consequently, DOE concluded that a NPV analysis for the four products is not required.

3. *Energy Savings (Sec. 325(d)(3)).* While the significant conservation of energy is a separate statutory requirement for imposing an energy efficiency standard, the total projected savings directly resulting from standards is also one factor to be considered in weighing the burdens and benefits under section 325(d). The EUP Model results were utilized for this factor. In each product-specific analysis, the savings are specified.

4. *Lessening of Utility or Performance of Products (Sec. 325(d)(4)).* This factor cannot be quantified. In the eight product rulemaking by establishing classes of products, DOE attempted to eliminate any degradation of utility or performance in existing covered products. That is, to the extent that comments or our own research indicated that a product included a utility or performance related feature that affected energy efficiency, a class was created for the product with a lower standard. In this way, DOE attempted to minimize the impact of this factor as a result of the standards analyzed. Product classes are also reflected in today's rulemaking.[11] The existence of classes, however, does not affect the product analyses, except for a portion of the analysis of television sets. See *infra.* This is so because the analyses generally assume the most prevalent class to be the only class.

However, even were DOE able to eliminate any lessening of utility or performance in existing products as a result of standards, DOE believes it is not possible to eliminate all impacts of standards that might lessen the utility or performance of future products. This is true for two reasons. First, DOE believes that the effect of requiring investments on the basis of regulations rather than fundamental business considerations may result in manufacturers foregoing some investments that would have been made in the absence of the regulatory requirements. These investments might be in improvements in utility or performance of a product.

Second, while separate classes of products in light of their different performance features can aid in

[11] For example, there are separate product classes for front loading clothes washers and top loading clothes washers. Top loading clothes washers, which generally are less efficient than other kinds of clothes washers, provide added utility for consumers by being able to spin clothes dryer. Consequently, the Level 1 standard selected for top loading clothes washers was lower than the level selected for front loading clothes washers.

minimizing degradation of utility or performance, there is not a specific mechanism in the statute for recognizing new performance features after a final rule is adopted. That is, were a final rule adopted with specific standards for different classes of products, it would have the effect of freezing those classes in the regulation. A manufacturer would be prohibited from distributing in commerce any covered product with new performance feature, if that feature would have the effect of reducing the products' energy efficiency below the standard level as measured by an applicable DOE test procedure, unless and until the rule were amended to create a new class or a new standard in light of such a new performance feature. The delay and uncertainty associated with this process would create a disincentive for manufacturers to develop the feature in the first instance.

While this possible disincentive to the development of more energy intensive performance features cannot be quantified, it could create a risk that some performance features that otherwise might be developed would not be. Given the importance of many past performance features that reduce the energy efficiency of a product, such as remote control television sets, which, if standards had been imposed before their development, might result in the new product failing the standard, DOE believes that any risk created by such a disincentive constitutes a burden to be considered in weighing the burdens of and benefits of possible standards. DOE requests comments on this issue.

5. *Impact of Lessening Competition (Sec. 325(d)(5)).* The determination of this factor must be made by the Attorney General.

6. *Need of the Nation to Conserve Energy (Sec. 325(d)(6)).* Although the Nation's need to conserve energy must be balanced against other factors to determine the net burdens or benefits of an efficiency standard, Congress did not define what the Nation's need to conserve energy was.

The statute itself, however, provides clear evidence that Congress did not consider the need to save energy to be absolute. First, section 325(f) authorizes DOE to establish higher or lower standards for classes of product in the same product type that use different sources of energy. Thus, for example, DOE could set a lower standard for oil furnaces than electric furnaces, effectively limiting possible energy savings. Second, section 325(f) also authorizes DOE to establish higher or lower standards for different classes of products in the same product type if they have different utility or performance-related features. Thus, a color television set, which inherently uses more energy than a monochrome television set, can have a less stringent standard. Because these effects of the law reduce the potential savings that could be obtained from standards, saving energy must be balanced with other considerations. By including these provisions, Congress recognized that a standard which might save the greatest amount of energy, could effectively ban appliances using certain types of fuel (because of their relative inefficiencies compared to the same product using a different source of energy) or having useful performance features. The statute is clear, DOE believes, in providing that such a result should not be the consequence of standards. These provisions indicate that the statute itself recognizes that the importance of saving energy is relative, not absolute.

NECPA's findings and purposes singled out oil and gas as the two energy sources of particular concern. Yet since the passage of NECPA, this Nation's total imports of oil have declined about 43 percent.[12] To the extent that a source of energy other than oil and gas is involved, DOE believes the relative need to conserve energy is less. Electrical generation capacity is generally adequate. After a number of years of large growth in demand, the industry is now seeing a demand increase at an annual rate of 3.2 percent.[13] Problems with the supply of electricity at the present time and for the foreseeable future are localized in nature, depending on specific circumstances. Such problems are generally better dealt with in light of the specific circumstances, not by means of a Federal nationwide solution.

The above discussion is not intended to indicate that DOE does not value highly the benefits of conservation in the use of all energy. Rather, it is intended merely to recognize that the degree of the Nation's need to save energy depends on the fuel involved and can change over time. To the extent that the market and government initiatives to remove regulatory disincentives to conservation and energy production result in a healthier national energy situation, the need for additional, Federally mandated conservation of energy is decreased. Because of the across-the-board improvements in the national energy picture of the past few years and its projected continuation into the future [14]—without regard to appliance program—the need of the Nation to conserve marginal increased amounts of energy through a particular appliance efficiency standard is diminished.

7. *Other Factors.* Section 325(d)(7) requires DOE to include in the process of weighing the burdens and benefits of a standard, and other factors the Secretary considers relevant. The Department requests comments from interested persons as to what other factors, not hitherto considered, should be considered relevant in weighing the burdens and benefits of standards.

8. *Weighing of Factors.* The above discussion of the factors to be weighed in determining the burdens and benefits of possible standards is intended to identify the factors and explain their bases. Some of the burdens discussed above are not dependent on a particular product-specific standard, but on the existence of any standard at all. The existence of these generic burdens does not, in itself, disqualify a particular standard or standards. Standards for each product must be judged on their own merits, weighing the burdens and benefits arising from them.

III. Product-Specific Discussion

This section presents separate discussions for each of the four products. Each product-specific discussion is divided into the following five subjects: product classes, design options, standard levels, energy savings and economic justification. The discussion on energy savings addresses each of the three tests of significant energy savings (oil and gas savings, electricity savings and percent savings). The discussion on economic justification addresses the six economic factors cited in section 325(d) of the Act.

a. Dishwashers

A "dishwasher" means a cabinet-like appliance which with the aid of water and detergent, washes, rinses, and dries (when a drying process is included) dishware, glassware, eating utensils, and most cooking utensils by chemical,

[12] According to the *1983 Annual Energy Review*, DOE/EIA-0384(83), Table 35, total imports of oil peaked in 1977 and averaged 8.81 million barrels per day. During 1983, total imports of oil averaged 4.99 million barrels per day, the lowest level since 1972.

[13] Total electricity sales are projected to rise at an average annual rate of 3.9 percent with the continuation of the economic recovery from 1983 to 1985. From 1985 to 1990, electricity sales are expected to grow at an average rate of 3.4 percent per year, slightly more rapidly than the real GNP. From 1990 to 1995, electricity sales are expected to increase at an average annual rate of 2.8 percent, so that, over the entire 1983 to 1995 period, electricity sales are expected to grow at an annual rate of 3.2 percent. *See* Annual Energy Outlook 1983 with projections to 1995, DOE/EIA-0383(83), page 122.

[14] See generally the National Energy Policy Plan, DOE/S-0014/1, October 1983, (hereafter referred to as "NEPP IV").

mechanical and/or electrical means and discharges to the plumbing drainage systems. *See* 10 CFR Part 430.2.

1. *Product Classes.* Two classes of dishwashers, standard and compact, were specified by DOE in the December 1979 advance notice. These classes are distinguished by their capacity. Dishwasher energy consumption is strongly related to the hot water usage of the machine. Compact dishwashers use less water and less energy than standard size dishwashers. Compact dishwashers are dishwashers having an exterior width of less than 22 inches. Compact dishwashers generally have an exterior width of 18 inches, and fit into smaller spaces and handle smaller loads than standard size dishwashers.

Standard size dishwashers are defined as those with an exterior width greater than or equal to 22 inches. Standard size dishwashers generally have an exterior width of 24 inches. Standard size dishwashers typically have lower energy factors than compact dishwashers, but their larger capacity provides increased utility to consumers.

Exterior width was chosen as the measure of capacity because it accurately delineates the two classes of dishwashers in the current population and is a readily available dimension.

As discussed above, DOE has established a third product class, called water heating dishwashers. Water heating dishwashers have added utility and performance for consumers because the thermostat settings for water heaters could be lowered resulting in overall reductions of utility bills. A class of water heating dishwashers is appropriate due to differences in utility, as well as the seperate treatment of water heating dishwashers in the test procedures.

2. *Design Options.* The December 1979 advance notice identified five design options or combinations of design options that, if incorporated into the design of a dishwasher, were projected to achieve the max tech level. These design options were optional power dry, reduced inlet water temperature, modified sump geometry, improved fill controls, and improved insulation.[15]

[15] Water heating dishwashers is the only product class for which the design option of reduced inlet water temperature is appropriate. Compact and standard size dishwashers generally use incoming water at 140 °F, while water heating dishwashers use incoming water at 120 °F. DOE did not consider lowering the incoming water temperature below 120 °F as a viable design option because this is not addressed in the test procedures. Consequently, the inlet water temperature was not reduced below 120 °F.

The dishwasher with the highest energy factor was reported to incorporate the optional power dry design option. Most dishwashers are insulated to reduce noise. Using additional insulation was reported to be of marginal use in saving energy. *See* Topical Report—Subtask 3.1 Clothes Washer and Dishwasher Use, September 1979. Thus, improved insulation was no longer considered a design option. The Topical Report also considered improved food filters as a viable design option. Therefore, the three design options considered for dishwashers are:

(a) Modified sump geometry
(b) Improved fill controls
(c) Improved food filters

3. *Standard Levels. See* Table 4 for the standard levels selected for dishwashers. The Level 1 standards are 0.50 cycles/kWh for compact dishwashers, 0.38 cycles/kWh for standard size dishwashers and 0.455 cycles/kWh for water heating dishwashers. The Level 1 standard for compact dishwashers is identical to the level published in the December 1979 advance notice.

TABLE 4.—STANDARD LEVELS SELECTED FOR DISHWASHERS

Product class	Level 1	Level 2
1. Compact	[1] 0.50	[1] 0.50
2. Standard Size	0.38	0.41
3. Water Heating	0.455	0.455

[1] Cycles per kilowatt hour.

DOE is revising the level for standard size dishwashers in today's notice. DOE received several comments stating that the level in the December 1979 advance notice was determined incorrectly by failing to account for the energy usage during the normal cycle of a dishwasher. The level only considered the energy usage during the truncated normal cycle. The level should be the average of the energy usage during both the normal and truncated normal cycles. The commenters recommended that it should be 0.38 cycles/kWh. Therefore, DOE is using 0.38 cycles/kWh as the Level 1 standard for standard size dishwashers in today's notice.

The Level 2 standard is 0.41 cycles/kWh for standard size dishwashers. The Level 2 standard is based on a dishwasher design which does not incorporate a power-dry feature. Level 2 standards for compact dishwashers and water heating dishwashers are the same as the Level 1 standards because the Level 1 standards are expected to be the maximum improvement in energy efficiency which is technologically feasible for these two product classes. DOE would like comments concerning whether the Level 1 standards for the compact and water heating dishwashers are the maximum improvement in energy efficiency.

4. *Energy Savings.* The energy savings realized by standards for dishwashers were projected by the EUP Model. Compact dishwashers and water heating dishwashers are not widely in use. Consequently, the EUP Model based the energy savings for dishwashers solely on standard size dishwashers by specifying that all dishwashers are standard size dishwashers. Since standard size dishwashers typically use more energy than compact or water heating dishwashers, specifying that all dishwashers are standard size dishwashers would tend to overstate the energy savings that could be achieved by standards for all dishwashers.

According to results from the EUP Model, Level 1 standards for dishwashers are projected to save about 0.125 Quads over the 1988–1999 period, the 12-year average life of a dishwasher. *See* Technical Support Document, Table 4. Likewise, Level 2 standards for dishwashers are projected to save about 0.135 Quads over the 1988–1999 period. *See* Technical Support Document, Table 5. Energy savings are forecasted to be less than the three tests of significant energy savings. Therefore, DOE believes that standards for dishwashers would not likely result in significant conservation of energy.

A. *Oil and Gas Savings.* For Level 1 standards, savings of 0.125 Quads [16] would result in the savings of 430 bpd of oil and of 9,260 mcf per day of natural gas. This is only 4 and 16 percent, respectively, of the amount that DOE deems significant. For Level 2 standards, savings of 0.135 Quads would result in the savings of 470 bpd of oil and of 9,960 mcf per day of natural gas. This is only 5 and 18 percent, respectively, of the amount that DOE deems significant.

B. *Electricity Savings.* For Level 1 standards, electricity savings of 0.079 Quads over the 12-year period are less than 0.02 percent of the total national

[16] The 0.125 Quads of energy savings resulting from Level 1 standards are due to savings achieved by using less hot water. The fraction of households which heat water by electricity is 33 percent and is 54 percent for natural gas and 13 percent for oil. *See* Residential Energy Consumption Survey: Housing Characteristics 1980, DOE/EIA-0314, June 1982. Further, it is assumed that oil constitutes 2.65 percent and gas 6.15 percent of the energy used to generate electricity over this time period. These percentages are the average of the projected proportions for the years 1990 and 1995. *See* 1981 Annual Report to Congress, Volume 3: Forecasts, DOE/EIA 0173(81)/3, February 1982.

energy used for electricity.[17] For Level 2 standards, electricity savings of 0.085 Quads over the 12-year period are about 0.02 percent of the total national energy used for electricity. DOE believes that the electricity savings are so small as to have no measurable effect on the environment or on the need for new generating capacity.

C. *Percent Savings.* The percent savings in the year 2000, the year after the average life of a dishwasher purchased in the year 1987, the last year before standards would be imposed, are projected to be about 6.1 percent for Level 1 standards and about 6.6 percent for Level 2 standards.

D. *Conclusion.* On the basis of the above, DOE believes that standards for dishwashers would not result in a significant conservation of energy.

5. Economic Justification

A. *Economic Impact on Consumers.* The economic impact on consumers was found by estimating the additional first cost, if any, that a consumer would pay in order to purchase a dishwasher which meets the standard. The development of a first cost curve for dishwashers was patterned after the exponential cost curve developed for the eight products. *See* Technical Support Document, page 84. Market survey data for 31 dishwashers were used.[18] Due to the wide scatter in data used in developing the first cost curve, the difference for the 31 dishwashers between the market survey data and the first cost curve averaged about 20 percent. DOE is interested in comments regarding the uncertainties associated in estimating the first costs for dishwashers at various efficiencies.

The average cost of a dishwasher in 1988 (one with an energy efficiency of 0.327 cycles/kWh) is expected to be about $329. The average cost of a dishwasher meeting the Level 1 standard is expected to be about $439. The economic impact of the Level 1 standard is projected to increase the first cost of a dishwasher by about 33 percent ($110).

B. *Life Cycle Cost.* The life cycle cost for dishwashers is the sum of the first cost and the operating costs discounted over the lifetime of the appliance. More efficient dishwashers are not expected to result in increased maintenance costs. Thus, maintenance costs were not included in estimating life cycle costs.

The minimum life cycle cost is estimated to be about $829 and occurs for a dishwasher with an energy efficiency of 0.320 cycles/kWh. *See* Technical Support Document, Figure 8. The life cycle cost for a dishwasher, which meets the Level 1 standard, is estimated to be about $870. Standards for dishwashers could result in an increase of life cycle costs over the LCC minimum of approximately $41.

C. *Energy Savings.* As indicated above, the energy savings attributable to standards for dishwashers over the period 1988–1999, the average life of a dishwasher, are forecasted to range from 0.125 to 0.135 Quads based on savings for Level 1 and Level 2 standards, respectively.

Results from sensitivity analyses also indicated that standards would not result in significant conservation of energy. Energy savings over the period of the average life of a dishwasher beginning with the year 1988 were forecasted to range from 330 bpd to 800 bpd for oil savings and from 7,150 mcf/day to 17,180 mcf/day for gas savings. Each sensitivity analysis fails the significant energy savings test regarding oil and natural gas. *See.* Table 5.

TABLE 5.—SENSITIVITY ANALYSIS ON ENERGY SAVINGS FOR DISHWASHERS

Analysis	Oil (bpd)	Gas (mcf/day)	Electricity (percent)	Percent
Constant efficiency	800	17,180	0.036	11.64
Conservative	800	17,180	0.036	11.64
Historical (case 1)	410	8,810	0.019	5.82
Historical (case 2)	330	7,150	0.015	3.96
Level 2 sensitivity	650	13,980	0.029	9.48

Electricity savings over the period of the average life of a dishwasher beginning with the year 1988 were projected to range from 0.015 percent to 0.036 percent of the national electricity use. Each sensitivity analysis fails the significant energy savings test concerning electricity. The annual savings in the year 2000, the year following the period of the average life of a dishwasher purchased in the last year before a standard could be imposed, were forecasted to range from 3.96 percent to 11.64 percent. Each sensitivity analysis fails the significant energy savings test for percent savings. Accordingly, DOE proposes that standards for dishwashers are not likely to result in significant conservation of energy.

D. *Lessening of Utility or Performance of Products.* As indicated in the General Discussion section, there is no assurance that future utility or performance of dishwashers would not be lessened as a result of disincentives caused by standards to investments in new energy-using features.

E. *Impact of Lessening Competition.* The determination of this factor must be made by the Attorney General.

F. *Need to Save Energy.* Dishwashers use electricity directly, and oil, natural gas and electricity indirectly through their use of hot water. Energy savings, which are forecasted to be 0.123 Quads for Level 1 standards and 0.135 Quads for Level 2 standards are expected to be achieved through reduced use of hot water. DOE believes that the need of the Nation to save the marginal amount of energy realized by dishwasher standards is an insufficient reason for standards.

Conclusion

Benefits of a standard for dishwashers, compared to no standards, are that standards would save energy.

Burdens of a standard at level 1 are estimated to be: the increased first cost of a dishwasher by about 33 percent ($110) over the average cost of a dishwasher purchased in 1988; and the life cycle cost is increased by about $41 over the life cycle minimum. Burdens of a standard at level 2 would result in even greater economic burdens for consumers.

In light of all the factors discussed here and in the General Discussion, on balance, DOE believes that the burdens of standards for dishwashers outweigh the benefits. Therefore, DOE proposes that dishwasher standards are not economically justified as required by section 325(b)(2) of the Act.

b. Television Sets

A "television set" means a color television set or a monchrome television set. "Color television set" means an electrical device designed to convert incoming broadcast signals into color television pictures and associated sound. "Monochrome television set" means an electrical device designed to convert incoming broadcast signals into monochrome television pictures and associated sound. *See* 10 CFR Part 430.2.

1. *Product Classes.* Two classes of television sets, color and monochrome, were specified by DOE in the December 1979 advance notice. These classes are distinguished by their ability to reproduce images in color or in black and white, a performance-related feature which affects utility and efficiency.

Color television sets consume more energy than monochrome television sets because of the use of multiple electron

[17] Electricity usage over the period 1988–1999 is estimated to be about 413.1 Quads. This number is derived from NEPP IV.

[18] A literature search was made to collect market survey data for dishwashers. Data for dishwashers were found in the report, "Appliance Efficiency Information, Survey and Data Base Development," Bonneville Power Administration, August 1983.

guns, whereas monochrome television sets use only one electron gun. For this reason, energy efficiency levels achieved by monochrome television sets are not achievable for color television sets. Since color television sets and monochrome television sets offer distinct differences in utility to the consumer, DOE is specifying separate classes for color and monochrome television sets. DOE did not receive comments on the classes proposed in the December 1979 advance notice, so these classes remain unchanged.

2. *Design Options.* The December 1979 advance notice identified the following design options for television sets:

(a) Eliminate Instant-On.

(b) Replace Tubes (other than picture tube) with Solid State Components.

(c) Improve Thermal Design.

The elimination of the instant-on feature and the use of solid state components have already become common practices and the adoption of standards is not necessary to encourage these features. Several commenters noted that improved thermal design is not a valid means of improving energy consumption. However, the substantial differences that exist in the energy consumption of color television sets of the same picture tube size with the same features suggest that improved thermal design is a valid design option.

Another commenter suggested that "beam indexing" design which uses a single picture tube gun rather than the standard three gun design be factored into the standard levels. The levels analyzed were based on commercially available television sets. Since "beam indexing" television sets are not commercially available, DOE has determined that it should not be factored into the standard levels.

3. *Standard Levels. See* Table 6 for the standard levels selected for television sets. The Level 1 standards are 176 percent for monochrome television sets and 181 percent for color television sets. The Level 1 standard for monochrome television sets is identical to the level published in the December 1979 advance notice.

TABLE 6.—STANDARD LEVELS SELECTED FOR TELEVISION SETS

Product class	Level 1 (percent)	Level 2 (percent)
1. Monochrome	176	176
2. Color	181	200

The Level 1 standard in today's notice for color television sets is different from the level of 229 percent published in the December 1979 advance notice. DOE received several comments stating that the level was based on a color television set with a 12-inch screen and that the level is dependent on screen size. The average screen size for a color television set is reported to be 19 inches. *See* Technical Support Document, page 34. The level is being revised today to be for an average color television set (one with a 19-inch screen) and is 181 percent.

The Level 2 standard is 200 percent for color television sets. Level 2 standard for monochrome television sets is the same as the Level 1 standard, because the Level 1 standard is expected to be the maximum improvement in energy efficiency which is technologically feasible for this product class. DOE would like comments concerning whether the Level 1 standard for monochrome television sets is the maximum improvement in energy efficiency.

4. *Energy Savings.* The energy savings realized by standards for television sets were projected by the EUP Model. Color television sets are reported to be the dominant product class and typically use over three times the energy of monochrome television set.[19] Consequently, the EUP Model bases the savings for all television sets on data for color television sets by specifying that all television sets are color television sets. Since color television sets typically use more energy than monochrome television sets, specifying that all television sets are color television sets would tend to overstate the energy savings that could be achieved for all television sets.

According to results from the EUP Model, Level 1 standards for television sets are projected to save about 0.240 Quads over the 1988–1999 period, the 12-year average life of a television set. *See* Technical Support Document, Table 11. Likewise, Level 2 standards for television sets are projected to save about 0.246 Quads over the 1988–1999 period. *See* Technical Support Document, Table 12.

A. *Oil and Gas Savings.* For Level 1 standards, savings of 0.24 Quads [20] would result in the savings of 250 bpd of oil and of 3,240 mcf per day of natural gas. This is only 3 and 6 percent, respectively, of the amount that DOE deems significant. For Level 2 standards, savings of 0.246 Quads would result in the savings of 250 bpd of oil and of 3,320 mcf per day of natural gas. This is only 3 and 6 percent, respectively, of the amount that DOE deems significant.

B. *Electricity Savings.* For Level 1 standards, electricity savings of 0.24 Quads over the 12-year period is less than 0.06 percent of the total national electricity usage.[21] For Level 2 standards, electricity savings of 0.246 Quads is less than 0.06 percent of the total national energy used for electricity. DOE believes that the electricity savings are so small as to have no measurable effect on the environment or on the need for new generating capacity.

C. *Percent Savings.* Results from the EUP Model show that the percent savings in the year 2000, the year after the average life of a television set purchased in the year 1987, the last year before standards would be imposed, are projected to be about 15.3 percent for Level 1 standards and about 16.7 percent for Level 2 standards. The EUP Model tends to overstate the energy use for television sets by assuming that all television sets are color television sets. In fact, the energy use for a monochrome television set is about one-third the energy use for a color television set. Since the percent savings for Level 2 standards projected by the EUP Model are at the threshold of significance, DOE analyzed the percent savings by the actual class composition of television sets.

From 1975 to 1982, monochrome television sets represented about 37.18 percent of all television sets sold. *See* U.S. Statistical Abstract of the United States, 1984, 104th Edition, Table 958. As presented below, DOE estimated the energy use for color television sets and monochrome television sets separately for the market-based and standards scenarios in the Level 2 standards analysis. The energy use for both classes was then added to yield the estimated energy use of all televisions.

For the market-based scenario, the EUP Model forecasted that all television sets are expected to use about 0.193 Quads in the year 2000. The forecast is 0.161 Quads in the Level 2 standards scenario. *See* Technical Support Document, Table 12. By adjusting the results from the EUP Model in order to

[19] The typical annual energy use is reported to be 240 kWh for color television sets and 77 kWh for monochrome television sets. *See* Technical Support Document, page 34.

[20] This assumes that oil constitutes 2.65 percent and gas 6.15 percent of the energy used to generate electricity over this time period. These percentages are the average of the projected proportions for the years 1990 and 1995. *See* 1981 Annual Report to Congress, Volume 3: Forecasts, DOE/EIA 0173(81)/3, February 1982.

[21] Electricity usage over the period 1988–1999 is estimated to be about 413.1 Quads. This number is derived from NEPP IV.

more closely consider the effects of standards to monochrome television sets, all television sets are forecasted to use about 0.146 Quads in the market-based scenario and 0.122 Quads for Level 2 standards.[22]

In conclusion, DOE believes that, by considering more fully the effects that standards would have on monochrome television sets, the percent savings would be about 16.2 percent. This value is lower than the level of 16.67 percent required for significant energy savings. Consequently, DOE believes that standards for television sets would not result in significant energy conservation. DOE is interested in receiving comments and statements concerning whether the adjustments to the percent savings forecasts by the EUP Model are appropriate.

Conclusion

On the basis of the above, DOE believes that standards for television sets would not result in a significant conservation of energy.

5. Economic Justification

A. *Economic Impact on Consumers.* The economic impact on consumers was found by estimating the additional first cost, if any, that a consumer would pay in order to purchase a television set which meets the standard. DOE is interested in comments regarding the uncertainties associated with estimating the first costs for television sets at various efficiencies.

The exponential first cost developed for television sets showed a poor correlation to the market survey data. The difference between the market survey data and the exponential first cost curve averaged about 34 percent. A linear regression analysis was then conducted to improve the correlation to the market survey data. A cubic first cost curve showed the best correlation to the market survey data. The difference between the market survey data and the cubic first cost curve averaged about 17 percent. Therefore, on the basis of an improved correlation, the cubic first cost curve was used to estimate the economic impact on consumers. *See* Technical Support Document, page 85.

The average first cost of a television set in 1988 (one with an energy efficiency of 143 percent) is expected to cost about $439. The average first cost of a television set meeting the Level 1 standard (181 percent) is expected to cost about $507. The economic impact of the standard is projected to increase the first cost of a television set by about 15 percent ($68). Similarly, the average cost of a television set meeting the Level 2 standard (200 percent) is expected to cost about $608, which is projected to increase the first cost of a television set by about 38 percent ($169).

B. *Life Cycle Cost.* The life cycle cost for television sets is the sum of the first cost and the operating costs discounted over the lifetime of the appliance. More efficient television sets are not expected to result in increased maintenance costs. Consequently, maintenance costs were not included in estimating life cycle costs.

The minimum life cycle cost is estimated to be about $541 and occurs for a television set with an energy efficiency of 145 percent. *See* Technical Support Document, Figure 9. The life cycle cost for a television set, which meets the Level 1 standard, is estimated to be about $588. For Level 2 standards, the life cycle cost is estimated to be about $681. Standards for television sets could result in an increase of life cycle costs of approximately $47 for Level 1 standards and $140 for Level 2 standards.

C. *Energy Savings.* As indicated above, the energy savings attributable to standards for television sets over the period 1988–1999, the average life of a television set, are forecasted by the EUP Model to range from 0.240 to 0.246 Quads based on savings for Level 1 and Level 2 standards, respectively.

Results from sensitivity analyses indicated that standards might result in significant energy savings. For the sensitivity analyses, energy savings over the period of the average life of a television set beginning with the year 1988 were forecasted to range from 230 bpd to 680 bpd for oil savings and from 3,040 mcf/day to 8,930 mcf/day for gas savings. Each sensitivity analysis fails the significant energy savings test regarding oil and natural gas. *See* Table 7. Electricity savings over the period of the average life of a television set beginning with the year 1988 were projected to range from 0.056 percent to 0.16 percent of the national electricity use. Each sensitivity analysis fails the significant energy savings test concerning electricity. The annual savings in the year 2000, the year following the period of the average life of a television set purchased in the last year before a standard could be imposed, were forecasted to range from 12.48 percent to 37.04 percent.

TABLE 7.—SENSITIVITY ANALYSIS ON ENERGY SAVINGS FOR TELEVISION SETS

Analysis	Oil (bpd)	Gas (mcf/day)	Electricity (percent)	Percent
Constant Efficiency	680	8,930	0.16	37.04
Conservative Case	510	6,640	0.12	29.06
Historical (Case 1)	290	3,850	0.076	16.71
Historical (Case 2)	230	3,040	0.056	12.48
Level 2 Sensitivity	360	4,680	0.086	23.37

DOE believes that for television sets, the sensitivity analyses tend to overstate the energy savings attributable to standards. Historically, television sets have shown a dramatic improvement in energy efficiency. The energy efficiency improved from 69 percent in 1972 to 114 percent in 1978. *See* Technical Support Document, page 34. The EUP Model forecasts that the energy efficiency in 2006 under the two historical extrapolation sensitivity analyses would range from 163 to 174 percent. *See* Technical Support Document, Tables 16 and 17. The trend in energy efficiency for television sets indicates that the energy efficiency will not remain constant, as in the constant efficiency analysis, or increase slightly, as in the conservative analysis. Therefore, DOE believes that for television sets, the constant efficiency and conservative analyses overestimate energy savings.

DOE also believes that the historical (Case 1), historical (Case 2), and the Level 2 sensitivity analyses also result in overestimates of energy savings. Advancements in electronics, in general, are an ongoing drive toward

[22] In the year 2000, color television sets are forecasted to use 0.122 Quads in the market-based scenario and 0.101 Quads in the Level 2 standards scenario. These numbers are 62.8 percent of the results from the EUP Model.

For determining the energy use for monochrome television sets in the market-based scenario, the value of 0.193 Quads is adjusted by the following. First, the value of 0.193 Quads is multiplied by 37.18 percent (the fraction of television sets that are monochrome) for a product of 0.0719 Quads. Second, the EUP Model bases the energy use for all television sets on the energy use for color television sets. Typically, a color television set uses about three times more energy than a monochrome television set. Consequently, the value of 0.0719 Quads, which is based on the energy use of color television sets, must be adjusted to reflect the energy use of monochrome television sets. The annual per unit energy use in the year 2000 is forecasted to be 163 kWH for color television sets and 55 kWh for monochrome television sets. *See* Technical Support Document, Appendix C. Therefore, the value of 0.0719 Quads was adjusted by the ratio of 55 kWh to 163 kWh to account for the difference in energy use between a typical monochrome television set and a color television set, resulting in that monochrome television sets are expected to use about 0.024 Quads. In the market-based scenario, all television sets are forecasted to use about 0.146 Quads in the year 2000 (0.122 Quads for color television sets and 0.024 Quads for monochrome television sets). By a similar procedure, all television sets are forecasted to use 0.122 Quads in the year 2000 for the standards scenario. *See* Technical Support Document, Appendix C.

miniaturization and lower power requirements as vacuum tubes were replaced by transistors and transistors are replaced by integrated circuits. Television sets are following this overall trend. Newer designs in television sets could become commercially available after 1988 which could be substantially more efficient than any standard level based on available technology in 1988. For example, newer technology is emerging which could replace picture tubes with low-power flat screens. Three types of flat screens being developed use color liquid crystal displays (LCD), gas plasma, and electroluminescence. Manufacturers have already developed prototypes of small screen color LCD television sets. DOE expects television sets with low power flat screens will be commercially available in the future (by 2000). If these technologies, or other similar technologies, become competitive with picture tubes, power requirements for television sets could drop remarkably. Therefore, DOE believes that the sensitivity analyses for television sets results in overestimates of energy savings because emerging technologies could become commercially available which could result in all television sets being more efficient than the standards level.

A further concern with the constant efficiency and and conservative sensitivity analyses is that the improvement in energy efficiency in the market based scenario is projected to be lower than the improvement in the Level 1 standards analysis. For these sensitivity analyses, standards would result in greater burdens to consumers. For example, television sets are projected to cost about $415 in the constant sensitivity analysis and $426 in the conservative sensitivity analysis, while television sets which meet Level 1 standards were projected to cost $507. The resulting increases in first costs to consumers would be $92 (22 percent) for the constant sensitivity analysis. Similarily, the resulting increases in first costs to consumers are expected to be $72 (17 percent) for the historical analysis (Case 1) and $69 (16 percent) for the historical analysis (Case 2). These increases are greater than the projected increase for the Level 1 standards analysis.

D. *Lessening of Utility or Performance of Products.* As indicated in the General Discussion section, there is no assurance that future utility or performance of television sets would not be lessened as a result of disincentives caused by standards to investments in new energy-using features.

E. *Impact of Lessening Competition.* The determination of this factor must be made by the Attorney General.

F. *Need to Save Energy.* Energy savings as forecasted by the EUP Model are 0.240 Quads for Level 1 standards and 0.246 Quads for Level 2 standards. DOE believes that the need of the Nation to save the marginal amount of energy realized by television set standards is an insufficient reason for standards.

Conclusion

Benefits of a standard for television sets, compared to no standards, are that standards would save energy.

Burdens of a standard at Level 1 are estimated to be: the increased first cost of a television set by about 15 percent ($68) over the average cost of a television set purchased in 1988; the life cycle cost is increased by about $47 over the life cycle minimum. Burdens of a standard at Level 2 would result in even greater economic burdens for consumers.

In light of all the factors discussed here and in the general discussion, on balance, DOE believes that the burdens of standards for television sets outweigh the benefits. Therefore, DOE proposes that television set standards are not economically justified as required by section 325(b)(2) of the Act.

c. Clothes Washers

A "clothes washer" means a consumer product designed to clean clothes, utilizing a water solution of soap and/or detergent and mechanical agitation or other movement. *See* 10 CFR 430.2.

1. *Product Classes.* Two classes of clothes washers, top loading and front loading, were specified by DOE in the December 1979 advance notice. These classes are distinguished by performance-related features which affect utility and efficiency.

Front loading clothes washers typically use significantly less water than top loaders. Since clothes washer energy consumption is a function of the hot water usage of the machine, front loaders typically use significantly less energy than top loaders. Top loaders, on the other hand, offer a distinct performance-related feature in that they spin the clothes drier. Front loaders are difficult to balance during the spin cycle and may vibrate significantly. Spin speeds are typically lower with the front loaders than with top loaders in order to reduce vibration. Therefore, top loaders typically remove more water from the clothes during the spin cycle than do front loaders. Because of differences in utility and efficiency, top loading clothes washers and front loading clothes washers are specified as separate classes.

Based on comments received on the December 1979 advance notice recommending expansion of the classes, DOE has determined that there may be merit in adding some or all of the following additional clothes washers classes to the program: top loading automatic clothes washers, top loading semi-automatic clothes washers, and clothes washers with suds-saver features.

2. *Design Options.* The design options for clothes washers specified in the December 1979 advance notice were:

(a) Eliminate Warm Rinses.
(b) Improve Fill Control.
(c) Reduce Thermal Mass.
(d) Increase Motor Efficiency.
(e) Add Insulation.
(f) Reduce Tub Clearances.

3. *Standard Levels. See* Table 8 for the standard levels selected for clothes washers. The Level 1 standards are 1.14 ft^3/kWh for top loading clothes washers and 1.25 ft^3/kWh for front loading clothes washers. The Level 1 standard for front loading clothes washers is identical to the level published in the December 1979 advance notice.

TABLE 8.—STANDARD LEVELS SELECTED FOR CLOTHES WASHERS

Product class	Level 1	Level 2
1. Top Loading	[1] 1.14	[1] 1.302
2. Front Loading	1.25	1.25

[1] Cubic feet per kilowatthour.

DOE is revising Level 1 for top loading clothes washers in today's notice. DOE received several comments stating that the level was determined incorrectly by using 2.39 ft^3 as the average tub capacity of a top loading clothes washer. The average tub capacity was actually 1.94 ft^3. Therefore, the commenters recommended that 1.14 ft^3/kWh should be the level. Consequently, DOE is also using 1.14 ft^3/kWh as the Level 1 standard for top loading clothes washers.

The Level 2 standard is 1.302 ft^3/kWh for top loading clothes washers and is based on the industry data as to the most efficient clothes washers available in 1988. The Level 2 standard designated for front loading clothes washers is the same as the Level 1 standard, because the Level 1 standard is expected to be the maximum improvement in energy efficiency which is technologically feasible for this product class.

4. *Energy Savings.* The energy savings realized by standards for clothes washers were projected by the EUP

Model. Over 98 percent of all clothes washers shipped in 1979 were reported to be top loading units. *See* Technical Support Document, page 45. Therefore, the EUP Model uses top loading clothes washers to represent all types of clothes washers.

According to results from the EUP Model, Level 1 standards for clothes washers are projected to save about 0.347 Quads over the 1988–2000 period, the 13-year average life of a clothes washer. *See* Technical Support Document, Table 18. Likewise, Level 2 standards for clothes washers are projected to save about 0.396 Quads over the 1988–2000 period. *See* Technical Support Document, Table 19.

A. *Oil and Gas Savings.* For Level 1 standards, savings of 0.347 Quads [23] would result in the savings of 1,100 bpd of oil and of 23,690 mcf per day of natural gas.[24] This is only 11 and 42 percent, respectively, of the amount that DOE deems significant. For Level 2 standards, savings of 0.396 Quads would result in the savings of 1,260 bpd of oil and of 27,140 mcf per day of natural gas. This is only 13 and 48 percent, respectively, of the amount that DOE deems significant.

B. *Electricity Savings.* Electricity savings of 0.218 Quads of electricity over the 13-year period is less than 0.05 percent of the total national energy used for electricity.[25] For Level 2 standards, electricity savings of 0.250 Quads over the 13-year period is less than 0.06 percent of the total national energy used for electricity. DOE believes that electricity savings are so small as to have no measureable effect on the environment or on the need for new generating capacity.

C. *Percent Savings.* The percent savings in the year 2001, the year after the average life of a clothes washer purchased in the year 1987, the last year before standards would be imposed, is projected to be about 9.0 percent for Level 1 standards and about 10.6 percent for Level 2 standards.

[23] The 0.347 Quads of energy savings resulting from Level 1 standards are due to savings achieved by using less hot water. The fraction of households which heat water by electricity is 33 percent and is 54 percent for natural gas and 13 percent for oil. *See* Residential Energy Consumption Survey: Housing Characteristics 1980, DOE/EIA–0314, June 1982.

[24] This assumes that oil constitutes 2.65 percent and gas 6.15 percent of the energy used to generate electricity over this time period. These percentages are the average of the projected proportions for the years 1990 and 1995. *See* 1981 Annual Report to Congress, Volume 3: Forecasts, DOE/EIA 0173 (81)/3, February 1982.

[25] Electricity usage over the period 1988–2000 is estimated to be about 452.5 Quads. This number is derived from NEPP IV.

Conclusion

On the basis of the above, DOE believes that standards for clothes washers would not result in a significant conservation of energy.

5. Economic Justification

A. *Economic Impact on Consumers.* The economic impact on consumers was found by estimating the additional first cost, if any, that a consumer would pay in order to purchase a clothes washer which meets the standard. The development of a first cost curve for clothes washers was patterned after the exponential cost curve developed for the eight products. *See* Technical Support Document, page 85. Market survey data for 27 clothes washers were used.[26] Due to the wide scatter in data used in developing the first cost curve, the difference for the 27 clothes washers between the market survey data and the first cost curve averaged about 14 percent. DOE is interested in comments regarding the uncertainties associated in estimating the first costs for clothes washers at various efficiencies.

The average cost of a clothes washer in 1988 (one with a energy factor of 0.993 ft^3/kWh) is expected to cost about $460. Similarly, the average cost of a clothes washer meeting the standard level of 1.14 ft^3/kWh is expected to cost about $674. The economic impact of the Level 1 standard is projected to increase the first cost of a clothes washer by about 47 percent ($214). First costs at Level 2 are expected to be even greater.

B. *Life Cycle Cost.* The life cycle cost for clothes washers is the sum of the first cost and the operating costs discounted over the lifetime of the appliance. More efficient clothes washers are not expected to result in increased maintenance costs. Consequently, maintenance costs were not included in estimating life cycle costs.

The minimum life cycle cost is estimated to be about $1003 and occurs for a clothes washer with an energy efficiency of 0.87 ft^3/kWh. *See* Technical Support Document, Figure 10. The life cycle costs for a clothes washer, which meets the standard level of 1.14 ft^3/kWh, is estimated to be about $1173. Standards for clothes washers set at Level 1 could result in an increase of life cycle costs of approximately $170 over the LCC minimum. Life cycle costs at Level 2 are expected to be even greater.

[26] A literature search was made to collect market survey data for clothes washers. Data for clothes washers were found in the report, "Appliance Efficiency Information, Survey and Data Base Development", Bonneville Power Administration, August 1983.

C. *Energy Savings.* As indicated above, the energy savings attributable to a standard for clothes washers over the period 1988–2000, the average life of a clothes washer, are forecasted to range from 0.347 to 0.396 Quads based on savings for Level 1 and Level 2 standards, respectively.

For the sensitivity analyses, energy savings over the period of the average life of a clothes washer beginning with the year 1988 were forecasted to range from 300 bpd to 2,130 bpd for oil savings and from 6,380 mcf/day to 45,980 mcf/day for gas savings. Each sensitivity analysis fails the significant energy savings test regarding oil and natural gas. *See* Table 9. Electricity savings over the period of the average life of a clothes washer beginning with the year 1988 were projected to range from 0.013 percent to 0.096 percent of the national electricity use. Each sensitivity analysis fails the significant energy savings test concerning electricity. The annual savings in the year 2001, the year following the period of the average life of a clothes washer purchased in the last year before a standard could be imposed, were forecasted to range from 1.30 percent to 18.16 percent. Each sensitivity analysis, except for the Level 2 sensitivity analysis, fails the third significant energy savings test for percent savings. Energy savings for the Level 2 sensitivity analysis are projected to be 18.16 percent. The standards level in the Level 2 sensitivity analysis is based on the highest energy efficiency level projected to be commercially available by January 1, 1988. DOE believes that this is an unlikely occurrence because it is difficult to believe that all clothes washers manufactured after January 1, 1988, would be at this efficiency level. DOE further believes, that if the percent savings were adjusted to account for separate product classes as was done for television sets, the adjusted savings would be less than the forecasted value of 18.16 percent. In fact, the adjusted savings could be less than the level of 16.67 percent, resulting in no significant energy savings for this sensitivity analysis.

TABLE 9.—SENSITIVITY ANALYSIS ON ENERGY SAVINGS FOR CLOTHES WASHERS

Analysis	Oil (bpd)	Gas (mcf/day)	Electricity (percent)	Percent
Constant Efficiency	1,880	40,490	0.084	15.45
Conservative Case	1,880	40,490	0.084	15.45
Historical (Case 1)	830	17,880	0.037	5.80
Historical (Case 2)	300	6,380	0.013	1.30
Level 2 Sensitivity	2,130	45,980	0.096	18.16

D. *Lessening of Utility or Performance of Products.* As indicated in the General Discussion section, there is no assurance that future utility or performance of clothes washers would not be lessened as a result of disincentives caused by standards to investments in new energy-using features.

E. *Impact of Lessening Competition.* The determination of this factor must be made by the Attorney General.

F. *Need to Save Energy.* Clothes washers use electricity directly, and oil, natural gas, and electricity indirectly through their use of hot water. Energy savings, which are forecasted to be 0.347 Quads for Level 1 standards and 0.396 Quads for Level 2 standards, are expected to be achieved through reduced use of hot water. DOE believes that the need of the Nation to save the marginal amount of energy realized by clothes washer standards is insufficient reason for standards.

Conclusion

Benefits of a standard for clothes washers, compared to no standards, are that standards would save energy.

Burdens of a standard are estimated to be: the increased first cost of a clothes washer by about 47 percent ($214) over the average cost of a clothes washer purchased in 1988; and the cost is increased by about $170 over the life cycle minimum.

In light of all the factors discussed here and in the general discussion, on balance, DOE believes that the burdens of standards for clothes washers outweigh the benefits. Therefore, DOE proposes that clothes washer standards are not economically justified as required by section 325(b)(2) of the Act.

d. Humidifiers and Dehumidifiers

A "humidifier" is a consumer product designed to add moisture into the conditioned air, and which falls into one of the following classes: a central system humidifier or a room humidifier. A "dehumidifier" means a self-contained, electrically-powered, mechanically-refrigerated device designed primarily to decrease the moisture content of the air in an enclosed space; it has a refrigerated surface (evaporator) onto which moisture from the air condenses, a refrigerating system that includes an electric motor, a fan for circulating air, and a drainage arrangement for collecting and/or disposing of the condensate. *See* 10 CFR 430.2.

1. *Product Classes.* The three product classes specified by DOE in the December 1979 advance notice are central system humidifiers, room humidifiers, and dehumidifiers.

The two classes of humidifiers are distinguished by their performance-related features which affect utility and efficiency. Central system humidifiers are designed to add moisture into the air stream of a central heating system. A central system humidifier uses energy supplied by the warm air furnace to evaporate water used for humidification, and it adds moisture to the entire residence.

Room humidifiers are designed to add moisture directly to the conditioned air without requiring connection to a separate heating or distribution system. Room humidifiers have heaters or other means to evaporate the water used for humidification. A room humidifier can be used to add moisture to a local area of the residence, and can be moved from one room to another, if necessary.

Because of the differences in the source of heat for evaporating the water used for humidification, the DOE test method for determining the energy efficiency is different for central system and room humidifiers. This difference, as well as differences in utility, require that separate classes be specified for central system and room humidifiers.

No classes of dehumidifiers are specified. All dehumidifiers have essentially the same combination of components and there do not appear to be any different functional characteristics which affect energy consumption that warrant the specification of separate classes. DOE is interested in receiving statements concerning whether there should be specific product classes for dehumidifiers.

2. *Design Options.* The December 1979 advance notice identified the following design options for humidifiers:

(a) Add Humidistat.

(b) Improve Fan Motor Efficiency.

Based upon comments on the December 1979 advance notice, DOE believes that almost all humidifiers are fitted with humidistats. Therefore, the projected savings are based on improved fan motor efficiency only.

The December 1979 advance notice identified the following design options for dehumidifiers:

(a) Improve Compressor Efficiency.

(b) Improve Condensor Heat Transfer.

(c) Improve Fan Motor Efficiency.

(d) Improve Controls.

(e) Improve Cycle Efficiency.

3. *Standard Levels. See* Table 10 for the standard levels selected for humidifiers and dehumidifiers. The Level 1 standards are 93 percent for central system humidifiers, 93 percent for room humidifiers and 2.9 pints/kWh for dehumidifiers. The Level 1 standards for room humidifiers and dehumidifiers are identical to the levels published in the December 1979 advance notice.

TABLE 10. STANDARD LEVELS SELECTED FOR HUMIDIFIERS AND DEHUMIDIFIERS

Product class	Level 1	Level 2
1. Central System Humidifier	[1] 93	[1] 98.6
2. Room Humidifier	[1] 93	[1] 93
3. Dehumidifier	[2] 2.9	[2] 2.9

[1] Percent.
[2] Pints per kilowatthour.

The level 1 standard in today's notice for central system humidifiers is different from the level of 92 percent published in the December 1979 advance notice. The Auto Flo Company, Division of Masco Corporation (Auto Flo) commented that the energy efficiency of one of its central system humidifiers in 1978 was 93 percent. *See* Auto Flo, comment Number 9, Exhibit 1, page 5. The level is being revised today to be 93 percent for central system humidifiers.

The level 2 standard for central system humidifiers is 98.6 percent. Level 2 standards are the same as the Level 1 standards for room humidifiers and dehumidifiers because the Level 1 standards are expected to be the maximum improvement in energy efficiency which is technologically feasible.

4. *Energy Savings.* The energy savings realized by standards were projected separately for humidifiers and dehumidifiers. Central system humidifiers use over 20 percent more energy than room humidifiers. *See* Technical Support Document, page 55. The EUP Model uses central system humidifiers to represent all types of humidifiers.

According to results from the EUP Model, Level 1 standards for humidifiers are projected to save about 0.015 Quads over the 1988–1997 period, the 10-year average life of a humidifier. *See* Technical Support Document, Table 25. Likewise, Level 2 standards for humidifiers are projected to save about 0.041 Quads over the 1988–1997 period. *See* Technical Support Document, Table 26. For dehumidifiers, Level 1 standards are projected to save about 0.007 Quads over the 1988–1998 period, the 11-year average life of a dehumidifier. *See* Technical Support Document, Table 32. As presented below, the projected savings are forecasted to be less than the three tests of significant energy savings. Therefore, DOE believes that standards for humidifiers and dehumidifiers would not likely result in significant conservation of energy.

A. *Oil and Gas Savings.* For Level 1 standards, savings for humidifiers of 0.015 Quads [27] would result in the savings of 20 bpd of oil and of 250 mcf per day of natural gas. This is only 0.2 and 0.4 percent, respectively, of the amount that DOE deems significant. For level 2 standards, savings of 0.041 Quads would result in the savings of 50 bpd of oil and 670 mcf per day of natural gas. This is only 0.5 and 1 percent, respectively, of the amount that DOE deems significant.

For level 1 standards, savings for dehumidifiers of 0.007 Quads would result in the savings of 10 bpd of oil and of 100 mcf per day of natural gas. This is only 0.1 and 0.2 percent, respectively, of the amount that DOE deems significant.

B. *Electricity Savings.* For Level 1 standards, electricity savings for humidifiers of 0.015 Quads over the 10-year period are less than 0.005 percent of the total national energy used for electricity.[28] For Level 2 standards, electricity savings of 0.041 Quads over the 10-year period are about 0.013 percent of the total national energy used for electricity. DOE believes that the electricity savings are so small as to have no measurable effect on the environment or on the need for new generating capacity.

For level 1 standards, electricity savings for dehumidifiers of 0.007 Quads over the 11-year period are less than 0.002 percent of the total national energy used for electricity.[29] DOE believes that the electricity savings are so small as to have no measurable effect on the environment or on the need for new generating capacity.

C. *Percent Savings.* The percent savings for humidifiers in the year 1998, the year after the average life of a humidifier purchased in the year 1987, the last year before standards would be imposed, are projected to be about 1.1 percent for Level 1 standards and 3.0 percent for Level 2 standards.

The percent savings for dehumidifiers in the year 1999, the year after the average life of a dehumidifier purchased in the year 1987, the last year before standards be imposed, are projected to be about 2.7 percent for Level 1 standards.

Conclusion

On the basis of the above, DOE believes that standards would not result in a significant conservation of energy.

5. Economic Justification

A. *Economic Impact on Consumers.* For humidifiers and dehumidifiers, the economic impact on consumers was found by estimating the additional first cost, if any, that a consumer would pay in order to purchase a product which meets the standard. The development of a first cost curve for humidifiers was patterned after the exponential cost curve developed for the eight products. *See* Technical Support Document, page 86. Market survey data for four humidifiers were used.[30] Due to the limited data and the scatter in data used in developing the first cost curve, the difference for the four humidifiers between the market survey data and the first cost curve average about 6 percent. DOE is interested in comments regarding the uncertainties associated in estimating the first costs for humidifiers at various efficiencies.

The average cost of a humidifier in 1988 (one with an energy factor of 90 percent) is expected to cost about $120. Similarly, the average cost of a humidifier meeting the standard level of 93 percent is expected to cost about $137. The economic impact of a standard is projected to increase the first cost of a humidifier by about 14 percent ($17).

The exponential first cost curve developed for dehumidifiers showed a poor correlation to the market survey data. In order to achieve a better correlation, a parabolic first cost curve was developed. *See* Technical Support Document, page 87. Market survey data for 12 dehumidifiers were used.[31] Due to the wide scatter in data used in developing the parabolic first cost curve the difference for the 12 dehumidifiers between the market survey data and the first cost curve averaged about 14 percent. DOE is interested in comments regarding the uncertainties associated in estimating the first costs for dehumidifiers at various efficiencies.

The average cost of a dehumidifier in 1988 (one with an energy efficiency of 2.454 pints/kWh) is expected to cost about $218. Similarly, the average cost of a dehumidifier meeting the standard level of 2.90 pints/kWh is expected to cost about $267. The economic impact of a standard is projected to increase the first cost of a dehumidifier by about 22 percent ($49).

B. *Life Cycle Cost.* The life cycle cost for humidifiers and dehumidifiers is the sum of first cost and the operating costs discounted over the lifetime of the appliance. More efficient humidifiers and dehumidifiers are not expected to result in increased maintenance costs. Consequently, maintenance costs were not included in estimating life cycle costs.

For humidifiers, the minimum life cycle cost is estimated to be about $648 and occurs for a humidifier with an energy efficiency of 92 percent. *See* Technical Support Document, Figure 11. The life cycle cost for a humidifier, which meets the standard level of 93 percent, is estimated to be $653. Level 1 standards for humidifiers could result in an increase of life cycle costs of approximately $5 over the LCC minimum.

For dehumidifiers, the minimum life cycle cost is estimated to be about $503 and occurs for a dehumidifier with an energy efficiency of 2.64 pints/kWh. *See* Technical Support Document, Figure 2. The life cycle cost for a dehumidifier, which meets the standard level of 2.90 pints/kWh is estimated to be about $513. Standards for dehumidifiers could result in an increase of life cycle costs of approximately $10 over the LCC minimum.

C. *Energy Savings.* For humidifiers, the energy savings attributable to a standard over the period 1988–1997, the average life of a humidifier, were forecasted to range from 0.015 to 0.041 Quads based on savings for Level 1 and Level 2 standards, respectively.

Results from sensitivity analyses indicated that standards would not result in significant conservation of energy. Energy savings over the period of the average life of a humidifier beginning with the year 1988 are forecasted to range from 20 bpd to 50 bpd for oil savings and from 20 mcf/day to 670 mcf/day for gas savings. Each sensitivity analysis fails the significant energy savings test regarding oil and natural gas. *See* Table 11. Electricity savings over the period of the average life of a humidifier, beginning with the year 1988, are projected to range from

[27] This assumes that oil constitutes 2.65 percent and gas 6.15 percent of the energy used to generate electricity over this time period. These percentages are the average of the projected proportions for the years 1990 and 1995. *See* 1981 Annual Report to Congress, Volume 3: Forecasts, DOE/EIA 0173(81) / 3, February 1982.

[28] Electricity usage over the period 1988–1997 is estimated to be about 336. 8 Quads. This number is derived from data in the 1981 Annual Report to Congress, Volume 3: Energy Projections, DOE/EIA–0173(81)/3, February 1982.

[29] Electricity usage over the period 1988–1998 is estimated to be about 404.4 Quads. This number is derived from data in the 1981 Annual Report to Congress, Volume 3: Energy Projections, DOE/EIA/0173(81)/3, February 1982.

[30] A literature search was made to collect market survey data for humidifiers. Data for humidifiers were found in the catalog, "Fall/Winter 1983 Catalog", Eastern Edition, Sears, Roebuck and Co.

[31] A literature search was made to conduct market survey data for dehumidifiers. Data for dehumidifiers were found in the article, "Dehumidifiers: Dryer Air Indoors", *Consumers Research Magazine*, Consumers Research, Inc., July 1983; in the article "Dehumidifiers", *Consumers Reports*, Consumers Union, May 1981; and the *1983 Directory of Certified Dehumidifiers*, Edition No. 1, AHAM.

0.005 percent to 0.013 percent of the national electricity use. Each sensitivity analysis fails the significant energy savings test concerning electricity. The annual savings in the year 1998, the year following the period of the average life of a humidifier purchased in the last year before a standard could be imposed, are forecasted to range from 1.12 percent to 3.03 percent. Each sensitivity analysis fails the significant energy savings test for percent savings. Accordingly, DOE proposes that standards for humidifiers are not likely to result in significant conservation of energy.

For dehumidifiers, the energy savings attributable to a standard over the period 1988–1998, the average life of a dehumidifier, are forecasted to be about 0.007 Quads based on Level 1 standards.

Results from sensitivity analyses indicated that standards would not result in significant conservation of energy. Energy savings over the period of the average life of a dehumidifier beginning with the year 1988 were forecasted to range from 10 bpd to 20 bpd for oil savings and from 110 mcf/day to 220 mcf/day for gas savings. Each sensitivity analysis fails the significant energy savings test regarding oil and natural gas. *See* Table 12. Electricity savings over the period of the average life of a dehumidifier beginning with the year 1988 were projected to range from 0.002 percent to 0.004 percent of the national electricity use. Each sensitivity analysis fails the significant energy savings test concerning electricity. The savings in the year 1999, the year following the period of the average life of a dehumidifier purchased in the last year before a standard could be imposed, were forecasted to range from 2.69 percent to 5.78 percent. Each sensitivity analysis fails the significant energy savings test for percent savings. Accordingly, DOE proposes that standards for dehumidifiers are not likely to result in significant conservation of energy.

TABLE 11.—SENSITIVITY ANALYSES ON ENERGY SAVINGS FOR HUMIDIFIERS

Analysis	Oil (bpd)	Gas (mcf/day)	Electricity (percent)	Percent
Constant Efficiency	20	250	0.005	1.12
Conservative Case	20	250	0.005	1.12
Historical (Case 1)	20	250	0.005	1.12
Historical (Case 2)	20	250	0.005	1.12
Level 2 Sensitivity	50	670	0.013	3.03

TABLE 12.—SENSITIVITY ANALYSIS OF ENERGY SAVINGS FOR DEHUMIDIFIERS

Analysis	Oil (bpd)	Gas (mcf/day)	Electricity (percent)	Percent
Constant Efficiency	20	220	0.004	5.78
Conservative Case	20	220	0.004	5.76
Historical (Case 1)	10	120	0.002	2.91
Historical (Case 2)	10	120	0.002	2.91

D. *Lessening of Utility or Performance of Products.* As indicated in the General Discussion section, there is no assurance that future utility or performance of humidifiers and dehumidifiers would not be lessened as a result of disincentives caused by standards to investments in energy-using new features.

E. *Impact of Lessening Competition.* The determination of this factor must be made by the Attorney General.

F. *Need to Save Energy.* Energy savings for humidifiers are forecasted to be 0.015 Quads for Level 1 standards and 0.041 Quads for Level 2 standards. Energy savings for dehumidifiers are forecasted to be 0.007 Quads for Level 1 standards. DOE believes that the need of the Nation to save the marginal amount of energy realized by standards for both humidifiers and dehumidifiers is insufficient reason for standards.

Conclusion

Benefits of a standard for humidifiers and dehumidifiers, compared to no standards, are that standards would save energy.

Burdens of a standard for humidifiers are estimated to be: the increased first cost by about 14 percent ($17) over the average cost of a product purchased in 1988; the life cycle cost is increased by about $5 over the life cycle minimum.

Burdens of a standard for dehumidifiers are estimated to be: the increased first cost by about 22 percent ($49) over the average cost of a product purchased in 1988; the life cycle cost is increased by about $10 over the life cycle minimum.

In light of all the factors discussed here and in the general discussion, on balance, DOE believes that the burdens of standards for humidifiers and dehumidifiers outweigh the benefits. Therefore, DOE proposes that humidifier and dehumidifier standards are not economically justified as required by section 325(b)(2) of the Act.

IV. Preemption of State Regulations

The Department has adopted procedural regulations at 10 CFR Part 430, Subpart D, giving States an opportunity to petition the Department to preserve State or local efficiency standards for a covered product. 47 FR 57198 (December 22, 1982) and 48 FR 39376 (August 30, 1983). If DOE adopts the rule proposed today with regard to each of the four products, any State or local efficiency standard for those products would be superseded pursuant to section 327(a)(2) of the Act. DOE believes that Florida, which has a dishwasher standard, and New York, which has standards for both dishwashers and television sets, are the only States which currently have standards for any of the four products subject to today's notice. Nevertheless, if, at a future time, any State or other persons wish the Department to review State or local efficiency standards that have been promulgated, the regulations at 10 CFR Part 430, Subpart D, provide the procedural requirements which must be met.

V. Environmental, Regulatory Impact, and Regulatory Flexibility Reviews

The Department has reviewed today's proposed action in accordance with the Department's obligations under:

- The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality regulations implementing the procedural provisions of NEPA (40 CFR 1500 *et seq.*) and the Department's own NEPA guidelines (10 CFR Part 1021);
- Executive Order 12291 (46 FR 13193, February 19, 1981) which pertains to agency review of the impact of Federal regulations; and
- The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) which requires, in part, that an agency prepare an initial regulatory flexibility analysis for any proposed rule unless it determines that the rule will not have a "significant economic impact on a substantial number of small entities." In the event that such an analysis is not required for a particular rule, the agency must publish a certification and explanation of that determination in the **Federal Register.**

a. Environmental Review

The Department proposes to establish no energy efficiency standards for four types of consumer products. By operation of the Act, all State energy efficiency standards for these products would be preempted, except those for which States petition and receive from the Department a rule which exempts them in accordance with section 327(b)(3) of the Act. Thus, the proposed action potentially has three elements: (1) No establishment of energy efficiency standards for the four products in those States that do not now have standards

in effect; (2) Federal approval of certain State standards (i.e., exemption from Federal preemption); and (3) Federal "supersession" of certain existing State standards.

The first element clearly would not be environmentally significant since it is simply a continuation of the status quo.

As for the second element, in all cases where DOE is requested to approve State standards, DOE will conduct an appropriate NEPA review on a case-by-case basis. It is anticipated that the vast majority of these cases will be adequately covered by the Environmental Assessment (EA) (DOE/EA-0113) and the Addendum to the EA which the Department prepared and issued on the impact of setting and implementing energy efficiency standards for all 13 types of consumer products identified in section 322(a)(1)–(13) of the Act. A Finding of No Significant Impact and Notice of Availability of that EA were published with the June 30, 1980 proposed rule for minimum energy efficiency standards for eight of the products (45 FR 44086). Copies of that Environmental Assessment and addendum may be obtained from the address indicated at the beginning of this notice.

As for the third element, a State with existing standards could possibly not seek exemption or would be denied an exemption from preemption. For dishwashers, Florida and New York are the only States to DOE's knowledge that have applicable energy efficiency standards. Both States require a switch to manually control the power dry feature. If these two States either do not seek exemption from or are denied an exemption from preemption, elimination of these standards for dishwashers would result in maximum increased energy usage of about 0.003 Quads per year.[32]

[32] The increased energy use for dishwashers is the product of the projected energy use for dishwashers in 1988 of 0.28 Quads times the fraction of the nation's households within the States with standards (12.5 percent) multiplied by the maximum savings that would be realized by the existing State standards (6.5 percent). *See* Technical Support Document, Table 4, for the energy use in 1988. Florida (3,744,000 households) and New York (6,340,000 households) represented about 12.5 percent of the Nation's total households (80,390,000) in 1980. *See* Statistical Abstract of the United States, 1984, 104th Edition, Table 66. The savings realized by standards are 0.26 kWh/cycle. *See* Household Appliance Usage Data, page C–3. The savings were then divided by the sales-weighted average energy use in 1988 of 3.06 kWh/cycle for a savings of 6.5 percent. *See* Technical Support Document, Table 4.

For television sets, New York is the only State known to DOE which has standards. New York prohibits instant-on television sets. If New York either does not seek exemption from or is denied an exemption from preemption, elimination of State standards for television sets would result in maximum increased energy usage of about 0.002 Quads per year.[33]

For clothes washers and humidifiers and dehumidifiers, DOE is not aware of any State that has energy efficiency standards for these products. Since State standards do not exist, none will be preempted and there will clearly be no environmental impact.

The 1980 Environmental Assessment (EA) and Addendum analyzed the environmental impacts of setting and implementing Federal energy efficiency standards. One conclusion from this EA was that a change in energy usage of 1.6 Quads would not have a significant impact on the quality of the human environment. As discussed above, the preemption of State energy efficiency standards for the four products would result in a maximum increase of approximately 0.005 Quads per year (0.003 Quads per year for dishwashers and 0.002 Quads per year for television sets). This annual change in energy consumption is considerably less than the change in energy consumption of 1.6 Quads determined not to have a significant impact on the quality of the human environment in the 1980 EA. Moreover, there is no difference *in kind* between the impacts of setting standards and eliminating standards. Therefore, the Department has determined the proposed rulemaking clearly will not significantly affect the quality of the human environment so that neither an Environmental Assessment or an Environmental Impact Statement is required.

b. Regulatory Impact Review

In light of the foregoing analysis of the effect of the proposed action, DOE has concluded that the rule is not a "major rule" for purposes of Executive Order 12291 because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, in accordance with Section 3(c)(3) of the Executive Order, which applies to rules other than major rules, the proposed rule was submitted to the Director of OMB for review without a regulatory impact analysis.

Finally, as mentioned above, the Department intends to consider the regulatory impacts, consistent with Executive Order 12291, of all rules proposed in response to petitions to preserve or supersede State standards under Section 327(b) of the Act.

c. Regulatory Flexibility Act

The Regulatory Flexibility Act requires agencies, when proposing a rule that is likely to have a significant economic impact on a substantial number of small entities, to prepare an initial regulatory flexibility analysis. The rule proposed today—that is, determination that no standard should be adopted for the four covered products—would not likely have such an impact, if adopted. In light of the foregoing, the Department has determined and hereby certifies pursuant to section 605(b) of the Regulatory Flexibility Act that the proposal, if promulgated, will not have a significant economic impact on a substantial number of small entities.

In addition, the Department will consider, as appropriate, any significant economic impact on small entities in deciding petitions to preserve or supersede State standards under section 327(b) of the Act.

VI. Public Comment Procedures

a. Participation in Rulemaking

DOE encourages the maximum level of public participation possible in this rulemaking. Following publication of the December 13, 1979 advance notice of proposed rulemaking, DOE held two public meetings to acquaint the public with the issues relating to this particular rulemaking and invited public participation in the rulemaking process. There were also opportunities for the public to submit written comments on the advance notice.

[33] The increased energy use for television sets is the product of the projected energy use for television sets in 1988 of 0.22 Quads times the fraction of the Nation's households within New York State (7.9 percent) multiplied by the savings realized by standards (11 percent). *See* Technical Support Document, Table 4 for the energy use in 1988. New York (6,340,000 households) represented about 7.9 percent of the Nation's total households (80,390,000) in 1980. *See* Statistical Abstract of the United States, 1984, 104th Edition, Table 66. The instant-on feature for televisjon sets uses about 11 percent of the annual energy use for television sets. *See* Energy Efficiency Program for Appliances, Television Sets, Report 50–RD–77, Federal Energy Administration, October 31, 1977.

The Department again encourages interested persons to participate in this rulemaking. Individual consumers, representatives of consumer groups, manufacturers' associations, States or other governmental entities, utilities, retailers, distributors, manufacturers, and others are urged to submit written statements on the proposal. The Department also encourages interested persons to participate in the public hearing to be held in Washington, D.C., at the time and place indicated at the beginning of this notice.

One Technical Support Document has been prepared in connection with this proposed rule which is referenced in the text of this preamble. Copies of this document may be found in the DOE Freedom of Information Reading Room. Interested persons may obtain copies of this document by writing to the address specified at the beginning of this notice.

The DOE has established a comment period of 90 days following publication of this notice, for persons to comment on this proposal. Upon completion of the comment period, all comments including the determinations made by the Attorney General pursuant to section 325(d)(5) of the Act and transcripts of all hearings will be available for review in the DOE Freedom of Information Reading Room.

b. Written Comment Procedures

Interested persons are invited to participate in this proceeding by submitting written data, views or arguments with respect to the subjects set forth in this notice. Instructions for submitting written comments are set forth at the beginning of this notice and below. It is requested that, wherever reasonably possible, comments for each product type of addressed separately.

Comments should be labeled both on the envelope and on the documents, "Appliances (Docket No. CAS-RM-79-113)" and must be received by the date specified at the beginning of this notice, in order to insure full consideration. Seven copies are requested to be submitted. All comments received by the date specified at the beginning of this notice and other relevant information will be considered by DOE before final action is taken on the proposed regulation. As mentioned above, 90-day comment period is being provided.

All written comments received on the proposed rule will be available for public inspection at the Freedom of Information Reading Room as provided at the beginning of this notice.

Pursuant to the provisions of 10 CFR 1004.11, any person submitting information or data which is believed to be confidential and exempt by law from public disclosure, should submit one complete copy of the document, and six copies, if possible, from which the information believed to be confidential has been deleted. DOE will make its own determination with regard to the confidential status of the information or data and treat it according to its determination.

Factors, of interest to DOE, when evaluating requests to treat as confidential information that has been submitted include: (1) A description of the item; (2) an indication as to whether and why such items of information have been treated by the submitting party as confidential, and whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) an indication as to when such information might lose its confidential character due to the passage of time; and (7) whether disclosure of the information would be in the public interest.

c. Public Hearings

1. Procedure for Submitting Requests to Speak. In order to have the benefit of a broad range of public viewpoints in this rulemaking, DOE will hold a hearing. Listed at the beginning of this notice are the date, address, and DOE contact for this hearing. Any person who has an interest in these proceedings, or who is a representative of a group or class of persons having an interest, may make a written request for an opportunity to make an oral presentation at the public hearing. Such requests should be labeled both on the letter and the evelope, "Appliances (Docket No. CAS-RM-79-113)" and should be sent to the address and must be received by the time specified at the beginning of this notice.

The person making the request should briefly describe the interest concerned and, if appropriate, state why he or she is a proper representative of the group or class of persons that has such an interest, and give a telephone number where he or she may be contacted. Each person requesting an opportunity to speak should give a concise summary of the proposed oral presentation. Each person selected to be heard will be so notified by DOE by the date specified at the beginning of this notice.

Each person selected to be heard is requested to submit seven copies of the statement by the date given at the beginning of this notice. In the event any person wishing to testify cannot meet this requirement, alternative arrangements can be made with the Office of Hearings and Dockets in advance by so indicating in the letter requesting to make an oral presentation.

Lists of the persons selected to be heard at the hearings will be available upon request from the Office of Hearings and Dockets at the address and after dates specified at the beginning of this notice. The lists will also be available for inspection in the DOE Freedom of Information Reading Room as specified at the beginning of this notice.

2. *Conduct of Hearing.* DOE reserves the right to select the persons to be heard at this hearing, to schedule the respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation is limited to 20 minutes.

A DOE official will be designated to preside at the hearing. The hearing will not be a judicial or an evidentiary-type hearing, but will be conducted in accordance with 5 USC 553 and Section 336 of the Act. At the conclusion of all initial oral statements at each day of the hearing, each person who has made an oral statement will be given the opportunity to make a rebuttal statement, subject to time limitations. The rebuttal statements will be given in the order in which the initial statements were made. The official conducting the hearing will accept additional comments or questions from those attending, as time permits. Any interested person may submit to the presiding official written questions to be asked of any person making a statement at the hearing. The presiding official will determine whether the question is relevant and whether time limitations permit it to be presented for response.

Any further procedural rules regarding proper conduct of the hearing will be announced by the presiding official.

A transcript of the hearing will be made, and the entire record of this rulemaking, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Reading Room as provided at the beginning of this notice. Any person may purchase a copy of the transcript from the transcribing reporter.

In consideration of the foregoing, it is proposed to amend Part 430 of Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 95-619; Department of Energy Organization Act, Pub. L. 95-91.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Energy conservation, Household appliances.

Issued in Washington, D.C., March 15, 1985.

Donna R. Fitzpatrick,

Acting Assistant Secretary, Conservation and Renewable Energy.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

§ 430.32 [Amended]

Section 430.32 is amended by adding paragraphs (c), (h), (j), and (k), as follows:

* * * * *

(c) Dishwashers: No standard for all classes.

* * * * *

(h) Televisions sets: No standard for all classes.

* * * * *

(j) Clothes washers: No standard for all classes.

(k) Humidifiers and dehumidifiers: No standard for all classes.

[FR Doc. 85-7646 Filed 3-29-85; 8:45 am]

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Federal Register

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Monday, April 1, 1985

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FEDERAL REGISTER PAGES AND DATES, APRIL

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List of Public Laws

Last List March 27, 1985

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202-275-3030).

S. 592/Pub. L. 99-7

To provide that the chairmanship of the Commission on Security and Cooperation in Europe shall rotate between members appointed from the House of Representatives and members appointed from the Senate, and for other purposes. (Mar. 27, 1985; 99 Stat. 18) Price: $1.00

TABLE OF EFFECTIVE DATES AND TIME PERIODS—APRIL 1985

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or a heliday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
April 1	April 16	May 1	May 16	May 31	July 1
April 2	April 17	May 2	May 17	June 3	July 1
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April 23	May 8	May 23	June 7	June 24	July 22
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April 25	May 10	May 28	June 10	June 24	July 24
April 26	May 13	May 28	June 10	June 25	July 25
April 29	May 14	May 29	June 13	June 28	July 29
April 30	May 15	May 30	June 14	July 1	July 29

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

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3 (1983 Compilation and Parts 100 and 101)	7.00	Jan. 1, 1984
4	12.00	Jan. 1, 1985
5 Parts:		
1-1199	13.00	Jan. 1, 1984
1-1199 (Special Supplement)	None	Jan. 1, 1984
1200-End, 6 (6 Reserved)	7.50	Jan. 1, 1985
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200-299	14.00	Jan. 1, 1984
300-499	9.50	Jan. 1, 1984
500-End	14.00	Jan. 1, 1984
13	13.00	Jan. 1, 1985
14 Parts:		
1-59	13.00	Jan. 1, 1984
60-139	13.00	Jan. 1, 1984
140-199	7.50	Jan. 1, 1985
200-1199	13.00	Jan. 1, 1984
1200-End	8.00	Jan. 1, 1985
15 Parts:		
0-299	6.50	Jan. 1, 1985
300-399	13.00	Jan. 1, 1984
400-End	12.00	Jan. 1, 1985
16 Parts:		
0-149	9.00	Jan. 1, 1985
150-999	10.00	Jan. 1, 1985
1000-End	13.00	Jan. 1, 1984
17 Parts:		
1-239	14.00	Apr. 1, 1984
240-End	13.00	Apr. 1, 1984
18 Parts:		
1-149	12.00	Apr. 1, 1984
150-399	15.00	Apr. 1, 1984
400-End	6.50	Apr. 1, 1984
19	17.00	Apr. 1, 1984
20 Parts:		
1-399	7.50	Apr. 1, 1984
400-499	13.00	Apr. 1, 1984
500-End	14.00	Apr. 1, 1984
21 Parts:		
1-99	9.00	Apr. 1, 1984
100-169	12.00	Apr. 1, 1984
170-199	12.00	Apr. 1, 1984
200-299	4.25	Apr. 1, 1984
300-499	14.00	Apr. 1, 1984
500-599	13.00	Apr. 1, 1984
600-799	6.00	Apr. 1, 1984
800-1299	9.50	Apr. 1, 1984
1300-End	6.00	Apr. 1, 1984
22	17.00	Apr. 1, 1984
23	13.00	Apr. 1, 1984
24 Parts:		
0-199	8.00	Apr. 1, 1984
200-499	14.00	Apr. 1, 1984
500-699	6.00	Apr. 1, 1984
700-1699	12.00	Apr. 1, 1984
1700-End	9.50	Apr. 1, 1984
25	14.00	Apr. 1, 1984
26 Parts:		
§§ 1.0-1.169	14.50	Apr. 1, 1984
§§ 1.170-1.300	10.00	Apr. 1, 1984
§§ 1.301-1.400	7.50	Apr. 1, 1984
§§ 1.401-1.500	13.00	Apr. 1, 1984
§§ 1.501-1.640	12.00	Apr. 1, 1984
§§ 1.641-1.850	12.00	Apr. 1, 1984
§§ 1.851-1.1200	14.00	Apr. 1, 1984
§§ 1.1201-End	17.00	Apr. 1, 1984
2-29	13.00	Apr. 1, 1984
30-39	9.00	Apr. 1, 1984
40-299	14.00	Apr. 1, 1984
300-499	9.50	Apr. 1, 1984
500-599	8.00	[1] Apr. 1, 1980
600-End	5.50	Apr. 1, 1984
27 Parts:		
1-199	13.00	Apr. 1, 1984
200-End	12.00	Apr. 1, 1984
28	13.00	July 1, 1984
29 Parts:		
0-99	14.00	July 1, 1984
100-499	6.50	July 1, 1984
500-899	14.00	July 1, 1984
900-1899	7.50	July 1, 1984
1900-1910	15.00	July 1, 1984
1911-1919	5.50	July 1, 1984
1920-End	14.00	July 1, 1984
30 Parts:		
0-199	13.00	July 1, 1984
200-699	5.50	July 1, 1984
700-End	13.00	July 1, 1984
31 Parts:		
0-199	8.00	July 1, 1984
200-End	9.50	July 1, 1984

Title	Price	Revision Date
32 Parts:		
1–39, Vol. I	15.00	July 1, 1984
1–39, Vol. II	19.00	July 1, 1984
1–39, Vol. III	18.00	July 1, 1984
40–189	13.00	July 1, 1984
190–399	13.00	July 1, 1984
400–629	13.00	July 1, 1984
630–699	12.00	July 1, 1984
700–799	13.00	July 1, 1984
800–999	9.50	July 1, 1984
1000–End	6.00	July 1, 1984
33 Parts:		
1–199	14.00	July 1, 1984
200–End	13.00	July 1, 1984
34 Parts:		
1–299	14.00	July 1, 1984
300–399	8.50	July 1, 1984
400–End	14.00	July 1, 1984
35	7.50	July 1, 1984
36 Parts:		
1–199	9.00	July 1, 1984
200–End	12.00	July 1, 1984
37	8.00	July 1, 1984
38 Parts:		
0–17	14.00	July 1, 1984
18–End	9.50	July 1, 1984
39	8.00	July 1, 1984
40 Parts:		
1–51	13.00	July 1, 1984
52	14.00	July 1, 1984
53–80	18.00	July 1, 1984
81–99	14.00	July 1, 1984
100–149	9.50	July 1, 1984
150–189	13.00	July 1, 1984
190–399	13.00	July 1, 1984
400–424	13.00	July 1, 1984
425–End	14.00	July 1, 1984
41 Chapters:		
1, 1–1 to 1–10	13.00	July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	July 1, 1984
3–6	14.00	July 1, 1984
7	6.00	July 1, 1984
8	4.50	July 1, 1984
9	13.00	July 1, 1984
10–17	9.50	July 1, 1984
18, Vol. I, Parts 1–5	13.00	July 1, 1984
18, Vol. II, Parts 6–19	13.00	July 1, 1984
18, Vol. III, Parts 20–52	13.00	July 1, 1984
19–100	13.00	July 1, 1984
101	15.00	July 1, 1984
102–End	9.50	July 1, 1984
42 Parts:		
1–60	12.00	Oct. 1, 1984
61–399	8.00	Oct. 1, 1984
400–End	18.00	Oct. 1, 1984

Title	Price	Revision Date
43 Parts:		
1–999	9.50	Oct. 1, 1984
1000–3999	14.00	Oct. 1, 1984
4000–End	8.00	Oct. 1, 1984
44	13.00	Oct. 1, 1984
45 Parts:		
1–199	9.50	Oct. 1, 1984
200–499	6.50	Oct. 1, 1984
500–1199	13.00	Oct. 1, 1984
1200–End	9.50	Oct. 1, 1984
46 Parts:		
1–40	9.50	Oct. 1, 1984
41–69	9.50	Oct. 1, 1984
70–89	6.00	Oct. 1, 1984
90–139	9.00	Oct. 1, 1984
140–155	9.50	Oct. 1, 1984
156–165	10.00	Oct. 1, 1984
166–199	9.00	Oct. 1, 1984
200–499	13.00	Oct. 1, 1984
400–End	7.00	Oct. 1, 1983
47 Parts:		
0–19	13.00	Oct. 1, 1984
20–69	14.00	Oct. 1, 1984
70–79	13.00	Oct. 1, 1984
80–End	14.00	Oct. 1, 1984
48 Chapters:		
1 (Parts 1–51)	13.00	Oct. 1, 1984
1 (Parts 52–99)	13.00	Oct. 1, 1984
2	13.00	Oct. 1, 1984
3–6	12.00	Oct. 1, 1984
7–14	14.00	Oct. 1, 1984
15–End	12.00	Oct. 1, 1984
49 Parts:		
1–99	7.50	Oct. 1, 1984
100–177	14.00	Nov. 1, 1984
178–199	13.00	Nov. 1, 1984
200–399	13.00	Oct. 1, 1984
400–999	13.00	Oct. 1, 1984
1000–1199	13.00	Oct. 1, 1984
1200–1299	13.00	Oct. 1, 1984
1300–End	3.75	Oct. 1, 1984
50 Parts:		
1–199	9.50	Oct. 1, 1984
200–End	14.00	Oct. 1, 1984
CFR Index and Findings Aids	17.00	Jan. 1, 1984
Complete 1985 CFR set	550.00	1985
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Complete set (one-time mailing)	155.00	1983
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Subscription (mailed as issued)	185.00	1985
Individual copies	3.75	1985

[1] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1984. The CFR volume issued as of Apr. 1, 1980, should be retained.

CFR ISSUANCES 1985
January 1985 Editions and Projected April, 1985 Editions

This list sets out the CFR issuances for the **January 1985** editions and projects the publication plans for the **April, 1985** quarter. A projected schedule that will include the **July, 1985** quarter will appear in the first **Federal Register** issue of July.

For pricing information on available 1984-1985 volumes consult the CFR checklist which appears every Monday in the Federal Register.

Pricing information is not available on projected issuances. Individual announcements of the actual release of volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The weekly CFR checklist or the monthly List of CFR Sections Affected will continue to provide a cumulative list of CFR volumes actually printed.

Normally, CFR volumes are revised according to the following schedule:

Titles 1-16—January 1
Titles 17-27—April 1
Titles 28-41—July 1
Titles 42-50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

*Indicates volume is still in production.

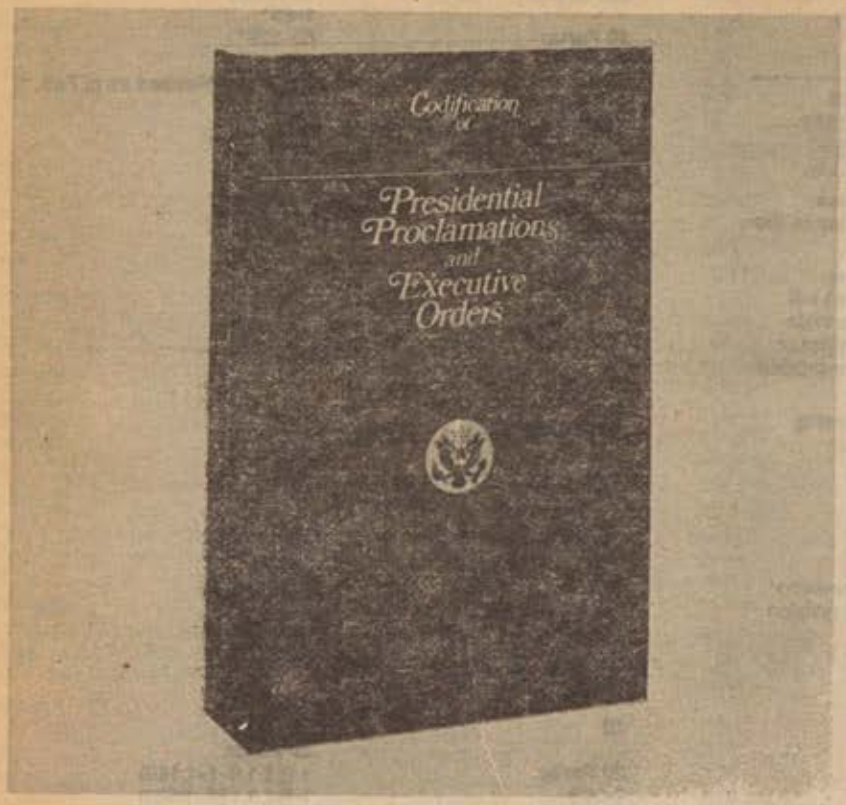
Titles revised as of January 1, 1985:

Title	
CFR Index	53-209
	210-299
1-2 (Revised as of Apr. 1, 1985)	300-399
	400-699
3 (Compilation)	700-899*
	900-999*
4	1000-1059
	1060-1119
5 Parts:	1120-1199
1-1199 (To be announced)	1200-1499
1200-End	1500-1899
	1900-1944
6 [Reserved]	1945-End
7 Parts:	8
0-45	
46-51	9 Parts:
52	1-199*
200-End	
10 Parts:	14 Parts:
0-199	1-59*
200-399	60-139*
400-499*	140-199
500-End*	200-1199 (Revised as of Feb. 1, 1985)*
11	1200-End
12 Parts:	15 Parts:
1-199	0-299
200-299	300-399*
300-499*	400-End
500-End*	16 Parts:
13	0-149
	150-999
	1000-End

Projected April 1, 1985 editions:

Title	
17 Parts:	
1-239	24 Parts:
240-End	0-199
	200-499
18 Parts:	500-699
1-149	700-1699
150-399	1700-End
400-End	
	25
19	
	26 Parts:
20 Parts:	1 (§§ 1.0-1-1.169)
1-399	1 (§§ 1.170-1.300)
400-499	1 (§§ 1.301-1.400)
500-End	1 (§§ 1.401-1.500)
	1 (§§ 1.501-1.640)
21 Parts:	1 (§§ 1.641-1.850)
1-99	1 (§§ 1.851-1.1200)
100-169	1 (§§ 1.1201-End)
170-199	2-29
200-299	30-39
300-499	40-299
500-599	300-499
600-799	500-599 (Cover only)
800-1299	600-End
1300-End	
	27 Parts:
22	1-199
	200-End
23	

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