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federal register

Thursday
May 9, 1985

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Animal Drugs
Food and Drug Administration

Aviation Safety
Federal Aviation Administration

Bridges
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Child Support
Child Support Enforcement Office

Claims
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Presidential Documents

Title 3—

The President

Proclamation 5335 of May 6, 1985

Dr. Jonas E. Salk Day, 1985

By the President of the United States of America

A Proclamation

One of the greatest challenges to mankind always has been eradicating the presence of debilitating disease. Until just thirty years ago poliomyelitis occurred in the United States and throughout the world in epidemic proportions, striking tens of thousands and killing thousands in our own country each year.

Dr. Jonas E. Salk changed all that. This year we observe the 30th anniversary of the licensing and manufacturing of the vaccine discovered by this great American. Even before another successful vaccine was discovered, Dr. Salk's discovery had reduced polio and its effects by 97 percent. Today, polio is not a familiar disease to younger Americans, and many have difficulty appreciating the magnitude of the disorder that the Salk vaccine virtually wiped from the face of the earth.

Jonas E. Salk always had a passion for science. It was because of this that he finally chose medicine over law as his career goal. Even after his great discovery, he continued to undertake vital studies and medical research to benefit his fellowman. Under his vision and leadership, the Salk Institute for Biological Studies has been in the forefront of basic biological research, reaping further benefits for mankind and medical science.

In recognition of his tremendous contributions to society, particularly for his role in the epochal discovery of the first licensed vaccine for poliomyelitis, and in celebration of the thirtieth anniversary of its mass distribution, the Congress, by House Joint Resolution 258, has designated May 6, 1985, as "Dr. Jonas E. Salk Day" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 6, 1985, as Dr. Jonas E. Salk Day. I urge the people of the United States to observe the day with appropriate tributes, ceremonies, and activities throughout the Nation and by paying honor, at all times, to this outstanding physician and to his life's work.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of May, 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 nineth.

Ronald Reagan

[FR Doc. 85-11415
Filed 5-7-85; 3:16 pm]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 907 and 908

Navel Oranges Grown in Arizona and Designated Part of California; Valencia Oranges Grown in Arizona and Designated Part of California; Final Rules Establishing Rates of Compensation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rules.

SUMMARY: These final rules establish rates of compensation for members of the Navel Orange Administrative Committee (NOAC) and the Valencia Orange Administrative Committee (VOAC). They slightly amend earlier interim rules in accord with the intent of the orders. The amendments do not change the rates of compensation specified in the interim rules. They clarify the purpose of the compensation committee members and alternates receive in addition to expenses.

EFFECTIVE DATE: May 9, 1985.

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

SUPPLEMENTARY INFORMATION: The final rules were reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and were designated as "non-major" rules. William T. Manley, Deputy Administrator, Agricultural Marketing Service, certified that this action would not have a significant economic impact on a substantial number of small entities.

This action is taken under Marketing Orders 907 and 908, as amended (7 CFR Parts 907, and 908), regulating the handling of navel and Valencia oranges, respectively, grown in Arizona and designated parts of California. The marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended. It is hereby found that this action will tend to effectuate the declared policy of the act.

These final rules set the rate of compensation for committee members and alternates engaged in the performance of their duties. The respective orders provide that members and alternates shall be reimbursed for their expenses and, in addition, shall receive limited compensation at a rate recommended by the committees and approved by the Secretary. These final rules clarify the intent of the interim rules, published on February 12, 1985, (50 FR 5733) which indicated that the specified compensation was linked to certain specified expenses. These final rules reflect the intent of the orders with respect to member and alternate compensation.

The rates at which committee members are compensated for time spent in the performance of their duties was previously limited to $25 per day or portion thereof for any member. Sections 907.31 and 908.31 of the orders were amended on January 11, 1985, however, to permit compensation of grower and handler members and alternates at a rate not to exceed $100 per day or portion thereof and for nonindustry members at a rate not to exceed $250 per day or portion thereof. The budgets for both committees provide for these increases in compensation.

These rates of compensation reflect increases in costs incurred by members and alternates in the performance of their duties since the $25 limit was set in 1970. Between January 11, 1985, and the effective date of the interim rules, committees reimbursed their members at the previously authorized rate.

No comments on the interim rules were received.

It is found that it is impracticable and contrary to the public interst to give preliminary notice, engage in public rulemaking, and postpone the effective date of these final rules until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making this amendment effective as specified in that: (1) The committees meet at least weekly during the respective marketing seasons; (2) the final rules do not change the rate of compensation specified in the interim rules; (3) compensation should be paid as intended by the orders; and (4) no useful purpose would be served by delaying the effective date of these rules.

List of Subjects in 7 CFR Parts 907 and 908

Marketing Agreements and orders, California, Arizona, Oranges (navel), Oranges (Valencia).

Parts 907 and 908 are amended as follows:

The authority citations for 7 CFR Parts 907 and 908 continue to read as follows:

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

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Section 907.103 is revised to read as follows:

§ 907.103 Rates of compensation.

(a) Except as provided in paragraph (b) of this section, grower and handler members, alternates, and additional alternates of the committee shall be compensated while in the performance of their duties at a rate of $50 per day. The member and alternate nominated and selected pursuant to § 907.22(f) shall be so compensated at a rate of $100 per day. In addition, all members, alternates, and additional alternates shall receive $50 for each day spent in travel, excluding the day(s) on which duties are being performed.

(b) When a grower or handler member, alternate, or additional alternate of the Navel Orange Administrative Committee (NOAC) attends both a meeting of the NOAC and a meeting of the Valencia Orange Administrative Committee (VOAC) under Part 908 on the same day, and when compensation is due from both committees, the NOAC shall pay such member, alternate, or additional alternate $37.50 per day for attending

the NOAC meeting and $25 for each day in travel status, excluding the day on which the meeting is held. When the member or alternate nominated and selected pursuant to § 907.22(f) attends both a meeting of the NOAC and the VOAC on the same day, and when compensation is due from both committees, the NOAC shall pay such member or alternate $75 per day for attending the NOAC meeting and $25 for each day in travel, excluding the day(s) on which the meeting is held.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Section 908.103 is revised to read as follows:

§ 908.103 Rates of Compensation.

(a) Except as provided in paragraph (b) of this section, grower and handler members, alternates, and additional alternates of the committee shall be compensated while in the performance of their duties at a rate of $50 per day. The member and alternate nominated and selected pursuant to § 908.22(f) shall be so compensated at a rate of $100 per day. In addition, all members, alternates, and additional alternates shall receive $50 for each day in travel, excluding the day(s) on which duties are being performed.

(b) When a grower or handler member, alternate, or additional alternate of the Valencia Orange Administrative Committee (VOAC) attends both a meeting of the VOAC and a meeting of the Navel Orange Administrative Committee (NOAC) under Part 907 on the same day, and when compensation is due from both committees, the VOAC shall pay such member, alternate, or additional alternate $37.50 per day for attending the VOAC meeting and $25 per day for each day in travel status, excluding the day on which the meeting is held. When the member or alternate selected pursuant to § 908.22(f) attends both a meeting of the VOAC and the NOAC on the same day, and when compensation is due from both committees, the VOAC shall pay such member or alternate $75 per day for attending the VOAC meeting an $25 for each day in travel, excluding the day(s) on which the meeting is held.

Dated: April 30, 1985.

Thomas R. Clark,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 85-10991 Filed 5-8-85; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 24635; Amdt. No. 1294]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these

SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument procedures.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN SIAPs identified as follows:

. . . Effective July 4, 1985

Utica, MI—Berz-Macomb, VOR-A, Amdt. 1
Galion, OH—Galion Muni, VOR RWY 23, Amdt. 10
Mt. Gilead, OH—Morrow County, VOR-A, Amdt. 2
Fort Worth, TX—Oak Grove, VOR/DME-A, Amdt. 2
Seattle, WA—Seattle-Tacoma Intl, VOR RWY 16L/R, Amdt. 9
Seattle, WA—Seattle-Tacoma Intl, VOR RWY 34L/R, Amdt. 6
Prairie Du Chien, WI—Prairie Du Chien Muni, VOR/DME RWY 29, Amdt. 4

. . . Effective June 20, 1985

Cedar Rapids, IA—Cedar Rapids Muni, VOR RWY 9, Amdt. 15
Cedar Rapids, IA—Cedar Rapids Muni, VOR RWY 27, Amdt. 10
Hillsdale, MI—Hillsdale Muni, VOR-A, Amdt. 6
Three Rivers, MI—Three Rivers Muni Dr. Haines, VOR-A, Amdt. 9
Tupelo, MS—C.D. Lemons Muni, VOR-A, Orig.

. . . Effective June 6, 1985

Williston, ND—Sloulin Field Intl, VOR RWY 11, Amdt. 10
Williston, ND—Sloulin Field Intl, VOR/DME RWY 29, Amdt. 1
Circleville, OH—Pickaway County Memorial, VOR RWY 19, Orig.
Laramie, WY—General Brees Field, VOR RWY 12, Amdt. 4
Laramie, WY—General Brees Field, VOR/DME RWY 30, Amdt. 5

2. By amending § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, and SDF/DME SIAP identified as follows:

. . . Effective July 4, 1985

Seattle, WA—Boeing Field/King County Intl, LOC BC RWY 31L, Amdt. 9

. . . Effective June 20, 1985

Columbia Mt Pleasant, TN—Maury County, SDF RWY 23, Amdt. 3

. . . Effective June 6, 1985

Plattsburgh, NY—Clinton Co, LOC RWY 1, Amdt. 2, Cancelled

3. By amending § 97.27 NDB and NDB/DME SIAPs identified as follows:

. . . Effective July 4, 1985

Forsyth, MT—Tillitt Field, NDB RWY 26, Amdt. 2
Glendive, MT—Dawson Community, NDB RWY 12, Amdt. 4
Wolf Point, MT—Wolf Point Intl, NDB RWY 28, Amdt. 1
Wolf Point, MT—Wolf Point Intl, NDB-A, Amdt. 2, Cancelled
Seattle, WA—Seattle-Tacoma Intl, NDB RWY 16L/R, Amdt. 4

. . . Effective June 20, 1985

Cedar Rapids, IA—Cedar Rapids Muni, NDB RWY 9, Amdt. 10
Danville, KY—Goodall Field, NDB-A, Amdt. 3
Monroe, NC—Monroe, NDB RWY 23, Amdt. 3
Plymouth, NC—Plymouth Muni, NDB RWY 2, Amdt. 2
Lakeview, OR—Lake County, NDB-A, Amdt. 1
Columbia Mt Pleasant, TN—Maury County, NDB RWY 23, Amdt. 3

. . . Effective June 6, 1985

Eliot, ME—Littlebrook Air Park, NDB-A, Orig.
Rochester, MN—Rochester Muni, NDB RWY 31, Amdt. 19
Williston, ND—Sloulin Field Intl, NDB RWY 29, Orig.

4. By amending § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME and MLS/RNAV SIAPs identified as follows:

. . . Effective July 4, 1985

Carlsbad, NM—Cavern City Air Terminal, ILS RWY 3, Amdt. 2

. . . Effective June 20, 1985

Cedar Rapids, IA—Cedar Rapids Muni, ILS RWY 9, Amdt. 14
Cedar Rapids, IA—Cedar Rapids Muni, ILS RWY 27, Amdt. 3
Lexington, KY—Blue Grass, ILS RWY 4, Amdt. 11

. . . Effective June 6, 1985

Louisville, KY—Standiford Field, ILS RWY 1, Amdt. 7
Rochester, MN—Rochester Muni, ILS RWY 31, Amdt. 19
Missoula, MT—Missoula County, ILS-1 RWY 11, Amdt. 8
Missoula, MT—Missoula County, ILS-3 RWY 11, Amdt. 4
Plattsburgh, NY—Clinton Co, ILS RWY 1, Orig.
Williston, ND—Sloulin Field Intl, ILS RWY 29, Orig.
Seattle, WA—Seattle-Tacoma Intl, ILS RWY 16R, Amdt. 8

5. By amending § 97.33 RNAV SIAPs identified as follows:

** * * Effective July 4, 1985*

Grand Island, NE—Hall County Regional, RNAV RWY 31, Admt. 4, Cancelled
Mosinee, WI—Central Wisconsin, RNAV RWY 17, Amdt. 5

** * * Effective June 20, 1985*

Cedar Rapids, IA—Cedar Rapids Muni, RNAV RWY 13, Amdt. 6
Cedar Rapids, IA—Cedar Rapids Muni, RNAV RWY 31, Amdt. 6

** * * Effective June 6, 1985*

Williston, ND—Sloulin Field Intl, RNAV RWY 29, Orig., Cancelled

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421, and 1510); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(3))

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

Issued in Washington, D.C., on May 3, 1985.

John S. Kern,

Acting Director of Flight Operations.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

[FR Doc. 85-11192 Filed 5-8-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 377

[Docket No. 41266-5056]

Removal of Validated Licensing Requirements on Exports of Linear Alpha Olefins and Other Acyclic Organic Compounds

AGENCY: International Trade Administration.

ACTION: Final rule.

SUMMARY: On January 7, 1985, the Department of Commerce published in the **Federal Register** (50 FR 729) an interim rule which lifted short supply validated licensing requirements for the export of linear alpha olefins and other acyclic organic compounds. The public was invited to comment on this interim final rule for 30 days. During this period, the Department received comments from four companies all favoring the interim rule but requesting clarification regarding the scope of products included under Group N. In order to respond to these concerns, the Department is modifying the interim rule to limit Group N only to naphthas classified under Census Schedule B No. 475.3500.

Furthermore, through a related rule published today, linear alpha olefins and other acyclic organic compounds are no longer subject to the export restrictions of the Naval Petroleum Reserves Production Act and may be exported under general license G-DEST.

EFFECTIVE DATE: May 9, 1985.

FOR FURTHER INFORMATION CONTACT: John A. Richards, Director, Office of Industrial Resource Administration, U.S. Department of Commerce, Washington, DC 20230 (Telephone 202-377-4506).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

(1) The Department has determined that this final rule relieves a restriction, and therefore, pursuant to section 553(d)(1) of the Administrative Procedure Act, it is effective immediately upon publication.

(2) Since notice and opportunity to comment were not required by the Administrative Procedure Act or any other law, this rule is not subject to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*)

(3) The Department has determined that this regulation is not a major rule within the meaning of section 1 of Executive Order 12291 because it is not likely to 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 in the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, a Regulatory Impact Analysis will not be prepared.

(4) This rule reduces a burden under the Paperwork Reduction Act by eliminating the need for a validated license. The reporting requirement associated with this rule has been cleared under OMB control No. 0625-0001.

List of Subjects in 15 CFR Part 377

Exports.

Issued: April 17, 1985.

John A. Richards,

Director, Office of Industrial Resource Administration.

Accordingly, Part 377 of the Export Administration Regulations is amended to read as follows:

PART 377—[AMENDED]

1. The authority citation for Part 377 is revised to read as follows:

Authority: Secs. 203, 206, Pub. L. 95-223, as amended (50 U.S.C. 1702, 1704); E.O. 12470 of March 30, 1984 (49 FR 13099, April 3, 1984); Presidential Notice of March 28, 1985 (50 FR 12513, March 29, 1985); sec. 103, Pub. L. 94-163 as amended (42 U.S.C. 6212); E.O. 11912 of April 13, 1976 (41 FR 15825, as amended); sec. 201(10), Pub. L. 94-258 amending 10 U.S.C. 7430.

2. Group N in Supplement No. 2 is revised to read as follows:

Schedule B No.	Commodity description	Unit of quantity
	Group N	
475.3500	Naphthas, derived from petroleum, shale oil, or both but excluding specialty naphthas which are packaged and exported in containers not exceeding 55 U.S. gallons per container.	Bbl.

[FR Doc. 85-11314 Filed 5-8-85; 8:45 am]

BILLING CODE 3510-DT-M

15 CFR Part 377

[Docket No. 41267-5057]

List of Commodities Subject to the Naval Petroleum Reserves Production Act of 1976

AGENCY: International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: On January 7, 1985, the Department of Commerce published in the **Federal Register** (50 FR 835) a notice requesting public comment on a proposal to revise the list of commodities subject to regulations that implement the Naval Petroleum Reserves Production Act of 1976 (NPRPA). Comments were solicited on the proposal to remove from NPRPA requirements those commodities listed in Group Q in Supplement 2 to Part 377 of the Export Administration Regulations.

The Department received comments from eight companies supporting the removal of certain chemical commodities from the list of commodities subject to the NPRPA. Accordingly, we have reviewed the need to apply NPRPA requirements to these petroleum-based chemical commodities contained in Group Q. We have determined that these commodities are highly refined down-stream products of the crude petroleum from which they are produced. It is therefore highly unlikely that removal of NPRPA export restrictions on these commodities would significantly affect the exploitation of Naval Reserves petroleum as a source of supply for export. The Department is, therefore, issuing this rule in final form, removing these commodities from Group Q and from Supplement No. 3.

EFFECTIVE DATE: May 9, 1985.

FOR FURTHER INFORMATION CONTACT: John A. Richards, Director, Office of Industrial Resource Administration, U.S. Department of Commerce, Washington, DC 20230 (Telephone: 202/377-4506).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

(1) The Department has determined that this final rule relieves a restriction, and therefore, pursuant to section 553(d)(1) of the Administrative Procedure Act, it is effective immediately upon publication.

(2) Because this rule is not likely to result in (a) an annual effect on the economy of $100 million or more; (b) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or in the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets, it is not a major rule within the meaning of section 1 of Executive Order 12291. Therefore, a final Regulatory Impact Analysis will not be prepared.

(3) The General Counsel of the Department has certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities because it removes administrative burdens rather than imposes them. As a result, no Regulatory Flexibility Analysis was prepared.

(4) This rule reduces a burden under the Paperwork Reduction Act by eliminating the need for a validated license and a required affidavit. The information collection activities

associated with this rule have been cleared under OMB control Nos. 0625–0001 and 0625–0104.

List of Subjects in 15 CFR Part 377

Exports.

Issued: April 17, 1985.

John A. Richards,

Director, Office of Industrial Resource Administration.

Accordingly, Part 377 of the Export Administration Regulations is amended as follows:

PART 377—[AMENDED]

1. The authority citation for Part 377 is revised to read as follows:

Authority: Secs. 203, 206, Pub. L. 95–223, as amended (50 U.S.C. 1702, 1704); E.O. 12470 of March 30, 1984 (49 FR 13099, April 3, 1984); Presidential Notice of March 28, 1985 (50 FR 12513, March 29, 1985); sec. 103, Pub. L. 94–163 as amended (42 U.S.C. 6212); E.O. 11912 of April 13, 1976 (41 FR 15825, as amended); sec. 201(10), Pub. L. 94–258 amending 10 U.S.C. 7430.

Supplement No. 2—[Amended]

2. Group Q in Supplement No. 2 to Part 377 is amended by removing the following entries:

Schedule B No.	Commodity description	Unit of quantity
	Group O	
401.0110	Benzene	Gal.
401.0120	Toluene	Gal.
401.0132	Ortho-xylene	Gal.
401.0134	Para-xylene	Gal.
401.0139	Other xylene	Gal.
*	* * *	
431.0210	Butadiene	Lb.
431.0220	Butylene	Lb.
431.0230	Ethylene	Lb.
431.0240	Isoprene	Lb.
431.0250	Propylene	Lb.
431.0260	Tetrapropylene	Lb.
431.0270	Linear alpha olefins (C-6 to C-30 range).	Lb.
431.0295	Acyclic organic compounds, n.s.p.f.	Lb.
*	* * *	

Supplement No. 3—[Amended]

3. Supplement No. 3 to Part 377 is amended by removing the following entries:

Schedule B No.	Commodity description
401.0110	Benzene.
401.0120	Toluene.
401.0132	Ortho-xylene.
401.0134	Para-xylene.
401.0139	Other xylene.
*	* * * *
431.0210	Butadiene.
431.0220	Butylene.
431.0230	Ethylene.
431.0240	Isoprene.
431.0250	Propylene.
431.0270	Linear alpha olefins (C-6 to C-30 range).
431.0295	Acyclic organic compounds, n.s.p.f.
*	* * * *

[FR Doc. 85–11313 Filed 5–8–85; 8:45 am]

BILLING CODE 3510–DT–M

RAILROAD RETIREMENT BOARD

20 CFR Parts 260 and 320

Appeals Procedure Under the Railroad Retirement and Railroad Unemployment Insurance Acts

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) hereby amends §§ 260.9 and 320.39 of its regulations to make minor revisions in the procedures for filing appeals to the Board under the Railroad Retirement and Railroad Unemployment Insurance Acts. The amendments conform the procedures for appeals to the Board under the two Acts by shortening the appeal period applicable to Railroad Unemployment Insurance Act appeals from the current 90 days to 60 days and by adding language to the regulations under both Acts to permit the Board to waive compliance with the requirement to file within the appeals period where the appellant requests an extension based on a showing of good cause for failure to make a timely filing.

EFFECTIVE DATE: May 9, 1984.

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

SUPPLEMENTARY INFORMATION: The Board published this rule as a proposed rule on March 12, 1985, and requested public comment (50 FR 9810–9811). No comments were received by the Board on the proposed rule.

The Board's regulations governing appeals from decisions issued by the Board's Bureau of Hearings and Appeals (20 CFR 260.9 and 320.39), previously provided that appeals to the Board under the Railroad Retirement Act be filed within 60 days after notice of the decision by the Bureau of Hearings and Appeals, whereas appeals from such decisions under the Railroad Unemployment Insurance Act were required to be filed within 90 days. There was no particular reason for this difference and it caused confusion concerning the filing of appeals. Accordingly, the Board is amending its regulations to conform the time periods under the two Acts. The new 60-day time period for appeals to the Board from decisions under the Railroad Unemployment Insurance Act shall apply with respect to decisions issued by the Bureau of Hearings and Appeals on and after the date of publication of this final rule.

In addition, where an appellant has been unavoidably prevented for good cause from filing an appeal within the allowable time period, the amendments provide a mechanism whereby the appellant may request an extension of time to file.

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no Regulatory Impact Analysis is required. Sections 260.9(c) and 320.39 contain reporting requirements that are subject to OMB review under the Paperwork Reduction Act of 1980. In accordance with section 3504(h) of that Act, the board will submit these reporting requirements to OMB for review.

List of Subjects

20 CFR Part 260

Railroad employees, Railroad retirement, Railroads.

20 CFR Part 320

Railroad employees, Railroad unemployment insurance, Railroads.

PART 260—[AMENDED]

Title 20 CFR Chapter II, is amended as follows:

1. The authority citation for 20 CFR Part 260 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5).

2. Section 260.9(c) of the Board's regulations is revised to read as follows:

§ 260.9 Final appeal for a decision of the referee.

* * * * *

(c) *Timely filing.* The right to further review of a decision of a referee shall be forfeited unless formal final appeal is filed in the manner and within the time prescribed in § 260.9(b). However, when a claimant fails to file an appeal before the Board within the time prescribed in this section, the Board may waive this requirement if, along with the final appeal form, the appellant in writing requests an extension of time. The request for an extension of time must

give the reasons why the final appeal form was not filed within the time limit prescribed in this section. If in the judgment of the Board the reasons given establish that the appellant had good cause for not filing the final appeal form within the time prescribed, the Board will consider the appeal to have been filed in a timely manner. The Board will use the standards found in § 260.3(d) of this chapter in determining if good cause exists.

* * * * *

PART 320—[AMENDED]

3. The authority citation for 20 CFR Part 320 continues to read as follows:

Authority: 45 U.S.C. 362(1).

4. Section 320.39 of the Board's regulations is revised to read as follows:

§ 320.39 Execution and filing of appeal to Board from decision of referee.

An appeal to the Board from the decision of a referee shall be filed on the form provided by the Board and shall be executed in accordance with the instructions on the form. Such appeal shall be filed within 60 days from the date upon which notice of the decision of the referee was mailed to the parties. The right to further review of a decision of a referee shall be forfeited unless formal final appeal is filed in the manner and within the time prescribed in this section. However, when a claimant fails to file an appeal before the Board within the time prescribed in this section, the Board may waive this requirement if, along with the final appeal form, the appellant in writing requests an extension of time. The request for an extension of time must give the reasons why the final appeal form was not filed within the time limit prescribed in this section. If in the judgment of the Board the reasons given establish that the appellant had good cause for not filing the final appeal form within the time prescribed, the Board will consider the appeal to have been filed in a timely manner. The Board will use the standards found in § 260.3(d) of this chapter in determining if good cause exists.

(45 U.S.C. 362(1))

Dated: April 30, 1985.

By Authority of the Board.

For the Board,

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 85-10998 Filed 5-8-85; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 146

[Docket No. 83P-0286]

Pineapple Juice; Amendment of Standards of Identity, Quality, and Fill of Container

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the U.S. standards of identity, quality, and fill of container for pineapple juice to: (1) Permit the use of other methods of preservation, including refrigeration and freezing, in addition to heat sterilization; (2) remove all references to the words "canned" and "canning" and add the word "processing," where appropriate, consistent with the use of other methods of preservation; (3) permit the use of filtering as a processing aid; and (4) provide for the removal of excess pulp. The purpose of this action is to promote honesty and fair dealing in the interest of consumers.

DATES: Effective July 1, 1987, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may begin July 8, 1985. Objections by June 10, 1985.

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

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Center for Food Safety and Applied Nutrition (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0107.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 8, 1984 (49 FR 44652), FDA proposed to amend the standards of identity, quality, and fill of container for pineapple juice (21 CFR 146.185). FDA published the proposal in response to a petition submitted by the Pineapple Growers Association of Hawaii. Interested persons were given until January 7, 1985, to comment on the proposal. FDA received six letters, each containing one or more comments, in response to the proposal. All the comments supported the proposal.

Two comments pointed out that, although one of the stated purposes of the amendment was to remove all references to the word "canning," the proposed language would retain the use of the term in § 146.185(a)(1). The comments requested that the reference to the term "canning" be removed.

FDA agrees and has revised § 146.185(a)(1) accordingly.

Another comment made a suggestion which was outside the scope of the proposal; namely, to provide for a correction for acidity of pineapple juice from concentrate. Anyone who believes that there is a need for such a requirement is invited to submit a petition with supporting data that demonstrate this need.

In accordance with the Regulatory Flexibility Act (Pub. L. 96-354 (5 U.S.C. 601)), FDA has concluded that the amendment will result in providing increased flexibility to all manufacturers related to the pineapple industry and will not impose an additional burden on the industry. Therefore, FDA certifies that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 21 CFR Part 146

Canned fruit juices, Food standards, Fruit juices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 146 is amended as follows:

PART 146—CANNED FRUIT JUICES

1. The authority citation for Part 146 continues to read as follows:

Authority: Secs. 401, 701, 52 Stat. 1046 as amended, 1055-1056 as amended (21 U.S.C. 341, 371); 21 CFR 5.10.

2. In § 146.185 by removing the words "canned" and "canning" wherever they appear in the section and by revising the section heading and paragraphs (a)(1) and (c)(1), to read as follows:

§ 146.185 Pineapple juice.

(a) *Identity.* (1) Pineapple juice is the juice, intended for direct consumption, obtained by mechanical process from the flesh or parts thereof, with or without core material, of sound, ripe pineapple (*Ananas comosus* L. Merrill). The juice may have been concentrated and later reconstituted with water suitable for the purpose of maintaining essential composition and quality factors of the juice. Pineapple juice may contain finely divided insoluble solids, but it does not contain pieces of shell, seeds, or other coarse or hard substances or excess pulp. It may be sweetened with any safe and suitable dry nutritive carbohydrate sweetener. However, if the pineapple juice is prepared from concentrate, such sweeteners, in liquid form, also may be

used. It may contain added vitamin C in a quantity such that the total vitamin C in each 4 fluid ounces of the finished food amounts to not less than 30 milligrams and not more than 60 milligrams. In the processing of pineapple juice, dimethylpolysiloxane complying with the requirements of § 173.340 of this chapter may be employed as a defoaming agent in an amount not greater than 10 parts per million by weight of the finished food. Such food is prepared by heat sterilization, refrigeration, or freezing. When sealed in a container to be held at ambient temperatures, it is so processed by heat, before or after sealing, as to prevent spoilage.

* * * * *

(c) *Fill of container.* (1) The standard of fill of container for pineapple juice, except when the food is frozen, is not less than 90 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before June 10, 1985 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin July 8, 1985, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1987, shall fully comply. Notice of the filing of objections or lack thereof will be published in the **Federal Register.**

Dated: April 30, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-11196 Filed 5-8-85; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Carl S. Akey, Inc., providing for manufacturing 5-, 10-, and 20-gram-per-pound tylosin premixes. Use of the 10-gram-per-pound premix is being extended to include making finished feeds for broiler and replacement chickens. The 5- and 20-gram-per-pound tylosin premixes are to be used to make finished feeds for swine, beef cattle, and chickens.

EFFECTIVE DATE: May 9, 1985.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: Carl S. Akey, Inc., P.O. Box 607, Lewisburg, OH 45338, is sponsor of a supplement to NADA 103-089 submitted on its behalf by Elanco Products Co. The supplement provides for extending use of a 10-gram-per-pound tylosin premix to include making broiler and replacement chicken feeds. The premix is currently approved for making finished feeds for beef cattle, swine, chickens, and laying chickens. Additionally, the supplement provides for making 5- and 20-gram-per-pound tylosin premixes for subsequent addition to beef cattle, chicken, and swine feeds for use as in 21 CFR 558.625(f)(1) (i) through (vi). The supplement is approved and the regulations are amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (April 26, 1985; 50 FR 16636) that this 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.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b), unless otherwise noted.

2. In § 558.625 by revising paragraph (b)(48) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(48) To 017790: 5, 10, 20, and 40 grams per pound, paragraph (f)(1) (i) through (vi) of this section.

* * * * *

Effective date. May 9, 1985.

Dated: May 2, 1985.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 85-11195 Filed 5-8-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD3 85-15]

Special Local Regulations; Memorial Day Weekend Coney Island Air Show

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special Local Regulations are being adopted for the Memorial Day Weekend Coney Island Air Show. This event is sponsored by the Coney Island Chamber of Commerce. The event will be held on May 24–27, 1985 off Coney Island Beach, New York. This regulation is needed to provide for the safety of participants and spectators on navigable waters during this event.

EFFECTIVE DATES: This regulation becomes effective on May 24, 25, 26, 27, 1985 at 12:00 noon and terminates at 3:00 p.m. each day.

FOR FURTHER INFORMATION CONTACT: Lt D.R. Cilley, (212) 668–7974.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impractical. The application to hold this event was not received until April 11, 1985 and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this regulation are Lt. D.R. Cilley, Project Officer, Third Coast Guard District Boating Safety Division, and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Regulations

The Memorial Day Weekend Coney Island Air Show is sponsored by the Coney Island Chamber of Commerce. The United States Navy Blue Angels Jet Aerobatic Team will put on a special air show daily during the effective period from 1:00 p.m. to 1:30 p.m. over the waters off Coney Island in Brooklyn, New York. This air show is well known to the boaters and residents alike in this area, as similar events have been held in past years. The Federal Aviation Administration requires that all vessels be kept out of the area under the flight line (show area). The Coast Guard expects a very large spectator fleet for this popular event. The regulated area is a rectangular area 6,000 feet long along the shore and extends out 3,000 feet offshore. The 2 offshore corners of the regulated area will be marked by special purpose buoys. In order to provide for the safety of both participants and spectators, the Coast Guard will close the regulated area to all traffic.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Part 100 is amended by adding a temporary § 100.35–314 to read as follows:

§ 100.35–314 Memorial Day Weekend Coney Island Air Show, New York.

(a) *Regulated Area.* Atlantic Ocean, off Coney Island, New York in the rectangular area north of a line connecting latitude 40 degrees 33 minutes 47.0 seconds north, longitude 73 degrees 59 minutes 22.0 seconds west and latitude 40 degrees 33 minutes 52.8 seconds north, longitude 73 degrees 58 minutes 04.0 seconds west.

(b) *Effective Period.* This regulation will be effective from 12:00 noon to 3:00 p.m. each day on May 24, 25, 26, 27, 1985.

(c) *Special Local Regulations.* (1) The regulated area will be closed to all vessel traffic during the effective period. No person or vessel shall enter or remain in the regulated area when it is closed unless authorized by the sponsor or the Coast Guard Patrol Commander.

(2) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(3) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) $500 for any person in charge of the navigation of a vessel.

(ii) $500 for the owner of a vessel actually on board.

(iii) $250 for any other person.

(iv) Suspension or revocation of a license for a licensed officer.

Dated: April 25, 1985.

P.A. Yost,

Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 85–11244 Filed 5–8–85; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 117

[08–84–13]

Drawbridge Operation Regulations; Kelso Bayou, LA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD), the Coast Guard is changing the regulation governing the operation of the swing span bridge over Kelso Bayou, mile 0.7, on LA27 at Hackberry, Cameron parish, Louisiana, by requiring that at least 4 hours advance notice be given for an opening of the draw from 22 December to around 25 May (non-shrimping season), and on signal at all other times. Presently, the draw is required to open on signal at all times. This change is being made because of infrequent requests for opening the draw during the non-shrimping season. This action will relieve the bridge owner of the burden of having a person constantly available at the bridge to open the draw during the non-shrimping season, while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This regulation becomes effective on June 10, 1985.

FOR FURTHER INFORMATION CONTACT: Perry Haynes, Chief, Bridge Administration Branch, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: On 7 January 1985, the Coast Guard published a proposed rule (50 Fr 861) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a Public Notice dated 18 January 1985 and in the Local Notice to Mariners of 23 January 1985. In each instance interested persons were given until 21 February 1985 to submit comments.

Drafting Information

The drafters of this regulation are Perry Haynes, project officer, and Steve Crawford, project attorney.

Discussion of Comments

Five letters were received. One came from a local shrimper, who apparently misunderstood the advance notice

operation as a bridge closure. To correct this misunderstanding, a letter to the respondent explained the operation and justification for implementation. Another letter came from the Cameron Parish Police Jury expressing concern about the economic representativeness of using 1982 bridge openings to make the case and the effect of the operating change on the local economy, and stemmed in part from condensed information. To allay this concern, a letter to the police jury explained: (1) That 1981 through 1984 bridge openings were used to justify the change, not just 1982, and that these openings are representative of various levels of economic activity; (2) that these openings are few and basically for repeat waterway users; (3) that these mariners can arrange for an opening by calling the bridge owner collect from ashore or afloat, at any time; and, (4) that this type of operation should not have a detrimental economic effect on those mariners or the parish. As a result of the foregoing, there was no indication of any further concern. Three letters were from Federal agencies offering no objections to the change.

Economic Assessment and Certification

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

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that few vessels pass this bridge during the state set non-shrimping season of 22 December to around 25 May, a period of about five months. During this period of 83/84, 82/83 and 81/82, there were 105, 77 and 102 bridge openings, respectively, averaging well below one opening per day for each period. These openings do not vary meaningfully over the three consecutive non-shrimping seasons and are considered representative of waterway related activity. These few vessels can reasonably provide four hours notice for a bridge opening by placing a collect call at any time to the LDOTD District Office at Lake Charles (318) 439-2406. From afloat, this contact may be made by marine radiotelephone through a public coast station. Scheduling their arrival at the bridge at the appointed time would involve little or no additional expense to the mariners. Moreover, should the occasion arise, during the advance notice period, to open the bridge on less than four hours notice to accommodate a bona fide emergency or to operate the bridge on demand for a temporary surge in waterway traffic, the LDOTD has committed to doing so.

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

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by redesignating § 117.459 as § 117.458 and adding a new § 117.459 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.459 Kelso Bayou.

The draw of the S27 bridge, mile 0.7 at Hackberry, shall open on signal; except that, during the non-shrimping season of 22 December to a date around 25 May, as set by the state yearly, the draw shall open on signal if at least four hours notice is given.

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

Dated: April 26, 1985.

W.H. Stewart,

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

[FR Doc. 85-11245 Filed 5-8-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD 08-84-08]

Drawbridge Operation Regulations; Sabine River (Old Channel), TX

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Levingston Shipbuilding Company, the Coast Guard is changing the regulation governing the operation of the pontoon bridge on the Old Channel of the Sabine River, mile 9.5 behind Orange Harbor Island, in Orange, Texas to provide that the draw need not open. The bridge presently is required to open on signal from 7 a.m. to 12 midnight Monday through Friday except Federal holidays, and to open on signal at all other times if at least eight hours notice is given. This change is being made because no requests have been made to open the draw since 1970, when the bridge was constructed. This action will relieve the bridge owner of the burden of having a person available to open the draw.

EFFECTIVE DATE: This regulation becomes effective on June 10, 1985.

FOR FURTHER INFORMATION CONTACT: Perry Haynes, Chief, Bridge Administration Branch, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION: On 17 January 1985, the Coast Guard published a proposed rule (50 FR 2590) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a public notice dated 18 January 1985. In each notice interested persons were given until 4 March 1985 to submit comments.

Drafting Information

The drafters of this regulation are Perry Haynes, project officer, and Steve Crawford, project attorney.

Discussion of Comments

There were no responses to the Federal Register. There were three responses to the public notice. These were letters of no objection from the U.S. Fish and Wildlife Service, the National Marine Fisheries Service and the Texas Historical Commission.

Economic Assessment and Certification

This regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that no vessels, other than those that belong to the bridge owner, pass this bridge. Since the economic impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by revising § 117.983 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.983 Sabine River (Old Channel) behind Orange Harbor Island.

The draw of the highway bridge, mile 9.5 at Orange, need not be opened for the passage of vessels.

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

Dated: April 26, 1985.

W.H. Stewart,

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

[FR Doc. 85-11246 Filed 5-8-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[COTP Mobile, AL, Reg. 85-06]

Safety Zone Regulations; Mobile River, Pinto Island to Cochrane Bridge

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a Safety Zone in the Mobile River from the mouth of the Mobile River at Pinto Island to the Cochrane Bridge (Mile 2.9). The zone is needed to manage the movement of a large number of vessels and pleasure craft during festivities in Mobile associated with the formal dedication ceremonies of the Tennessee-Tombigbee Waterway. Ceremonies beginning with an afternoon boat parade and ending with an evening fireworks display over the river will require the closure of this portion of the waterway.

EFFECTIVE DATES: This regulation becomes effective at 1500 June 1, 1985. It terminates at 2400 June 1, 1985 unless terminated sooner by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: LCDR Albert J. Sabol (205) 690-2286.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation, and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to respond to potential hazards to the vessels and general public involved.

Drafting Information

The drafters of this regulation are LCDR Albert J. Sabol, project officer for the Captain of the Port, Mobile and Lt. R.M. Wallar, project attorney, Eighth Coast Guard District Legal Office.

Discussion of Regulation

The event requiring this regulation is the Mobile dedication ceremony of the opening of the Tennessee-Tombigbee Waterway. At approximately 1500 June 1, 1985 a boat parade consisting of up to 200 vessels will be held on the Mobile River between Pinto Island (Mile 0) and the Cochrane Bridge (Mile 2.9). These vessels will proceed northbound along the eastern bank of the river to a position just south of the Cochrane Bridge where they will turn about and proceed southbound along the western bank of the river past a reviewing stand at the foot of Government Street. Later that day a fireworks display centered over the tunnel area of the river will be held commencing approximately 2100 June 1, 1985. Coast Guard patrol boats will be on scene throughout the afternoon and evening periods to manage the expected large numbers of participants and spectator craft, as well as facilitating the movement of commercial traffic as necessary.

List of Subjects in 33 CFR Part 165

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

Regulation

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

§ 165.T825 Safety Zone: Mobile River, Pinto Island to Cochrane Bridge, Mobile, Alabama.

(a) *Location:* The following area is a safety zone: Mobile River from its mouth at Pinto Island to the Cochrane Bridge at Mile 2.9.

(b) *Regulations:* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Mobile, Alabama.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 160.5)

Dated: April 12, 1985.

W.J. Ecker,

Captain of the Port, Mobile, Alabama.

[FR Doc. 85-11250 Filed 5-8-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[COTP Mobile Alabama Regulation 85-05]

Safety Zone Regulations; Tennessee-Tombigbee Waterway, Columbus Lake, Columbus Lock and Dam and Adjacent Shore Areas Between Miles 334 and 336.3

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a Safety Zone for the Columbus Lake, Mississippi area of the Tennessee-Tombigbee Waterway. The Safety Zone will include the Columbus Lock and Dam as well as the waters and adjacent shore areas of the Tennessee-Tombigbee waterway between mile markers 334 and 336.3. This zone is needed over a three day period, 31 May until 2 June 1985 to control the movement of a large number of vessels and pleasure craft in the Tennessee-Tombigbee Waterway and the shallow waters of Columbus Lake during formal dedication ceremonies. From the evening of 31 May until the afternoon of 1 June, the Columbus Lock itself will be closed to vessel through traffic when the Alabama National Guard erect a "Ribbon Bridge" across the Waterway for pedestrian movement of guests and spectators between the east and west banks. Vessel movement within the Safety Zone will be controlled by the Captain of the Port Mobile, AL.

EFFECTIVE DATES: This regulation becomes effective at 0800 31 May 1965. It terminates at 1800 02 June 1985 unless terminated sooner by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: Lt. R.B. Peoples, (205) 690-2286.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to respond to potential hazards to the vessels involved.

Drafting Information

The drafters of this regulation are Lt. R.B. Peoples, project officer for the Captain of the Port Mobile, and Lt. R.M. Wallard, project attorney, Eighth Coast Guard District Legal Office.

Discussion of Regulation

The event requiring this regulation is the official dedication ceremony of the opening of the Tennessee-Tombigbee Waterway which will be held in Columbus, Mississippi. On 31 May, four flotillas comprised of approximately 100-120 pleasure craft and commercial vessels will enter the waters of Columbus Lake to symbolically join in an arrival ceremony which is part of the overall dedication ceremony for the newly opened Tennessee-Tombigbee Waterway. Adding to the congestion created by the flotilla vessels will be numerous small craft and nondescript vessels navigated by local boaters who will take to the waters to witness this historical and colorful event. The Tenn-Tom Waterway which runs primarily north-south at Columbus, and the old Tombigbee River Channel, which winds

through Columbus Lake, are the only two channel areas in the lake that contain safe navigable water. The remainder of the waterbed is very shallow and contains numerous stumps, logs and debris which will pose a hazard to the majority of flotilla vessels who are expected to be unfamiliar with local waters. The U.S. Coast Guard, working with dedicated organizing committees, has predesignated and marked anchorage areas and arranged for water shuttle transportation to ferry personnel from their boats to the courtesy docks of the East Bank of the waterway. Further, security boats manned by Mississippi Department of Wildlife Conservation Officers and others manned by Coast Guard personnel will continuously patrol the Columbus Lake area from 31 May until 2 June 1985 to protect the property and react to emergencies. Finally, Columbus Lock will be physically closed to marine traffic from the evening of 31 May until the afternoon of 1 June while a pedestrian crossing in the form of a "Ribbon Bridge" is erected across the waterway so as to allow participants to partake in activities on both banks of the waterway. All of these multifarious activities in a congested waterway mandate the need for a higher than normal degree of safety and promote the desirability of regulating vessel traffic movement in and about the waterway throughout the period of the official dedication ceremony.

List of Subjects in 33 CFR Part 165

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

Regulation

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

§165.T824 Safety Zone: Tennessee-Tombigbee Waterway Dedication, Columbus Lake, Mississippi.

(a) *Location.* The following area is a safety zone: Tennessee-Tombigbee Waterway, Columbus Lake and Columbus Lock and Dam and adjacent shore areas between waterway Mile 334 and Mile 336.3.

(b) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Mobile, Alabama.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 160.5)

Dated: April 4, 1985.

W.J. Ecker,

Captain of the Port Mobile, Alabama.

[FR Doc. 85-11248 Filed 5-8-85; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL-2829-8]

California State Implementation Plan Revision; Six California Districts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: Today's notice takes final action to approve revisions to the rules of the Madera County, Mendocino County, Monterey Bay Unified and Shasta County Air Pollution Control Districts (APCD's) and the Bay Area and North Coast Unified Air Quality Management Districts (AQMD's). These revisions were submitted by the California Air Resources Board (ARB) as revisions to the California State Implementation Plan (SIP). These revisions generally are administrative and retain the previous emission control requirements. EPA has reviewed these rules and determined that they are consistent with the requirements of the Clean Air Act and EPA policy.

DATE: This action is effective July 8, 1985.

ADDRESSES: A copy of the revisions is available for public inspection during normal business hours at the EPA Region 9 office and at the following locations:

EPA Library, Public Information Reference Unit, Environmental Protection Agency, 401 "M" Street, SW., Washington, D.C. 20460
Office of the Federal Register, 1100 "L" Street, NW., Room 8401, Washington, D.C.
California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95814
Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109
Madera County APCD, 153 West Yosemite Avenue, Madera, CA 93637
Mendocino County APCD, Courthouse Square, Ukiah, CA 95482
Monterey County Bay Unified APCD, 1164 Monroe Street, Suite 10, Salinas, CA 93906
North Coast Unified AQMD, 5630 South Broadway, Eureka, CA 95501
Shasta County APCD, 1615 Continental Street, Redding, CA 96001

FOR FURTHER INFORMATION CONTACT: James C. Breitlow, Chief, State Implementation Plan Section, A-2-3, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974-7461 FTS: 454-7641.

SUPPLEMENTARY INFORMATION:

Background

The following rules were submitted by the State of California for incorporation into the SIP on the dates indicated.

August 6, 1983

Bay Area AQMD

Rule 8-23 Coating of Flat Wood Paneling

April 11, 1983

Madera County APCD

Rule 406 Photochemically Reactive Solvent Disposal
Rule 407 Organic Solvent Emissions
Rule 408 Organic Solvent Degreasing Emissions
Rule 411 Cutback Asphalt Paving Materials
Rule 420 Effluent Oil Water Separaters

Monterey Bay Unified APCD

Rule 425 Use of Cutback Asphalt

July 10, 1984

Shasta County APCD

Rule 1:2 Definitions

October 19, 1984

North Coast Unified AQMD

Rule 130 Definitions
Rule 240 Permit to Operate—Compliance

December 3, 1984

Mendocino County APCD

Rule 1-160 Ambient Air Quality Standards (deletion)
Rule 1-240 Permit to Operate
Rule 1-460 Organic Gas Emissions (deletion)
Rule 1-502.2 Open Burning Procedures—Enforcement

These rules are administrative and do not weaken current emission control requirements. They levy a civil penalty for violations of open burning requirements, limit cutback asphalt rule applicability, exempt sources from monitoring requirements if RACT is not available, alter other categories of exempt sources, revise definitions, and extend the applicability of a wood coating rule. Other rule revisions are

recodifications, deletions or clerical clarifications.

Evaluation

Under section 110 of the Clean Air Act as amended, and 40 CFR Part 51, EPA is required to approve or disapprove these regulations as SIP revisions. All rules submitted have been evaluated and found to be in accordance with the Clean Air Act, EPA policy and 40 CFR Part 51. EPA's detailed evaluation of the submitted rules is available for public inspection at EPA's Region 9 office in San Francisco.

EPA Action

This notice approves the rule revisions listed above and incorporates them into the California SIP. This is being done without prior proposal because the revisions are non-controversial and have limited impact. No comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse comments, the approval will be withdrawn and a subsequent notice will be published. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

Regulatory Process

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 8, 1985. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

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

List of Subjects in 40 CFR Part 52

Intergovernmental relations, Air pollution control agency, Incorporation by reference, Ozone, Particulate matter, Hydrocarbons.

Dated: April 25, 1985.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

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

Subpart F—California

1. The authority citation for Part 52 continues to read as follows:

Authority: Sections 110, 171 to 178 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7501, 7508 and 7601(a)).

2. Section 52.220 is amended by adding paragraphs (c)(124)(i)(E), (138)(v)(C) and (vi)(B), (155)(vi)(A), (156)(iii)(B), and (158) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(124) * * *

(i) Bay Area AQMD.

(E) Amended Regulation 8, Rule 23.

* * * * *

(138) * * *

(v) Madera County APCD.

(C) New or amended Rules 406, 407, 408, 411 and 420.

(vi) Monterey Bay Unified APCD.

(B) Amended Rule 425.

* * * * *

(155) * * *

(vi) Shasta County APCD.

(A) Amended Rule 1:2.

(156) * * *

(iii) North Coast Unified AQMD.

(B) Amended Rules 130(c, 1) and 240(e).

* * * * *

(158) Revised regulations for the following Districts were submitted on December 3, 1984 by the Governor's designee.

(i) Mendocino County APCD.

(A) New or amended Rules 1–160, 1–240, 1–460 and 2–502.2.

* * * * *

[FR Doc. 85–10790 Filed 5–8–85; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Parts 52 and 81

[A–10–FRL–2830–2]

Approval and Promulgation of State Implementation Plans; Designation of Areas for Air Quality Planning Purposes; States of Idaho and Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this notice, EPA is approving the redesignation of the Lewiston, Idaho-Clarkston, Washington, nonattainment area to attainment for Total Suspended Particulates (TSP) primary standards. The area will remain designated nonattainment for secondary TSP standards. Final approval is based on a redesignation request and supporting documentation submitted by the Idaho Department of Health and Welfare (IDHW). Concurrence on this request and documentation was received from the Washington Department of Ecology (WDOE) on December 20, 1984.

EFFECTIVE DATE: July 8, 1985.

ADDRESS: Copies of materials submitted to EPA may be examined during normal business hours at the following locations:

Air Programs Branch (10A–84–11), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Idaho, Department of Health and Welfare, 450 W. State Street, Statehouse, Boise, Idaho 83720

FOR FURTHER INFORMATION CONTACT: E. Ann Williamson, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone (206) 442–8633, FTS: 399–8633.

SUPPLEMENTARY INFORMATION:

I. Introduction

EPA proposed approval of the redesignation on November 1, 1984, based on supporting draft documentation submitted by IDHW on June 19, 1984.

IDHW and WDOE held a joint public hearing on September 12, 1984. IDHW submitted final documentation of the redesignation request on October 29, 1984. WDOE concurred with this request on December 20, 1984. The final documentation which was essentially the same as the draft is the basis for EPA's final approval.

In addition to the approval of this redesignation, EPA is removing the conditions on the approval of the Lewiston, Pocatello and Soda Springs control strategy for total suspended particulates as published in the July 28, 1982 (47 FR 32535) rulemaking.

II. Response to Comments

In the November 1, 1984 proposal a 30-day public comment period was provided, however, no comments were received.

III. Summary of Rulemaking action

Today's notice approves the redesignation of the Lewiston-Clarkston nonattainment area to attainment for TSP primary standards and removes conditions on the total suspended particulate control strategy for the Lewiston, Pocatello and Soda Springs area.

IV. Administrative Review

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

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

(Sections 107(d), 110(a), 172 and 301(a) of the Clean Air Act (42 U.S.C. 7407(d), 7410(a), 7502 and 7601(a)))

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Air pollution control, National parts, Wilderness areas.

Dated: April 25, 1985.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

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

Subpart N—Idaho

1. The authority citation for Parts 52 and 81 continues to read as follows:

Authority: Sections 107(d), 110(a), 172 and 301(a) of the Clean Air Act (42 U.S.C. 7407(d), 7410(a), 7502 and 7601(a).

2. Section 52.687 entitled "Control Strategy: Total Suspended Particulate" is removed.

PART 81—[AMENDED]

Subpart C—Section 107 Attainment Status Designations

1. The table in § 81.313 (Idaho) is revised to read as follows:

§ 81.313 Idaho.

IDAHO—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Silver Valley (Shoshone County)			X	
Pocatello-12 square mile industrial area northwest of Pocatello	X			
Pocatello-336 square mile area from Schiller at the northwest to Inkom at the southeast, including Pocatello		X		
Soda Springs-4½ square miles area encompassing Conda and the surrounding industrial area	X			
Soda Springs-96 square miles area encompassing Soda Springs, Conda and the industrial area in between		X		
Lewiston		X		
Remainder of State				X

2. The table in Section 81.348 (Washington) is revised to read as follows:

§ 81.348 Washington.

WASHINGTON—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Seattle—that area including the north portion of the Duwamish industrial area, and extending to the southern boundary of the CBD	X			
Seattle—an area of the Duwamish extending approximately 2½ miles ¼ further south than the above area		X		
Renton		X		
Kent		X		
Tacoma—that area including the Tide Flats industrial area, east end of the CBD and the north end of South Tacoma Way corridor	X			
Port Angeles—small area of the CBD				X
Longview—industrial area		X		
Vancouver—small portions of the industrial port area	X			
Spokane	X			
Clarkston		X		
Remainder of State				X

[FR Doc. 85-10791 Filed 5-8-85; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR PART 180

[PP 1F2560/R476; FRL-2831-8]

2,3-Dihydro-5,6-Dimethyl-1,4-Dithiin-1,1,4,4-Tetraoxide; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document corrects an entry in 40 CFR 180.406 that was incorrectly listed in the **Federal Register** of August 25, 1982.

EFFECTIVE DATE: May 9, 1985.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Room 245 CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-557-1800.

SUPPLEMENTARY INFORMATION: In FR Doc. 82-22999, which appeared at page 37172 in the **Federal Register** of August 25, 1982, the commodity "Cottonseed, fat" was incorrectly listed in the table of 40 CFR 180.406 *2,3-Dihydro-5,6-dimethyl-1,4-dithiin-1,1,4,4-tetraoxide; tolerances for residues.* The entry was correctly listed as "cottonseed" in the preamble of the document. Therefore, the entry "Cottonseed, fat" in the table in 40 CFR 180.406 is corrected to read "Cottonseed."

Dated: May 29, 1985.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 85-11120 Filed 5-8-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION
Coast Guard

46 CFR Part 45

[CGD 84-058]

Unmanned River Service Dry Cargo Barges; Load Line Regulations

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule exempts unmanned river service dry cargo barges operating on short voyages in Lake Michigan from Calumet Harbor, Chicago, Illinois to Burns Harbor, Indiana from the requirements to obtain a load line certificate. This rule will apply only to unmanned barges which carry non-hazardous and non-polluting cargoes and which are, thus, not inspected and certificated.

EFFECTIVE DATE: June 10, 1985.

FOR FURTHER INFORMATION CONTACT: Lieutenant Randall R. Fiebrandt, Office of Merchant Marine Safety, (202) 426-2606.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this proposal are Lieutenant Randall R. Fiebrandt, Office of Merchant Marine Safety, and Michael M. Mervin (Project Attorney), Office of the Chief Counsel.

This rule, pursuant to the Coast Guard Authorization Act of 1984 (Pub. L. 98-557), provides for an exemption from the requirements to obtain load line certificates in compliance with the Coastwise Load Line Act of 1935.

On December 14, 1984, the Coast Guard published a proposed rule (49 FR 48762) concerning these exemptions and solicited comments pertaining to the concept of self-certification by the barge owner of certain safety requirements. Interested persons were given until February 12, 1985 to comment on the proposed rules. Ten comments were received. No public hearings were requested and none were held.

Background

The Coastwise Load Line Act of 1935, which applies to the Great Lakes, requires all merchant vessels 150 gross tons and over to be assigned a load line and marked, indicating the maximum draft to which they can be safely loaded.

For the past 30 years, many river barges have operated on lower Lake Michigan between Calumet Harbor, Chicago, Illinois and Burns Harbor, Indiana without load lines. These barges were uninspected, unmanned, and carried non-hazardous cargoes. Their primary service was in the inland rivers, but occasionally they made short trips between Calumet Harbor and Burns Harbor.

The Coast Guard's position, based on the law, was that all vessels voyaging on the Great Lakes should be assigned load lines and that the vessels should meet full American Bureau of Shipping (ABS) Great Lakes strength requirements. The barge operators were opposed to obtaining load lines for their barges because the vast majority of each barge's time was spent on inland rivers. Therefore, it was felt that load lines neither contributed to safety nor were economically cost effective or administratively practical for their unique operation. On October 30, 1984, 46 U.S.C. 88 was amended to permit the exemption of certain barges operating on the Great Lakes from having a load line certificate and mark, subject to special operating regulations established by the Secretary of Transportation. These regulations establish procedures to obtain an exemption for these unmanned river service dry cargo barges. Because of the nature of the voyage and the excellent safety record over the years, the Coast Guard will accept written certification from the owner that each vessel is in conformance with certain design and operating requirements. The freeboard, coaming heights and all other operating restrictions in the regulations are based on a Towing Safety Advisory Committee recommendation and prior experience with a few load lined barges operating under "fair weather" certificates. The Coast Guard will, within its general authority to conduct boardings (14 U.S.C. 89), make spot-checks for compliance with these operating requirements.

Discussion of Comments

Of the ten comments received, nine expressed support for the proposed rules, four without comment, five with some recommendation for improvement. There was one dissenting opinion.

One comment had no objection to the proposed rules but expressed concern that this might set a precedent for expansion to a similar exempt barge trade elsewhere on the Great Lakes. The Coast Guard has no intention of extending this or similar exemptions to any other barge traffic on the Great Lakes. This singular route out of the inland river system has been in use for at least 30 years with a good safety record and is being granted an exemption only from some of the administrative and inspection procedures. To the best of our knowledge, there does not exist a similar situation elsewhere on the Great Lakes.

One comment recommended certification of the barge's condition and operation for each voyage into Lake Michigan. This would provide timely updates of the actual barges making the transit as well as their condition. The Coast Guard concurs that a "per voyage" certification would provide accurate transit data and serve as a constant reminder of compliance with the structural requirements. However, to reduce the administrative load, we are prepared to accept an initial certification with the intention of placing the burden of compliance solely on the owner and operator. In order to assist in the management of the certifications, we are including a provision that the Officer in Charge, Marine Inspection be notified of any change in service or disposition of the barge, such as change of ownership, physical configurations, or scrapping.

Two comments suggested deleting the term "bulk" in § 45.173(a)(4) to allow the carriage of certain break-bulk cargoes (e.g. steel plate, bags of cement). This suggestion is acceptable with the addition of a cite to 49 CFR Subchapter C, which will prohibit the carriage of packaged hazardous cargoes.

There were three comments which discussed the problems of the owner certifying the condition of a barge far in advance of the transit. It was suggested that the owner should not be responsible for the condition and operation of the barge and also that the owner need not certify the condition of the barge for all times, only when operating on Lake Michigan. These comments also suggested certain changes to reduce redundancy in the rules. The principle of self-certification requires that someone certify, and accept responsibility, that the vessel is in compliance with the standards whenever they apply (i.e. throughout each voyage on Lake Michigan). Due to the nature of the barge business, there can be no other single entity, other than the owner, responsible for the condition and operation of the barge. However, the fact that the owner is responsible in no way lessens the responsibility of the towboat operator to ensure that the barges are operated in a safe manner. The certification section of the rules has been changed somewhat to eliminate redundant statements and requires that the owner certify compliance with § 45.177 before and during voyages on Lake Michigan.

A final comment strongly opposed the proposed rulemaking on the grounds

that this could be the first step in a process to allow river barges to compete with Great Lakes vessels on other routes while not incurring the same costs as Great Lakes vessels. This comment also objected to any relaxation of standards to accommodate river barges to gain an unfair competitive advantage over Great Lakes vessels constructed and maintained to high standards. The Coast Guard does not view these rules as an erosion of safety or a relaxation of standards. All load line exempted barges must still meet the ABS structural design rules, must still operate with minimum freeboards and must still be maintained in a seaworthy condition. Failure to do so is still a violation of the law. These rules are issued only to eliminate an administrative burden on the industry and the Coast Guard for this unique situation. All other routes on the Great Lakes will continue to require vessels that fully qualify for Great Lakes Load Line Certificates.

Where appropriate, the term "unmanned" has been added to clarify that this rule does not apply to manned barges. This point was made in the background to the NPRM but was not included in the proposed rule.

Regulatory Procedures

Regulatory Evaluation

These regulations are considered to be not a major rule under Executive Order 12291 and nonsignificant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this rule has been found to be so minimal that further evaluation is unnecessary. The basis for this determination was published in the Notice of Proposed Rulemaking (NPRM).

Regulatory Flexibility Act

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

Paperwork Reduction Act

These regulations contain an information collection request as defined by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501). Pursuant to requirements of this Act, this request was submitted to the Office of Management and Budget for comment. No comments were received and the OMB Control No. 2115-0043 has been assigned.

List of Subjects in 46 CFR Part 45

Coast Guard, Great Lakes, Vessels, Navigation (water), Marine safety.

PART 45—GREAT LAKES LOAD LINES

In consideration of the foregoing, Part 45 of Subchapter E, Chapter I, Title 46, Code of Federal Regulations is amended as follows:

1. By revising the authority citation for Part 45 as follows:

Authority: 46 App. U.S.C. 88–88i, 49 CFR 1.46.

2. By adding a new paragraph (d) to § 45.15 as follows:

§ 45.15 Exemptions.

* * * * *

(d) Any unmanned river service dry cargo barge that is operated between Calumet Harbor, Chicago, Illinois and Burns Harbor, Indiana and intermediate ports in Lake Michigan that meets the definition in Subpart E of this part is exempt from load line and marking requirements but is subject to the certification and special operating requirements listed in Subpart E.

3. By adding a new Subpart E, as follows:

Subpart E—Unmanned River Service Dry Cargo Barges

Sec.
45.171 Purpose.
45.173 Vessels subject to this subpart.
45.175 Certification.
45.177 Special operation requirements.

Subpart E—Unmanned River Service Dry Cargo Barges

§ 45.171 Purpose.

This subpart prescribes conditions under which certain unmanned river service dry cargo barges may be exempt from the load line and marking requirements. In lieu of these requirements, they are subject to special certification and operating requirements.

§ 45.173 Vessels subject to this subpart.

(a) This subpart applies to a vessel that is—

(1) An unmanned river service dry cargo barge with a length to depth ratio not to exceed 22 and built to at least the minimum scantlings of the American Bureau of Shipping River Rules;

(2) Operated on the Great Lakes on a voyage between Calumet Harbor, Chicago, Illinois and Burns Harbor, Indiana and intermediate ports on Lake Michigan;

(3) Operated during fair weather condition only; and

(4) Carrying only dry cargoes that have not been designated as hazardous under 46 CFR Part 148 or 49 CFR Subchapter C.

§ 45.175 Certification.

(a) In order to be exempt from the load line and marking requirements of this part, the owner of a vessel must apply for exemption in writing to the Officer in Charge, Marine Inspection, Chicago, Illinois. The application may be in any form and must be signed by the owner or an officer authorized to represent the barge's owner. The mailing address is Commanding Officer, U.S. Coast Guard Marine Safety Office, 610 S. Canal Street, Chicago, Illinois, 60607. No form or certificate will be returned, however, the owner's certification will be kept on file at the Marine Safety Office, Chicago. The owner of a barge for which a load line exemption is in effect shall notify the OCMI, Chicago of the transfer of ownership, change of service, or other disposition of the barge.

(b) The owner and operator of a vessel for which a load line exemption has been requested are responsible for maintaining the vessel and complying with the special operating requirements.

(c) The application for exemption from the load line requirements must include the following general information:

(1) Barge name.

(2) Type.

(3) External dimensions.

(4) Types of Cargo.

(5) Official Number or other classification numbers.

(6) Owner and operator addresses and telephone numbers.

(7) Place and date built.

(d) The application must state and certify compliance with the following:

(1) The vessel has been designed and built to at least the minimum scantlings of the American Bureau of Shipping River Rules which were in effect at the time of construction.

(2) The provisions of 46 CFR 45.177 will be complied with before and during all voyages between Calumet Harbor, Chicago, Illinois and Burns Harbor, Indiana and intermediate ports on Lake Michigan.

§ 45.177 Special operating requirements.

(a) Before commencement of any voyage on Lake Michigan, the towboat operator shall ensure the following:

(1) Deck and side shell plating must be free of visible holes, fractures or serious indentations as well as damage that would be considered in excess of normal wear and tear.

(2) Cargo box side and end coamings must be watertight.

(3) All manholes must remain covered and secured watertight.

(b) During the voyage, all vessels subject to this subpart must meet the

following minimum operating requirements in all seasons:

(1) The vessel must be operated during fair weather conditions only.

(2) The freeboard of the vessel must not be less than 24 inches.

(3) The combined operating freeboard plus the height of cargo box coamings must be at least 54 inches.

(4) The voyage must not be farther than 5 miles from a harbor of safe refuge between Calumet Harbor, Chicago Illinois and Burns Harbor, Indiana.

(5) All void tanks must be kept free of excess water.

Dated: May 6, 1985.

B.G. Burns,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 85-11247 Filed 5-8-85; 8:45 am]

BILLING CODE 4910-14-M

Proposed Rules

Federal Register
Vol. 50, No. 90
Thursday, May 9, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 911

[Lime Reg. 43, Amdt. 4]

Limes Grown In Florida; Amendment Of Grade Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would raise the minimum grade requirements for fresh shipments of seedless limes grown in Florida, and for seedless limes imported into the United States, from the current U.S. Combination, Mixed Color, of 60 percent U.S. No. 1 and 40 percent U.S. No. 2, to a modified U.S. Combination, Mixed Color, of 75 percent U.S. No. 1 and 25 percent U.S. No. 2 during the period June 1 through January 31 of the following year. The minimum diameter requirements for such limes would remain at 1⅞ inches. Such action is necessary to assure the shipment of limes of acceptable quality in the interest of producers and consumers.

DATE: Comments Due: May 24, 1985.

Proposed effective date is June 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 action has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated as a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities

The Florida lime regulation is issued under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The regulation applicable to limes grown in Florida is based upon recommendations and information submitted by the Florida Lime Administrative Committee, established under the marketing agreement and order, and upon other information. Shipments of Florida limes are regulated by grade and size under Florida Lime Regulations 43 (49 FR 25243). This regulation, which is effective on a continuing basis, requires seedless limes for fresh shipment to: (1) Grade at least U.S. Combination, Mixed Color; (2) meet a minimum juice content of 42 percent by volume; and (3) have a minimum diameter of 1⅞ inches. This proposed amendment would increase minimum quality requirements applicable to fresh shipments of Florida seedless limes by requiring such shipments to grade a modified U.S. Combination, Mixed Color, with the stipulation that 75 percent of the limes, by count, grade at least U.S. No. 1 and 25 percent of the limes grade at least U.S. No. 2 during the period June 1 of each year through January 31 of the following year. The current grade requirement is U.S. Combination, Mixed Color, (60 percent of the limes, by count, grade at least U.S. No. 1 and 40 percent of the lime grading U.S. No. 2). This action was unanimously recommended by the Florida Lime Administrative Committee.

Florida Persian seedless limes are marketed throughout the year, with peak production during the summer months. At that time, market prices and grower returns tend to be low. Traditionally, the winter market for Florida seedless limes is strong. In the past year, however, winter market prices for such limes weakened due to the availability of large volumes of lesser quality limes in the marketplace. Such limes have poor retail acceptance, which has a price-depressing effect on shipments of better quality fruit. In response to deteriorating market conditions of limes during October and November 1984, an amendment to Lime Regulations 43 (49 FR 46703) was issued for the period December 3, 1984 through January 31, 1985, which specified the same modified U.S. Combination, Mixed Color, as contained in this notice of proposed rulemaking. Reports indicate that the institution of higher minimum quality requirements stabilized market conditions. The proposed increase in the percentage of U.S. No. 1 grade fruit in fresh shipments is designed to stimulate consumer demand, result in greater sales volume of limes of preferred quality and improve grower returns.

During the five previous years, fresh shipment of Florida limes have trended upward from 775,337 bushels in 1978-79 to 1,286,127 bushels in 1983-84 primarily due to increased bearing acreage. The 1984-85 crop of Florida limes has already exceeded record levels. Historically, only 50 percent of the crop is shipped to the fresh market with the remainder utilized in processed products. Thus, more than ample supplies of better quality limes should be available to satisfy consumers' demand.

This amendment would be effective from June 1 of each year through January 31 of the following year. From February 1 through May 31 of each year the requirement applicable to seedless limes would be U.S. Combination, Mixed Color, (60 percent of the limes, by count, grade at least U.S. No. 1 and 40 percent grading U.S. No. 2). These lower grade requirements reflect seasonal changes in supply and demand conditions for Florida seedless limes.

Under section 8e of the act, whenever specified commodities, including limes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. Thus, grade requirements for imported seedless limes would also change to conform to the grade requirements for domestic shipments of seedless Florida limes.

The proposed rule provides a 15-day comment period. A longer comment period would be contrary to the public interest, as any comments on the effect of the proposed rule must be received by May 24, 1985, so that a final rule, if issued, can be made effective by June 1, 1985 to insure the orderly marketing of Florida limes. All comments received will be considered prior to issuance of any final rule. It is hereby found that this proposal will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 911

Marketing agreements and orders, Florida, Limes.

1. The authority citation for 7 CFR Part 911 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674.

2. Section 911.344 Lime Regulation 43 (49 FR 25243) is amended by revising paragraph (a)(2), to read as follows:

§ 911.344 Florida Lime Regulation 43.

(a) * * *

(2) Such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color: *Provided,* That stem length shall not be considered a factor of grade; *Provided further,* That such limes not meeting these requirements may be handled within the production area, if they meet the minimum juice content requirement of at least 42 percent by volume specified in the U.S. Standards for Persian (Tahiti) limes, if they meet the minimum size requirements specified in paragraph (a)(3) of this section, and if they are handled in containers other than those authorized in § 911.329; and *Provided further,* That during the period June 1 of each year through January 31 of the following year, no handler shall ship such limes to destinations outside the production area unless they grade at least U.S. Combination, Mixed Color, with the stipulation that stem length shall not be a factor of grade and at least 75 percent, by count, of the limes in the lot grade at least U.S. No. 1 and 25 percent, by count, of the limes grade at least U.S. No. 2.

* * * * *

Dated: May 6, 1985.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc. 85–11283 Filed 5–8–85; 8:45 am]

BILLING CODE 3410–02–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 842 3010]

Wright-Patt Credit Union, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a Fairborn, Ohio, credit union, among other things, to cease failing to tell consumers, when applications for credit are denied because of information contained in credit reports (including non-derogatory information), that the adverse action had been taken on the basis of such information; and provide the rejected credit applicants with the names and addresses of the credit bureaus that had submitted the reports. The Order would further bar the organization from failing to identify applications submitted between September 1, 1983, and the date of issuance of the Order, for which adverse action had been taken on the basis of information obtained from a consumer reporting agency, and to send to those rejected applicants who had not been given the legally-required disclosures, a copy of the notification letter attached to the Order as Appendix A.

DATE: Comments must be received on or before July 8, 1985.

ADDRESS: Comments should be directed: FTC/Office of the Secretary, Room 136, 6th St. and Pa. Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Eileen M. Harrington, FTC/I 501, Washington, D.C. 20580, (202) 724–1188.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 271, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Consumer credit, Trade practices.

Before Federal Trade Commission

[File No. 842 3010]

Agreement Containing Consent Order To Cease and Desist

In the matter of Wright-Patt Credit Union, Inc., a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Wright-Patt Credit Union, Inc., a corporation, and it now appearing that Wright-Patt Credit Union, Inc., a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Wright-Patt Credit Union, Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Wright-Patt Credit Union is a corporation, a state chartered credit union, organized, existing and doing business under and by virtue of the laws of the State of Ohio, with its office and principal place of business located at 2455 Executive Park Boulevard, City of Fairborn, State of Ohio.

2. The Federal Trade Commission has jurisidiction of the subject matter of this proceeding and of the proposed respondent, and the proceeding is in the public interest.

3. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

4. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to settle or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim it may have under the Equal Access to Justice Act, 5 U.S.C. 50 *et seq.*

5. This agreement shall not become part of the public record of the proceedings unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in

respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, withour further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

Definitions: For the purpose of this order the following definitions are applicable:

A. The terms "consumer", "consumer report", "consumer reporting agency" and "person" shall be defined as provided in section 603 of the Fair Credit Reporting Act, 15 U.S.C. 1681a.

B. The term "no file response" shall be defined as a consumer report consisting of a response by a consumer reporting agency to respondent's request for information on a given credit applicant indicating that the consumer reporting agency has no credit history information in its files under the name and other identifiers supplied by respondent.

C. The term "non-derogatory information" shall be defined as information in a consumer report, furnished to respondent by a consumer reporting agency, consisting of an insufficient number of accounts reported, the absence or presence of certain types of credit accounts, the presence of new credit accounts with credit histories too short to meet the respondent's criteria for granting credit, or insufficient positive information to meet such criteria.

I

It is hereby ordered that respondent, Wright-Patt Credit Union, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any application by a consumer for credit that is primarily for personal, family or household purposes, do forthwith cease and desist from:

1. Failing, whenever credit for personal, family or household purposes involving a consumer is denied wholly or partly or the charge for such credit is increased either wholly or partly because of information contained in a consumer report from a consumer reporting agency (including non-derogatory information such as insufficient positive information or a no file response), to disclose to the applicant at the time the adverse action is communicated to the applicant (a) that the adverse action was based wholly or partly on information contained in such a consumer report and (b) the name and address of the consumer reporting agency making the report.

2. Failing to review each application for consumer credit for which it took adverse action between September 1, 1983, and the date of service of this Order, to identify each of those applications for which such adverse action was taken based wholly or partly upon informtion obtained from a consumer reporting agency.

3. Failing, within sixty (60) days of the date of service herein of this Order, for each application identified according to paragraph 2 above, to send the applicant, as specified herein, a copy of the notice letter attached hereto as Appendix A and described herein. The letter shall bear the name and address of the applicant as shown on the application, the date of mailing, and the name Wright-Patt Credit Union, Inc. No information other than that required by this paragraph shall be included in the notice letter, nor shall any other material be sent to the applicant with the notice letter. The notice letter shall disclose the name and address of the consumer reporting agency that prepared the report used according to paragraph 2 above, together with the specific, principal reason(s) for the adverse action based on this information. A notice letter need not be sent to any applicant whose application was identified pursuant to paragraph 2 above, if the application file clearly shows that respondent Wright-Patt Credit Union, Inc. has previously sent the applicant an adverse action notification in response to the application that complied in all respects with the provisions of paragraph 1 of this Order.

II

It is further ordered that respondent shall maintain for at least three (3) years and upon request make available to the Federal Trade Commission for inspection and copying documents that will demonstrate compliance with the requirements of this Order. Such documents shall include, but are not limited to, all credit evaluation criteria instructions given to employees regarding compliance with the provisions of this Order, any notices provided to consumers pursuant to any provisions of this Order and the complete application file to which they relate.

III

It is further ordered that respondent shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed change such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation that may affect compliance obligations arising out of the Order.

IV

It is further ordered that respondent shall deliver a copy of this Order to

cease and desist to all present and future employees engaged in reviewing or evaluating consumer reports or other third party information in connection with applications for credit to be used for personal, family or household purposes, or engaged in preparing or furnishing notices to consumers as required by this Order.

V

It is further ordered that respondent shall, within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Wright-Patt Credit Union

(Date)

Dear _____: A review of our records indicates that we denied a credit application you submitted sometime after September 1, 1983. At that time, we may not have told you a source(s) of information we relied upon as federal law required.

Whenever a creditor rejects a credit application, the Equal Credit Opportunity Act requires the creditor to tell the applicant the specific, principal reasons for its decision. The Fair Credit Reporting Act requires the creditor to tell the applicant whenever the reasons for its decision are based on information obtained from a credit reporting agency (such as a credit bureau) or from another third party (such as an employer). The Fair Credit Reporting Act also entitles the applicant to learn from the credit bureau what information is contained in his or her credit file and to learn from the creditor the nature of other third party information that the creditor relied on in rejecting the application. We have agreed with the Federal Trade Commission to provide you this information at this time.

In denying your application, we relied upon information concerning your creditworthiness from the following consumer reporting agency or one or more third party sources:

Name _____
Address _____

You have the right to contact the agency listed above to obtain complete information concerning your credit bureau file.

We denied your credit application for the following reason(s):

_____
_____
_____

Sincerely,

Wright-Patt Credit Union.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Wright-Patt Credit Union, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The proposed complaint alleges that Wright-Patt Credit Union, Inc., violated section 615(a) of the Fair Credit Reporting Act, 15 U.S.C. 1681, *et seq.*, and section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, by:

- Not telling consumers that information contained in credit reports was used in decisions to deny their loan applications, and not telling consumers the names and addresses of the credit bureaus that prepared the credit reports.

The proposed order prohibits Wright-Patt Credit Union, Inc., from:

- Failing to tell consumers when their credit applications are denied in whole or in part because of information contained in credit bureau reports.
- Failing to tell consumers the names and addresses of credit bureaus providing consumer credit reports that are used in the decisons to deny the consumers' credit applications.
- Failing to identify each consumer who should have received, but was not given, the legally-required notification described above between September 1, 1983 and the date of issuance of this order, and sending each such person a notice that includes the disclosures described above, which should have been sent at the time that credit was denied.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Emily H. Rock,

Secretary.

[FR Doc. 85-11232 Filed 5-8-85; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

[Docket No. 83C-0130]

[Phthalocyaninato(2-)]Copper; Migration from Nonabsorbable Sutures

Correction

In FR Doc. 85-9955 beginning on page 16310 in the issue of Thursday, April 25, 1985, make the following correction: On page 16310, in the second column, in the third complete paragraph, in the ninth line, "headed" should read "healed".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 218

Guidance for the Determination and Reporting of Nuclear Radiation Dose for DoD Participants in the Atmospheric Nuclear Test Program (1945-1962)

AGENCY: Defense Nuclear Agency.

ACTION: Proposed amendment of final rule.

SUMMARY: The Defense Nuclear Agency proposes to amend its existing guidelines for reporting nuclear radiation doses. The proposed amendment will establish minimum standards which will be uniformly applicable to all branches of the Military Services, governing the preparation of radiation dose estimates in response to inquiries by the Veterans Administration in connection with claim for compensation, or by any veteran or survivor. The proposed amendment will provide explicit instructions requiring that each radiation dose estimate include available information regarding all material aspects of the radiation environment to which the veteran was exposed, including inhaled, ingested and neutron doses.

DATE: Comments must be received on or before: July 8, 1985.

ADDRESS: Written comments should be addressed to the Director, Defense Nuclear Agency, Biomedical Effects Directorate, (STBE), Attn: NTPR Program Manager, Washington, D.C. 20305-1000 or may be hand delivered to 6801 Telegraph Road, Alexandria, Virginia 22310-3398, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Brittigan, Telephone No. (202) 325-7681.

SUPPLEMENTARY INFORMATION:

Background

On March 14, 1983, in compliance with a Memorandum Order in the case of *Gott* v. *Nimmo*, Civil Action 80-0906, D.D.C., the Defense Nuclear Agency published a final code rule (48 FR 10645) which set forth policies, procedures, and dose reconstruction methodology to establish standardized scientific

principles for dose reconstruction methodology for DoD participants in the atmospheric nuclear test program (1945–1962). On March 22, 1985, the United States Court of Appeals for the District of Columbia Circuit reversed the decision of the District Court (Civ. Nos. 82–1159; 82–1448; 82–1454; 80–0906). On October 24, 1984, H.R. 1961, "Veteran's Dioxin and Radiation Exposure Compensation Standards Act," was enacted as Pub. L. 98–542. The Act requires the Defense Nuclear Agency to publish guidelines specifying minimum standards for the reporting of dose estimates.

Regulatory Impact Analysis

In accordance with 5 U.S.C. 12291, the Department of Defense has determined that this proposed amendment is not a "major rule" and is not subject to such an analysis.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b) the Department of Defense has determined that this proposed amendment will not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

This proposed amendment does not impose any additional reporting or recordkeeping requiring Office of Management and Budget clearance.

List of Subjects in 32 CFR Part 218

Radiation dose determination, Dose reconstruction, Dose reconstruction methodology, Radiation environment, Radioactive materials.

Authority: Pub. L. 98–542, 98 Stat 2725.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense

May 3, 1985.

PART 218—[AMENDED]

Accordingly, 32 CFR Part 218 is proposed to be amended as follows:

1. The authority citation for Part 218 is revised to read as follows:

Authority: Pub. L. 98–542, 98 Stat. 2725 (38 U.S.C. 354 note.)

2. The Table of Contents in Part 218 is amended to include a new section number and title: § 218.4 Dose Estimate Reporting Standards.

3. In § 218.1 paragraphs (a), (b) and (c) are redesignated as (b), (c), and (d) and a new paragraph (a) is added to read as follows:

§ 218.1 Policies.

(a) Upon request by the Veterans Administration in connection with a claim for compensation, or by a veteran or his or her representative, available information shall be provided by the applicable Military Service which shall include all material aspects of the radiation environment to which the veteran was exposed and shall include inhaled, ingested and neutron doses. The minimum standards for reporting dose estimates are set forth in § 218.4.

* * * * *

4. Section 218.4 is added to read as follows:

§ 218.4 Dose estimate reporting standards.

The following minimum standards for reporting dose estimates shall be uniformly applied by the Military Services when preparing information in response to an inquiry by the Veterans Administration, in connection with a claim for compensation, or by a veteran or his or her representative. The information shall include all material aspects of the radiation environment to which the veteran was exposed and shall include inhaled, ingested, and neutron doses, when applicable. To the extent to which the information is available, the responses will address the following questions:

(a) Can it be documented that the veteran was a test participant. If so, what tests did he attend and what were the specifics of these tests (date, time, yield (unless classified) type, location and other relevant details)?

(b) What unit was the man in? What were the mission and activities of the unit at the test?

(c) To the extent to which the available records indicate, what were his duties at the test?

(d) Can you corroborate the specific information relevant to the potential exposure provided by the claimant to the Veterans Administration and forwarded to the Department of Defense? What is the impact of these specific activities on the claimant's reconstructed dose?

(e) Is there any recorded radiation exposure for the individual? Does this recorded exposure cover the full period of test participation?

(f) If recorded dosimetry data is unavailable or incomplete what is the dose reconstruction for the most probable dose, with error limits, if available?

(g) Is there evidence of a neutron or internal exposure? What is the reconstruction?

Upon request, the participant or his or her authorized representative will be informed of the specific methodologies and assumptions employed in estimating his or her dose.

[FR Doc. 85–11133 Filed 5–8–85; 8:45 am]

BILLING CODE 3810–01–M

PANAMA CANAL COMMISSION

35 CFR Part 256

Collection by Salary Offset From Federal Employees Indebted to the United States

AGENCY: Panama Canal Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Administrator of the Panama Canal Commission proposes regulations for offsetting a debt against the Federal pay of a current or former Federal employee who is indebted to the United States. These proposed regulations implement debt collection procedures provided for under the Debt Collection Act of 1982.

DATE: Comments must be received on or before June 10, 1985.

ADDRESS: Comments should be addressed to Mr. Michael Rhode, Jr., Secretary, Panama Canal Commission, Suite 500, 2000 L. Street, N.W., Washington, D.C. 20036 (tel. no. 202–634–6441) or Mr. John L. Haines, Jr., General Counsel, Panama Canal Commission, APO Miami 34011 (tel. no. 011–507–52–7511).

FOR FURTHER INFORMATION CONTACT: Mr. Michael Rhode, Jr., Secretary, Panama Canal Commission, (202) 634–6441, or Mr. John L. Haines, Jr., General Counsel, Panama Canal Commission, telephone in Panama, 011–507–52–7511.

SUPPLEMENTARY INFORMATION:

Background

The Debt Collection Act of 1982, Pub. L. 97–365, authorizes the Federal Government to collect debts owed to it by its own current and retired military and civilian employees through the use of a salary offset. In this respect, the law puts the Federal Government in a position similar to that of a private employer, since a private employer may collect a debt owed to it by one of its employees without resort to litigation.

Under the law, when the head of a Federal agency determines that one of the agency's employees is indebted to the United States, or is notified by the head of another Federal agency that one of the agency's employees is indebted to the United States, the employee's debt may be collected by offsetting the debt against that employee's pay. The amount of the offset may not exceed 15

percent of the employee's disposable pay. Disposable pay is defined in the law as gross Federal pay minus deductions required by law to be withheld. These deductions include amounts withheld for Federal, State, and local income taxes, Social Security taxes, and Federal retirement programs.

The law also includes safeguards to protect the rights of employees. Thus, at least 30 days before an offset may be initiated, the head of the agency to which the employee is indebted must notify the debtor that he (1) is indebted to the United States, (2) may inspect and copy Government records relating to the debt, and (3) may request a hearing in order to contest the existence or amount of the debt or the proposed offset schedule.

The Administrator is proposing regulations to implement the offset provisions of the Debt Collection Act of 1982 with regard to Federal employees who are indebted to the United States. Debts due and owing to the Commission generally arise from charges for rental of quarters and utilities or other services made available to employees of the U.S. Government in the Republic of Panama. These regulations also provide for the collection by offset from the salary of a Commission employee for debts due and owing to another agency or instrumentality of the Government of the United States, pursuant to the Debt Collection Act of 1982. Debts which may be collected pursuant to these regulations are those which remain unpaid following the requisite notice informing the employee of the outstanding debt and of his procedural rights.

These proposed procedures are intended to serve the major purpose of the offset authority, namely, the collection of debts owed to the United States by current and former Federal employees in a cost-effective and expeditious manner, while permitting the employee to be heard if he disputes the existence or amount of the debt or the manner in which the agency proposes to collect the debt by offset against the employee's pay.

To initiate an offset proceeding, the Commission will notify a Federal employee who is indebted to the United States of the existence and amount of that indebtedness, and the intention of the Commission to satisfy it by offsetting a portion of the employee's pay. The offset procedures provide for reconsideration of the agency's determination regarding the existence or amount of the debt, if the employee can show that the initial determination of the agency was incorrect. In making his argument concerning the existence or amount of the debt, the employee may submit documents to the Commission or raise factual matters not previously raised. Moreover, the Commission may enter into an agreement with the employee to offset a smaller amount from the employee's disposable pay if the employee submits convincing evidence that an offset of 15 percent against his disposable pay would produce an extreme financial hardship. The Commission will allow an employee 45 days from the date of receipt of the agency notification to present any arguments or documents with respect to these issues.

If, after reviewing the material submitted by the employee, the agency agrees that the employee is not indebted to the United States, or that the alternative offset schedule proposed by the employee is appropriate to satisfy that indebtedness, the agency will so inform the employee. If the agency determines that the employee is indebted to the United States, formal notice of this determination, together with the rationale for the determination, will be given to the employee. The employee will also be notified of the agency's intention to collect the debt by offsetting the amount originally scheduled or a modified amount, if it is determined that a modification is appropriate in light of the employee's submissions. The Commission will, in addition, inform the employee of his right to a hearing before a hearing official who is not under the supervision or control of the agency. Such a hearing may be granted if the employee wishes to contest the agency determination of the existence or amount of the debt, or the determination that the proposed schedule will not produce an extreme financial hardship in his case.

The Debt Collection Act of 1982 prohibits the agency from offsetting the pay of an employee to satisfy his debt until the procedures set forth in the Act are completed. The Act also provides, however, that the hearing official, if a hearing is requested by the employee, shall issue his decision as soon as possible, but not later than 60 days after the employee files a petition for a hearing.

Hearings—Existence or Amount of Debt

The Debt Collection Act of 1982 permits an employee to request a hearing on the determination of the agency regarding the existence or amount of debt owed by the employee to the United States. The purpose of the hearing is not to determine anew whether the employee is indebted to the United States; it is, instead, an appeal of the decision of the agency. For that reason, the proposed regulations would establish a standard of review appropriate to an appeal of an agency action: An employee must show that the agency's determination of the existence or amount of the employee's debt was clearly erroneous.

In making his findings, the hearing official shall defer to the statutes and regulations governing the Federal program under which the debt arose and relevant Federal or State law. In view of the limited scope of the hearing regarding the agency's determination of the existence or amount of the debt, the agency's expertise regarding the circumstances which give rise to a debt to the United States under its programs, and the likelihood that hearing officials will lack expertise in these areas, the proposed regulations include a list of legal principles to guide the hearing official in determining whether the agency's decision on the existence and amount of the debt is clearly erroneous.

Hearings—Amount of Offset

The Debt Collection Act also permits the employee to request a hearing regarding the offset schedule established by the agency. In the agency's view, it is appropriate, in most cases in which an employee of the agency is indebted to the United States, to collect the debt by offsetting 15 percent of his disposable pay, the maximum allowed by the statute. It is recognized, however, that there may be circumstances where a 15 percent offset against disposable pay would be inappropriate because it would produce an extreme financial hardship for the employee.

The Act does not establish standards of review for determinations of the amount of an offset. The agency is proposing a standard that it will follow in making determinations as to the amount to be offset and that hearing officials will be directed to follow on appeal. Under the standard proposed in the regulations the offset schedule proposed by the agency will be followed unless the employee shows by clear and convincing evidence that the offset schedule would produce an extreme financial hardship, that is, that the offset would prevent the employee from meeting the costs necessarily incurred for essential subsistence expenses of the employee and his family. Essential subsistence expenses are defined as the cost incurred for medical care, food, housing, clothing, and transportation.

The proposed rules define the family of an employee to include the employee's spouse and legal dependents. In determining whether an

employee will suffer an extreme financial hardship if his pay is offset, it is proposed that the expenses, income and assets of the family unit be taken into account.

If an employee contends that the offset amount determined by the agency would produce an extreme financial hardship, the employee must document that hardship and propose an alternative offset schedule. The documentation required under the regulation includes information concerning the employee's current financial situation, information concerning his financial situation for the one-year period preceding the notice of the offset, and a projection of his situation for the repayment period proposed by the employee.

In determining whether the agency's proposed offset schedule would produce an extreme financial hardship for the employee, the agency will consider the following factors: (1) The family's income from all sources; (2) whether assets could be sold or could serve as collateral for loan to pay the debt; (3) whether the employee's essential expenses could be minimized to accommodate the offset; (4) whether the employee could borrow money to accommodate the offset; and (5) exceptional expenses of the employee and his family, and whether such expenses could be avoided or minimized. The hearing official, in reviewing questions of the property of proposed offset schedules, will consider the same factors.

These proposed rules do not apply to certain overpayments of pay or allowances, or to amounts collected pursuant to other laws.

These proposed regulations have been reviewed in accordance with Executive Order 12291, dated February 17, 1981 (47 FR 13193) and the Commission has determined that they do not constitute a major rule within the meaning of that order. The bases for that determination are, first, that the rule, when implemented, would not have an effect on the economy of $100 million or more per year. Secondly, the rule would not result in a major increase in costs or prices for consumers, individual industries, or local governmental agencies or geographic regions. Finally, the agency has determined that implementation of the rule would not have a significant adverse effect on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act Certification

The Administrator certifies pursuant to 5 U.S.C. 605(b) that these proposed regulations will not have a significant economic impact on a substantial number of small entities. These regulations will not affect small entities, but only individuals employed by the United States.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. Written comments and recommendations may be sent to the addresses given at the beginning of this document. All comments submitted within 30 days after publication of this document will be considered.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, at the above addresses between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

List of Subjects in 35 CFR Part 256

Claims, Debt collection, Government employees.

Dated: March 26, 1985.

D.P. McAuliffe,

Administrator.

Accordingly, it is proposed to amend Title 35 of the Code of Federal Regulations by adding a new part, Part 256, to read as follows:

PART 256—SALARY OFFSET FOR FEDERAL EMPLOYEES WHO ARE INDEBTED TO THE UNITED STATES

Sec.

Authority: 5 U.S.C. 5514.

§ 256.1 Collection of debts by offset; scope of regulations.

(a) If it is determined that an employee of the United States is indebted to the Panama Canal Commission, the employee's pay may be offset to satisfy that indebtedness under the procedures set forth in this part.

(b) Debts owed by Commission employees to other agencies of the United States may be recovered by offset against the employee's pay in accordance with § 256.13. Similar provision in the regulations of other agencies permit the Commission to recover by offset debts owed to the Commission by the employee of another agency, if the Commission first complies with the provisions of §§ 256.1 through 256.12 of this part.

(c) An offset against pay shall be carried out in accordance with the standards established under the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3701 *et seq.*).

(d) The regulations in this part do not apply to, and do not impair the United States' authority with regard to, the collection of a debt, by offset or by other means, if the debt is owed to the United States by a Federal employee and the debt arose under the Internal Revenue Code of 1954 as amended (26 U.S.C. 1 *et seq.*), or in any other circumstances in which collection of a debt by salary offset is explicity provided by Federal statute, such as the collection authority granted the Commission pursuant to 22 U.S.C. 3645.

(e) These regulations do not preclude an employee from questioning the amount or validity of a debt by submitting a claim to the General Accounting Office, but the Commission need not suspend the collection of the debt because of the filing of such a claim.

(f) These regulations do not preclude the compromise, suspension or termination of collection actions where appropriate under the standards set forth at 4 CFR 101.1 *et. seq.*

(g) An employee's involuntary payment of all or any portion of an alleged debt being collected pursuant to this part shall not be construed as a waiver of any rights which the employee may have under this subpart or any other provision of law, except as otherwise provided by law.

(h) Amounts paid or deducted pursuant to this subpart shall be promptly refunded to an employee if the debt is waived or otherwise found not owing to the United States or if the Commission is directed by a competent judicial or administrative authority to

refund amounts deducted from an employee's current pay.

(i) The procedures in this part and the collection of debt by the Panama Canal Commission shall be carried out by the Chief Financial Officer.

(j) The Commission will not initiate salary offset to collect a debt under this subpart more the ten years after the Government's right to collect the debt first accrued, unless facts material to the Government's right to collect the debt were not known and could not reasonably have been known by the official or officials of the Government who are charged with discovering and collecting the debt in question.

§ 256.2 Definitions.

As used in this part:

"Agency" shall have the same meaning as prescribed in 5 CFR 550.1103.

"Creditor agency" means the Federal agency to which the debt is owed.

"Day," unless specified otherwise, means a calendar day, and time limits are to be computed by counting calendar days, rather than only those days on which Commisson offices are open for business.

"Debt" means an amont owed to the United States from any source, except as provided in this part. Such debts include, but are not limited to, those arising from loans insured or guaranteed by the United States, fees, leases, rents, royalties, services, sales of real or personal property, overpayments, fines, penalities, damages, interest forfeitures, etc. Interest, penalties, and administrative costs may be assessed on debts collected pursuant to this part. These charges shall be assessed or waived in accordance with the provisions of 4 CFR 102.13.

"Delinquent debt" means (i) a debt which has not been paid, or for which arrangements for payment have not been agreed to by the creditor agency and the employee, by the date specified in the creditor agency's initial written notification or (ii) a debt for which the employee fails to comply with the terms of payment arrangements agreed to with the creditor agency.

"Disposable pay" shall have the same meaning as prescribed in 5 CFR 550.1103.

"Employee" means a current—

(a) Civilian employee, as defined in 5 U.S.C. 2105;

(b) Member of the Armed Forces or Reserves of the United States;

(c) Employee of the United States Postal Service; or

(d) Employee of the Postal Rate Commission.

"Pay" means basic pay, premium pay, special pay, incentive pay, retired pay, retainer pay, or, in case of an employee not entitled to basic pay, other authorized pay.

"Paying agency" means the Federal agency or branch of the Armed Forces or Reserves employing the individual or disbursing his or her current pay.

"Salary offset" means an administrative offset to collect a debt under 5 U.S.C 5514 by deduction at one or more officially established pay intervals from the current pay of an employee without his consent.

"Waiver" means the cancellation, remission, forgiveness or nonrecovery of a debt allegedly owed by an employee to an agency as permitted or required by 5 U.S.C. 5584, 5 U.S.C. 8346(b), 10 U.S.C. 2774, or 32 U.S.C. 716, or any other law.

§ 256.3 Pay subject to offset.

(a) An offset from an employee's pay from the Commission may not exceed 15 percent of the employee's disposable pay, unless the employee agrees in writing to a larger offset.

(b) If collection in one lump-sum payment would exceed 15 percent of the employee's disposable pay, an offset shall be made biweekly or at officially established pay intervals from the employee's current pay account. Whenever possible, the installment payments shall be sufficient in size to liquidate the debt during a period not greater than the anticipated period of active duty or employment of the debtor employee.

(c) If an employee retires, resigns, or is discharged, or if his employment period or period of active duty otherwise ends before collection of the debt is completed, an offset may be made from subsequent payments of any nature (*e.g.*, final salary payment, lump-sum leave, etc.) due the individual from the employing agency, to the extent necessary to liquidate the debt. If the final payment due the employee is insufficient to satisfy the debt, the creditor agency shall take steps necessary to provide for payment of the debt by administrative offset from payments of any kind due to the former employee from the United States pursuant to 31 U.S.C. 3716. (See 4 CFR 102.4)

§ 256.4 Advance notice of debt; request for records; submission on information.

(a) Before initiating an offset proceeding, the Chief Financial Officer of the Panama Canal Commission will establish an individual administrative case file for each employee to be covered by the offset proceeding and notify the employee—

(1) That he has determined that the employee is indebted to the United States in a specified amount as the result of a debt due and owing to the Panama Canal Commission;

(2) That he intends to satisfy that indebtedness by offsetting 15 percent of the employee's disposable pay unless the employee can demonstrate that he is not indebted to the United States or that the proposed offset schedule would produce an extreme financial hardship, as defined in § 256.12 of this part;

(3) If the applicable law includes a provision requiring waiver of debts in certain circumstances, notice of the waiver provision, including a description of the conditions under which a waiver must be granted, notice that the employee has an opportunity to request such a waiver, and instructions on how to apply for a waiver; and

(4) The options available to him and time limits within which submissions of additional information or documents must be made.

(b)(1) An employee who has been notified of the Chief Financial Officer's determination of the existence and amount of the debt and the proposed offset schedule, may submit to him a request—

(i) Not later than 10 days from the date the employee receives the notice, for a copy of the records in the possession of the agency relating to the debt,

(ii) Within the time specified in paragraph (c) of this section, that he reconsider his determination of the existence or amount of the debt,

(iii) Within the time set forth in paragraph (c) of this section, that he reconsider the proposed offset schedule, on the basis that it would produce an extreme financial hardship for the employee, and

(iv) Within the time set forth in paragraph (c) of this section, that he consider a request for waiver of the debt, if a waiver provision is applicable to the debt.

(2) If the employee requests a reconsidertion of the determination of the existence or amount of the debt, the employee shall submit a statement, with supporting documents, indicating why the employee believes he is not so indebted.

(3) If the employee requests a reconsideration of the proposed offset schedule, the employee shall file an alternative proposed offset schedule and a statement, with supporting documents, showing why the schedule proposed by the agency would produce an extreme financial hardship for the employee. The supporting documents must show, for

the employee and his spouse and legal dependents, for the one-year period preceding the receipt of the notice and for the repayment period proposed by the employee in his or her offset schedule, the—

(i) Income from all sources,

(ii) Assets,

(iii) Liabilities,

(iv) Number of legal departments,

(v) Expenses for food, housing, clothing, and transportation,

(vi) Medical expenses, and

(vii) Exceptional expenses, if any.

(c) An employee who requests a reconsideration of the existence or amount of the debt, or the proposed offset schedule, shall submit his statement, with supporting documents, to the Chief Financial Officer no later than—

(1) Forty-five days from the date the employee receives the notice of the debt, if he does not make a timely request for records under subparagraph (b)(1)(i); or

(2) Forty-five days from the date the employee receives the records, if a timely request for records was made.

(d) If the employee submits a timely request for reconsideration under paragraph (b), together with the required documents, the Chief Financial Officer will reconsider whether the employee is indebted to the United States, the amount that the employee owes, or whether the proposed offset schedule is appropriate.

(e) If the employee files a timely request for waiver of the debt, the Chief Financial Officer will consider that request. If the employee files a request for waiver that is not timely, the request will be considered if he establishes that his failure to file within the time prescribed was because of circumstandces beyond his control or because he did not receive the notice of the time limit and was not otherwise aware of it.

(f) The Chief Financial Officer's decision on the employee's request for reconsideration will be based on agency records and the material submitted by the employee. He shall promptly notify the employee of his decision concerning the existence and amount of the debt and the appropriateness of the employee's proposed alternative offset schedule.

(g) If the Chief Financial Officer determines that the employee is indebted to the United States, he will include in the notice to the employee the following matters:

(1) A statement of the reasons for the decision regarding the indebtedness, including, if applicable, the reasons for any reduction of the amount of the indebtedness; and

(2) The notice described in § 256.5.

(h) If the Chief Financial Officer determines that his original offset schedule, or a modified schedule (other than the one proposed by the employee) will not impose an extreme financial hardship on the employee, he will include in the notice to the employee—

(1) A statement of the reason for his conclusion that his original or modified offset schedule will not impose an extreme financial hardship, and

(2) The notice described in § 256.5.

§ 256.5 Formal notice to employee

(a) At least 30 days before requesting an agency to offset the pay of an employee or commencing the offset of the pay of an employee of the Commission, the Chief Finanical Officer will send the employee a notice stating—

(1) The nature and amount of the debt he has determined that the employee owes the United States;

(2) His intention to collect the debt by offset;

(3) The amount that the agency determines will be offset from the employee's disposable pay, including the proposed schedule for the deductions;

(4) unless such payments are excused in accordance with 4 CFR 102.13, an explanation of the creditor agency's requirements concerning interest, penalties, and administrative costs;

(5) The employee's right to inspect and copy Governnment records relating to the debt or, if the employee or his representative cannot personally inspect the records, to request and receive a copy of such records.

(6) If not previously provided, the opportunity (under terms agreeable to the Commission) to establish a schedule for the voluntary repayment of the debt or to enter into a written agreement to establish a schedule for repayment of the debt in lieu of offset. The agreement must be in writing, signed by both the employee and the Commission, and documented in the Commission's files (4 CFR 102.2(e));

(7) If the applicable law includes a provision requiring waiver of debts in certain circumstances, notice of the waiver provision, including notice of the period within which such a waiver must be requested and an explanation of the conditions under which waiver may be granted;

(8) That amounts paid or deducted for the alleged debt which are later waived or found not owed to the United States will be promptly refunded to the employee;

(9) The employee's right to a hearing on the Chief Financial Officer's determination concerning the existence and amount of the debt and the proposed offset schedule. This notice shall include a description of the applicable hearing procedures and requirements.

(10) That the timely filing of a petition for hearing on the existence or amount of a debt or the offset schedule will stay the commencement of collection proceedings; but that a request for a waiver or a hearing on the employee's credibility or veracity in connection with a request for a permissive waiver will not stay the collection proceedings;

(11) That a final decision on the hearing (if one is requested) will be issued at the earliest practical date, but not later than 60 days after the filing of the petition requesting the hearing unless the employee requests and the hearing official grants a delay in the proceedings;

(12) The method and time period for requesting a hearing; and

(13) That any knowingly false or frivolous statements, representations, or evidence may subject the employee to:

(i) Disciplinary or adverse action;

(ii) Penalties under the False Claims Act, sections 3723–3731 of title 31, United States Code, or any other applicable statutory authority; or

(iii) Criminal penalties under sections 286, 287, 1001, and 1002 of title 18, United States Code or any other applicable statutory authority.

(b) The formal notice prescribed by paragraph (a) is not applicable to any pay adjustment arising out of an employee's election of coverage or a change in coverage under a Federal benefits program requiring periodic deductions from pay, if the amount to be recovered was accumulated over four pay periods or less.

§ 256.6 Request for a hearing; prehearing submissions.

(a) An employee's request for a hearing or waiver under § 256.5 must be filed not later than 15 days from the date of receipt of the formal notice.

(b) Not later than three days prior to a scheduled hearing date, the employee may notify the Chief Financial Officer of his election to have the matter determined by the hearing official solely on the basis of written submissions. If no such election is filed by the employee, the hearing shall be conducted as an oral proceeding.

(c) If an employee files a timely petition for a hearing, the Chief Financial Officer will—

(1) Notify the employee of the time, date, and location of the hearing, if a determination solely on the basis of

written submissions has not been requested; and

(2) Provide copies of the records in the possession of the agency relating to the employee's debt to the hearing official and, if he has not previously received the records, to the employee.

(d) If the employee files a request for a hearing that is not timely, he will be granted a hearing if he establishes that his failure to file within the time prescribed was because of circumstances beyond his control or because he did not receive the notice of the time limit and was not otherwise aware of it.

(e) If the employee contests the Commission determination of the existence or amount of the debt, he shall, not later than 10 days prior to the scheduled hearing date, file the following documents:

(1) A statement of the reasons why the employee believes that the Commission determination of the existence or amount of the debt was clearly erroneous. The statement shall include a recitation of the facts on which the employee relies to support his belief and any legal arguments supporting his position;

(2) A list of witnesses the employee intends to call at the hearing and a statement of why their testimony is desired; and

(3) A copy of the records that the employee intends to introduce at the hearing, if they differ from those provided by the Commission.

(f) If the employee contests the Commission's proposed offset schedule, he shall, not later than 10 days prior to the scheduled hearing date, file the following:

(1) A proposed alternative offset schedule;

(2) A statement of the reasons why the proposed offset against disposable pay will produce an extreme financial hardship;

(3) The information required in § 256.4(b)(3) of this part;

(4) A list of witnesses the employee intends to call at the hearing and a statement of why their testimony is desired; and

(5) A copy of the records that the employee intends to introduce at the hearing, if they differ from those provided by the Commission.

(g) The Chief Financial Officer shall file, not later than 10 days prior to the scheduled hearing date, a list of witnesses that the Commission intends to call at the hearing.

(h) Material submitted by an employee in connection with a request for reconsideration of for a waiver under § 256.4 need not be resubmitted in connection with the proceeding under this section.

(i) Material required to be filed under subsections (e), (f), and (g) shall be filed with the hearing official and copies shall be provided to the opposing party.

§ 256.7 Hearings; time, date, and location.

(a) If an employee files a timely request for a hearing under § 256.6, the Commission will select the time, date, and location for the hearing. A hearing will be granted on a request for a waiver only if such waiver is provided for by law and if the request, in the judgment of the Chief Financial Officer, raises issues of veracity or credibility of the employee. To the extent feasible, the Commission will select a date and location that is convenient for the employee.

(b) For an employee who resides on the Isthmus of Panama, the hearing will be held in Panama. Hearings may be scheduled in New Orleans or Washington, D.C. for persons not residing in Panama.

§ 256.8 Consequence of employee's failure to meet deadline dates.

(a) An employee shall be considered to have waived his right to a hearing, and will have his disposable pay offset in accordance with the offset schedule proposed by the Commission, if the employee fails to appear at the time fixed for a hearing, or fails to file the required submissions under § 256.6 within five days after the filing date established under that section.

(b) The hearing official may excuse the employee's failure to meet any of the foregoing requirements if the employee shows that he exercised due diligence and that there is good cause for his failure to meet the requirements.

§ 256.9 Hearing procedures.

(a) The hearing will be conducted by a hearing official who is not an employee of the Commission or otherwise under its supervision or control, except that hearings on waivers may be conducted by an employee of the Commission.

(b) The hearing official shall prepare a summary record of the hearing, which will be maintained by the Commission as a part of the record of the offset procedures; however, no transcript of the hearing shall be made.

(c) The hearing shall not be conducted in accordance with formal rules of evidence with regard to the admissibility or use of evidence, except that the hearing official shall limit the evidence to testimony and documents which are relevant to the issues being considered.

(d) At the hearing, the employee and the Commission may introduce evidence and may call witnesses, consistent with the provisions of subsection (c) of this section. Witnesses shall testify under oath and are subject to cross-examination.

(e) If the matter being contested is the existence or amount of a debt, the hearing official shall issue a decision upholding the Commission determination, unless the hearing official finds that the Commission determination was clearly erroneous.

(f) If the hearing official finds that the Commission's determination of the amount of the debt was clearly erroneous, he shall determine the amount owed by the employee, if any.

(g) If the matter being contested is the Commission's proposed offset schedule, the hearing official shall uphold that schedule unless the employee has demonstrated by clear and convincing evidence that the payments called for under that schedule would result in an extreme financial hardship for the employee.

(h) If the matter being contested is the credibility or veracity of the employee in connection with his request for a waiver, the hearing official shall make a determination as to the employee's credibility or veracity.

(i) If the hearing official finds that the payments called for under the Chief Financial Officer's proposed offset schedule will produce an extreme financial hardship for the employee, the hearing official shall establish an offset schedule that will result in the repayment of the debt in the shortest period of time which will not result in an extreme financial hardship for the employee.

(j) The hearing official shall issue a written opinion setting forth his decision and a statement of the reasons supporting it as soon as practicable, but not more than 60 days after the filing of the petition requesting the hearing, unless the hearing official has granted a delay in the proceedings at the request of the employee. The opinion shall contain his determinations as to the existence and amount of the debt, the origin of the debt, and, if a request for a waiver has been made, the employee's veracity or credibility.

(k) If the employee files a petition for a hearing in connection with a request for a waiver under a statute requiring a waiver and meets the time limits for filing material prior to the hearing, no deductions to effect the offset will be made until the employee has been provided a hearing and a final written decision has been issued.

§ 256.10 Representation.

An employee may represent himself or may be represented by another person, including an attorney, during any proceedings under this part.

§ 256.11 Applicable legal principles.

(a) The hearing official may not find that the Commission's determination of the existence or amount of the employee's debt was erroneous—

(1) On the basis of State or local statutes of limitations;

(2) On the basis that the employee is owed monies by the United States (other than regular salary) and that payment of that debt by the United States would eliminate or reduce the debt, unless the employee has, not later than 45 days after receipt of advance notice of the debt under § 256.4, submitted written confirmation by the agency which is indebted to the employee that such money is owed and has assigned the payment of that money to the Commission; or

(3) On the basis of any factual or legal argument that was decided on the merits adversely to the employee in a court of competent jurisdiction.

(b) In determining whether the Chief Financial Officer's decision concerning the existence or amount of the employee's debt is clearly erroneous, the hearing official shall be bound by the relevant Federal statutes and regulations governing the program which gave rise to the debt, and general principles of the law of the United States, if relevant.

§ 256.12 Standards for determining extreme financial hardship.

(a) An offset will be considered to produce an extreme financial hardship for an employee if the offset prevents the employee from meeting the costs necessarily incurred for essential subsistence expenses of the employee and his spouse and dependents. Essential subsistence expenses consist of the costs incurred for medical care, food, housing, clothing, and transportation only.

(b) In determining whether an offset would prevent the employee from meeting the essential subsistence costs described in paragraph (a) of this section, the following matters shall be considered—

(1) The income from all sources of the employee and his spouse and dependents;

(2) The extent to which the assets of the employee and his spouse and dependents are available to pay the debt or the essential subsistence expenses;

(3) Whether the essential subsistence costs have been minimized to the greatest extent possible;

(4) The extent to which the employee and his spouse and dependents can borrow money to pay the debt or the essential subsistence expenses; and

(5) The extent to which the employee and his spouse and dependents have other exceptional expenses that should be taken into account, and whether these expenses have been minimized.

§ 256.13 Collection of debts on behalf of other agencies by offsetting the pay of Commission employee.

(a) Upon completion of the procedures established by the creditor agency under 5 U.S.C. 5514, the creditor agency shall forward to the Commission a certified statement of the existence of the debt. This document shall include a statement that the employee owes the debt, the amount and basis of the debt, the date on which payment is due, the date on which the claim against the debtor accrued, if different from the payment due date, and a statement that agency regulations implementing 5 U.S.C. 5514 have been approved by the Office of Personnel Management.

(b) Unless the employee has consented to the salary offset in writing or signed a statement acknowledging receipt of the required procedures and the writing or statement is attached to the debt claim form, the creditor agency must also indicate the actions taken under section 5514(b) and give the dates the actions were taken.

(c) If, after the debt claim has been submitted by the creditor agency, the employee transfers to a position in another agency, the Commission will certify the total amount of the collection made on the debt. One copy of the certification will be furnished to the employee, and one copy will be furnished to the creditor agency, together with notice of the employee's transfer. The original of the debt claim form shall be inserted in the employee's official personnel folder, together with the certification of the amount which has been collected. Upon receiving the official personnel folder, it will be the responsibility of the new paying agency to resume the collection from the individual's current pay and notify the employee and the creditor agency of the resumption. In cases in which an employee transfers to the Commission while a debt is being collected from him by another Federal agency by offset, the Commission will resume the collection and notify the employee that it is doing so.

(d) For collections of debts by offset under this section, the Commission will not repeat the procedures prescribed by 5 U.S.C. 5514 and agency regulations under section 5514.

(e) If the Commission receives an incomplete or improperly certified debt claim, it will return the claim to the creditor agency with a notice that procedures under 5 U.S.C. 5514 must be complied with and a complete debt claim must be submitted before any action will be taken to collect the debt by offset from the employee's current pay.

(f) If the Commission receives a complete debt claim, deductions shall be scheduled to begin on the next officially established pay interval, if possible. A copy of the debt claim form shall be given to the debtor, together with notice of the date deductions will commence.

(g) The Commission will not review the merits of the creditor agency's determination with respect to the amount or validity of the debt.

[FR Doc. 85-11208 Filed 5-8-85 8:45 am]
BILLING CODE 3640-04-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Lake Chelan National Recreation Area and Ross Lake National Recreation Area, WA; Weapons Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The proposed regulations set forth below are necessary to designate times and locations where weapons may be carried, possessed and used for target practice within Lake Chelan National Recreation Area and Ross Lake National Recreation Area pursuant to a requirement of the National Park Service General Regulations. It is the objective of these proposed regulations to allow local residents and occasional visitors to continue the established practice of recreational target practice and sighting-in of hunting weapons while at the same time providing for public safety and protection of park resources.

DATE: Written comments, suggestions, or objections will be accepted until June 10, 1985.

ADDRESS: Comments should be addressed to: Superintendent, North Cascades National Park, 800 State Street, Sedro Woolley, Washington 98284.

FOR FURTHER INFORMATION CONTACT: John J. Reynolds, Superintendent, North

Cascades National Park, Telephone: (206) 855–1331.

SUPPLEMENTARY INFORMATION:

Background

As stated in the enabling legislation, Pub. L. 90–544, one of the primary reasons for establishment of the recreation areas was "* * * to provide for the public outdoor recreation use and enjoyment * * *" of these areas. Recreational target shooting is an established outdoor recreational activity in both recreation areas. The legislation also specifically allows hunting in accordance with applicable laws of the United States and of the State of Washington. Hunting weapons must be periodically sighted-in to be safely and effectively used. There are long established facilities for these activities on Federal Lands in both recreation areas.

Residents of the communities of Stehekin, Newhalem and Diablo, located within the recreation areas, have no reasonable alternative to these facilities. Private land holdings are generally limited, and no facilities for these activities have been, nor are they likely to be, developed on them. Access to facilities outside the recreation area would be extremely difficult for Stehekin residents since access is only by water, air or trail. It would be a needless and unreasonable burden for residents of Newhalem and Diablo since a facility already exists within the recreation area. The Newhalem range was built by local residents who were members of the local gun club. No known developed facilities for these activities exist within a 55 mile radius of any of these communities.

The existing facility within Ross Lake National Recreation Area is located in the Southeast Quarter of Section 19 and the Northeast Quarter of Section 30, Township 37 North, Range 12 East, WM, approximately 200 yards northeast of State Route 20 near mile marker 119.

The existing facilities within Lake Chelan National Recreation Area are located as follows:

1. In the East Half of Section 22, Township 33 North, Range 17 East, WM, approximately 100 yards west of the Stehekin Emergency Airstrip in the area known as the gravel pit.

2. In the Southeast Quarter of Section 8, Township 33 North, Range 17 East, WM, approximately 100 yards east of mile point 7 of the Stehekin Valley Road in a converted borrow pit.

All of these sites are screened by trees and other vegetation. There are no other recreational developments or activities in their immediate vicinity which would conflict with their proposed use. The ranges are adequately removed from public roads and firing is away from the roads toward hillsides.

The section-by-section analysis of the final rulemaking for 36 CFR 2.4 published in the **Federal Register** of April 30, 1984, page 18446, states that target ranges which have been developed with adequate facilities to provide for public safety and which were in use prior to the effective date of the regulation can be designated for continued use by special regulation. This proposal is based on the intent of that analysis.

The Superintendent has determined that the designation of these locations and facilities is consistent with the Purposes for which the recreation areas were established, will not adversely affect park resources and that the design and operation procedures are in compliance with State and local laws relating to public ranges.

Public Participation

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding this proposed regulation to the address noted at the beginning of this rulemaking.

Drafting Information

The following persons participated in the writting of these proposed regulations: Jerry D. Lee, Assistant District Manager; Daniel L. Allen, Resource Management Specialist; James S. Rouse, Assistant Superintendent.

Paperwork Reduction Act

This rulemaking contains no information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance with Other Laws

The Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (February 19, 1981). This rulemaking would have no significant economic effect on a substantial number of small entities, nor does it require the preparation of a regulatory analysis. The Service makes this finding because the proposed regulation will impose no significant costs on any class or group of small entities.

Pursuant to the National Environmental Policy Act (42 U.S.C. 4332), the Service has prepared an Environmental Assessment and Finding of No Significant Impact on these proposed regulations. Both are available at the address noted above.

List of Subjects in 36 CFR Part 7

National Parks.

In consideration of the foregoing, it is proposed to amend 36 CFR Part 7 as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation is revised to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 462(k)

2. In § 7.62 by adding a new paragraph (c) to read as follows:

§ 7.62 Lake Chelan National Recreation Area

* * * * *

(c) *Weapons.* The following locations are designated for target practice between the hours of sunrise and sunset, subject to all applicable Federal, state, and local laws.

(1) In the East Half of Section 22, Township 33 North, Range 17 East, WM, approximately 100 yards west of the Stehekin Emergency Airstrip, the area known as the gravel pit.

(2) In the Southeast Quarter of Section 8, Township 33 North, Range 17 East, WM, approximately 100 yards east of mile point 7 on the Stehekin Valley Road, a converted borrow pit.

3. In § 7.69 by adding a new paragraph (c) to read as follows:

§ 7.69 Ross Lake National Recreation Area.

* * * * *

(c) *Weapons.* The following location is designated for target practice between the hours of sunrise and sunset, subject to all applicable Federal, state, and local laws:

(1) In the Southeast Quarter of Section 19, and the Northeast Quarter of Section 30, Township 37 North, Range 12 East, WM, approximately 200 yards northwest of State Route 20 near mile marker 119, the area known as the Newhalem rifle range.

Dated: March 27, 1985.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85–10868 Filed 5–8–85; 8:45 am]

BILLING CODE 4310–70–M

36 CFR Part 7

Ross Lake National Recreation Area, WA; Aircraft Use Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The proposed regulation set forth below is necessary to designate locations within Ross Lake National Recreation Area where private and commercial aircraft may land on Ross Lake for the purpose of providing visitor access. It is the objective of this proposed regulation to provide for the preservation and enjoyment of the Ross Lake National Recreation Area in a way that is consistent with aircraft operations policy of the National Park Service and the authority of the Federal Aviation Administration.

DATE: Written comments, suggestions or objections will be accepted until June 10, 1985.

ADDRESS: Comments should be directed to: Superintendent, North Cascades National Park 800 State Street, Sedro Woolley, Washington 98284.

FOR FURTHER INFORMATION CONTACT: John J. Reynolds, Superintendent North Cascades National Park Telephone: (206) 855–1331.

SUPPLEMENTARY INFORMATION:

Background

As stated in its enabling legislation, Pub. L. 90–544, one of the primary reasons for establishment of the recreation area was "* * * to provide for the public outdoor recreation use and enjoyment. * * *" The operation of aircraft on Diablo Lake and Ross Lake is an established outdoor recreational activity in the Ross Lake National Recreation Area. The legislation also specifically provides that the recreation area shall be administered to best provide for "* * * the continuation of such existing uses and developments as will promote or are compatible with, or do not significantly impair, public recreation and conservation of the scenic, historic, or other values contributing to the public enjoyment."

Aircraft use of lakes within the Ross Lake National Recreation Area was an established activity for nearly 20 years prior to the 1968 establishment act. Floatplanes served as one of the principal means of public access to Ross Lake other than via the long, unimproved road by automobile through British Columbia to reach the north end of Ross Lake at Hozomeen. Highway 20, the North Cascades Highway, was not completed until 1972 and does not provide for automobile access to Ross Lake.

On March 17, 1982, the National Park Service published an extensive revision of Title 36 Code of Federal Regulations as a proposed Rule. Following the review and adoption of suggestions received during the comment period, the Final Rule was published in the **Federal Register** on June 30, 1983. Section 2.17, Aircraft and Air Delivery states, in part, that the use of aircraft is prohibited except at locations designated by special regulation.

The National Park Service, in analyzing requirements for publishing Special Regulations, realized that a long established use of aircraft in the Ross Lake National Recreation Area had to be legitimatized by designating locations in the recreation area as authorized landing sites. The alternative would be to discontinue use.

Special regulations for Ross Lake National Recreation Area were published in the **Federal Register** as a proposed rule on December 27, 1983. Comments from the public were originally accepted through January 26, 1984, but, that comment period was extended until February 25, 1984.

The section-by-section analysis of the final rulemaking for 36 CFR 2.17, published in the **Federal Register** of April 30, 1984, page 18445, states: "In response to public comment on the operation of aircraft on the entire surface of Ross Lake, the Service decided to withdraw this section of the proposed special regulations and retain the provision opening Diablo Lake to aircraft use. The total recreational use of Ross Lake will be reviewed and special regulations considered at a later date." This proposal is based on the intent of that analysis.

Neither of the two locations proposed as designated landing sites are within North Cascades National Park. Only sites within Ross Lake National Recreation Area are proposed. Since this use existed for many years, it is not anticipated that the proposed special regulation will, in itself, be a cause for a rise in such use.

The Superintendent has determined that the designation of these locations is consistent with the purposes for which the recreation area was established, will not adversely affect park resources and that the design and operational procedures are in compliance with federal, state and local laws relating to aircraft use.

Public Participation

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding this proposed regulation to the address noted at the beginning of this rulemaking.

Drafting Information

The following persons participated in writing of these proposed regulations: Gerry Tays, District Manager; Daniel Allen, Resource Management Specialist; James Rouse, Assistant Superintendent.

Paperwork Reduction Act

This rulemaking contains no information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

The Service has determined that this document is not a "major rule" within the meaning of Executive Order 12291 (February 19, 1981), 46 FR 13193, and does not require a regulatory analysis under the requirements of the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601 *et seq.*). Aircraft transportation to remote recreation sites is not an extensive activity in this area; the majority of use is expected from a regional base of past use, primarily to deliver people to resorts and campsites based on Ross and Diablo Lakes. A small segment of people would likely use this means for trail access into nearby wilderness areas.

This rulemaking will not have a significant economic effect on a substantial number of small entities, nor does it require the preparation of a regulatory analysis. The Service makes this finding because the proposed regulations will impose no significant costs on any class or group of small entities.

Pursuant to the National Environmental Policy Act (42 U.S.C. 4332), the Service has prepared an Environmental Assessment and a Finding of No Significant Impact on these proposed regulations. Both are available at the address noted above.

List of Subjects in 36 CFR Part 7

National parks.

In consideration of the foregoing, it is proposed to amend 36 CFR Part 7 as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. By revising the authority citation to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 462(k).

2. In § 7.69, by revising paragraph (b) to read as follows:

§ 7.69 Ross Lake National Recreation Area.

* * * *

(b) *Aircraft.* (1) The operation of aircraft is allowed on the following designated sites:

(i) The entire water surface of Diablo Lake and Ross Lake, except that:

(A) Operating an aircraft under power on water surface areas within 500 feet of boomlogs or buoys, or on those posted as closed for fish spawning is prohibited.

Dated: March 27, 1985.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-11025 Filed 5-8-85; 8:45 am]

BILLING CODE 4310-70-M

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36 CFR Part 8

Labor Standards Applicable to Employees of National Park Service Concessioners

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposal is to delete a child labor regulation in its entirety. The existing regulation prohibits employment by National Park Service concessioners of persons under the age of 16 and restricts the employment of persons under the age of 18. The objective of the proposed amendment is to allow children between the ages of 14 and 16 the opportunity to be employed by National Park Service concessioners under the same terms they could be employed elsewhere if otherwise permitted under applicable Federal and State Labor Laws.

DATES: Written comments will be accepted until June 10, 1985.

ADDRESS: Comments should be directed to: David E. Gackenbach, Chief, Concessions Division, National Park Service, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: James Owen, Concessions Analyst, Concessions Division, National Park Service, Washington, D.C. 20240, Telephone: (202) 523-1741.

SUPPLEMENTARY INFORMATION:

Background

36 CFR 8.4, Child labor states in part, "No person under 16 years of age may be employed by a concessioner in any occupation." By deleting § 8.4 in its entirety child labor will be governed by Federal or State labor laws as provided for in § 8.5 wherein it is stated "Concessioners shall comply with the standards established from time to time, by or pursuant to Federal or State labor laws otherwise applicable in the State of employment, such as those concerning minimum wages, child labor, hours of work, and safety, which would apply to the employees of the concessioner if his establishment were not located in a national park."

This amendment will permit concessioners to employ children between the ages of 14 and 16. As such it will enable children to be gainfully employed who otherwise may not be employed. It will benefit young people living near park areas, which are often isolated, by permitting concessioners to employ children under 16 who otherwise might be unemployed or would need to be transported to a place of work at considerable distance. Concessioners would also benefit by enlarging their market for recruiting employees with children who otherwise may not accept employment due to the restriction of the concessioner employing only those over the age of 16, thus providing better service to the visitors.

Public Participation

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding this proposed regulation amendment to the address noted at the beginning of this rulemaking.

Drafting Information

The following individual participated in the writing of this regulation: James A. Owen, National Park Service, Concessions Division, Washington, D.C.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 (February 19, 1981), 46 FR 13193, and that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5) U.S.C. 601 *et seq.*). This conclusion is based on the finding that no costs should result for any small entity. There may be a limited positive result for children under the age of 16 to be gainfully employed by National Park Service concessioners. Parents living in or near the park would benefit by having their children under 16 years of age eligible to work for the concessioner, thereby not needing to transport children outside of a park area, sometimes at considerable distance, for employment purposes.

The proposed action is categorically excluded from procedural requirements for compliance with the National Environmental Policy Act and thus no environmental assessment or environmental impact statement will be prepared.

List of Subjects in 36 CFR Part 8

Concessions, Labor, National Parks.

In consideration of the foregoing, it is proposed to amend 36 CFR Part 8 as follows:

PART 8—LABOR STANDARDS APPLICABLE TO EMPLOYEES OF NATIONAL PARK SERVICE CONCESSIONERS

1. By revising the authority citation to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 462(k).

§ 8.4 [Removed]

2. By removing § 8.4.

§§ 8.5, 8.6, 8.7, 8.8, 8.9, 8.10 [Redesignated as 8.4, 8.5, 8.6, 8.7, 8.8, 8.9]

3. By redesignating §8.5 as §8.4, §8.6 as §8.5, §8.7 as §8.6, §8.8 as §8.7, §8.9 as §8.8 and §8.10 as §8.9.

Dated: March 26, 1985.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-10869 Filed 5-8-85; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Docket No. AM043PA; A-3-FRL-2832-9]

Proposed Approval of Revisions to the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a request from the Commonwealth of Pennsylvania to revise the Pennsylvania State Implementation Plan (SIP) with respect to Sulfur Dioxide (SO_2), for

Conewango Township, Warren County. The revision applies to the area surrounding the Warren Power Plant of the Pennsylvania Electric Company (Penelec). The revision specifies measures that will be taken to determine the extent and severity of the SO_2 violations in Conewango Township, and to develop the SO_2 emission control strategy that will be implemented to attain and maintain the SO_2 National Ambient Air Quality Standards (NAAQS).

DATE: Comments must be submitted on or before June 10, 1985.

ADDRESSES: Copies of the proposed SIP revision and accompanying support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Management Division, 841 Chestnut Street, Eighth Floor, Philadelphia, PA 19107, Attn: Donna Abrams (3AM11)

Commonwealth of Pennsylvania, Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA 17120, Attn: Gary Triplett.

FOR FURTHER INFORMATION CONTACT: Donna Abrams (3AM11) at the EPA, Region III address above or call (215) 597-9134.

All comments on the proposed revision submitted within 30 days of publication of this notice will be considered and should be directed to Mr. Glenn Hanson, Chief, PA/WVA Section at the EPA, Region III address above, EPA Docket No. AMO43PA.

SUPPLEMENTARY INFORMATION: On March 3, 1978, Conewango Township, Warren County was designated nonattainment for SO_2. Upon designation, Part D of the Clean Air Act was triggered for Conewango Township. Part D required Pennsylvania to submit, to EPA for approval, a plan revision for achieving the SO_2 National Ambient Air Quality Standards (NAAQS) as expeditiously as practicable.

The designation was based upon an air dispersion modeling study performed in 1976. Subsequent to the completion of the study, EPA developed air dispersion modeling guidelines and determined that the study did not meet these guidelines. Furthermore, EPA concluded that while the study was adequate for the purpose of designating nonattainment areas, it was not adequate to define the extent and severity of the violations of the SO_2 NAAQA. As a result, the study could not serve as the basis of a plan for achieving the SO_2 NAAQS. Additionally, it was later determined that invalid meteorological data may have been used in the study. This raised questions on the validity of the original study and the original nonattainment designation.

As a result of these uncertainties, negotiations were initiated between Penelec, whose Warren Power Plant is a major source of SO_2 in Conewango Township and the Pennsylvania Department of Environmental Resources (DER). On December 27, 1982, DER submitted a request to EPA to have Conewango Township reclassified to "Unclassifiable" for SO_2. This redesignation request was submitted, in conjunction with an agreement between DER and Penelec, to conduct a more comprehensive SO_2 ambient air quality monitoring program to resolve the "Cannot Be Classified" status. EPA could not approve this request because the statutory attainment date (December 31, 1982) had passed by the time EPA received the request.

In view of this, DER, on March 17, 1983, requested that the designation be changed to "attainment." On July 13, 1983, EPA advised DER that the request could not be approved because it did not meet the minimum requirements set forth in a policy memorandum, from Mr. Sheldon Meyers, dated September 16, 1982, which requires, for areas dominated by point sources of SO_2, that dispersion modeling be an integral part of any redesignation to attainment.

Subsequent to DER's requested redesignation to attainment and EPA's denial, Penelec relocated and installed monitors coinciding with predicted SO_2 ambient hot spots, and in 1983 and 1984 violations of the SO_2 NAAQS were measured in the vicinity of the Warren Plant. Hence, on February 24, 1984, EPA notified Pennsylvania that a SIP revision, in accordance with Part D of the Clean Air Act, must be submitted for Conewango Township.

In accordance with EPA's request, DER and Penelec entered into a Consent Order and Agreement on December 5, 1984, and on December 28, 1984, submitted this as part of a SIP revision to EPA. The Consent Order and Agreement requires Penelec to conduct a new air quality and meteorological monitoring study at specified locations surrounding the Warren Plant and to report average daily emissions and fuel use for a period of one year (commencing December 31, 1984). The Consent Order and Agreement also recognizes the violations of the SO_2 NAAQS noted above.

Following completion of the required monitoring study, Penelec shall:

1. Perform a comprehensive modeling analysis of the SO_2 concentrations attributed to the Warren Plant.

2. Determine appropriate emission limits in accordance with equations specified in the Consent Agreement.

3. Submit to DER a plan, including a schedule, to attain:

(a) The primary SO_2 NAAQS as expeditiously as practicable, but no later than December 31, 1987.

(b) The secondary SO_2 NAAQS as expeditiously as practicable, but no later than December 31, 1988.

Penelec may resort to the use of an alternate model (Lappes), as opposed to the one (Complex I) stipulated in the Order and Agreement, to establish emission limits, if superior performance can be proven according to a Protocol agreed upon between DER and EPA.

After Penelec and DER have agreed upon the plan and schedule, DER will submit the plan and schedule to EPA for inclusion in the SIP.

In the event that Penelec fails to perform the monitoring study or the modeling analysis or fails to submit a plan by the date specified in the Consent Order and Agreement for attaining the NAAQS, a one hour, not to be exceeded, emission limit, determined by the Valley model, of 0.51 lbs. $SO_2/10^6$ Btu would be imposed on the plant. Penelec would be required to meet this limit as expeditiously as practicable, but no later than December 31, 1987.

During the course of EPA's review, typographical error was noted in Point 8 of Appendix B to the Consent Order and Agreement. EPA will assume that the reference to paragraph 6 should be paragraph 7 unless otherwise notified by DER or Penelec during the public comment period.

Conclusion

EPA's decision to propose approval of the revision is based on a determination that the revision meets the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

Interested parties are invited to submit comments on this action. EPA will consider comments received within 30 days of publication of this notice.

Under 5 U.S.C. section 605(b), the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of smalll entities. See 46 FR 8709 (January 27, 1981). The action, if promulgated, constitues a SIP approval under sections 110 and 172

within the terms of the January 27, 1981 certification.

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

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen oxides, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons.

Authority: 42 U.S.C. 7401–7642.

Dated: March 19, 1985.

A.R. Morris,

Acting Regional Administrator.

[FR Doc. 85–11253 Filed 5–8–85; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 65

[A–5–FRL–2832–7]

Proposed Delayed Compliance Order for General Motors Corp., Detroit Diesel Allison—Redford Plant, Detroit, MI

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue an Administrative Order to General Motors Corporation, Detroit Diesel Allison-Redford Plant (DDAD). The Order requires the company to bring volatile organic hydrocarbon emissions from its engine primer line and engine topcoat line in Detroit, Michigan into compliance with Michigan Rule R 336.1621, part of the federally approved Michigan State Implementation Plan (SIP). The company is unable to comply with these regulations at this time, and the proposed Order would establish an expeditious schedule requiring final compliance by December 1, 1984. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act for violation of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the Order.

DATES: Written comments must be received on or before June 10, 1985, and requests for a public hearing must be received on or before May 24, 1985. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held twenty-one days after notice of the date, time, and place of the hearing, which will be provided in a separate notice in the **Federal Register.**

ADDRESS: Comments and requests for a public hearing should be submitted to the Office of Regional Counsel, EPA, Region V, 230 South Dearborn, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: James Thunder, Assistant Regional Counsel, Office of Regional Counsel, EPA, Region V, 230 South Dearborn, Chicago, Illinois 60604 at (312) 353–2084.

SUPPLEMENTARY INFORMATION: General Motors Corporation operates an engine primer line and an engine topcoat line at its Detroit Diesel Allison-Redford Plant (DDAD) in Detroit, Michigan. The proposed Order addresses volatile organic hydrocarbon emissions from the engine primer line and engine topcoat line at this facility, which are subject to Michigan Rule R 336.1621 (Rule 621), part of the federally approved Michigan State Implementation Plan. Rule 621 limits the emissions of volatile organic hydrocarbons from these sources and specifies the date by which DDAD must be in compliance with said rule. This Order requires final compliance with Michigan Rule R 336.1621 by December 1, 1984, by reformulation to compliant water-based coatings. The source has consented to the terms of the Order, and has agreed to meet the increments established in the Order during the period of this informal rulemaking.

Dated: April 18, 1985.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 85–11255 Filed 5–8–85; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 261

[SW–FRL–2832–5]

Management System; Identification and Listing of Hazardous Waste Notification of Completion and Availability of Study and Request for Comment

AGENCY: Environmental Protection Agency.

ACTION: Notification of availability of data and request for comment.

SUMMARY: Today's notice announces the completion and availability of a study of polynuclear aromatic hydrocarbons (PNAs), and requests public comment on the toxicity and mobility evaluations contained in this report. This study will be used in evaluating delisting petitions submitted pursuant to 40 CFR 260.20 and 260.22. Today's notice also announces the availability of, and requests comment on, additional information submitted by the Amoco Oil Company's Wood River facility regarding PNA mobility from their petitioned treatment residue. This information was submitted as an addendum to their delisting petition. Amoco's wastes were proposed to be excluded from 40 CFR 261.32 on October 23, 1984. (See 49 FR 42580–42593).

DATES: EPA will accept public comments on this data until June 10, 1985.

ADDRESSES: The PNA report identified above, any related data, and the additional information submitted by Amoco, are available for public viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, in the Docket Office for the Office of Solid Waste, Room S212A., U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Comments on this study and the conclusions drawn regarding the Amoco, Wood River and Metropolitan Sewer District's delisting petitions should be sent to the Docket Clerk, Office of Solid Waste (WH–562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Communications should identify the regulatory docket number "Section 3001 (3)—Delisting Petitions."

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424–9346, or at (202) 382–3000. For technical information contact Mr. Myles Morse or Ms. Barbara Bush, Office of Solid Waste (WH–562B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. (202) 475–8551.

SUPPLEMENTARY INFORMATION: On September 21, 1984 the Agency granted a final exclusion under 40 CFR 260.20 and 260.22 to the Metropolitan Sewer District of Greater Cincinnati for a portion of its waste which did not contain PNAs, and deferred judgement on the portion which contained PNAs (49 FR 37066–37070). On October 23, 1984 in a proposed exclusion for Amoco Oil Company (49 FR 42580–42593), the Agency noted concern over the level of polynuclear aromatic hydrocarbons (PNAs) contained in the waste petitioned for exclusion. In each case, the Agency indicated that a study would be undertaken to determine whether the

PNAs should be added as a basis for listing the wastes. The study is now completed and has been used by the Agency to evaluate the PNA concentrations in the treatment residues petitioned for delisting by both Amoco and MSD. (See 49 FR 42580–42593 (Amoco) and 49 FR 8962–8967 and 49 FR 37066–37070 (MSD), for more detail regarding these pending delisting decisons.) The Agency also requested Amoco to evaluate PNA mobility in their treatment residue using the Multiple Extraction Test and the EP Toxicity Test for Oily Wastes. Based on the information contained in the PNA report and the addtional data provided by the Amoco, the Agency believes that the levels of PNAs in the wastes of these facilities would not pose a threat to human health or the environment. The Agency specifically requests comment on this available report, the additional Amoco data, and on the conclusions drawn from this information regarding the non-hazardous nature of the petitoned treatment residue generated by Amoco and MSD.

Dated: May 2, 1985.

Jack W. McGraw,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 85–11257 Filed 5–8–85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 5 and 6

Changes to Freedom of Information Act and Privacy Act Fee Schedules

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) is proposing to amend its fee schedule for processing Freedom of Information Act and Privacy Act requests in order to depict the current costs of such services.

DATE: Comments must be received on or before July 8, 1985.

ADDRESS: Comments are to be submitted to the Rules Docket Clerk, Federal Emergency Management Agency, Room 840, 500 C Street SW., Washington, D.C. 20472.

FOR FURTHER INFORMAION CONTACT: Linda M. Keener, FOIA/Privacy Specialist, (202) 646–3981.

SUPPLEMENTARY INFORMATION: FEMA's uniform fee schedule for making records available to the public under the Freedom of Information Act and the Privacy Act was last published in 1979 (44 FR 50286, August 27, 1979). The fee schedule as it presently exists does not accurately reflect the cost of making records available to the public. Accordingly, FEMA finds it necessary to propose an increase in the standard fees for searching for and photocopying documents in order to recover some of the considerable expense of administering the Acts.

FEMA has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act.

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

The principal author of this document is Linda M. Keener, FOIA/Privacy Specialist, Office of Public Affairs.

List of Subjects in 44 CFR Parts 5 and 6

Freedom of Information Act, Privacy Act.

It is hereby proposed to amend 44 CFR Chapter I, Subchapter A, as set forth below:

PART 5—PRODUCTION OR DISCLOSURE OF INFORMATION

1. The authority citation for Part 5 is revised as follows:

Authority: 5 U.S.C. 552; Reorganization Plan No. 3 of 1978; and E.O. 12127.

2. In § 5.46, paragraphs (a)(1), (b)(1) and (b)(2) are amended by revising them to read as follows:

§ 5.46 Fee Schedule.

* * * * *

(a) *Reproduction Fees.* (1) For copies of documents reproduced on a standard office copying machine in sizes up to 8½" × 14", the charge will be $.15 per page. Preprinted materials will be made available at a charge of $.03 per page.

* * * * *

(b) *Search Fee.* (1) The standard search fee for searches spent by employees in the GS–1 to GS–8 grade levels shall be $9.00 per hour or fraction thereof. No search fee will be applicable if the employee spends less than one hour locating relevant records.

(2) When professional staff must be used to search for the requested records because clerical staff would be unable to locate relevant records, the search fee for employees in the GS–9 to GS/GM–14 grade levels shall be $17.00 per hour or fraction thereof and the search fee for employees in the GS/GM–15 and above grade levels shall be $30.00 per hour or fraction thereof. No search fee will be applicable if the employee spends less than one hour locating relevant records.

* * * * *

PART 6—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

3. The authority citation for Part 6 is revised to read:

Authority: 5 U.S.C. 552a, Reorganization Plan No. 3 of 1978; and E.O. 12127.

4. In § 6.85, paragraph (a) is amended by revising it to read as follows:

§ 6.85 Reproduction fees.

(a) For copies of documents reproduced on a standard office copying machine in sizes up to 8½" × 14", the charge will be $.15 per page. Preprinted materials will be made available at a charge of $.03 per page.

* * * * *

Dated: May 3, 1985.

Louis O. Giuffrida,

Director, Federal Emergency Management Agency.

[FR Doc. 85–11207 Filed 5–8–85; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen. Docket No. 85–129; RM–4427; FCC 85–212]

Operation of Low Power Communication Devices in the 1.6–10 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The FCC proposes to amend Part 15, Subpart D of its Rules to allow the operation of low power communication devices in the 1.6 to 10 MHz band in response to a petition filed by the Knogo Corporation (RM–4427). The intended effect is to provide additional frequencies for low power communication devices, including ones which use swept frequency techniques.

DATES: Comments must be submitted on or before June 24, 1985 and replies on or before July 9, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Liliane M. Volcy, Office of Science and Technology, Washington, D.C. 20554, tel: (202) 653–8247.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 15

Communications equipment, Radio.

Notice of Proposed Rule Making

In the matter of The amendment of Part 15 of the Commission's Rules to permit the operation of low power communication devices in the 1.6–10 MHz band; Gen Docket 85–129, RM–4427.

Adopted: April 25, 1985.
Released: May 1, 1985.

By the Commission.

Introduction

1. On April 8, 1983, the Knogo Corporation (Knogo) submitted a petition for rule making,[1] requesting that § 15.305(c) of the Rules be amended to allocate additional frequencies in the upper MF and lower HF regions of the spectrum for the operation of wideband swept frequency field disturbance sensors (WBSS).[2] The purpose of this proceeding is to propose solutions to the problems enumerated in the Knogo petition, not only to benefit the petitioner but also to allow other manufacturers a greater use of the spectrum. To the extent possible, we shall also utilize the subject petition as a vehicle to establish provisions for general purpose low power communication devices (LPCDs) operating in the upper MF and lower HF regions of the spectrum. We shall also consider in this proceeding LPCDs which sweep their operating frequencies over a relatively wide bandwidth in comparison with conventional narrow bandwidth equipment.

Characteristics and Performance of Wideband Swept Sensors

2. Wideband swept sensors currently available on the market are usually utilized for security or control applications. WBSS are field disturbance sensors which utilize relatively large bandwidths in comparison to conventional equipment. WBSS are typically composed of two elements: a wafer placed on the monitored article and a transceiver (detector) situated at the entry or exit of the area under surveillance. An alarm is activated when the wafer is brought into the radio fields emanated from the transceiver. The relatively large bandwidths are necessary to assure that the frequency of resonance of the wafer is recognized by the detector, thereby activating the alarm when the wafer is brought near the transceiver. Knogo and its competitors manufacture basically two types of WBSS (1) anti-pilferage systems (or anti-shoplifting detectors) used as a means of detecting attempts to remove protected article from retail stores, libraries, etc. and (2) patient control systems for monitoring the movements of ambulatory patients in hospitals or other health care facilities.

Knogo Petition

3. Knogo contends that the present Rules covering WBSS hinder technological innovation because at frequencies above 1 MHz (with the exception of three bands for which the technical standards have been relaxed by the Commission in a previous proceeding) it becomes difficult to achieve compliance.[3] [4] By limiting operation to only three frequency bands, Knogo states that manufacturers are prevented from developing devices which might function more efficiently at other frequency ranges. For example, at 3.25 MHz the efficiency of the antenna and the wafer can be increased. Consequently, a 3.25 MHz system performs better overall when operated with the same field strength levels as those produced by 2 MHz equipment, and the number of false alarms can thus be considerably reduced. In particular, Knogo states that to avoid interference with its competitors systems, which utilize the 4.5 MHz and 8.2 MHz bands, it must restrict the design of its systems to the 2 MHz band. Knogo feels that the limited available frequencies inhibit its sales.

4. A short term solution to this problem, Knogo suggests, would be to allow operation on one or two more frequencies in the 2 to 10 MHz band. In addition, Knogo maintains that giving manufacturers the option of using any frequency from 2 to 10 MHz would be a more adequate solution on a long term basis, especially in view of the rapid growth of the alarm industry. Knogo asserts that the present technical regulations set out in §§ 15.321 and 15.323 of the Rules are adequate for operation anywhere within the 2 to 10 MHz band.

Comments and Discussion

5. No opposition to the petition has been received, except from James Weitzman, an amateur radio operator. Mr. Weitzman contends that the use of WBSS in the frequency range in question would be a considerable source of interference to the international broadcasting and amateur radio services. Mr. Weitzman views the allocation of additional frequencies basically as an inappropriate solution to Knogo's problems, a request for an exclusive allocation, and a waste of the HF spectrum. We cannot agree with Mr. Weitzman's allegations, especially since they are not supported either by any interference study or by the Commission's records. Further, the rules regarding [Part 15] RF devices were established by the Commission to protect those radio services, which are authorized under 47 CFR 2.106 from receiving harmful interference. Thus, any action taken by the Commission with regard to Part 15 devices does not supersede the rights vested to the services which have been recognized in the table of frequency allocations.

6. The purpose of the electromagnetic interference (EMI) standards under Part 15 is to allow a greater use of the spectrum on a non-interference basis to authorized radio services. This policy is maintained in this proceeding by extending the scope of the subject petition to cover the operation of general purpose low power communication devices, (including ones which utilize swept frequency techniques), into the upper MF and lower HF regions of the spectrum. While Knogo requests that rules be adopted for a specific device, we find no valid reason for limiting our proposal to permit only the use of WBSS. Such action is made in light of the fact that the present Part 15 rules do not have any provisions for general purpose LPCDs operating in the upper MF and lower HF regions of the spectrum above 1.6 MHz, and because other manufacturers besides Knogo have also shown an interest in designing LPCDs in this frequency range. [5] Also we recognize that the technical standards for LPCDs operating above 1 MHz are intentionally restrictive.[6] For

[1] *See Petition for Rule Making*, RM–4427 (Public Notice, April 19, 1983, Report No. 1401).

[2] A field disturbance sensor is defined in § 15.4(j) of the Rules as a restricted radiation device which establishes a radio frequency field in its vicinity and detects changes in that field resulting from the movement of persons or objects within the radio frequency field. Examples are sensors for automatic door openers in commercial establishments, intrusion detectors, and anti-shoplifting equipment for retail stores.

[3] *See* 47 CFR 15.305(a) which prescribes a field strength limit of 15 $\mu V/m$ at a distance of $\lambda/2\pi$ in meters.

[4] *See Report and Order* in General Docket No. 20620, 65 FCC 2d 802 (1977) (dealing with the operation of wideband swept RF equipment used as anti-pilferage devices). Special provisions were adopted for the operation of WBSS for the following three bands: 2.0 ± 0.3 MHz, 4.5 ± 0.45 MHz, and 8.2 ± 0.80 MHz.

[5] *See Order Granting Waiver in Part*, FCC 81–322, released July 21, 1981, (dealing with the operation of a low power communication system at 2.5 and 6.0 MHz for the purpose of identifying individual cows).

[6] *See* Section 2.5 of FCC/OST Bulletin 63, "Understahding FCC Rules & Regulations under Part 15 for Low Power Transmitters", (December 1984).

the purpose of this proceeding, we are proposing to relax the technical standards for LPCDs only in the 1.6 to 10 MHz range. We have only been able, at this point, to gather significant data on devices operating with that range. Further, the subject petition, to some extent, follows earlier consideration of the technical standards for LPCDs operating above 1.6 MHz.[7] Finally, no reports of interference to radio services susceptible of receiving interference (amateur, international broadcasting, fixed, maritime mobile, aeronautical mobile, etc.) from LPCDs operating in portions of the HF region of the spectrum have been brought to the attention of the Commission. It should be noted that no interference reports from the operation of LPCDs in the 1700–2300 kHz band to safety services using the frequency 2182 kHz have been received. Comments concerning the need to restrict the use of such devices from operating in portions of the 5 and 8 MHz bands (including those operating at 2182, 5176.5, 5680, 8241.5 and 8765.4 kHz) to protect safety services are requested.

7. We believe that broadening the scope of this proceeding will encourage technological innovation, reduce the need for costly and unwarranted rule making procedures, and assist us in solving the technical problems stated by Knogo. We feel that such action will assist manufacturers in finding new applications and in improving the efficiency of systems such as wideband swept sensors. Possible applications could be in the field of data collection and transmission, telemetering, identification systems, campus radio stations, drive-in theaters, control and security, etc. The technical requirements which we propose to adopt in this proceeding are flexible enough so that any modulation technique may be used; the field strength limits chosen at the fundamental or within the specified band are at least 10 dB below typical manmade radio noise levels from 1.6 to 10MHz in business, residential, and rural areas,assuming free-space propagation.[8] This should provide a sufficient safety margin to preclude any interference to the licensed radio services which operate at power levels far greater that the man-made radio noise levels within the frequency range in question.

8. General concurrence on the matter has been obtained from the Interdepartment Radio Advisory Committee (IRAC), which oversees Federal governmental use of the spectrum, with the understanding that only swept frequency LPCDs with a minimum frequency sweep of ±5% of the fundamental will be allowed. The National Telecommunications and Information Administration (NTIA) in a report to IRAC voiced concerns about allowing stationary or narrowband signals in the lower HF region of the spectrum. NTIA suggests that imposing a minimum sweep rate will minimize the interference potential to government aeronautical, maritime mobile and other services. The question of allowing stationary or narrowband signals in the 1.6 to 10 MHz range is still being discussed with NTIA. Meanwhile we solicit comments from the public on allowing the operation of any type of LPCD from 1.6 to 10 MHz, and also on the future possibility of adopting technical standards for the operation of LPCDs above 10 MHz. In particular, we request information on possible applications and power levels necessary to achieve efficient operation for LPCDs above 10 MHz. We wish to point out, however, the EMI standards under Part 15 are not meant to prevent multiuser interference problems [9] and the standards which are proposed in this proceeding will not necessarily alleviate the multi-LPCD user interference problems encountered by Knogo.

Proposed Rules

9. In summary, we propose to amend Part 15, Subpart D of the Rules, in accordance with the above discussion, to permit the operation of any LPCD from 1.6 to 10 MHz which meets the technical requirements specified in the Appendix. A field strength limit of 100 uV/m at a distance of 30 meters would apply to the emissions within the swept frequency band or the fundamental frequency. Maximum permissible field strength levels of the harmonics, out-of-band, and/or spurious emissions would be the same as those currently prescribed for Class B computing devices. Since different types of devices would be permitted to operate under the new rules, we must take into account the possibility that some systems will be utilized in residential areas and possibly interfere with the operation of AM receivers. To minimize this possibility, we are proposing the same conduction limits which are currently imposed for Class B computing equipment for any LPCD connected to the public power lines, i.e. 250 uV from 450 KHz to 30 MHz.[10]

10. Any measurement procedure acceptable to the Commission may be used. Applicants filing for equipment authorization with the Commission are advised to consult with the FCC laboratory to discuss their procedure, prior to submitting their reports of measurements. For purposes of this proceeding, we propose that for swept frequency equipment, the measurements be made with the frequency sweep halted and a peak reading field strength meter. Radiated emissions measurements should be made on an open field site.[11] We request comments on the technical requirements proposed, and in particular, the permissible emission levels, and the advantages/disadvantages of making measurements with the sweep halted or enabled for swept frequency devices. Low power communication devices operating in the 1.6–10 MHz band shall be certificated pursuant to the relevant sections of 47 CFR Part 2, Subparts I and J. Certification and the implementation of a sampling program should deter the marketing of non-complying devices.

Procedural Matters

11. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.* the Commission issues the following initial regulatory flexibility analysis:

I. Reason for action

This proceeding is in response to a petition for rule making requesting that additional frequencies be allowed for the operation of wideband swept frequency field disturbance sensors.

II. The objective

The objective of this proceeding is to enhance the use of new technology for low power communication devices in the 1.6–10 MHz band without increasing the interference potential to authorized radio services.

III. Legal basis

The action proposed is in accordance with sections 4(i), 302(a), 303(g), and 303(r) of the Communications Act of 1934, as amended, which permit the

[7] *See Notice of Proposed Rule Making* in Gen. Docket 20780, FCC 76-347, 41 Fed. Reg. 17938 (1976).

[8] See CCIR (International Radio Consultative Committee) Report no. 258-4 "Man-made Radio Noise", (1982).

[9] See 47 CFR 15.3

[10] *See* 47 CFR 15.830 and 15.832.

[11] *See* FCC/OST Bulletins such as MP-1, "FCC Methods of Measurements for Determining Compliance of Radio Control and Security Alarm Devices and Associated Receivers", (February 1983), and MP-4, "FCC Methods of Managements of Radio Noise Emissions from Computing Devices", (December 1983), to the extent practicable, may be used as guidelines. *See also* FCC/OST Bulletin 55, "Characteristics of Open Field Test Sites", (August 1982).

Commission to make reasonable regulations governing the interference potential of radio frequency equipment and to promote the larger and more effective use of radio in the public interest.

IV. Entities Affected; Nature of Economic Impact; Significant Alternatives

This action is expected to have a beneficial economic impact on manufacturers since it will allow greater design flexibility. No significant alternatives are apparent at this time.

V. Recording, Record-Keeping and Other Compliance Requirements

None beyond that required under the existing regulations.

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

13. Pursuant to the applicable procedures set forth in § 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before June 24, 1985, and reply comments on or before July 9, 1985. All relevant and timely comments will be considered before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room of the Federal Communications Commission, 1919 M Street, NW., Room 239, Washington, D.C. 20554. For further information on this proceeding, contact Liliane M. Volcy, Office of Science & Technology, (202) 653–8247.

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 15—[AMENDED]

The authority citation for Part 15 continues to read:

Authority: Secs. 4, 303, 48 stat., as amended 1066, 1982; 47 U.S.C. 154, 303.

Part 15 of the FCC Rules (47 CFR Part 15) is proposed to be amended as follows:

§ 15.115 [Removed]

§ 15.114 [Redesignated as § 15.115]

1. The current § 15.115 is removed and the current § 15.114 is redesignated as § 15.115.

2. A new § 15.114 is added to read as follows:

§ 15.114 Operation between 1.6 and 10 MHz (including swept frequency).

A low power communication device, including one which utilizes swept frequency techniques, may be operated in the 1.6 to 10 MHz band provided it meets the following requirements:

(a) Operation shall be confined to the 1.6 to 10 MHz band.

(b) The field strength of the emissions within the swept frequency band or the fundamental frequency shall not exceed 100 uV/m at 30 meters.

(c) The field strength of the harmonics, out-of-band, and/or spurious emissions shall not exceed:

Frequency range (MHz)	Distance (meters)	Field strength (uV/m)
Below 88	30	10
88 to 216	30	15
Above 216	30	20

(d) A low power communication device which is designed to be connected to a public utility power line shall limit the radio frequency voltage conducted back into the power lines to values below 250 uV between 450 kHz and MHz.

3. Paragraph (a) of § 15.141 is revised to read as follows:

§ 15.141 Measurement procedure.

(a) Any procedure acceptable to the Commission may be used to measure the RF energy emitted or conducted by a low power communication device. For swept frequency equipment, measurements shall be made with the frequency sweep stopped using a field strength meter with a peak reading detector. Radiated emission measurements shall be made, to the extent possible, on an open field site.

* * * * *

4. The table in § 15.142 is revised to specify the frequency range of measurements for devices operating from 1.6 to 10 MHz as follows:

§ 15.142 Range of measurements.

* * * * *

Frequency band in which the device operates	Frequency range of measurements	
	Lowest frequency	Highest frequency
Below 1600 kHz	10 kHz	20 MHz.
1.6 to 10 MHz	Lowest frequency generated in the device	300 MHz.
26.97 to 27.27 MHz	Lowest frequency generated in the device	400 MHz.
40.66 to 40.70 MHz	Lowest frequency generated in the device or 25 MHz, whichever is lower.	1,000 MHz.
49.82 to 49.90 MHz	Lowest frequency generated in the device or 25 MHz, whichever is lower.	1,000 MHz.
70 to 108 MHz	do	1,000 MHz.
108 to 500 MHz	do	2,000 MHz.
500 to 1000 MHz	Lowest frequency generated in the device or 100 MHz, whichever is lower.	5,000 MHz.
Above 1000 MHz	Lowest frequency generated in the device or 100 MHz, whichever is lower.	Tenth harmonic or highest frequency generated.

5. Paragraph (c) of § 15.305 is revised to read as follows:

§ 15.305 General technical specifications.

* * * * *

(c) A field disturbance sensor, as an alternative to paragraphs (a) and (b), may be operated under the provisions of §§ 15.114, 15.141, and 15.142 of this chapter.

* * * * *

§§ 15.321 and 15.323 [Removed]

6. Sections 15.321 and 152.323 are removed.

[FR Doc. 85-11104 Filed 5-8-85; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 74

[MM Docket No. 85-126; FCC 85-215]

Review of Technical and Operational Requirements

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes Rule changes: (1) permitting broadcast and cable sharing of remote pickup frequencies; (2) extending the short term operation rule; (3) revising remote pickup service remote control rules; and (4) extending the 950 MHz wireless microphone band.

This action is taken by the Commission in its efforts to relax restrictive regulations and policies.

The proposed Rule changes are intended to provide broadcasters and cable networks and operators more flexibility in operating auxiliary systems and to promote spectrum efficiency.

DATES: Comments due by July 5, 1985, and Reply Comments due by August 5, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Hank VanDeursen, Mass Media Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 74

Radio broadcasting, Television broadcasting.

Proposed Rulemaking

In the matter of review of technical and operational requirements: Part 74-D Broadcast Remote Pickup Service; and Part 74-H Low Power Auxiliary Stations; MM Docket No. 85-126.

Adopted: April 25, 1985.
Released: May 6, 1985.

By the Commission.

Introduction/Background

1. The Commission, on its own motion, proposes to review and revise the rules covering technical, operational, and licensing requirements for broadcast remote pickup stations and low power auxiliary stations. The affected rules are contained in th FCC Rules and Regulations, Part 74, Subparts D, and H. The proposed actions would allow broadcast licensees more liability in the operation of auxiliary systems associated with their stations and further would provide cable networks and cable system operators (cable interests) access to frequencies in the aural remote pickup band.

Issues

2. There are several issues to be considered:

a. Should licensing eligibility for use of the broadcast remote pickup frequencies be extended to cable interests?

b. Should the "short term operation" provisions of Section 74.24 be extended to allow full time local operation of remote pickup stations under the authority conveyed by the basic broadcast license?

c. Should the remote control rules for the remote pickup service be revised to provide more flexibility in system design?

d. Should the 947-952 Mhz wireless microphone band be extended to include 944-952 MHz?

Each issue will be developed separately.

Issue 1: Cable System Eligibility

3. Although the methods of distribution differ, broadcast stations and cable systems deliver similar end products to their audiences, including programs, movies, news reports, and live coverage of special events. As a result, they have similar needs for auxiliary frequencies to aid in program production and related technical communications. The current Rules do not permit cable networks and cable system operators to use broadcast auxiliary service spectrum below 12 GHz. In light of their parallel needs, we propose to extend the eligibility for use of some broadcast remote pickup frequencies listed in § 74.402[1] to provide for shared use by broadcast stations, broadcast networks, cable systems, and cable networks. Comment are invited on this proposal. Comments should also address whether current frequency coordination procedures would require any changes if the auxiliary remote pickup frequencies were to be opened to cable networks and cable system operators.

4. The remote pickup spectrum is already crowded in some areas of the country. To ensure that the impact of new operators entering the spectrum is minimized, we propose to define strict eligibility requirements for cable interests. We seek comments on the appropriate criteria to qualify cable interests as being eligible for licensing in the broadcast remote pickup service.

Issue 2: Short Term Operation Flexibility

5. Section 74.24 permits broadcast licensees to operate auxiliary stations, without prior authorization from the Commission, under the authority conveyed by their Part 73 basic broadcast station licenses. Such operation is permitted except near the border between the United States and Canada, and on certain shared frequencies. The operation is also subject to prior frequency coordination with other stations in the local area, is limited to 720 operating hours per year, and is secondary to other licensed stations. We propose to revise § 74.431(d) to exempt Part 73 licensees operating remote pickup stations within 50 miles of their broadcast facilities from the maximum time and secondary status limitations of § 74.24.[2] A separate license for remote pickup stations would be required only in cases where the conditions of § 74.24 and 74.431(g), as proposed, did not apply.

6. This proposal is intended to permit licensees the option of using frequency agile equipment and advanced frequency management techniques to obtain relief in very crowded areas. For example, as local requirments for channel usage vary, stations would have the option of coordinating and implementing new channel plans to accommodate the changing needs. Comments are invited on this proposal.

Issue 3: Remote Control

7. To unify the broadcast remote control rules, we propose to revise § 74.434 by incorporating language comparable to that in § 73.1410 of the Rules.[3] Licensees would be free to

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[1] Cable systems licensees would not be authorized to use frequencies between 152.87 and 153.35 MHz which are shared with the Private Radio Service. Network entities are not authorized to use frequencies in the ranges of 152.87-153.35 MHz and 161.64-161.76 MHz.

[2] Section 74.431(d) is proposed to be redesignated as § 74.431(g) as indicated in the Appendix. This proposal does not apply to the frequencies between 152.87 and 153.35 MHz which are shared with the Private Radio Service.

[3] MM Docket No. 84-110, 49 FR 47608 (December 6, 1984).

implement any type of remote control systems, provided these systems contained adequate monitoring and control functions for proper station operation in accordance with the terms of the authorization. Comments are invited on this issue.

Issue 4: Wireless Microphones in the 944–947 MHz Band

8. Wireless microphones have been permitted to share the 947–952 MHz band with other auxiliary stations, including Studio to Transmitter Links (STL) and Intercity Relay Stations (ICR). A recent decision[*] allocated an additional 3 MHz of spectrum to that band for STL and ICR use. We believe that wireless microphones should also be allowed to share the new spectrum and propose to amend the Rules accordingly. Comments are invited on this issue.

Other Considerations

9. We propose to make some non-substantive revisions to certain rule sections, as outlined in the appendix, to provide more flexibility to licensees operating auxiliary stations. These sections include: 74.431 Special rules applicable to remote pickup stations; 74.432 Licensing requirements and procedures; 74.436 Special requirements for automatic relay stations; and 74.465 Frequency monitors and measurements; 74.467 Posting of licenses and 74.867 Posting of licenses. Comments are invited on these changes.

Initial Regulatory Flexibility Analysis

10. a. *Reason for action:* This review is necessary to determine the relevance of current rules and to consider whether revision of some portions is warranted.

b. *The objective:* The Commission's proposals are designed to permit broadcast licensees more flexibility in the operation of broadcast auxiliary service systems.

c. *Legal basis:* Action is proposed in accordance with Sections 4(i),303(g) and (r) of the Communications Act of 1934, as amended, which charge the Commission to encourage the most effective use of radio in the public interest.

d. *Description, potential impact, and number of small entities affected:* The proposed Rule changes are permissive in nature and should favorably affect broadcaster stations, cable systems and networks by providing licensees additional options for program production.

[*] Gen. Docket No. 82-335 FR 4655 (February 1, 1985).

e. *Recording, recordkeeping, and other compliance requirements:* None.

f. *Federal Rules which overlap, duplicate, or conflict with this rule:* None.

g. *Any significant alternatives minimizing impact on small entities and consistent with the stated objective:* None.

Paperwork Reduction Act

11. The proposed contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

Actions

12. The Secretary shall cause a copy of this *Notice of Proposed Rule Making*, including the Initial Regulatory Flexibility Analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96–354, 94 Stat. 1164, 50 U.S.C. 601 *et seq.*)

13. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules and Regulations, interested parties may file comments on or before July 5, 1985, and reply comments on or before August 5, 1985. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

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

15. Accordingly, it is proposed to amend Part 74 of the Commission's Rules as set forth in the attached Appendix. Authority for the action taken herein is contained in Sections 4(i), 303(g) and (r) of the Communications Act of 1934, as amended.

16. Further information on this proceeding may be obtained by contacting Hank VanDeursen, Policy and Rules Division, Mass Media Bureau, (202) 632–9660.

Federal Communications Commission,
William J. Tricarico,
Secretary.

PART 74—[AMENDED]

It is proposed to amend Title 47, Part 74 of the Code of Federal Regulations as follows:

1. The authority citation for Part 74 continues to read:

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

2. Section 74.401 would be amended by revising the definition for *Network entity* to read as follows:

§ 74.431 Definitions.

* * * * *

Network-entity. For the purpose of this subpart, a network-entity is an organization which produces programs available for simultaneous transmission by 10 or more affiliated broadcast stations (or any number of cable systems with a total of at least 250,000 subscribers), and having distribution

facilities or circuits available to such affiliated stations or cable systems at least 12 hours each day.

* * * * *

3. Section 74.431 would be revised in its entirety to read as follows:

§ 74.431 Special rules applicable to remote pickup stations.

(a) Remote pickup mobile stations may be used for the transmission of material from the scene of events which occur outside the studio back to the studio or production center. The transmitted material shall be intended for the licensee's own use and may be available for the use of any other broadcast station or cable system.

(b) Remote pickup mobile or base stations may be used for communications related to production and technical support of the remote program. This includes cues, orders, dispatch instructions, frequency coordination, establishing microwave links, and operational communications. Operational communications are alerting tones and special signals of short duration used for telemetry or control.

(c) Remote pickup mobile or base stations may communicate with any other station licensed under this Subpart.

(d) Remote pickup mobile stations may be operated as a vehicular repeater to relay program material and communications between stations licensed under this Subpart.

(e) The output of hand-carried or pack-carried transmitter units is limited to 2.5 watts. The output of a vehicular repeater transmitter used as a talkback unit on an additional frequency is limited to 2.5 watts.

(f) Remote pickup base and mobile stations in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands may be used for any purpose related to the programming or technical operation of a broadcasting station, except for transmission intended for direct reception by the general public.

(g) Remote pickup base or mobile stations may be operated under the provisions of § 74.24 except between 152.87 MHz and 153.35 MHz within 50 miles of the associated licensed broadcast facility without prior authority of the Commission. All conditions of § 74.24 apply to such operations, except that mobile and base stations may operate for an unlimited time and with a primary (co-equal) status. The licensee will be responsible to coordinate use of frequencies with any licensees in the area to prevent interference.

(h) In the event that normal aural studio to transmitter circuits are damaged, stations licensed under Subpart D may be used to provide temporary circuits for a period not exceeding 30 days without further authority from the Commission necessary to continue broadcasting.

(i) Remote pickup mobile or base stations may be used for activities associated with the Emergency Broadcast System and similar emergency survival communications systems. Drills and tests are also permitted on these stations, but the priority requirements of § 74.403(b) must be observed in such cases.

4. Section 74.432 would be amended by removing paragraphs (j), (k), and (l); and revising paragraphs (a), (b), (c), (d), (e), (f) and (g) to read as follows:

§ 74.432 Licensing requirements and procedures.

(a) A license for a remote pickup station will be issued to: the licensee of an AM, FM, noncommercial FM TV, international broadcast or low power TV station; network entity; or local cable system with at least 10,000 subscribers.

(b) Base stations may operate as automatic relay stations on the frequencies listed in § 74.402(a) (6), (7), and (8) under the provisions of § 74.436; however, one licensee may not operate such stations on more than two frequencies in a single area.

(c) Base stations may use voice communications between the studio and transmitter or points of any intercity relay system on frequencies in Groups I and J.

(d) Base stations may be authorized to establish standby circuits from places where official broadcasts may be made during times of emergency and circuits to interconnect an emergency survival communications system.

(e) In Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands, base stations may provide program circuits between the studio and transmitter or to relay programs between broadcasting stations. A base station may be operated unattended in accordance with the following:

(1) The station must be designed, installed, and protected so that the transmitter can only be activated or controlled by operators authorized by the licensee.

(2) The station must be equipped with circuits to prevent transmitter operation when no signal is received from the station which it is relaying.

(f) Remote pickup stations may use only those frequencies and bandwidths which are necessary for operation.

(g) The license shall be retained in the licensee's files at the address shown on the authorization and a copy shall be retained at each fixed transmitter location.

* * * * *

5. Section 74.434 would be revised in its entirety to read as follows:

§ 74.434 Remote control operation.

(a) A remote control system must provide adequate monitoring and control functions to permit proper operation of the station.

(b) A remote control system must be designed, installed, and protected so that the transmitter can only be activated or controlled by operators authorized by the licensee.

(c) A remote control system must prevent inadvertent transmitter operation caused by malfunctions in the circuits between the control point and transmitter.

6. Section 74.436 would be revised in its entirety to read as follows:

§ 74.436 Special requirements for automatic relay stations.

(a) An automatic relay station must be designed, installed, and protected so that the transmitter can only be activated or controlled by operators authorized by the licensee.

(b) An automatic relay station may accomplish retransmission of the incoming signals by either heterodyne frequency conversion or by modulating the transmitter with the demodulated incoming signals.

(c) An automatic relay station transmitter may relay the demodulated incoming signals from one or more receivers.

7. Section 74.465 would be revised in its entirety to read as follows:

§ 74.465 Frequency monitors and measurements.

The licensee of a remote pickup station or system shall provide the necessary means to assure that all operating frequencies are maintained within the allowed tolerances.

§ 74.467 [Removed]

8. Section 74.467 *Posting of licenses* would be removed in its entirety.

§ 74.802 [Amended]

9. Section 74.802 would be amended by changing the occurrence in paragraph (a) of "947–952 MHz" to read "944–952 MHz."

§ 74.831 [Amended]

10. Section 74.831 would be amended by changing the occurrence of "947–952 MHz" to read "944–952 MHz."

11. Section 74.832 would be amended by adding a new paragraph (j) to read as follows:

§ 74.832 Licensing requirements and procedures

* * * * *

(j) The license shall be retained in the licensee's files at the address shown on the authorization.

* * * * *

§ 74.867 [Removed]

12. Section 74.867 *Posting of licenses* would be removed in its entirety.

[FR Doc. 85-11101 Filed 5-8-85; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 387 (Sub-958)]

Exemption From Regulation; Shipments Subsequently Made Subject to a Contract Rate

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule; correction.

SUMMARY: In the prior notice proposing to grant an exemption from the statutory provisions requiring railroads to charge only their published tariff rates, (50 FR 14122, April 10, 1985), 49 CFR 1039.19 inadvertently contained under paragraphs (c) (1)–(4). These paragraphs are deleted from the proposed rule.

ADDRESSES: An original and 15 copies of any comments, referring to Ex Parte No. 387 (Sub-No. 958), should be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: The text of the proposed revised rule follows as an appendix to this notice.

Additional information is contained in the Commission's full decision, served April 9, 1985. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

This action will not significantly affect the quality of the human environment, energy conservation, or a substantial number of small entities.

Decided: May 1, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio.

James H. Bayne,

Secretary.

Appendix

PART 1039—[AMENDED]

1. The authority citation for 49 CFR Part 1039 would be revised to read as follows:

Authority: 5 U.S.C. 553, 49 U.S.C. 10321 and 10505.

2. The proposed § 1039.19 appearing at 49 FR 14123 is corrected to read as follows:

§ 1039.19 Transportation of shipments subsequently made subject to a contract rate

Railroad transportation is exempt from the provision of 49 U.S.C. 10761, 11902, 11903, and 11904 to the extent a railroad may apply a contract rate rather than an otherwise applicable tariff rate, and accordingly, pay reparations or waive undercharges, under the following conditions:

(a) A transportation contract under 49 U.S.C. 10713 has been filed with the Commission and has become effective;

(b) The shipment at issue falls within the terms of contract; and

(c) The shipment was transported before the contract could be implemented at the Commission, but after the parties agreed upon the rate to be charged, and they either (1) agreed to be bound by the contract or intended the movement(s) to be covered by it, or (2) signed the contract.

[FR Doc. 85-11315 Filed 5-8-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

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

ACTION: Notice of availability of a fishery management plan and request for comments.

SUMMARY: NOAA issues this notice that the South Atlantic and Gulf of Mexico Fishery Management Councils (Councils) have submitted Amendment 1 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic for Secretarial review and are requesting comments from the public. Copies of the plan may be obtained from the addresses below.

DATE: Comments on the plan should be submitted on or before July 19, 1985.

ADDRESSES: Comments on the plan should be sent to Jack T. Brawner, Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Copies of the plan are available upon request from the: South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, South Carolina 29407-4699; and Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 W. Kennedy Boulevard, Tampa, Florida 33609.

FOR FURTHER INFORMATION CONTACT: William N. Lindall, Regional Plan Coordinator, 813-893-3722.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act, as amended (16 U.S.C. 1801 *et seq.*), requires that each regional fishery management council submit any fishery management plan it prepares to the Secretary of Commerce (Secretary) for review and approval or disapproval. This act also requires that the Secretary, upon receiving the plan, must immediately publish a notice that the plan is available for public review and comment. The Secretary will consider the public comments in determining whether to approve the plan.

This plan proposes measures to stop overfishing of the Gulf migratory group of king mackerel stock and to rebuild and maintain all stocks at a maximum sustainable yield level through flexible management procedures. On June 29, 1984, the Environmental Protection Agency published a notice of availability of a draft environmental impact statement for this plan (49 FR 26809).

Regulations proposed by the Council and based on this plan are scheduled to be published within 30 days.

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

Dated: May 6, 1965.

Richard B. Roe,

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

[FR Doc. 85-11304 Filed 5-6-85; 4:55 pm]

BILLING CODE 3510-22-M

50 CFR Part 669

Shallow-Water Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands

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

ACTION: Notice of availability of a fishery management plan and request for comments.

SUMMARY: NOAA issues notice that the Caribbean Fishery Management Council has submitted the Fishery Management Plan for the Shallow-Water Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands for Secretarial review and is requesting comments from the public. Copies of the plan may be obtained at the addresses below.

DATE: Comments on the plan should be submitted on or before July 19, 1985.

ADDRESSES: All comments on the plan should be submitted to Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918.

Copies of the plan, in English or Spanish, are available upon request from the Caribbean Fishery Management Council. Copies of the English version may also be obtained from Jack T. Brawner, Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Miguel Rolon (Staff Scientist, Caribbean Fishery Management Council), 809–753–6910; or William Turner (Plan Coordinator, Southeast Regional Office), 813–893–3722.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act, as amended (16 U.S.C 1801 *et seq.*), requires that each regional fishery management council submit any fishery management plan it prepares to the Secretary of Commerce (Secretary) for review and approval or disapproval. The act also requires that the Secretary, upon receiving the plan, must immediately publish a notice that the plan is available for public review and comment. The Secretary will consider the public comments in determining whether to aprove the plan.

This plan proposes measures for managing the domestic commercial and recreational fisheries for species in the shallow-water reef fishery of Puerto Rico and the U.S. Virgin Islands. On June 8, 1984, the Environmental Protection Agency published a notice of availability of a draft environmental impact statement for this plan (49 FR 23915).

Regulations proposed by the Council and based on this plan are scheduled to be published within 30 days.

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

Dated: May 6, 1985.

Richard B. Roe,

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

[FR Doc. 85–11305 Filed 5–8–85; 4:55 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 50, No. 90
Thursday, May 9, 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

Soil Conservation Service

Environmental Impact; Wyoming County Airport Critical Area Treatment RC&D Measure Plan, WV

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines, (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Wyoming County Airport Critical Area Treatment RC&D Measure, Wyoming County, West Virginia.

FOR FURTHER INFORMATION CONTACT: Rolling N. Swank, State Conservationist, Soil Conservation Service, 75 High Street, Morgantown, West Virginia 26505 telephone 304–291–4151.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Rollin N. Swank, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The purpose of the measure is critical area treatment and is located at the Wyoming County Airport. The measure is designed to stabilize and revegetate 28 acres of land that has an average erosion rate of 43 tons per acre per year. The planned works of improvement include land smoothing, preparation of a seedbed, and revegetation of the 28-acre site.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Rollin N. Swank, State Conservationist.

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

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Rollin N. Swank,

State Conservationist.

May 1, 1985.

[FR Doc. 85–11213 Filed 5–8–85; 8:45 am]

BILLING CODE 3410–16–M

Ferron Watershed, UT; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Ferron Watershed, Emery County, Utah.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Holt, State Conservationist, Soil Conservation Service, P.O. Box 11350, Salt Lake City, UT 84147, Phone (CML) (801) 524–5050 (FTS) 588–5050.

SUPPLEMENTARY INFORMATION:

The environmental assessment of the federally assisted action prepared by the Bureau of Land Management (BLM) has been adopted by the SCS. In addition, an environmental assessment was prepared by SCS for the installation not covered in the BLM environmental assessment. The environmental assessment (EA) addresses the components of the recreation resource and pump facility that is being assisted by SCS. The EA's indicate that the projects will not cause significant local, regional, nor national impacts on the environment. As a result of these findings, Mr. Francis T. Holt, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The plan addresses recreation development and a pump for water supply. The planned works of improvement include campsites for 20 family units, restroom facilities, a large group picnic shelter and leveling and grading of a beach area. The pump will supply water through a pipeline installed with non-federal funds.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Francis T. Holt.

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

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding state and local clearing house review of Federal and federally assisted programs and projects is applicable)

Francis T. Holt,

State Conservationist.

April 16, 1985.

[FR Doc. 85–11233 Filed 5–8–85; 8:45 am]

BILLING CODE 3410–16–M

Summit Farm Irrigation RC&D Measure, Utah

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Summit Farm Irrigation RC&D Measure, Iron County, Utah.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Holt, State Conservationist, Soil Conservation Service, Federal Building, 125 South State Street, P.O. Box 11350, Salt Lake City, Utah 84147, telephone 801–524–5050.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Francis T. Holt, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure plan concerns installation of a pressure sprinkler irrigation system. The planned works of improvement include installation of a sluice structure in conjunction with grate work on the existing diversion, burying approximately 47,520 feet of pipeline, 459 risers, 13 pressure relief valves, 15 air valves and one pressure reducing station, approximately 41,000 feet of on farm sprinkler lines and irrigation water management.

The Notice of a Finging of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Francis T. Holt.

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

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Executive Order 12372 regarding State and local clearing house review of Federal and federally assisted programs and projects is applicable)

Francis T. Holt,

State Conservationist.

April 23, 1985.

[FR Doc. 85–11234 Filed 5–8–85; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

Short Supply Determinations of Aluminum-Clad Cold Rolled Steel Sheet; Request for Comments

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of request for comments.

SUMMARY: The Department of Commerce hereby announces its review of a request for short supply determination under Article 8 of the U.S.–EC Arrangement Concerning Trade in Certain Steel Products with respect to aluminum-clad cold rolled sheet, with an aluminum coating of 5 percent or more by volume per side in relation to nominal thickness. The dimensions for the steel in question range in thickness from .20mm or .0079 inch to .30mm or .0118 inch and in width from over 304.8mm or 12 inches to 500mm or 19.69 inches.

EFFECTIVE DATE: Comments must be submitted no later than 10 days after publication of this notice.

ADDRESS: Send all comments to Joseph A. Spetrini, Director, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Ave., NW, Washington, D.C. 20230, Room 3099.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Tolerico, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Ave., NW, Washington, D.C. 20230, Room 3087B, (202) 377–4036.

SUPPLEMENTARY INFORMATION: Article 8 of the U.S.–EC Arrangement Concerning Trade in Certain Steel Products provides "If the U.S. . . . determines that because of abnormal supply or demand factors, the U.S. steel industry will be unable to meet demand in the USA for a particular product . . . an additional tonnage shall be allowed for such product . . ."

We have received a short supply request for the following product:

Aluminum-clad cold rolled sheet with an aluminum coating of 5 percent or more by volume per side in relation to nominal thickness. The dimensions of the steel in question range in thickness from .20mm or .0079 inch to .30mm or .0118 inch and in width from over 304.8mm or 12 inches to 500mm or 19.69 inches.

Any party interested in commenting on this request should send written comments as soon as possible and no later than 10 days following publication of this notice. Comments should focus on the economic factors involved in granting or denying the request.

Commerce will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly so label the business proprietary portion of their submission and also include with it a submission without proprietary information which can be placed in the public file. The public file will be maintained in the Central Records Unit, Import Administration, U.S. Department of Commerce, Room B099 at the above address.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

May 6, 1985.

[FR Doc. 85–11206 Filed 5–8–85; 8:45 am]

BILLING CODE 3510–DS–M

[C–274–002]

Carbon Steel Wire Rod From Trinidad and Tobago; Intention To Review and Preliminary Results of Changed Circumstances; Administrative Review and Tentative Determination To Revoke Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of intention to review and preliminary results of changed circumstances administrative review and tentative determination to revoke countervailing duty order.

SUMMARY: The Department of Commerce has received information which shows changed circumstances sufficient to warrant an administrative review, under section 751(b)(1) of the Trafiff Act, of the countervailing duty order on carbon steel wire rod from Trinidad and Tobago. The review covers the period from January 1, 1984. Carbon steel wire rod from Trinidad and Tobago became duty-free on January 1, 1984. The Department is authorized to collect countervailing duties and duty-free merchandise from countries that have acceded to the General Agreement on Tariffs and Trade only if the International Trade Commission has found that imports of the merchandise

materially injure, threaten to materially injure, or materially retard the establishment of, a United States industry. Trinidad and Tobago is a signatory of that agreement.

There has been and will be no injury determination with respect to this order on wire rod from Trindidad and Tobago. Because the Department cannot assess countervailing duties on this merchandise, the Department intends to revoke the order. The revocation would apply to wire rod entered, or withdrawn from warehouse, for consumption on or after January 1, 1984, the date all of that wire rod became duty-free. Interested parties are invited to comment on these preliminary results and tentative determination to revoke.

EFFECTIVE DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Bernard Carreau of Barbara Williams, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On January 4, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 480) a final affirmative countervailing duty determination and countervailing duty order on carbon steel wire rod from Trinidad and Tobago.

Trinidad and Tobago is not a "country under the Agreement" within the meaning of section 701(b) of the Tariff Act of 1930 ("the Tariff Act"). Wire rod from Trinidad and Tobago was dutiable at the time the Department issued its final determination, December 27, 1983. Therefore, the Department completed the investigation under section 303 of the Tariff Act and issued a countervailing duty order without referring the case to the United States International Trade Commission ("the ITC") for an injury determination.

Effective January 1, 1984, wire rod from Trinidad and Tobago became duty-free as a result of the enactment of the Caribbean Basin Economic Recovery Act. Section 303(a)(2) of the Tariff Act requires that there be an affirmative injury determination before we can assess countervailing duties on any duty-free product exported from a country when that determination is required by an "international obligation" of the United States. Trinidad and Tobago is a signatory to the General Agreement on Tariffs and Trade ("GATT"), and GATT membership constitutes such an international obligation for the purpose of the countervailing duty law. Therefore, an injury determination is now required for the imposition of countervailing duties on wire rod from Trinidad and Tobago.

On November 27, 1984, the Department requested the ITC to conduct an injury review under section 751(b) of the Tariff Act of the merchandise subject to the order based on changed circumstances, or alternatively, to determine whether it had already made an injury determination that satisfied section 303(a)(2) of the Tariff Act. (The ITC had made an affirmative injury determination on wire rod from Trinidad and Tobago (48 FR 51178, November 7, 1983) in conjunction with the Department's antidumping investigation of the product.)

On February 11, 1985, the ITC replied that it is without authority to conduct a "review investigation" under section 751(b) because it had not previously made an injury determination under section 701. Further, the ITC stated that it did not believe that an antidumping injury determination can substitute for a countervailing duty injury determination.

Scope of the Review

Imports covered by the review are shipments of carbon steel wire rod from Trinidad and Tobago. Such merchandise is currently classifiable under item 607.1700 of the Tariff Schedules of the United States Annotated. The review covers the period from January 1, 1984.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that, absent an affirmative injury determination, we lack legal authority to impose countervailing duties on carbon steel wire rod from Trinidad and Tobago. Further, we preliminarily determine that the lack of an affirmative injury determination on wire rod from Trinidad and Tobago provides a reasonable basis for revocation of the order. In light of the date that the wire rod became duty-free, January 1, 1984, there is good cause (as required by section 751(b)(2) of the Tariff Act) to conduct this review at this time.

Therefore, we tentatively determine to revoke the order on this product effective January 1, 1984, the date that the merchandise became duty-free. We intend to instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1984, without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to those entries. The current requirement for a cash deposit of estimated countervailing duties will continue until publication of the final results of this review.

This notice does not cover unliquidated entries of wire rod from Trinidad and Tobago which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1984. The Department will cover any such entries in a separate review, if one is requested.

Interested parties may submit written comments on these preliminary results and tentative determination to revoke within 30 days of the date of publication of this notice and may request a hearing within five days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication of this notice or the first workday thereafter. The Department will publish the final results of the review and its decision on revocation, including its analysis of issues raised in any such written comments or at a hearing.

This intention to review, administrative review, tentative determination to revoke and notice are in accordance with sections 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675 (b), (c)) and sections 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

Dated: May 2, 1985.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 85-11264 Filed 5-8-85; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Application for Permit: BBN Laboratories Inc.

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:

a. Name BBN Laboratories Incorporated (P308B).

b. Address 10 Moulton Street, Cambridge, Massachusetts 02238.

2. Type of Permit: Scientific Research.

3. Name and Number of Marine Mammals: Gray Whale (*Eschrichtius robustus*), 100.

4. Type of Take: Potential harassment while presenting acoustic stimuli to migrating gray whales in their natural environment in order to determine whether or not man-made underwater sound impacts their feeding behavior in any measurable way.

5. Location of Activity: Alaska Peninsula area of the Eastern Bering Sea or near St. Lawrence Island in the Northern Bering Sea.

6. Period of Activity: 1 year.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

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

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

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

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

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930–3799; and

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

Dated: May 1, 1985.

Richard B. Roe,

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

[FR Doc. 85–11276 Filed 5–8–85; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Application for Permit; Mr. Michael Hunt

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Mr. Michael Hunt (P358).

b. Address: Box 22, Department of Human Sciences, University of Houston-Clear Lake, Houston, TX 77058–1058.

2. Type of Permit: Scientific Research.

3. Name and Number of Marine Mammals: Atlantic bottlenose dolphins (*Turiops truncatus*) Unspecified Number.

4. Type of Take: Potential harassment while observing, making sound recording, and recording data in order to analyze the social structure and behavior patterns of the dolphins in the wild.

5. Location of Activity: Gulf of Mexico and off the coast of Galveston, Texas.

6. Period of Activity: 3 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

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

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

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

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

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

Dated: May 11, 1985.

Richard B. Roe,

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

[FR Doc. 85–11270 Filed 5–8–85; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Limit for Certain Apparel Produced or Manufactured in Taiwan

May 6, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on June 1, 1985. For further information contact Eve Anderson, International Trade Specialist (202) 377–4212.

Background

A review of the import data for man-made fiber headwear in Category 659pt., produced or manufactured in Taiwan and exported during 1982 and 1983, has revealed that the weight for imports under TSUSA items 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560 and 703.1000 was understated on the entry documents during those two years by a total of 827,155 pounds. No mutually satisfactory solution was reached on this issue during consultations held April 16–22. A decision has been reached, therefore, in accordance with the terms of the bilateral agreement of November 18, 1982, as amended, concerning certain cotton, wool and man-made fiber textile products from Taiwan, to charge 750,064 pounds to the restraint limit established for this category during 1985 in accordance with Article 8(b) of the agreement. Charges amounting to 35,457 pounds and 41,634 pounds, respectively, will be made to the levels established for the category during 1983 and 1984. Should a different solution be reached in consultations scheduled on May 20, 1985, 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.

May 6, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: To facilitate implementation of the agreement of December 1, 1982, as amended, concerning imports of cotton, wool and manmade fiber textiles and textile products from Taiwan, I request that, effective on June 1, 1985, you charge 750,064 pounds to the restraint limit established in the directive of December 21, 1984 for Category 659pt. (only TSUSA numbers 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560 and 703.1000), produced or manufactured in Taiwan and exported during 1985. Charges to the 1983 limit for this category should be 35,457 pounds and for 1984, 41,634 pounds.

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. 85-11285 Filed 5-8-85; 8:45 am]

BILLING CODE 3510-DR-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange; Twenty-Year U.S. Treasury Strips, Ten-Year U.S. Treasury Strips and Five-Year U.S. Treasury Strips Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contracts.

SUMMARY: The Chicago Mercantile Exchange ("CME") has applied for designation as a contract market in twenty-year U.S. Treasury strips, ten-year U.S. Treasury strips and five-year U.S. Treasury strips. The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of the proposed futures contracts are of major economic significance and that, accordingly, making available the proposed contracts for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before July 8, 1985.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to the CME U.S. Treasury strips futures contracts.

FOR FURTHER INFORMATION CONTACT: Naomi Jaffee, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-7227.

Copies of the terms and conditions of the proposed CME U.S. Treasury strips futures contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the CME in support of its applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1984)), except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contracts, or with respect to other materials submitted by the CME in support of its applications, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by July 8, 1985.

Issued in Washington, D.C., on May 6, 1985.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 85-11235 Filed 5-8-85; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

United States Army Medical Research and Development Advisory Committee, Medical Defense Against Chemical Agents; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix, sections 1-15), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Medical Defense Against Chemical Agents.

Date of meeting: 29 May 1985.

Time and place: 1200 hours, Kossiakoff Conference Center, Johns Hopkins University Applied Physics Laboratory, Columbia, Maryland.

Proposed Agenda: In accordance with the provisions set forth in section 552b(c)(6), US Code, Title 5 and sections 1-15 of Appendix, the meeting will be closed to the public from 1200-1300 hours on 29 May for the review, discussion and evaluation of individual programs and projects conducted by the US Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

COL Richard Lindstrom, US Army Medical Research Institute of Chemical Defense, Aberdeen Proving Ground, MD 21010 (301/671-2833) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Philip Z. Sobocinski,

Colonel, MSC, Deputy Commander for Science and Technology.

[FR Doc. 85-11317 Filed 5-8-85; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board Meeting Date Change

The following meeting of the Training Technology Subpanel of the Army Science Board 1985 Summer Study on Training and Training Technology—Applications for AirLand Battle and Future Concepts which was originally announced in the **Federal Register** issue of Monday, 29 April 1985 (50 FR 16733), FR Doc #85-10456, has been changed as follows:

Dates of Meeting: Wednesday & Thursday, 22 & 23 May 1985 (instead of Tuesday, 14 May 1985).

Note.—The meeting is at GE/UCOFT (General Electric/Unit Conduct of Fire Trainer) in Daytona, Florida.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 85-11353 Filed 5-7-85; 11:48 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Office of Bilingual Education and Minority Languages Affairs

Emergency Immigrant Education Program

AGENCY: Department of Education.

ACTION: Application Notice for Fiscal Year 1985.

SUMMARY: Applications are invited for new grants under the Emergency Immigrant Education Program.

Authority for this program is contained in the Emergency Immigrant Education Act, Title VI of the Education Amendments of 1984, Pub. L. 98-511.

(20 U.S.C. 4101-4108)

The Secretary makes awards to State educational agencies (SEAs) described in section 606 of Pub. L. 98-511.

This program provides financial assistance to SEAs for educational services and costs for immigrant children enrolled in elementary and secondary public and nonpublic schools.

Closing date for transmittal of applications: An applicant SEA must mail or hand deliver its application by June 26, 1985.

Applications delivered by mail: An applicant SEA that sends its application by mail must address its application to the U.S. Department of Education, Application Control Center, Attention: 84.162, Washington, D.C. 20202.

An applicant SEA must show proof of mailing consisting of one of the following:

(1) A legible dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an applicant SEA sends its application through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (a) A private metered postmark; (b) a mail receipt that is not dated by the U.S. Postal Service.

An applicant SEA should note that the U.S. Postal Service does not uniformly provide a date postmark. Before relying on this method, an applicant should check with its local post office.

The Secretary encourages applicants to use registered or at least first class mail. The Secretary notifies a late applicant that its application will not be considered.

Applications delivered by hand: An applicant SEA that hand delivers its application must take the application to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

The Application Control Center will not accept an application that is hand delivered after 4:30 p.m. on the closing date.

Program information: Application requirements, eligible activities, definitions governing the count of eligible children, and other information on the program may be found in the proposed regulations for the Emergency Immigrant Education Program published in this issue of the Federal Register.

Intergovernmental review: On June 24, 1983, the Secretary published in the **Federal Register** final regulations (34 CFR Part 79, published at 48 FR 29158-29168) implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

This program is proposed to be subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why these views will not be accommodated; and
- Revokes OMB Circular A-95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372.

Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

The Emergency Immigrant Education Program is a new program, and States have not made a determination as to whether it will be included or excluded from review under the State review process. Therefore, immediately upon receipt of this notice, an applicant SEA should contact the appropriate State single point of contact to see if this program will be included under its State's review process and to comply with the State's process under Executive Order 12372. A list containing the single point of contact for each State is included in the application package for this program.

In States that have not established a process, or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by July 26, 1985 to the following address:

The Secretary, U.S. Department of Education, Room 4181, (84.162) 400 Maryland Avenue, 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 APPLICATION. *DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.*

Available funds: There is authorized $30 million for Fiscal Year 1985 awards to SEAs.

The Secretary estimates that these funds will support 57 State programs.

These estimates, however, do not bind the U.S. Department of Education to a specific number of grants or the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: The Office of Bilingual Education and Minority Languages Affairs will mail application forms and instructions to all SEAs. A copy of the application package may be obtained by writing to the Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW.,

(Room 421, Reporter's Building) Washington, D.C. 20202.

An applicant SEA must prepare and submit its application in accordance with the forms and instructions included in the program information package. However, the program information package is intended only to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations governing this program.

(Approved by OMB under control number 1885-0507)

Applicable regulations: Regulations applicable to this program include the following:

(1) Regulations governing the Emergency Immigrant Education Program as proposed to be codified in 34 CFR Part 581. (Applications are being accepted based on the notice of proposed rulemaking for the Emergency Immigrant Education Program which was published in the **Federal Register** on May 6, 1985 (50 FR 19146). If any substantive changes are made in the final regulations for this program, applicants will be given an opportunity to revise or resubmit their applications.)

(2) The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 76, 77, 78, and 79.

Further information: For further information contact Mr. Jonathan Chang, Office of Bilingual Education and Minority Languages Affairs, Department of Education, 400 Maryland Avenue, SW., (Room 421, Reporters Building), Washington, D.C. 20202. Telephone (202) 732-1842.

(20 U.S.C. 4101-4108)

(Catalog of Federal Domestic Assistance No. 84.162; Emergency Immigrant Education Program)

Dated: May 6, 1985.

William J. Bennett,

Secretary of Education.

[FR Doc. 85-11277 Filed 5-8-85; 8:45 am]

BILLING CODE 4001-01-M

DEPARTMENT OF ENERGY

Financial Assistance Award; Restriction of Eligibility for Grant Award

AGENCY: Department of Energy (DOE).

ACTION: Notice of Restriction of Eligibility for Grant Award.

SUMMARY: Pursuant to § 600.7(b) of the Financial Assistance Rules, 10 CFR Part 600, eligibility for assistance under the State Teams Geothermal Research Program has been determined to be restricted to the cognizant agencies of the following states: State of Alaska, State of Idaho, State of Montana, State of New Mexico, State of North Dakota, State of Oregon, State of South Dakota, State of Utah, State of Washington, and State of Wyoming.

Procurement Request Numbers

07-85ID12549.501, 07-85ID12543.501, 07-85ID12601.000, 07-85ID12604.000, 07-85ID12526.501, 07-85ID12524.501, 07-85ID12527.501, 07-85ID12471.501, 07-85ID12478.501, 07-85ID12602.00, 07-85ID12603.00

Program Scope

The Department of Energy is requesting financial assistance applications to support geothermal resource assessment and geothermal technology transfer within the states. The effort includes the collecting and analyzing of geothermal resource data, mapping technology transfer activities, and investigation and analysis of institutional barriers to geothermal development. The emphasis will be on higher temperature geothermal systems.

The work will be a continuation of previous efforts. Eligibility has been determined on the basis of each state's potential for high temperature geothermal systems and the results of previous geothermal assessment and technology transfer efforts.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Idaho Operations Office, 550 Second Street, Idaho Falls, ID 83401, ATTN: Elizabeth M. Hyster, (208) 526-1229.

Issued at Idaho Falls, Idaho on April 30, 1985.

J.F. Marmo,

Director, Contracts Management Division.

[FR Doc. 85-11312 Filed 5-8-85; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Proposed Form EIA-846, Manufacturing Energy Consumption Survey (MECS); Rescheduling and Cancellation of Hearings

AGENCY: Office of Energy Markets and End Use, Energy Information Administration, Department of Energy.

ACTION: Rescheduling of Washington, DC hearing of May 6, 1985, and cancellation of public hearing in Denver, Colorado, on May 17, 1985, concerning the questionnaire for the MECS.

SUMMARY: The Energy Information Administration (EIA) solicited comments concerning the questionnaire for the MECS in the **Federal Register** on March 21, 1985, (50 FR 11486) and announced plans for public hearings in Denver, Colorado, and Washington, D.C. In a subsequent notice (50 FR 15606, April 19, 1985), these hearings were rescheduled for May 6, 1985, for Washington, D.C. and May 9, 1985, for Denver, Colorado.

Notice is hereby given that the Washington, D.C. hearing has been rescheduled again and will be held on May 20, 1985, and the Denver, Colorado, public hearing has been cancelled. Written comments are now due by May 20, 1985. The location and time for the Washington, D.C. public hearing is unchanged from the original notice (50 FR 11486, March 21, 1985).

FOR FURTHER INFORMATION CONTACT: John L. Preston, Energy End Use Division, Office of Energy Markets and End Use (202) 252-1128.

Issued in Washington, D.C. May 7, 1985.

Dr. H.A. Merklein,

Administrator, Energy Information Administration.

[FR Doc. 85-11473 Filed 5-8-85; 11:29 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. QF85-349-000]

Crozer-Chester Medical Center; Notice of Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 26, 1985.

On April 15, 1985, Crozer-Chester Medical Center, (Applicant) of 15th Street and Upland Avenue, Upland Chester, Pennsylvania 19013-3995, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the Crozer-Chester Medical Center, Upland, Pennsylvania. The facility will consist of a dual-fuel engine, with heat recovery boiler. Steam produced through a heat recovery boiler will be used in the hospital for thermal energy and air conditioning purposes, and the hot water recovered through a heat

exchanger from the engine will be used in the laundry. The primary energy source for the facility will be natural gas (No. 2 fuel oil for backup). The electric poser production capacity will be 1.5 MW. The installation of the facility will begin about October 1, 1985.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determinng the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

FR Doc. 85-11198 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI85-405-000]

McCommons Oil Company; Notice of Abandonment Application

April 29, 1985.

Take notice that on April 24, 1985, McCommons Oil Company (MOC) and its joint venture associates of 1700 Commerce Place, Suite 1200, Dallas, Texas 75201, filed an application for abandonment.

MOC states that Natural Gas Pipeline Company of America (Natural) was notified by a January 4, 1984, letter that MOC was no longer able to economically produce gas from any of the leases dedicated to the contract. MOC further states this letter followed several years of effort by MOC to get Natural to honor the redetermination clause in their 1958 contract and served as formal notification that Natural would have to compress all gas produced from the leases involved. MOC states Articles VII, Paragraph 4, option (c) of the subject contract stipulates that Natural either install and operate its own compression equipment if options (a) and (b) were declined by Seller, or within one year release the wells and the acreage assigned to them as provided in option (d).

MOC further states that Mr. Garland C. Campbell, Natural's contract administrator, informed MOC on February 8, 1984 that Natural would support MOC in getting an abandonment of interstate dedication should Natural not be able to justify furnishing compression as required by the contract. MOC states that on January 17, 1985, Natural sealed the meters on three of the four wells then producing under the contract. MOC states these three wells, #1 J.B. Massey, #1 Q.C. Massey and #1 T.M. Wimbley, are incapable of delivering into Natural's gathering system without compression. MOC states that the fourth well, #1 Montgomery Heirs Unit, is capable of delivering a small volume of gas without compression and Natural continues to take gas from the well; however, the volumes delivered are very small and the well is barely economic, so that compression is needed to assure maintaining the leases. MOC states Natural made no effort to notify MOC of its shut-in order on the three wells it sealed and, as of this date it has not released the affected acreage from the contract as required by Article VII.

MOC states that Natural has prevented MOC through its farmee, London and Waggoner Petroleum, from developing any of the acreage in questions and the Natural is now refusing to take any gas from three of the producing wells, while it continues to take gas from adjoining and offsetting properties and has just recently contracted at much higher prices to buy gas previously dedicated to Lone Star Gas Company from wells offsetting MOC's acreage. MOC further states Natural has, *de facto*, abandoned this contract and is now contractually required to release the acreage dedicated to the contract. MOC states that since Natural must release the acreage there is no basis for maintaining the dedication to interstate commerce. MOC requests that it be granted a complete abandonment of service for all acreage dedicated to MOC's August 15, 1958 contract with Natural.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-11199 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-437-000]

Mojave Pipeline Co; Notice of Application

May 2, 1985.

Take notice that on April 15, 1985, Mojave Pipeline Company (Applicant), P.O. Box, Houston, Texas 77001, filed in Docket No. CP85-437-000, 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 certain pipeline facilities (Mojave Pipeline Project) and authorizing the transportation of an estimated average daily quantity of 600,000 Mcf of natural gas on behalf of contract shippers who would use such gas in enhanced oil recovery (EOR) and associated cogeneration projects in heavy oil fields in the Kern County area of California, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is a California general partnership, having its principal place of business located in Houston, Texas. it is explained that the Applicant partners are El Paso Mojave Pipeline Co., an affiliate of El Paso Natural Gas Company; HNG Mojave, Inc., an affiliate of Houston Natural Gas Corporation; and Pacific Interstate Mojave Company and that each partner has a one-third ownership interest in Mojave Pipeline Company. It is indicated that the partnership agreement provides that the purpose of the partnership is to transport natural gas for end us in connection with EOR and associated cogeneration projects in heavy oil fields in California. Applicant also states that the agreement reserves the right for each partner unilaterally to determine its business policies in any other area of activity, which contemplates competition among the partners and with third parties, *inter alia*, in the purchase, gathering and sale of natural gas to and on behalf of California EOR users, and the transportation of such gas to the points where the Mojave Pipeline Project would interconnect with

upstream pipelines near Topock, Arizona; in the sale and transportation of gas within California to non-EOR users; and in the sale and transportation of natural gas to or for EOR users in California.

Applicant proposes to construct the Mojave Pipeline Project in three segments. Applicant states that the first segment would consist of approximately 17 miles of 24-inch diameter pipeline (Mojave Transfer Line) extending from a tap point on an existing 30-inch pipeline owned by Transwestern Pipeline Company (Transwestern) in Mojave County, Arizona, to a proposed compressor station Topock, located near Topock, Arizona, and of interconnection facilities from a tap point on an existing pipeline owned by El Paso Natural Gas Company (El Paso) immediately south of the proposed Topock compressor station to connection into such compressor station. Applicant further states that the second segment would consist of approximately 322.5 miles of 36-inch diameter pipeline (Mojave Mainline) commencing at the proposed Topock compressor station, crossing the Colorado River, and extending to the Bakersfield area in Kern County, California. The third segment of the Mojave Pipeline Project would consist of approximately 44 miles of 20-inch diameter pipeline (Kern Lateral) constructed wholly within Kern County, it is explained. In addition, Applicant proposes to construct and operate a compressor station with installed capacity of 22,500 hosepower at the interconnection of the Majave Transfer Line and the Mojave Mainline. The design capacity of the proposed facilities would be approximately 600,000 Mcf of natural gas per day it is asserted.

Authorization is requested for transportation of an estimated average daily quantity of 600,000 Mcf of natural gas, on a contract basis, from the interconnections of the Mojave Pipeline with existing Transwestern and El Paso lines near Topock, Arizona, to heavy oil fields in the Kern County area of central California. Applicant states that transportation would be provided for contract shippers which have acquired title to the gas at or upstream of Topock and which would use such gas in connection with EOR projects and associated cogeneration projects. Applicant maintains that it would not buy or sell any of the natural gas transported by the Mojave Pipeline Project. Applicant states that procedures for the curtailment of transportation volumes that could occur as a result of pipeline capacity limitations, needed alterations or repairs to the pipeline, or *force majeure* would be established in the service agreements executed with shippers.

The estimated total capital cost of the Majave Pipeline Project in 1985 dollars is approximately $320 million. Applicant states that it intends to fund the construction of the proposed facilities using a financing plan which would permit an approximate 70/30 debt-to-equity ratio. Applicant explains the debt portion of capital would be secured by service agreements negotiated with the contract shippers and that the equity portion would be contributed in equal shares by the three partners. Applicant adds that it looks only to the success of the project for return of and return on the Mojave partners' investment. Applicant further states that the Majave partners' current and indirect customers and their various affiliated regulated transmission and distribution operations would not be exposed to the debt or equity risks of the Mojave project as a result of its financing proposal.

Applicant proposes the following three part rate formula: The first component, the monthly fixed charge, would be paid by shippers regardless of their actual use of the Mojave Pipeline. The monthly fixed charge is designed, it is asserted, to recover all operating and maintenance expenses, all taxes other than income taxes, and repayment of, and interest on, debt. It is asserted that the second component, the transportation charge, is designed to recover all return of and on equity and income taxes. Applicant proposes that the Commission permit it to negotiate transportation charges with each of its shipper customers. It states that this negotiated rate concept would provide Applicant with flexibility to assure market-oriented services and deliveries by permitting it to "levelize," to the extent necessary, certain components of its cost of service, within the parameters of those obligations contained in its debt instruments. The third component, the overrun charge, would serve as a surcharge on quantities of gas transported above the contract maximum, it is stated.

Applicant avers that the proposed financing and rate design are intended to provide it with the flexibility necessary to meet the following criteria: (1) provide lenders with adequate security for the debt portion of capital and provide Applicant with recoupment of operating and maintenance expenses on a current basis (the monthly fixed charge); and (2) provide the shippers with competitively priced transportation services to assure a burner-tip price that is economically competitive with alternative fuels while also providing Applicant with the opportunity to earn a return on investment that reflects the true market value of the project to the shippers (the transportation charge).

Applicant states that no EOR user has, to date, executed a transportation agreement with Applicant, but adds that surveys of EOR users in central California indicate that approximately 18 have expressed a desire to use natural gas for EOR steam injection to produce heavy oil. These potential consumers are said to be currently burning oil for EOR use. Applicant further states that EOR users are attached to natural gas because of the environmental constraints on the burning of additional crude oil and the lower capital, operational, and maintenance costs associated with gas usage. Applicant estimates that EOR and associated congeneration requirements in the Kern County area would equal 770,000 Mcf of natural gas per day in 1986 and increase to 1,019,000 Mcf of natural gas per day in 1990.

Applicant states that its proposed pipeline is designed to serve the needs of this EOR market. It further claims that its strategic location and that of its partners provide access, through the area of transportation and exchange agreements, to most of the producing regions of the country, as well as to sources of gas imports from Canada and Mexico. Applicant adds that the financial, rate and regulatory structure of Applicant are designed to assure EOR users of reliable service at economical rates while further promoting the Commission's goal of increasing gas competition in new market areas.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 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) 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 application 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 Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-11202 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA85-12-000]

Neches Pipeline System; Notice of Petition for Adjustment

May 2, 1985.

On January 2, 1985, Neches Pipeline System (Neches) filed with the Federal Energy Regulatory Commission a Petition For Adjustment under Section 502(c) of the Natural Gas Policy Act (NGPA) seeking relief from the Commission's regulations governing rates for the transportation of gas by intrastate pipelines as set forth in 18 CFR § 284.123(b)(2). Neches proposes to use an intrastate industrial transportation rate of 15 cents per MMBtu, which is on file with the Texas Railroad Commission, for transportation authorized by NGPA Section 311. Neches' petition is on file with the Commission and is available for public inspection.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure.

Any person desiring to participate in this adjustment proceeding shall file a motion to intervene in accordance with the provisions of such Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-11200 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-435-000]

Northwest Central Pipeline Corp; Notice of Request Under Blanket Authorization

May 2, 1985.

Take notice that on April 15, 1985, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP85-435-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authority to transport natural gas for Scissortail Natural Gas Company (Scissortail) on behalf of the Cities Service Oil and Gas Corporation (Cities) under the certificate issued in Docket No. CP82-479-000 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.

Northwest Central proposes to transport through June 30, 1985, up to 3.5 billion Btu equivalent of natural gas per day on an interruptible basis for Scissortail on behalf of Cities. Northwest Central states that Cities has entered into a gas sales agreement to purchase gas from Scissortail which would be produced from wells in Payne, Grant, Washington, Comanche, Grady and Lincoln Counties, Oklahoma, and in Johnson, Cowley and Harper Counties, Kansas. It is stated that such gas was not committed or dedicated to interstate commerce on November 8, 1978. Northwest Central states that it would receive gas from Scissortail at existing points of receipt in the above mentioned counties and redeliver the gas for Scissortail on behalf of Cities at an existing interconnection in Reno County, Kansas.

Northwest Central would charge Scissortail in accordance with the then effective rates and provisions set forth from time to time in Northwest Central's FERC Gas Tariff, Original Volume No. 2.

Any 67 person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-11203 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-436-000]

Northwest Central Pipeline Corp.; Notice of Request Under Blanket Authorization

May 2, 1985.

Take notice that on April 15, 1985, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP85-436-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authority to transport natural gas for Scissortail Natural Gas Company (Scissortail) on behalf of the B.F. Goodrich Company (Goodrich), under the certificate issued in Docket No. CP82-479-000 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.

Northwest Central proposes to transport through June 30, 1985, up to 5 billion Btu equivalent of natural gas per day on an interruptible basis for Scissortail on behalf of Goodrich. Northwest Central states that Goodrich has entered into a gas sales agreement to purchase gas from Scissortail which would be produced from wells in Payne, Grant, Washington, Comanche, Grady and Lincoln Counties, Oklahoma, and in Johnson, Cowley and Harper Counties, Kansas. It is stated that such gas was not committed or dedicated to interstate commerce on November 8, 1978. Northwest Central states that it would receive gas from Scissortail at existing points of receipt in the above mentioned counties and redeliver the gas to The Gas Service Company in Ottawa County, Oklahoma, for ultimate redelivery to Goodrich's plant in Miami, Oklahoma, for use as process steam and heat.

Northwest Central would charge Scissortail in accordance with the then effective rates and provisions set forth from time to time in Northwest Central's FERC Gas Tariff, Original Volume No. 2.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205

of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed 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. 85-11204 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-167-001]

Trunkline Gas Company; Application Amendment

May 2, 1985.

Take notice that on April 15, 1985, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP85-167-001 an amendment to its pending application filed in Docket No. CP85-167-000 pursuant to Section 7(c) of the Natural Gas Act for authorization to transport natural gas on behalf of Louisiana Industrial Gas Supply System (LIGS), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Trunkline's application in Docket No. CP85-167-000 requests authorization to implement an agreement dated July 12, 1984, between Trunkline and LIGS. By the instant amendment Trunkline seeks authority to operate the point of redelivery of transportation gas in St. Mary Parish, Louisiana. It is asserted that this facility was constructed as a non-jurisdictional facility pursuant to Part 284 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 23, 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) 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. Persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-11205 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No ER85-300-000]

Vermont Yankee Nuclear Power Corp.; Order Accepting for Filing and Suspending Rates, Granting Intervention, Denying Motions for Rejection and Summary Disposition, Requiring Additional Filing, and Establishing Hearing Procedures

Issued: May 1, 1985.

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A. G. Sousa and Charles G. Stalon.

On February 13, 1985, as completed on March 13, 1985,[1] Vermont Yankee Nuclear Power Corporation (Vermont Yankee) tendered for filing a proposed two-step increase in its rates for service to its nine sponsoring utilities [2] which purchase Vermont Yankee's entire output under a formulary rate.[3] The proposed full increase would increase revenues by approximately $11.7 million (8.8%), based on a calendar year 1985 test period. This increase reflects: (1) an increase in the rate of return on common equity to 18%; and (2) a shortening of the remaining depreciable lives of certain components of property and plant in service. The proposed "interim" or first step rates, which reflect an increase in the rate of return on common equity to 15.5%, would increase revenues by approximately $6.2 million (4.7%).[4] In addition, Vermont Yankee's filing would amend its power contracts with its customers to reflect the Commission's current regulations regarding the inclusion of construction work in progress (CWIP) in rate base and treatment of deferred income taxes. As noted, the company states that it intends to include 50% of CWIP in its rates as of January 1, 1986. Vermont Yankee requests an effective date of April 13, 1985 for the full proposed increase. However, in the event that the full increase is suspended for five months, Vermont Yankee requests that its first step rate proposals be suspended for no more than one day. Finally, Vermont Yankee states that each of its sponsors has consented to the proposed rate increase.

Notice of the filing was published in the Federal Register,[5] with comments due on or before March 8, 1985. The Vermont Department of Public Service (Vermont Commission) filed a timely notice of intervention, which raises no substantive issues. Additionally, timely motions to intervene were filed by the Attorney General of the Commonwealth of Massachusetts (Massachusetts Attorney General) and a group of municipal customers together with one electric cooperative (Cities).[6]

In support of his request for suspension, the Massachusetts Attorney General claims that Vermont Yankee has failed to provide adequate support for its requested return on equity and for the other components of its requested rate increase, including the depreciation rates.

The Cities request that the Commission reject Vermont Yankee's filing. In the alternative, the Cities request issuance of a deficiency letter, summary disposition, and a five month suspension of the proposed increase. In support, the Cities cite mistakes, omissions, and discrepancies in Vermont Yankee's filing. The Cities allege errors in the company's calculation of rate base, cash working capital, and working capital. The Cities further allege inconsistencies in stating the components of the capital structure and assert that Vermont Yankee has failed to provide a statement showing the basis for computing its allowance for funds used during construction (AFUDC), even though testimony submitted by the company states that it

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[1] The company amended its filing at the request of the Commission's advisory staff to correct numerous mathematical errors and to revise and include certain cost support statements.

[2] Central Vermont Public Service Corporation, New England Power Comany, Green Mountain Power Corporation, the Connecticut Light & Power Company, Central Maine Power Company, Public Service Company of New Hampshire, Western Massachusetts Electric Company, Montaup Electric Company, and Cambridge Electric Light Company.

[3] *See* Attachment for rate schedule designations.

[4] In accordance with its February 1, 1968 power contract, Vermont Yankee has, in the past, included all of its CWIP in rate base. The commpany states that it has elected not to include any CWIP in its rates as of January 1, 1985, in order to moderate the cost increases that its wholesale customers will incur as a result of a lengthy shut-down of the reactor (for replacement of recirculation piping) during the fall of 1985. Therefore, Vermont Yankee's present revenues reflect the exclusion of all CWIP from rate base. Vermont Yankee proposes to include up to 50% of its CWIP in rate base as of January 1, 1986.

[5] 50 FR 8655 (1985).

[6] The Cities filed an erratum and supplement to their motion to intervene on March 12, 1985. The Cities filed another supplement in response to Vermont Yankee's amended filing on March 26, 1985. We shall consider both of these supplemental pleadings on their merits.

will charge AFUDC during the test year. Finally, the Cities allege that Vermont Yankee has failed to submit: (1) complete Period II cost statements and workpapers; (2) Statement BM to support its carrying charges on CWIP; and (3) sufficient information to assess the revenue impact of the first step rate proposal and the effect of introducing CWIP in rate base in 1986.

If the Commission does not order rejection or issue a deficiency letter with respect to Vermont Yankee's filing, the Cities move for summary disposition of Vermont Yankee's request for authorization to reflect CWIP in its monthly charges as of January 1, 1986, on the grounds that the company has not submitted Statement BM, requested waiver of that requirement, or shown the revenue impact of reintroducing CWIP in rates in 1986. The Cities also request that Vermont Yankee's first step rate proposal be summarily rejected, because no separate cost of service study was filed to support those rates. In support of its request for a five month suspension, the Cities raise various cost of service issues.[7]

On April 12, 1985, Central Vermont Public Service Corporation (Central Vermont) and Green Mountain Power Corporation (Green Mountain) jointly filed a motion to intervene out of time, stating that they are direct purchasers of Vermont Yankee's output.

On March 25, and April 4, 1985, Vermont Yankee filed timely responses to the Cities' original and supplemental pleadings. While not opposing the Cities' motion to intervene, Vermont Yankee denies that rejection, summary disposition, or a five month suspension is warranted. On March 26, 1985, Vermont Yankee filed a timely response to the Massachusetts Attorney General's pleading, stating that the issues raised have been addressed in its response to the Cities' pleadings.

Discussion

Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely notice and motions to intervene serve to make the Vermont Commission, the Massachusetts Attorney General, and the Cities parties to this proceeding In addition, we find that good cause exists to grant the late intervention of Central Vermont and Green Mountain, given their direct interest in the outcome of this case, the early stage of this proceeding, and our belief that no undue prejudice or delay should result.

Notwithstanding the Cities' challenge to the sufficiency of the cost support supplied by the company, we find that the submittal, as completed on March 13, 1985, minimally satisfies the Commission's filing requirements and is not patently deficient. In this regard, we note that Vermont Yankee's amended filing includes a Statement AO to show the computation of the AFUDC rate for the test period, as well as other revised cost statements to clarify certain discrepancies presented by its original filing. As to the company's failure to provide full Period II data, we reaffirm our finding in *Maine Yankee Atomic Power Company*, 29 FERC ¶ 61,055 (1984), that Period II data can be omitted from a company's rate filing, where all of its wholesale customers have consented to the rate increase, even though purchasers under assigned contract entitlements have objected to the proposed increase. *See* 18 CFR § 35.13(d)(2)(if)(B). Further, we believe that the company has voluntarily filed such Period II cost support as would be applicable to service from a single asset company whose entire output is sold at wholesale under a formulary rate. Therefore, we shall deny the Cities' motion to reject.

We shall also deny the Cities' requests for summary disposition regarding Vermont Yankee's request to reflect CWIP in its monthly charges and the company's first step rate proposal. As noted, Vermont Yankee has now amended its contracts to provide for inclusion of up to 50% of CWIP in rates pursuant to section 35.26 of the Commission's regulations and has proposed to implement this provision as of January 1, 1986. Vermont Yankee has submitted the contract revisions in order to conform the present contracts to reflect current Commission policy. Although we believe that it is desirable to have such amendments on file, Vermont Yankee is advised that it will be required to make a timely filing, including all necessary cost support and a Statement BM or a request for waiver of the requirement to file any portion of that statement, in order to implement its contract amendment providing for CWIP charges. Regarding the company's first step rate proposal, we note that the first step rate differs from the full rate proposal only to the extent that the rate increase in the first step is smaller. Thus, separate cost of service data is not required. However, we shall direct Vermont Yankee to submit a specific contract amendment to reflect the 15.5% return on common equity contained in its first step rate proposal.

Our preliminary review of Vermont Yankee's filing and the pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept Vermont Yankee's rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, 18 FERC ¶ 61,189 (1982), we explained that, where our preliminary review indicates that proposed rates may be unjust and unreasonable but may not be substantially excessive, as defined in *West Texas*, we would generally impose a nominal suspension. Here, our examination suggests that the proposed first step rate increase may not yield substantially excessive revenues. Accordingly, we shall suspend the first step rates for one day from 60 days after filing, to become effective on May 14, 1985, subject to refund. In contrast, our preliminary review indicates that the full rate increase may produce substantially excessive revenues. Accordingly, we shall suspend the full rates for five months from 60 days after filing, to become effective on October 13, 1985, subject to refund.

The Commission orders:

(A) Central Vermont and Green Mountain's untimely motion to intervene is hereby granted, subject to the Commission's Rules of Practice and Procedure.

(B) The Cities' motion to reject Vermont Yankee's filing is hereby denied.

(C) The Cities' requests for summary disposition are hereby denied.

(D) Vermont Yankee is hereby directed to submit a contract amendment which specifies the 15.5% return on common equity applicable to its proposed first step rates. In addition, Vermont Yankee shall make a timely filing at such time as it seeks to implement its contract amendments to include up to 50% of CWIP in rate base pursuant to section 35.26 of the Commission's regulations.

(E) Vermont Yankee's proposed rates are hereby accepted for filing; the first step rates are suspended for one day from 60 days after completion of the filing, to become effective on May 14, 1985, subject to refund; the full rates are suspended for five months from 60 days after filing, to become effective on October 13, 1985, subject to refund.

(F) Pursuant to the authority contained in the subject to the jurisdiction conferred upon the Federal

[7] The issues raised include: (1) the claimed return on common equity; (2) the proposed increase in depreciation rates; and (3) the proposed working capital allowance.

Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 C.F.R., Chapter I), a public hearing shall be held concerning the justness and reasonableness of Vermont Yankee's rates.

(G) The Commisson staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(H) A presiding administative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss), as provide in the Commisson's Rules of Practice and Procedure.

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

VERMONT YANKEE NUCLEAR POWER CORPORATION RATE SCHEDULE DESIGNATIONS

[Docket No. ER85-300-000]

Designation	Description
(1) Supplement No. 6 to Rate Schedule FPC No. 1.	Interim rate proposal at 15.5 percent on common equity.
(2) Supplement No. 7 to Rate Schedule FPC No. No. 1 (Supersedes Supplement No. 6).	Amendment No. 3 (Full rate proposal at 18.0 percent on common equity).
(3) Supplement No. 8 to Rate Schedule FPC No. 1.	Amendment No. 4 (Section 35.25 and 35.26 language)

[FR Doc. 85-11201 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

A-76 Commercial Activity Cost Comparison Studies Schedule

May 6, 1985.

In accordance with Section C.1.b. of Chapter 1 of the Supplement (August 1983) to OMB Circular A-76, the Federal Energy Regulatory Commission proposes to initiate cost comparison studies for the following activities on the dates indicated to determine if the work can be better performed in-house or by contract. The three activities and the current study initiation dates are (1) Public Information Services, June 3, 1985; (2) Central Files, June 3, 1985; and (3) Dockets and Registry, June 3, 1985. All cost comparison studies will be performed at 941 N. Capitol St., Washington, D.C. Any firm or contractor having the capability to perform any of the above work is invited to submit a statement of interest within 30 days of this notice to: Anthony F. Toronto, Director, Office of Program Management, Room 3300, 941 N. Capitol St., NE, Washington, D.C. 20426. Information should include a description of the firm's or contractor's facilities, personnel, equipment, management, and experience in performing work of this or a similar nature. This is not a solicitation for offers. The governement does not intend to award a contract on the basis of inquiries and information received. No acknowledgement of receipt will be made.

Anthony F. Toronto,

Director, Office of Program Management.

[FR Doc. 85-11285 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01 M

[Docket Nos. ST85-679-000 et al.]

ANR Pipeline Co. et al.; Self-Implementing Transactions

May 3, 1985.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

An "F(157)" indicates transportation by an interstate pipeline for an end-user pursuant to § 157.209 of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "C/F(157)" indicates intrastate pipeline transportation which is incidental to a transportation by an interstate pipeline to an end-user pursuant to a blanket certificate under 189 CFR 157.209. Similarly, a "G/F(157)" indicates such transportation performed by a Hinshaw Pipeline or distributor.

Any person desiring to be heard or to make any protests with reference to a transaction reflected in this notice should on or before May 24, 1985, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.*	Transporter/seller	Recipient	Date filed	Subpart	Expiration Date**	Transportation Rate (¢/MMBtu)
ST85-679	ANR Pipeline Co	Peoples Gas Light and Coke Co	3-01-85	B		
ST85-680	ANR Pipeline Co	LGS Intrastate, Inc	3-01-85	B		
ST85-681	Texas Gas Transmission Corp	Dayton Power and Light Co	3-04-85	B		
ST85-682	Transwestern Pipeline Co	Gas Co. of New Mexico	3-04-85	B		
ST85-683	Northern Natural Gas Co	Marathon Oil Co	2-25-85	F (157)		
ST85-684	Houston Pipe Line Co	Long Island Lighting Co	3-04-85	C		
ST85-685	Houston Pipe Line Co	Consolidated Edison Co. of NY, Inc	3-04-85	C		
ST85-686	Houston Pipe Line Co	Transcontinental Gas Pipe Line Corp	3-04-85	C		
ST85-687	National Fuel Gas Supply Corp	Chautauqua Hardware Corp	3-04-85	F (157)		
ST85-688	Tennessee Gas Pipeline Co	ANR Pipeline Co	3-05-85	G		
ST85-689	Northwest Central Pipeline Corp	Pester Refining Co	3-04-85	F (157)		
ST85-690	ANR Pipeline Co	Orbit Gas Co	3-04-85	B		
ST85-691	Columbia Gas Transmission Corp	George W. Bollman and Co., Inc	3-06-85	F (157)		
ST85-692	Texas Eastern Transmission Corp	New Jersey Natural Gas Co	3-06-85	B		
ST85-693	Columbia Gas Transmission Corp	Briggs, Div. of the Celotex Corp	3-06-85	F (157)		
ST85-694	United Gas Pipe Line Co	Armco, Inc	3-06-85	F (157)		
ST85-695	United Gas Pipe Line Co	Haywood Co	3-06-85	F (157)		
ST85-696	Trunkline Gas Co	Quivira Gas Co	3-08-85	B		
ST85-697	Panhandle Eastern Pipe Line Co	National By-Products, Inc	3-08-85	F (157)		
ST85-698	Trunkline Gas Co	Texas Gas Transmission Corp	3-08-85	G		
ST85-699	Northwest Central Pipeline Corp	B. F. Goodrich Co	3-06-85	F (157)		
ST85-700	Northwest Central Pipeline Corp	Spindletop Gas Distribution System	3-09-85	B		
ST85-701	Producer's Gas Co	Consolidated Edison Co. of NY, Inc	3-06-85	D		
ST85-702	Panhandle Eastern Pipe Line Co	Caterpillar Tractor Co	3-07-85	F (157)		
ST85-703	Transcontinental Gas Pipe Line Corp	City of Shelby, NC	3-07-85	B		
ST85-704	Northern Natural Gas Co	El Paso Hydrocarbons Co	3-06-85	B		
ST85-705	Northern Natural Gas Co	Transcontinental Gas Pipe Line Co	3-06-85	G		
ST85-706	Nothern Natural Gas Co	Union Carbide Co	3-07-85	F (157)		
ST85-707	Acadian Gas Pipeline System	Natural Gas Pipeline Co. of America	3-08-85	C		
ST85-708	Gulf South Pipeline Co	Philadelphia Gas Works	3-08-85	G (HS)		
ST85-709	Florida Gas Transmission Co	Longhorn Pipeline Co	3-11-85	B		
ST85-710	Mountain Fuel Resources, Inc	Woods Petroleum Corp	3-11-85	F (157)		
ST85-711	Texas Gas Transmission Corp	Occidental Chemical Corp	3-11-85	F (157)		
ST85-712	Consolidated Gas Transmission Corp	Cranberry Pipeline Corp	3-11-85	B		
ST85-713	Transcontinental Gas Pipe Line Corp	South Jersey Gas Co	3-12-85	B		
ST85-714	Transcontinental Gas Pipe Line Corp	Public Service Electric and Gas Co	3-12-85	B		

[FR Doc. 85-11288 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA85-22-000]

Cities Service Helex, Inc.; Petition for Adjustment and Interim Relief

Issued May 3, 1985.

On April 15, 1985, Cities Service Helex, Inc. (Helex) filed with the Commission a petition for adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (1982). Helex seeks interim and permanent relief from incremental pricing surcharges imposed under NGPA section 201(a), for its gas processing facilities located at Ulysses, Kansas, known as the Jayhawk Plant, with such relief to be effective from April 1, 1985. The Jayhawk Plant is supplied by Northwest Central Pipeline Company, an interstate pipeline.

Helex states that 55% of the natural gas consumed by the Jayhawk Plant is subject to incremental pricing surcharges. Helex alleges that it is suffering special hardship because the incremental price surcharges have contributed to out-of-pocket losses for the Jayhawk Plant in 1983 and 1984. Projected revenue for 1985 indicates that the plant will suffer another out-of-pocket loss for the year. Helex states that elimination of the incremental pricing surcharges would merely reduce the projected loss in 1985 to near the break-even point. Helex alleges that the Jayhawk Plant meets the out-of-pocket cost test that the Commission applied in *Peter Cooper Corp.*, 15 FERC ¶ 61,027 (1981). Helex requests interim relief pursuant to § 385.1113 of the Commission's Regulations, and a waiver of the applicable fee pursuant to § 381.106 of the Commission's Regulations.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart k. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-11289 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5251-001]

City of Fort Smith, AR; Intent To Prepare Environmental Impact Statement and Notice of Scoping Session and Public Hearings

May 6, 1985.

The City of Fort Smith, Arkansas (Applicant), filed on November 30, 1983, an application for license for the Lee Creek Project, FERC Project No. 5251, located on Lee Creek, a tributary of the Arkansas River, in Crawford County, Arkansas, and Sequoyah County, Oklahoma.

The proposed project would consist of a 34-foot-high, 1,000-foot-long dam impounding a 634-acre reservoir. A powerhouse containing one 1.5 megawatt generating unit would be constructed on the dam's left abutment. The proposed dam and 94 percent of the reservoir would be located in Crawford County, Arkansas, but development of the project would require some lands in Sequoyah County, Oklahoma.

The proposed 634-acre reservoir would be used primarily for municipal water supply rather than power generation. State health regulations require that a water supply reservoir be surrounded by a 300-foot-wide buffer

zone within which development is restricted. For this reason, Fort Smith would have to acquire far more land than would be occupied by project facilities—approximately 1,400 acres exclusive of flowage easements.

A pumping station for untreated water, a water treatment plant, and a pumping station for treated water would also be constructed adjacent to the powerhouse. These non-project facilities would be the primary users of project power; any excess power would be sold. A 48-inch diameter, 5.2-mile-long water pipeline would convey treated reservoir water to Fort Smith's water distribution system. The water treatment plant, pumping stations, and water pipeline would be built only it the reservoir is.

The Commission's designee accepted Fort Smith's application for filing on January 28, 1985. Public notice of the application was issued on February 8, 1985, with April 15, 1985, as the due date for comments, protests, and motions to intervene.

The Commission staff has concluded that Fort Smith's application, as described above, constitutes a major Federal action significantly affecting the quality of the human environment. Consequently, the project described above requires an environmental impact statement which would, among other things, address possible alternatives to the proposed action.

Scoping Session

Interested persons and agencies are invited to participate in the scoping meeting to discuss the environmental impacts expected from the proposed Lee Creek Project. The scoping session will be convened by the Commission's staff. The session will be held on May 30, 1985, from 9 a.m. to 12 noon at the Municipal Auditorium, 55 South 7th Street, Fort Smith, Arkansas 72901. The purpose of the scoping session is to enable interested persons and agencies to discuss with the Commission staff environmental impacts and other matters that they believe should be included in the environmental impact statement.

Public Hearings

Interested officials and members of the public are invited to express their views about the proposed project in a public hearing. The public hearings wil be held as follows:

May 29, 1985, 7 p.m. to 10 p.m., Municipal Auditorium, 55 South 7th Street, Fort Smith, Arkansas 72901

May 30, 1985, 7 p.m. to 10 p.m., Sallisaw High School Auditorium, Sallisaw, Oklahoma 74955

The public hearings will be conducted by the Commission staff.

At the public hearings, persons may give their statements orally or in writing. The hearings will be recorded by a stenographer, and all statements (oral and written) will become part of the public files associated with this proceeding. In addition, the public record for these hearings will remain open until June 17, 1985, and anyone may submit written comments on the project until that time. Comments should be addressed to Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, and should clearly show the project name and number (Project No. 5251–001) on the first page.

For further information, please contact Dianne E. Rodman at (202) 376–9045 or Robert F. Koch at (202) 357–5579.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–11290 Filed 5–8–85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85–140–000]

El Paso Natural Gas Co.; Tariff Filing

May 3, 1985.

Take notice that on April 25, 1985, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations under the Natural Gas Act, First Revised Sheet No. 210 and Substitute Second Revised Sheet Nos. 211 and 212 to its FERC Gas Tariff, First Revised Volume No. 1.

El Paso states that the tendered sheets, when accepted for filing and permitted to become effective, will revise the annual purchase requirements contained in the ABD–L Rate Schedules and the billing determinants included in Docket No. RP85–58 attributable to Southern Union Company ("Southern Union").

El Paso further states that in its rate settlement at Docket No. RP82–33, a two-part rate (fixed monthly charge and commodity) was established for El Paso's California customers and its three largest east-of-California ("EOC") customers.[1] In order to distinguish between the availability of Rate Schedules ABD–L (two-part rate) and Rate Schedules ABD–S for the EOC customers, a provision in the Rate Schedules ABD–L identified these rate schedules as being available to those EOC customers who purchase more than 20,000,000 Mcf a year. At the time the annual purchase quantity criteria was established the quantity was appropriate for the large EOC purchasers. However, due to the circumstances described below, the annual purchase quantity established in Docket No. RP82–33 for Rate Schedules ABD–L is no longer appropriate and therefore necessitates a change in said annual purchase quantity.

Southern Union and Public Service Company of New Mexico ("PNM") are parties to a Purchase and Sale Agreement dated April 12, 1984, pursuant to which Southern Union agreed to, *inter alia*, sell and PNM agreed to purchase effective as of January 28, 1985, all assets and properties, including all of the natural gas distribution system, owned and operated by Southern Union through its Gas Company of New Mexico division. To take into account the sale by Southern Union of its New Mexico assets and properties, which resulted in a reduction of the annual purchase requirements of Southern Union, El Paso has (i) revised the total annual purchases required under Rate Schedule ABD–L from 20,000,000 Mcf to 10,000,000 dth; and (ii) revised Southern Union's billing determinants filed at Docket No. RP85–58–000 to remove those volumes of natural gas based on sales in the State of New Mexico and retained only those volumes of natural gas based on sales in the States of Texas and Arizona.[2] Accordingly, El Paso requested authorization to lower the total annual purchase quantity required under Rate Schedules ABD–L to 10,000,000 dth and to substitute the revised billing determinants proposed for Southern Union in lieu of those billing determinants approved at Docket No. RP85–58–000, effective as of July 1, 1985. El Paso proposes that the Commission consolidate this filing with the ongoing rate proceeding at Docket No. RP85–58–000.

El Paso requested that waiver be granted of all applicable rules and regulations of the Commission as may

[1] Rate Schedule G and Rate Schedules ABD–L contain the two-part rate applicable to El Paso's California customers and its largest EOC customers, respectively. The large EOC customers were Arizona Public Service Company ("APS"), Southwest Gas Corporation ("Southwest") and Southern Union; however, as of November 1, 1984, Southwest acquired the natural gas distribution system of APS.

[2] By order issued January 1, 1985 at Docket No. RP85–58–000, the Commission granted El Paso authorization to implement new rates subject to refund and conditions for its interstate pipeline system, inclusive of the revised billing determinants for Southern Union and others, effective as of July 1, 1985.

be necessary to permit the tendered tariff sheets to become effective as of July 1, 1985.

El Paso states that copies of the instant filing have been served upon all of its interstate pipeline system customers and all interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 385.214 and 385.211 of this Chapter. All such motions or protests should be filed on or before May 13, 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. 85-11291 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RA85-2-000]

Gulf States Oil and Refining Co.; Filing of Petition for Review Under 42 U.S.C. 7194

May 6, 1985.

Take notice that Gulf States Oil & Refining Co. on March 29, 1985, filed a Petition for Review under 42 U.S.C. 7194(b) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a motion to intervene. However, any such person wishing to be a participant must file a notice of participation on or before with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a motion to intervene on or before May 29, 1985, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.1005(c)).

A notice of participation or motion to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through the Office of General Counsel, the Assistant General Counsel for Regulatory Litigation, Department of Energy, Room 6H-025, 1000 Independence Avenue SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-11292 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2158-000]

Luther F. Hackett; Application

May 3, 1985.

Take notice that on April 29, 1985, Luther F. Hackett (applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director—Vermont Electric Transmission Company, Inc.

Director—Vermont Electric Power Company, Inc.

Director—Central Vermont Public Service Corporation.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 30, 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. 85-11287 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-11-012]

K N Energy, Inc.; Motion To Place Tariff Sheet in Effect

May 3, 1985.

Take notice that K N Energy, Inc. (K N), on April 25, 1985, tendered for filing a motion to place Second Substitute Twenty-First Revised Sheet No. 4 to its FERC Gas Tariff, Third Revised Volume No. 1 into effect. According to § 381.103 (b)(2)(iii) of the Commission's regulations (18 CFR 381.103 (b)(2)(iii)), the date of filing is the date on which the Commission receives the appropriate filing fee, which in the instant case was not until April 29, 1985.

K N requests that the Commission grant any waiver of its regulations it may deem necessary in order for the rates reflected on Second Substitute Twenty-First Revised Sheet No. 4 to become effective May 1, 1985.

Any person desiring to be heard or protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 13, 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. 85-11293 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-142-000]

Louisiana-Nevada Transit Co.; Proposed Changes in FERC Gas Tariff

May 3, 1985.

Take notice that on April 30, 1985, Louisiana-Nevada Transit Company (LNT) tendered for filing Eighth Revised Sheet No. 4 to its FERC gas tariff changing the rates in its Rate Schedules G-1, X-2 and T-1.

LNT states that the changes in rate filed herein are to comply with § 154.38 (d)(4)(vi)(a) of the Commission's Regulations and establish new Base Tariff Rates.

The new Base Tariff Rate for Rate Schedules G-1 and X-2 amounts to $1.6027/Mcf with a Base Cost of Gas of

$1.3939/Mcf. In addition a current purchased gas adjustment of $.0139/Mcf and a Deferred Cost Adjustment of ($.0164)/Mcf is applicable effective June 1, 1985, for a total rate of $1.6002/Mcf. This is a reduction of $.1745/Mcf from the present rate of $1.7747/Mcf including cumulative and deferred purchased gas adjustments. The reduction for these rate schedules is $229.231 annually.

The rate for Rate Schedule T-1 is increased from $.1430/Mcf to $.2088/Mcf. No service is being rendered under this rate schedule.

Copies of this filing were served upon LNT's jurisdictional customers, Arkansas Louisiana Gas Company and United Gas Pipeline Company, and upon the Public Service Commissions of the states of Arkansas and Louisiana.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 13, 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. 85-11294 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos.TA85-2-59-000 and TA85-2-59-001]

Northern Natural Gas Co., Division of InterNorth, Inc.; ANGTS Transportation Adjustment Rate Change

May 3, 1985.

Take notice that on April 26, 1985, Northern Natural Gas Company (Northern) tendered for filing, as part of Northern's F.E.R.C. Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2, the following tariff sheets.

Third Revised Volume No. 1

Thirty-Seventh Revised Sheet No. 4a
Twenty-Eighth Revised Sheet No. 4b

Original Volume No. 2

Thirty-Seventh Revised Sheet No. 1c.

Such revised tariff sheets are required in order that Northerm may place decreased rates into effect on June 27, 1985 to reflect the change in the costs of transportation of gas through the Alaska Natural Gas Transportation System (ANGTS) pursuant to Paragraph 21 of Northern's F.E.R.C. Gas Tariff, Third Revised Volume No. 1 and Paragraph 4 of Northern's F.E.R.C. Gas Tariff, Original Volume No. 2.

The Company states that copies of the filing have been mailed to each of its Gas Utility customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 or the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 13, 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. 85-11295 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES85-38-000]

PacifiCorp Doing Business as Pacific Power & Light Co.; Application

May 6, 1985.

Take notice that on April 17, 1985, PacifiCorp doing business as Pacific Power and Light Company (Pacific) filed an application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing it to issue and sell its commercial paper from time-to-time in aggregate principal amounts not to exceed $150,000,000 at any one time outstanding. The authority requested is a five-year renewal of authority granted in 1983 and expiring June 30, 1985.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 16, 1985, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file motions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-11296 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP85-24-000]

State of Oklahoma, Section 108 NGPA Determination, Graham Resources, Inc., Curtis Stark No. 1, FERC No. JD84-43505; Petition To Withdraw Well Category Determination

May 3, 1985.

On November 23, 1984 Graham Resources, Inc., (Graham) filed with the Federal Energy Regulatory Commission a petition to withdraw a well category determination under Natural Gas Policy Act of 1978 (NGPA) section 108 for the Curtis Stark No. 1 Well, Woods County, Oklahoma, pursuant to Commission authority under the NGPA.[1]

Graham states that it has concluded that the subject well does not qualify as a section 108 stripper gas well because the production averaged more than 60 Mcf per day during the 90-day qualifying period.

The Commission gives notice that the question of whether refunds plus interest as computed under § 154.102(c) will be required is a matter which is subject to the review and final determination of the Commission.

Within 30 days of publication in the **Federal Register**, any person may file a protest to Graham's petition or a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. If you wish to become a party to this proceeding, you must file a petition to intervene. See Rule 214 or 211.[2]

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-11297 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

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[1] 15 U.S.C. 3301-3432 (1982).

[2] 18 CFR 385.214 or 385.211 (1983).

[Docket No. GP85-27-000]

Tenneco Oil Co.; Petitions To Reopen and Vacate Final Well Category Determinations and Requests To Withdraw

Issued: May 3, 1985.

In the matter of: State of Oklahoma, Section 108 NGPA Determinations, Tenneco Oil Co., East Columbia Oswego Lime Unit #2-1, FERC No. 8104799, East Columbia Oswego Lime Unit #12-2, FERC No. 8104802 East Columbia Oswego Lime Unit #6-2, FERC No. 8113589.

On April 1, 1985, Tenneco Oil Company (Tenneco) filed with the Federal Energy Regulatory Commission (Commission) petitions to reopen and requests to withdraw applications for final well category determinations that natural gas from three wells, East Columbia Oswego Lime Unit #2-1, East Columbia Oswego Lime Unit #12-2, and East Columbia Oswego Lime Unit #6-2, all located in Kingfisher County, Oklahoma, qualifies as stripper well natural gas under section 108 of the Natural Gas Policy Act of 1978 (NGPA).[1] These determinations by the Oklahoma Corporation Commission became final [2] on December 19, 1980, for Units #2-1 and #12-2, and on March 5, 1981, for Unit #6-2.

In order for a well to qualify as a stripper well, production of oil from a non-associated gas well must not exceed a specific number of barrels of oil per production day. Tenneco states that the data submitted for the 90-day qualifying period ending "January, 1979" was incorrect because the actual number of production days for each well was less than the amount stated in the application for that well. Using the correct number of production days, the average actual daily gas production exceeded the number of barrels of oil allowed to qualify as a stripper well. Finally, Tenneco states that all the gas from the three wells was sold to Eason Oil Company, but that Tenneco never collected the section 108 price for the production from the wells.

The Commission gives notice that the question of whether refunds plus interest as computed under § 154.102(c) will be required is a matter which is subject to the review and final determination of the Commission.

Within 30 days of publication in the Federal Register, any person may file a protest to Tenneco's petition or a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. If you wish to become a party to this proceeding, you must file a petition to intervene. *See* Rule 314 or 22.[3]

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-11298 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[1] 15 U.S.C. 3301-3432 (1982).

[2] NGPA section 503(d) and 18 CFR 275.202(a).

[3] 18 CFR 385.214 and 385.211.

[Docket No. TA85-2-58-000 and TA85-2-58-001]

Texas Gas Pipe Line Corp.; Tariff Sheet Filing

May 3, 1985.

Take notice that on April 30, 1985, Texas Gas Pipe Line Corporation (Texas Gas) pursuant to § 154.38 of the Federal Energy Regulatory Commission's Regulations under the Natural Gas Act, filed a Fourteenth Revised Sheet No. 4a to its FERC Gas Tariff, Second Revised Volume No. 1. Texas Gas states that the filed tariff sheet relates to the Unrecovered Purchased Gas Cost Account of the Purchase Gas Adjustment Provision contained in section 12 of the General Terms and Conditions of the Tariff. More specifically, Fourteenth Revised Sheet No. 4a reflects a net increase under that currently being collected of 12.74¢ per Mcf (at 14.65 psia) to be effective June 1, 1985.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 13, 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 are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-11299 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-141-000]

Texas Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

May 3, 1985.

Take notice that on April 30, 1985, Texas Gas Transmission Corporation (Texas Gas) tendered for filing its FERC Gas Tariff, Original Volume No. 1, and changes to its FERC Gas Tariff, Original Volume No. 2. The proposed changes would increase revenues from jurisdictional sales and services by approximately $52,546,591 based on the 12-month period ended January 31, 1985, as adjusted, compared with the underlying rates. The underlying rates are MMBTU rates derived from the base tariff rates as set forth on Substitute Forty-Eighth Revised Sheet No. 7, effective February 1, 1985, plus the current purchased gas adjustment.

Texas Gas states that the increased costs are attributable to: (1) A substantial decrease in sales quantities; (2) increases in operating expenses; and (3) an increase in rate of return and related taxes.

Texas Gas requests an effective date of November 1, 1985, for the proposed Tariff Sheets. Texas Gas further states that it served copies of this filing upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 13, 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. 85-11300 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI85-424-000]

Walter Oil & Gas Corp.; Application

May 6, 1985.

Take notice that on April 30, 1985, Walter Oil and Gas Corporation ("Walter") filed an Application for Blanket Limited-Term Partial

Abandonment Authorization, for Blanket Limited-Term Certificates of Public Convenience and Necessity and for Expedited Consideration, pursuant to sections 4 and 7 of the Natural Gas Act and Part 157 of the Rules and Regulations of the Federal Energy Regulatory Commission. Applicant also requests expedited review of this application and waiver of oral argument pursuant to Rule 801 of the Commission's Rules of Practice and Procedure. Applicant's request is for authorization to operate a special marketing program ("SMP") known as the "Walter SMP" ("WSMP").

Applicant proposes to conduct the WSMP in a manner similar to those SMP extensions authorized by the Commission on September 26, 1984 in Docket CI83-269, *et al.* Under the proposed WSMP, Applicant will market released gas. The authority sought herein would authorize the limited-term abandonment of the sale of gas released from participating interstate pipelines. The subject gas will then be sold to purchasers under the requested blanket sale for resale authority. The Applicant requests pregranted abandonment to discontinue sales to WSMP purchasers as necessary under the spot-term nature of special marketing programs. The Applicant also requests certificant authority, with pre-granted abandonment, that would authorize the transportation of gas under the WSMP by any willing and able interstate, intrastate, or Hinshaw pipeline or local distribution company. Applicant seeks authorization to conduct the WSMP for the period from the date of authorization through October 31, 1985 and has agreed to comply fully with the Commission's SMP orders issued in Docket No. CI83-269, *et al.*

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make protest with reference to said application should, on or before May 20, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in an oral hearing convened therein, if such a hearing is convened, must file a motion to intervene in accordance with the Commission's rules.

Under the procedure provided for herein, and unless Applicant is otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-11301 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-75-000]

Consolidated System LNG Co., Columbia LNG Corp.; Informal Conference and Further Opportunity to Intervene

May 3, 1985.

Take notice that an informal conference will be convened in the above-docketed proceeding on May 21, 1985, at 10:00 a.m. at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

The conference will deal with a recent agreement reached between Consolidated System LNG Company (Consolidated LNG) and Columbia LNG Corporation (Columbia LNG) concerning the disposition of their jointly-owned LNG facilities for purpose of settlement of the pending proceeding. In addition, the conference will address issues raised by Consolidated LNG's abandonment filing in this proceeding, by the Commission's Order to Show Cause issued in this docket on August 1, 1983, and by the answer filed by Columbia LNG in response to said order. Under the agreement between Columbia LNG and Consolidated LNG and subject to certain conditions, Columbia LNG would, *inter alia*, take title to Consolidated LNG's undivided, one-half interest in the LNG facilities and include as part of its minimum bill calculation the opeating and maintenance expense and property taxes associated with the facilities.

Participation in this conference will be limited to interested persons, including all direct and indirect customers of Consolidated LNG and Columbia LNG, interested state agencies, state commissions and other persons who may be affected by Consolidated LNG's application or by the disposition of this proceeding with respect to Columbia LNG. However, participation in the conference will not serve to make such participants parties to this proceeding.

Since the filing of Consolidated LNG's original application and the Commission's notice thereof on December 3, 1982, the scope of this proceeding has been expanded. In view of this, the Commission believes it appropriate that interested persons be given an additional opportunity to intervene in this proceeding. Therefore, any person desiring to be heard or to make any protest with reference to such transfer of title should file a motion to intervene with the Federal Energy Regulatory Commission, North Capitol Street NE., Washington, D.C. 29426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions should be filed on or before May 24, 1985. Those persons who have previously intervened in this docket need not intervene again. Copies of the filings in this proceedings, including Consolidated LNG's application, as amended, and Columbia LNG's answer to the Order to Show Cause, are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-11286 Filed 5-8-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-2832-8]

Memorandum of Understanding With the Safety Equipment Institute

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has executed a memorandum of understanding with the Safety Equipment Institute (SEI). This agreement describes the terms of a voluntary certification program to ensure the continued accurate effectiveness rating and the labeling of hearing protector devices as required by the provisions of the Noise Control Act of 1972 as amended.

DATE: This agreement became effective May 2, 1985.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Office of Air and Radiation (AR-471C), Environmental Protection Agency, Washington, DC 20460, 703-557-8540.

SUPPLEMENTARY INFORMATION: Under the provisons of Section 8 of the Noise Control Act of 1972 as amended by the Quiet Communities Act of 1978, enumerating the requirements for product labeling or information under this Act, the agency is publishing the

following memorandum of understanding:

Memorandum of Understanding Between the Safety Equipment Institute and the Environmental Protection Agency

I. Purpose

The purpose of this Memorandum of Understanding is to define the general principles of cooperation between the Environmental Protection Agency (EPA) and the Safety Equipment Institute (SEI) with regard to SEI's planned voluntary industry labeling program for hearing protectors.

II. Background

The Safety Equipment Institute has delineated a plan for labeling of hearing protectors under its general certification program for industrial safety eqiupment. The labeling program is intended to conform to the guidelines for a voluntary program as described in the Federal Register notice of September 28, 1979 (44 FR 56124–5). The Institute originally intended to activate this program immediately following the anticipated revocation by Congress of EPA's noise labeling authority under Section 8 of the Noise Control Act of 1972 and the Quiet Communities Act of 1978.

In the absence of Congressional action on this subject and the lack of EPA resources for administering the Federal noise regulatory program, it would be of considerable public value for the SEI to initiate its planned program in an effort to help maintain the continuity and credibility of hearing protector labeling. Although the law does not permit EPA to cede administration of the Federal regulation to an organization in the privaet sector, the Agency is keenly aware of the merit of voluntary industry labeling and enthusiastically supports such efforts within the constraints imposed by law.

EPA and SEI anticipate that SEI's voluntary program will comply with the mandatory noise labeling objectives for hearing protectors as set forth in 40 CFR Part 211, Subpart B, as amended.

By Federal Register notice, the Agency has revoked the reporting and recordkeeping requirements of the Hearing Protector Noise Labeling Regulation (40 CFR Part 211, Subpart B). As a result of this revocation, the manufacturers of hearing protectors are not now required to submit Labeling Verification Reports nor to maintain records nor submit related reports pertaining to the hearing protector Noise Reduction Rating (NRR) tests or evaluations. Thus, if the SEI initiates its own certification program for hearing protectors, the reporting or recordkeeping procedures of the SEI program would not represent a redundant burden to the manufacturers.

To ensure maximal effectiveness of the SEI program, the Agency agrees to provide the SEI with copies of the Labeling Verification Reports, submitted by various hearing protector manufacturers, that are now in the Agency files and are generally available for public inspection. The Agency also agrees to provide technical consultation to the SEI, to the extent available, on problems pertaining to NRR tests and ratings of hearing protectors and to other relevant matters.

III. Substance of Agreement

The SEI agrees to initiate and conduct its certification program for hearing protectors in accordance with the principles and procedures for that program delineated in the SEI's prospectus for that program and within the guidelines for voluntary programs set forth in 44 FR 56122. The SEI also agrees to bring to the attention of the Agency instances in which the Federal labeling regulation for hearing protectors may have become obsolete or in which strict adherence to the Federal labeling regulation would be contrary to the objectives of that regulation or the SEI certification program. In addition, the SEI agrees to answer Agency requests concerning the status of the program.

EPA agrees that manufacturers participating in the SEI certification program may include the SEI logo on the federally required label, in addition to the EPA logo and other required information.

The parties are entering this understanding in the interest of maintaining a continuing effective program for Noise Reduction Rating labeling of hearing protectors, and of ensuring the integrity and credibility of such labeling.

IV. Name and Address of Participating Parties

A. Safety Equipment Institute, 1901 North Moore Street, Arlington, Virginia 2209

B. Environmental Protection Agency, Office of Air and Radiation, 401 M Street SW., Washington, DC 20460.

V. Liaison Officers

A. Safety Equipment Institute, Frank E. Wilcher, President, 703–525–1695

B. Environmental Protection Agency, Office of Air and Radiation, Charles L. Elkins, Acting Assistant Administrator, 202–382–7400.

VI. Period of Agreement

This Memorandum of Understanding may be terminated by either party. The terminating party shall give written notice of the termination at least 90 days in advance of the effective date of termination. This understanding may be terminated without cause.

Approved and accepted by the Safety Equipment Institute.

By: Frank E. Wilcher, Jr.
Title: President
Dated: May 2, 1985.

Approved and accepted by the Environmental Protection Agency.

By: Charles L. Elkins
Title: Acting Assistant Administrator for Air and Radiation
Dated: May 2, 1985.

Effective date. This memorandum of understanding became effective May 2, 1985.

Dated: May 2, 1985.

Charles L. Elkins,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 85–11254 Filed 5–8–85; 8:45 am]

BILLING CODE 6560–50–M

[A–6–FRL–2832–6]

Delegation of Additional Authority to the State of Oklahoma for Prevention of Significant Deterioration (PSD)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Information notice.

SUMMARY: EPA, Region 6 has delegated the authority under the Prevention of Significant Deterioration (PSD) program for approval of extensions of the expiration date of EPA issued permits to the Oklahoma State Department of Health (OSDH). The OSDH is now authorized to approve all future PSD extension requests for permits issued by EPA.

EFFECTIVE DATE: March 29, 1985.

ADDRESS: Copies of the amendment to the State-EPA agreement for delegation of additional authority are available for public inspection at the Air Branch, Environmental Protection Agency, Region 6, InterFirst Two Building, 28th Floor, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: Donna M. Ascenzi at (214) 767–9864, Chief Technical Section, Air Branch, address above.

SUPPLEMENTARY INFORMATION: On July 16, 1981, EPA, Region 6, delegated to the OSDH the authority for the technical

and administrative review of the PSD program. An information notice of this partial delegation of the PSD program was published in the **Federal Register** on February 17, 1982. On April 26, 1982, the OSDH was delegated the additional authority for performing PSD inspections and reviewing PSD compliance reports for sources located in the State of Oklahoma. On August 25, 1983, EPA approved the Oklahoma PSD regulations as part of the State Implementation Plan (SIP), thus granting the State permit approval authority for future new sources and major modifications, and enforcement authority over those source permits. The partial delegation, however, remains in effect for EPA issued permits. Modifications to existing EPA issued permits, as well as the authority for taking enforcement actions against violations of these permits, remains EPA's responsibility.

In accordance with 40 CFR 52.21, EPA Region 6 delegated the additional authority to the State of Oklahoma to approve requests for extension of the expiration date of EPA issued permits on March 29, 1985.

With this action, the State of Oklahoma will have full delegated authority for approval of time extensions of EPA issued PSD permits in Oklahoma. The partial delegation, as approved on July 16, 1981, and as modified on April 26, 1982, remains in effect for the modification to and enforcement of existing EPA issued PSD permits.

Effective immediately, all of the information related to PSD extension requests for sources located in the State of Oklahoma should be submitted to the State agency at the following address: Oklahoma State Department of Health, Northeast Tenth and Stonewall, Oklahoma City, Oklahoma 73152.

(Sections 101 and 301 of the Clean Air Act, as amended (42 U.S.C. 7401 and 7601))

Dated: April 25, 1985.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 85-11256 Filed 5-8-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51562; FRL-2833-5]

Certain Chemicals Premanufacture Notices; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects the PMN chemical name on a premanufacture notice (PMN) published in the **Federal Register** on March 15, 1985 (50 FR 10536).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Room E-611, 401 M Street SW., Washington, DC 20460 (202-382-3725).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 15, 1985 (50 FR 10536), EPA issued a notice of receipt of a PMN

In FR Doc. 85-6088 appearing at page 10537, first column under "PMN 85-544", the chemical, "(S) 2-Butenedioic acid (Z)-mono[2[(1-oxo-2-propenyl]oxy]ethyl]-ester" is corrected to read "(S) 2-Propenoic acid, 2-methyl-, 7,7,9-trimethyl-4,13-dioxo-3,14-dioxa-5,12-diaza hexadecane-1,16-diylester."

Dated: May 3, 1985.

James A. Combs,

Acting Director, Information Management Division.

[FR Doc. 85-11260 Filed 5-8-85; 8:45 am]

BILLING CODE 6560-50-M

[OW-1-FRL-2833-1]

Financial Assistance Program Eligible for Review Under 40 CFR 29 and Subject to Section 204 of the Demonstration Cities and Metropolitan Development Act

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability and review.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of a new financial assistance program (66.456, "Comprehensive Estuarine Management—Pollution Control and Abatement") to support the development of projects for the comprehensive estuarine management program to improve environmental conditions in selected estuaries. Funds are available during FY 1985 for studies and projects in Long Island Sound, Buzzards Bay, Narragansett Bay and Puget Sound.

DATE: All complete applications must be received in EPA Headquarters no later than July 15, 1985, to be considered for FY85 funding awards.

FOR FURTHER INFORMATION CONTACT:

Narragansett Bay, Buzzards Bay and Long Island Sound

Director, Water Management Division, U.S. EPA Region I, John F. Kennedy Building, Boston, Massachusetts 02203, (617) 223-3478

Puget Sound

Director, Water Management Division, U.S. EPA Region X, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 399-1237.

SUPPLEMENTARY INFORMATION: .

Under the authority of the Clean Water Act (CWA), section 104(b)(3), EPA will award grants and cooperative agreements to State Water Pollution Control agencies, interstate agencies, other public or nonprofit organizations, institutions, and individuals.

This program is eligible for intergovernmental review under Executive Order 12372 and is subject to the review requirements of Section 204 of the Demonstration Cities and Metropolitan Development Act. States located in the geographical areas of the estuaries under study and eligible for these awards must notify the following office in writing within thirty days of this publication whether their State's official E.O. 12372 process will review applications in this progam: Grants Policy and Procedures Branch, Grants Administration Division (PM-216), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460.

Applicants must contact their State's Single Point of Contact (SPOC) for intergovernmental review as early as possible to find out if the program is subject to the State's official E.O. 12372 review process and what material must be submitted to the SPOC for review. In addition, applications for projects within a metropolitan area must be sent to the areawide/Regional/local planning agency designated to perform metropolitan or regional planning for the area for their review.

SPOCs and other reviewers should send their comments on an application to the Grants Operations Branch, Grants Administration Division (PM-216), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, no later than sixty days after receipt of the application/other required material for review.

The comprehensive estuarine management program is implemented through EPA Regional Offices under the guidance of the Office of Marine and Estuarine Protection in EPA Headquarters. Main program objectives for each estuary under study are to (1) evaluate available information on the estuary to define the nature and extent of existing and developing environmental quality problems, (2) identify deficiencies in the available information to develop a remedial program and to support management

decisions, (3) develop and implement action plans to deal with the estuary's priority environmental problems, (4) establish long-term management policies to ensure protection of public health and natural resources, and (5) facilitate program coordination among involved state and local agencies, and public interest groups.

Each estuary program is required to establish its own organizational management structure and also develop a comprehensive management plan. Both will be designed to involve all parties essential to the process of improving the estuary's environmental quality. The essential parties will be identified and organized into a functional managment committee and technical, scientific, and public participation working groups that must agree on the priority problems facing the estuary and develop a plan of action to address those problems.

Each action plan will include projects and tasks necessary to (1) gather existing data from numerous sources where previous research has been conducted in the estuary, (2) conduct research to acquire new and additional data as needed to address the priority problems, and (3) develop mechanisms to increase the public's understanding of the complexities involved and bring public input to the management decisions. Wherever appropriate, financial assistance in the form of grants and cooperative agreements will be available to provide the means to carry out the planned activities. Proposals are being solicited to address management questions, research needs, and implementation of planned actions. The proposals will be reviewed by the respective estuary management committee, working groups and EPA Regional Office, and approved and awarded by EPA Headquarters.

Dated: May 1, 1985

Henry Longert,

Acting Assistant Administrator for Water.

[FR Doc. 85-11251 Filed 5-8-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-003981-003.
Title: Galveston Terminal Agreement.
Parties:
The Board of Trustees of the Galveston Wharves (GW)
James J. Flanagan Shipping Corporation (JJFSC)
Galport Terminal, Inc. (Galport)
Synopsis: Agreement No. 224-003981-003 amends Agreement No. 224-003981-002 by modifying Paragraph III thereof, to defer payments of fees by JJFSC to GW, provided by the agreement, from April 1, 1985 to July 1, 1985. This amendment will add JJFSC to the agreement.

Agreement No.: 202-010414-005.
Title: PRC-USA Eastbound Rate Agreement.
Parties:
American President Lines, Ltd.
Lykes Bros. Steamship Co., Inc.
Sea-Land Service, Inc.
United States Lines, Inc.
Waterman Steamship Corporation
Synopsis: The proposed amendment would modify the agreement to clarify the parties' authority to publish more than one Agreement tariff, as permitted by applicable Commission regulations, and enter into participating connecting carrier arrangements with other carriers not party to the Agreement. The parties have requested a waiver of the format requirements of the Commission's regulations and a shortened review period.

Agreement No.: 202-010485-004.
Title: United States Atlantic & Gulf Ports/Italy, France and Spain Freight Conference.
Parties:
Compania TrasAtlantica Espanola, S.A.
Costa Line
Farrell Lines, Inc.
"Italia" Societa per Azioni di Navigazione
Sea-Land Service, Inc.
Synopsis: The proposed amendment would divide the conference into sections. Qualifying members serving each section would be authorized to establish rates pertaining to cargo moving within the geographic scope of that section. The amendment would create an Atlantic Section and a Gulf Section. A General Section composed of all voting members would govern rates for cargo originating at U.S. Pacific Coastal points or U.S. inland points. A Special Northern Spain Section would govern rates on certain commodities moving to Northern Spanish destinations.

By Order of the Federal Maritime Commission.

Dated: May 6, 1985.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-11238 Filed 5-8-85; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 85-14]

Cari-Cargo International, Inc. and Jorge Villena; Order of Investigation and Hearing

Cari-Cargo International, Inc. (Cari-Cargo) is a non-vessel operating common carrier with a tariff on file with the Federal Maritime Commission. Cari-Cargo was incorporated on April 17, 1984, and Jorge Villena apparently is its only officer and employee.

Cari-Cargo's tariff was first issued on September 23, 1982 in the name of Cari-Cargo Consolidators, Inc. and became effective on October 23, 1982. Cari-Cargo Consolidators, Inc. was dissolved on November 10, 1983. On March 16, 1983, its tariff was revised to indicate the name of Cari-Cargo.

Since November 10, 1983, Jorge Villena has been conducting business as an NVOCC in the names of Cari-Cargo Consolidators, Inc. and Cari-Cargo. It appears that neither Mr. Villena nor Cari-Cargo have been conducting business in accordance with Cari-Cargo's tariff or any other tariff on file with the Commission.

Section 18(b)(1) of the Shipping Act, 1916 (46 U.S.C. app. 817), and section 8(a)(1) of the Shipping Act of 1984 (46 (U.S.C. app. 1707), require common carriers to maintain tariffs with the Commission showing all their rates, charges, classifications rules, and practices. Section 18(B)(3) of the Shipping Act, 1916 (46 U.S.C. app. 817), and section 10(b)(1) of the Shipping Act of 1984 (46 U.S.C. app. 1709), require common carriers to adhere to their published tariffs.

Therefore, it is ordered, That pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. app. 815), and section ll of the Shipping Act of 1984 (46 U.S.C. app. 1710), a formal investigation and hearing is hereby instituted to determine:

1. Whether Jorge Villena and/or Cari-Cargo International, Inc. violated section 18(b)(1) of the Shipping Act, 1916, and section 8(a)(1) of the Shipping

Act of 1984, by performing common carrier operations and failing to maintain with the Commission a tariff showing all rates, charges, classifications, rules and practices;

2. Whether Jorge Villena and/or Cari-Cargo International, Inc. violated section 18(b)(3) of the Shipping Act, 1916, and section 10(b)(1) of the Shipping Act of 1984, by charging different rates for the transportation of property than the effective tariff rates filed with the Commission;

3. Whether, in the event Jorge Villena and/or Cari-Cargo International, Inc. is found to have violated sections 18(b)(1) or (3), or the Shipping Act, 1916, and sections 8(a)(1) and 10(b)(1) of the Shipping Act of 1984, civil penalties should be assessed, and, if so, against whom and in what amount; and

4. Whether, in the event Jorge Villena and/or Cari-Cargo International, Inc. is found to have violated section 18(b)(1) or (3) of the Shipping Act, 1916, or section 8(a)(1) or section 10(b)(1) of the Shipping Act of 1984, either or both should be ordered to cease and desist from violating the provisions of the Shipping Act of 1984 (46 U.S.C. app. 1701 *et seq.*).

It is further ordered, That Jorge Villena and Cari-Cargo International Inc. be named Respondents in this proceeding.

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Presiding Administrative Law Judge. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That pursuant to the terms of Rule 61 of the Commission's Rules of Practice and Procedure (46 CFR 502.61), the initial decision of the presiding officer in this proceeding shall be issued by May 5, 1986 and the final decision of the Commission shall be issued by September 5, 1986;

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy be served upon the Respondents and the Commission's Bureau of Hearing Counsel;

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Director of the Commission's Bureau of Hearing Counsel shall be a party to this proceeding;

It is further ordered, That other persons having an interest in participating in this proceeding may file petitions for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf or the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in accordance with Rule 118 of the Commission's Rules Practice and Procedure (46 CFR 501.118), as well as being mailed directly to all parties of record.

By the Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-11240 Filed 5-8-85; 8:45 am]

BILLING CODE 6730-01-M

Filing and Effective Date of Agreement

The Federal Maritime Commission hereby gives notice that on April 30, 1985, the following agreement was filed with the Commission pursuant to the Commission's February 27, 1985 Report and Order in Dockets Nos. 84-6 and 84-8.

Agreement No.: 201-000091.

Title: New York Assessment Agreement.

Parties:

New York Shipping Association (NYSA)

International Longshoremen's Association,

AFL-CIO (ILA)

Synopsis: The agreement establishes the assessment program for the funding of obligations under NYSA-ILA collective bargaining agreements, and has been filed with a request to postpone its effective date to July 1, 1985.

By Order of the Federal Maritime Commission.

Dated: May 6, 1985.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-11239 Filed 5-8-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Citizens 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 May 31, 1985.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Citizens Corporation*, Manchester, Tennessee; to become a bank holding company be acquiring 80 percent of the voting shares of Citizens Bank, Smithville, Tennessee.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Detroit Corporation*, Detroit, Michigan; to become a bank holding

company by acquiring 100 percent of the voting shares of First Independence National Bank of Detroit, Detroit, Michigan.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Southside Bancshares Corp.*, St. Louis, Missouri; to acquire 80.25 percent of the voting shares of Bay-Hermann Bank, Hermann, Missouri.

D. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneaspolis, Minnesota 55480:

1. *Belle Plaine BanCorporation*, Belle Plaine, Minnesota; to become a bank holding company by acquirng 100 percent of the voting shares of State Bank of Belle Plaine, Belle Plaine, Minnesota.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Diboll State Bancshares, Inc.*, Diboll, Texas; to acquire 80 percent of the voting shares of Peoples National Bank, Lufkin, Texas.

Board of Governors of the Federal Reserve System, May 3, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-11228 Filed 5-8-85; 8:45 am]

BILLING CODE 6210-01-M

Midsouth Bancorp, Inc., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 29, 1985.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *MidSouth Bancorp, Inc.*, Lafayette, Louisiana; to engage *de novo* directly in the activities of making, acquiring or servicing loans or other extensions of credit (including issuing letters of credit and accepting drafts) for the company's account or for the account of others, such as would be made by an consumer finance, credit card, mortgage, commercial finance, or factoring company. These activities would be conducted in the State of Louisiana.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoening, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Citizens National Corporation*, Wisner, Nebraska; to engage *de novo* through its subsidiary, Chandler Leasing, Inc., Wisner, Nebraska, in the previously approved activities of leasing real and personal property. This application is for the expansion of the geographic scope of the service area to include the entire United States.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Ruston Bancshares, Inc.*, Ruston, Louisiana; to engage *de novo* directly in the activity of leasing personal and real property.

Board of Governors of the Federal Reserve Systems, May 3, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-11229 Filed 5-8-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83N-0213]

Amendment to Provisions of the Orphan Drug Act; Availability of Revised Interim Guidelines

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that by enactment of Pub. L. 98-551, effective October 30, 1984, the criteria for orphan drug designation and the criteria for providing protocol assistance have been amended. FDA has revised its interim guidelines to reflect these changes. This notice announces the availability of the revised interim guidelines.

ADDRESSES: Requests for single copies of the revised interim guidelines to the contact person listed below. Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Roger Gregorio, Office of Orphan Products Development (HF-35), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4903.

SUPPLEMENTARY INFORMATION: The Orphan Drug Act (Pub. L. 97-414), which was enacted January 4, 1983, provides incentives to pharmaceutical manufacturers and other appropriate persons to develop and distribute drugs for use in rare diseases or conditions. That act defined disease or condition as "any disease or condition which occurs so infrequently in the United States that there is no reasonable expectation that the cost of developing and making available in the United States a drug for such disease or condition will be recovered from sales in the United States of such drug." On September 9, 1983 (48 FR 40784), FDA announced the availability of interim guidelines on the information to be submitted to FDA prospective sponsors of drugs for rare diseases or conditions (orphan drugs) to support requests for written recommendations for protocol assistance under section 525 of the Federal Food, Drug, and Cosmetic Act (the act) and for designation of a drug as an orphan drug under section 526 of the act. The guidelines for section 526 required that sufficient information be submitted to demonstrate that a sponsor

would not recover development costs for a drug within a 7-year period after approval or the remaining life of the patent. The guidelines for section 525 required that a sponsor provide that information for drugs intended for populations greater than 150,000 in the United States in order for protocol assistance to be rendered. By enacting the Pub. L. 98–551 amendments to section 526 of the act, Congress established that it was not necessary to require prospective sponsors to make difficult development cost and marketing projections for drugs intended for patient populations of under 200,000 in the United States.

FDA has revised both interim guidelines in accordance with provisions of Pub. L. 98–551. The guidelines for section 526 waive the necessity for sponsors to submit financial data when requesting orphan drug designation for drugs intended for diseases or conditions with a prevalence in the United States of under 200,000 patients. In addition, these guidelines clarify that the wavier also applies to drugs for therapeutically unique subpopulations of patients with common diseases or conditions. Drugs for populations over 200,000 may still qualify as designated orphan drugs; applications, however, must provide cost recovery information for such drugs as defined in the guidelines. The revised guidelines for section 525 also require cost recovery information for drugs intended for patient populations in the United States greater than 200,000.

Interested persons may submit written comments on the revised interim guidelines to the Dockets Management Branch (address above). These comments will be considered in determining whether further amendments to, or revisions of, the interim guidelines are warranted. Comments should be in two copies (except that individuals may submit single copies), identified with the docket number found in brackets in the heading of this document. The revised interim guidelines and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. Copies of the revised interim guidelines may be obtained from the Office of Orphan Products Development (address above).

Dated: May 1, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85–11194 Filed 5–8–85; 8:45 am]

BILLING CODE 4160–01–M

Centers for Disease Control

Cooperative Agreement for a Project to Develop a Research and Training Program in Environmental Health Chemistry; Availability of Funds for Fiscal Year 1985

The Centers for Disease Control announces the availability of funds in Fiscal Year 1985 for a cooperative agreement with the Emory University Graduate School of Arts and Sciences, Department of Chemistry, for a project to develop a research and training program in environmental health chemistry complementing CDC programs in environmental health and enhancing the research and training of predoctoral students. Projects under this program will involve highly toxic materials and substances requiring special handling and will, therefore, be partially limited to the CDC campus. The nature of this program requires that it be located in the Atlanta area to facilitate close communication and contact among praticipating student, faculty, and CDC personnel. Students will spend a portion of their day in laboratories at both CDC and Emory conducting experimental work using the equipment and facilities of both institutions. Emory University is selected as the institution of choice for this program because of the size and strength of its graduate program in chemistry, it clearly defined faculty interest in research in environmental health chemistry, and its unique emphasis on multi-disciplinary research in the biomedical field. The Catalog of Federal Domestic Assistance Number is 13.283. This program is authorized under section 301(1) of the Public Health Service Act (42 U.S.C. 241(a)), as amended.

Assistance will be provided only to the Emory University Graduate School of Arts and Sciences for this project. This is not a formal request for applications. It is expected that approximately $50,000 will be available during Fiscal Year 1985 to support this project. It is anticipated that the cooperative agreement will be funded for 12 months with a 5-year project period. Continuation awards will be made on the basis of satisfactory progress in meeting project objectives and on the availablilty of funds. Funding estimates outlined above may vary and are subject to change.

Information may be obtained from Leo A. Sanders, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road NE., Room 321, Atlanta, Georgia 30305, telephone (404) 262–6575 or FTS 236–6575.

Dated: May 1, 1985.

William E. Muldoon,

Director, Office of Program Support Centers for Disease Control.

[FR Doc. 85–11219 Filed 5–8–85; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

[Docket No. 85D–0078]

Draft Guideline for Submitting Supporting Documentation for the Manufacture of Finished Dosage Forms

Correction

In FR Doc. 85–9954 beginning on page 16350 in the issue of Thursday, April 25, 1985, make the following corrections:

1. On page 16351, in the first column, in the **"DATE"** line, "July 23" should read "July 24".

2. On page 16351, in the second column, in the fouth complete paragraph, in the second line, "(July 23" should read "July 24".

BILLING CODE 1505–01–M

[Docket No. 84N–0368]

Preservative-Free Morphine Preparation for Epidural Use for Treatment of Severe Chronic Pain; Invitation To Submit a New Drug Application

Correction

In FR Doc. 85–9957 beginning on page 16351 in the issue of Thursday, April 25, 1985, make the following correction: On page 16354, in the first column, in reference "18", in the second line, "55: 714" should read "55: 714–715".

BILLING CODE 1505–01–M

National Institutes of Health

Laboratory Animal Welfare: Public Health Service Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions

AGENCY: National Institutes of Health, HHS.

ACTION: Notice of availability of revised policy.

SUMMARY: This notice annouces the availability of the revised policy—"PHS Policy on Humane Care and Use of

Laboratory Animals by Awardee Institutions."

ADDRESS: Please send comments or requests for copies of the policy to: Ms. Carol Wigglesworth, Office for Protection from Research Risks, National Institutes of Health, 9000 Rockville Pike, Building 31, Room 4B09, Bethesda, Maryland 20205. Telephone (301) 496-7163.

SUPPLEMENTARY INFORMATION: Over the past two years the National Institutes of Health (HIN) has conducted a review and assessment of the 1979 PHS Animal Welfare Policy. The assessment included evaluation of policies for the review of applications for PHS-supported activities proposing to carry out research involving animals; review of cases of noncompliance; and experience gained in administering the 1979 policy. The assessment also included 15 visits conducted by the NIH Office of Extramural Research and Training designed to evaluate the adequacy of the Animal Welfare Assurance system required by the policy.

It was determined that the 1979 policy should be revised in order to ensure that awardee institutions provide appropriate care for animals involved in PHS-funded research and use such animals in a humane fashion. Consequently, in a special edition of the *NIH Guide for Grants and Contracts*, Vol. 13, No. 5, April 5, 1984, the Public Health Service published a proposed revision of the PHS Extramural Animal Welfare Policy, Chapter 1-43 of the DHHS Grants Administration Manual. A notice announcing the availability of the proposed revision was published in the Federal Register May 31, 1984 (49 FR 22711). Public comment on the proposal was solicited in writing and at three open hearings held in Kansas City (July 19), Boston (July 24), and Seattle (August 2). NIH received 340 written and oral comments on the proposal; all of the comments were given careful consideration in the development of the final policy.

The policy will be published in the near future in the *NIH Guide for Grants and Contracts*, and the Chapter 1-43 of the DHHS Grants Administration Manual, replacing the policy promulgated in 1979.

A synopsis of the major changes in the policy is set forth below:

1. The policy requires institutions to designate clear lines of authority and responsibility for those involved in the institution's program for animal care and use in PHS-funded research. Institutions must identify an official who is ultimately responsible for the institution's animal program and veterinarian qualified in laboratory animal medicine who will participate in the program.

2. The policy clearly defines the role and responsibilities of Institutional Animal Care and Use Committees and is intended to enhance the involvement of such committees in all aspects of the PHS-supported animal research program. The policy specifies that the membership of the committee must include an individual unaffiliated with the institution, a veterinarian with training or experience in laboratory animal science and medicine, a practicing scientist experienced in research involving animals and a member whose primary concerns are in a nonscientific area.

3. The policy requires each institution to provide detailed information regarding the institution's program for the care and use of research animals in PHS-supported activities. The additional information will aid NIH in assessing each institution's commitment to animal welfare in PHS-supported activities and its ability to comply with the policy.

4. The policy requires Institutional Animal Care and Use Committees to review and approve those sections of applications for PHS funding that relate to the care and use of animals. The policy provides that PHS will not award funds for research involving animals until the institution has submitted verification that the institution's Animal Care and Use Committee has approved the proposal.

5. Any institution that is not accredited by the American Association for Accreditation of Laboratory Animal Care will be required to conduct a self-assessment based on the Guide for the Care and Use of Laboratory Animals which is currently updated by the Institute for Laboratory Animal Resources of the National Research Council, National Academy of Sciences. Significant deficiencies in the program or facilities must be noted and the institution must adhere to an approved time frame for the correction of the deficiencies.

6. Exceptions to the policy may be granted by NIH in writing upon adequate written justification from the awardee institution.

EFFECTIVE DATE: The policy shall become effective six months from the date of publication in the NIH Guide for Grants and Contracts. Institutions that prior to that date are conducting PHS-supported research in accord with an approved Animal Welfare Assurance may continue to do so in accord with the conditions of the Assurance. However, these institutions are encouraged to implement the new policy as soon as it is feasible to do so, and must submit a new assurance in accordance with the new policy by January 1, 1986. NIH will notify the institutions and provide assistance in developing new assurances.

OMB Clearance

With regard to Assurances, reporting and recordkeeping requirements contained in the policy, PHS will seek OMB approval prior to use as required by the Paperwork Reduction Act of 1980. Public comments on these aspects of the policy should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Executive Office of the President, Room 3002, New Executive Office Building, Washington, D.C. 20503, attention Desk Office for U.S. Public Health Service. NIH will publish a notice in the Federal Register of OMB's decision on these aspects as soon as it is available.

Dated: May 2, 1985.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 85-11227 Filed 5-8-85; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Colorado; Filing of Plats of Survey

May 3, 1985.

The plats of survey of the following described land will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 a.m., May 3, 1985.

The plat, in two sheets, representing the dependent resurvey of a portion of the west boundary, subdivisional lines, and certain mineral claims, and the survey of the subdivision of section 21, T. 12 S., R. 79 W., Sixth Principal Meridian, Colorado, Groups 529 and 564, was accepted April 22, 1985.

This survey was executed to meet certain administrative needs of the Bureau of Reclamation.

The plat representing the dependent resurvey of a portion of the north boundaries, subdivisional lines, and certain mineral claims, and the survey of the subdivision of sections 1 and 12, T. 12 S., R. 80 W., Sixth Principal Meridian, Colorado, Group 564, was accepted April 22, 1985.

The plat in six sheets representing the dependent resurvey of a portion of the Base Line through R. 96 W., a portion of the east boundary, the north boundary,

subdivisional lines, and a portion of certain tract lines, and the survey of the subdivision of certain sections in T. 1 N., R. 96 W., Sixth Principal Meridian, Colorado, Group No. 562, was accepted April 26, 1985.

These surveys were executed to meet certain administrative needs of this Bureau.

The plat representing the dependent resurvey of the Ninth Standard Parellel North (south boundary), portions of the east, west and north bounaries, and subdivisional lines, and the survey of the subdivision of certain sections, T. 37 N., R. 13 W., New Mexico Principal Meridian, Colorado, Group No. 667, was accepted April 25, 1985.

This survey was executed to meet certain administrative needs of the U.S. Forest Service.

All inquiries about this land shoud be sent to the Colorado State Office, Bureau of Land Management, 2020 Arapahoe Street, Denver, Colorado 80205.

Jack A. Eaves,

Acting Chief Cadastral Surveyor for Colorado.

[FR Doc. 85-11210 Filed 5-8-85; 8:45 am]

BILLING CODE 4310-84-M

Federal Minerals Exchange; Gila, Maricopa, Mohave, Pima, Pinal, and Yavapai Counties, AZ; Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action—Exchange, Federal Minerals in Gila, Maricopa, Mohave, Pima, Pinal, and Yavapai Counties, Arizona.

SUMMARY: The following described federal mineral estate has been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716: Gila and Salt River Meridian, Arizona.

Township 1 North, Range 16 East,
Sec. 19: lots 1–4, W½.
Township 8 North, Range 10 West,
Sec. 33: all;
Sec. 34: all;
Sec. 35: all.*
Township 8 North, Range 8 West,
Sec. 9: NW¼, S½;
Sec. 35: all.
Township 8 North, Range 7 West,
Sec. 4: lots 1–4, S½;
Sec. 7: lots, 3, 4, E½SW¼, SE¼;
Sec. 8: NE¼, S½;
Sec. 9: all;
Sec. 31: lots 1–4, E½W½, S½NE¼,SE¼.
Township 8 North, Range 6 West,
Sec. 35: all.
Township 7 North, Range 10 West,
Sec. 1: lots 1–4, S½N½, SW¼;
Sec. 3: lots 1–4, S½N½, S½;
Sec. 4: lots 1–4, S½N½, S½;
Sec. 9: N½, SW¼;
Sec. 10: N½;
Sec. 11: N½;
Sec. 12: NW¼;
Sec. 17: N½;
Sec. 20: S½N½, S½;
Sec. 21: S½N½, S½;
Sec. 22: all;
Sec. 23: all;
Sec. 24: all;
Sec. 25: E½, NW¼, E½SW¼, E½W½† SW¼;
Sec. 26: all;
Sec. 27: all;
Sec. 28: N½, SW¼, S½SE¼, NW¼SE¼;
Sec. 29: all;
Sec. 35: all.
Township 7 North, Range 9 West,
Sec. 13: N½;
Sec. 19: lots 1–4, E½W½, NE¼;
Sec. 20: N½;
Sec. 29: all;
Sec. 30: lots 1–4, E½W½, E½;
Sec. 33: W½.
Township 7 North, Range 8 West,
Sec. 9: S½;
Sec. 10: S½;
Sec. 11: W½SW¼;
Sec. 15: N½.
Township 7 North, Range 6 West,
Sec. 1: lots 3, 4, S½NW¼, SW¼;
Sec. 3: lots 1–4, S½N½, S½;
Sec. 8: SE¼;
Sec. 10: all.
Sec. 13: N½, SW¼, N½SE¼, SE¼SE¼;
Sec. 14: all;
Sec. 19: lots 1, 2, E½NW¼, W½NE¼, NW¼SE¼;
Sec. 20: E½;
Sec. 21: all;
Sec. 28: N½, W½SW¼, NE¼SE¼;
Sec. 29: SE¼;
Sec. 30: lots 1–4, W½NE¼, NE¼NW¼, E½SW¼;
Sec. 31: lots 1–4, E½W½, E½;
Sec. 33: S½NE¼, W½, SE½;
Township 7 North, Range 5 West,
Sec. 7: lots 3, 4, E½SW¼, SE¼;
Sec. 8: SW¼, S½SE¼;
Sec. 14: W½E½, W½;
Sec. 22: all;
Sec. 23: all;
Sec. 24: all;
Sec. 27: N½N½;
Sec. 34: all;
Sec. 35: NW¼.
Township 6 North, Range 7 West,
Sec. 3: lot 4, SW¼NW¼, W½SW¼;
Sec. 4: lots 1–4, S½N½, S½.
Township 6 South, Range 10 East,
Sec. 13: E½, NW¼;
Sec. 20: N½;
Sec. 21: N½;
Sec. 22: S½;
Sec. 23: S½;
Sec. 24: NE¼, S½;
Sec. 25: all;
Sec. 26: all;
Sec. 27: E½, NE¼NW¼, S½NW¼, SW¼;
Sec. 28: all;
Sec. 29: all;
Sec. 34: all;
Sec. 35: all;
Township 6 South, Range 11 East,
Sec. 13: all;
Sec. 17: all;
Sec. 18: lots 1–4, E½W½, E½, less M.S. 4540 (103.305 ac.);
Sec. 19: lots 1–4, E½W½, E½;
Sec. 22: N½, E½SW½, SE¼.
Township 6 South, Range 12 East,
Sec. 4: SW¼NW¼, SE¼SE¼;
Sec. 9: all;
Sec. 10: E½NE¼, Nw¼Nw¼, S½NW¼, SW¼, S½SE¼;
Sec. 11: N½, SE¼;
Sec. 12: all;
Sec. 14: N½, S½S½;
Sec. 15: E½NE¼;
Sec. 17: all;
Sec. 18: lots 1–8, E½W½, E½;
Sec. 19: lots 1–8, E½W½, E½;
Sec. 20: all;
Sec. 21: all;
Sec. 23: N½, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 27: W½NW¼, SW¼;
Sec. 28: all;
Sec. 29: all;
Sec. 30: lots 1–8, E½W½, E½;
Sec. 31: lots 1–8, E½W½, E½;
Sec. 33: N½, N½S½.
Township 6 South, Range 13 East,
Sec. 3: lots 1–4, S½N½, S½;
Sec. 4: lots 1–4, S½N½, S½;
Sec. 9: all;
Sec. 10: all;
Sec. 11: all;
Sec. 12: all;
Sec. 13: all;
Sec. 14: all;
Sec. 15: all;
Sec. 22: all;
Sec. 23: all;
Sec. 26: all;
Sec. 27: all;
Sec. 33: all;
Sec. 34: all;
Sec. 35: all;
Township 6 South, Range 14 East,
Sec. 5: S½S½;
Sec. 7: lots 1–4, E½W½, E½;
Sec. 9: all;
Sec. 13: all;
Sec. 17: all;
Sec. 18: lots 1–4, E½W½, E½;
Sec. 23: S½;
Sec. 26: N½;
Sec. 27: all;
Sec. 29: all;
Sec. 31: lots 1–4, NE¼, E½NW¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 33: N½, N½SW¼;
Sec. 34: E½, N½NW¼, S½SW¼;
Sec. 35: all
Township 9 South, Range 9 East,
Sec. 26: N½;
Sec. 27: N½.
Township 10 South, Range 6 East,
Sec. 15: SW¼;
Sec. 17: all;
Sec. 18: lots 1–4, E½W½, E½;
Sec. 19: lots 1–4, E½W½, E¼;
Sec. 20: all;
Sec. 21: S½;
Sec. 22: W½;
Sec. 23: S½;
Sec. 24: all;
Sec. 25: all;
Sec. 26: all;

Sec. 27: W½, SE¼;
Sec. 28: all;
Sec. 29: E½;
Sec. 33: all;
Sec. 34: all;
Sec. 35: all.
Township 10 South, Range 7 East
Sec. 4: S½;
Sec. 9: N½, SW¼;
Sec. 10: W½;
Sec. 14: S½;
Sec. 15: all;
Sec. 17: all;
Sec. 18: all;
Sec. 20: W½NE¼, SE¼NE¼, NW¼, S½
Sec. 21: NE¼, S½NW¼, S½;
Sec. 22: all;
Sec. 23: all;
Sec. 24: lots 1–4, 9–16, 21–24, S½SW¼
Sec. 25: lots 1–4, 9–24, SW¼;
Sec. 26: NE¼, S½;
Sec. 28: all;
Sec. 29: all;
Sec. 35: all.
Township 10 South, Range 8 East,
Sec. 1: lots 2–4, S½N½, N½S½
Sec. 14: S½;
Sec. 15: all;
Sec. 18: lots 1–4, E½W½, E½;
Sec. 19: lots 1–4, E½W½, E½;
Sec. 21: all;
Sec. 23: all;
Sec. 24: N½;
Sec. 26: N½;
Sec. 27: N½
Township 10 South, Range 9 East,
Sec. 27: NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 28: E½, E½NW¼, SW¼NW¼, SW¼;
Sec. 33: N½, W½SW¼
Township 11 South, Range 6 East,
Sec. 1: lots 1–4, S½N½, S½;
Sec. 3: lots 3, 4, S½NW¼;
Sec. 4: lots 1–4, S½N½, S½;
Sec. 11: all;
Sec. 12: all;
Sec. 13: all;
Sec. 14: all;
Sec. 15: all;
Sec. 18: lots 1–4;
Sec. 19: lots 1–4, E½W½, E½;
Sec. 20: NE¼, W½SW¼, E½SE¼;
Sec. 22: all;
Sec. 23: all;
Sec. 24: all;
Sec. 28: all;
Sec. 29: E½NE¼, W½NW¼, SW¼;
Sec. 30: lots 1–4, E½W½, E½;
Sec. 31: lots 1–4, E½W½, E½;
Sec. 33: all;
Sec. 34: all;
Sec. 35: all.

Comprising 106,371.415 acres, more or less.

In exchange for the federal mineral estate described above, the United States will acquire the following state-owned minerals estates:

Township 28 North, Range 19 West,
Sec. 32: all.
Township 28 North, Range 17 West,
Sec. 32: N½, N½S½.
Township 28 North, Range 16 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 36: N½, SW¼, NW¼SE¼.
Township 27 North, Range 18 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 36: all.
Township 27 North, Range 17 West,
Sec. 2: lots 1–4, S½N½, SW¼, W½SE¼;
Sec. 16: all;
Sec. 32: all;
Sec. 36: all.
Township 27 North, Range 16 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 16: all;
Sec. 32: all;
Sec. 36: all.
Township 27 North, Range 15 West,
Sec. 16: all;
Sec. 32: all;
Sec. 36: all.
Township 26 North, Range 20 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 16: all.
Township 26 North, Range 17 West,
Sec. 2: lots 1–4, S½N½, S½.
Township 26 North, Range 16 West,
Sec. 2: lots 1–4, S½N½, S½.
Township 26 North, Range 15 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 36: all.
Township 26 North, Range 14 West,
Sec. 16: lot 1, NW¼NE¼, S½NE¼, NW¼, S½;
Sec. 32: all.
Township 25 North, Range 20 West,
Sec. 36: all.
Township 25 North, Range 17 West,
Sec. 36: all.
Township 25 North, Range 16 West,
Sec. 32: E½, NE¼NW¼, SW¼;
Sec. 36: all
Township 25 North, Range 15 West,
Sec. 2: 1–3, S½N½, S½.
Township 25 North, Range 14 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 16: all;
Sec. 32: E½, N½NW¼, SW¼;
Sec. 36: all.
Township 24 North, Range 17 West,
Sec. 2: lots 1, 2, 4, S½.
Township 24 North, Range 14 West,
Sec. 2: lots 1–4, S½N½, S½.
Sec. 16: all;
Sec. 36: lots 1–4, W½W½.
Township 23 North, Range 19 West,
Sec. 36: lots 1–4, W½E½, W½.
Township 23 North, Range 18 West,
Sec. 16: all.
Township 23 North, Range 14 West,
Sec. 16: N½, SW¼, NW¼SE¼;
Sec. 32: all.
Township 22 North, Range 19 West,
Sec. 16: all.
Township 19 North, Range 15 West,
Sec. 32: all;
Sec. 36: all.
Township 18 North, Range 17 West,
Sec. 16: all.
Township 17 North, Range 18 West,
Sec. 36: all.
Township 17 North, Range 16 West,
Sec. 16: all;
Sec. 36: all.
Township 17 North, Range 15 West,
Sec. 2: lots1–4, S½N½, S½;
Sec. 16: all;
Sec. 32: all.
Township 17 North, Range 14 West,
Sec. 16: all;
Sec. 36: E½.
Township 17 North, Range 13 West,
Sec. 16: lots 1–4, N½S½, N½.
Township 16½ North, Range 19 West,
Sec. 36: all.
Township 16½ North, Range 17 West,
Sec. 36: all.
Township 16½ North, Range 16 West,
Sec. 32: N½, N½SE¼, SE¼SE¼;
Sec. 36: NE¼, E½NW¼, S½.
Township 16½ North, Range 15 West,
Sec. 32: all.
Township 16½ North, Range 14 West,
Sec. 32: all.
Township 16½ North, Range 13 West,
Sec. 36: all.
Township 16 North, Range 20 West,
Sec. 36: all.
Township 16 North, Range 19 West,
Sec. 16: all.
Sec. 32: all.
Township 16 North, Range 18 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 16: all;
Sec. 36: W½.
Township 16 North, Range 17 West,
Sec. 2: S½NW¼, SW¼;
Sec. 16: all;
Sec. 32: E½;
Sec. 36: SW¼NE¼, S½SE¼.
Township 16 North, Range 16 West,
Sec. 16: all;
Sec. 32: all;
Sec. 36: SE¼NW¼, E½SW¼.
Township 16 North, Range 15 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 14: N½, SE¼;
Sec. 16: all;
Sec. 20: all;
Sec. 24: all;
Sec. 28: W½NE¼, NW¼, S½;
Sec. 32: all;
Sec. 34: all.
Township 16 North, Range 14 West,
Sec. 16: N½, N½NW¼SE¼, E½SE¼;
Sec. 18: lots 1–4, E½W½, E½;
Sec. 28: all;
Sec. 32: W½;
Sec. 34: all;
Sec. 36: all.
Township 16 North, Range 13 West,
Sec. 16: all;
Sec. 36: NE¼, S½NW¼, E½NE¼NW¼, N½SE¼, SW¼SE¼, W½SE¼SE¼.
Township 15 North, Range 18 West,
Sec. 2: lots 1–4, S½N½, S½.
Township 15 North, Range 17 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 32: all;
Sec. 36: all.
Township 15 North, Range 16 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 16: all;
Sec. 32: all;
Sec. 36: all.
Township 15 North, Range 15 West,
Sec. 10: all;
Sec. 12: all;
Sec. 14: N½, SW¼;
Sec. 16: all;
Sec. 22: all;
Sec. 24: all;
Sec. 26: all;
Sec. 32: all;
Sec. 36: all.
Township 15 North, Range 14 West,
Sec. 2: lots 1–4, S½N½, S½;

Sec. 6: lots 1–7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 10: all;
Sec. 16: all;
Sec. 18: lots 1–4, E½NW¼, E½;
Sec. 20: all;
Sec. 22: all;
Sec. 24: all;
Sec. 26: all;
Sec. 28: all;
Sec. 30: lots 3, 4, E½W½, E½;
Sec. 32: all;
Sec. 34: all;
Sec. 36: all.
Township 15 North, Range 13 West,
Sec. 36: all.
Township 15 North, Range 12 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 16: all;
Sec. 32: all.
Township 14 North, Range 17 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 16: N½, NW¼SW¼, S½SW¼, W½SE¼;
Sec. 32: all;
Sec. 36: all.
Township 14 North, Range 16 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 16: all;
Sec. 32: all;
Sec. 36: all.
Township 14 North, Range 15 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 10: all;
Sec. 16: all;
Sec. 24: all;
Sec. 32: all;
Sec. 36: all.
Township 14 North, Range 14 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 16: all;
Sec. 32: all;
Sec. 36: all.
Township 14 North, Range 13 West,
Sec. 2: lots 1–4, S½N½, SW¼;
Sec. 16: all;
Sec. 32: all;
Sec. 36: all.
Township 14 North, Range 12 West,
Sec. 32: all.
Township 13 North, Range 19 West,
Sec. 2: lots 1–4, S½N½, S½.
Township 13 North, Range 18 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 36: all.
Township 13 North, Range 17 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 36: all.
Township 13 North, Range 16 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 16: all;
Sec. 32: all.
Township 13 North, Range 15 West,
Sec. 2: lots 1–4, S½N½, S½.
Township 13 North, Range 14 West,
Sec. 2: lots 1–4, S½N½, S½.
Township 13 North, Range 13 West,
Sec. 2: lots 1–4, S½N½, S½.
Township 12 North, Range 18 West,
Sec. 2: S½;
Sec. 36: SW¼SW¼.
Township 12 North, Range 17 West,
Sec. 2: lots 1–4, SW¼, NW¼SE¼, S½SE¼;
Sec. 16: all;
Sec. 32: all;
Sec. 36: all.
Township 12 North, Range 16 West,
Sec. 2: lots 1–4, S½;
Sec. 16: N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 32: all;
Sec. 36: all.
Township 12 North, Range 15 West,
Sec. 32: all;
Sec. 36: all.
Township 12 North, Range 14 West,
Sec. 2: lots 1–4, S½;
Sec. 32: NE¼.
Township 11 North, Range 16 West,
Sec. 2: SW¼;
Sec. 16: N½, N½SW¼, N½SE¼, SE¼SE¼.
Township 11 North, Range 15 West,
Sec. 2: lots 1–4, S½N½, S½;
Sec. 16: SE¼;
Sec. 32: all.

Comprising 106,366.24 acres, more or less.

The purpose of this exchange is to unite State and Federal split estates, thereby eliminating surface management difficulties and providing for the consolidation of surface and mineral ownership. The exchange is consistent with the Bureau's planning system.

The above described mineral estates are not encumbered by mining claim locations. They are, however, encumbered by a number of oil and gas leases.

Based on leasable and locatable mineral potential reports, it has been determined that the overall potential mineral value of the State and Federal mineral estates are approximately equal.

Mineral estates to be transferred from the United States to the State of Arizona will be subject to the following terms and conditions:

1. Oil and Gas leases A–10906, A–10912, A–12055, A–13354, A–14519, A–145343, A–14546, A–15055, A–15162, A–15434, A–15440, A–15456, A–16559, A–16562, A–18623, A–18942, A–19646, and A–19654 and the right of the mineral lessee to occupy and use as much of the surface of the land as may be reasonably necessary for mineral leasing operations, in accordance with the Acts of February 25, 1920 and March 4, 1933 (30 U.S.C. 186, 124). The United States will continue to administer these leases until their expiration or cessation of operations, at which time the leasing function will transfer to the State of Arizona.

2. Subject to all valid existing rights and those applications on record as of the date of that notice.

Minerals to be acquired by the United States from the State of Arizona will be subject to the following terms and conditions:

1. Oil and gas leases 13–78665, 13–86618, 13–86619, 13–86620, 13–86621, 13–86622, 13–86625, 13–86626, 13–86627, 13–86628, 13–86629, 13–86630, 13–86634, 13–86686, 13–86687, 13–86690, 13–86693, 13–86694, 13–86695, 13–86697, 13–86698, 13–86700, 13–86703, 13–86704, 13–87194, 13–87195, 13–87196, 13–87197, 13–87198, 13–87200, 13–87201, 13–87202, 13–87207, and 13–87208 with the right to explore for and remove such deposits. The State of Arizona will continue to administer these leases until their expiration or cessation of operations, at which time the leasing function will transfer to the United States.

Publication of this notice shall segregate the federal minerals, as described in this notice, from appropriation under the mining laws with the exception of the mineral leasing laws. This segregative effect shall terminate upon the issuance of a patent or two years from the date of this notice, or upon publication of a Notice of Termination.

Detailed information concerning the exchange, including the locatable mineral potential, and the leasable mineral potential reports, can be obtained from the Phoenix Resource Area Manager, 2015 West Deer Valley Road, Phoenix, Arizona, 85027. For a period of forty-five (45) days, from the date of this notice, interested parties may submit comments to the Phoenix District Manager, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: May 3, 1985.

Marlyn V. Jones,

District Manager.

[FR Doc. 85–11212 Filed 5–8–85; 8:45 am]

BILLING CODE 4310-32-M

[M–60334]

Order and Notice; Opening of Public Land

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of conveyance and order providing for opening of public land.

SUMMARY: This order will open lands reconveyed to the United States in an exchange under the Federal Land Policy and Management Act of 1976 (FLPMA), to the operation of the public lands laws. It also informs the public and interested state and local governmental officials of the issuance of the

conveyance document. No minerals were transferred by either party in the exchange.

DATE: At 9 a.m. on July 1, 1985, the lands reconveyed to the United States shall be open to the operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. The lands described in paragraph 1 below were segregated from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange, by the Noticeof Realty Action published in the **Federal Register** on Sepetember 28, 1984 (49 FR 38370–38371). The segregation terminated on issuance of the deed on April 3, 1985.

ADDRESS: For further information contact: Edward H. Croteau, Chief, Lands Adjudication Section, BLM, Montana State Office, P.O. Box 36800, Billings, Montana 59107, Phone (406) 657–6082.

SUPPLEMENTARY INFORMATION: .

1. Notice is hereby given that pursuant to Section 206 of the Act of October 21, 1976, the following described surface estate in Fallon County, Montana, was conveyed to Arthur McNaney and Agnes Elizabeth McNaney:

Principal Meridian, Montana

T. 10 N., R. 57 E.,
Sec. 6, lots 3–7, SE¼NW¼, E½SW¼.
T. 11 No., R. 57 E.,
Sec. 30, N½NE¼NE¼, W½SW¼ NE¼NE¼, SE¼SW¼NE¼NE¼, SE¼NE¼NE¼, W½NE¼, SE¼NE¼, E½NW¼, NE¼SW¼ and NW¼SE¼;
Sec .31, lots 1–4, E½, E½W½.
Aggregating 1,256.99 acres.

2. In exchange for the above selected land, the United States acquired the surface estate of the following lands in Wibaux County, Montana.

Principal Meridian, Montana

T. 11 N., R. 57 E.,
Sec. 7, lots 1–4, E½, E½W½;
Sec. 18, lots 1–4, E½W½;
Sec. 19, lots 1 and 2, NE¼, E½NW¼.
Containing 1,248.69 acres

3. The values of federal public land and the nonfederal land in the exchange were both appraised at $125.000.

4. At 9 a.m. on July 1, 1985, the lands described in paragraph 2 above that were conveyed to the United States will be open to the operation of the public land laws.

John A. Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

May 1, 1985.

[FR Doc. 85–11211 Filed 5–8–85; 8:45 am]

BILLING CODE 4310-DN-M

Availability of Draft Environmental Impact Statement; P R Spring Combined Hydrocarbon Lease Conversion

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of the draft environmental impact statement (DEIS).

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, BLM has prepared a DEIS for the proposed P R Spring Combined Hydrocarbon Lease Conversion.

SUPPLEMENTARY INFORMATION: The DEIS assesses the environmental consequences of federal approval of converting existing oil and gas leases within the P R Spring and Hill Creek Special Tar Sand Areas (STSAs) to combined hydrocarbon leases. These leases are located in east-central Utah, including Grand and Uintah counties. The proposed lease conversions include the Beartooth A, Beartooth B, Bradshaw, Duncan, Enercor, Enserch, Farleigh, Kirkwood, Mobil, and Thompson projects. The DEIS addresses the site-specific and cumulative impacts of the 10 proposed actions and No-Action alternatives. Cumulative impacts are those impacts that would occur as a result of the proposed actions plus other interrelated projects planned for development in the project areas during the analysis period.

Comments on this Draft EIS may be submitted in writing or presented verbally at a public hearing scheduled for June 19, 1985, at 7:00 p.m. in the BLM-Vernal District office conference room at 170 South 500 East, Vernal, Utah.

In order to be considered in the final EIS, written comments must be received no later than July 19, 1985. Written comments should be sent to Robert E. Pizel, Project Leader, at the address listed below.

Based on the issues and concerns identified during the scoping process, the DEIS focuses on impacts to Water Resources, Socioeconomics, Air Quality, Soils and Vegetation, and Wilderness.

FOR FURTHER INFORMATION CONTACT: Robert E. Pizel, Project Leader, Division of EIS Services, Bureau of Land Management, 555 Zang Street, First Floor East, Denver, Colorado 80228, (303) 236–1080

Copies of the DEIS may be obtained from the following locations:

Bureau of Land Management, Division of EIS Services, 555 Zang Street, First Floor East, Denver, Colorado 80228
Bureau of Land Management, Vernal District Office, 170 South 500 East, Vernal, Utah 84078
Bureau of Land Management, Utah State Office, CFS Financial Center, 324 South State, Suite 301, Salt Lake City, Utah 84111–2303.

In addition, the DEIS can be reviewed at the following Bureau of Land Management (BLM) offices:

Bureau of Land Management, Moab District Office, 125 West Second South, Post Office Box 970, Moab, Utah 84532
Bureau of Land Management, Office of Public Affairs, 18th and C Streets NW., Room 5614, Washington, D.C., 20240.

Dated: May 1, 1985.

Lloyd H. Ferguson,

Vernal District Manager—BLM.

[FR Doc. 85–11218 Filed 5–8–85; 8:45 am]

BILLING CODE 4310-DQ-M

Filing of Plat of Survey; New Mexico

April 30, 1985.

The plats of surveys described below are officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10 a.m. on April 30, 1985.

The dependent resurvey of a portion of the east boundary of the Taos Pueblo Grant and a portion of the west boundary of the Beaubien and Miranda Grant and the survey of a portion of the lands of the Taos Pueblo as described in Pub. L. 91–550, December 15, 1970, New Mexico, Group No. 737, NM, and the survey of lots in Township 23 North, Range 10 East, of the New Mexico Principal Meridian, New Mexico, Group No. 769, New Mexico.

These surveys were requested by the Bureau of Indian Affairs, Albuquerque, and the Taos Resource Area Office, New Mexico.

The plats will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Copies of the plat may be obtained from that office upon payment of $2.50 per sheet.

Gary S. Speight,

Chief, Branch of Cadastral Survey.

[FR Doc. 85–11215 Filed 5–8–85; 8:45 am]

BILLING CODE 4310-FB-M

Filing of Plat of Survey; New Mexico

April 30, 1985.

The supplemental plat described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico effective at 10:00 a.m. on April 30, 1985.

The supplemental plat shows amended lottings in Township 29 South, Range 3 East, New Mexico Principal Meridian, New Mexico.

This supplemental plat was requested by the Las Cruces District, Bureau of Land Management.

The plat will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Copies of the plat may be obtained from that office upon payment of $2.50 per sheet.

Gary S. Speight,

Chief, Branch of Cadastral Survey.

[FR Doc. 85-11217 Filed 5-8-85; 8:45 am]

BILLING CODE 4310-FB-M

Filing of Plat of Survey; New Mexico

May 1, 1985.

The plats of survey described below were officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10:00 a.m. on May 1, 1985.

The dependent resurvey of a portion of the south and west boundaries and subdivisional lines and the subdivision of certain sections in Township 10 South, Range 26 East, NMPM, NM, under Group 835, accepted April 17, 1985.

This survey was requested by the Roswell District Manager, Bureau of Land Management, New Mexico.

The dependent resurvey of the Fifth Standard Parallel North on the south boundary and the survey of the west and north boundaries and subdivisional lines of T. 21 N., R. 16 W. The dependent resurvey of a portion of the east boundary of the Navajo Indian Reservation, the survey of the west and north boundaries and the subdivisional lines of T. 22 N., R. 14 W., NMPM, NM, under Group 812, accepted April 10, 1985.

The survey of the west and north boundaries and subdivisional lines of T. 22 N., R. 15 W., the survey of the west and north boundaries and subdivisional lines of T. 22 N., R. 16 W., NMPM, NM, under Group 812, accepted April 11, 1985.

These surveys was requested by the Bureau of Indian Affairs, Albuquerque, New Mexico.

The plats will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Copies of the plat may be obtained from the office upon payment of $2.50 per sheet.

Gary S. Speight,

Chief, Branch of Cadastral Survey.

[FR Doc. 85-11216 Filed 5-8-85; 8:45 am]

BILLING CODE 4310-FB-M

[I-21400]

Realty Action; Direct Sale and Competitive Sale of Public Lands in Cassia County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, I-21400, direct sale and competitive sale of public lands in Cassia County, Idaho.

SUMMARY: The following described lands have been examined and through development of land use decisions based on public input, it has been determined that the sale of the tracts is consistent with section 203 (a)(1) of the Federal Land Policy and Management Act of 1976 (FLPMA). The parcels are not presently available for livestock grazing; therefore, no cancellation of grazing preference is required under the regulations in 43 CFR 4110.4-2(b). Parcel 1 will be offered for sale using direct sale procedures (43 CFR 2711.3-3) for the appraised fair market value indicated below. The land will be sold to Mr. Wallace Sears of Connor, Idaho. Mr. Sears has a vested interest in the land in that a portion of his home, backyard and pasture are located on the land.

Parcel 2 will be offered for sale using competitive bidding procedures (43 CFR 2711.3-3) for no less than the appraised fair market value indicated below. Any bids for less than such value will be rejected as required by FLPMA. Only sealed bids will be accepted. A bid will also constitute an application for conveyance of the mineral rights, except geothermal, oil and gas. The mineral interests being offered for conveyance have no known monetary value. Each bidder must submit a fifty dollar ($50.00) non-returnable filing fee for the mineral conveyance (43 CFR 2720.1-2(c)) and 30 percent of the full bid price (43 CFR 2711.3-1(d)), with the bid. Failure to deposit these sums will result in disqualification as the high bidder. The authorized officer shall then determine whether to accept the next highest bid, withdraw the public lands from the market or re-offer them for sale at a later date.

Legal Description	Acres	Appraised fair market value
Parcel 1: T. 13 S., R. 25 E., B.M.		
Section 24: E½S½S½SE¼S E¼NW¼, S½S½SW¼SW¼N W¼, E¼NW¼, S½S½SE¼SW¼N E¼, S½S½SE¼SW¼NE¼	[1] 5	$425

Legal Description	Acres	Appraised fair market value
Parcel 2: T. 13 S., R. 25 E., B.M.		
Section 24: S½N½SW¼SW¼S E¼NW¼, S½SW¼SW¼SE¼N W¼, S½N½SE¼SW¼S E¼NW¼, S½SE¼SW¼SE¼N W¼,W½S½S½SE¼SE¼NW¼	6.25	$200

[1] (3.76 Acres of the 5 acres is occupied by Highway 77).

Upon publication of this Notice in the **Federal Register** the land described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publicaton of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The patent when issued will contain certain reservations to the United States and be subject to existing rights-of-way. Detailed information concerning these reservations as well as additional information concerning the land, terms and conditions of the sale and bidding instructions may be obtained from Sharon LaBrecque, Snake River Realty Specialist at the Burley District Office.

DATES: The above described lands will be offered for sale on July 3, 1985. All sealed bids (with parcel number 2 and serial number clearly marked in the lower left hand corner of the envelope) must be received by 1:30 p.m. on that date at the Burley District Office, Route 3, Box 1, 200 South Oakley Highway, Burley, Idaho 83318.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of publication of this notice, in the Federal Register, interested parties may submit comments to the District Manager, Bureau of Land Management at the above addresss. Objections will be reviewed by the State Director who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action may become the final determination of the Department of the Interior.

Dated: April 30, 1985.

John S. Davis,

District Manager.

[FR Doc. 85-11220 Filed 5-8-85; 8:45 am]

BILLING CODE 4310-22-M

[W-053450]

Proposed Reinstatement of Terminated Oil and Gas Lease; Wyoming

April 29, 1985.

Pursuant to the provisions of Pub. L. 31.245 and Title 43 Code of Federal Regulations, § 3108.2–1(c), and Pub. L. 97–451, a petition for reinstatement of oil and gas lease W–053450 for lands in Sublette County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $7.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W–053450 effective November 1, 1984, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 85–11221 Filed 5–8–85; 8:45 am]

BILLING CODE 4310–22–M

[W-0310095]

Proposed Reinstatement of Terminated Oil and Gas Lease; Wyoming

April 29, 1985.

Pursuant to the provisions of Pub. L. 31–245 and Title 43 Code of Federal Regulations, § 3108.2–1(c), and Pub. L. 97–451, a petition for reinstatement of oil and gas lease W–0310095 for lands in Sublette County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W–0310095 effective November 1, 1984, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 85–11222 Filed 5–8–85; 8:45 am]

BILLING CODE 4310–22–M

[W-039913-A]

Proposed Reinstatement of Terminated Oil and Gas Lease; Wyoming

Pursuant to the provisions of Pub. L. 31–245 and Title 43 Code of Federal Regulations, § 3108.2–1(c), and Pub. L. 97–451, a petition for reinstatement of oil and gas lease W–039913–A for lands in Sublette County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $7.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W–039913–A effective November 1, 1984, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section

[FR Doc. 85–11223 Filed 5–8–85; 8:45 am]

BILLING CODE 4310–22–M

[W-084911]

Proposed Reinstatement of Terminated Oil and Gas Lease; Wyoming

April 29, 1985.

Pursuant to the provisions of Pub. L. 31–245 and Title 43 Code of Federal Regulations, § 3108.2–1(c), and Pub. L. 97–451, a petition for reinstatement of oil and gas lease W–084911 for lands in Sublette County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W–084911 effective November 1, 1984, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 85–11224 Filed 5–8–85; 8:45 am]

BILLING CODE 4310–22–M

[W-053450-A]

Proposed Reinstatement of Terminated Oil and Gas Lease; Wyoming

April 29, 1985.

Pursuant to the provisions of Pub. L. 31–245 and Title 43 Code of Federal Regulations, § 3108.2–1(c), and Pub. L. 97–451, a petition for reinstatement of oil and gas lease W–053450–A for lands in Sublette County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $7.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W–053450–A effective November 1, 1984, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 85–11225 Filed 5–8–85; 8:45 am]

BILLING CODE 4310–22–M

Realty Action—Public Land Sale; Minnesota

AGENCY: Bureau of Land Managment, Interior.

ACTION: Direct sale of Federal Land.

SUMMARY: The following public island has been examined, and through the development of land use planning decisions based on public input, resource considerations, regulations and Bureau policies, it has been determined that the proposed sale is consistent with the Federal Land Policy and Management Act (FLPMA) of October 21, 1976. The parcel will be sold to current owners of record at no less than the appraised fair market value. The Bureau of Land Management may withdraw the land from sale at any time, if in the opinion of the Authorized Officer, consummation of the sale would not be in the best interest of the United States. The parcel will be sold as is on the day of the sale.

The subsurface mineral estate will be offered to the owners since there are no known mineral values present. A $50.00 fee will be charged for processing the transfer of mineral ownership.

The land is offered by direct sale in order to provide fair and equitable relief to the owners of record and the U.S. Government. The owner of record purchased and occupied the property in good faith. It was later determined by resurvey to be in Federal ownership.

The land is subject to all valid and existing rights.

Parcel number and legal description	Acreage	Appraised fair market value
M-19241 T137N., R25W., Sec. 7	1.2	$5,460

Information and Instructions

Location: The sale will be held at the Milwaukee District Office, Bureau of Land Management, 310 West Wisconsin Avenue, Suite 225, Milwaukee, Wisconsin on June 24, 1985 at 1:00 p.m., CDT.

Final Details: The owners of record will be required to submit 20% of the fair market value or $1,092.00 on the date of sale. Full payment for the balance due will be required within 180 days from the date of sale. Failure to submit such payment within the 180-day period shall result in the cancellation of the sale and the bid deposit shall be forfeited.

The land is segregated from all appropriations under the public land laws. This segregation will terminate upon the issuance of patent.

Comments

For a period of 45 days from the date of this notice, interested parties may submit comments to: District Manager, Milwaukee District Office, Bureau of Land Management, P.O. 631, Milwaukee, Wisconsin 53201–0631. Any adverse comments will be evaluated by the District Manager who may vacate or modify this Realty Action. In the absence of any action by the District Manager, this Realty Action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: General inquiries or additional information requests concerning this sale may be directed to Larry Johnson at the address below or by calling (414) 291–4400.

Chuck Steele,

District Manager.

[FR Doc. 85–11280 Filed 5–8–85; 8:45 am]

BILLING CODE 4310-PN-M

Bakersfield District Advisory Council Meeting

AGENCY: Bureau of Land Mangement, Interior.

ACTION: Notice of Bakersfield District Advisory Council Meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780 that the Bakersfield District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet formally on Friday, June 14, 1985. The meeting will be held from 8 a.m. to 5 p.m. in Room 2002 of the Federal Building, 1130 "O" Street, Fresno, California.

SUPPLEMENTARY INFORMATION: Agenda topics will include the proposed nationwide interchange of public lands between the Bureau of Land Management and U.S. Forest Service; the proposed Carrizo Plain Macropreserve; and the Pacific Crest National Scenic Trail within the Bakersfield District. An update on the development of the Coordinated Activity Plan for the Clear Creek/Condon Peak Management Area will also be presented.

The meeting is open to the public, with time allotted at 3 p.m. for oral comments to the Council. If written comments will be presented for the Council's consideration, they must be submitted before the close of the meeting.

Summary minutes of the meeting will be maintained in the Bakersfield District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Marta Witt, District Public Affairs Officer, Bureau of Land Management, 800 Truxtun Avenue, Room 311, Bakersfield, CA 93301; (805) 861–4191.

Dated: May 3, 1985.

Robert D. Rheiner, Jr.,

District Manager.

[FR Doc. 85–11272 Filed 5–8–85; 8:45 am]

BILLING CODE 4310-40-M

Lakeview District Multi-Use Advisory Council and Grazing Advisory Board

Notice is hereby given, in accordance with Pub. L. 92–463 that the Lakeview District will conduct a range/riparian tour for the District Grazing Advisory Board and Advisory Council to be held June 11, 1985. Those interested in participating will meet in the District Office at 1000 So. 9th Street, Lakeview, Oregon.

The tour agenda will include the following stops/topics:

1. Willow Creek riparian area.
2. Venator fire rehabilitation seedings.
3. Rabbit/Coyote Hills fire rehabilitation.
4. Warner Valley flood damage/relief.
5. Camas Creek riparian development.

The tour bus will depart from the District Office at 8:15 a.m. and arrive back at approximately 4:30 p.m. Sack lunches will be provided for a nominal fee. The tour is open to the public. Anyone wishing to attend is requested to contact the District Office at the above address prior to June 1, 1985 or call (503) 947–2177.

Dated: May 1, 1985.

Dick Harlow,

Associate District Manager.

[FR Doc. 85–11269 Filed 5–8–85; 8:45 am]

BILLING CODE 4310-33-M

Hearing To Discuss the Use of Helicopters and Motorized Vehicles To Gather Wild Horses

AGENCY: Bureau of Land Management, Interior.

ACTION: Battle Mountain District: Public hearing to discuss the use of helicopters and motorized vehicles to gather wild horses in FY 85.

SUMMARY: In accordance with Pub. L. 92–195 and 94–579, this notice sets forth the public hearing date to discuss the use of helicopters and motorized vehicles to gather wild horses from the Battle Mountain District during FY 85.

DATE: June 4, 1985—9:00 A.M.

ADDRESS: The hearing will take place at the Tonopah Resource Area Office, Building 102 Old Radar Base, Box 911, Tonopah, Nevada 89049. Telephone (702)482–6214.

SUPPLEMENTARY INFORMATION: The use of helicopters and motorized vehicles to gather horses from the Little Fish Lake and Stone Cabin Wild Horse Herd Management Areas will be discussed.

This hearing is open to the public. Interested persons may make oral or written statements. If you wish to make oral comments please contact H. James Fox by May 31, 1985. Written statements must be received by this date also.

FOR FURTHER INFORMATION CONTACT: H. James Fox, District Manager, P.O. Box 1420, Battle Mountain, Nevada 89820 or phone (702)635–5181.

Date Signed: April 29, 1985.

H. James Fox,

District Manager, Battle Mountain, Nevada.

[FR Doc. 85–11271 Filed 5–8–85; 8:45 am]

BILLING CODE 4310–HC–M

[ES–034853, Group 126; 5–00256–ILM 4310–GJ]

Wisconsin; Filing of Plat of Dependent Resurvey and Survey of Omitted Lands

May 3, 1985.

1. The plat of the dependent resurvey of a portion of the south boundary, a portion of the subdivisional lines, the reestablishment of the record meander line, and meanders of Shearer Lake to include lands omitted from the original survey in section 35, Township 33 North, Range 1 East, Fourth Principal Meridian, Wisconsin, will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m., on June 17, 1985.

2. This survey was executed in response to an application for survey of omitted lands submitted by James R. Biersack, Westboro, Wisconsin 54490.

3. All inquiries or protests concerning the legal determination to perform the survey of omitted lands or concerning the technical aspects of either the dependent resurvey or the survey of omitted lands must be sent to the Deputy State Director for Cadastral Survey, Eastern States Office, prior to 7:30 a.m., June 17, 1985.

4. All inquiries concerning color-of-title claims should be filed with the Deputy State Director for Lands and Renewable Resources, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, after June 17, 1985.

5. 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. 85–10935 Filed 5–8–85; 8:45 am]

BILLING CODE 4310–GJ–M

Minerals Management Service

Outer Continental Shelf (OCS) Programwide Policy on Water-Depth Criterion for Longer Primary Lease Terms for OCS Oil and Gas Leases; Correction

AGENCY: Minerals Management Service, Interior.

ACTION: Notification of OCS Programwide Policy; correction.

SUMMARY: This Notice corrects the Notice on OCS Programwide Policy which was published in the **Federal Register** on April 3, 1985 (50 FR 13289). The correction adds a phrase inadvertently omitted from paragraph 2 under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Dr. Marshall Rose or Ms. Carol Hartgen, Minerals Mangement Service, MS 643, 12203 Sunrise Valley Drive, Reston, Virginia 22091, telephone 703–860–7558.

Dated: April 26, 1985.

John B. Rigg,

Associate Director for Offshore Minerals Management.

The following correction is made in FR Doc. 85–7879 appearing on 13289 in the issue of April 3, 1985:

On page 13289, **SUPPLEMENTARY INFORMATION**, paragraph 2, second sentence, add the following phrase between the words "have" and "water": "resulted in the issuance of leases with 10-year primary terms in"

The corrected sentence should read: Since 1982, sale-specific decisions have resulted in the issuance of leases with 10-year primary terms in water depths of 900 meters or more.

[FR Doc. 85–11214 Filed 5–8–85; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 1014, Block 145, Ship Shoal Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Cameron and Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on May 2, 1985. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rough, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised Rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and

procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: May 2, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-11278 Filed 5-8-85; 8:45 am]

BILLING CODE 4310-MR-M

Information Collection Submitted for Review

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 Raymond A. Hicks at 303-231-3147. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer at the telephone number listed below and to the Office of Management and Budget Interior Department Desk Officer, Washington, D.C. 20503, telephone 202-395-7313.

Title: Payor Information Form (PIF).

Abstract: Respondents supply data used to establish payor lease accounts for all mineral leases on Federal and Indian lands using accounting identification numbers assigned by the Minerals Management Service (MMS). MMS is then able to maintain, reconcile and audit lease accounts through the use of its computerized Auditing and Financial System. This information will enable MMS to determine payors responsible for tendering monies from Federal and Indian leases to the Royalty Management Accounting Center.

Bureau Form Number: MMS-4025

Frequency: On occasion

Description of Respondents: Oil and Gas Lessees, Onshore and Offshore

Annual Responses: 30,000

Annual Burden Hours: 15,000

Bureau Clearance Officer: Dorothy Christopher 703-435-6213.

Dated: May 2, 1985.

Robert E. Boldt,

Associate Director for Royalty Management.

[FR Doc. 85-11279 Filed 5-8-85; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Champlin Petroleum Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Champlin Petroleum Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 5321, Block 420, West Cameron Area, offshore Lousiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Galveston, Texas.

DATE: The subject DOCD was deemed submited on April 29, 1985. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section *Attention OSC Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to §930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Lousisana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practice and procedures are set out in revised §250.34 of Title 30 of the CFR.

Dated: April 29, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-11274 Filed 5-8-85; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Mobil Producing Texas and New Mexico, Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Mobil Producing Texas and New Mexico Inc. has submitted a DOCD describing the activities it proposes to conduct on Leases OCS-G 2721, 2722, 2393, and 3950, Blocks A-595, A-596, A-573, and A-574, respectively, High Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Freeport, Texas.

DATE: The subject DOCD was deemed submitted on May 1, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the Public, pursuant to section 25 of the OCS Lands Act Amendment of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals management Service makes information contained in DOCDs available to affected states, executives of affected

local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: May 1, 1985

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-11275 Filed 5-8-85; 8:45 am]

BILLING CODE 4310-MR-M

Bureau of Reclamation

Dolores Project, Colorado; Intent To Prepare a Supplement to the Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior proposes to prepare a supplement to the Dolores Project Final Environmental Statement (FES 77-12). This supplement would deal with changes occurring to the Dolores Project as a result of legislative, administrative, and public actions. The Congress passed Pub. L. 98-569 in 1984, which incorporates certain salinity control measures to the Dolores Project. These measures include combining the Towaoc and Highline Canals and lining the combination, the lining of specific sections of the Lone Pine and Upper Hermana Laterals, and the construction of laterals to service part of the Rocky Ford Ditch service area in Montezuma County, Colorado. The people of Dove Creek, Colorado; the Southwestern Water Conservation District; and the State of Colorado have also asked the Bureau of Reclamation to help fund an enlarged Monument Creek Reservoir to be constructed at a location different from that proposed in FES 77-12.

The features to be built under Pub. L. 98-569 have been studied under the salinity control project known as the McElmo Creek Unit of the Colorado River Water Quality Improvement Program. Additional studies are now underway to tie these features into the Dolores Project. More studies are being conducted on the new Monument Creek Reservoir.

For more information, please contact Rick Gold, Projects Manager, Bureau of Reclamation, P.O. Box 640, Durango, Colorado 81302-0640, telephone (303) 247-0247.

May 3, 1985.

Robert A. Olson,

Acting Commissioner.

[FR Doc. 85-11284 Filed 5-8-85; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-255X)]

Burlington Northern Railroad Co.; Abandonment Exemption in Pierce County, WA; Exemption

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 1.40-mile line of railroad between milepost 0.00 near Orting and milepost 1.40 near Orting, In Pierce County, WA.

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 lne (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 any U.S. District Court, 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 on June 8, 1985 (unless stayed pending reconsideration). Petitions to stay must be filed by May 20, 1985, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by May 29, 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, Ft. 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: April 30, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-11316 Filed 5-8-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 85-12]

Walker Lanier Whaley, M.D., Jacksonville, FL; Hearing

Notice is hereby given that on January 15, 1985, the Drug Enforcement Administration, Department of Justice, issued to Walker Lanier Whaley, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificate of Registration, AW6639681, as a practitioner under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Wednesday, May 22, 1985, in Courtroom I, South Courtroom, Old Courthouse Building, U.S. District Court, 300 N.E. First Avenue, Miami, Florida.

Dated: May 3, 1985.

John C. Lawn,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 85-11237 Filed 5-8-85; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL MEDIATION BOARD

Appointment of Members to the Performance Review Board

ACTION: Notice of appointment of Members to the Performance Review Board.

Notice is hereby given in accordance with 5 U.S.C. 4314 of the membership of the National Mediation Board's Performance Review Board for the position of Executive Secretary. The members are as follows:

Mr. Walter C. Wallace, Member, National Mediation Board, Washington, D.C.

Mr. Howard W. Solomon, Executive Director, Federal Service Impasses Panel, Washington, D.C.

Mr. John C. Truesdale, Executive Secretary, National Labor Relations Board, Washington, D.C.

EFFECTIVE DATE: May 3, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Rowland K. Quinn, Jr., Executive Secretary, 1425 K. Street NW., Washington, DC. 20572, (202) 523-5950.

By direction of the National Mediation Board.

Rowland K. Quinn, Jr.,

Executive Secretary.

[FR Doc. 85-11281 Filed 5-8-85; 8:45 am]

BILLING CODE 7550-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-3000]

Finding of No Significant Impact; Issuance of Special Nuclear Material License; Commonwealth Edison Co.; Will County, IL

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of Special Nuclear Material License No. SNM-1938 to permit the receipt, possession, inspection, and storage of unirradiated nuclear fuel assemblies at the Braidwood Nuclear Generating Station, Unit 1, in Will County, Illinois. The unirradiated fuel assemblies will be for eventual use in the Braidwood Nuclear Generating Station, Unit 1, once its operating license is issued.

The Commission's Division of Fuel Cycle and Material Safety has prepared an Environmental Assessment related to the issuance of Special Nuclear Material License No. SNM-1938. On the basis of this Assessment, the Commission has concluded that the environmental impact created by the proposed licensing action would not be significant and does not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate. The Environmental Assessment is available for public inspection and copying at the Commission's Public Document Room, 1717 H. Street, NW., Washington, D.C. Copies of the Environmental Assessment may be obtained by calling (301) 427-4510 or by writing to the Uranium Fuel Licensing Branch, Divison of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Silver Spring, Maryland this 2nd day of May 1985.

W.T. Crow,

Acting Chief, Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, NMSS.

[FR Doc. 85-11268 Filed 5-8-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-397]

Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing; Washington Public Power Supply System

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-21 issued to Washington Public Power Supply System for the operation of the WPPSS Nuclear Project No. 2 located in Benton County, Washington.

In accordance with the licensee's application for amendment dated March 14, 1985, the proposed amendment to Operating License NPF-21, would provide relief, for one time only, from the WNP-2 Technical Specifications surveillance requirement 4.4.3.2.2. of leak testing three of the eighteen Reactor Coolant System Pressure Isolation Valves. These valves are designated RCIC-V-66, RCIC-V-13 and RHR-V-23 and are identified in Table 3.4.3.2-1 of the Technical Specifications.

Leak testing of these three valves will require either removal of the containment head or personnel access into the more hazardous areas of the containment. The licensee proposes to delay the leak testing of these three valves until the first scheduled refueling outage. The valves will be readily accessible at that time because the shield plug and containment head must be removed for refueling.

In the Pacific Northwest, surplus power from hydroelectric generation results from snow-melt runoff in the spring. To maximize regional resources, the Bonneville Power Administration has directed that the Supply System is to be on a 12 month scheduled outage cycle that will coincide with this regional surplus power. The Power Ascension Test Program conducted between licensing (December 20, 1983) and commercial operation (December 13, 1984) required only limited power generation and concomitant minimal fuel burn up during that period. As a result, refueling is unwarranted at this time but a maintenance outage is scheduled for spring 1985. The first refueling outage is planned for spring 1986.

Thus, the spring 1985 maintenance outage will not require containment head removal. Since head removal will not be accomplished, the ability of personnel to perform these valve leak tests is impaired. Access to these valves under the required test condition (950± 10 psig) exposes personnel to extreme hazards in the upper elevations of the containment and in confined spaces with high pressure test equipment. Head removal, if required, would divert plant resources from scheduled maintenance activities and plant modifications that are essential and would extend the outage. This delay would be contrary to the public interest in the Pacific Northwest.

The system design relies on these valves for protection of low pressure piping. Extreme pressurization of this low pressure piping can occur upon failure of these valves which is unlikely. Leakage testing provides an early indication of valve degradation but little advance indication of imminent gross valve failure. Furthermore, the system design is such that any leakage due to degradation that may develop can be readily detected by existing instrumentation because:

- High pressure interface valve leakage pressure monitors (Quality Class I) are available with an alarm in the Control Room. These monitors are under required surveillance by the Technical Specifications.
- Position indication on each interface valve is available in the Control Room.
- Leakage would be diverted to the suppression pool by relief valves provided for over-pressure protection and narrow range suppression pool level indication is available that is sufficiently sensitive to detect significant leakage.

It should be noted that the operability of these valves is tested at cold shutdown per ASME requirements. To date, no evidence of leakage has been apparent and the valves have not required maintenance since they were last leak tested. Had the valves required maintenance, leak testing would have been accomplished at that time as required by the Technical Specifications. *Basis for proposed no significant hazards consideration determination:* The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The

licensee has determined that the requested amendment per 10 CFR 50.92 does not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed schedule for leak testing will not increase the probability of gross valve failure. Any small leakage that could develop over this interval would not jeopardize low pressure piping. Additionally, should leakage occur past any pair of Reactor Coolant System Pressure Isolation Valves, the plant is instrumented to detect it and respond.

(2) Create the possibility of a new or different kind of accident than previously evaluated because no new accident scenarios are credible based on scheduling leakage testing alone.

(3) Involve a significant reduction in a margin of safety because the proposed schedule for leak testing will not provide significantly less indication of a potential for redundant valve failure and the plant design characteristics that permit detection and provide piping protection for over-pressurization are not diminished or altered.

Based on staff review of the proposed rescheduling of the leak testing of these three valves, we find there is reasonable assurance that the integrity of the pressure boundary will not be compromised and that the public health and safety will not be jeopardized.

Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specifications involve no significant hazards considerations.

The Commission is seeking public comments on the proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By June 10, 1985, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also indentify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination of the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is required that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressd to A. Schwencer: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** Notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Nicolas Reynolds, Esquire, Bishop, Cook, Liberman, Purcell and Reynolds, 1200 Seventeenth Street, NW., Washington, D.C. 20036.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or request for hearing will not be entertained absent a determination by the Commission, the presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. The determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to the action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Richland City Library, Swift and Northgate Streets, Richland, Washington 99352.

Dated at Bethesda, Maryland, this 3rd day of May 1985.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 85-11267 Filed 5-8-85; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by civil service rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Tracy Spencer, (202) 632-6817

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on March 26, 1985 (50 FR 11962). Individual authorities established or revoked under Schedules A, B, or C between March 1, 1985 and March 31, 1985 appear in a listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

No Schedule A exceptions were established or revoked during March.

Schedule B

No Schedule B exceptions were established or revoked during March.

Schedule C

The following exceptions are established:

Department of Agriculture

One Private Secretary to the Deputy Under Secretary for International Affairs and Commodity Programs. Effective March 1, 1985.

One Confidential Assistant to the Assistant Secretary for Science and Education. Effective March 13, 1985.

One Private Secretary to the Deputy Assistant Secretary for Marketing and Inspection Services. Effective March 13, 1985.

One Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service. Effective March 20, 1985.

One Confidential Assistant to the Administrator for Legislative and Public Affairs, Animal and Plant Health Inspection Service. Effective March 20, 1985.

One Private Secretary to the Assistant Secretary for Natural Resources and Environment. Effective March 20, 1985.

One Confidential Assistant to the Assistant Secretary for Science and Education. Effective March 22, 1985.

One Confidential Assistant to the Administrator, Foreign Agricultural Service. Effective March 22, 1985.

One Private Secretary to the Deputy Under Secretary for Small Community and Rural Development. Effective March 22, 1985.

Department of the Army

One Staff Assistant to the Deputy Assistant to the President for Presidential Personnel. Effective March 28, 1985.

Department of Commerce

One Confidential Assistant to the Assistant Secretary for Administration. Effective March 1, 1985.

One Confidential Assistant to the Deputy Administrator, National Oceanic and Atmospheric Administration. Effective March 8, 1985.

One Special Assistant to the Deputy Assistant Secretary for Finance, Economic Development Administration. Effective March 15, 1985.

One Congressional Liaison Assistant to the Deputy Assistant Secretary for Congressional and Intergovernmental Affairs. Effective March 21, 1985.

One Special Assistant to the Deputy Assistant Secretary for the Economic Development Administration. Effective March 25, 1985.

Department of Defense

One Special Assistant to the Principal Deputy Assistant Secretary of Defense (Public Affairs). Effective March 1, 1985.

One Assistant to the Assistant Secretary of Defense (Reserve Affairs). Effective March 14, 1985.

Department of Education

One Confidential Assistant to the Assistant Secretary for Legislation and Public Affairs. Effective March 22, 1985.

Department of Energy

One Special Assistant (Legal) to the Deputy General Counsel for Program Effective March 1, 1985.

One Secretary (Confidential Assistant) to the Assistant Secretary for Fossil Energy. Effective March 4, 1985.

One Secretary (Confidential Assistant) to the Secretary. Effective March 6, 1985.

Two Staff Assistants to the Secretary. Effective March 6, 1985.

One Special Assistant to the Special Assistant to the Secretary. Effective March 18, 1985.

Department of Health and Human Services

One Congressional Liaison Specialist to the Deputy Assistant Secretary for Legislation (Congressional Liaison). Effective March 4, 1985.

One Counselor to the Director, U.S. Office of Consumer Affairs. Effective March 4, 1985.

One Writer for the Secretary. Effective March 4, 1985.

One Director, Congressional Affairs Staff, to the Director, Office of Legislation and Policy, Health Care Financing Administration. Effective March 5, 1985.

One Special Assistant to the Secretary. Effective March 6, 1985.

One Director, Division of Research and Demonstrations to the Director, Office of Program Development, Office of Human Development Services. Effective March 13, 1985.

One Associate Commissioner for Children's Bureau to the Commissioner, Administration and Children, Youth and Families, Office of Human Development Services. Effective March 14, 1985.

Department of Housing and Urban Development

One Special Assistant to the Director, Office of Indian Housing, Office of the

Assistant Secretary for Public and Indian Housing. Effective March 6, 1985.

One Special Assistant to the Deputy Assistant Secretary for Program Policy Development and Evaluation, Office of the Assistant Secretary for Community Planning and Development. Effective March 19, 1985.

One Staff Assistant to the Executive Assistant to the Secretary. Effective March 22, 1985.

One Staff Assistant (Typing) to the Assistant Secretary for Housing/Federal Housing Commissioner. Effective March 28, 1985.

One Staff Assistant (Typing) to the Deputy Under Secretary for Intergovernmental Relations. Effective March 28, 1985.

Department of Interior

One Special Assistant to the Assistant to the Secretary and Director of External Affairs. Effective March 4, 1985.

Department of Justice

One Special Assistant to the Attorney General. Effective March 4, 1985.

Two Special Assistants to the Assistant Attorney General for the Civil Rights Division. Effective March 6, 1985.

One Staff Assistant to the Commission, Immigration and Naturalization Service. Effective March 22, 1985.

Department of Labor

One Executive Assistant to the Assistant Secretary for Veterans' Employment and Training. Effective March 4, 1985.

One Staff Director of Industrial Relations Policy to the Deputy Under Secretary for Labor-Management Relations and Cooperative Programs. Effective March 20, 1985.

One Private Secretary to the Deputy Under Secretary for Intergovernmental Affairs. Effective March 21, 1985.

One Special Assistant to the Assistant Secretary for Policy. Effective March 21, 1985.

One Special Assistant to the Deputy Under Secretary for International Affairs. Effective March 22, 1985.

Department of Navy

One Staff Assistant to the Assistant Secretary of the Navy (Manpower and Reserve Affairs). Effective March 1, 1985.

Department of Transportation

One Receptionist to the Deputy Secretary. Effective March 1, 1985.

One Special Assistant to the Administrator, Federal Highway Administration. Effective March 1, 1985.

One Staff Assistant to the Administrator, National Highway Traffic Safety Administration. Effective March 11, 1985.

Department of Treasury

One Confidential Assistant to the Assistant Secretary for Policy, Planning and Communications. Effective March 8, 1985.

One Confidential Assistant to the Secretary. Effective March 22, 1985.

One Director, Office of Business Affairs to the Assistant Secretary for Business and Consumer Affairs. Effective March 22, 1985.

One Special Assistant to the Assistant Secretary (Administration). Effective March 22, 1985.

One Staff Assistant to the Assistant Secretary (Administration). Effective March 22, 1985.

Council on Environmental Quality

One Confidential Assistant to the Member, Council on Environmental Quality. Effective March 28, 1985.

Federal Trade Commission

One Director to the Chairman, Office of Congressional Relations. Effective March 4, 1985.

One Director to the Chairman, Office of Public Affairs. Effective March 4, 1985.

General Services Administration

One Confidential Assistant to the Director, Office of the Executive Secretariat. Effective March 14, 1985.

One Special Assistant to the Commission, Public Building Service. Effective March 19, 1985.

Small Business Administration

One Confidential Program Assistant to the Chief of Staff. Effective March 14, 1985.

One Executive Assistant to the Director of Women's Business Ownership. Effective March 14, 1985.

United States Trade Representative

One Special Assistant to the Director of Public and Intergovernmental Affairs. Effective March 6, 1985.

U.S. Office of Personnel Management.

Loretta Cornelius,

Acting Director.

[FR Doc. 85-11193 Filed 5-8-85; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-23680; 70-7103]

Mississippi Power Co.; Proposal To Issue Promissory Note

May 3, 1985.

Mississippi Power Company ("Mississippi"), an electric utility subsidiary of The Southern Company, a registered holding company, has filed a declaration with this Commission subject to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) thereunder.

Mississippi has purchased a historic office building in the City of Gulfport, Mississippi, and plans to restore the building for its use as additional office space. Mississippi desires to utilize the urban renewal procedures of the State of Mississippi to finance the restoration of the building which is estimated to cost up to $1,500,000.

The procedures under the Urban Renewal Act of the State of Mississippi are such that the City of Gulfport will execute an urban renewal installment note (the "Note") in the principal sum of up to $1,500,000 to the Hancock Bank, Gulfport, Mississippi. The Note will bear interest at the rate of 9½% annually and will be payable over a five-year period at up to $300,000 per year with interest being paid semi-annually. Mississippi will execute a promissory note to the City of Gulfport in the same amount, at the same interest rate, and with the same repayment terms and conditions as the Note. The City of Gulfport will then assign the promissory note of Mississippi to the Hancock Bank as collateral for the Note.

Mississippi anticipates that interest on the Note will be exempt from federal and State of Mississippi income taxation thereby resulting in a financing cost saving of approximately two percentage points.

The declaration is available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 28, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified

of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as now filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-11306 Filed 5-8-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22011; SR-PSE-85-8]

Self-Regulatory Organizations; Filing of and Order Granting Accelerated Approval of Proposed Rule Change by Pacific Stock Exchange, Inc. Relating to Pilot Program for the Appointment and Evaluation of Specialists and the Creation of New Specialist Posts

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 3, 1985, the Pacific Stock Exchange incorporated ("PSE" or "Exchange") filed with the securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE filed its Pilot Program for the Appointment and Evaluation of Specialists and the Creation of New Specialist Posts ("Pilot Program") with the Commission on May 4, 1981. The Pilot Program was amended in 1982, and is scheduled to terminate on March 31, 1985. In order to allow the PSE to review certain suggested revisions to the Pilot Program and to submit any necessary filings to the Commission with respect to the amendment or permanent adoption of the Pilot Program, the Exchange is requesting that the terms of the Pilot Program be extended for a period of three months, through June 30, 1985.

In connection with the proposed extension of the Pilot Program, the PSE proposes to amend sections 1(1) and 11(t) of Rule II of the Rules of the Board of Governors of the PSE, which currently reflect the Pilot Program's scheduled expiration date of March 31, 1985.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Pilot Program was initially filed with the Commission on May 4, 1981, and approved for a period of one year on May 27, 1981. The term of the Pilot Program was subsequently extended several times by the Commission. In December 1982, the Pilot Program was amended. It was scheduled to terminate on March 31, 1985.

The PSE's Board of Governors and the Equity Allocation Committee have requested the Exchange staff to investigate certain proposed modifications to the Pilot Program. To permit the Exchange to review these proposed modifications, and others which may be suggested, and to submit any necessary filings to the Commission with respect to the revision or permanent adoption of the Pilot Program, the PSE is requesting a three-month extension of the Pilot Program, to and including June 30, 1985.

The PSE believes that the proposed rule change is consistent with section 6(b) of the Act in general, and in particular sections 6(b)(5) and 6(b)(7).

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change imposes no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments on the proposed rule change were neither solicited nor received by the Exchange.

III. Date of Effectiveness of the Proposed Rule Change and Time Period for Commission Action

To permit the Pilot Program to remain in effect without interruption, the PSE has requested that this filing be approved on an accelerated basis, effective April 1, 1985.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6, and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that it will provide the Exchange with the additional time necessary to review proposed amendments to the Pilot Program and to submit any necessary filings to the Commission, while permitting the Pilot Program to remain in effect without interruption.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 30, 1985.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 2, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-11302 Filed 5-8-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[CM-8/850]

The Secretary's Advisory Panel on Overseas Security; Meeting

The Secretary's Advisory Panel on Overseas Security will hold a meeting on Wednesday, May 22, 1985 from 8:30 a.m. until 1:00 p.m. at the Department of State, 2201 C Street, NW., Washington, D.C. 20510.

Due to the national security information that will be discussed, this meeting will be closed to the public.

For further information, please contact the Advisory Panel staff on (202) 653-8533.

Dated: May 2, 1985.

Victor H. Dikeos,

Executive Secretary, The Secretary's Advisory Panel on Overseas Security.

[FR Doc. 85-11241 Filed 5-8-85; 8:45 am]

BILLING CODE 4710-24-M

DEPARTMENT OF TRANSPORTATION

[Order 85-5-16; Dockets 42854 and 42855]

Application of the Interface Group, Inc. d/b/a Five Star Airlines for Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause (Order 85-5-16), Dockets 42854 and 42855.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order granting Five Star Airlines a certificate to engage in interstate, overseas, and foreign charter air transportation of persons, property and mail.

DATE: Persons wishing to file objections should do so no later than May 28, 1985.

ADDRESSES: Responses should be filed in Dockets 42854 and 42855 and addressed to the Office of Documentary Services, Department of Transportation, 400 Seventh Street, Room 4107, Washington, D.C. 20590 and should be served the parties listed in attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Dayton Lehman, Jr., Office of Aviation Enforcement and Proceedings, U.S. Department of Transportation, 400 Seventh Street, Washington, D.C. 20590, (202) 426-7631.

SUPPLEMENTARY INFORMATION: The complete text of Order 85-5-16 is available for inspection at our Documentary Services Division at the above address.

Dated: May 1, 1985.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 85-11309 Filed 5-8-85; 8:45 am]

BILLING CODE 4910-62-M

Office of the Secretary

[Order 85-5-28; Docket 42987]

Application of Southwest Airlines Co.; Muse Air Corp. et al.

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause (Order 85-5-28) Docket 42987.

SUMMARY: The Department is directing all interested persons to show cause why it should not issue an order approving the acquisition of control of Muse Air by Southwest Airlines under section 408 of the Federal Aviation Act, and denying requests that standard labor protective provisions be imposed as a condition of the Department's approval.

DATES: Persons wishing to file objections or other comments should do so no later than May 20, 1985. Replies should be filed no later than June 3, 1985.

ADDRESSES: Responses should be filed in Docket 42987 and addressed to the Office of Documentary Services, Department of Transportation, 400 7th St., SW., Washington, D.C. 20590 and should be served upon the parties listed in Appendix 8 to the order.

FOR FURTHER INFORMATION CONTACT: Barry L. Molar, Office of General Counsel, Litigation Division, U.S. Department of Transportation, 400 7th St., NW., Washington, D.C. 20590; (202) 426-4731.

Dated: May 3, 1985.

Matthew V. Scocozza,

Assistant Secretary, for Policy and International Affairs.

[FR Doc. 85-11310 Filed 5-8-85; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

[CGD 85-036]

Lower Mississippi River Waterway Safety Advisory Committee; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of the seventh meeting of the Lower Mississippi River Waterway Safety Advisory Committee. The meeting will be held on Tuesday, June 11, 1985 in Room 1120, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA. The meeting is scheduled to begin at 9 a.m. and end at 4 p.m. The agenda for the meeting consist of the following items:

1. Call to Order
2. Minutes of the January 15, 1985 Meeting
3. Chairman's Message
4. District Commander's response to the Committee's Recommendation of January 15, 1985
5. Coast Guard Presentation on Mississippi River Casualty Study
6. Presentation by Federal Communications Commission, local Engineer in Charge
7. Discussion
8. New Business
9. Adjournment

The purpose of this committee is to provide a public forum which will furnish to the U.S. Coast Guard consultation, local expertise, and advice on a wide range of matters regarding all facets of navigation safety.

Attendance is open to the public. With advance notice, members of the public may present oral statements at the meeting. Prior to presentation of their oral statements, but no later than the day before the meeting, members of the public shall submit, in writing, to the Executive Secretary of the Lower Mississippi River Waterway Safety Advisory Committee, the subject of their comments, a general outline signed by the presenter, and the estimated time required for persentation. The individual making the presentation shall also provide their names, and, if applicable, the organization they are representing. Any member of the public may present a written statement to the Advisory Committee at any time.

Additional information may be obtained from Commander R.A. Brunell, Executive Secretary, Lower Mississippi River Waterway Safety Advisory Committee, c/o Commander, Eighth Coast Guard District (mps), Room 1341, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130, Telephone number (504) 589-6901.

Dated: May 6, 1985.

L.C. Kindbom,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 85-11243 Filed 5-8-85; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

Environmental Impact Statement: Davidson and Summer Counties TN

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in Davidson and Sumner Counties, Tennessee.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas J. Ptak, Division Administrator, Federal Highway Administration, Federal Building, U.S. Courthouse, 801 Broadway—Suite A-926, Nashville, Tennessee 37203, telephone (615) 251-5394.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Tennessee Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to construct a four-lane access control highway on new location from south of the I-95 Interchange at Two Mile Pike to north of Center Point Road in Davidson and Sumner Counties, Tennessee. The proposed improvement would have a length of approximately 3.5 miles. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demands.

Options under consideration include (1) taking no action; (2) postponement; (3) reduced facility design; and (4) constructing a four-lane roadway on new location.

Letters describing the proposed action and soliciting comments were sent to appropriate federal, state and local agencies in 1981. Public meetings were held in 1981 and 1982. A public hearing will be held at a future date. Public notice will be given of the time and place of this hearing. The draft EIS will be available for public and agency review and comment. These activities are providing input regarding the scope of the EIS.

To insure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and suggestions concerning the proposed action and the EIS should be directed to the FHWA at the address provided above. (Catalog of Federal Domestic Assistance Program Number of 20.205, Highway Research, Planning and Construction. The provisions of Executive Order 12372 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program).

Issued on: May 2, 1985

Thomas J. Ptak,

Division Administrator Tennessee Division Nashville, Tennessee.

[FR Doc. 85-11226 Filed 5-8-85; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: May 3, 1985.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureau(s)), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed under each bureau. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, N.W., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545-0789
Form Number: None
Type of Review: Reinstatement
Title: Roper Reports Proprietary Questions
Clearance Officer: Garrick Shear (202) 566-6150, Room 5571, 1111 Constitution Avenue, N.W., Washington, D.C. 20224
OMB Reviewer: Robert Neal (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

U.S. Customs Service

OMB Number: New
Form Number: None
Type of Review: New
Title: User Satisfaction Survey
Clearance Officer: Vince Olive (202) 566-9181, U.S. Customs Service, Room 2130, 1301 Constitution Avenue, N.W., Washington, D.C. 20229
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0018
Form Number: ATF Form 6 Part II (5330.3B)
Type of Review: Reinstatement
Title: Application and Permit for Importation of Firearms, Ammunition and Implements of War
Clearance Officer: Howard Hood (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 2228, Federal Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Joseph F. Maty,

Departmental Reports, Management Office.

[FR Doc. 85-11236 Filed 5-8-85; 8:45 am]

BILLING CODE 4810-25-M

Internal Revenue Service

Art Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Department of the Treasury.

ACTION: Notice of closed meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in Washington, D.C.

DATE: The meeting will be held June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, CC:C:E:V, 1111 Constitution Avenue NW., Room 2575, Washington D.C. 20224, Telephone No. (202) 566-4138 (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976), that a closed meeting of the Art Advisory Panel will be held on June 3, 1985 beginning at 9:30 a.m. in Room 4415, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552b(c) (3), (4), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appeaing in the **Federal Register** for Wednesday, November 8, 1978. (43 FR 52122.)

P.E Coates,

Acting Commisstioner.

[FR Doc. 85-11311 Filed 5-8-85: 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 90
Thursday, May 9, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, May 13, 1985, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,221-SR—Village Bank, Pueblo West, Colorado
Case No. 46,223-SR—The Bank of Woodson, Woodson, Texas
Case No. 46,224-SR—The Citizens State Bank, Viola, Kansas

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Summary Audit Report re:
Cherokee County Bank, Centre, Alabama, AP-393 (Memo dated April 10, 1985)
The Coffeen National Bank, Coffeen, Illinois, AP-399 (Memo dated April 11, 1985)
Citizens Bank of Monroe County, Tellico Plains, Tennessee, AP-382 (Memo dated March 4, 1985)
East Texas Bank & Trust Company, Longview, Texas, AP-398 (Memo dated March 13, 1985)
Seminole State National Bank, Seminole, Texas, NR-464 (Memo dated March 5, 1985)

Discussion Agenda:

Memorandum and resolution re: Proposed amendments to Part 332 of the Corporation's rules and regulations, entitled "Powers Inconsistent with Purposes of Federal Deposit Insurance Law," which amendments will govern insured banks' direct and indirect involvement in insurance, real estate, and guarantor or surety activities.

Memorandum and resolution re: Petition for public hearing on proposed amendments to Part 332.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: May 6, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-11350 Filed 5-7-85; 11:39 am]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, May 13, 1985, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Applications for Federal deposit insurance:

Anchor Thrift & Loan Association, an operating noninsured industrial bank located at 1029 Pacific Coast Highway, Seal Beach, California.

City Loan Bank, an operating noninsured industrial bank located at 200 West Market Street, Lima, Ohio.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2), (c)(6), and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: May 6, 1985.

Federal Deposit Insurance Corporation.
Noyle L. Robinson,
Executive Secretary.
[FR Doc. 85-11351 Filed 5-7-85; 11:39 am]
BILLING CODE 6714-01-M

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, May 14, 1985 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, May 16, 1985, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (Fifth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Eligibility for candidates to receive Presidential primary matching funds
Draft Advisory Opinion #1985-14—Robert F. Bauer, on behalf of the Democratic Congressional Campaign Committee
Advance notice of proposed rulemaking: Enforcement regulations (11 CFR Part 111)
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.
[FR Doc. 85-11398 Filed 5-7-85; 2:18 pm]
BILLING CODE 6715-01-M

4

FOREIGN CLAIMS SETTLEMENT COMMISSION

F.C.S.C. Meeting Notice No. 5-85
Announcement in Regard to Commission Meetings and Hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date and Time

Monday, May 20, 1985 at 10:30 a.m.

Subject Matter

Consideration of Proposed Decisions issued under the Vietnam Claims Program (Pub. L. 96-606) and decisions involving claims for prisoner of war compensation.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111-20th Street, NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 1111-20th Street, NW., Room 409, Washington, DC 20579. Telephone: (202) 653-6155.

Dated at Washington, D.C. on May 2, 1985.

Judith H. Lock,
Administrative Officer.
[FR Doc. 85-11330 Filed 5-7-85; 10:32 am]
BILLING CODE 4410-01-M

5

NEIGHBORHOOD REINVESTMENT CORPORATION

Seventh Annual Meeting

TIME AND DATE: 2:00 p.m., Wednesday, May 15, 1985.

PLACE: Neighborhood Reinvestment Corporation, 1850 K Street NW., Suite 400, Washington, D.C. 20006.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Timothy S. McCarthy, Associate Director, Communications, 202-653-2705.

AGENDA:

I. Call to Order and Remarks of the Chairman
II. Approval of Minutes, February 8, 1985
III. Executive Director's Activity Report
IV. Treasurer's Report
V. Election of Chairman
VI. Election of Vice Chairman
VII. Appointment of Audit Committee
VIII. Election of Officers
IX. Appointment of Assistant Secretary

Carol J. McCabe,
Secretary.
May 7, 1985.
[FR Doc. 11418 Filed 5-7-85; 3:54 pm]
BILLING CODE 7570-01-M

6

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission held a closed meeting on Friday, April, 26, 1984, at 4:30 p.m., at 450 5th Street NW., Washington, D.C., to consider the following items.

Institution of injunctive action.
Formal order of investigation.
Regulatory matter bearing enforcement implications.

Chairman Shad and Commissioners Cox and Peters determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Angela Hall at (202) 272-3085.

John Wheeler,
Secretary.
[FR Doc. 85-11376 Filed 5-7-85; 12:37 pm]
BILLING CODE 8010-01-M

7

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission held a closed meeting on Wednesday, May 1, 1984, at 4:30 p.m., at 450 5th Street, NW., Washington, D.C., to consider the following item.

Regulatory matter regarding financial institution.

Chairman Shad and Commissioners Cox and Peters determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Joan Stempel at (202) 272-2405

John Wheeler,
Secretary.
May 2, 1985.
[FR Doc. 85-11375 Filed 5-7-85; 12:07pm]
BILLING CODE 8010-01-M

8

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (50 FR 16580 April 26, 1985).

STATUS: Closing meeting.

PLACE: 450 Fifth Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, April 22, 1985.

CHANGE IN THE MEETING: Additional meeting.

The following additional item was considered at a closed meeting held on Thursday, May 2, 1985, at 4:07 p.m.

Litigation matter.

Chairman Shad and Commissioners Cox, Marinaccio and Peters determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Joan Stempel at (202) 272-2405.

John Wheeler,

Secretary.

May 6, 1985.

[FR Doc. 85-11366 Filed 5-7-85; 12:07pm]

BILLING CODE 8010-01-M

9

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of May 13, 1985.

An open meeting will be held on Tuesday, May 14, 1985, at 2:30 p.m., in Room 1C30, followed by a closed meeting.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Commissioner Peters, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Tuesday, May 14, 1985, at 2:30 p.m., will be:

1. Consideration of whether to adopt amendments to Form 13F under the Securities Exchange Act of 1934 to simplify procedures for requesting confidential treatment of open risk arbitrage positions and to place time limits on confidential treatment of commercial information filed on the form. For further information, please contact Susan P. Hart at (202) 272-2098.

2. Consideration of whether to propose for public comment Form N-7, a new form for registration of unit investment trusts and their securities under the Investment Company Act of 1940 and the Securities Act of 1933, and related rules and rule amendments, and to publish staff guidelines for the preparation of Form N-7. For further information, please contact Stephen C. Beach at (202) 272-3040.

3. Consideration of whether to grant the application of the Association of Publicly Traded Investment Funds requesting a conditional exemptive order under sections 6(c), 17(d) and 23(c) of the Act and Rule 17d-1 thereunder to permit its internally-managed, closed-end investment company members to offer their employees deferred equity compensation in the form of stock options and stock appreciation rights. For further information, please contact Joyce M. Pickholz at (202) 272-3046.

4. Consideration of whether to propose for public comment a revision of Rule 70 and amendments to Rule 50 under the Public Utility Holding Company Act of 1935. The revision of Rule 70 would simplify, clarify and expand the exemptions now available under the existing rule which permit persons affiliated with investment bankers and commercial banking institutions to serve as officers or directors of registered holding companies and their subsidiaries. The amendments to Rule 50 would codify revised competitive bidding procedures and address potential conflicts of interest. For further information, please contact Jack Murphy at (202) 272-3042.

5. Consideration of an amendment to 17 CFR 200.735-8(b), relating to appearances by former Commission employees before the Commission. For further information, please contact Myrna Siegel at (202) 272-2430.

The subject matter of the closed meeting scheduled for Tuesday, May 14, 1985, following the 2:30 p.m. open meeting, will be:

Formal orders of investigation.

Amendment to a formal order of investigation.

Settlement of administrative proceeding of an enforcement nature.

Institution of injunctive actions.

Institution of administrative proceeding of an enforcement nature.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: David Martin at (202) 272-2179.

John Wheeler,

Secretary.

May 6, 1985.

[FR Doc. 85-11365 Filed 5-7-85; 12:07 p.m.]

BILLING CODE 8010-01-M

federal register

Thursday
May 9, 1985

Part II

Department of Health and Human Services

Office of Child Support Enforcement

45 CFR Parts 301, 302, 303, 304, 305, and 307

Child Support Enforcement Program; Implementation of Amendments of 1984; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Child Support Enforcement

45 CFR Parts 301, 302, 303, 304, 305, and 307

Child Support Enforcement Program; Implementation of Child Support Enforcement Amendments of 1984

AGENCY: Office of Child Support Enforcement (OCSE), HHS.

ACTION: Final rule.

SUMMARY: This final rule implements the Child Support Enforcement Amendments of 1984, Pub. L. 98-378, which amend title IV-D of the Social Security Act (the Act). The statutory changes implemented by these regulations fall within three basic categories.

(1) Availability of Services;
(2) Enforcement Techniques; and
(3) Program Administration and Financing.

For a detailed discussion of these categories see **SUPPLEMENTARY INFORMATION.** These regulations are effective (May 9, 1985).

DATES: The various compliance dates of the statutory requirements are listed below:

September 1, 1984—Imposition of Optional Late Payment Fees on Obligated Parents Who Owe Overdue Support (§ 302.75)

October 1, 1984:
- Collection and Distribution of Support in Foster Care Maintenance Cases (§ 302.52)
- Continuing IV-D Services for Families that Lose AFDC Eligibility (§ 302.51)
- Computerized Support Enforcement Systems (45 CFR Part 307)

December 1, 1984—State Commissions on Child Support (§ 304.95)

October 1, 1985:
- Mandatory State Procedures (§§ 302.70, and 303.100 through 303.105)
- Incentive Payments to States and Political Subdivisions (§§ 302.55 and 303.52)
- Notice of Collection of Assigned Support (§ 302.54)
- Publicizing the Availability of Support Enforcement Services (§ 302.30)
- Mandatory Collection of Spousal Support (§§ 302.17 and 302.31)
- Payment of Support through the IV-D Agency or Other Entity (§ 302.57)

Effective for refunds payable after December 31, 1985, and before January 1, 1991—Collection of Past-due Support from Federal Income Tax Refunds in non-AFDC Cases (§ 303.72)

October 1, 1987—State Guidelines for Child Support Awards (§ 302.56)

October 1, 1987 and thereafter—Reduction in the Federal Matching Rate (45 CFR Parts 301, 304, 305 and 307)

See also the discussion under the heading "Paperwork Reduction Act" regarding information collection requirements.

FOR FURTHER INFORMATION CONTACT:
At (301) 443-5350:

Craig Hathaway (Foster Care; Publicizing Services; Spousal Support; Notice of Collection; Date of Collections; Income or Wage Withholding; State Commissions)

Marianne Rufty (Expedited Processes; Liens; Posting Security, Bond or Guarantee; Information to Consumer Reporting Agencies; Delays in Implementation of Required Practices; Exemptions from Required Practices; Payment through IV-D Agency or Other Entity; Incentive Payments; Reductions in Federal Matching Rate)

Carol Jordan (Federal and State Income Tax Refund Offset; Access to Federal Parent Locator Service; Continuing IV-D Services for Families that Lose AFDC Eligibility; Guidelines for Setting Child Support Awards; Late Payment Fees)

Michael Fitzgerald (90 Percent Funding for Automated Systems Hardware; Required Application Fee)

SUPPLEMENTARY INFORMATION: The preamble to these regulations contains a detailed summary of the regulatory requirements followed by responses to comments received on the proposed regulations. To help readers locate corresponding portions of the preamble, identical headings are used to describe each section of the summary and each section of the responses to comments.

The following is a summary of the requirements implemented by these regulations.

Mandatory State Procedures

Since the inception of the Federal Child Support Enforcement program there has been a marked difference in the level of success of the programs operated by the various States. In the nine years the Federal program has been in existence, certain procedures which have noticeably increased the effectiveness of State programs have been identified. As a result of this experience, Congress has enacted sections 454(20)a and 466 of the Act to require all States to implement these proven procedures by October 1, 1985. However, if a State demonstrates to the Secretary that State legislation is required to conform the State plan to one or more of the requirements of the new statute, the State's plan shall not be regarded as failing to comply solely by reason of its failure to meet the requirements imposed by the new amendments until four months after the end of the first session of the State's legislature which ends on or after October 1, 1985.

These regulations: (A) require that a State plan for child support enforcement must provide that the State has in effect laws governing the mandatory enforcement procedures specified in section 466 of the Act; (B) specify how a State should proceed in order to obtain an exemption from one or more of these procedures and the basis for granting exemptions, and (C) specify the criteria that a State must meet in implementing the mandatory enforcement procedures.

State Plan Requirement (§ 302.70)

The regulation at 45 CFR 302.70 contains the State plan requirement for the use of mandatory practices to improve program effectiveness as specified in the paragraph 454(20) of the Act. The definition of "overdue support" from section 466(e) of the Act that is applicable to all mandatory practices is in the general definitions section 45 CFR 301.1 "Overdue support" means a delinquency pursuant to an obligation determined under a court order, or an order of an administrative process established under State law, for support and maintenance of a minor child which is owed to or on behalf of the child or for the absent parent's spouse (or former spouse) with whom the child is living, if and to the extent that a spousal support obligation has been established and the child support obligation is being enforced under the State's IV-D plan. At the option of the State, overdue support may include amounts which otherwise meet the definition in the previous sentence, but which are owed to or on behalf of a child who is not a minor child. The option to include support owed to children who are not minors applies independently to the procedures under section 466 and these regulations at § 302.70.

Under § 302.70(a), a State plan for child support enforcement must provide that the State has in effect and has implemented laws and procedures specified in section 466(a) of the Act for: (1) Carrying out a program for the withholding of amounts from the wages of individuals to comply with support orders; (2) establishing and enforcing support orders by expedited processes; (3) obtaining overdue support from State income tax refunds in cases where support is assigned to the State under

sections 402(a)(26) or 471(a)(17) of the Act and where support is collected under section 454(6) of the Act; (4) imposing liens against real or personal property for amounts of overdue support; (5) establishing a child's paternity at least up to the child's 18th birthday; (6) requiring the absent parent to give security, post a bond or give some guarantee to secure payment of overdue support (7) making available to consumer reporting agencies at their request information regarding the amount of support owed by an absent parent if the amount is more than $1,000 or at the option of the State if the amount is less than $1,000; and (8) including a provision for wage withholding in child support orders issued or modified in the State.

Section 466 requires States to use procedures 3, 4, 6 and 7 except when they determine that the procedures are inappropriate in an individual case. Using guidelines generally available to the public, States must take into account the payment record of the absent parent, the availability of other remedies, and other relevant considerations in determining whether use of a particular procedure is inappropriate in an individual case. States may not develop guidelines that determine a majority of cases in which no other remedy is being used to be inappropriate. We have implemented this requirement in § 302.70(b). Under § 302.70(c), State laws enacted to implement these effective practices must give States sufficient authority to comply with the requirements contained in 45 CFR 303.100 through 303.105. We have not included a section under Part 300 of the regulations on paternity established up to the child's 18th birthday because including the requirement under § 302.70 is adequate to regulate this mandatory procedure.

Section 466(d) of the Act allows the Secretary of HHS to grant a State (or a political subdivision with respect to expedited process) an exemption from enacting and using any of the procedures mandated by the new law if the State demonstrates that the procedure would not increase the effectiveness and efficiency of the State's Child Support Enforcement program. Such demonstration must be supported through the presentation of data pertaining to caseloads, processing time, administrative costs, average support collections or other actual or estimated data that the Secretary may require. The Secretary will review the exemption periodically and terminate it if circumstances, including effectiveness, should change.

Under § 302.70(d)(1), a State may request an exemption from the State plan requirements of paragraph (a) by submitting a request for exemption to the appropriate Regional Office. Under this process, a State may also request an exemption from the requirement for expedited processes for a political subdivision of the State. Under § 302.70(d)(2), the Secretary will grant an exemption for up to three years upon a demonstration by the State that compliance would not increase the effectiveness and efficiency of its Child Support Enforcement program. To support an initial exemption, the information required by section 466(d) of the Act must be provided and documented by the State. Because the Congress has given the Secretary discretion to determine whether or not to grant an exemption, disapproval by the Secretary of a request for exemption is not subject to appeal.

Section 302.70(d)(3) provides for review by the Secretary and termination of the exemption for the State (or political subdivision in the case of expedited process) if the State cannot demonstrate that it continues to warrant an exemption in accordance with paragraph (d). Under paragraph (d)(4), a State must request an extension of an exemption 90 days prior to the end of the exemption period granted by the Secretary by submitting current data that demonstrates that compliance with the required procedure will not increase the efficiency and effectiveness of its Child Support Enforcement program.

If the Secretary revokes an extension or does not grant an extension of an exemption, paragraph (d)(5) requires the State to enact the appropriate laws and procedures to implement the mandatory practice by the beginning of the fourth month after the end of the first session of the State's legislature which ends after the date the exemption is revoked or the extension denied. If no State law is necessary, the State must establish and use the procedure by the beginning of the fourth month after the date the exemption is revoked.

Procedures for Wage or Income Withholding

Section 466 of the Act requires that States provide for by law and have in effect two distinct procedures for dealing with wage withholding. The first, required under section 466 (a)(1) and (b) of the Act, pertains only to cases being enforced through the IV-D agency. Under this requirement, States must have and use a procedure that requires wage withholding to be triggered in IV-D cases whenever an arrearage accrues that is equal to the amount of support payable for one month. Withholding is to begin without amendment to the order or further action by the court. Section 466(b) also specifies other elements of the withholding system for IV-D cases such as the basis for appeal, maximum amounts of withholding, imposing fines on noncooperative employers and so forth.

The second procedure, required by section 466(a)(8) of the Act, provides that all new or modified orders issued in the State include a provision in the order for wage withholding when an arrearage occurs. The intent of the second required State procedure is to ensure that orders not being enforced through the IV-D agency will include in them the authority necessary to permit wage withholding to be initiated by someone other than the IV-D agency (e.g., a private attorney).

The specific requirements for applying wage withholding that are set out for IV-D cases do not apply to wage withholding that ensues solely from the inclusion of a wage withholding clause in an order. States are free to establish the conditions and procedures to be applied for wage withholding for cases not being enforced through the IV-D agency. It is likely that most States will conform these conditions and procedures to those required to be used for IV-D cases. Should the conditions and provisions of the two required procedures differ, however, the procedures required to be used for IV-D cases must be applied in IV-D cases. For example, if an order calls for withholding to begin when the arrearage amount equals the amount payable for two months in accordance with the State's procedure for orders not being enforced under title IV-D, withholding must still begin after one month's arrearage accrues in accordance with the State procedure that applies to all IV-D cases, if that order is now being enforced under the State's IV-D plan.

We implemented sections 466(a) (1) and (8) and (b) of the Act which provide for withholding of income or wages of individuals who owe overdue support by adding a section 45 CFR 303.100, Procedures for wage or income withholding. To implement section 466(b)(1) of the Act, § 303.100(a)(1) requires that States must ensure that in the case of each absent parent subject to a support order in the State which is being enforced under the State plan, so much of his or her wages must be withheld as is necessary to comply with the order. In addition to withholding the amount due for current support, paragraph (a)(2) requires the State to withhold an additional amount of wages

to be applied toward liquidation of overdue support. Paragraph (a)(3) limits the total amount withheld for support and other purposes to an amount not to exceed the maximum permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)).

In accordance with section 466(b)(2) of the Act, § 303.100(a)(4) requires that the State law be designed so that, in the case of a support order being enforced under the State plan, withholding occurs without the need for any amendment to the support order involved or any further action by the court or entity that issued it. This blanket provision of State law must apply to both existing and new support orders.

Section 466(a)(8) of the Act and § 303.100(h), which implements the second required State procedure discussed above, provide that new or modified support orders established after the effective date of the new law must have a specific provision for withholding. As states earlier, this is to ensure that withholding as a means of collecting support is available if arrearages occur without the necessity of applying for IV–D services. Notwithstanding, if a new or modified support order does not include a provision for withholding and the order is being enforced by the IV–D agency, withholding must occur as required in § 303.100 (a) through (g).

To implement the requirements under section 466(b)(3) of the Act for triggering withholding § 303.100(a)(4) requires that the State take steps to begin withholding on the date on which the parent fails to make payments in an amount equal to one month's support obligation. This does not mean that the individual must miss paying the support obligation for one month. Any combination of unpaid support totalling one month's accrued arrearages would trigger a withholding. Paragraph (a)(4) also requires the State to take steps to implement the withholding at any earlier time that is in accordance with State law or that the absent parent may request. This means that a State could use withholding to collect support in all cases if it chose to do so.

In accordance with section 466(b)(4) of the Act, § 303.100(a)(5) specifies that the only basis for contesting a withholding is a mistake of fact, which means only an error in the amount of current or overdue support or the identity of the alleged absent parent.

Section 303.100(a)(6) requires that States prorate amounts available for withholding where there is more than one notice of withholding against a single absent parent, and that current support be given priority up to the limits imposed by section 303(b) of the Consumer Credit Protection Act.

Section 466(b)(4) of the Act and § 303.100(a)(7) require that withholding be carried out in full compliance with all procedural due process requirements under the State's laws. Paragraph (a)(8) specifies that the absent parent may not avoid imposition of wage withholding simply by paying the overdue support. Section 303.100(a)(9) requires States to have procedures for terminating the withholding promptly, in accordance with section 466(b)(10) of the Act, but in no case should the payment of overdue support be the sole reason for termination. In paragraph (a)(10) we require States to have procedures for promptly refunding to individuals monies that have been improperly withheld.

Under section 466(b)(4), States must provide notice to an individual before notifying the individual's employer concerning a withholding. The notice must inform the individual of the intent to withhold and of the procedures to follow to contest the withholding. An individual may contest the withholding only on the basis of a mistake of fact. If the individual contests the proposed withholding, the State must determine whether or not the withholding will occur and, if so, notify the individual, within no more than 45 days after the provision of the advance notice, of the timeframe within which the withholding is the begin. To implement these requirements, § 303.100 (b) and (c) set forth the criteria that States must meet in giving advance notice and providing an opportunity to contest the withholding. In paragraph (b)(1) on the date the absent parent fails to make payments in an amount equal to the support payable for one month, States must take steps to provide advance notice to the absent parent of the delinquency of support payments and the potential withholding. The notice must inform individuals: (1) of the amount of overdue support that is owed and the amount of wages to be withheld; (2) that the withholding applies to any current or subsequent employer or period of employment; (3) of the methods available for contesting the withholding on the grounds that the withholding is not proper because of mistakes of fact; (4) of the period within which the State must be contacted in order to contest the withholding and that failure to contact the State within the specified time limit will result in the State notifying the employer to begin the withholding; and (5) of the actions the State will take if the individual contests the withholding. Although we are not specifying a period of time within which an individual must notify the State to contest the withholding, States should establish a standard time period (for example, 10 days) that would allow them to complete all required action within the statutory 45-day limit contained in paragraph (c).

As specified in section 466(b)(4) of the Act, paragraph (b)(2)(i) exempts from the requirements for advance notice and State procedures when the absent parent contests the withholding in response to the advance notice any State which has a withholding system in effect as of August 16, 1984, if the system provides, on that date and afterwards, any other procedures necessary to meet the State's procedural due process requirements. Paragraph (b)(2)(ii) requires these States to take steps to send the employer the notice required in paragraph (d) on the date on which the absent parent fails to make payments in an amount equal to the support payable for one month and to meet all other requirements of § 303.100.

Paragraph (c) requires that States establish procedures for use when an absent parent contests a withholding in response to the advance notice. At a minimum, the procedures must provide that the State, within 45 days of giving advance notice to the individual, will: (1) Give the individual an opportunity to present his or her case; (2) decide if the withholding will occur based on an evaluation of the facts; (3) notify the individual whether or not the withholding is to occur and if so, include in the notice the timeframe within which withholding will begin and the information provided to the employer in the notice required in paragraph (d); and (4) if the withholding is to occur, send the notice to the employer required under paragraph (d).

When the absent parent does not contest the withholding within the timeframe specified by the State or has exhausted all procedures established by the State in accordance with paragraph (c), the State must give notice of the withholding to the employer, in accordance with section 466(b)(6)(A) of the Act and § 303.100(d). Clear Congressional intent in the Conference report indicates that Federal employees are subject to the withholding provisions of the new statute. Therefore, in cases involving Federal employees and members of the uniformed services, the notice to the employer must be directed to the appropriate designated official identified in: Appendix A of 5 CFR Part 581 for Federal employees; 32 CFR 54.6(g) of proposed regulations issued October 18, 1982 (47 FR 46297) for members of the military; 42 CFR 21.74

for members of the Public Health Service; and 33 CFR 54.07 for members of the Coast Guard.

Section 466(b)(6) of the Act sets forth specific requirements with respect to notice to the employer as well as responsibilities of the employer and the State in withholding wages. To meet these requirements, the notice to the employer must contain the elements listed in § 303.100(d)(1). Under paragraph (d)(1)(i) the notice must require the employer to withhold the amount specified in the notice (and include a statement that the amount actually withheld for support and for other purposes, including the fee specified under paragraph (d)(1)(iii), may not be in excess of the amount allowed under section 303(b) of the Consumer Credit Protection Act). Under paragraph (d)(1)(ii), the notice must instruct the employer to pay the amount to the State (or other individual or entity that the State designates) within 10 days of the date the employee is paid. Under paragraph (d)(1)(iii), the State may allow the employer to deduct a fee established by the State and specified in the notice for the administrative costs of each withholding. Under this provision, the State must specify that the fee be withheld from the absent parent's wages in addition to the amount to be withheld to satisfy support.

Under paragraph (d)(1)(iv), the notice must state that the withholding is binding on the employer until further notice by the State. In addition, paragraph (d)(1)(v) requires the notice to specify that the employer is subject to a fine for discharging, refusing to employ or taking disciplinary action against an individual because of a withholding. Paragraph (d)(1)(iv) require the notice to specify that, if the employer fails to withhold wages, the employer is liable for the accumulated amount the employer should have withheld. In paragraph (d)(1)(vii), the withholding must have priority over any other legal process under State law against the same wages as required by section 466(b)(7) of the Act. This means that an employer must withhold amounts for support before complying with any other legal process imposed in accordance with State law. In paragraph (d)(1)(viii), employers may combine withheld amounts in a single payment for each appropriate agency requesting withholding and separately identify the portion of the payment which is attributable to each individual employee, in accordance with section 466(b)(6)(B) of the Act.

In § 303.100 (d)(1) (ix) and (x) and (d)(2), using the authority granted to the Secretary under section 1102 of the Act we require some general requirements to facilitate withholding. Section 1102 authorizes the Secretary of HHS to publish regulations not inconsistent with the Act which may be necessary to efficiently administer the Secretary's functions under the Act.

Paragraph (d)(1)(ix) requires the employer to implement the withholding no later than the first pay period that occurs after 14 days from the mailing date on the notice. In paragraph (d)(1)(x), we require that employers must notify the State promptly of the termination of the individual's employment and provide the individual's last known address and the name and address of the individual's new employer, if known. We believe these requirements will ensure the proper implementation of withholding. Under paragraph (d)(2), if the absent parent does not contest the withholding within the time period specified in the advance notice, the State must immediately send the notice to the employer. Paragraph (d)(3) requires that, if the absent parent changes employment within the State while the withholding is in effect, the State must notify the new employer, in accordance with the requirements of paragraph (d)(1), that the withholding is binding on the new employer.

Section 303.100(e) outlines the procedures for the administration of withholding as provided by section 466(b)(5) of the Act. Under § 303.100(e)(1), a State must designate a public agency to administer withholding in accordance with procedures specified by the State for keeping adequate records to document, track and monitor support payments. The State may designate public or private entities to administer the withholding on a State or local basis under the supervision of the designated State withholding agency if the entity, or entities are publicly accountable and follow the procedures specified by the State. The State may designate only one entity to administer withholding in each jurisdiction. Paragraph (e)(2) requires the State under (e)(1) to distribute amounts withheld promptly in accordance with section 457 of the Act and related regulations A State may contract with private firms for the collection and distribution of withheld amounts. If a State contracts with a private firm, the State must reduce its IV–D expenditures by any interest earned by the firm on withheld amounts in the same manner as it would for interest earned on any other IV–D transactions. This is in accordance with section 455 of the Act. Under this requirement, a State may allow the firm to keep interest earned as payment for services provided, but the interest amount must be deducted from the State's IV–D expenditures.

The new section 466(b)(8) gives a State the option to expand its withholding system to include withholding from forms of income other than wages in order to ensure that support owed by absent parents will be collected regardless of the nature of their income-producing activities. Section 303.100(f) implements this optional provision.

Under § 303.100(g)(1), we implemented the requirement in section 466(b)(9) that States extend their withholding systems to include withholding in cases where the support orders were issued in other States. As specified in the statute, this provision is necessary to ensure that support owed to children and their custodial parents will be collected without regard to the residence of the absent parent.

Although the requirements contained in § 303.100 (g)(2) through (g)(7) are not specifically required by the statute, we believe they are necessary for the proper implementation of the statute and to clarify the responsibilities of each State involved in an interstate withholding. We are, therefore, using the authority granted to us under section 1102 of the Act to impose these requirements.

In paragraph (g)(2), we require that the State law require employers within the State's jurisdiction to comply with a withholding notice. Under paragraph (g)(3), we require that once withholding in a particular case is required, the IV–D agency of a State in which the custodial parent applied for IV–D services must promptly notify the IV–D agency of any other State in which the absent parent is employed in order to implement interstate withholding. We require this notification to contain all the information necessary to carry out the withholding, including the amount requested to be withheld, a copy of the support order and a statement of arrearages. If necessary, the State where the support order is entered must promptly provide the information necessary to carry out the withholding when requested by the State where the custodial parent applied for services. Paragraph (g)(4) requires the State in which the individual is employed to implement withholding promptly upon receipt of the notice to withhold from the State where the custodial parent applied for services.

Since the State where the absent parent is employed must carry out the

withholding with the employer, in paragraph (g)(5) we require that State provide the advance notice to the absent parent, the opportunity to contest the withholding and the notice to the employer. In addition, under paragraph (g)(5), when an absent parent terminates employment within the State, that State must notify the State in which the custodial parent applied for services that the absent parent is no longer employed in the State and provide the name and address of the absent parent and new employer, if known. This will allow the State where the custodial parent applied for services to notify the new State where the absent parent is currently employed to implement withholding. Under paragraph (g)(6), all procedural due process requirements of the State where the absent parent is employed would apply. Finally, paragraph (g)(7) provides that, except for specifying when the withholding shall apply which is controlled by the State where the support order was entered, the law and procedures of the State where the absent parent is employed shall apply.

Paragraph (h) requires support orders issued or modified in the State beginning October 1, 1985, to include a provision for wage withholding, as discussed earlier in this preamble.

Expedited Processes

We implemented the requirements of section 466(a)(2) by adding 45 CFR 303.101, Expedited processes. Paragraph (a) of § 303.101 defines the term "expedited processes" as administrative or expedited judicial processes or both which increase effectiveness and meet processing times specified in paragraph (b)(2) and under which the presiding officer is not a judge of the court.

To implement the specific requirements of section 466(a)(2) of the Act, paragraph (b)(1) requires States to have in effect and use expedited processes to establish and enforce support orders in intrastate and interstate cases. Under paragraph (b)(2), actions to establish or enforce support obligations in IV–D cases must be completed from time of filing to time of disposition within the following time frames: (1) 90 percent in 3 months; (2) 98 percent in 6 months; and (3) 100 percent in 12 months. Under paragraph (b)(3), the State may use expedited processes for paternity establishment. A State may not simply enact a law authorizing the use of expedited processes but must in fact use them in lieu of full judicial process to ensure more effective and efficient processing of support establishment and enforcement actions. Under paragraph (b)(4), in cases which involve complicated issues requiring judicial resolution, the State must establish a temporary support order under its expedited processes and may then refer the remaining complex issues to the full judicial system for resolution.

Section 303.101(c) sets forth the safeguards that a State's expedited processes must provide. Paragraph (c)(1) requires that orders established under the State's expedited processes have the same force and effect under State law as orders established by full judicial process. Under paragraph (c)(2), the State's processes must ensure that the rights of the individuals involved are protected. Paragraph (c)(3) requires that the State's processes provide the parties with a copy of the support order.

To ensure that presiding officers in the State's expedited processes are qualified, paragraph (c)(4) requires States to have written procedures to ensure their qualifications. Paragraph (c)(5) permits the recommendations of presiding officers under the State's expedited processes to be ratified by a judge. Lastly, paragraph (c)(6) allows any action taken under the State's expedited processes to be reviewed under the State's generally applicable judicial procedures.

Section 303.101(d) sets forth the minimum functions that a presiding officer under a State's expedited processes must perform. In effect, presiding officers must, at a minimum, be delegated the authority to: (1) Take testimony and establish a record; (2) evaluate evidence and make recommendations or decisions to establish and enforce orders; (3) accept voluntary acknowledge of support liability and stipulated agreements setting the amount of support to be paid and, if the State establishes paternity using expedited processes, accept voluntary acknowledge of paternity, and (4) enter default orders if the absent parent does not respond to notice or other State process within a reasonable period of time specified by the State.

The experience of States which use some form of expedited process has shown that presiding officers must have authority to perform the above functions. States may expand the authority of presiding officers to include enforcement of support obligations and issuance of default judgments or may delegate more authority to them based on their particular needs. For example, where a high percentage of absent parents fail to appear for hearings a State might delegate the authority to issue bench warrants to presiding officers. A State must delegate enough authority to presiding officers to allow them to perform in a truly expedited manner.

Under § 303.101(e), in accordance with the statute, a State may be granted an exemption from the requirements of §303.101 for a political subdivision on the basis of the political subdivision's effectiveness and timeliness of support order issuance and enforcement in the same manner that States may be granted exemptions from required procedures in accordance with § 302.70(d).

State Income Tax Refund Offset

We implemented section 466(a)(3) by adding 45 CFR 303.102 which sets out the criteria for implementing State income tax refund offset procedures. The offset process is mandatory for all appropriate IV–D cases, including AFDC, non-AFDC and foster care maintenance cases regardless of whether they are intrastate cases or interstate cases referred from other States.

Section 303.102(a) specifies which overdue support qualifies for offset. Paragraph (a)(1) clarifies that overdue support in all IV–D cases qualifies for State income tax offset. Paragraph (a)(2) specifies that overdue support qualifies for offset if the State does not determine that the case is inappropriate for use of this procedure using guidelines it must develop which are generally available to the public. We have given States maximum flexibility to set which overdue support qualifies for offset to permit each State to establish the most effective and efficient procedures for offsetting State income tax refunds. We recognize that one set of criteria in Federal regulations will not be suitable for all States.

Paragraph (b)(1) requires the IV–D agency to establish procedures to ensure that amounts referred for offset have been verified and are accurate. The regulations do not specify the procedures States must use to ensure accuracy, since procedures may vary from State to State. Paragraph (b)(2) requires the IV–D agency to notify the appropriate State office or agency of any significant reductions in amounts referred for offset.

Under § 303.102(c), a State must inform non-AFDC individuals in advance if the State will first use any offset amount to satisfy any unreimbursed AFDC or foster care maintenance payments. This is in accordance with current policy which allows States to use overdue support collected in non-AFDC cases either to satisfy unreimbursed assistance or to pay non-AFDC individuals.

In accordance with section 466(a)(3)(A) of the Act, § 303.102(d) requires States to send advance notice to the absent parent of the referral for offset and provide an opportunity to contest it. Section 303.102(e)(1) requires States to establish procedures for contesting the referral for offset. Paragraph (e)(2) requires States to have a mechanism for promptly reimbursing the absent parent if the offset amount is found to be in error or to exceed the amount of overdue support. Paragraph (e)(3) requires States to establish procedures, with respect to joint refunds, for ensuring that the absent parent's spouse has an opportunity to request a share of the refund, if appropriate, in accordance with State law.

Section 303.102(f) allows a State to charge a reasonable fee in non-AFDC cases to cover the cost of collecting overdue support using State income tax refund offset, in accordance with section 466(a)(3)(B) of the Act.

Section 303.102(g) sets forth the requirements specified in section 460(a)(3(B) of the Act for distribution of amounts offset. Paragraph (g)(1) requires States to distribute amounts collected from State tax refund offsets within a reasonable time period in accordance with the State law. In AFDC or foster care maintenance cases, distribution procedures at § 302.51(b)(4) and (5) or 302.52(b)(3), and (4) respectively, are applicable because the State must treat amounts collected under the State tax refund offset as past-due support. Under § 302.51.(b)(4), amounts collected in an AFDC case are retained by the State as reimbursement for past assistance payments. Section 302.51(b)(5) provides that any excess amounts remaining after the State is reimbursed in an AFDC case shall be paid to the family. Under § 302.52(b)(3), which governs distribution in foster care maintenance cases, the distribution is the same as for AFDC cases. Under § 302.52(b)(4), excess amounts remaining after the State is reimbursed for AFDC and foster care maintenance payments are retained by the State to be used in the child's best interest. In non-AFDC cases, the State may pay offset amounts to the family first or use them first to reimburse the State, depending on the State's method for distributing arrearage collections in non-AFDC cases. Under § 303.102(g)(2), if the amount collected is in excess of amounts required to be distributed, the excess amount must be refunded to the absent parent within a reasonable period. Paragraph (g)(3) of this section requires the State to credit amounts offset on individual payment records.

Section 303.102(h) requires the State agency responsible for processing State income tax refunds to notify the State IV–D agency of the absent parent's home address and social security number or numbers. The State IV–D agency must provide this information to any other State involved in enforcing the support order. This provision is required by the statute in section 466(a)(3)(C).

Imposition of Liens

We implemented section 466(a)(4) by adding 45 CFR 303.103, Procedures for the imposition of liens against real and personal property. Under paragraph (a) of this section, States must have in effect and use procedures for the imposition of liens against the real and personal property of an absent parent who owes overdue support and who resides or owns property in the State. Under paragraph (b), this procedure is applicable for cases not deemed inappropriate under guidelines that must be developed by the State and made generally available to the public.

Posting Security, Bonds or Guarantees

We implemented the requirements of section 466(a)(6) by adding 45 CFR 303.104, Procedures for posting security, bond or guarantee to secure payment of overdue support. In § 303.104(a), States must have in effect and use procedures under which absent parents must post security, bond, or give some other guarantee to secure payment of overdue support. This procedure is applicable for cases not considered inappropriate under the State's generally available guidelines. Examples of appropriate cases might be those in which the absent parent is self-employed or realizes income from commissions or other irregular payments, unless the income realized is so small that it would be counterproductive to require security because the cost of meeting the security would preclude payment of the support obligation. States should screen cases for use of this procedure very carefully in order to use it to its fullest advantage.

Paragraph (b) requires a State to give the absent parent advance notice, in full compliance with the State's procedural due process requirements, of the requirement to post security, bond or give some other guarantee and of the methods to use to contest the action. Under paragraph (c), this procedure is applicable for cases not deemed inappropriate under guidelines that must be developed by the State and made generally available to the public.

Making Information Available to Consumer Reporting Agencies

We implemented requirements of section 466(a)(7) by adding 45 CFR 303.105, Procedures for making information available to consumer reporting agencies. Under § 303.105(a), we define "consumer reporting agency" to mean any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. This definition is mandated by the statute and found in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)).

Under paragraph (b), in accordance with section 466(a)(7) of the Act, States must use this procedure when an absent parent is more than $1,000 in arrears and information regarding the amount of overdue support owed by these absent parents is requested by such agencies. The cases in which information is sent to the consumer reporting agency may be further limited by the State under generally available guidelines used to determine cases inappropriate for this procedure.

States have the option of using such procedures in cases where the absent parent is less than $1,000 in arrears. Under paragraph (c), States may charge the agency a fee for providing this information. Any fee charged would be limited to the actual cost of providing the information. Under this requirement, a State may establish a uniform fee to be applied in all cases or develop a fee schedule based on the volume of requests. Paragraph (d) requires the State to provide the absent parent an advance notice and an opportunity to contest the accuracy of the information. Paragraph (e) requires the State to comply with all applicable procedural due process requirements of the State before releasing the information. The requirements imposed in paragraph (d) and (e) are required by the statute.

The requirements of this section do not preclude a State from obtaining information from consumer reporting agencies.

Dates of Collection

Section 302.51(a) provides that the date of collection is the date on which payment is received by the IV–D agency or the legal entity of the State or

political subdivision actually making the collection.

In interstate cases, the date of collection is the date the collection is received by the IV–D agency of the State in which the family is receiving aid. In any case in which collections are received by an entity other than the agency responsible for final distribution under § 302.51, the entity must transmit the collection within 10 days of receipt.

Incentive Payments

Under current section 458 of the Act, States and political subdivisions that enforce and collect support are eligible to receive as an incentive 12 percent of collections made on behalf of AFDC families. States deduct the incentive payment from the Federal share of collections before reimbursing the Federal government for its contribution toward the AFDC assistance payment. The incentive payment is thus set at a fixed rate of the support collection.

The fixed incentive payment rewards States for collections made in AFDC cases, but it does not encourage States to improve program efficiency and effectiveness. The great variance in the efficiency and effectiveness of Child Support Enforcement programs operated by States has become a matter of increasing concern. This disparity has led to a search for ways in which Federal funding might be used to encourage improvement in the performance of State Child Support Enforcement programs.

To encourage and reward States that operate Child Support Enforcement programs in an efficient and effective manner and to stimulate collections, Congress added a new section 454(22) and revised section 458 of the Act. Effective October 1, 1985, section 458 will replace the current incentives system with a new system under which States will receive a minimum incentive payment based on amounts collected on behalf of AFDC families and on behalf of non-AFDC families. States could also receive additional amounts above the minimum payment if their performance meets the criteria established by Congress and promulgated in this document. In addition, section 454(22) requires the State to pass through an appropriate share of its incentive payment to those political subdivisions within the State that financially participate in the program. Since the emphasis of the new system is on program performance, we believe that States will be encouraged to select and develop more effective and efficient methods of operating their programs.

Section 5(c)(2)(A) of the new statute provides that through FY 1985, States will receive incentives on AFDC collections retained to repay assistance payments, and the first $50 collected which is returned to the family in accordance with section 457(b) of the Act as amended by section 2640(b) of the Deficit Reduction Act of 1984. Prior to this provision, incentives were paid only on collections retained to reduce or repay assistance payments.

Revised section 458(b)(4) provides for a transition between the current funding system (12 percent incentives and 70 percent Federal matching rate) and the new system which becomes effective October 1, 1985. Under the transition provision, in FY 1986 and FY 1987, States will be paid an amount equal to the greater of the amount they qualify for under the new incentive and Federal matching rate system or 80 percent of the amount that they would have received under the 12 percent incentive payment (as amended by the new statute to allow incentives to be paid on collections retained to repay assistance payments, and the $50 which is passed through to the family under the Deficit Reduction Act of 1984 (Pub. L. 98–369)) and 70 percent matching rate system, had they remained in effect as they were in effect for FY 1985.

We implemented section 454(22) and the revised section 458 of the Act by adding § 302.55 and revising § 303.52, Incentive payments to States and political subdivisions. In accordance with the new State plan requirement in section 454(22), regulations at § 302.55 require the State plan to provide that, in order for the State to be eligible to receive incentive payments under § 303.52, if one or more political subdivisions participate in the cost of carrying out the IV–D program, those subdivisions shall be entitled to receive an appropriate share of any incentive payment made to the State for the period, as determined by the State in accordance with § 303.52(d), taking into account the efficiency and effectiveness of the political subdivision in carrying out its activities under the IV–D State plan. For example, the State may determine the appropriate share of each locality that participates in the costs of the program using a formula such as the one specified in statute and contained in this document at § 303.52(b). We strongly recommend that if States use that formula, they supplement each locality's share, if necessary, so that localities receive the total incentive payment which would be computed for their performance with respect to the criteria in § 303.52(d).

We implemented the revised section 458 of the Act by revising the current § 303.52. Paragraph (a) of § 303.52 contains four definitions. The definition of "political subdivision" is unchanged from the former § 303.52. To clarify the use of the terms "AFDC collections," "non-AFDC collections" and "total IV–D administrative costs," we added definitions of these terms to § 303.52(a). The definitions of AFDC and non-AFDC collections reflect the provision in section 458(b) which allows States to count collections made in foster care maintenance cases as AFDC collections for purposes of calculating incentive payments.

Paragraph (b) provides that OCSE will pay an incentive payment to a State for each fiscal year in recognition of AFDC collections and of non-AFDC collections. Under paragraph (b)(1), a portion of the State's incentive payment is computed as a percentage of its AFDC collections, and a portion of its incentive payment is computed as a percentage of its non-AFDC collections. The percentage, determined separately for AFDC and non-AFDC incentives, is based on the ratio of the State's AFDC and non-AFDC collections to the State's total IV–D administrative costs, in accordance with section 458(c) of the Act. The percent of collections payable as an incentive to a State in a given fiscal year is specified in the schedule contained in paragraph (b)(1). To implement section 458(b) of the Act, each State will receive an incentive payment of at least six percent of its AFDC and non-AFDC collections. The schedule also sets forth increased incentive payments equal to 5.5 percent of each type of collection if the ratio of AFDC or non-AFDC collections to total IV–D administrative costs equals at least 1.4. An additional incentive of one-half of one percent of AFDC and non-AFDC collections, up to a limit of 10 percent, will be paid for each full two-tenths by which the ratio exceeds 1.4. These two provisions governing increased incentive payments implement section 458(c) of the Act.

Under § 303.52(b)(2), the ratios of the State's AFDC and non-AFDC collections to total IV–D administrative costs will be truncated at one decimal place, since rounding is not permitted under the statute. For example, a State will receive an incentive of seven percent of its AFDC collections if the ratio of AFDC collections to total IV–D administrative costs is 1.79, because in order to receive an incentive of 7.5 percent, the ratio must be at least 1.8.

As provided under section 458(b), paragraph (b)(3) provides that the portion of the incentive payment paid to a State for non-AFDC collections may not exceed the portion paid the State for

AFDC collections in FY 1986 and 1987. However, in FY 1988, the non-AFDC portion of the incentive may equal 105 percent of the AFDC portion of the incentive; in FY 1989, the non-AFDC portion may equal 110 percent of the AFDC portion of the incentive; and in FY 1990 and thereafter, it may equal 115 percent of the AFDC portion of the State's incentive payment.

Under paragraph (b)(4), we list conditions that apply in the calculation of incentive payments. In paragraph (b)(4)(i), we specify that collection distributed and expenditures claimed by a State in a specified fiscal year will be those used to calculate the ratio under paragraph (b)(1).

In paragraph (b)(4)(ii), both the responding State and the initiating State receive credit for collections made in interstate cases. This provision, which implements section 458(d), is designed to encourage States to work interstate cases. It also represents a significant change from current law under which only the responding State receives the incentive payment.

In paragraph (b)(4)(iii), we exclude fees paid by individuals, recovered costs and program income such as interest earned on collections from IV–D expenditures when computing incentives. Excluding these amounts from IV–D expenditures is provided for in section 455(a) of the Act. Section 455(a) requires the Secretary, in determining the total amount expended by a State during a quarter, to exclude the total amount of any fees collected or other income resulting from services provided for both AFDC and non-AFDC cases under the title IV–D State plan. As provided for in section 458(c), paragraph (b)(4)(iv) allows States to exclude laboratory costs incurred in determining paternity from their total IV–D administrative costs when computing incentives. Congress provided this option in an effort to encourage States to pursue paternity cases which may not be cost-effective initially but which may pay off over a longer period of time and which also benefit the child. Lastly, under paragraph (b)(4)(v), States must add amounts expended by the State in carrying out specific interstate projects which are provided for under section 455(e) of the Act to their IV–D administrative expenditures when computing incentives. This is in accordance with section 455(e)(4) of the Act.

Under § 303.52(c)(1), we will estimate the amount of the incentive payment to be received by a State for the upcoming year, in accordance with section 458(e) which requires the Secretary to estimate the incentive payment due a State based on the best information available. In order to obtain this information, however, the reports currently submitted by the State must be revised. A revision is currently in process and will be submitted separately to the Office of Management and Budget (OMB) for review in accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

In paragraph (c)(2), we require States to include one-quarter of the estimated annual incentive payment amount in their quarterly collection report which will result in a reduction to the Federal share of AFDC collections reported for that quarter. We require this because section 458(e) of the Act provides that estimated incentives be paid quarterly and because this practice is being used currently by States to obtain the 12 percent fixed incentive. Adjustments for any overpayments or underpayments which might have been made in prior quarters will be made in the following fiscal year. Thus, States will know in advance an estimate of the incentive payment they can expect to receive for a year which will allow them to budget for their title IV–D programs with some degree of certainty.

Paragraph (c)(3) provides that OCSE would calculate the State's actual incentive payment for the fiscal year after the end of the current fiscal year based on State performance data. If adjustments to the estimate made at the beginning of the fiscal year are necessary, the State's IV–A grant award will be reduced or increased to ensure that the State receives the appropriate incentive payment.

Paragraphs (c) (4) and (5) contain the special conditions relating to the payment of incentives during FY 1985, FY 1986, and FY 1987 which are specified in section 458(b)(4) of the Act and section 5(c)(2)(A) of the Child Support Enforcement Amendments of 1984, and described earlier in this preamble.

In accordance with section 454(22) of the Act, paragraph 303.52(d) requires States to calculate and promptly pay incentive payments to political subdivisions that participate in the costs of the IV–D program. Under paragraph (d)(1), we require the State to develop a standard methodology for passing through an appropriate share of its incentive payment to political subdivisions that participate in the costs of the IV–D program, taking into account the efficiency and effectiveness of the activities carried out under the State plan by the political subdivisions. Since many localities perform a substantial amount of work in the enforcement and collection of support, Congress specified in section 454(22) that they must receive an appropriate share of the State's incentive payment, if they participate in program costs. Therefore, under paragraph (d)(1) States must develop a standard methodology that best fits their needs.

Paragraph (d)(2) requires the State to seek local participation in the development of its standard methodology. We require this because we believe that local participation will ensure that the methodology is both fair and equitable. To comply, States may use whatever rulemaking process that includes an opportunity for review and comment that is available under State law or submit a draft methodology to participating localities for review and comment.

Under § 303.52(e), we require an initiating State to identify the case as an AFDC, non-AFDC or IV–E case at the time that the State asks the responding State to make a collection. We also require the initiating State to inform the responding State of any changes in the status of the case.

Lastly, in § 303.52(f) we require that States continue to use the time frame for the transmission of interstate collections and the codes required under the current § 303.52. Therefore, responding jurisdictions are required to forward collections to the initiating State within 10 days and include the code identifying the collecting State or political subdivision as defined by the Federal Information Processing Standards Publication or in the Worldwide Geographical Location Codes.

Reduction in the Federal Matching Rate

Federal funding is available to States for administrative costs incurred pursuant to a State plan for child support enforcement approved under title IV–D of the Act. This funding is authorized by section 455(a)(1) of the Act. Revised section 455(a)(1) reduces the Federal funding rate from 70 to 66 percent over a three-year period beginning in FY 1988.

Federal funding at the 70 percent rate is available for FY 1983 through FY 1987. The rate of 68 percent applies to FY 1988 and FY 1989. Each fiscal year thereafter the matching rate will be 66 percent. To implement this change, we defined the term "applicable matching rate" in 45 CFR Part 301 and substituted that phrase for the phrase "70 percent rate" wherever it appears in 45 CFR Parts 304 and 307. Also, we made a conforming change to § 305.22, State financial participation, to specify that the State share in funding the administrative costs

of the program will increase from 30 to 34 percent over the same period.

Collection of Past-Due Support From Federal Income Tax Refunds

Revised section 464 of the Act provides for the use of Federal income tax refund offsets to collect past-due support owed in non-AFDC and foster care cases, as well as AFDC cases. Previously, this means of collection was available for AFDC cases only. The statutory amendments apply with respect to refunds payable under section 6402 of the Internal Revenue Code of 1954 after December 31, 1985 and before January 1, 1991.

The regulations implement revised sections 454 and 464 of the Act by amending § 303.72 which governs the use of Federal income tax refund offset. The regulations do not amend § 302.60, the State plan requirement section, because § 302.60 is written broadly enough to cover submittal of AFDC, foster care maintenance and non-AFDC cases for refund offset.

Former § 303.72(a) defined "past-due support." We moved the definition to § 301.1 because it applies to all sections in the regulations governing Federal tax refund offset. We also added a sentence to the definition which, in non-AFDC cases, limits past due support which may be referred for Federal income tax refund offset to support due a minor child. Spousal support due in non-AFDC cases may not be referred for Federal tax refund offset. Section 303.72(b) contains the criteria for determining which past-due support qualifies for Federal tax refund offset. Current § 303.72(b)(1) states, in part, that past-due support qualifies for offset if the support has been assigned to the State making the referral. To implement revised section 464(a) of the Act, § 303.72(a)(1) permits States to refer amounts for offset if there has been an assignment under § 232.11 or section 471(a)(17) of the Act of an application for IV–D services under § 302.33 filed with the State IV–D agency.

The regulations at § 303.72(a)(2)(i) require the amount referred for offset in AFDC and foster care maintenance cases to be at least $150 as specified in current regulations for AFDC cases. The regulations at § 303.72(a) (2)(ii), (5) and (6) require any past-due support referred for offset in AFDC and foster care maintenance cases to have been delinquent for three months or longer require the State to verify the accuracy of the name, social security number and arrearage amount in all cases and provide that the IRS must have received notification of liability for past-due support in all cases.

Section 303.72(a)(3) requires, in non-AFDC cases: that the support is due to or on behalf of a minor, that the amount of past-due support is at least $500; at State option, that the amount has accrued since the State IV–D agency began to enforce the support order; and that the State has checked its records to determine if an AFDC or foster care maintenance assigned arrearage exists with respect to the non-AFDC individual or family. Section 464(c) limits the amount referred for offset in non-AFDC cases to support due to or on behalf of a minor. Spousal support owed in non-AFDC cases may not be referred for Federal income tax refund offset. Section 464(b)(2) of the Act imposes the $500 minimum amount to be referred for offset in non-AFDC cases and allows States to limit amounts referred to those accrued since the State began to enforce the order.

We used the Secretary's authority under section 1102 of the Act to add a new § 303.72(a)(3)(iv), which require States to check their records for assigned AFDC or foster care maintenance arrearages in non-AFDC cases. It is possible that a non-AFDC individual who has applied for IV–D services and is seeking Federal tax refund offset to satisfy past-due support may provide, locate or other information which the State previously lacked and therefore was unable to collect assigned arrearages which accrued when the non-AFDC individual was receiving AFDC or foster care maintenance payments. Section 303.72(a)(4) requires that the IV–D agency must have in its records a copy of the order and any modifications specifying the date of issuance and the amount of support; a copy of the payment record or an affidavit signed by the custodial parent attesting to the amount owed; and, in non-AFDC cases the current address of the custodial parent.

Section 303.72(b) sets forth requirements for notification OCSE of liability for past-due support. Paragraph (b)(1) which requires IV–D agencies to submit to OCSE, a notification on magnetic tape of liability for past-due support, by the date specified by OCSE in instructions. Paragraph (b)(2)(v) requires the notification of liability for past-due support to indicate for each delinquency whether the past-due support is due a non-AFDC individual who applies for services under § 302.33. Therefore, the State must certify for offset separately amounts to satisfy assigned AFDC and foster care arrearages and other arrearages due in non-AFDC cases. Paragraph (b)(3) addresses additional information a State may include in the notification of liability for past-due support. The remainder of paragraph (b) (formerly paragraph (c)) is unchanged by these regulations.

Former § 303.72(d), governing review of requests for offset was redesignated as § 303.72(c) and paragraph (d)(2), redesignated as paragraph (c)(2), is revised by deleting "December 1." Former §303.72(e), governing notification of changes in case status, is redesignated as § 303.72(d) and minor editorial changes have been made for consistency.

Former § 303.72(f) redesignated as § 303.72(e), requires OCSE or the State IV–D agency to send a pre-offset notice. Section 464(a)(3) of the Act specifies that the notice must include a statement informing the absent parent of the steps which may be taken to contest the State's determination that past-due support is owed or the amount of past-due support and the procedures to be followed in the case of a joint return to protect the share of the refund which is payable to another person. Section 303.72(e) implements the requirement for advance notice to the absent parent, including the procedures and deadlines for responding to the notice. These requirements provide the absent parent with an opportunity to be heard either in the submitting State or if the support order was issued in another State, in that State at the request of the absent parent if he or she does not agree that past-due support is owed or that the amount being referred for offset in accurate. In addition, § 303.72(e)(1) requires the State or OCSE to include a statement in the notice that, in the case of a joint return, the IRS will contact the absent parent's spouse at the time of offset regarding the steps to take to protect the share of the refund which may be payable to that spouse. Section 464(a) (1) and (2) of the Act specify that the IRS will notify the taxpayer that the withholding has been made. The IRS will also notify any individual who filed a joint return with the absent parent of the steps to take in order to sucure his or her proper share of the refund. Determination of the proper share of a refund depends on the community property laws of the jurisdiction where the absent parent and spouse reside. Section § 303.72(e)(2) sets forth IRS procedures with respect to notice at the time of offset.

The regulations at paragraph (f) address procedures for handling complaints received from absent parents in intrastate cases.

The IV–D agency must send a notice to the absent parent and, in non-AFDC cases the custodial parent, of the time

and place of the administrative review of the complaint and conduct the review to determine the validity of the complaint. If a complaint concerns a joint tax refund that has not yet been offset, the IV-D agency must inform the absent parent that the IRS will notify the absent parent's spouse at the time of offset regarding the steps to take to secure a proper shae of the refund. If the complaint concerns a joint tax refund which has already been offset, the IV-D agency must refer the absent parent to the IRS. If the review results in a deletion of, or a decrease in, the amount referred for offset, the IV-D agency must notify OCSE in writing of the deletion or modification. If, as a result of the administrative review, an amount which has already been offset is found to exceed the amounts of past-due support owed, the IV-D agency must refund the excess amount to the absent parent promptly.

Section 303.72(g) of these regulations describes the procedures for contesting in interstate cases. If the absent parent requests an administrative review in the submitting State, the IV-D agency must meet the requirements of § 303.72(f). If the complaint cannot be resolved by the submitting State and the absent parent requests a review in the State with the order upon which the referral for offset is based, the submitting State must notify the State with the order of the request and provide all necessary information within 10 days of the absent parent's request for an administrative review. The State with the order sends a notice to the absent parent, and in non-AFDC cases the custodial parent, of the time and place of the administrative review, conducts the review, and makes a decision within 45 days of receipt of the notice and information from the submitting State.

The State with the order notifies OCSE in writing if the administrative review results in a deletion of or decrease in the offset amount and notifies the submitting State promptly upon resolution of a complaint. The submitting State is bound by the decision of the State with the order. If a refund is due the absent parent, the IV-D agency in the submitting State must take steps to refund any excess amount to the absent parent promptly. For purposes of incentive payments, collections will be treated as having been collected in full by both the submitting State and the State with the order.

OMB Circular A-87 (Cost Principles for State and Local Governments) Attachment B, Section D(1), precludes Federal funding for "any loss arising from uncollectable accounts and other claims, and related costs." In addition section 1102 of the Act requires the Secretary to establish rules necessary for efficient administration of the program. Therefore, costs incurred by States as a result of tax refund offset payments to individuals which are subsequently determined to be erroneous and which the State is unable to recoup from the individual may not be claimed as administrative costs under the IV-D program as these are not appropriate expenditures for which Federal funding is available.

Paragraph (h) requires that collections made as a result of refund offset in AFDC and non-AFDC cases shall be distributed as past-due support under § 302.51(b) (4) and (5). Paragraph (h)(2) requires that collections made as a result of refund offset where there has been an assignment of this support obligation in a foster care maintenance case under section 471(a)(17) of the Act be distributed under § 302.25(b) (3) and (4). Under these provisions, a State must apply amounts offset to AFDC and foster care assigned arrearages submitted for offset first and only pay the non-AFDC family any amounts offset which have not been assigned. Although this distribution order is not specifically mandated in the Act, amended section 6402(c) of the Internal Revenue Code 1954 requires the IRS to apply amounts offset first to satisfy past-due support assigned to the State in AFDC and foster care maintenance cases. We believe Congress intended this distribution order to be followed by States. Therefore, under the authority granted to the Secretary in section 1102 of the Act, we require States to apply amounts offset first to past-due support assigned to the State and submitted for Federal tax refund offset. Paragraph (h)(3) requires States to inform individuals who apply for non-AFDC offset services how the amounts offset will be distributed.

Section 464(a)(3)(D) of the Act requires a State, in any case in which an amount is offset and the State subsequently determines that the amount certified for offset was in excess of the amount owed at the time of offset, to pay the excess to the absent parent or, in the case of amounts withheld on the basis of a joint return, jointly to the parties filing the return. Section 303.72(h)(4) requires IV-D agencies to repay excess amounts offset to the absent parent or the parties filing a joint return within a reasonable period in accordance with State law.

Section 464(a)(3)(B) of the Act provides that, when the Secretary of the Treasury offsets a refund that is based on a joint return, the Secretary of the Treasury shall notify the State that the offset is being made from a refund based upon a joint return and shall furnish the State with the names and addresses of each taxpayer filing the joint return. In the case of an offset made to satisfy past-due support in a non-AFDC case, the State may delay distribution of the offset amount until the State is notified that the other person filing the joint return has received his or her proper share of the refund, but the delay may not exceed six months. Section 464(a)(3)(C) of the Act provides that, when an offset is made, if the absent parent's spouse filing the joint return takes appropriate action to secure his or her proper share of the refund that was offset, the Secretaty of the Treasury will pay the spouse his or her share of the refund and deduct that amount from amounts payable to the State agency.

To implement section 464(a)(3)(B), § 303.72(h)(5) permits States to delay distribution in non-AFDC cases until notified that the unobligated spouse's proper share of the refund has been paid or for a period not to exceed six months from the date the State is informed that an offset is being made from a refund based on a joint return, whichever is earlier. States may wish to send absent parents a second notice at the time of offset to inform them that, unless the absent parent contacts the State within a certain period of time to contest the offset, the State will distribute the amount offset to the family. This may encourage prompt filing of amended returns.

The regulations do not change § 303.72(h)(6), which requires that offset amounts be applied only to satisfy arrearages specified in the advance notice to the absent parent except for minor editorial changes for consistency.

In accordance with section 464(b)(2)(B) of the Act, the regulations revise § 303.72(i), to permit the Secretary of the Treasury to impose a fee on the IV-D agency not to exceed $25 for each non-AFDC case submitted. Amended section 464(b)(1) of the Act provides that any fee paid to the Secretary of the Treasury may be used to reimburse appropriations which bore all or part of the cost of applying offset procedures. Section 454(6)(C) of the Act permits the State to impose a fee of not more than $25 in any case where the State requests offset from a Federal income tax refund to satisfy non-AFDC past-due support. To implement section 454(6)(C), § 303.72(i)(2) requires the State to inform any individual who applies for services under § 302.33 of the amount of any non-

AFDC user's fee charged for submitting past-due support for Federal tax refund offset, if the State IV–D agency chooses to charge a fee. The fee may not exceed $25.

Paragraph (j) of the regulations requires each State involved in a referral of past-due support for offset to comply with instructions issued by OCSE.

In accordance with section 464(a)(2)(B) of the Act, § 303.72(k) limits offset of Federal tax refunds to satisfy past-due support in non-AFDC cases to refunds payable under section 6402 of the Internal Revenue Code of 1954 after December 31, 1985, and before January 1, 1991.

Collection and Distribution of Support in Foster Care Maintenance Cases

Pub. L. 96–272, the Adoption Assistance and Child Welfare Act of 1980, transferred the AFDC foster care program from title IV–A of the Act to a new title IV–E and authorized Federal matching funds for this newly designated program. Because the foster care program was no longer funded or administered under title IV–A, the provision for assignment of support rights by recipients of AFDC required by section 402(a)(26) of the Act was no longer applicable for foster care cases. This meant that title IV–D child support services were not available to title IV–E foster care cases except as non-AFDC cases. In order to receive IV–D services as a non-AFDC case, the child's parent, legal guardian or the entity given custody of the foster child by judicial determination had to apply to the IV–D agency is accordance with section 454(6) of the Act. To remedy this problem, Congress, effective October 1, 1984, added a new section 471(a)(17) of the Act to require States to take all steps, where appropriate, to secure an assignment of support rights on behalf of a child receiving foster care maintenance payments under title IV–E of the Act and amended sections 454(4)(B), 456(a), 457 and 464(a) of the Act to require IV–D agencies to collect and distribute child support for IV–E foster care maintenance cases.

We implemented provisions of the new section 457(d) which generally parallels the distribution patterns specified for other IV–D collections by amending a number of sections of the IV–D program regulations and adding a new § 302.52, Distribution of support collected in title IV–E foster care maintenance cases. Under § 302.52(a), effective October 1, 1984, a State plan for child support must provide that the support collections in foster care maintenance cases must be distributed in accordance with § 302.51(a). The provisions of § 302.51(a) are general procedures applicable to distribution of support collected in AFDC cases. They require amounts collected to be treated first as payment on the required support obligation for the month in which the support is collected and, if there is excess over the monthly support obligation, it must be treated as payment on the required support obligation for previous months. Section 302.51(a) allows States the option of rounding off converted amount to whole dollars for distribution purposes. It also provides that the collection date is the date the collection is received by the IV–D agency or the legal entity of the State or political subdivision making the collection on behalf of the IV–D agency. In interstate cases, the date of collection is the date on which payment is received by the IV–D agency in the State in which the family is receiving aid.

We believe that distribution of collections in foster care maintenance cases would be facilitated by following the above requirements. Therefore, under the authority granted to the Secretary by section 1102 of the Act, the general requirements of § 302.51(a) apply to support collections made in foster care maintenance cases.

In accordance with section 457(d) of the Act, § 302.52(b) contains procedures specific to the distribution of support collections in foster care maintenance cases. Under paragraph (b)(1), amounts paid on required support obligations on behalf of children for whom foster care maintenance payments are being made under title IV–E must be retained by the State to reimburse it for foster care maintenance payments. The IV–D agency must determine the Federal share of these collections so that the State may reimburse the Federal government to the extent of its participation in financing the foster care maintenance payments.

Under paragraph (b)(2), if the amount collected is in excess of the monthly amount of the foster care maintenance payment but not the monthly support obligation, the State must pay the excess to the State agency responsible for supervising the child's placement and care. The State agency must then use the excess in a manner it determines to be in the best interests of the child. Although we believe the State agency should have wide latitude in determining how this amount might be used in the child's best interest, we have included the two options which are included in the statute: (1) Setting aside such amounts for the child's future needs; or (2) making all or part of the money available to the person responsible for meeting the child's day-to-day needs to be used for the child's benefit.

Under paragraph (b)(3), if the amount collected exceeds the amount required to be distributed under paragraphs (b)(1) and (2), the State must retain the excess to reimburse itself for past unreimbursed foster care maintenance payments made under title IV–E or past unreimbursed assistance rendered by the AFDC program under title IV–A. If past title IV–A or IV–E payments exceed the total support obligation owed, the State may not retain more than such obligation. If amounts are collected which represent support due prior to the first month the family received IV–A or IV–E assistance, the State may retain these amounts to reimburse the State for the difference between the support obligation and the past IV–A or IV–E payments. The IV–D agency must determine the Federal share of these collections so that the State may reimburse the Federal government to the extent of its participation in the assistance payments under title IV–A and foster care maintenance payments under title IV–E. Paragraph (b)(4) requires that any balance after the satisfaction of any unreimbursed payments must be paid to the State agency responsible for supervising the child's placement and care to be used in the child's best interest.

In paragraph (b)(5), we require that no payment can be considered a future payment unless the absent parent's assigned support obligations under sections 402(a)(26) and 471(a)(17) of the Act are fully satisfied. This is necessary for the proper implementation of the distribution procedures required by section 457(d) of the Act.

Lastly, in § 302.52(c), after the termination of the assignment made under section 471(a)(17) of the Act, States are required to attempt to collect amounts of accrued unpaid support which have been assigned. Amounts collected must be distributed as past-due support in accordance with paragraph (b)(3) and a State must give priority to collection of current support in this type of case. This requirement is consistent with the distribution process in section 457 of the Act.

We also amended § 302.31(a)(1) to require States to establish paternity of a child born out of wedlock with respect to whom there is an assignment under section 471(a)(17) of the Act. Although establishment of paternity in foster care maintenance cases is not specifically mandated in the amendments to the statute, we believe Congress intended that all IV–D services be available in

foster care maintenance cases, as was the case prior to enactment of title IV–E of the Act. We are also making a similar technical change to § 305.5. Since establishment of paternity is a necessary prerequisite to securing support, we are using the Secretary's authority under section 1102 of the Act to include these provisions.

In order to implement the State plan requirement in the revised section 454(4)(B) of the Act, we amended § 302.31(a)(2) to require a State plan for child support to provide that a State IV–D agency must undertake to secure support in cases where there is an assignment under section 471(a)(17) of the Act.

We deleted § 302.31(b)(1), which provided that the IV–D agency will not undertake to establish paternity or secure support in any case for which it has received notice from the IV–A agency that there has been a finding of good cause for failure to cooperate pursuant to section 402(a)(26)(B) of the Act, except as provided under paragraph (c). We believe paragraphs (b)(1) and (c), discussed below, are redundant.

Section 454(4)(B) was also amended to exempt States from securing support in foster care maintenance cases if the IV–A or IV–E agency determines that it is against the best interests of the child to do so. Consistent with this statutory requirement, we amended § 302.31(b)(2) to require that, upon receiving notice from the IV–A or IV–E agency that there has been a claim of good cause, the IV–D agency will suspend all activities to establish paternity or secure support in a foster care case until notified of a final determination by the IV–A or IV–E agency. Paragraph (b)(2) has been redesignated as paragraph (b). Further, under paragraph (c), a IV–D agency will not undertake to establish paternity or secure support in a foster care case for which it has received notice from the IV–A or IV–E agency that there has been a finding of good cause, unless there has been a determination by a State or local IV–A or IV–E agency that support enforcement could proceed without the participation of the relative.

To implement the revised section 456(a) of the Act, 45 CFR 302.50(a) is amended to provide that support rights assigned to the State under section 471(a)(17) of the Act constitute an obligation owed to the State by the individual responsible for providing the support. Changes to the regulations necessary to authorize offset of Federal income tax refunds to satisfy past-due support in foster care maintenance cases are discussed under the section of the preamble entitled "Collection of Past-Due Support from Federal Income Tax Refunds."

To ensure that required standards for program operations under 45 CFR Part 303 are established for foster care maintenance cases, we expanded the applicability of §§ 303.2 through 303.5 by deleting references to cases referred to the IV–D agency "pursuant to § 235.70 of this title." Since § 235.70 applies only to AFDC cases, by deleting reference to it in the introductory language of these sections, we have expanded the applicability of these sections to all cases referred to the IV–D agency, i.e., AFDC, non-AFDC, foster care maintenance and interstate cases.

Since the collection and distribution of child support in foster care cases will be undertaken as a part of a State's IV–D State plan, we amended § 304.20. Availability and rate of Federal financial participation, by revising paragraph (a)(1) to provide that Federal financial participation is available for necessary expenditures under a State title IV–D plan for the support enforcement services and activities provided in foster care cases where there is an assignment under section 471(a)(17) of the Act. We revised § 304.20(b)(1)(viii) (D) to include the procedures used to transfer collections from the IV–D agency to the IV–E agency.

Finally, we amended §§ 305.25, 305.27 and 305.38 to include foster care maintenance cases in the program audit.

Expansion of 90 Percent Funding for Systems

We revised 45 CFR Part 307, published in the Federal Register on August 22, 1984 (49 FR 33255) to implement the amendments made by section 6 of Pub. L. 98–378. Effective October 1, 1984, section 454(16) of the Act permits States to use computerized support enforcement systems to facilitate the development and improvement of the procedures to improve program effectiveness required under section 466(a) of the Act. Section 307.10 requires each CSES funded at the 90 percent rate to: (1) Be planned, designed, developed, installed or enhanced in accordance with an APD approved under § 307.15; and (2) control, account for, and monitor all the factors in the support collection and paternity determination process under the plan. To implement revised section 454(16) of the Act, § 307.10(b) permits a CSES established under § 307.10(a) to facilitate the development and improvement of the income withholding and other procedures required under section 466(a) of the Act through: (1) The monitoring of support payments; (2) the maintenance of accurate records on support payments; and (3) the prompt notice to appropriate officials of any support arrearages. We encourage States to develop or enhance statewide CSESs that encompass the procedures referred to above because the automation of such procedures will contribute to efficient and effective program operations. (See the discussion below regarding the availability of Federal funding at the 90 percent rate for these activities.)

The revised section 455(a)(3) of the Act (redesignated as section 455(a)(1)(B) of the Act) allows 90 percent Federal funding to expand the CSES to cover the procedures to improve program effectiveness required under section 466(a) of the Act. Section 307.30(a)(2) provides that 90 percent Federal funding is available for the planning, design, development, installation or enhancement of a CSES that meets the requirements specified in § 307.10(a). To implement revised section 455(a)(1)(B) of the Act, we have revised § 307.30(a)(2) to indicate that Federal funding at the 90 percent rate is also available for the optional expansion of the system as discussed above.

Previously, § 307.30(b) provided that 90 percent Federal funding was only available in expenditures for the rental or purchase of hardware or proprietary software used for the planning, design, development, installation or enhancement of a CSES described in § 307.10. Ninety percent Federal funding was not available in expenditures for hardware incurred during the operation of a CSES. Revised section 455(a)(1)(B) of the Act allows 90 percent Federal funding in expenditures incurred for the full cost of the hardware components of a system that meets the requirements prescribed in section 454(16) of the Act. Therefore, we have redesignated § 307.10(b) as § 307.10(b)(1) and revised the provision to make Federal funding available at the 90 percent rate in expenditures for the rental or purchase of hardware for the operation of a CSES as described in § 307.10(a) or § 307.10 (a) and (b). We believe that this change will encourage States to develop statewide CSESs. Ninety percent Federal funding is available in expenditures for hardware as described above incurred on or after October 1, 1984.

The revised section 455(a)(1)(B) of the Act is silent regarding the availability of Federal funding at the 90 percent rate in expenditures for the rental or purchase of proprietary software. Nonetheless, we believe that enhanced Federal funding should be available for the rental or purchase of proprietary software used for the planning, design, development,

installation, enhancement or operation of a CSES to the extent the software is necessary to operate hardware related to the CSES. Traditionally, the Department has issued instructions that prescribe the availability and rate of Federal funding for systems-related costs.

Therefore, we have added a new § 307.30(b)(2) to specify that, effective October 1, 1984, Federal funding is available at the 90 percent rate in expenditures for the rental or purchase of proprietary operating systems software necessary for the operation of hardware during the planning, design, development, installation, enhancement or operation of a computerized support enforcement system in accordance with the Computerized Support Enforcement (CSES) Guide for enhanced funding. The new § 307.30(b)(2) also indicates that Federal funding at the 90 percent rate is not available for proprietary applications software.

We have revised § 307.30(e) to delete the cross reference to 45 CFR 95.617 to reflect HHS policy regarding HHS rights to software funded at the 90 percent matching rate.

We made the following technical changes to the CSES regulations to conform with the changes discussed above. We revised § 307.15, Approval of advance planning documents for computerized support enforcement systems eligible for 90 percent FFP, by amending paragraphs (a), (b)(2) and (b)(5) to indicate that an APD must address the requirements in § 307.10(a) and the optional provision in § 307.10(b) when the State elects to meet such provisions. These changes reflect the revised § 307.10. We also amended § 307.15 by redesignating the citation "§ 307.10" as § 307.10(a) in paragraph (b)(7) of the section. This change also reflects the amendments to § 307.10.

We amended § 307.25, Review of computerized support enforcement systems eligible for 90 percent FFP, by revising paragraph (b) to indicate that the review of a CSES will include the optional provision prescribed in § 307.10(b) when a State has elected to meet that provision. Lastly, we amended § 307.35, Federal financial participation at the 70 percent rate for computerized support enforcement systems, by revising the title and paragraph (a) to indicate that Federal funding is available at the applicable matching rate for the operation of systems that encompass the optional provision prescribed in § 307.10(b).

Publicizing the Availability of Support Enforcement Services

Effective October 1, 1985, section 454(23) of the Act requires States to regularly and frequently publicize through public service announcements the availability of support enforcement services. To implement this State plan requirement, § 302.30 requires States to publicize support enforcement services available under the IV-D State plan through public service announcements on a regular and frequent basis. In accordance with section 454(23), announcements must include information concerning any application fees and a telephone number or address for obtaining further information. This regulation does not require IV-D agencies to conduct extensive or costly public relations or advertising campaigns. A number of States have already developed imaginative and effective public service announcements for television and radio which inform the public that title IV-D services are available to those who need them. The publicity required by these regulations will increase public awareness of available support enforcement services in all States. Federal matching funds are available for these expenditures.

Mandatory Collection of Spousal Support

Effective October 1, 1985, section 454(4)(B) and 454(6) of the Act require States to collect spousal support if a support order has been established, the child and spouse are living in the same household, and the support obligation established with respect to the child is being enforced under the State's IV-D plan. This amendment clarifies that spousal support must be collected only where child support is being collected along with spousal support. Prior to this amendment, collection of spousal support was optional for States.

Sections 302.17 and 302.31 were revised to require States to collect spousal support when it is part of the support order. References to collecting spousal support at State option were deleted from regulations. In addition, minor editorial changes were made to these sections. No changes are necessary to § 302.33, Individuals not otherwise eligible for paternity and support services, which specifies requirements for non-AFDC cases, because there is no reference to optional collection of spousal support in this section.

Accessing the Federal Parent Locator Service (PLS)

Amended section 453(f) of the Act permits States to access the Federal PLS without first exhausting State parent locator resources, effective August 16, 1984. These regulations delete § 302.35(d) which requires the State to make efforts to locate an absent parent through State resources before submitting a request to the Federal PLS. However, the State PLS is an important tool for locating absent parents and the State should use this resource and any other locate procedures whenever it is efficient to do so. In some situations, information from State resources may be more timely and therefore of greater value than Federal PLS information. This regulation provides States with the flexibility to use both the State and Federal PLS to their maximum effectiveness.

Continuing IV-D Services for Families That Lose AFDC Eligibility

Effective October 1, 1984, section 457(c)(1) of the Act requires States to continue to collect support payments for a period not to exceed three months from the month following the month in which the family ceased to receive assistance under the title IV-A program (a total of five months after the final AFDC payment) and pay all amounts collected representing current support to the family. Prior to this amendment, the State had the option to continue to collect support payments for this five-month period. Section 302.51(e) is revised to require (instead of permit) the IV-D agency to continue to provide all appropriate IV-D services during this five-month period. During this period, a State may not recover costs from any collections made. An AFDC family will generally benefit from the continuation of title IV-D enforcement services after they cease to receive AFDC payments. For example, continuing enforcement by the State IV-D agency will help prevent collections from lapsing and the family from returning to the AFDC rolls.

Current regulations at § 302.51(e)(2) are revised and redesignated as (e)(3). The new § 302.51(e)(2) requires the IV-D agency to notify the family, before the end of the mandatory service period, of the consequences of continuing to receive IV-D services, including available services, any fees, and cost recovery and distribution policies. The notice must also indicate that services will be continued unless the IV-D agency is notified to the contrary.

Revised section 457(c)(3) of the Act and § 302.51(e)(3) of the regulations

address State action after the five-month period described above. If the IV-D agency is authorized by the individual on whose behalf the services will be provided, the IV-D agency will continue to provide all appropriate services and pay the net amount collected to the family after deducting, at State option, any costs incurred in making the collection from the amount of any recovery made. Section 454(6)(C) of the Act, as amended by Pub. L. 97-248, permits States to recover costs from either the absent parent or the custodial parent.

In accordance with revised section 457(c)(2) of the Act, § 302.51(e)(3) prohibits State from requiring any formal application or imposing any application fee in cases where the State IV-D agency is authorized to continue to provide IV-D services after a family ceases to receive AFDC payments. The regulations continue to allow States to recover costs incurred in providing services from either the absent parent or the custodial parent because revised section 457(c)(2) of the Act specifies that amounts collected be paid to the family on the same basis as they are paid in other non-AFDC IV-D cases. Paragraph (e)(4) requires States to report collections under paragraph (e) as non-AFDC collections.

We also made a technical revision to § 302.32(b) to specify that the IV-D agency will notify the family that it will continue to provide services pursuant § 302.51(e)(1). Paragraph (b) currently indicates that the family will be notified if the State will continue to provide services.

Notice of Collections of Assigned Support

Effective October 1, 1985, revised section 454(5) of the Act requires States, at least annually, to provide notice of the amount of assigned support payments collected to current or former AFDC recipients. To implement this State plan requirement, § 302.54, Notice of collection of assigned suppport, requires States to provide an annual notice of the amount of support collected during the past year to individuals who have assigned rights to support under § 232.11. This notice must be sent to current AFDC recipients and former AFDC recipients for whom an assignment of support is still effective. We recommend that the notice contain the period for which payments were collected and a telephone number or address for obtaining further information. Under § 302.54(b), the notice must list separately support payments collected for each absent parent when more than one absent parent owes support to the family and indicate the amount of support collected which was paid to the family.

State Guidelines for Child Support Awards

We implemented section 467 of the Act by adding § 302.56, Guidelines for setting child support awards. As required in section 467, § 302.56(a) specifies that, as a condition for approval of its State plan, a State must establish guidelines by law or by judicial or administrative action for amounts of child support obligations set within the State. Section 467 of the Act also requires a State to make these guidelines available to all judges and other officials who have the power to determine child support awards, although the guidelines need not be made binding on them, and to furnish the Secretary with copies of its guidelines. These requirements are implemented by § 302.56 (b) and (d). Section 302.56(c) requires that guidelines be based on specific descriptive and numeric criteria and result in a computation of the support obligation. Although section 467 in not effective until October 1, 1987, States are encouraged to begin their consideration of appropriate guidelines as soon as possible. The guidelines developed by the State in accordance with § 302.56 may be used as the formula required under § 302.53. Under § 302.53, when there is no court order covering a support obligation, there must be a formula to be used by the State in determining the amount of the support obligation.

Imposition of Late Payment Fee on Absent Parents Who Owe Overdue Support

Effective September 1, 1984, section 454(21) of the Act allows a State IV-D plan to provide for the imposition of late payment fees on individuals who owe overdue support. We implemented section 454(21) by adding § 302.75. Procedures for the imposition of late payment fees on absent parents who owe overdue support. In § 302.75(a), the State plan may provide for imposition of a fee on absent parents who owe overdue support in cases in which the IV-D agency is attempting to collect support. In paragraph (b)(1) if a State opts to impose a fee, in accordance with section 454(21)(A), the fee shall be uniformly applied in an amount equal to at least 3 percent but not more than 6 percent of the amount of overdue support. In paragraph (b)(2), we require that the fee shall accrue as arrearages accumulate and shall not be reduced upon partial payment of overdue support. Further, the fee may only be collected after the full amount of overdue support is paid (as required by section 454(21)(B)) and after any requirements under State law for notice to the absent parent have been met. In accordance with section 454(21)(B) of the Act, under paragraph (b)(3), collection of the fee may not directly or indirectly reduce the amount of overdue support paid to the individual to whom it is owed. Under paragraph (b)(4), if the State imposes a late payment fee, it must be imposed in foster care, AFDC and non-AFDC cases. In accordance with section 454 of the Act, under paragraph (b)(5), a State may allow fees collected to be retained by the jurisdiction making the collection. Finally, in paragraph (b)(6), States must reduce their IV-D expenditures by any late payments fees collected. Excluding fees collected is required under section 455 of the Act and § 304.50. Only support which becomes overdue for any month beginning September 1, 1984, is subject to the late payment fee.

Payment of Support Through the IV-D Agency or Other Entity

We implemented section 466(c) by adding § 302.57. Procedures for the payment of support through the IV-D agency or other entity. In paragraph (a), in accordance with the statute, States may have in effect and use procedures for the payment of support through the State IV-D agency or the entity designated by the State to administer the State's withholding system upon the request of either the custodial parent or the absent parent regardless of whether or not arrearages exist or withholding procedures have been instituted. In paragraph (b), if a State implements these procedures, the State must monitor all amounts paid and dates of payments and record them on individual payment records, ensure prompt payment to the custodial parent when appropriate, and charge the parent requesting this service an annual fee not to exceed the lesser of $25 or the actual costs incurred by the State, in accordance with the statute.

State Commissions on Child Support

Section 15 of the new law requires the Governor of each State to appoint a State Commission on Child Support. The Commission must include representation from all aspects of the child support system and examine the functioning of the State child support system with regard to securing support and parental involvement for both AFDC and non-AFDC children. The commissions must submit to the Governor and make

available to the public, reports on their findings and recommendations no later than October 1, 1985. Costs of operating the commissions are not eligible for Federal matching funds.

The Secretary may waive the requirement for a commission at the request of a State if it is determined that the State has in place objective standards for child support obligations, has had a commission or council within the last five years, or is making satisfactory progress toward fully effective child support enforcement. This requirement is implemented in § 304.95.

Availability of Services and Application Fee for Non-AFDC Families

We revised § 302.33(a) to clarify the availability of services under that section and the individuals who are eligible to receive such services. We also revised § 302.33(a) to specify that, in an interstate case, only the initiating State may require an application.

To implement the new section 454(6)(B) of the Act, the regulations at § 302.33(c)(2) were clarified to require the State IV–D agency to charge an application fee for each individual who applies for services under § 302.33. Consistent with paragraph (a), § 302.33(c)(3) was changed to specify that, in an interstate case, the application fee is charged by the State where the individual applies for services under this section.

The following provisions of Pub. L. 98–378 are being implemented in separate regulations:

(1) Revisions to the audit, compliance and penalty provisions (see proposed regulations at 49 FR 39488 dated October 5, 1984);

(2) Requirement that the States charge a mandatory application fee, not to exceed $25, for furnishing IV–D services to individuals who are not AFDC recipients (see final regulations at 49 FR 36764 dated September 19, 1984; comments received on this requirement are addressed in this document);

(3) Requirement that State IV–D agencies petition to include medical support as part of any child support order whenever health care coverage is available to the obligated parent at a reasonable cost (see proposed regulations at 48 FR 35468 dated August 4, 1983); and

(4) Requirement that States must continue to provide Medicaid benefits for four calendar months beginning with the first month of AFDC ineligibility (regulations under development).

Public Comment

A notice of proposed rulemaking was published on September 19, 1984 (see 49 FR 36780). The comment period ended on November 19, 1984. One hundred fifty written comments were received. In addition, four public hearings were held to receive comments as listed below:

October 10—Chicago, Illinois
October 12—Dallas, Texas
October 15—Seattle, Washington
October 17—Washington, D.C.

Respondents included: 9 private citizens, 60 organizations including 46 advocacy groups, 78 State and local agencies, and 3 Federal agencies, some of whom commented by letter and some at the hearings.

Meetings to discuss the proposed regulations were held with the following groups: the National Child Support Enforcement Legislative Committee of the National Child Support Enforcement Association; the National Conference of State Legislatures; the National Governors' Association; the National Council of State Child Support Enforcement Administrators; the American Public Welfare Association; the National District Attorneys' Association; and the National Council of Juvenile and Family Court Judges.

We have grouped the comments by subject and discuss them below along with our responses.

Effective Dates

A number of commenters indicated that it is difficult to determine the various effective dates in these regulations and suggested that specific effective dates be added to appropriate sections of the regulations. To avoid confusion we have done so.

General Definitions (45 CFR 301.1)

Some commenters felt the definitions of "overdue support" and "past-due support" were cumbersome and unclear. One commenter felt that the definition of "overdue support" could be easily misinterpreted to allow a State to collect arrearages for children who are not minors only when using procedures for State tax offset, imposition of liens, posting security, bond or guarantee and providing information on the absent parent to consumer reporting agencies. Another commenter asked that we move the definition for "past-due support" to the section on Federal income tax refund offset. Many commenters objected to the term "absent parent" in these definitions because it does not reflect the relationship in "joint" or "shared" custody situations.

The definitions of "overdue support" and "past-due support" restate the definitions for these terms that are used in the Act. Therefore, we will continue to use these definitions, except for a minor change to correct any possible misinterpretation with respect to collecting overdue support when the child is no longer a minor. In addition, we chose not to move the definition for "past-due support" to 45 CFR 303.72 since it also applies to current regulations at 45 CFR 302.60. Upon review of the many comments received on the use of the term "absent parent," we considered replacing that term with the term "obligated parent". We decided not to make this change in the regulations, however, since the Act consistently uses the term "absent parent" and we believe that a change to "obligated parent" would be confusing in situations in which a support order has not yet been established or where shared custody occurs.

Mandatory State Procedures (45 CFR 302.70)

Section 466 of the Act and implementing regulations require that a State plan for child support enforcement must provide that the State has in effect and has implemented laws and procedures for: (1) Carrying out a program for the withholding of amounts from the wages of individuals to satisfy support obligations; (2) establishing and enforcing support orders by expedited processes; (3) obtaining overdue support from State income tax refunds; (4) imposing liens against real or personal property for amounts of overdue support; (5) establishing a child's paternity up to at least the child's 18th birthday; (6) requiring the absent parent to give security, post a bond or give some guarantee to secure payment of overdue support; (7) making available to consumer reporting agencies at their request information regarding the amount of support owed by an absent parent if the amount is more than $1,000; and (8) including a provision for wage withholding in child support orders issued or modified in the State.

Interstate Applicability of Procedures

A commenter asked if the procedures for imposing liens, posting bonds, offsetting State tax refunds and providing information to consumer reporting agenies (CRAs) are available for interstate cases.

Current regulations at 45 CFR 302.36 require States to cooperate with other States in locating absent parents, securing and enforcing support obligations and establishing paternity. Therefore, the procedures governing liens, bonds, State tax refund offset and

providing information to CRAs must be applied by a State when enforcing an order for another State to the extent allowed by the law of the enforcing State. For example, if the initiating State (the State where the custodial parent applies for services) forwards a case to the reponding State (the State where the absent parent resides), the responding State would review the case information and determine which enforcement technique or techniques would be best suited to the circumstances of the particular case.

Procedures for Wage or Income Withholding (45 CFR 303.100)

Withholding Requirement

The new statute and regulations require States to withhold wages in all IV-D cases when the amount overdue equals one month's support payment, or earlier at the absent parent's request or when the amount overdue is less than one month's payment in accordance with the State law. Withholding must occur without amendment to the order and must be given priority over other legal processes under State law. States must withhold amounts to satisfy the current support obligation and, once current support is met, an amount must be withheld to apply toward liquidation of arrearages. The total amount withheld, including any fee to the employer, may not exceed the limits set forth in section 303(b) of the Consumer Credit Protection Act (CCPA). The withholding must be carried out in full compliance with State procedural due process requirements.

We received many comments on the proposed wage withholding provisions. Some commenters sought clarification as to whether or not the provisions for withholding in cases being enforced under the State plan would be applicable only in cases applying for IV-D services after September, 1985. The provisions for wage withholding are applicable to all IV-D cases regardless of whether or not the case was a IV-D case before October, 1985.

Other commenters wanted clarification on the one-month overdue support requirement for new IV-D applicants seeking withholding. A State must take steps to implement wage withholding in new IV-D cases in which they can verify there is overdue support of one month or more.

We received several comments which were critical of the requirement that withholding must occur in all cases where the absent parent owed overdue support of one month or more. The commenters were concerned that because the regulations require that so much of the absent parent's wages must be withheld as are necessary to comply with the support order up to the maximum amount permitted under section 303(b) of the CCPA [15 U.S.C. 1673(b)], States would be forced to implement withholding in cases which will create economic hardships on the absent parent's second family. Some second families have low incomes and the commenters argued that by reducing this income these families might then qualify for food stamps or other forms of assistance. They urged that the regulation be more flexible in this area, giving the State an option as to whether or not to implement withholding in these cases.

The statute is very clear that withholding must be used in all cases being enforced under the State plan when the absent parent fails to make payments equal to the support payable for one month. We cannot, therefore, give States this type of flexibility.

Once the amount to be withheld satisfies the current month's obligation, we proposed that an additional amount must be withheld to be applied toward the liquidation of arrearages. Many commenters complained that withholding an amount to satisfy arrearages is not required by the statute and felt that withholding of amounts for arrears should be optional. Although it is not explicitly stated in the statute that an amount be withheld for arrears, a reading of House Report No. 98-527 on the statute clearly indicates that Congress intended that an amount be withheld for arrearages. Some commenters stated that in many cases amounts withheld from wages up to the CCPA limit would be inadequate to meet the current support obligation, let alone allow for payment of arrearages. Under the statute and regulations, current support must be withheld first. If current support is satisfied, an additional amount to be applied toward liquidation of arrearages must be withheld. If the CCPA limit is reached before the current support obligation is met, obviously amounts to satisfy arrearages cannot be withheld. Also, since the statute does not require States to withhold up to the maximum of the CCPA limit when establishing an amount to be withheld for arrearages, States have a great deal of flexibility in setting the amount.

Some commenters felt that the regulation should clearly state that the total amount to be withheld for current support, arrearages and the employer fee, if any, cannot exceed the maximum amount permitted under section 303(b) of the CCPA. We have specified in § 303.100(a)(3) that the total of these three amounts may not exceed the CCPA limits.

We received the greatest number of comments on the requirement that withholding must occur without the need for any amendment to the support order involved or any need for further action by the court or other entity that issued the support order. Most of these commenters felt that the requirement violated the due process requirements of States, which require orders to be returned to court for a hearing before withholding can be implemented. They pointed out that the regulations themselves require that withholding be carried out in full compliance with States' due process requirements. Many of these commenters also argued that their State laws require arrearage payments to be established through a formal court process at which a payment schedule is created based on the absent parent's ability to pay.

This regulatory provision is explicitly required by section 466(b)(2) of the Act. State laws which require that a support order must be returned to court must be changed to conform with the Federal statute. The statute and regulations still require protection of the absent parent's due process rights prior to implementing withholding. In response to other comments, this requirement does not rule out a judge signing a withholding order, if this process does not involve a hearing or a court appearance.

We received other comments suggesting that the provision prohibiting amendment of the support order to initiate withholding should apply only to a judgment entered after the effective date of the new law. Commenters felt this was necessary to avoid equal protection problems. Again, this provision is expressly provided for in section 466(b)(2) of the Act. The intent of the statute is to provide an administrative enforcement remedy which is equally available in all cases. We believe that applying special provisions to cases with judgments entered after the effective date of the new law would not be consistent with the new statute.

Because we have received many comments about this provision, we suggest that States enact a statute under which withholding would occur without the need for any amendment to the support orders involved. States might also send out a general notice to all absent parents informing them of the new State law, how it affects them, and how they might appeal. This provision of the Federal statute does not preclude a State from amending orders to incorporate withholding provisions, if

the case is before a court administrative tribunal for other purposes.

Many commenters expressed concern that it would not be possible to implement withholding in all existing cases by the October, 1985 effective date. We agree that identifying cases, locating individuals and employers, verifying information and proceeding with any appropriate withholding action in all existing cases by October 1, 1985 will entail a major effort, considering the magnitude of the caseloads requiring action in each State. However, States will have had over a year since enactment of Pub. L. 98–378 to prepare for the October 1, 1985 implementation date. Because the effective date is specified in the statute, we cannot allow States additional time to implement withholding in appropriate existing cases.

Procedures for Termination of Withholding and for Promptly Refunding Withheld Amounts

The regulations at § 303.100(a) (8) and (9) require States to have procedures for promptly terminating the withholding and for promptly refunding to absent parents amounts which have been improperly withheld.

Commenters on the termination procedures required by the proposed rule expressed concern about the requirement from two different points of view. One group of commenters felt that the termination requirements were not specific enough and needed to be more restrictive. The other group of commenters thought that States should be allowed to determine on what basis they would terminate withholdings. These commenters suggested that States would want to have the option not to initiate a withholding or to terminate an existing withholding based on the payment of all overdue support when it is a large amount, such as $5,000. Other commenters asked for the removal of all examples of circumstances for termination of withholding from the regulation. They suggested that OCSE issue an action transmittal at some later date, which could give examples and guidance in this area. In the final regulation as in the proposed rule, we do not specify criteria for termination of withholding and will allow States to develop their own criteria. We have deleted the examples of when termination of withholding would be appropriate to assure States the necessary flexibility in this area. However, we are specifying in § 303.100(a)(9) that payment of overdue support should not be the sole basis for termination of withholding. Moreover, we are specifying in § 303.100(a)(8) that payment of overdue support may not prevent an initial withholding. We believe that Congress has expressed its intention in House Report No. 98–527 that withholding be used to ensure regular payment as well as collect arrearages.

We also received comments on the proposed regulation provision which requires prompt refunding of improperly withheld amounts. These comments were related to the example of termination of withholding when the address of the children or custodial parent is unknown. The commenters suggested that amounts not be refunded to the absent parent if the custodial parent's address is unknown for a period of time due to the custodial parent moving and failing to inform the withholding agency promptly of the new address. We agree and suggest that those payments be held by the State until the absent parent obtains an order for termination of withholding or return of the payment. We also believe this type of problem will be rare and can be handled by informing custodial parents of the importance of promptly notifying the withholding agency of address changes.

Advance Notice to Absent Parents

The statute and regulations require States to give advance notice to absent parents of the potential withholding and the procedures to follow to contest the withholding. The notice must include the period within which the absent parent may contest the withholding and indicate that the only basis for contesting is a mistake of fact. The absent parent must be told the amount to be withheld and that the withholding applies to current and subsequent periods of employment. Finally, States are not required to provide advance notice if their existing withholding system in effect on August 16, 1984 met and continues to meet due process requirements under State law.

We received varied comments on the requirement for the advance notice to the absent parent. Some commenters complained that the regulation does not contain a time frame for when the advance notice must be sent. The State must take steps to send the advance notice to the absent parent on the date he or she fails to make payments in an amount equal to the support payable for one month. Although this date is found in paragraph (a)(4) of the regulation, we have revised paragraph (b)(1) to include this date as well.

Other commenters suggested that we should require States to state in the advance notice what method of contacting the State would be acceptable and give a specific time frame within which the absent parent must contact the State. The regulations at § 303.100(b)(1) (iii) and (iv) require States to inform the absent parent of the method and time frame for contesting the withholding.

Commenters suggested that the notice should include the total amount of the overdue support owed and that the regulations should give a definition of "mistakes of fact." The commenters believed that this information is essential and would prevent delays in the contesting process. We agree and have included these suggestions in the provision for the advance notice.

One State commented that some States are exempt from the advance notice requirement because they had a system of income withholding for child support purposes which meets State due process requirements in effect on the date of enactment of Pub. L. 98–378. The State felt that the regulations were unclear as to when the 45-day contesting period applies to these States. The State suggested that since they are exempt from the advance notice, they would have the option to set their own control date for the absent parent to contest. Also, the State felt that they should be permitted to allow absent parents the option to contest withholding on grounds beyond the limit of mistakes of fact as provided in the regulation.

While the advance notice provision and the 45-day contesting period do not apply to these States, all other provisions of the regulations are applicable. States which are not required to provide the advance notice required in this regulation must take steps to send a notice to the absent parent's employer on the date the parent owes one month of overdue support. These States must comply with existing procedures in the State which meet the procedural due process requirements of State law and which should provide the absent parent an opportunity to contest the withholding. We also emphasize that under the statute the grounds for contesting withholding are limited to mistakes of fact. We have revised § 303.100 (a) and (b) to clarify the requirements that States which are exempt from providing advance notice must meet.

Procedures for Contesting Withholding

The regulations at § 303.100(c) require that States establish procedures for use when an absent parent contests a withholding. At a minimum, the procedures must provide that a State, which is not exempt from providing advance notice to the absent parent,

within 45 days of giving advance notice to the individual, will: (1) Give the individual an opportunity to present his or her case; (2) decide if the withholding will occur based on evaluation of the facts; (3) notify the individual whether or not the withholding is to occur and, if so, include in the notice the time frame within which withholding will begin and the information provided to the employer in the notice required in § 303.100(d); and (4) notify the employer to begin withholding. The last procedure was added in response to comments suggesting that we require States to send the required notice to the employer within the 45-day time frame. We also specified in § 303.100(d)(2) that, if the absent parent does not contest the withholding within the time period specified in the advance notice, the State must immediately send the notice to the employer.

We received comments from individuals and organizations which requested that the procedures required for contesting withholding include many additional requirements such as not allowing a hearing, requiring a written notice be sent to both the absent and custodial parent and allowing the custodial parent to attend whatever type of forum is provided for contesting.

OCSE has decided to keep the required procedures at the very minimum needed to comply with the statute in order to give States the greatest flexibility in developing their procedures. We do encourage States to adopt some of these suggestions (such as sending a notice to both parties and allowing the custodial parent to attend and participate in the review).

Notice to the Employer

Section 466(b)(6) of the Act sets forth specific requirements for notice to the employer as well as responsibilities of the employer and the State in withholding wages. To meet these requirements the regulation specifies that the employer notice contain the elements listed in § 303.100(d)(1).

Commenters asked that we clarify in the regulation that the notice to employers must inform them that the amount actually withheld for support and the employer's fee may not exceed the maximum amounts permitted under section 303(b) of the CCPA. We believe these commenters misunderstood the meaning of the phrase "the amount actually withheld for support and other purposes" in paragraph (d)(1)(i). We intended this phrase to include the fee and other deductions for debts from the absent parent's wages, but we have revised the paragraph to refer to the fee directly.

A number of commenters objected to the requirement that employers must send withheld amounts at the same time the absent parent is paid. Some of these commenters felt this requirement was in conflict with section 466(b)(6)(B) of the Act which requires the State to simplify the withholding process for employers to the greatest extent possible. Others argued that because employers use such varied pay periods, bi-weekly, weekly and sometimes monthly, this requirement would cause unnecessary paperwork, accounting problems and additional staff time for withholding agencies. Another commenter was concerned that the requirement would force employers to charge a higher fee for withholding than they would otherwise because the provision increases the costs and burdens of withholding. Each delay in forwarding a collection in turn delays final distribution of that collection. We believe requiring employers, as well as any entity which receives collections and is not responsible for final distribution, to forward collections within 10 days of their receipt is essential to timely distribution. We have, therefore, revised this requirement to provide that employers must send withheld amounts to the State within 10 days of the date the absent parent is paid.

Some commenters asked that we specify the maximum amount that an employer could withhold as a fee for withholding. The statute and § 303.100(d)(1)(iii) specify that the State must establish the amount of the fee if it opts to allow employers to withhold a fee. Generally, the fee for withholding is minimal—$1 to $2 per withholding—in States which presently have such laws.

In the area of employers' liability for failing to withhold wages or to forward withheld amounts, we received several suggestions, including that the regulations specify who is liable in situations such as employer bankruptcy, stolen withheld monies and misdirected checks. We believe these issues should be handled by States under State law and procedures.

We received other comments on this section which suggested that we require that employers be offered an opportunity to contest withholding. The statute does not authorize employers to contest withholding. We strongly urge States to advise employers concerning withholding and to develop good working relationships with them. We believe this will ensure cooperation from employers.

We received a comment critical of the provision which requires that withholding for support have priority over any other legal process under State law against the same wages. This commenter suggested that the requirement is unconstitutional, but did not explain in what way. This provision in the regulation is required by section 466(b)(7) of the Act.

Several commenters asked that we clarify the provision in the regulation which allows employers to combine withheld amounts from absent parents' wages in a single payment. We believe the provision in clear and allows the employer to send one check for a single amount to the appropriate withholding agency, along with a list of amounts attributable to each absent parent. This is a convenient method for employers and avoids the necessity of sending a separate check for each absent parent.

The provision in the regulation concerning the method of handling situations involving more than one withholding against a single absent parent was the focus of a number of comments. We proposed that in these situations the employer must comply on a first-come-first-served basis up to the limits imposed under section 303(b) of the CCPA. All of the commenters objected to this proposal. Some objected to this method because they felt it would at times be unfair to families who may need support more than others. Also, they felt that the method did not put a priority on current support. Some other commenters were concerned that the method put the employer in the middle of support disputes. As an alternative, several commenters suggested that all affected families should receive a prorated share of the withholding up to the CCPA limits.

We agree with the concerns raised by these commenters and we have changed this provision to specify that in situations where there are multiple withholdings against the wages of the same absent parent, current support must be paid first and the amounts available for withholding to meet current support must be allocated among the families. This must be done before amounts are withheld for arrearages, which also must be allocated if withheld. In addition we are requiring the State to control this function rather than the employer and are giving States flexibility to determine the best method of allocating amounts available for withholding. For example, the State could prorate the amounts among all cases, apply a first come first serve basis or use some other mechanism, such as giving top priority to support orders where the custodial parent in receiving AFDC, as AFDC status may indicate special financial

need. States are in the best position to determine which method is the most appropriate for their caseloads. The employer will receive a notice to withhold one amount and the State must prorate that amount appropriately upon its receipt.

On State commented that the requirement that employers implement withholding no later than the first pay period that occurs 14 days following the date that the notice to the employer was mailed conflicts with its State law. They pointed out that under the laws of many States an individual is not responsible until receipt of notice and suggested we change the withholding trigger to the date of receipt by the employer. We realize that some States may have to pass laws to implement withholding which will provide exceptions to their general State laws in some areas, but for uniformity and efficient implementation, we believe it is important to retain the provision based on the mailing date of the notice. Other commenters complained that this provision conflicts with section 466(b)(6)(B) of the Act which requires States to simplify the process for employers as much as possible. We do not think this requirement complicates the withholding process for employers and believe it affords employers ample time to implement withholding.

Commenters asked that we require employers to notify custodial parents as well as the State when the absent parent terminates employment and provide custodial parents with the same information sent to the State. We believe this is a burden for employers. States could notify custodial parents if that is permitted under State law.

Administration of Wage Withholding Procedures

Section 303.100(e) of the regulations outlines the procedures for the administration of withholding as provided by section 466(b)(5) of the Act. The regulations require the State to designate a public or private agency to administer withholding in accordance with procedures specified by the State for keeping adequate records to document, track, and monitor the collection and distribution of amounts withheld. The designee for withholding must distribute withheld amounts in accordance with section 457 of the Act.

We received several comments which requested that we clarify what is meant by "administer" in the context of these regulations. These commenters wanted to know if enforcement and collection functions must be included in the functions performed by the withholding agency. The State's withholding system must be administered by an agency that is ultimately responsible to ensure that all necessary functions are performed. This agency either must perform the enforcement and collection functions itself or it may delegate the functions under its supervision necessary to carry out withholding to another public agency or private entity. Any such entity must be publicly accountable for its actions. These commenters also stated that the regulations give the impression that the withholding agency must be one statewide organization. There must be one State withholding agency within the State. However, we have clarified in paragraph (e) that the State may designate local entities to administer withholding in each jurisdiction under the supervision of the State withholding agency.

Commenters asked that we specify a time limit by which the withholding entity must distribute withheld amounts. They argued that the word "promptly" is vague and therefore meaningless. We believe that "promptly" has a generally understood meaning which would allow OCSE to enforce this regulation adequately. We believe that it is not reasonable to specify an exact time limit because of the wide variety of State practices and organizational structures involved. In addition, section 466(b)(5) of the Act requires "prompt" distribution.

One State objected to the provision in paragraph (e) which requires the State to reduce is IV-D expenditures by any interest earned by the State designee on withheld amounts. The State felt that this provision was contrary to the provisions of the Debt Collection Act (42 U.S.C. 4213) and 45 CFR 74.47(b). These two requirements pertain to interest earned on advances of grant funds and are not applicable to other interest such as interest on support collections. The treatment of interest earned on support collections specified in paragraph (e) complies with section 455 of the Act.

Interstate Withholding

Section 303.100(g) of the regulation implements section 466(b)(9) of the Act which requires States to extend their withholding systems to include withholding in cases where the support orders were issued in other States. This provision is necessary to ensure that support owed to children and their custodial parents will be collected without regard to the residence of the absent parents.

The provisions on interstate withholding were addressed by several commenters who expressed a wide range of concerns. Some commenters felt the interstate provisions have no statutory base. The statutory base of these provisions is in section 466(b)(9) of the Act which requires States to extend their withholding systems to include income derived within the State in cases where the applicable support orders were issued in other States, in order to assure that support owed by absent parents will be collected without regard to the residence of the child for whom the support is payable or of the child's custodial parent.

Various other commenters complained that the system as outlined in the proposed regulation is unworkable. They argued that involving three States (the State where the custodial parent applies for IV-D services, the State with the order, and the State where the absent parent is employed) in the process on an on-going basis is unnecessary. They questioned whether incentives would be available for all three States. In response to these comments, we have changed the regulation to provide that the State where the custodial parent applies for IV-D services will notify the State where the absent parent is employed to implement withholding. If the State where the custodial parent applies is not the State where the support order was entered, we are requiring that, upon request of the State where the custodial parent applies for services, the State where the order was issued must promptly provide all information necessary to implement withholding.

The statute only provides for the collecting State and the State where the custodial parent applies for IV-D services to receive incentives in interstate cases. Thus, in interstate wage withholding cases, incentives will be paid to the State where the custodial parent applies and the State where the absent parent is employed, since that State will collect the support. Although the State where the order was entered is not entitled to incentives, it must cooperate with other States in accordance with 45 CFR 302.36.

We have been asked by commenters to require that the information provided by the State where the order was issued include, at a minimum, a copy of the support order and the payment record. We agree that this type of information is necessary. Therefore, we have changed this provision to specifically require that a copy of the order and a statement of arrearages be included. These two items are also included in the model statute for interstate withholding developed by the American Bar Association.

In addition, because we believe it is not practical, we have not included specific time frames (such as 90 days

from start to first check received) for interstate withholding as suggested by several commenters. We have, however, added the word "promptly" to all steps of the process. Further, the addition of time frames to the general withholding process should help expedite withholding in all cases. We believe these changes are adequate to ensure timely processing of interestate cases.

These same commenters also requested that the regulation require States to indicate exactly which entity is charged with carrying out withholding. We already require in § 303.100(e)(1) that the State designate an agency to be responsible for withholding.

Several commenters questioned whether States would be prohibited from using their long arm statutes in interstate cases. These commenters felt that the IV–D agency in one State should be able to contact an employer in another State directly. This is a matter of State law and we agree that a State may use its long arm statute for wage withholding if the State statute allows the State to acquire long arm jurisdiction over an employer in another State. Otherwise, the State must contact the IV–D agency in the State where the absent parent is employed to initiate withholding. Another commenter suggested that we require States to exhaust all other methods for enforcement available to them before using interstate withholding. The statute requires withholding to be implemented in intrastate and interstate IV–D cases when one months's support is overdue.

It was suggested by one commenter that we specify in paragraph (g)(7) addressing which State laws apply in interstate cases that, when withholding is implemented, it must be for the full amount of current support, include an amount for arrearages and it must be implemented without amendment to the support order. We believe that other provisions of the regulations are clear on these points. However, we have revised paragraph (g)(7) to specify that the law of the State where the order was entered determines when withholding must be implemented and the law of the State where the absent parent is employed applies in other respects. This includes the determination of the amount that may be withheld, in addition to current support, to apply toward liquidation of arrearages.

General Comments

OCSE received serveral requests for clarification on the provision requiring that all child support orders issued or modified in the State after October 1, 1985 must have a provision for withholding of wages in order to ensure that withholding is available without the necessity of filing an application for IV–D services if overdue support occurs. These commenters wanted to know the relationship between these cases and IV–D cases. This provision refers to all cases and is intended to ensure that withholding be available as an enforcement technique for support orders in the State which are not being enforced under the State's child support enforcement program. The Federal requirements for withholding outlined in the preceding paragraphs are not applicable to these cases unless an application for IV–D services is made or the States choose to extend the procedures applicable to IV–D cases to all child support enforcement efforts in the State. We encourage States to enact laws governing withholding that apply to all child support cases in the State, both IV–D and non-IV–D cases.

Many commenters were concerned that this particular provision raises constitutional questions because they felt it creates two classes in child support cases. Section 466(a)(8) of the Act does not create any classifications at all. It merely requires that all child support orders issued or modified in the State after October 1, 1985 include provisions for income withholding.

Finally, we had two general comments concerning cases in which the absent parent has two employers suggesting that we require States to include penalties in their State plan for employers who fail to carry out their responsibilities in withholding cases. In response to the latter comment, States must include copies of laws governing penalties for employers as part of their State plan in accordance with 45 CFR 302.17. In cases in which the absent parent has more than one source of income, States should follow the procedures outlined in the withholding regulations and notify the primary employer to withhold an appropriate amount to meet the obligation and provide for a payment toward liquidation of overdue support. If the amount actually withheld is inadequate to meet the current obligation and an amount for arrearages, the State should initiate a second withholding action with the other employer.

Expedited Processes (45 CFR 303.101)

Under the proposed regulations, we required States to select either an administrative or quasi-judicial process to establish and enforce support orders and, at State option, to establish paternity. In addition, we also limited use of the State's judicial system to appellate review of determinations made under the State's expedited process and imposed many requirements specific to either an administrative or quasi-judicial process. These final regulations amend many of the provisions in the proposed regulations and, in effect, allow States more flexibility in designing a process or combination of processes that meet their needs. States may request an exemption from using an expedited process in one or more political subdivisions in the State based on the effectiveness and timeliness of support order issuance and enforcement within the political subdivision.

Some commenters believed that the regulations went beyond the intent of the statute by imposing too many requirements on expedited processes. Others indicated that the requirements for the two types of expedited processes should be parallel.

While we do not believe the proposed regulation was beyond the intent of the staute, we recognize the need for fexibility on the part of the States to design expedited processes in light of State and local conditions. Therefore, we revised the proposed regulations on expedited processes to eliminate many restrictions and to make those requirements that were specific to either an administrative or quasi-judicial process apply to expedited processes in general. The requirements which now apply to expedited processes in general are that: Orders established under expedited process must have the same force and effect under State law as orders established by full judicial process; the due process rights of all parties must be protected; the parties must be provided a copy of the order; there must be written procedures for ensuring the qualifications of presiding officers; recommendations of presiding officers may be ratified by a judge; and actions taken under the State's expedited processes may be reviewed under the State's judicial system.

In addition, we revised the requirements that were formerly specific to judge surrogates' authority under quasi-judicial process to apply to the functions performed under expedited processes in general. The functions performed under expedited processes must include at a minimum: Taking testimony and establishing a record; evaluating evidence and making recommendations or decisions to establish and enforce orders; accepting voluntary acknowledgements of support liability and stipulated agreements setting the amount of support to be paid; entering default orders if the absent parent does not respond to notice or other State process within a reasonable

period of time specified by the State; and, if the State establishes paternity using its expedited processes, accepting voluntary acknowledgement of paternity.

Representatives from various groups including the National Governors' Association and several other commenters felt that the proposed regulations should be directed toward time frames and not the structure of systems. In response to the comments received on this section, we removed many of the structural requirements contained in the proposed regulations that were specific to either an administrative or quasi-judicial process. After careful consideration of the comments and Congressional intent that the Secretary measure a State's compliance with the expeditied processes requirement "primarily on the basis of the results it produces" (see Conf. Rep. 98-925, p.36), we added a standard in the regulations to ensure that States' expedited processes are timely. A State's process or combination of processes is expedited when it completes support order establishment or enforcement actions from case filing to disposition in 90 percent of all cases in 3 months, 98 percent in 6 months and 100 percent in 12 months. This standard was approved by the House of Delegates of the American Bar Association and is considered by that group to be an appropriate measure of the length of time in which domestic relations cases should be completed from case filing to disposition. Compliance with this standard will be measured on a disaggregated basis (e.g., court-by-court of similar level) rather than for the State as a whole.

We are not defining the terms "case filing" and "disposition" in the regulations because States may use different terms to describe the events associated with these terms. However, by "case filing" we mean the date on which the case is officially acknowledged or action is taken to invoke the jurisdiction of the State's expedited process system, for example, the date on which the case is given a docket or case number, or notice of support liability is sent or other official action is taken which initiates the process of establishing or enforcing a support obligated. "Disposition" means the date on which a support obligation or enforcement order is officially established and/or recorded.

Several commenters asked if Federal funding is available for administrative costs associated with decisionmakers in administrative and expedited judicial processes. Consistent with our current policy, Federal funding remains available for the costs of decisionmakers in an administrative process. Federal funding is also available for decisionmakers in an expedited judicial process. Therefore, we have revised 45 CFR 304.21(b) to specify that Federal funding is not available for compensation (salary and fringe benefits) of judges only.

Several commenters indicated that the proposed regulations fail to specify methods of enforcement under expedited processes. In accordance with the requirements at § 303.101(b) of the final regulations, States are responsible for ensuring that appropriate enforcement remedies are included under their expedited processes.

An advocacy group recommended that we provide States with technical assistance in implementing expedited processes for support cases and especially for paternity cases. State and local IV-D agencies may request technical assistance from the appropriate OCSE Regional Office in the development and implementation of an expedited process.

One commenter recommended that we allow public hearings at the local level to ensure input from residents on the type of expedited process a locality may adopt. Since there is nothing in the new law prohibiting public hearings at the State and local level, States and localities may elect to conduct public hearings to receive comment and local input on the type of expedited process that would be appropriate in a particular area. We suggest that the commenter contact State and local IV-D agencies or other State officials or legislators to request local public hearings on expedited processes.

One commenter asked if a State's expedited process would apply to non-IV-D cases as well as IV-D cases. The new law requires States to have expedited processes for establishing and enforcing support orders in IV-D cases. Since the new law does not specifically prohibit a State from expanding its process to include non-IV-D cases, the State may elect to do so. However, a State would not be eligible to receive Federal reimbursement for the costs associated with handling and resolving support matters in non-IV-D cases.

Several commenters asked that we clarify the definitions for "expedited process" and "quasi-judicial" because, as defined in the proposed regulations, they each refer to the other. Other commenters believed that the definitions for "hearing officer" and "judge surrogates" limit without reason those who may issue or recommend support orders.

Except for the definition of "expedited processes," which was expanded to incorporate a standard to measure the timeliness and effectiveness of support order establishment and enforcement action under the State's expedited processes, we deleted all of the definitions from this section because we agree they limit State flexibility needlessly.

Several commenters indicated that the proposed regulations failed to provide for incorporating orders that originated from the judicial process into the State's expedited process. Since the new law requires States to enforce support orders using expedited processes, although it is not explicitly stated in the final regulation, any order entered in another forum on behalf of a IV-D client would be enforceable under the State's expedited process.

Many commenters asked that the regulations allow States to create an expedited process within their judicial systems. Some States and one advocacy group felt that limiting States to the selection of either an administrative or quasi-judicial process was contrary to the law since Congress never intended a State's expedited process to be the sole forum for resolving all support matters.

We intended in the proposed regulations that States select either an administrative or quasi-judicial process to establish and enforce support orders and that, if the State selected a quasi-judicial process, it would operate within the State's judicial system. Although Congress did not expect a State's expedited process to be the sole forum for resolving all support matters, it did intend that the process would improve the State's program effectiveness and that the overall processing time of support order establishment and enforcement actions would be reduced in comparison to the processing time under the State's judicial system. To eliminate confusion and to clarify the use of an expedited process within a State's judicial system, we made a number of editorial and substantive changes to this section. We deleted the provision that limited States to selection of either an administrative or quasi-judicial process. As a result, the State may use an administrative or expedited judicial process or both processes as long as the selected process meets the definition of an "expedited process" contained in these regulations in addition to meeting the other requirements of this section.

Several commenters asked if a State could use an administrative process for

some cases and expedited judicial process for other cases that appear more complicated to resolve. A State may implement two processes and apply the procedures of those processes separately depending upon case circumstances, provided that both processes are effective and expeditious and all IV–D cases receive necessary services.

An advocacy group questioned the use of expedited processes for determining paternity because addtional due process protections are needed in paternity proceedings. This commenter and one other recommended that we either add additional requirements for determining paternity under an expedited process or limit paternity proceedings under an expedited process to uncontested cases.

States that opt to include paternity establishment in their expedited process must provide whatever additional due process requirements are necessary for the protection of the parties involved in the proceedings. However, if a case involves non-support-related issues such as countersuits by the putative father, the State may refer the case to its judicial system.

Several commenters indicated that the proposed regulations fail to address the handling of interstate cases under expedited process. Because of the variances among the expedited processes that States may implement, we did not prescribe criteria or methods for handling interstate cases. However, States are required to include interstate cases under their expedited processes and to process these cases as effectively and quickly as intrastate cases are processed.

The majority of comments received on this section pertained to the requirement limiting the State's judicial system to appellate review of support orders established and enforcement actions taken under the State's expedited process. Many commenters asked that we delete this requirement. Others felt that it makes the support award process more burdensome because it creates a two-tier system whereby complicated cases would have the support determined under the State's expedited process and other issues in the case such as property settlements, custody, visitation, etc. determined under the State's juidicial system. Another commenter felt that the proposed judicial limits were not in the best interests of the child.

We recognize that in some cases resolution of issues such as property settlements must be accomplished in order to determine an appropriate support award amount. For these issues, States may use their judicial systems. However, to protect the interests of the children involved, States must determine temporary support awards in these cases under the expedited process before referring the more complex issues to the full judicial system for resolution. We have added this requirement to § 303.101(b) of these regulations.

Several commenters indicated the State's expedited processes should provide for bench warrants, default orders, power to subpoena, and contempt of court proceedings. Other commenters indicated that contempt powers and powers to jail are seldom granted outside the judicial system and recommended that the regulations prohibit such proceedings under an expedited process.

Because States' laws and judicial systems vary greatly, we did not require States' expedited processes to provide for bench warrants and subpoena and contempt powers. However, we do require presiding officials to enter default orders if the absent parent does not respond to notice or some other State process within a reasonable period of time. In addition, these regulations permit States to structure their enforcement mechanisms to include contempt and subpoena powers and bench warrants under their expedited process, provided State law allows this. A State that includes these enforcement mechanisms under its expedited process must provide any additional due process requirements necessary to protect the parties involved in these proceedings.

Several commenters asked if existing orders established by a court could be returned to court for modification. Existing orders may be modified under the expedited process in effect in the State or the State may modify them by court process. We encourage States to modify existing court orders in the most effective and expeditious manner.

One commenter asked that we define "same force and effect" when comparing orders established by expedited process and those established by judicial process. "Same force and effect" means that orders issued under the State's expedited process must be recognized as valid and therefore equally enforceable under the State's judicial system.

Several commenters felt the proposed regulations fail to protect the rights of custodial parents who can also suffer from unfair decisions. We extended the provision pertaining to due process, which previously applied only to absent parents, to include protections for all parties involved in cases resolved under the State's expedited process. This will ensure that the rights of custodial parents as well as absent parents will be protected in accordance with State law.

Many commenters objected to the requirement that the administrative agency must use the State's generally applicable administrative procedures. Some commenters indicated that the State IV–D agency can establish administrative procedures better suited to child support enforcement cases than the State's "generally applicable procedures." Others were confused about the meaning of this requirement and felt that they were required to comply with the Federal Administrative Procedure Act.

We agree this section was confusing. We want to allow States flexibility in establishing administrative procedures that are appropriate for the handling and processing of child support cases. Therefore, we deleted this requirement.

Several commenters asked that we clarify what we mean by "taking testimony and establishing a record" under the States's expedited process. One commenter asked if verbatim testimony is required or if a file containing summaries of testimony and action taken is sufficient.

We feel this is best left to the States to determine what is appropriate. We expect the State's expedited process to conform to whatever constitutes "taking testimony and establishing a record" under other judicial or administrative systems of the State that make binding decisions.

Several commenters felt that we should specify strict standards for exemptions from expedited processes and that we should clarify the standards that will be used to measure "effectiveness and timeliness." We answer this comment under the heading "Exemption from Mandatory State Procedures (45 CFR 302.70(d))."

State Income Tax Refund Offset (45 CFR 303.102)

This regulation contains the criteria for implementing State income tax refund offset procedures.

Qualifications for Offset

One commenter requested clarification of how cases which have been terminated from AFDC and continue to receive IV–D services are treated for purposes of State income tax refund offset. A case which continues to receive IV–D services after being terminated from receipt of AFDC cannot be charged a fee for using the State income tax refund offset if the overdue support is referred for offset during the

period when IV-D services are automatically continued. Any offset amounts collected on behalf of these cases are considered collections on arrearages in accordance with § 303.102(g) and may be paid to the family or applied to reimburse the State for AFDC payments made to the family depending on a State's distribution scheme in non-AFDC cases. If the case is referred for State income tax refund offset after the family authorizes continued services as a non-AFDC case, the State must charge a fee to recover costs of submitting the case for offset (if it has opted to do so in non-AFDC cases) and distribute collections as above.

Accuracy of Amounts Referred for Offset

Several comments were received regarding verification and accuracy of amounts referred for offset. One commenter recommended that States be permitted to include increases as well as decreases of amounts referred for offset in their modification process. The regulation does not prohibit this, but we do not believe States should submit increases as part of the modification process and doubt that it would be permitted in most States under their own procedural due process requirements. Another commenter asked if the State could verify non-AFDC arrearage amounts using an affidavit from the custodial parent. The State may use any procedure to verify the accuracy of the referred amounts that is effective and accurate, including affidavits and information from other States.

In regard to information from other States, one commenter suggested we require the initiating State in interstate cases to verify the residence of the absent parent before requesting offset. Current regulations at § 303.7(c) require the initiating State to provide sufficient identifying information to the extent available to the responding State. However, we cannot require the initiating State to verify the address of the absent parent because specific address information may not be available when the case is referred to a responding jurisdiction. The responding jurisdiction is required to make efforts to locate the absent parent.

Notices

Several comments were received relating to notice requirements. Some of the comments requested clarification of the requirement to provide notice to the custodial parent of how amounts offset will be distributed. One commenter opposed notifying the custodial parent because of increased administrative costs and lack of statutory basis for such a requirement. Several other commenters suggested we require notice to the custodial parent only if the State chooses to reimburse itself for AFDC payments first. We believe notice to the non-AFDC custodial parent is necessary. However, we agree with the majority of commenters that it is only necessary if the offset amount is not paid to the custodial parent first. Final regulations require notice to the custodial parent only if the State chooses to apply amounts offset to unreimbursed AFDC payments before paying the family.

Another commenter recommended that State income tax refund offset notice requirements be the same as Federal income tax refund offset notice requirements. The Federal and State tax refund offset notice requirements are not the same because the statute includes more specific notice requirements with respect to the Federal income tax refund offset process and we have given the States flexibility to develop the specifics of their own State income tax offset program.

In reference to the advance notice to the absent parent, one commenter stated that the regulations should specify what is to be contained in the notice to the absent parent and mandate a 10-day response time. We have not been more specific in these regulations about notice requirements but have chosen to let the States determine the content of their notice in accordance with State laws and due process requirements and procedures.

Contesting Offset

One commenter requested that we provide specific standards for due process and not rely on State procedural due process requirements. Because many States consider child support orders to be final judgments, we have provided States with flexibility to develop a State income tax refund offset procedure which meets the requirements in this regulation and believe the requirement that States establish procedures which are in full compliance with the States' due process requirements is adequate. This requirement to follow the procedural due process requirements of the State is consistent with section 466(a)(3) of the Act, and recognizes the fact that some States which do not consider support orders to be final judgments may have to provide additional procedural safeguards.

Fee for Offset

Two commenters requested clarification regarding the optional fee States may charge in non-AFDC cases. One commenter asked if the offset fee can be charged in advance of the actual offset rather than be deducted from the offset amount. The final regulation clarifies that a fee to cover the cost of using the State income tax refund offset procedure may either be charged in advance or deducted from the amount offset. The other commenter asked if this optional fee can be charged in addition to the initial non-AFDC application fee. This fee may be charged in addition to the mandatory application fee because it is a fee for using this specific service. If the State elects to recover costs, it may also recover any costs in excess of the application fee and the fee for State tax refund offset services.

Distribution of Offset Amounts

We received a few comments regarding the distribution of offset amounts. One commenter asked us to define "reasonable period" for repaying excess offset amounts to the absent parent. The final regulations do not define "reasonable period" for repayment because it will not be the same for all States as a result of varying State offset programs. However, the regulations do specify "a reasonable period in accordance with State law" which we believe will protect the absent parent in this situation. We do not want to restrict State flexibility as long as excess amounts are repaid to the absent parent promptly in accordance with State law.

In response to a comment on timing of distribution, we are replacing the phrase "in a timely manner" with the phrase "within a reasonable time period in accordance with State law". This has been done to be consistent with any protections afforded the absent parent under State law.

We were also asked to clarify whether a State is required to change its current State income tax refund offset procedure prior to the October 1, 1985 effective date. This comment was in reference to current State procedures under which State tax refund offset amounts are distributed first as current support in accordance with existing distribution requirements. States may continue their present policy until the required effective date, after which amounts offset must be distributed as overdue support and may not be treated as current support collections.

Information to the IV-D Agency

Two comments concerned the transmittal of the absent parent's home address and social security number from

the State agency responsible for processing the offset to the State IV–D agency. One commenter recommended we delete the requirement to provide the State IV–D agency with the absent parent's social security number. Since this requirement is in the statute, we cannot delete it.

In response to the other comment, the final rule provides that the agency responsible for processing the offset must notify the State IV–D agency of the absent parent's home address and social security number or numbers. We agree with the commenter that it is inefficient for the State IV–D agency to have to request this information. The State IV–D agency will provide this information to any other State involved in enforcing the support order.

Paternity Establishment (45 CFR 302.70(a)(5))

A commenter felt that the proposed regulations gave insufficient attention to the requirement that States have in effect and have implemented laws and procedures for the establishment of paternity for any child at any time at least until the child's 18th birthday.

Current regulations at 45 CFR 302.31 and 302.33 require States to process paternity cases. The Child Support Enforcement Amendments of 1984 require States to allow paternity establishment at least up to the child's 18th birthday. Since it is clear that cases previously considered to be closed because of the child's age will now have to be reopened and services provided, we saw no need to elaborate on this requirement.

Other commenters requested that the regulations be amended to expressly provide that States have the option of permitting the establishment of paternity after the child's 18th birthday. These commenters quoted the House Report which states that "state paternity laws must permit the establishment of an individual's paternity for any child *at least* until the child's eighteenth birthday," and that "states could eliminate statutes of limitation in establishing paternity altogether if they wished." H.R. Rep. No. 527, 90th Cong., 1st Sess. 38. In response to these comments we have revised the regulations to require States to have in effect laws providing for the establishment of paternity of any child at least to the child's 18th birthday.

Imposition of Liens (45 CFR 303.103)

In accordance with the new statute, these regulations require States to have procedures for imposing liens against real and personal property for amounts of overdue support.

Several commenters asked that we require that State laws specifically provide for liens in child support cases to fully recognize the importance of the lien provision. State laws governing liens must contain authority to enable the State to meet the requirements and intent of section 466 of the Act. Therefore, if existing laws or administrative or court rules prevent a State from imposing liens in child support cases, the State must enact a law or amend the existing law or rules to comply with section 466 of the Act.

A few commenters asked that we implement more requirements for imposing liens, such as the amount of overdue support that should trigger imposition of a lien; the date on which liens must be imposed, e.g. 30 days after the amount of overdue support is determined or less; the time period for which liens may be applied towards property; and whether or not State laws should require the disposition of property at the end of a required time period.

To provide States with flexibility in this area, we did not regulate specific requirements for imposition of a lien. Many States have laws currently in effect that address some or all of the suggestions raised by the commenters. Other States may amend their current laws or enact new laws to require specific lien provisions such as a specified time period for disposition of property to satisfy a lien. In addition, the State's guidelines may include that a case may be inappropriate for imposition of a lien if the amount of overdue support is small.

Posting Security, Bonds or Guarantees (45 CFR 303.104)

The statute and regulations require States to enact laws requiring absent parents who have a pattern of overdue support to post a bond, or give security or some other guarantee of payment.

The majority commenters expressed concern that no bonding company will risk underwriting child support payments because of the long-term commitment of the support obligation and the high rate of noncompliance with these obligations. Since this provision is particularly valuable when the absent parent is self-employed or has other income not reachable through other means, we urge States and local IV–D agencies to educate local bonding companies of the efficacy of underwriting child support obligations in cases where the absent parent has been a minimal credit risk in other credit ventures.

We believe, however, that the security and guarantee portion of this provision may be easier to apply than the bond portion because an underwriter such as a bonding company would not be necessary. For example, dependent upon the State's procedures, the State IV–D agency or the court would require an absent parent who has a poor payment record to offer a negotiable instrument such as stocks, bonds, etc. which would be held in escrow by the IV–D agency or the court for payment of support should it become overdue.

Several commenters asked that we require States to establish an escrow account to ensure that the absent parent's assets are conserved for the dependent child. Other commenters asked that we regulate additional requirements for bonds such as the form in which the bond shall be posted, the period of time for which the bond shall remain in effect, and so on.

To provide States with flexibility in this area, we did not regulate specific requirements for posting security, bond or guarantee other than requirements to provide the absent parent with notice and procedures to contest. Some States may have laws that address some or all of the suggested specifications. Other States may amend their current laws or enact new laws to require specific bond, security or guarantee provisions. In addition, the State's guidelines for determining cases that are inappropriate for the bond procedures may include some specifications such as a minimum amount of overdue support for issuance of a bond.

Making Information Available to Consumer Reporting Agencies (45 CFR 303.105)

States are required by the statute and these regulations to provide information to Consumer Reporting Agencies (CRAs) upon their request on the amount of overdue support owed by an absent parent when that amount is in excess of $1000. The State may provide information to CRAs if the overdue support is less than $1000. The State may charge the CRA a fee and must provide the absent parent with notice of the proposed action and an opportunity to contest the accuracy of the information.

Many commenters felt that the CRA would not be interested in requesting information on the amount of overdue support owed by an absent parent from the State IV–D agency. Some of these commenters suggested that we require the State to provide this information to CRAs without having them request it. In addition, the commenter asked if the State would have to comply with the notice requirement in cases where the

State voluntarily forwards the information to the CRA.

The State may voluntarily forward information without request of the CRA regardless of the amount of overdue support. Even if the State provides information voluntarily to CRAs, the State must notify the absent parent and provide that individual with an opportunity to contest the action. To realize the full potential of this provision, we urge State and local IV–D agencies to work with CRAs to encourage their interest in this information, since such information may be an indicator of an absent parent's potential failure to meet other credit obligations. We also anticipate that the new mandatory State laws, especially wage withholding and liens, may have a significant impact upon the absent parents' ability to pay other debts and that CRAs will soon recognize this fact and want the information.

One commenter asked that we allow other State agencies such as the State tax offset office to handle the transfer of information to CRAs. The commenter felt that the State tax offset office would not only be aware of the amount of overdue support owed but would provide tighter confidentiality controls and better management than the State IV–D agency.

We do not feel it necessary to regulate which State office or agency provides absent parent information to CRAs. State IV–D agencies may enter into agreements with other State agencies to meet this requirement as long as the IV–D agency retains ultimate responsibility for meeting the requirements of the Act and these regulations.

One commenter asked if the IV–D agency can give additional information to the CRA such as whether or not the amount of overdue support has been reduced to a judgment, where the judgment is docketed and to whom it is owed. Since the first two examples relate to information on overdue support, the IV–D agency may provide this information to the CRA. However, the IV–D agency may not release the name of the person to whom the overdue support is owed since custodial parent information is confidential and subject to the safeguarding requirements at 45 CFR 303.21.

One commenter asked that we require States to publish a public notice in the local newspaper when absent parents cannot be located. The newspaper notice would give the absent parent's name and request that he or she call the IV–D agency at the number provided. The notification and procedures for contesting the proposed release of information to CRAs must be in compliance with the procedural due process requirements in the State. If the State allows for a newspaper notice, this is acceptable. However, if the notice results in the absent parent contacting the IV–D agency, the State must still send a formal notice of the proposed action to the individual and still must allow the individual an opportunity to contest the accuracy of the information.

One commenter felt that the notice requirement would increase the State's administrative costs thereby reducing the effectiveness of this method. Since the new law specifically requires States to notify absent parents of the proposed action and to provide an opportunity to contest the accuracy of the information, States must incur the costs of this requirement. However, we believe that the costs of this notice requirement will be offset by expected increases in collections since the new law requires States to implement a variety of remedies to ensure that support obligations are met and arrearages paid.

One commenter asked that we set up a national cooperative effort to establish consistent automated procedures between States and CRAs. We have worked directly with the Federal Trade Commission on several occasions to enlist the support of CRAs in child support enforcement matters. Our efforts have improved cooperation between our agencies and CRAs. Some automation has already occurred at the local level. We plan to continue to work for more results locally and believe this will be as effective as striving for a national cooperative effort.

One commenter asked us to require the use of CRAs to determine if the absent parent is covered by private medical insurance. Section 303.105 does not preclude a State from requesting and receiving information if it is available from CRAs on absent parents' private medical insurance coverage provided that a court or administrative support order is in effect for that parent. In fact, we encourage States to use CRAs to obtain information on absent parents for use in establishing or enforcing child and/or medical support orders.

Guidelines for Determining Inappropriate Use of Procedures (45 CFR 302.70(b))

Under section 466 and these regulations, States must offset State tax refunds, impose liens, require posting a security, bond or guarantee, or provide information to CRAs except when they determine that an individual case is inappropriate for use of any one or all of these procedures based on the guidelines developed by the State. The guidelines cannot be written in a way that excludes a majority of cases in which no other enforcement remedy is being used. In developing these guidelines, States must take into account the payment record of the absent parent, the availability of other remedies, and other relevant considerations.

Several commenters asked whether the States' guidelines for determining if a particular enforcement technique is inappropriate in a particular case eliminate judicial discretion. The guidelines eliminate caseworker discretion, but a judicial decisionmaker has discretion to order these remedies within the law.

Several commenters asked if the State has the option of developing guidelines on State tax offset, liens, bonds and for providing information to CRAs. We have clarified in the final regulations that the establishment of guidelines is mandatory. States must have guidelines for all four procedures, unless the State is granted an exemption from implementing one or more of the procedures based on the exemption criteria in 45 CFR 302.70(d). States must use the guidelines for determining which cases are inappropriate for use of a particular procedure.

An advocacy group asked that we require that the States' guidelines be made available to the public. We amended the regulations on each of the four procedures to provide that States' guidelines be available to the public.

Several commenters asked if we would clarify what is meant by requiring the States' guidelines to take into account the payment record of the obligated parent, the availability of other remedies and other relevant considerations. States must consider these factors for determining cases that are inappropriate for use of a particular procedure. We have clarified in the regulation that the guidelines may not be developed in a way that determines a majority of cases in which no other enforcement remedy is being used to be inappropriate. For example, if the absent parent has a poor payment record and is self-employed, the likelihood of using any one or all of these procedures increases. If the absent parent is a wage earner subject to withholding, requiring the posting of a bond or other security may be inappropriate.

Several commenters asked if only one of the four procedures may be used in an individual case. The State may use any one or any combination of the four procedures in an individual case. For example, if the absent parent owns property in the State and has an accumulated arrearage in excess of $1,000, the State may apply its lien

procedures in addition to forwarding the absent parent's name to the local CRA, provided that the absent parent has been notified of the action and given an opportunity to contest the accuracy of the information.

Delays in Implementation

Under the statute, if the Secretary determines that legislation is required to conform the State IV-D plan to one or all of the requirements of section 466 of the Act, the IV-D State plan will not be regarded as failing to comply with the requirements imposed by section 466 prior to the beginning of the fourth month beginning after the end of the first session of the State's legislature which ends on or after October 1, 1985.

A commenter requested that we require States to request approval for delay in implementation of one or more of the requirements of the statute prior to the October 1, 1985 effective date and limit the Secretary's approval to States where the legislature will not conduct an earlier session which could address the requirements of the new law.

States should have the necessary State legislation enacted by October 1, 1985.

Extending the effective date of the mandatory practices beyond that date should be based on unusual or uncontrollable circumstances. It would be unfortunate and a significant setback for State child support enforcement programs not to vigorously pursue the necessary legislation at the earliest possible time. State legislative action could help the States financially in the receipt of higher incentives under the new formula, also effective October 1, 1985. If, however, a State cannot by reason of State law comply with the requirements of section 466 of the Act by October 1, 1985, the State must indicate in its revised State plan submittal that legislation is necessary and include the State's legal basis for not implementing the mandatory practices.

Exemptions from Mandatory State Procedures (45 CFR 302.70(d))

Under the new law, if a State demonstrates to the satisfaction of the Secretary that any one or all of the laws and procedures specified under section 466 of the Act will not increase the effectiveness and efficiency of the State's child support enforcement program, the Secretary may exempt the State from the requirement(s). A State may also apply for an exemption from using expedited processes for a political subdivision of the State based on the effectiveness and timeliness of support order issuance and enforcement within the political subdivision and the general criteria for exemptions.

Several advocacy groups asked that the final regulation provide for public hearings or notice in the Federal Register before an exemption is granted. We encourage States to hold public hearings. In any case, States must demonstrate to the Secretary's satisfaction that an exemption is warranted. The exemption is subject to the Secretary's continuing review, is time limited and may be terminated if circumstances change. Exemptions are granted only if a State implements a procedure without a statute or if existing procedures are as efficient and effective as the required practice. Thus, the public will not be disadvantaged if a State receives an exemption.

A commenter asked if judicial challenges of the Secretary's decision are barred or if the bar pertains only to administrative appeals of the disapproval. The bar applies only to administrative appeals of the disapproval of a request for exemption since that is the only review within the Secretary's authority.

A commenter recommended that all requests for exemptions be submitted three months prior to the October 1, 1985 effective date of the mandatory practices so that the Secretary's approval or disapproval of these exemptions could be issued to States and political subdivisions by October 1, 1985. The commenter felt that if decisions were final as of October 1, 1985, States would proceed to amend their laws or enact new laws to provide for the mandatory practices during the first legislative session beginning on or after October 1, 1985. We agree with the commenter's recommendations and States should make every effort to submit initial requests for exemptions by June 30, 1985 to ensure full and timely consideration. The Department will respond by September 1, 1985 to State requests which are submitted by June 30. We want to stress, however, that if an initial request for an exemption is denied, a State must implement the mandatory procedure by October 1, 1985 or it will be found out of compliance with the State plan requirement in section 454(20) of the Act and 45 CFR 302.70, unless the State has been granted a delay from implementing the procedure based on the need for State legislation.

One commenter asked how long a State has to enact the law or establish and begin using the procedure if an exemption from enacting a law or using a mandatory procedure is revoked by the Secretary. If the State must enact a law governing the procedure, the State must come into compliance with the mandatory practice by the beginning of the fourth month after the end of the first regular, special, budget or other session of the State's legislature which ends after the date the exemption is revoked. If no State law is necessary, the State must establish and be using the procedure by the beginning of the fourth month after the date the exemption is revoked. We believe it is reasonable to use this time frame because Congress gave States the same time frame after enactment of Pub. L. 98-378 to enact laws and begin using the required practices.

Several commenters objected to the requirement that States must establish a "clear case" for an exemption. They felt this goes beyond the statutory requirement that a State demonstrate, to the satisfaction of the Secretary, that the enactment of a law or the use of a procedure will not increase the efficiency and effectiveness of the State's Child Support Enforcement program.

Our intent is using the phrase "clear case" was to ensure that the burden of proof is on the State to demonstrate that an exemption is warranted. We did not intend the use of "clear case" to be confused with commonly used legal definitions on the standard of proof. We have changed the final regulation to say that the State must "demonstrate to the satisfaction of the Secretary" (rather than "establish a clear case") that the program's effectiveness would not improve by using the procedure.

Some commenters asked if States will receive explicit guidance on the exemption process and the standards that will be used to measure "Timeliness and effectiveness." We intend to issue an action transmittal giving general guidance on the exemption process including standards which we will use to measure the timeliness and effectiveness of the State's current operations.

One commenter asked if a State may request an exemption from enacting a specific provision within a mandatory practice if a State currently uses the practice but does not meet all the requirements in the statute. Exemptions are available only for a complete practice. A State's request must demonstrate where the State conforms with Federal requirements and where it does not. Based on the total information provided, a State may receive an exemption to continue current practice, if the State has shown to the satisfaction of the Secretary that its current practice is as efficient and effective as the requirements in the statute.

A commenter asked whether the State could request an exemption from enacting a law requiring the use of expedited processes for establishing and enforcing support orders when the State currently negotiates consent agreements in 80 percent of its cases.

Obtaining consent agreements in a majority of cases only addresses half of the requirement to have expedited processes to establish and *enforce* support orders. Unless the State was also enforcing a large majority of its cases and could demonstrate that use of an expedited process would not increase the efficiency and effectiveness of the State's current efforts to establish and enforce all support orders, the State would be ineligible for an exemption.

Dates of Collection (45 CFR 302.51(a))

OCSE has received many comments on provisions in the proposed regulations requiring the collection date for distribution purposes in interstate cases to be the date the payment is received by the IV-D agency of the State in which the collection is made and in wage withholding cases the date the employer withholds the wages. This change was proposed because the regulation as it was written did not allow for accurate distribution when current support was collected but not received until a later date by the IV-D agency making the final distribution. For example: State A making collections for State B collects current support payments for June, July and August from an absent parent. These are current payments because the absent parent paid each payment on time. State B does not receive these three payments until November and must distribute the payments in accordance with the current regulation under which November is considered the date of collection. The IV-D agency of State B therefore must distribute an amount up to the monthly support obligation as current support for November and apply any excess over this amount to arrearages. Payments made by the absent parent in State A on time as current support have become arrearage payments in State B.

Many of the comments we received were from State IV-D agencies with automated systems for distribution of support collections. The IV-D agencies cited the high cost of reprogramming their systems to comply with the change. Some of them felt that the change could not be automated. They stated that these cases would have to be handled by a costly and time-consuming manual process which defeated the purpose of automation.

Commenters were also critical of the change because it would require complex, difficult and error prone, retroactive distribution. They cited examples such as a case where the family was not receiving AFDC in June, July, and August, but was receiving AFDC when the payments were received in November. These families would have their assistance lowered or terminated for one month, only to return to their original status in January. Also, a family that received food stamps in the three months would not have been entitled to them, if the payments had been received on time.

Some commenters stated that in many cases the responding State does not specify the period of time for which the payments were collected when sending the collections to the initiating State. The initiating State would have to contact the responding State causing needless delays. This same problem would occur in withholding cases and it would be very difficult to get employers to specify the date.

Another area of concern to commenters was the accounting difficulties that the change would create. They felt that IV-D agencies would have to create two or three sets of books to handle the accounting necessitated by this change. Auditors would not be able to audit the IV-D agencies correctly under these circumstances, they complained.

Other commenters raised various complaints about the change, such as it is not required by the new statute, would cause States to be unable to meet the IV-A reporting requirement under 45 CFR 302.32 and would provide no substantive benefit to custodial parents. One commenter was concerned that the problems which we cited as the reason for the change were caused by a small group of States not following the regulations for sending interstate collections to the initiating State within ten days. This commenter felt that the change in the regulations punished the majority of the States who follow the ten-day requirement for the transgressions of those few States who do not.

After consideration of all comments received we have deleted the proposed dates of collection in interstate cases and wage withholding situations and retained the definitions of date of collection as they appear in the current § 302.51(a).

Therefore, the date of collection is the date on which the payment is received by the IV-D agency or the legal entity of the State or political subdivision actually making the collection on behalf of the IV-D agency. For purposes of interstate collections, the date of collection is the date on which the payment is received by the IV-D agency of the State in which the family is receiving aid.

We have, however, included a requirement in § 302.51(a) that, in any case in which collections are received by an entity other than the agency responsible for final distribution, the entity must transmit the collection within 10 days of its receipt. Similar revisions have been made in § 303.100 with respect to employers transmitting collections and in § 303.52(f) with respect to responding States transmitting collections to initiating States. This requirement was proposed by the National Council of State Child Support Enforcement Administrators as an alternative to the proposed changes in dates of collection. We believe that this requirement will ensure timely transfer and accurate distribution of collections because responding States or jurisdictions and employers will be required to transmit collections expeditiously, thereby minimizing the total time elapsed between payment by the absent parent and final distribution of the collection. We intend to study the promptness of final distribution to the family, however, because we received numerous comments requesting that strict time frames be imposed to ensure that families receive support payments as quickly as possible. Based on the results of that study, we will consider proposing time frames for final distribution of support collections to families.

Collection of Past-Due Support From Federal Income Tax Refunds (45 CFR 303.72)

This regulation implements the new statute which expands the Federal income tax refund offset program to include past-due support in foster care maintenance and non-AFDC cases. This regulation provides States with criteria for implementing their Federal income tax refund offset programs on behalf of these additional cases.

Two commenters stated that the Internal Revenue Service (IRS) should draft regulations implementing the statutory provisions which amend the Internal Revenue Code. The IRS informed us that they plan to issue regulations which will address the changes to the Federal income tax refund offset program as a result of Pub. L. 98-378.

Definitions

The proposed regulations moved the definition of past-due support from § 303.72 to § 301.1 of the regulations. Some commenters requested we keep the definition of past-due support in § 303.72 or cross-reference the section that contains the definition. In response to these comments, we have added a cross-reference in § 303.72 to the section containing the definition of past-due support.

Support Qualifying for Offset

Several comments were received in reference to what support qualifies for Federal income tax refund offset. One commenter requested we be less restrictive in our offset criteria. Specific criteria regarding what support qualifies for Federal tax refund offset are included in the regulations because we believe the success of the program hinges on submitting cases only on the basis of accurate, verified information. The statute clearly requires that past-due support meet clearly defined criteria for offset to ensure that all individuals subject to the Federal income tax refund offset process are treated fairly and that the authority to offset Federal income tax refunds is not misused or abused.

Another commenter wanted to know how to treat cases which automatically continue to receive IV–D services after being terminated from AFDC. During the period immediately after termination from AFDC, no application fee or cost recovery from the support collection is permitted. Therefore, if a case is referred for Federal income tax refund offset during this time, no fee can be charged for submittal. When the IV–D agency is authorized to continue IV–D services after this period and then refers a case for Federal income tax refund offset, the State must charge a fee for submitting the referral if it charges a fee for Federal tax refund offset. In either situation, the law requires that amounts offset be treated as arrearages and be used first to repay any unreimbursed assistance received by the family.

Several commenters recommended we delete the requirement that reasonable efforts must have been made to collect support before referral of a case for Federal income tax refund offset. One commenter asked us to define reasonable efforts to collect in non-AFDC cases more clearly. In response to these comments we are deleting this provision. The requirement that reasonable efforts to collect had previously been made was not required by the statute and was intended solely to prevent tax refund offset from becoming the State's only enforcement remedy. We believe that the enforcement practices required under P.L. 98–378, particularly wage withholding, will ensure that States use other means to collect support on an on-going basis in addition to use of the Federal income tax refund offset. Therefore, despite this deletion, the IRS will not be the collector of first resort.

One commenter asked that we require States to certify any past-due support which has been reduced to a judgment in a non-AFDC case. The final rule allows States the flexibility to limit amounts offset in non-AFDC cases to past-due support which accrued since the case became a IV–D case, although we believe most States would choose to include amounts reduced to a judgment. This flexibility is provided for in the statute.

One commenter opposed the option to limit referral of non-AFDC past-due support to amounts accrued after the IV–D agency began to enforce the order. We do not agree. This provision ensures the accuracy of amounts certified for offset. In non-AFDC cases, there may not be an official public record of payment. The State cannot be required to certify amounts for offset it cannot verify. Therefore, final regulations permit States to limit non-AFDC referrals to amounts accrued after the IV–D agency began to enforce the order, in accordance with the statute.

Commenters expressed concern about the different threshold amounts for referral of AFDC and non-AFDC cases for offset. The minimum amounts that may be referred for offset are $150 in AFDC and foster care maintenance cases and $500 in non-AFDC cases. The $500 threshold is contained in statute and cannot be changed by regulation. The lower threshold for AFDC cases reflects the generally lower support obligations for AFDC familes and the fact that States are able to verify these arrearages easily because they are assigned to the State.We have not changed the $150 figure.

Several commenters objected to the provision prohibiting referral of spousal support and support due an individual who is no longer a minor in non-AFDC cases. This provision is in the statute and cannot be changed by regulation. For non-AFDC referrals the State must differentiate between spousal and child support and only submit amounts owed on behalf of a minor child as defined by State law. The statute and regulations do not allow non-AFDC referrals on behalf of an individual who is no longer a minor even if the arrearage accrued while the person was a minor child.

Many commenters objected to the requirement that there be a support order issued in the State submitting a non-AFDC case for offset. The commenters recommended we permit the State where the custodial parent applies for IV–D services to submit non-AFDC cases for offset. In response to comments, the final rule permits the State in which the custodial parent applies to refer a non-AFDC case for offset whether or not there is a support order issued in that State. If the absent parent contests the offset action, the absent parent may request an administrative review either in the submitting State or the State with the order upon which the referral for offset is based. This process is discussed further under "Complaint procedures."

One commenter asked if non-AFDC arrearages can be verified by requiring the custodial parent to attest to their accuracy. We do not specify in the regulations procedures for verifying arrearage amounts, but require States to have certain information in their records before submitting a case for Federal tax refund offset. This information includes a copy of the support order and any modifications upon which the amount submitted for offset is based; a copy of the payment record or, if there is no payment record, an affidavit signed by the custodial parent attesting to the accuracy of the amount of support owed; and, in non-AFDC cases, the custodial parent's current address. The State may use any verification procedures it deems to be effective, including affidavits from the custodial parent and information from other States. States should contact custodial parents in non-AFDC cases to verify their addresses and the amount of past-due support owed prior to submitting these cases. We also encourage States to provide custodial parents a written statement explaining the tax refund offset procedures and notifying these parents when they may expect to receive any refund which is intercepted and specifying that they will be obligated to repay the State in the event of over-payments or subsequent adjustments due to taxpayers' spouses filing amended returns. The State making the referral for offset is ultimately responsible for the accuracy of amounts referred and for refunding any erroneous or excess amounts offset and for reimbursing IRS for adjustments even if amounts offset have already been distributed to the custodial parent.

Notification to OCSE

One commenter opposed requiring States to submit AFDC and non-AFDC arrearages separately for offset. The

Internal Revenue Code requires the IRS to offset assigned support arrearages first (except for amounts owed for back taxes), then to make any other offsets allowed by law, and finally to offset for any past-due support owed to the family. Therefore, it is necessary to designate the arrearages as AFDC or non-AFDC for the IRS to prioritize the order of refund offsets.

Two commenters requested States be permitted to include increases as well as decreases in modifications of amounts referred for offset. The final regulations do not permit this because collections from offset may be applied only against the past-due support specified in the pre-offset notice to the absent parent. The notice of the amount of past-due support referred for offset must be issued before submittal of the case to the IRS.

Two commenters opposed OCSE issuing instructions for referral for offset without benefit of comment. They wanted program instructions to be in regulations and thereby subject to public comment. We do not include operational procedures and instructions in regulations because they are subject to variation and annual change. Program instructions do not add requirements outside of the regulations but merely describe mechanical procedures. For example, if the magnetic tape and data specifications that are part of the instructions were published in regulations, any changes would have to go through the regulatory process. This would be extremely burdensome and inefficient for both OCSE and the States.

Notices of Offset

Several comments were received on the advance notice to the absent parent and the notice to joint filers.

One commenter recommended the absent parent be given 10 days to object to the offset. We believe this time frame is too short to ensure that obligors have sufficient time to respond. Current program instructions require that pre-offset notices be mailed no later than October 31 and absent parents, generally, have at least 30 days to respond before their case is submitted for tax refund offset. Most respondents will contest the offset immediately upon receipt of the notice. Absent parents may also make any objections to the offset after the offset occurs, but we believe it is more efficient to encourage objections during the pre-offset period.

Several commenters believed that the post-offset notice to joint filers by the IRS is insufficient. One problem with providing advance notice to joint filers is that OCSE, or a State that issues the advance notice, has no way of knowing who will be a joint filer when the notice is sent. The IRS does not know who is a joint filer until it processes the tax return. Therefore, in our final regulation, under procedures for contesting, the State IV-D agency must refer the absent parent to the IRS if a complaint concerns a joint tax refund that has already been offset. If the joint tax refund has not yet been offset, the IV-D agency will inform the absent parent that the IRS will notify the absent parent's spouse at the time of offset regarding the steps to take to secure his or her proper share of the refund. The determination of the proper share of a refund will depend upon the property laws of the jurisdiction where the absent parent and spouse reside. Because of the structure of the offset process, we believe these procedures are the only procedures that assure that the offset procedure is effective and thereby accomplishes its purpose as intended by Congress.

One commenter suggested we require the same notices to individuals for Federal and State tax refund offset. The final rule does not have the same notice requirements for State and Federal income tax refund offset because procedures, distribution policy and the agency responsible for offset may be different for Federal and State income tax refund offset, depending on State practice. We would like to point out, however, that some States do use a combined notice, which is cost-effective, and we encourage other States to follow this lead.

Complaint Procedures

Several commenters stated that the complaint procedure in the proposed regulation is ambiguous and misleading. They recommended that this section be revised to clarify the use of the complaint procedure before the offset is made and after the offset occurs. The commenters recommended that this section be rewritten to clarify the timing of the procedure and what it will entail.

Other comments concerned the treatment of interstate cases when there is a complaint about the offset. Commenters objected to the proposed regulations concerning the treatment of interstate cases because they only apply to non-AFDC cases. The commenters recommended that we adopt the same procedural requirements for interstate AFDC cases that we have for non-AFDC cases. The commenter also objected to our statement in the preamble of the proposed regulation that there is a distinction between defenses available to absent parents depending upon whether the custodial parent is an AFDC recipient.

Another commenter requested that the final regulation clarify the complaint procedure in relation to the issues which can arise when more than two States are involved or there are different support orders from different States. Finally, one commenter asked that the complaint procedure for Federal Tax refund offset require the involvement of the custodial parent.

In response to these comments, the final regulation does not distinguish between AFDC and non-AFDC cases in the procedures for treating contested cases, except in one respect. A State is required to notify a custodial parent of the time and place of an administrative review only in non-AFDC cases. In AFDC cases, the State may wish to notify the custodial parent, but is not required to do so because the past-due support is owed to the State. The final regulations do specify notice requirements and provide an opportunity for administrative review, in intrastate and interstate cases. In intrastate situations, upon receipt of a complaint from an absent parent in response to the advance notice or concerning a tax refund which has already been offset, the IV-D agency must notify the absent parent and, in non-AFDC cases the custodial parent, of the time and place of the administrative review and conduct the review to determine the validity of the complaint. If the complaint concerns a joint tax refund that has not yet been offset, the IV-D agency must conduct an administrative review if there is a question concerning the validity of the arrearage, and must inform the absent parent that the IRS will notify the absent parent's spouse at the time of offset regarding the steps to take to secure his or her proper share of the refund. The IV-D agency must refer the absent parent to the IRS if the tax refund has already been offset and the taxpayer's spouse wishes to receive his or her share.

If the administrative review results in a deletion of, or decrease in, the amount referred for offset, the IV-D agency must notify OCSE. If there has already been an offset and it exceeds the amount of past-due support owed, the IV-D agency must take steps to refund the excess to the absent parent promptly, or in the case of a joint return where the unobligated spouse has not filed for and received a portion of the refund, the IV-D agency must take steps to refund the excess to the parties filing the joint return. There may be cases in which an unobligated spouse files for a portion of the refund and the State is unaware of this. The IRS may process the refund at

the same time or after the State refunds the excess to the parties filing the joint return. In this case, the State must recover the excess amount refunded. Federal funding is not available for these erroneous payments but is available for the administrative costs of attempting to recover them.

The procedures for contesting offset in interstate cases permit the absent parent to request an administrative review in either the submitting State or the State with the order upon which the referral for offset is based. If the absent parent requests an administrative review in the submitting State, the IV–D agency of that State must proceed in the same manner as indicated above for intrastate cases.

If the complaint cannot be resolved by the submitting State and the absent parent requests a review in the State with the order upon which the referral for offset is based, the submitting State must notify the State with the order of the request and provide all necessary information listed in the regulation within 10 days of the date the absent parent requested an administrative review.

The State with the order must notify the absent parent and, in non-AFDC cases the custodial parent, of the time and place of the administrative review, conduct the review, and make a decision within 45 days of the receipt of notice and information from the submitting State.

If the administrative review is in response to the advance notice, the State with the order must notify OCSE if the review results in a deletion of, or decrease in, the amount referred for offset. OCSE will notify the submitting State of any modification or deletions that result from the administrative review conducted by the State with the order. If the review concerns an offset which has already taken place, the State with the order must notify the submitting State of its decision promptly. If an excess amount has been offset, the submitting State must take steps to refund the excess amount to the absent parent promptly upon receipt of the decision from the State with the order. The submitting State is bound by the decision made by the State with the order.

If the absent parent has an administrative review in the State with the order, collections made as a result of Federal tax refund offset will be treated as having been collected in full by both the submitting State and the State with the order for the purpose of computing incentives.

One commenter asked us to require States to include the county and the case number, if known, when they refer interstate cases. States should include sufficient information in interstate cases to enable a responding State to act on the case, as stated in our regulations on interstate cooperation which are found at 45 CFR 303.7. The final rule requires the submitting State to provide all necessary information to the State with the order, if the absent parent has requested an administrative review in that State. We believe this requirement responds to the commenter's concern.

Distribution of Offset Amounts

Several commenters suggested that, in non-AFDC cases, offset amounts be distributed to the family first. The statute amends the Internal Revenue Code to require the IRS to offset assigned past-due support first (except for amounts owed for back taxes). The regulations conform to the intent of Congress as indicated by the amendment to the Code.

Several commenters opposed the requirement that, in non-AFDC cases, the IV–D agency must inform the custodial parent in advance that amounts offset will be applied first to satisfy assigned arrearages which are referred for offset. The final regulation requires this notice because the custodial parent should be aware that offset collections may be not be paid to the family if the State has submitted assigned arrearages for offset and this information may be a factor in determining whether the individual desires IV–D services. Individuals should be made aware, however, that a referral for offset may also result in locating the absent parent and lead to a wage withholding which will ensure continued payment of support.

One commenter requested we clarify that a non-AFDC applicant may have assigned arrearages owed to the State which would be satisfied first with any offset amounts. We believe the regulations at § 303.72(h)(3) are clear on this point as discussed above.

One commenter recommended that the State IV–D agency refund excess offset amounts to the taxpayer within three days of receipt. Procedures and levels of automation vary greatly among States. Consequently, all States do not have the capability to refund excess amounts to the taxpayer within three days. The current regulatory language requires States to refund excess amounts within a reasonable period in accordance with State law. We believe this language provides States with the necessary flexibility to administer their IV–D programs as efficiently as possible while protecting the right of the absent parent to the funds.

One commenter requested that we address in regulations the treatment of offset amounts when the person who is due the money cannot be located. Instructions are currently being developed on this issue and are expected to be disseminated via the action transmittal covering the 1985 processing year.

One commenter opposed limiting the application of amounts offset to the amount specified in the notice to the absent parent. This is required in the final regulations because otherwise the absent parent would not receive notice of the claim for any subsequently accrued arrearages or have an opportunity to contest the offset. If the offset amount exceeds the past-due support amount specified in the advance notice, the excess must be refunded to the absent parent. However, this does not preclude the State from negotiating directly with the absent parent under State law to apply the refund to other arrearages or future support.

One commenter requested that we define "reasonable period" as it applies to the refund of excess offset amounts. The final regulations define reasonable period relative to State law because the time frame for refunding excess offset amounts depends on how a State administers its program. We encourage States to make refunds as quickly as possible and have specified in instructions that the State or local jurisdiction cannot delay a refund merely because it has not yet received the offset amount.

Several commenters pointed out that the six-month delay for distributing amounts offset from joint returns is not very helpful since taxpayers have three years to file an amended return. We realize that in many instances this will not prevent later adjustments. However, the statute limits this delay and therefore it is included in the final regulations.

State and Local Debts Resulting From Erroneous Payments

Many commenters requested that we make Federal funding available for amounts offset that are distributed to the family or refunded to the taxpayer and later adjusted by the IRS, if the State cannot recover them. Adjustments made by the IRS on amounts offset and sent to the State are not subject to Federal funding under 45 CFR 304.20. OMB Circular A–87 precludes Federal funding for "any loss arising from uncollectable accounts and other claims and related costs." However, funding is available for administrative costs of

recovering or attempting to recover these amounts.

One commenter requested that local jurisdictions should be held harmless for any offset amounts distributed and later adjusted by the IRS if these amounts cannot be recovered. We believe that State and local jurisdictions should determine how local debts resulting from unrecovered adjusted amounts should be treated. As stated above, Federal funding is not available to repay these debts.

Several commenters proposed policies for handling State debts incurred from unrecovered adjustment amounts. One commenter suggested States be permitted to use the offset process to recover such amounts. This is not permitted because adjustments by the IRS which result in erroneous State payments are not child support and therefore do not meet the definition of past-due support qualifying for offset. Another commenter suggested States be allowed to set up interest-bearing accounts using offset amounts in joint refund cases which can be held for 6 months and fees collected in non-AFDC cases to cover amounts adjusted by the IRS. The commenter suggested that States not be required to treat interest earned by these accounts as program income. The State is required under 45 CFR 304.50 to treat all fees and interest as program income that reduces the State's expenditures claimed under the program. However, we encourage States to establish funds to cover amounts adjusted by the IRS as long as fees and interest are counted as program income.

Several commenters suggested the IRS limit the time frame for requesting a joint return adjustment in order to avoid later adjustments which may result in State and local debts. The Internal Revenue Code allows a taxpayer three years to file an amended return. The IRS must conform to the statutory provisions of the Internal Revenue Code.

Several commenters requested clarification regarding whether an individual can apply for Federal tax refund offset services only and, if so, whether the State may charge both an application fee and a fee for submitting the case for offset. An individual must apply for IV-D services and may not apply for Federal tax refund offset services only. The State must charge an application fee when an individual applies for IV-D services, effective October 1, 1985. If the State chooses to charge a fee for Federal tax refund offset services rendered to non-AFDC recipients of IV-D services, this fee must be charged in addition to the application fee. The State is responsible for determining which services are provided to an individual who applies for IV-D services, but may take the applicant's request for a specific service into consideration.

Another commenter asked if the fee can be kept if no offset is made. The fee may be kept in this case.

Financial Provisions—Incentive Payments (45 CFR 302.55 and 303.52)

The new law replaces the current 12 percent fixed incentive system which rewards States for collections made in AFDC cases with a new system whereby States will receive incentives based on collections made in AFDC, foster care maintenance and non-AFDC cases. Under the new system, States will receive a minimum incentive payment with respect to AFDC (including foster care) and non-AFDC collections. In addition, States are eligible to receive additional amounts above the minimum payment if their performance exceeds the criteria established in this regulation. The new system also requires States to pass through an appropriate share of their incentive payments to localities in the State that participate in the costs of the program. States are to develop methodologies to determine the appropriate share due participating localities. To ensure that States develop fair and equitable methodologies, we require States to seek local participation in the development of their methodologies.

Definitions

Two commenters asked that we expand the definitions of "AFDC collections" and "non-AFDC collections." One asked that the "AFDC collections" definition include the $50 payment to the family under section 2640(b) of the Deficit Reduction Act of 1984. The other asked that the "non-AFDC collections" definition include payments of support through the IV-D agency or other entity upon request of a parent under 45 CFR 302.57.

For FY 1986 and beyond, we will calculate the State's AFDC portion of its total incentive payment based upon *gross* collections which were made on behalf of the individuals specified under the "AFDC collections" definition and which have been distributed during the specified fiscal year. Gross collections include the $50 payments to families. Therefore, we believe it is unnecessary to mention the $50 payments under this definition, since these payments refer to the manner in which only one part of the gross collection will be distributed. Incentives will be paid on the $50 payments beginning in FY 1985 under the current incentive system and beginning in FY 1986 under the new incentive payment system.

In addition, it would be incorrect to include payments made under § 302.57 in the definition of "non-AFDC collections" since these payments are not IV-D collections. Congress intended States to provide this service to non-IV-D individuals upon their request for a minimal fee and at no cost to taxpayers.

Computation of Incentive Payments

In calculating the incentive payment due a State, one commenter stated that it is illegal under the Debt Collection Act to exclude fees, recovered costs, and program income such as interest earned on collections from total IV-D administrative costs.

The Debt Collection Act at 42 U.S.C. 4213 refers to interest States may earn on amounts received from the Federal government for grant-in-aid programs. In effect, States are not held accountable for interest earned on these amounts pending their disbursement for program purposes. Section 455 of the Act and implementing regulations at 45 CFR 304.50 require the Secretary, in determining the total amount expended by a State during a quarter, to deduct from gross expenditures the total amount of any fees collected or other income resulting from services provided for both AFDC and non-AFDC cases under the title IV-D State plan. The provisions of the Debt Collection Act do not apply to fees, recovered costs or other program income such as interest since these amounts are not grant-in-aid funds.

Many commenters asked if systems expenditures eligible for 90 percent Federal funding and interstate grants expenditures can be excluded from the collections-to-expenditures ratio when calculating incentives. These expenditures may not be excluded. Section 455(e) of the Act explicitly requires that State expenditures in carrying out an interstate grant must be considered in calculating incentive payments under section 458 of the Act. Since the revised section 458(c) of the Act does not authorize the exclusion of expenditures which qualify for 90 percent funding, they must be included in the State's expenditures when calculating incentives.

Several commenters asked if States can receive 70 percent Federal funding of laboratory costs in determining paternity when these costs are excluded from total IV-D administrative costs for purposes of calculating the State's incentive payment. Other commenters asked that we expand laboratory costs in determining paternity to include the

costs of obtaining and transporting samples to the laboratory. In response to the first question, States are eligible to receive 70 percent Federal funding for laboratory costs in determining paternity even though these costs may be excluded from the State's total administrative costs in calculating the incentive payment. With respect to the second question, Federal funding is available for the costs of obtaining and transporting samples to the laboratory.

One commenter suggested that we allow States to receive an additional incentive for collection of non-AFDC arrearages under the new incentive structure. This commenter felt that, unless attention was given to non-AFDC arrearages, States would concentrate only on collections of current support.

The new law does not provide specific incentives for collections of non-AFDC arrearages. However, it does provide incentives based on total distributed collections which include any collections representing payment on arrearages. We believe that many of the provisions of the new law, such as income withholding and State tax refund offset, will increase collections, including collections representing payments of arrearages.

One commenter asked how OCSE will calculate the total incentive payment due a State in a specified fiscal year and the method by which States will receive their incentive payment.

As is currently done, States will submit quarterly estimated collections and expenditure data to OCSE. OCSE will review and analyze the State's data and determine the estimate of collections and expenditures. OCSE will calculate the State's estimated annual AFDC and non-AFDC incentive payments using the table specifed in the regulations and notify the State and the Office of Family Assistance (OFA), HHS, of the total estimated amount of incentive due the State for the upcoming fiscal year. At the beginning of that fiscal year, the State will deduct one-quarter of its total estimated incentive payment from the Federal share of collections before reimbursing the Federal government for its contribution toward AFDC assistance payments. The State will repeat this process for the remaining three-quarters of the fiscal year until it receives the total estimated incentive payment. (Quarterly adjustment to the Federal share of collections is the method by which States currently receive the 12 percent fixed incentive for AFDC collections.) At the end of the year, the estimated incentive amount will be adjusted to reflect the State's actual collections and expenditures. However, adjustments to the State's estimated incentive payment will be postponed until reliable data are available, if the Office determines that the State's actual collections and expenditure data are unreliable.

One commenter suggested that we make quarterly adjustments to the State's incentive payment so that the State can receive its earned incentive payment in full on an on-going basis. We will determine the annual incentive payment due a State based on the State's estimated performance for the upcoming fiscal year. Quarterly adjustments to the State's incentive payment would be inaccurate because the full extent of the State's performance for the specified fiscal year will not be known until the State submits its actual performance data for the last quarter of that year. Therefore, after the State submits its actual performance data for the four quarters, the State's AFDC grant award will be adjusted for any over or underpayments made for incentives. Adjustments may be postponed, however, if the Office determines that the State's data are unreliable.

Many commenters asked how incentives will be paid on the $50 payment to the family (under section 2640(b) of the Deficit Reduction Act of 1984) after FY 1985. One other commenter asked that we allow the entire $50 payment to be deducted from the Federal share of collections.

For FY 1986 and beyond, the new law provides that States will receive incentives based on *gross* collections. Therefore, all payments to the family in AFDC cases including the $50 payment, amounts collected that satisfy unreimbursed assistance payments and any amounts collected which represent past payments or future payments are eligible for incentives. The distribution sequence set out in the statute and regulations precludes deducting the entire $50 payment from the Federal share of collections because only amounts in excess of the $50 payment will be used to reimburse the State and Federal government for their share in the financing of assistance payments.

Pass-Through of Incentives to Localities

One commenter asked how participating localities will return overpayments of incentives to the State.

We will pay incentives to States based on the State's estimated performance for the upcoming fiscal year. After the end of a fiscal year, we will notify OFA of any adjustments to a State's grant award based on the State's actual performance. We expect States will adjust local incentive payments for any under or overpayments at the same time. However, States have the flexibility to adjust local incentive payments on an annual, quarterly, or other basis if they so choose.

One commenter asked that we require States to extend the "hold harmless" provision for FY 1986 and 1987 to localities. There is no authority in the statute to require this. However, States may opt to extend the "hold harmless" provision to localities.

Several commenters felt that States have too much discretion in determining the standard methodology by which to pass through incentives to participating localities and asked that OCSE determine the methodology. The new law specifically requires a State to determine the appropriate share of it incentive payment to be passed through to those localities in the State that financially participate in the program. Therefore, we have no authority to determine the methodology that States may use to meet this requirement.

One commenter recommended that we replace the term "appropriate share" with "earned share" so that localities that are cost effective will receive their fair share of incentives in relation to localities that are not cost effective. The new section 454(22) of the Act requires States to pass through an "appropriate share" of their incentive payment to financially participating localities, taking into account the efficiency and effectiveness of these local programs. Because the term "appropriate share" is statutorily based, we have not replaced it with "earned share."

One commenter asked that we explain our recommendation that a State's standard methodology also provide for payment of incentives to localities that administer the program, but do not participate in its costs. The new law requires States to pay incentives to localities that participate in the costs of the IV-D program. However, many States have localities that do not participate in program costs but which operate an efficient and effective enforcement program. Therefore, we recommend that States pay incentives to these localities to ensure their continued level of performance. If the State elects to reward these localities, however, it would not have to do so at the same level as it rewards localities that participate in program costs.

Several commenters asked that we delete the provision that requires a State to seek local participation in the development of its standard methodology since this provision has no statutory basis. We met with representatives from various States and localities to discuss the impact of the

new incentive statute on the program at both the State and local level. Localities that currently depend on the 12 percent incentive to finance their programs expressed great concern with the new structure, especially the fact that the States have authority to determine the "appropriate share". Therefore, to ensure that States' standard methodologies are fair to localities, we used the Secretary's authority under section 1102 of the Act to require States to seek local participation in the development of their methodologies. We believe this to be soundly based, since an effective program requires cooperation between the State and the localities that operate the program.

With respect to interstate cases, a commenter stated that case information is not adequate to allow responding States to identify initially whether the case is a non-AFDC or AFDC case. Several other commenters stated that responding States often are unaware of the changes in case status, i.e. whether the case continues to be an AFDC or non-AFDC case. Commenters said that lack of information in both situations will cause problems in computing incentives since both States in interstate cases receive credit for AFDC and non-AFDC collections.

In response to these concerns, we added a provision at § 303.52(e) to require initiating States to identify cases initially as either a non-AFDC or AFDC case. In addition, the provision also requires initiating States to notify the responding State of each change in case status. Furthermore, under the new incentive system, if a State is to receive full credit for its AFDC and non-AFDC interstate collections, the State must be able to correctly identify cases in its existing interstate case load as either AFDC, non-AFDC on IV-E foster care maintenance cases.

Several commenters objected to the provision which requires a State or a political subdivision that makes a collection in an interstate case to transmit that collection to the originating State no later than 10 days after the end of the month in which the collection was made. This time frame has been in current regulations at § 303.52(d)(2) since the inception of the IV-D program. As discussed earlier, in response to comments on the proposed changes in the date of collection in interstate cases, we are retaining the definition of date of collection contained in current regulations. However, in order to ensure accurate and timely distribution by the initiating State, we are requiring the responding State in interstate cases to transmit the collection to the location specified by the initiating State no later than 10 days from its receipt.

Reduction in Federal Matching Rate (45 CFR 304.20, 305.22)

Several commenters objected to the decreases in Federal funding starting in FY 1988. One of the commenters suggested that the required practices would not be implemented efficiently because of the reduced Federal funding levels.

Since the new law reduces the Federal reimbursement of administrative expenditures to 68 percent in FY 1988 and 1989 and 66 percent in FY 1990 and thereafter, we cannot change this provision. Reduction in the matching rate does not, however, result in a reduction of overall program funding, because increased incentive funds are available to States based on performance. Incentive payments are available to States on a gradually increasing basis as administrative matching declines.

Therefore, decreases in the Federal matching of administrative expenditures may be offset by increases in the State's incentive payment, if the State does well collecting support in both AFDC and non-AFDC cases. Moreover, we expect major increases in collections as well as operational efficiencies particularly over time as a result of implementing the required practices.

Expansion of 90 Percent Funding for Systems (45 CFR Part 307)

The statute and regulations explicitly authorize 90 percent funding for automated systems to include monitoring of support payments, maintaining accurate records regarding support payments and notifying officials about arrearages that occur. The 90 percent funding is also extended to the acquisition of computer hardware.

One commenter asked if Federal law and regulations could be revised to permit States to develop software programs for Computerized Support Enforcement Systems (CSES) that perform the basic functions needed in each case and interface with the databases of the Federal PLS and IRS to access and pool data pertinent to child support enforcement.

States make requests to the Federal PLS for locate information regarding absent parents (e.g., address of the absent parent). The Federal PLS obtains information from the records of other Federal agencies and transmits the information to the requesting State. Since the Federal PLS does not retain any of the information it receives, there is no database for interface.

The Internal Revenue Code (26 U.S.C. 6103(1)(6)) places strict limitations on the disclosure of information maintained by the IRS. Although the IRS is authorized to provide certain information to State and local IV-D agencies, the States are prohibited from using this information for purposes other than the collection of child support. We believe that the pooling of IRS and other information, as suggested by the commenter, would make it difficult for the States to safeguard the IRS information. The IRS does not permit State IV-D agencies direct access to its database. Although direct access to the IRS database would enable States to obtain information in a more timely manner, we believe that the IRS disclosure procedures are reasonable and necessary.

One commenter suggested that, within the limits of the statute, we consider making high performing, large, local jurisdictions eligible to receive 90 percent Federal funding for systems development when the State determines that the proposed systems effort is consistent with State objectives.

Section 455 of the Act and the implementing regulations at 45 CFR Part 307 make Federal funding available at the 90 percent rate for the development of statewide CSESs that meet certain requirements. Ninety percent Federal funding is not available for the development of local systems. However, the States have flexibility regarding the design and implementation of a statewide CSES system. A State could implement a statewide CSES in phases, bringing in large, high performing jurisdictions prior to covering the remaining jurisdictions in the State.

Remaining Provisions—Collection and Distribution of Support in Foster Care Maintenance Cases (45 CFR 302.31, 302.52)

The statute requires States to take all steps, where appropriate, to secure an assignment of support rights on behalf of a child receiving foster care maintenance payments under title IV-E of the Act and requires IV-D agencies to collect and distribute child support for IV-E foster care maintenance cases. The regulations require that amounts paid on required support obligations in IV-E foster care maintenance cases must be retained by the State to reimburse it for foster care maintenance payments. The IV-D agency is required to determine the Federal share of collections so that the State can reimburse the Federal government to the extent of its participation in financing the foster care maintenance payment. The regulations

require that, if the amount collected is in excess of the monthly foster care maintenance payment but not the monthly support obligation, the State must pay the excess to the State agency responsible for supervising the child's placement and care. This agency must then use the money in the child's best interests. States should be aware that in setting aside monies for future support under § 302.52(b)(2)(i) that the State's resource limit may be exceeded, thereby resulting in ineligibility for the child. Any amount which exceeds the monthly support obligation must be retained by the State to reimburse itself for past unreimbursed foster care maintenance or unreimbursed AFDC assistance payments.

We received comments on the requirements for collection and distribution of support in foster care maintenance cases which expressed concern that the Federal title IV-E program must give States some guidance on issues that arise in IV-E foster care maintenance cases. They felt that issues such as the procedures for taking assignment, which cases require an assignment to be taken, the penalties for noncooperation, and so on are of great concern to States and were not addressed in the proposed regulations.

Because OCSE is not charged with implementing the assignment provisions under the new section 471(a)(17) of the Act, we cannot give guidance in these regulations. The Department's Administration for Children, Youth and Families plans to issue instructions to guide States in implementing the new section 471(a)(17) of the Act. For further information, please contact Paula Brown at (202) 755-7447.

Other commenters expressed concerns about the provision requiring that monies collected which exceed the IV-E foster care maintenance payment but not the monthly support order must be paid to the State agency responsible for supervising the child's placement and care. One of these commenters felt that, since the support order often is made on the basis of State law and names for former spouse as the payee, State law prohibited the excess being paid to anyone else.

Once an assignment of support is taken by the State in a title IV-E foster care maintenance case, the distribution of collections made under the assignment is guided by section 457 of the Act. We do not believe States would be prohibited from implementing this provision.

The proposed regulations allowed States the option to provide support enforcement services to former IV-E foster care maintenance cases for up to five months after title IV-E eligibility ends. Several commenters felt OCSE had no statutory authority to offer States this option. Another commenter was concerned that the provision requiring States to give priority to current support under this option puts the IV-D agency in a conflicting position because of the requirement that the agency attempt to collect assigned support which has not been reimbursed. Under section 457(c) of the Act, States are required to continue to provide IV-D services to families that lose AFDC eligibility. There is no parallel provision authorizing continued services to a child who loses title IV-E eligibility. Since Congress did not include this provision we have decided to eliminate it in response to these comments and in light of the fact that IV-E foster care maintenance children often return to families receiving AFDC who will continue to receive IV-D services anyway. In cases where the family is not receiving AFDC, the custodial parent would have to apply for IV-D services and pay the mandatory application fee to have IV-D services continued.

Other commenters suggested that we waive the application fee for IV-D services for State-funded foster care cases. We do not have the statutory authority to waive the fee in State-funded foster care cases, or in any other cases. The statute explicity requires an application and an application fee in all non-AFDC cases. These commenters also suggested that we require that an annual notice of collections be sent in IV-E foster care maintenance cases. We have not required such a notice since the statute does not require it, but urge States to consider providing a notice in these cases as in AFDC cases.

Two States commented that their IV-E foster care maintenance program distributes foster care collections now and requested that the regulations be changed to allow them to continue this method. Since the IV-D agency can contract with other agencies to distribute collections as long as it maintains ultimate responsibility for proper distribution, systems such as those mentioned above would be acceptable under the regulation.

Lastly, a commenter wanted us to clarify distribution when a child receiving title IV-E assistance is part of an AFDC family and when the child leaves the IV-E foster care maintenance program and returns to the AFDC program. In IV-E foster care maintenance cases in which the child's family is receiving AFDC payments, support collections must be allocated for distribution purposes between the title IV-A and title IV-E program based on the number of children receiving each type of assistance. When the child returns to the AFDC family, the regulations at § 302.51 regarding distribution of collections are applicable.

Publicizing the Availability of Support Enforcement Services (45 CFR 302.30)

A majority of the comments we received on the provision for publicizing the availability of support enforcement services suggested that we require States to establish a toll free number for disseminating information concerning available child support enforcement services.

We are not requiring that States establish a toll free number but encourage States to do so, because this is one way of disseminating information. We encourage this and any other effective way to disseminate information about IV-D services.

A number of commenters made various suggestions as to other requirements OCSE should include in the regulations, such as requiring States to use newspapers to publicize absent parents' names if they do not pay support owed and requiring that the public service announcements not be aired during early morning hours. We feel these are all areas of State option and as such we are not requiring such activities.

Several commenters suggested that OCSE fund studies to determine whether joint custody and visitation enforcement produce better compliance with support orders and whether there is a correlation between child abuse and nonpayment of child support. A study funded by OCSE is currently under way on the effects of child custody arrangements on child support payments by absent parents. In addition, the Child Abuse Amendments of 1984 require the Secretary of HHS to study the correlation between a parent's failure to pay child support and the incidence of child abuse and to submit findings and recommendations in this area to Congress within two years. We are supplying these comments to the Office of Human Development Services in HHS for their consideration in implementing those requirements.

Commenters also requested that we define the words "regularly and frequently" in the regulations with respect to publicizing services. The commenters asked who would determine what volumes and rates would meet the requirements in the regulations. We do not wish to constrain publicizing of services by defining these terms to specify the minimum effort

required. Acceptable levels of publicity will depend upon many factors and we believe that the terms "regularly and frequently" provide sufficient guidance to States and to us for determining whether the requirement has been met.

Mandatory Collection of Spousal Support (45 CFR 302.17 and 302.31(a)(2))

We received two comments on the requirements to collect spousal support in IV–D cases where a support order has been established and the child and spouse area living in the same household. One commenter asked if the State must collect spousal support if the child and spousal support obligations are in separate orders. States must do so as long as all other conditions for collecting spousal support are met. The other commenter asked, if a custodial parent has two ex-spouses and a child by one of them, must a State collect spousal support from the ex-spouse who is not the parent of the child? Collection of spousal support is only permitted when the obligee is living with the child receiving support enforcement services.

Accessing the Federal Parent Locator Service (PLS) (45 CFR 302.35)

The revised statute and these regulations increase the availability of the Federal PLS to State agencies by deleting the requirement that States exhaust their own State resources first before submitting a request to the Federal PLS.

We received two comments on this provision. One commenter recommended that private attorneys be permittted access to the Federal PLS. These regulations amend the availability of the Federal PLS to State agencies, but make no changes to the definition of who is authorized to obtain information from the Federal PLS. The definition of "authorized person" is found at section 453(c) of the Act and includes the circumstances under which private attorneys may request information from the Federal PLS. Authorized persons include attorneys who have the duty or who are authorized under the IV–D State plan to seek to recover child and spousal support as well as attorneys of children who are requesting information on an absent parent who has a duty to support and maintain the child. However, all requests to use the Federal PLS must be submitted to the State PLS or other IV–D offices designated by the State.

The other commenter requested that the Federal PLS respond to inquiries within three weeks of the request. The final regulation does not mandate time frames for responding to Federal PLS inquiries. The Federal PLS sends requests to other agencies and the response time to inquiries depends on the processing times of those agencies. On the average, the response time is three weeks from the date of initial request.

Continuing IV–D Services for Families That Lose AFDC Eligibility (45 CFR 302.51(e))

This regulation requires States to continue to provide IV–D services for a period of up to five months after an AFDC family ceases to receive AFDC payments. The State is not permitted to require a formal application, recover costs from the support collection, or charge an application fee in these cases. If the State is authorized to continue to provide IV–D services after the five-month period, the State may recover costs, but cannot charge an application fee or require a formal application.

Several commenters asked if a family can choose not to have IV–D services continued during the mandatory service period immediately after termination of AFDC. If an individual does not wish to continue receiving IV–D services, the State IV–D agency cannot force the individual to continue as a IV–D case. However, if a State ceases to provide IV–D services during this period under such circumstances, it should indicate in the case record that IV–D services were terminated at the individual's request.

Several other commenters asked if this provision applies to all AFDC recipients who are terminated from assistance or only those for whom the IV–D agency is collecting and distributing support. We have interpreted this provision to apply to all AFDC recipients, based on Conference Report No. 98–925. This report indicates that Congress intended all individuals who are terminated from AFDC to continue to receive services.

Many commenters asked that we clarify whether States must provide all applicable services to these continued cases or just collection services. We have interpreted this provision based on Conference Report No. 98–925 to require the State IV–D agency to provide all necessary services to these cases. The State IV–D agency determines which services are appropriate and may consider an individual's wishes in doing so.

Two commenters recommended we require States to notify the individual of the action needed to authorize continuation of IV–D services, as well as the time period for taking action. The commenters did not want the family to be required to accept services they do not want. One commenter suggested we require the State to notify the family of its distribution policy when it is authorized to continue services after the period of automatic continuation of services. We have revised the regulations to require States to notify the custodial parent before the end of the mandatory period of continued services about the consequences of continuing to receive IV–D services. The notice must specify the services available for use at the agency's discretion, as well as the State's fees, cost recovery and distribution policies. This notice will provide the custodial parent with adequate information to determine if he or she wants to refuse further IV–D services.

Many commenters asked that we define "authorization" or explain how it differs from an application. The specific procedures for authorizing continued IV–D services may vary from State to State. However, the State must send the notice discussed above to the family and may state that failure to request the IV–D agency to discontinue services will constitute authorization. The State may not notify the family during the five-month period that services will be discontinued unless the IV–D agency is notified to continue services. This is consistent with Congressional intent that continuation of services should be the norm unless the family does not want IV–D services.

Several commenters requested that distribution for cases which continue to receive IV–D services during the five-month period be clarified. During the required service period after termination from AFDC, amounts collected for support must be applied first to the current support obligation and any arrearages accruing during the required service period. These amounts are paid to the family. Payments in excess of these amounts are used to pay the State for unreimbursed AFDC payments. If the State is authorized to continue IV–D services after the mandatory service period, the State may apply arrearages collected either to the family first or to unreimbursed AFDC payments first, depending upon how the State distributes collections of arrearages in non-AFDC cases.

One commenter asked if the State may collect both assigned and unassigned arrearages during the mandatory service period. The State may collect assigned and unassigned support during the mandatory service period. Any collection must be distributed first as current support, which is unassigned.

One commenter asked if a State could "offer" services during the mandatory service period instead of automatically

providing them. The State must provide any appropriate IV-D services to an individual during this period unless the individual expressly requests that no services be provided. The State may not merely "offer" services if this means that providing appropriate IV-D services is contingent on the custodial parent responding positively before the services are provided. The intent of this provision is to continue services to former AFDC recipients without any change in procedures or break in services already being provided. The IV-D agency must determine which services are appropriate and must provided them during the mandatory service period.

Several commenters have indicated that the five months referred to in the proposed regulation is different from the current regulation and statute. These regulations do not change the time period currently in regulations. "Three months from the month following the month" after AFDC ceases equals a total of five months. We used the term five months because it was a more direct way of stating the time frame. However, to eliminate any confusion, we have deleted the term "five-month period."

One commenter asked if States could pass through checks from the absent parent or if they could issue their own checks to the family. The State has discretion to determine whether they pass through checks or issue their own.

Another commenter stated that States will have difficulty identifying cases going from the mandatory service category to the authorized service category. This identification is necessary for purposes of determining whether the State may recover costs. We suggest that the State may want to use the same procedures for identifying these changes in case status as they use currently for identifying changes in status from AFDC to non-AFDC and vice versa.

Notice of Collection of Assigned Support (45 CFR 302.54)

Both the statute and the regulation require that a State provide an annual notice of the amount of support collected during the past year to individuals who have assigned rights to support under § 232.11. The notice must be sent to current AFDC recipients and to former recipients for whom an assignment is still effective. Two of the commenters felt the requirements in the regulation were too general. They argued that AFDC recipients would not receive sufficient information about the amounts and regularity of payments if there was no breakdown of monthly collections in the notice. They also wanted the notice to specify the total amount of support owed including arrearages, the total amount of support paid including arrearages, to whom these arrearages were distributed and the dates on which all payments were made. We are not requiring a monthly breakdown of collections, but States may provide a more complete breakdown if they wish. They could, for example, provide more detailed information to AFDC recipients who request it.

Other commenters requested that we require States to send a notice of collections to absent parents if requested. Many States already provide such information to absent parents upon their request, so we have not changed the regulations.

We received comments from two persons who thought the notice requirement should be eliminated as it created an administrative burden on States and added unnecessary costs to the program. This notice is required by the statute at section 454(5) of the Act.

Another commenter argued that the notice should be sent only upon the request of the receipient. The statute requires the notice to be sent annually in all AFDC or former AFDC cases under assignment.

We also received comments seeking clarification of the notice provision. These commenters asked if States must use the Federal fiscal year or any other one-year period for determining the annual support collected. These commenters also asked if the State must provide the first notice by October 1, 1985 for support collected the previous year or if they could wait until the end of FY 1986 to provide the first notice. States may provide the annual notice based on support collected during any one-year period. States must provide the first notice of support collected in AFDC cases or non-AFDC cases in which there is overdue support assigned to the State by September 30, 1986.

State Guidelines for Child Support Awards (45 CFR 302.56)

The final regulation requires States to develop guidelines by law or by judicial or administrative action for setting child support awards within the State. The State is required to make these guidelines available to all officials who determine child support awards, although the guidelines need not be binding on them.

We received several comments on this provision. Some commenters stated that guidelines should be developed with public participation. The statute does not require this. However, we encourage States to contact the public and allow participation in developing guidelines. Since States are not required to establish guidelines until October 1, 1987, there is adequate time for a State to request and consider public comments of proposed guidelines. In addition, States will have public participation in connection with their State Commissions, which must be comprised of members representing all aspects of the child support system. These Commissions are required to give particular attention to problems associated with establishing appropriate objective standards for support.

Another commenter requested clarification regarding whether a State may use an effective date earlier than October 1, 1987. States are encouraged to develop guidelines for child support awards as soon as possible. They do not have to wait until October 1, 1987 to put guidelines into effect.

One commenter stated that guidelines for support awards should be descriptive rather than numeric. The final regulations require States to develop guidelines based on specific descriptive and numeric criteria that result in a computation of the support obligation. Numeric criteria include factors such as, but not limited to income and resources of the parents and the number and needs of dependents.

Payment of Support Through the IV-D Agency or Other Entity (45 CFR 302.57)

In accordance with the statute and regulations, States may have tracking and monitoring procedures for the payment of support through the State IV-D agency or the entity designated by the State to administer the State's withholding system upon the request of either the custodial parent or the absent parent, regardless of whether or not arreareages exist or withholding procedures have been instituted. The State must charge the parent requesting this service an annual fee not to exceed the lesser of $25 or the actual costs incurred by the State in these non-IV-D cases.

One commenter asked if a request for tracking and monitoring payments is considered an application for IV-D services. Any absent or custodial parent, in a State which elects this option, may request tracking and monitoring of support payments without applying for IV-D services.

Another commenter asked if Federal funding is available for this service if the fee does not cover the State's costs. Federal funding is available only in the cost of providing services in IV-D cases. In addition, House Report No. 98-527, p.

40, states: "The Committee believes that the costs associated with such voluntary use should be borne by the party requesting the service rather than by taxpayers."

Imposition of Late Payment Fee on Absent Parents Who Owe Overdue Support (45 CFR 302.75)

This regulation allows the State IV–D agency to impose a late payment fee of 3 to 6 percent on individuals who owe overdue support.

One commenter stated that two sections of this provision appeared to be contradictory. One section states that the State plan may provide for imposition of late payment fees while another section states that the late payment fee must be imposed in AFDC, foster care, and non-AFDC cases. The regulations are not contradictory, but use "may" to indicate that it is optional whether a State imposes a late payment fee. However, if a State chooses to impose a late payment fee, it must be imposed in all appropriate IV–D cases, including AFDC, foster care, and non-AFDC cases. For example, the State cannot choose to impose the late payment fee in AFDC cases only.

One commenter asked if the late payment fee is applied cumulatively or compounded and suggested we provide an example or formula to illustrate. The regulations state that the late payment fee is applied to arrearages, accrues as arrearages accumulate and is not reduced upon partial payment of arrears. Therefore, the late payment fee is cumulative and not compounded. The following example illustrates how late payment fees are computed. In the example, the monthly support obligation is $100 and the late fee is 5 percent of the arrearage. In the first month, $100 of arrearage accumulates, making the late payment fee $5. In the second month, an additional $100 arrearage and $5 fee accrues making the total arrearage $200 and total fee $10. In the third month an additional $100 arrearage and $5 fee accrues. In the fourth month, the individual pays current support plus $200 on the arrearage. The total arrearage is reduced to $100 and no additional fee is applied since no additional arrearage accrued. However, the total fee is still $15. The late payment fee is computed on a monthly basis, but cannot be collected until the arrearage has been fully satisfied. This is illustrated in the table below.

	1	2	3	4
Monthly arrearage	$100	$100	$100	−$200
Monthly late payment fee	5	5	5	0
Total arrearages	100	200	300	100
Total late payment fee	5	10	15	15

Another commenter asked if the late payment fee is in addition to cost recovery. The late payment fee is a penalty for non-payment of support and is charged in addition to cost recovery.

One commenter asked us to indicate the difference between interest and late payment fees. Late payment fees are not considered interest. Interest makes up for loss of purchasing power and is passed on to the family. For purposes of this program, late payment fees are a penalty for non-payment of support and are used to reduce a State's administrative costs. The State may collect both interest and late payment fees.

Another commenter asked that, if a State currently charges a 10 percent late payment fee statewide, is the State limited to imposing a maximum 6 percent rate in IV-D cases? The total late payment fee assessed an absent parent in IV-D cases may not exceed 6 percent of the maximum arrearage that was accumlated.

State Commissions on Child Support (45 CFR 304.95)

Section 15 of Pub. L. 98–378 and these regulations require States to appoint a Commission by December 1, 1984, which includes representatives of all aspects of the child support system. The Commission must examine the State's child support system and report its findings and recommendations to the Governor by October 1, 1985. Waivers of the Commission requirement are available under specified circumstances.

We received several comments on the provisions of the proposed regulations requiring each State to appoint a State Commission on Child Support. One commenter requested that the regulation define the objective standards for child support obligations which States must have in order for the Secretary to waive the requirement. Since the Commissions had to be appointed By December 1, 1984, we did not include criteria in these regulations. Another commenter asked us to include local enforcement representatives on the Commissions. We believe it is unnecessary to single out this group because the requirement calls for the Commission membership to represent all aspects of the child support system and this would include local enforcement personnel.

Three commenters stated that the lack of Federal matching funds for the costs of operating the Commissions would limit their effectiveness and activity. We do not feel that this will be the case. To date, the Governors of many States have expressed their support for the State Commissions.

One commenter felt that the Commissions should address the visitation issue. The statute and regulations call for the Commissions to determine the extent to which the child support system has been successful in securing support and parental involvement, giving particular attention to such specific problems (among others) as visitation. We believe that Commissions will address this issue under this provision.

Two other commenters requested that we publish State requests for waiver of the requirement in the Federal Register for public comment. We did not publish requests for waivers in the Federal Register because of the December 1 deadline for establishing Commissions. We did evaluate each request very carefully and held States to a very rigorous standard before granting waivers of this requirement. Waiver requests were received from thirteen States. Of these States, Arizona, California, Maryland, Washington, Wisconsin, and Rhode Island were granted waviers on the basis of having established within the previous five years a commission or council with substantially the same functions as the commissions provided for in the new law. Illinois, Maine, Michigan, and Utah were granted waivers based on their having in effect objective standards for the determination and enforcement of child support obligations. Three States Hawaii, Wyoming, and Mississippi) were denied waivers.

Availability of Services and Application Fee for Non-AFDC Families (45 CFR 302.33(c))

Beginning October 1, 1985, States must charge an application fee to individuals applying for non-AFDC services. Final regulations with a comment period on this provision were published in the Federal Register on September 19, 1984 (49 FR 36764). We are responding to comments received on that provision in this document.

One commenter asked whether the States will develop guidelines for waiving the application fee in appropriate cases. A second commenter indicated that the mandatory application fee will discourage application for IV–D services by individuals in need of them. A third commenter suggested that the regulations be revised to incorporate the statement in the preamble of the final regulations regarding the deduction of

the application fee from support collections.

States must charge the application fee for IV–D services. However, the regulations specify that the State may collect the application fee from the individual who is applying for IV–D services or pay the fee itself. The regulations also permit a State that elects to impose an application fee on the individual who applies for IV–D services to collect a fee based on the applicant's income. The IV–D agency may recover the fee from the absent parent. Lastly, former AFDC recipients receiving IV–D services under 45 CFR 302.51(e) are not required to pay an application fee.

Since application fees are required as of October 1, 1985, the State must collect the non-AFDC application fee from the non-AFDC individual at the time of application for IV–D services or pay the fee itself to ensure that the fee is paid in accordance with Federal law. In the preamble to the final regulations published September 19, 1984, we stated that States may allow applicants to decide to pay the fee at the time of application or have the fee deducted from collected support. Upon review, we realized that this could lead to cases where the fee is never paid because a collection was never made. To ensure that the statutory mandate is met, we are requiring that the application fee be paid at the time of application regardless of whether the State opts to impose the fee on applicants or pay it itself.

Several commenters suggested that we revise the regulations to specify that the application fee will only be charged by the applicant's State of residence. We have revised the regulations in this regard because the imposition of more than one application fee in an interstate case is inconsistent with Federal law and could place a financial burden on individuals in need of IV–D services. Therefore, the revised regulations specify that, in an interstate case, the application fee is paid in the State where the individual applies for services.

Several commenters suggested that the regulations regarding the mandatory application fee be revised to specify that an application fee cannot be charged to individuals receiving IV–D services prior to October 1, 1985. A commenter also suggested that the regulations regarding the mandatory application fee be revised to specify exemptions to application fee requirements contained in the foster care and post-AFDC distribution regulations.

We agree that the regulations should specify that the mandatory application fee only applies to non-AFDC individuals who apply for IV–D services on or after October 1, 1985 because the new law only imposes an application fee with respect to individuals who apply for IV–D services on or after that date. Therefore, we have revised the regulations to address this matter. It should be noted that, until October 1, 1985, Federal law and regulations permit the State to elect to charge an application fee to each individual who applies for IV–D services prior to that date.

The regulations require States to charge an application fee for each individual who files an application for IV–D service. AFDC cases and foster care maintenance cases are not subject to the application fee provisions because services are provided without the filing of an application for IV–D services. The regulations regarding the continuation of services once the family ceases to receive AFDC indicate that, at the end of the period not to exceed five months after the family went off AFDC, the State, if authorized to do so by the family, must continue to provide services to the family and pay any amounts collected to the family in accordance with the non-AFDC services provisions without requiring a formal application or application fee. The statute does not allow any other exemptions from the application fee.

One commenter asked about the use of application fees collected prior to the Child Support Enforcement Amendments of 1984 which exceed the new maximum application fee. A second commenter wanted to know to whom the application fee is paid when the State elects to pay the application fee itself.

Until October 1, 1985, the regulations permit a State that elects to charge an application fee to each individual who applies for IV–D services to use a fee schedule to determine the fee to be charged each applicant. A fee schedule must be based on applicant's income and designed so as not to discourage application for services by those most in need of them. Before October 1, 1985, a State using a fee schedule may charge certain individuals an application fee that exceeds the maximum $25 application fee that becomes effective on October 1, 1985. Application fees collected by the State IV–D program at any point in time must be treated as program income. The fees are also applied to the costs incurred in a given case prior to any cost recovery. If a State elects under the regulations to pay the application fee, the State must exclude from its quarterly expenditure claims for Federal funding the amount of the application fees.

One commenter suggested that State performance could be more fairly measured if the maximum application fee were changed to a uniform application fee. We believe that the new provisions give the States flexibility to develop application fees that will enable all individuals seeking IV–D services to apply for them. Effective October 1, 1985, the regulations permit the States to: (1) Charge a flat application fee not to exceed $25 or any higher or lower amount as the Secretary may determine to be appropriate to reflect changes in program costs, or (2) charge an application fee based on applicant's income not to exceed $25 or any higher or lower amount as the Secretary may determine to be appropriate to reflect changes in program costs. The regulations also permit the State to collect the mandatory application fee from the individual who is applying for IV–D services or pay the application fee out of State funds in accordance with statewide standards. The State may pay the fee for non-AFDC individuals who cannot afford to pay it. In addition, the regulations permit a State to recover the application fee from the absent parent who owes a support obligation and pay the recovered amount to the applicant or itself.

Several commenters stated that the provisions of the final regulations that require the State either to charge the application fee to the applicant or pay the fee itself are contrary to section 3(c) of Pub. L. 98–378, which provides that the application fee can be paid by the client, or the State, or the absent parent.

We believe that the regulations properly implement the new law. There is no provision in section 3(c) of the law for the fee to be "paid" by the absent parent directly. In discussing the application fee provision of the new law, House Report No. 98–925, page 45, indicates that the State may charge the fee to the custodial parent or pay the fee out of State funds. The Report further indicates in a separate sentence that the State may recover the fee from the absent parent. We believe that the regulations are consistent with Congressional intent.

One commenter suggested that, because the regulations remove from State control the flexibility provided in the statute to vary the application fee based on ability to pay, the regulations should be revised to incorporate the language of the statute. We believe that the regulations properly implement the new statutory application fee provisions. The statutory provisions

permit the States to vary the application fee among IV–D applicants based on ability to pay. However, the statutory provisions do not authorize the imposition of an application fee in excess of $25 unless the Secretary determines that a higher or lower amount is appropriate to reflect increases or decreases in administrative costs. The regulations give the States flexibility in determining the application fee within these statutory limits.

Technical Changes

We have made technical changes to the regulations in order to add clarity, to make them more uniform in style and to correct typographical errors and other inaccuracies.

Paperwork Reduction Act

The following sections of these regulations contain information collection requirements which are subject to OMB review under the Paperwork Reduction Act of 1980 (Pub. L. 96–511):

Section 302.17
Section 302.30
Section 302.31
Section 302.32(b)
Section 302.33 (a) and (c)
Section 302.50(a)
Section 302.51 (a) and (e)
Section 302.52
Section 302.54
Section 302.55
Section 302.56
Section 302.57
Section 302.70
Section 302.75
Section 303.52 (c)(2) and (d) (1) and (2)
Section 303.72(a)(4), (b), (c) (2) and (4), (d) (1) and (2), (e) (1) and (2), (f) (1), (2) and (3), (g) (2), (3), (4) and (5), (h)(3) and (i)(2)
Section 303.100 (b)(1) and (2)(ii), (c)(3) and (4), (d) (1) and (2), (g) (3) and (5) and (i)
Section 303.101 (c) (3) and (4) and (d)(1)
Section 303.102 (b), (c), (d), (e) (1) and (3), and (h)
Section 303.103 (a) and (b)
Section 303.104(b)
Section 303.105 (b) and (d)
Section 304.95 (d) and (f)
Section 307.10(b) (2) and (3)
Section 307.15(b) (2) and (5)

The public is not required to comply with these information collection requirements until OMB approves them under section 3507 of the Paperwork Reduction Act. A notice will be published in the **Federal Register** when OMB approval is obtained.

Economic Impact

The Child Support Enforcement program was established under title IV–D of the Act by the Social Services Amendments of 1974, for the purposes of enforcing the support obligations owed by absent parents to their children, locating absent parents, establishing paternity and obtaining child support. The IV–D program collected $2.38 billion in FY 1984—$1.0 billion on behalf of children receiving AFDC and $1.38 billion on behalf of children not receiving AFDC. Federal, State and local expenditures amounted to $699 million. Collections for AFDC families are used to offset the costs of assistance payments made to such families.

The intent of the new law, which this rule implements, is to increase the effectiveness of the Child Support Enforcement program by requiring all States to adopt certain procedures that have been found to be successful in several of the States, by emphasizing the need to serve all families and by changing the incentive system for State participation. As discussed below, the statute has broad impacts, affecting Federal, State, and local participants in the program, employers of absent parents, and the families themselves. One immediate result will be lower welfare costs to the taxpayer. Although hard data are not available, it is expected that the mandatory procedures will result in increased collections and decreased administrative costs.

For the most part this regulation merely restates provisions of the new statute and does not result in any cost or other impacts on its own. The principal impacts of the statute are on Federal and State budgets and State operations. Federal and State expenditures are projected to increase by about $24 million over the five-year period FY 1985 to 1989, an average annual impact of $6 million. Savings will result from the increase in child support collections due to the implementation of the required State enforcement procedures and assumed decline in attendant court and other administrative costs. The additional child support collections on behalf of AFDC families are estimated to be about $45 million in FY 1986, increasing to nearly $92 million in FY 1989. In addition, non-AFDC collections are expected to increase approximately $55 million per year as a result of the new statute.

A number of provisions of the new law are likely to result in a significant increase in the number of non-AFDC families in the program. Federal costs of providing services for the additional families is projected to be $11 million in FY 1986, rising to nearly $15 million by FY 1989. Although the statute requires the States to impose an application fee for non-AFDC families to recover some of these costs, the Department believes that in most cases actual costs will exceed the legislatively mandated ceiling of $25. However, the Department also believes that costs will also be partially offset as a result of reduced public assistance expenditures for these families, including reductions in Medicaid. (As discussed earlier, the application fee provision was implemented separately. Our response to comments on the provision are included in this document.

Executive Order 12291

The Secretary has determined, in accordance with Executive Order 12291, that this rule does not constitute a "major" rule. A major rule is one that is likely to result in:

—An annual effect on the economy of $100 million or more;
—A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or
—Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or import markets.

Virtually all of the economic impact discussed above is a direct result of legislative provisions rather than of regulatory provisions. The few provisions that have been added at the discretion of the Secretary are expected to have an insignificant effect on State and Federal expenditures.

Regulatory Flexibility Analysis

The Secretary certifies, under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that these regulations will not result in a significant impact on a substantial number of small entities. The primary impact is on State governments and individuals, which are not considered small entities under the Act; and results from restating the provisions of the statute. Those provisions that have any impact on small entities are discussed below.

Section 303.52 prescribes a new incentive system that will award the States and political subdivisions based on AFDC, foster care and non-AFDC collections. The Department estimates that the States and political subdivisions will receive an additional $18 million in incentive payments for FY 1986 increasing to $25 million for FY 1989. A significant portion of the additional incentives will be retained by the States. The legislation requires that States have

the flexibility to determine how to distribute incentive payments to political subdivisions; therefore, we cannot determine the amount of additional incentives that will be paid to political subdivisions or the economic effect of such payments on political subdivisions. However, even if there were a significant effect on a substantial number of political subdivisions, that effect is the result of the new law, and not these regulatory provisions.

Regulations at § 303.100 require the employer to withhold from the individual's wages the amount specified in a notice from the State. The regulations further permit, at State option, the employer to charge a reasonable fee, as determined by the State, for administrative costs incurred for each withholding. These regulatory provisions which implement statutory requirements are expected to have a minimal economic impact on employers because the costs of withholding amounts from the wages of employees will in most instances be offset by fees charged by employers to employees subject to wage withholding and because employers are used to withholding employee wages for other purposes.

Private attorneys whose practices are based on a large number of child support cases could possibly be affected by the required State procedures prescribed in the proposed §§ 303.100 through 303.105. These procedures, which implement statutory provisions in section 466 of the Act, may make IV–D services at both the State and local levels more attractive to custodial parents. However, we believe that the impact on private attorneys will be minimal because many custodial parents who avail themselves of IV–D services have small incomes and are unable to afford the fees of private attorneys. In any event, these impacts result from the statutory provisions rather than these regulations.

List of Subjects

45 CFR Parts 301, 302, 303, and 304

Child welfare, Grant programs—social programs.

45 CFR Part 305

Child welfare, Grant programs—social programs, Accounting.

45 CFR Part 307

Child welfare, Grant programs—social programs, Computer technology.

PART 301 [AMENDED]

The authorities for parts 301 through 305 and 307 are revised to read as follows:

42 U.S.C. 652 through 658, 664, 666, 667, and 1302, unless otherwise noted.

1a. 45 CFR 301.1 is amended by inserting the following definition of the term "Applicable matching rate" after the definition of the term "Act" and the definition of the terms "Overdue support" and "Past-due support" after the definition of the term "Office":

§ 301.1 General definitions.

* * * * *

"Applicable matching rate" means the rate of Federal funding of State IV–D programs' administrative costs for the appropriate fiscal year as follows:
FY 1983 through FY 1987, 70 percent
FY 1988 and FY 1989, 68 percent
FY 1990 and thereafter, 66 percent

* * * * *

"Overdue support" means a delinquency pursuant to an obligation determined under a court order, or an order of an administrative process established under State law, for support and maintenance of a minor child, which is owed to or on behalf of the child, or for the absent parent's spouse (or former spouse) with whom the child is living, only if a support obligation has been established with respect to the spouse and the support obligation established with respect to the child is being enforced under State's IV–D plan. At the option of the State, overdue support may include amounts which otherwise meet the definition in the previous sentence but which are owed to or on behalf of a child who is not a minor child. The option to include support owed to children who are not minors applies independently to the procedures required under § 302.70 of this chapter.

"Past-due support" means the amount of support determined under a court order or an order of an administrative process established under State law for support and maintenance of a child or of a child and the parent with whom the child is living, which has not been paid. For purposes of referral for Federal income tax refund offset of support due individual who has applied for services under § 302.33 of this chapter, "past-due support" is limited to support owed to or on behalf of a minor child.

* * * * *

PARTS 302 THROUGH 305—[AMENDED]

2. 45 CFR Parts 302 through 305 are amended as follows:

A. By revising § 302.17 to read as follows:

§ 302.17 Inclusion of State statutes.

The State plan shall provide a copy of State statutes, or regulations promulgated pursuant to such statutes and having the force of law (including citations of such statutes and regulations), that provide procedures to determine the paternity of a child born out of wedlock, to establish the child support obligation of a responsible parent, and to enforce a support obligation, including spousal support if appropriate.

B. By adding a new § 302.30 to read as follows:

§ 302.30 Publicizing the availability of support enforcement services.

Effective October 1, 1985, the State plan shall provide that the State will publicize regularly and frequently the availability of support enforcement services under the plan through public service announcements. Publicity must include information on any application fees which may be imposed for such services and a telephone number or postal address where further information may be obtained.

C.1. By revising § 302.31 to read as follows:

§ 302.31 Establishing paternity and securing support.

The State plan shall provide that:

(a) The IV–D agency will undertake:

(1) In the case of a child born out of wedlock with respect to whom an assignment under § 232.11 of this title or section 471(a)(17) of the Act is effective, to establish the paternity of such child; and

(2) In the case of any individual with respect to whom an assignment under § 232.11 of this title or section 471(a)(17) of the Act is effective, to secure support for a child or children from any person who is legally liable for such support, using State laws and reciprocal arrangements adopted with other States when appropriate. Effective October 1, 1985, this includes securing support for a spouse or former spouse who is living with the child or children, but only if a support obligation has been established for that spouse and the child support obligation is being enforced under the title IV–D State plan.

(b) Upon receiving notice from the IV–A or IV–E agency that there has been a claim of good cause under § 232.40 of this title, the IV–D agency will suspend all activities to establish paternity or secure support until notified of a final determination by the IV–A or IV–E agency.

(c) The IV–D agency will not undertake to establish paternity or

secure support in any case for which it has received notice from the IV–A or IV–E agency that there has been a finding of good cause pursuant to §§ 232.40 through 232.49 of this title unless there has been a determination by the State or local IV–A or IV–E agency that support enforcement may proceed without the participation of the caretaker or other relative. If there has been such a determination, the IV–D agency will undertake to establish paternity or secure support but may not involve the caretaker or other relative in such undertaking.

§ 302.32 and § 302.33 [Amended]

C.2. By substituting the word "that" for the word "if" and the words "provide services" for the words "collect and distribute current support payments" in the last sentence of § 302.32(b), and amending § 302.33 by revising paragraphs (a), (b) and (c) to read as follows:

§ 302.33 Individuals not otherwise eligible for paternity and support services.

(a) *Availability of services.* The State plan must provide that the support collection or paternity determination services established under the plan shall be made available to any individual not receiving assistance under the Aid to Families with Dependent Children (AFDC) program who files an application for the services with the IV–D agency. In an interstate case, only the initiating State may require an application under this section.

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

"Applicant's income" means the disposable income available for the applicant's use under State law.

(c) *Application fee.* (1) Until October 1, 1985, the State plan may provide for an application fee to be charged each individual who applies for services under this section. If the State elects to charge a fee, the State plan shall specify either:

(i) A flat dollar amount not to exceed $25 to be charged each applicant; or

(ii) A fee schedule to be used to determine the fee to be charged each applicant. Such fee schedule will be based on each applicant's income and will be designed so as not to discourage the application for such services by those most in need of them.

(2) Beginning October 1, 1985, the State plan must provide that an application fee will be charged for each individual who applies for services under this section. Under this paragraph:

(i) The State shall collect the application fee from the individual applying for IV–D services or pay the application fee out of State funds.

(ii) The State may recover the application fee from the absent parent who owes a support obligation to a non-AFDC family on whose behalf the IV–D agency is providing services and repay it to the applicant or itself.

(iii) State funds used to pay an application fee are not program expenditures under the State plan but are program income under § 304.50 of this chapter.

(iv) Any application fee charged must be uniformly applied on a statewide basis and must be:

(A) A flat dollar amount not to exceed $25 (or such higher or lower amount as the Secretary may determine to be appropriate for any fiscal year to reflect increases or decreases in administrative costs); or

(B) An amount based on a fee schedule not to exceed the flat dollar amount specified in paragraph (c)(2)(iv)(A) of this section. The fee schedule must be based on the applicant's income.

(v) The State may allow the jurisdiction that collects support for the State under this part to retain any application fee collected under this section.

(3) In an interstate case, the application fee is charged by the State where the individual applies for services under this section.

* * * * *

§ 302.35 [Amended]

D. By removing § 302.35(d).

E. By revising § 302.51 (a) and (c) to read as follows:

§ 302.51 Distribution of support collections.

The State plan shall provide as follows:

(a) For the purposes of distribution under this section, amounts collected shall be treated first as payment on the required support obligation for the month in which the support was collected and if any amounts are collected which are in excess of such amount, these excess amounts shall be treated as amounts which represent payment on the required support obligation for previous months. (The IV–D agency may round off the converted amount to whole dollar amounts for the purposes of distribution under this section, § 302.52 and § 303.52.) The date of collection shall be the date on which the payment is received by the IV–D agency or the legal entity of the State or political subdivision actually making the collection on behalf of the IV–D agency. For purposes of interstate collections, the date of collection shall be the date on which the payment is received by the IV–D agency in the State in which the family is receiving aid. In any case in which collections are received by an entity other than the agency responsible for final distribution under this section, the entity must transmit the collection within 10 days of receipt.

* * * * *

(c) Effective October 1, 1984, whenever a family ceases to receive assistance under the title IV–A State plan, the IV–D agency must:

(1) Continue to provide all appropriate title IV–D services for a period not to exceed three months from the month following the month in which the family ceased to receive assistance under the title IV–A State plan. The State may not charge fees or recover costs from support collections and must pay all amounts collected which represent monthly support payments to the family;

(2) Notify the family before the end of the period specified in paragraph (e)(1) of this section of the consequences of continuing to receive IV–D services, including the available services and the State's fees, cost recovery and distribution policies. The notice must inform the family that services will be continued unless the IV–D agency is notified to the contrary;

(3) At the end of the period referred to in paragraph (e)(1) of this section, if the IV–D agency is authorized to do so by the individual on whose behalf the services will be rendered, continue to provide all appropriate title IV–D services and pay any amounts collected which represents monthly support collections to the family in accordance with the requirements of § 302.33 of this part, except that the IV–D agency may not require any formal application or impose any application fee; and

(4) Report collections under this paragraph as non-AFDC collections.

* * * * *

§§ 302.50, 304.20, 305.25 and 305.27 [Amended]

F. By inserting the phrase "or section 471(a)(17) of the Act" immediately after the phrase "§ 232.11 of this title" in the following sections: Sections 302.50(a), 304.20(a)(1), 305.25(a)(1) and 305.27(a).

G. By adding a new § 302.52 to read as follows:

§ 302.52 Distribution of support collected in Title IV–E foster care maintenance cases.

Effective October 1, 1984, the State plan shall provide as follows:

(a) For purposes of distribution under this section, amounts collected in foster care maintenance cases shall be treated

in accordance with the provisions of § 302.51(a) of this part.

(b) The amounts collected as support by the IV–D agency under the State plan on behalf of children for whom the State is making foster care maintenance payments under the title IV–E State plan and for whom an assignment under section 471(a)(17) of the Act is effective shall be distributed as follows:

(1) Any amount that is collected in a month which represents payment on the required support obligation for that month shall be retained by the State to reimburse itself for foster care maintenance payments. Of that amount retained by the State as reimbursement for that month's foster care maintenance payment, the State IV–D agency shall determine the Federal government's share so that the State may reimburse the Federal government to the extent of its participation in financing of the foster care maintenance payment.

(2) If the amount collected is in excess of the monthly amount of the foster care maintenance payment but not more than the monthly support obligation, the State must pay the excess to the State agency responsible for supervising the child's placement and care under section 472(a)(2) of the Act. The State agency must use the money in the manner it determines will serve the best interests of the child including:

(i) Setting aside amounts for the child's future needs; or

(ii) Making all or part of the amount available to the person responsible for meeting the child's daily needs to be used for the child's benefit.

(3) If the amount collected exceeds the amount required to be distributed under paragraphs (b)(1) and (2) of this section, but not the total unreimbursed foster care maintenance payments provided under title IV–E or unreimbursed assistance payments provided under title IV–A, the State shall retain the excess to reimburse itself for these payments. If past assistance or foster care maintenance payments are greater than the total support obligation owed, the maximum amount the State may retain as reimbursement for such payments is the amount of such obligation. If amounts are collected which represent the required support obligation for periods prior to the first month in which the family received assistance under the State's title IV–A plan or foster care maintenance payments under the State's title IV–E plan, such amounts may be retained by the State to reimburse the difference between such support obligation and such payments. Of the amounts retained by the State, the State IV–D agency shall determine the Federal government's share of the amount so that the State may reimburse the Federal government to the extent of its participation in financing the assistance payments and foster care maintenance payments.

(4) Any balance shall be paid to the State agency responsible for supervising the child's placement and care and shall be used to serve the best interests of the child as specified in paragraph (b)(2) of this section.

(5) If an amount collected as support represents payment on the required support obligation for future months, the amount shall be applied to those future months. However, no amounts shall be applied to future months unless amounts have been collected which fully satisfy the support obligation assigned under § 232.11 of this title and sections 471(a)(17) of the Act for the current month and all past months.

(c) When a State ceases making foster care maintenance payments under the State's title IV–E State plan, the assignment of support rights under section 471(a)(17) of the Act terminates except for the amount of any unpaid support that has accrued under the assignment. The IV–D agency shall attempt to collect such unpaid support. Under this requirement, any collection made by the State under this paragraph must be distributed in accordance with paragraph (b)(3) of this section.

H. By adding a new § 302.54 to read as follows:

§ 302.54 Notice of collection of assigned support.

(a) Effective October 1, 1985, the State plan shall provide that the IV–D agency, at least annually, must send a notice of the amount of support payments collected during the past year to individuals who have assigned rights to support under § 232.11 of this title.

(b) The notice must list separately payments collected from each absent parent when more than one absent parent owes support to the family and must indicate the amount of support collected which was paid to the family.

I. By adding a new § 302.55 to read as follows:

§ 302.55 Incentive payments to States and political subdivisions.

Effective October 1, 1985, in order for the State to be eligible to receive any incentive payments under § 303.52 of this chapter, the State plan shall provide that, if one or more political subdivisions of the State participate in the costs of carrying out the activities under the State plan during any period, each such subdivision shall be entitled to receive an appropriate share of any incentive payments made to the State for such period, as determined by the State in accordance with § 305.52(d) of this chapter, taking into account the efficiency and effectiveness of the political subdivision in carrying out the activities under the State plan.

J. By adding a new § 302.56 to read as follows:

§ 302.56 Guidelines for setting child support awards.

(a) Effective October 1, 1957, as a condition for approval of its State plan, the State shall establish guidelines by law or by judicial or administrative action for setting child support award amounts within the State.

(b) The State shall have procedures for making the guidelines available to all persons in the State whose duty it is to set child support award amounts, but the guidelines need not be binding on those persons.

(c) The guidelines must be based on specific descriptive and numeric criteria and result in a computation of the support obligation.

(d)The State must include a copy of the guidelines in its State plan.

K. By adding a new § 302.57 to read as follows:

§ 302.57 Procedures for the payment of support through the IV–D agency or other entity.

(a) Effective October 1, 1985, the State may have in effect and use procedures for the payment of support through the State IV–D agency or the entity designated by the State to administer the State's withholding system upon the request of either the absent parent or custodial parent, regardless of whehter or not arrearages exist or withholding procedures have been instituted.

(b) If the State opts to establish procedures described in paragraph (a) of this section, the State must:

(1) Monitor all amounts paid and the dates of payments and record them on an individual payment record;

(2) Ensure prompt payment to the custodial parent; and

(3) Require the requesting parent to pay a fee for the cost of providing the service not to exceed $25 annually and not to exceed State costs.

L. By adding a new § 302.70 to read as follows:

§ 302.70 Required State laws.

(a) *Required laws.* Effective October 1, 1985, the State plan shall provide that, in accordance with sections 454(20) and 466 of the Act, the State has in effect laws providing for and has implemented the following procedures to improve programs effectiveness:

(1) Procedures for carrying out a program of withholding under which new or existing support orders are subject to the State law governing withholding so that a portion of the absent parent's wages may be withheld, in accordance with the requirements set forth in § 303.100 of this chapter;

(2) Expedited processes to establish and enforce child support obligations having the same force and effect as those established through full judicial process, in accordance with the requirements set forth § 303.101 of this chapter;

(3) Procedures for obtaining overdue support from State income tax refunds on behalf of recipients of aid under the State's title IV–A or IV–E plan with respect to whom an assignment under § 232.11 of this title or section 471(a)(17) of the Act is effective, and on behalf of individuals who apply for services under § 302.33 of this part in accordance with the requirements set forth in § 303.102 of this chapter;

(4) Procedures for the imposition of liens against the real and personal property of absent parents who owe overdue support, in accordance with the requirements set forth in § 303.103 of this chapter;

(5) Procedures for the establishment of paternity for any child at least to the child's 18th birthday;

(6) Procedures which require that an absent parent give security, post a bond, or give some other guarantee to secure payment of support, in accordance with the procedures set forth in § 303.104 of this chapter;

(7) Procedures for making information regarding the amount of overdue support owed by an absent parent available to consumer reporting agencies, in accordance with § 303.105 of this chapter; and

(8) Procedures under which all child support orders which are issued or modified in the State will include provision for withholding from wages, in order to assure that withholding as a means of collecting child support is available if arreareages occur without the necessity of filing application for services under § 302.33 of this part, in accordance with § 303.100(h) of this chapter.

(b) A State need not apply a procedure required under paragraphs (a)(3), (4), (6) and (7) of this section in an individual case if the State determines that it is not appropriate using guidelines generally available to the public which take into account the payment record of the absent parent, the availability of other remedies, and other relevant considerations. The guidelines may not determine a majority of cases in which no other remedy is being used to be inappropriate.

(c) State laws enacted under this section must give States sufficient authority to comply with the requirements of §§ 303.100 through 303.105 of this chapter.

(d)(1) *Exemption.* A State may apply for an exemption from any of the requirements of paragraphs (a)(1) through (8) of this section by the submittal of a request for exemption to the appropriate Regional Office.

(2) *Basis for granting exemption.* The Secretary will grant a State, or political subdivision in the case of paragraph (a)(2), an exemption from any of the requirements of paragraphs (a)(1) through (8) of this section for a period not to exceed three years if the State demonstrates that compliance would not increase the effectiveness and efficiency of its Child Support Enforcement program. Demonstration of the program's efficiency and effectiveness must be shown by actual, or, if actual is not available, estimated data pertaining to caseloads, processing times, administrative costs, and average support collections or such other actual or estimated data as the Office may request. The State must demonstrate to the satisfaction of the Secretary that the program's effectiveness would not improve by using these procedures. Disapproval of a request for exemption is not subject to appeal.

(3) *Review of exemption.* The exemption is subject to continuing review by the Secretary and may be terminated upon a change in circumstances or reduced effectiveness in the State or political subdivision, if the State cannot demonstrate that the changed circumstances continue to warrant an exemption in accordance with this section.

(4) *Request for extension.* The State must request an extension of the exemption by submitting current data in accordance with paragraph (d)(2) of this section 90 days prior to the end of the exemption period granted under paragraph (d)(2) of this section.

(5) *When an exemption is revoked or an extension is denied.* If the Secretary revokes an exemption or does not grant an extension of an exemption, the State must enact the appropriate laws and procedures to implement the mandatory practice by the beginning of the fourth month after the end of the first regular, special, budget or other session of the State's legislature which ends after the date the exemption is revoked or the extension is denied. If no State law is necessary, the State must establish and be using the procedure by the beginning of the fourth month after the date the exemption is revoked.

M. By adding a new § 302.75 to read as follows:

§ 302.75 Procedures for the imposition of late payment fees on absent parents who owe overdue support.

(a) Effective September 1, 1984, the State plan may provide for imposition of late payment fees on absent parents who owe overdue support.

(b) If a State opts to impose late payment fees—

(1) The late payment fee must be uniformly applied in an amount not less than 3 percent nor more than 6 percent of overdue support.

(2) The fee shall accrue as arrearages accumulate and shall not be reduced upon partial payment of arrears. The fee may be collected only after the full amount of overdue support is paid and any requirements under State law for notice to the absent parent have been met.

(3) The collection of the fee must not directly or indirectly reduce the amount of current or overdue support paid to the individual to whom it is owed.

(4) The late payment fee must be imposed in cases where there is an assignment under § 232.11 of this title or section 471(a)(17) of the Act or where an application for services has been filed under § 302.33 of this part.

(5) The State may allow fees collected to be retained by the jurisdiction making the collection.

(6) The State must reduce its expenditures claimed under the Child Support Enforcement program by any fees collected under this section in accordance with § 305.50 of this chapter.

§§ 303.2 through 303.5 and 303.7 [Amended]

N. By removing the phrase "pursuant to § 235.70 of this title" in §§303.2 through 303.5 and adding the words "or IV–E" between the words "IV–A" and "plan" in § 303.7(b)(1).

O. By revising § 303.52 to read as follows:

§ 303.52 Incentive payments to States and political subdivisions.

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

"AFDC collections" means support collections satisfying an assigned support obligation under § 232.11 of this title or section 471(a)(17) of the Act, including collections treated in accordance with paragraph (b)(4)(ii) of this section.

"Non–AFDC collections" means support collections, on behalf or individuals receiving services under this

title, satisfying a support obligation which has not been assigned under § 232.11 of this title or section 471(a)(17) of the Act, including collections treated in accordance with paragraph (b)(4)(ii) of this section and collections made under §§ 302.51(e) of this chapter.

"Political subdivision" means a legal entity of the State as defined by the State, including a legal entity of the political subdivision so defined, such as a Prosecuting or District Attorney or a Friend of the Court.

"Total IV–D administrative costs" means total IV–D administrative expenditures claimed by a state in a specified fiscal year adjusted in accordance with paragraphs (b)(4)(iii), (b)(4)(iv) and (b)(4)(v) of this section.

(b) *Incentive payments to States.* Effective October 1, 1985, the Office shall compute incentive payments for States for a fiscal year in recognition of AFDC collections and of non-AFDC collections.

(1) A portion of a State's incentive payment shall be computed as a percentage of the State's AFDC collections, and a portion of the incentive payment shall be computed as a percentage of its non-AFDC collections. The percentages are determined separately for AFDC and non-AFDC portions of the incentive. The percentages are based on the ratio of the State's AFDC collections to the State's total administrative costs and the State's non-AFDC collections to the State total administrative costs and the State's non-AFDC collections to the State's total administrative costs in accordance with the following schedule.

Ratio of collections to total IV–D administrative costs	Percent of collection paid as an incentive
Less than 1.4	6.0
At least 1.4	6.5
At least 1.6	7.0
At least 1.8	7.5
At least 2.0	8.0
At least 2.2	8.5
At least 2.4	9.0
At least 2.6	9.5
At least 2.8	10.0

(2) The ratios of the State's AFDC and non-AFDC collections to total IV–D administrative costs will be truncated at one decimal place.

(3) The portion of the incentive payment paid to a State for a fiscal year in recognition of its non-AFDC collections is limited to the percentage of the portion of the incentive payment paid for that fiscal year in recognition of its AFDC collections, as follows:

(i) 100 percent in fiscal years 1986 and 1987;

(ii) 105 percent in fiscal year 1988;

(iii) 110 percent in fiscal year 1989; and

(iv) 115 percent in fiscal year 1990 and thereafter.

(4) In calculating the amount of incentive payments, the following conditions apply:

(i) Only those AFDC and non-AFDC collections distributed and expenditures claimed by the State in the fiscal year shall be used to determine the incentive payment payable for that fiscal year;

(ii) Support collected by one State on behalf of individuals receiving IV–D services and parents residing in another State shall be treated as having been collected in full by each State;

(iii) Fees paid by individuals, recovered costs, and program income such as interest earned on collections shall be deducted from total IV–D administrative costs;

(iv) At the option of the State, laboratory costs incurred in determining paternity may be excluded from total IV–D administrative costs; and

(v) Amounts expended by the State in carrying out a special project under section 455(e) of the Act shall be included in the State's total IV–D administrative costs.

(c) *Payment of incentives.* (1) The Office will estimate the total incentive payment that each State will receive for the upcoming fiscal year.

(2) Each State will include one-quarter of the estimated total payment in its quarterly collection report which will reduce the amount that would otherwise be paid to the Federal government to reimburse its share of assistance payments under §§ 302.51 and 302.52 of this chapter.

(3) Following the end of a fiscal year, the Office will calculate the actual incentive payment the State should have received based on the reports submitted for that fiscal year. If adjustments to the estimate made under paragraph (c)(1) of this section are necessary, the State's IV–A grant award will be reduced or increased because of over- or under-estimates for prior quarters and for other adjustments.

(4) For FY 1985, the Office will calculate a State's incentive payment based on AFDC collections retained by the State and paid to the family under § 302.51(b)(1) of this chapter.

(5) For FY 1986 and 1987, a State will receive the higher of the amount due it under the incentive system and Federal matching rate in effect as FY 1986 or 80 percent of what it would have received under the incentive system and Federal matching rate in effect during FY 1985.

(d) *Pass through of incentives to political subdivisions.* The State must calculate and promptly pay incentives to political subdivisions as follows:

(1) The State IV–D agency must develop a standard methodology for passing through an appropriate share of its incentive payment to those political subdivisions of the State the participate in the costs of the program, taking into account the efficiency and effectiveness of the activities carried out under the State plan by those political subdivisions. In order to reward efficiency and effectiveness, the methodology also may provide for payment of incentives to other political subdivisions of the State that administer the program.

(2) To ensure that the standard methodology developed by the State reflects local participation, the State IV–D agency must submit a draft methodology to participating political subdivisions for review and comment or use the rulemaking process available under State law to receive local input.

(e) *Information in interstate cases.* If a State or political subdivision requests another State or political subdivision to make a collection, the State where the case originates must identify the case as an AFDC, non-AFDC or foster care maintenance case at the time of the request and at any time the case changes status.

(f) *Time frames and use of codes.* (1) A State or political subdivision that makes a collection on behalf of another State, political subdivision of another State or an individual who resides in another State who has applied for IV–D services shall transmit the entire amount of the collection to the location specified by the State where the case originated, no later than 10 days after the collection was received.

(2) The collecting State or political subdivision forwarding a support collection to another State or political subdivision must include, as appropriate, the code identifying the collecting State or political subdivision as defined in:

(i) The Federal Information Processing Standards Publication (FIPS) issued by the National Bureau of Standards; or

(ii) The Worldwide Geographical Location Codes issued by the General Services Administration.

(3) The State or political subdivision where the case originated shall use the codes to track the collection.

P. By revising § 303.72 to read as follows:

§ 303.72 Requests for collection of past-due support by Federal tax refund offset.

(a) *Past-due support qualifying for offset.* Past-due support as defined in

§ 301.1 of this chapter qualifies for offset if:

(1) There has been an assignment of the support rights under § 232.11 of this title or section 471(a)(17) of the Act to the State making the request for offset or an application for IV–D services filed with the IV–D agency under § 302.33 of this chapter.

(2) For support which has been assigned to the State under § 232.11 of this title or section 471(a) (17) of the Act:

(i) The amount of the support is not less than $150; and

(ii) The support has been delinquent for three months or longer.

(3) For support owed in cases where an application for IV–D services is filed with the IV–D agency pursuant to § 302.33 of this chapter:

(i) The support is owed to or on behalf of a minor child;

(ii) The amount of support is not less than $500;

(iii) At State option, the amount has accrued since the State IV–D agency began to enforce the support order; and

(iv) The State has checked its records to determine if an AFDC or foster care maintenance assigned arrearage exists with respect to the non-AFDC individual or family.

(4) The IV–D agency has in its records:

(i) A copy of the order and any modifications upon which the amount referred is based which specify the date of issuance and amount of support;

(ii) A copy of the payment record, or, if there is no payment record, an affidavit signed by the custodial parent attesting to the amount of support owed; and

(iii) In non-AFDC cases, the custodial parent's current address.

(5) Before submittal, the State IV–D agency has verified the accuracy of the name and social security number of the absent parent and the accuracy of the past-due support amount. If the State IV–D agency has verified this information previously, it need not reverify it.

(6) A notification of liability for past-due support has been received by the Secretary of the Treasury as prescribed by paragraph (c)(2) of this section.

(b) *Notification to OCSE of liability for past-due support.* (1) A State IV–D agency shall submit a notification (or notifications) of liability for past-due support on a magnetic tape to the Office by the submittal date specified by the Office in instructions.

(2) The notification of liability for past-due support shall contain with respect to each delinquency:

(i) The name of the taxpayer who owes the past-due support;

(ii) The social security number of that taxpayer;

(iii) The amount of past-due support owed;

(iv) The State codes as contained in the Federal Information Processing Standards (FIPS) publication of the National Bureau of Standards and also promulgated by the General Services Administration in Worldwide Geographical Location Codes; and

(v) Whether the past-due support is due an individual who applied for services under § 302.33 of this chapter.

(3) The notification of liability for past-due support may contain with respect to each delinquency the taxpayer's IV–D case number and FIPS code for the local IV–D agency where the case originated.

(c) *Review of requests by the Office.* (1) The Deputy Director will review each request to determine whether it meets the requirements of this section.

(2) If a request meets all requirements, the Deputy Director will transmit the request to the Secretary of the Treasury and will notify the State IV–D agency in writing of the transmittal.

(3) If a request does not meet all requirements, the Deputy Director will attempt to correct the request in consultation with the State IV–D agency.

(4) If a request cannot be corrected through consultation, the Deputy Director will return it to the State IV–D agency with a written explanation of why the request could not be transmitted to the Secretary of the Treasury.

(d) *Notification of changes in case status.* (1) The State referring past-due support of offset must, in interstate situations, notify any other State involved in enforcing the support order when it submits an interstate case for offset and when it receives the offset amount from the IRS.

(2) The State IV–D agency shall within time frames established by the Office in instructions, notify the Deputy Director in writing of any deletion of an amount referred for collection by Federal tax refund offset or any decrease in the amount if the decrease is significant according to guidelines developed by the State. The notification shall contain the information specified in paragraph (b) of this section.

(e) *Notices of offset.* (1) *Advance.* The Office, or the State IV–D agency if it elects to do so, shall send a written advance notice to inform an absent parent that the amount of his or her past-due support will be referred to the IRS for collection by Federal tax refund offset. The notice must inform absent parents:

(i) Of their right to contest the State's determination that past-due support is owed or the amount of past-due support;

(ii) Of their right to an administrative review by the submitting State or at the absent parent's request the State with the order upon which the referral for offset is based;

(iii) Of the procedures and timeframe for contacting the IV–D agency in the submitting State to request administrative review; and

(iv) That, in the case of a joint return, the IRS will notify the absent parent's spouse at the time of offset regarding the steps to take to protect the share of the refund which may be payable to that spouse. If the IV–D agency sends the notice, it must meet the conditions specified by the Office in instructions.

(2) *At offset.* The IRS will notify the absent parent that the offset has been made. The IRS will also notify any individual who filed a joint return with the absent parent of the steps to take in order to secure a proper share of the refund.

(f) *Procedures for contesting in interstate cases.* (1) Upon receipt of a complaint from an absent parent in response to the advance notice required in paragraph (e)(1) of this section or concerning a tax refund which has already been offset, the IV–D agency must send a notice to the absent parent and, in non-AFDC cases the custodial parent, of the time and place of the administrative review of the complaint and conduct the review to determine the validity of the complaint.

(2) If the complaint concerns a joint tax refund that has not yet been offset, the IV–D agency must inform the absent parent that the IRS will notify the absent parent's spouse at the time of offset regarding the steps to take to secure his or her proper share of the refund. If the complaint concerns a joint tax refund which has already been offset, the IV–D agency must refer the absent parent to the IRS.

(3) If the administrative review results in a deletion of, or decrease in, the amount referred for offset, the IV–D agency must notify OCSE in writing within time frames established by the Office and include the information specified in paragraph (b) of this section.

(4) If, as a result of the administrative review, an amount which has already been offset is found to have exceeded the amount of past-due support owed, the IV–D agency must take steps to refund the excess amount to the absent parent promptly.

(g) *Procedures for contesting in interstate cases.* (1) If the absent parent requests an administrative review in the submitting State, the IV–D agency must

meet the requirements in paragraph (f) of this section.

(2) If the complaint cannot be resolved by the submitting State and the absent parent requests an administrative review in the State with the order upon which the referral for offset is based, the submitting State must notify the State with the order of the request for an administrative review and provide that State with all necessary information, including the information listed under paragraph (a)(4) of this section, within 10 days of the absent parent's request for an administrative review.

(3) The State with the order must send a notice to the absent parent and, in non-AFDC cases the custodial parent, of the time and place of the administrative review, conduct the review and make a decision within 45 days of receipt of the notice and information from the submitting State.

(4) If the administrative review results in a deletion of, or decrease in, the amount referred for offset, the State with the order must notify the Office in writing within time frames established by the Office and include the information specified in paragraph (b) of this section.

(5) Upon resolution of a complaint after an offset has been made, the State with the order must notify the submitting State of its decision promptly.

(6) When an administrative review is conducted in the State with the order, the submitting State is bound by the decision made by the State with the order.

(7) Based on the decision of the State with the order, the IV–D agency in the submitting State must take steps to refund any excess amount to the absent parent promptly.

(8) In computing incentives under § 303.52 of this part, if the case is referred to the State with the order for an administrative review, the collections made as a result of Federal tax refund offset will be treated as having been collected in full by both the submitting State and the State with the order.

(h) *Distribution of collections.* (1) Collections received by the IV–D agency as a result of refund offset to satisfy AFDC or non-AFDC past-due support shall be distributed as past-due support as required under § 302.51(b) (4) and (5) of this chapter.

(2) Collections received by the IV–D agency in foster care maintenance cases shall be distributed as past-due support under § 302.52(b) (3) and (4) of this chapter.

(3) The IV–D agency must inform individuals who apply for services under § 302.33 of this chapter in advance that amounts offset will be applied first to satisfy any past-due support which has been assigned to the State under §232.11 of this title or section 471(a)(17) of the Act and submitted for Federal tax refund offset.

(4) If the amount collected is in excess of the amounts required to be distributed under §§ 302.51(b) (4) and (5) or 302.52(b) (3) and (4) of this chapter, the IV–D agency must repay the excess to the absent parent whose refund was offset or jointly to the parties filing a joint return within a reasonable period in accordance with State law.

(5) In cases where the Secretary of the Treasury, through OCSE, notifies the State that an offset is being made to satisfy non-AFDC past-due support from a refund based on a joint return, the State may delay distribution until notified that the unobligated spouse's proper share of the refund has been paid or for a period not to exceed six months from notification of offset, whichever is earlier.

(6) Collections from offset may be applied only against the past-due support which was specified in the advance notice described in paragraph (e)(1) of this section.

(i) *Payment of fee.* (1) A refund offset fee, in such amount as the Secretary of the Treasury and the Secretary of Health and Human Services have agreed to be sufficient to reimburse the IRS for the full cost of the offset procedure, shall be billed and collected from the IV–D agency by the Secretary of Health and Human Services or designee and credited to the IRS appropriations which bore all or part of the costs involved in making the collection. The fee which the Secretary of the Treasury may impose with respect to non-AFDC submittals shall not exceed $25 per submittal.

(2) The State IV–D agency may charge an individual who applies for services under § 302.33 of this chapter a fee not to exceed $25 for submitting past-due support for Federal tax refund offset. The State must inform the individual in advance of the amount of any fee charged.

(j) Each State involved in a referral of past-due support for offset must comply with instructions issued by the Office.

(k) *Limitation of referral for offset of non-AFDC past-due support.*

Offset of Federal income tax refunds to satisfy past-due support in non-AFDC cases is limited to refunds payable under section 6402 of the Internal Revenue Code of 1954 after December 31, 1985, and before January 1, 1991.

Q. By adding new §§ 303.100 through 303.105 to read as follows:

§ 303.100 Procedures for wage or income withholding.

(a) *Withholding requirement.* (1) The State must ensure that in the case of each absent parent against whom a support order is or has been issued or modified in the State, and is being enforced under the State plan, so much of his or her wages must be withheld, in accordance with this section, as is necessary to comply with the order.

(2) In addition to the amount to be withheld to pay the current month's obligation, the amount to be withheld must include an amount to be applied toward liquidation of overdue support.

(3) The total amount to be withheld under paragraphs (a)(1), (a)(2) and, if applicable, (d)(1)(iii) of this section may not exceed the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)).

(4) In the case of a support order being enforced under the State plan, the withholding must occur without the need for any amendment to the support order involved or any further action by the court or entity that issued it. The State must take steps to implement the withholding and to send the advance notice required under paragraph (b) of this section on the earliest of: (i) the date on which the parent fails to make payments in an amount equal to the support payable for one month, (ii) such earlier date that is in accordance with State law, or (iii) the date on which the absent parent requests withholding.

(5) The only basis for contesting a withholding under this section is a mistake of fact, which for purposes of this section means an error in the amount of current or overdue support or the identity of the alleged absent parent.

(6) If there is more than one notice for withholding against a single absent parent, the State must allocate amounts available for withholding giving priority to current support up to the limits imposed under section 303(b) of the Consumer Credit Corporation Act (15 U.S.C. 1673(b)).

(7) The withholding must be carried out in full compliance with all procedural due process requirements of the State.

(8) Payment of overdue support upon receipt of the notice required under paragraph (b) of this section may not be the sole basis for not implementing withholding.

(9) The State must have procedures for promptly terminating the withholding, but in no case should payment of overdue support be the sole basis for termination of withholding.

(10) The State must have procedures for promptly refunding to absent parents amounts which have been improperly withheld.

(b) *Advance notice to absent parent.* (1) On the date the absent parent fails to make payments in an amount equal to the support payable for one month, the State must take steps to send advance notice to the absent parent regarding the delinquency of support payments and the potential withholding. The notice must inform the absent parent:

(i) Of the amount of overdue support that is owed and the amount of wages that will be withheld;

(ii) That the provision for withholding applies to any current or subsequnet employer or period of employment;

(iii) Of the procedures available for contesting the withholding and that the only basis for contesting the withholding is a mistake of fact;

(iv) Of the period within which the absent parent must contact the State in order to contest the withholding and that failure to contact the State within the specified time limit will result in the State notifying the employer to begin withholding; and

(v) Of the actions the State will take if the individual contests the withholding, including the procedures established under paragraph (c) of this section.

(2)(i) The requirements for advance notice to the absent parent under paragraph (b)(1) of this section and for State procedures when the absent parent contests withholding in response to the advance notice under paragraph (c) of this section do not apply in the case of any State which has a withholding system in effect on August 16, 1984 if the system provides on that date, and continues to provide, any other procedures as may be necessary to meet the procedural due process requirements of State law.

(ii) Any State in which paragraph (b)(2)(i) of this section applies must take steps to send notice to the employer under paragraph (d) of this section on the date on which the absent parent fails to make payments in an amount equal to the support payable for one month and must meet all other requirements of this section.

(c) *State procedures when the absent parent contests withholding in response to the advance notice.* The State must establish procedures for use when an absent parent contests the withholding. Within 45 days of advance notice to the absent parent under paragraph (b) of this section, the State must:

(1) Provide the absent parent an opportunity to present his or her case in the State;

(2) Determine if the withholding shall occur based on an evaluation of the facts, including the absent parent's statement of his or her case;

(3) Notify the absent parent whether or not the withholding is to occur and if it is to occur, include in the notice the time frames within which the withholding will begin and the information given to the employer in the notice required under paragraph (d) of this section.

(4) If withholding is to occur, send the notice required under paragraph (d) of this section.

(d) *Notice to the employer.* (1) To initiate withholding, the State must send the absent parent's employer a notice which includes the following:

(i) The amount to be withheld from the absent parent's wages, and a statement that the amount actually withheld for support and other purposes, including the fee specified under paragraph (d)(1)(iii) of this section, may not be in excess of the maximum amounts permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1873(b));

(ii) That the employer must send the amount to the State within 10 days of the date the absent parent is paid, unless the State directs that payment be made to another individual or entity;

(iii) That, in addition to the amount withheld under paragraph (d)(1)(i) of this section, the employer may deduct a fee established by the State for administrative costs incurred for each withholding, if the State permits a fee to be deducted;

(iv) That withholding is binding upon the employer until further notice by the State;

(v) That the employer is subject to a fine to be determined under State law for discharging an absent parent from employment, refusing to employ, or taking disciplinary action against any absent parent because of the withholding.

(vi) That if the employer fails to withhold wages in accordance with the provisions of the notice, the employer is liable for the accumulated amount the employer should have withheld from the absent parent's wages;

(vii) That the withholding under this section shall have priority over any other legal process under State law against the same wages;

(viii) That the employer may combine withheld amounts from absent parents' wages in a single payment to each appropriate agency requesting withholding and separately identify the portion of the single payment which is attributable to each individual absent parent;

(ix) That the employer must implement withholding no later than the first pay period that occurs after 14 days following the date the notice was mailed; and

(x) That the employer must notify the State promptly when the absent parent terminates employment and provide the absent parent's last known address and the name and address of the absent parent's new employer, if known.

(2) If the absent parent fails to contact the State to contest withholding within the period specified in the advance notice in accordance with (b)(1)(iv) of this section, the State must immediately send the notice to the employer required under paragraph (d)(1) of this section.

(3) If the absent parent changes employment within the State when a withholding is in effect, the State must notify the absent parent's new employer in accordance with the requirements of paragraph (d)(1) of this section that the withholding is binding on the new employer.

(e) *Administration of wage withholding procedures.* (1) The State must designate a public agency to administer wage withholding in accordance with procedures specified by the State for keeping adequate records to document, track, and monitor support payments. The State may designate public or private entities to administer withholding on a State or local basis under the supervision of the State withholding agency if the entity or entities are publicly accountable and follow the procedures specified by the State. The State may designate only one entity to administer withholding in each jurisdiction.

(2) Amounts withheld must be distributed promptly in accordance with section 457 of the Act and §§ 302.33, 302.51 and 302.52 of this chapter. The State must reduce its IV–D expenditures by any interest earned by the State's designee on withheld amounts.

(f) *Income withholding.* The State may extend its system of withholding to include withholding from forms of income other than wages.

(g) *Interstate withholding.* (1) The State law must provide for procedures to extend the State's withholding system so that the system will include withholding from income or wages derived within the State in cases where the applicable support orders were issued in other States.

(2) The State law must require employers to comply with a withholding notice issued by the State.

(3) When withholding is required in a particular case, the State in which the custodial parent applied for IV–D

services must promptly notify the IV–D agency of the State in which the absent parent is employed to implement interstate withholding. The notice must contain all information necessary to carry out the withholding, including the amount requested to be withheld, a copy of the support order and a statement of arrearages. If necessary, the State where the support order is entered must promptly provide the information necessary to carry out the withholding when requested by the State where the custodial parent applied for services.

(4) Withholding must be implemented promptly by the State in which the absent parent is employed upon receipt of the notice required in paragraph (g)(3) of this section.

(5) The State in which the absent parent is employed must:

(i) Provide notice to the absent parent in accordance with the requirements in paragraph (b) of this section;

(ii) Provide the absent parent with an opportunity to contest the withholding in accordance with paragraph (c) of this section; and

(iii) Provide notice to the employer in accordance with the requirements of paragraph (d) of this section.

(iv) Notify the State in which the custodial parent applied for services when the absent parent terminates employment within the State and provide the name and address of the absent parent and new employer, if known.

(6) The withholding must be carried out in full compliance with all procedural due process requirements of the State in which the absent parent is employed.

(7) Except with respect to when withholding must be implemented which is controlled by the State where the support order was entered, the law and procedures of the State in which the absent parent is employed shall apply.

(h) *Provision for withholding in new or modified child support orders.* Child support orders issued or modified in the State must have a provision for withholding of wages, in order to ensure that withholding as a means of support is available if arrearages occur without the necessity of filing an application for IV–D services. This requirement does not alter the requirement governing all IV–D cases in paragraph (a)(4) of this section that enforcement under the State plan must proceed without the need for a withholding provision in the order.

§ 303.101 Expedited processes.

(a) *Definition.* "Expedited processes" means administrative or expedited judicial processes or both which increases effectiveness and meet processing times specified in paragraph (b)(2) of this section and under which the presiding officer is not a judge of the court.

(b) *Basic requirement.* (1) The State must have in effect and use expedited processes as specified under this section to establish and enforce support orders in intrastate and interstate cases.

(2) Under expedited processes, actions to establish or enforce support obligations in IV–D cases must be completed from the time of filing to the time of disposition within the following time frames: (i) 90 percent in 3 months; (ii) 98 percent in 6 months; and (iii) 100 percent in 12 months.

(3) The State may include paternity establishment in the expedited processes in effect in the State.

(4) If a case involves complex issues requiring judicial resolution, the State must establish a temporary support obligation under expedited processes and may then refer to unresolved issues to the full judicial system for resolution.

(c) *Safeguards.* Under expedited processes:

(1) Orders established must have the same force and effect under State law as orders established by full judicial process within the State

(2) The due process rights of the parties involved must be protected;

(3) The parties must be provided a copy of the order;

(4) There must be written procedures for ensuring the qualification of residing officers;

(5) Recommendations of presiding officers may be ratified by a judge; and

(6) Action taken may be reviewed under the State's generally applicable judicial procedures.

(d) *Functions.* The functions performed by presiding officers under expedited processes must include at minimum:

(1) Taking testimony and establishing a record;

(2) Evaluating evidence and making recommendations or decisions to establish and enforce orders;

(3) Accepting voluntary acknowledgement of support liability and stipulated agreements setting the amount of support to be paid and, if the State establishes paternity using expedited processes, accepting voluntary acknowledgement of paternity; and

(4) Entering default orders if the absent parents does not respond to notice or other State process within a reasonable period of time specified by the State.

(e) *Exemption for political subdivisions.* A State may request an exemption from the requirements of this section for a political subdivision on the basis of the effectiveness and timeliness of support order issuance and enforcement within the political subdivision, in accordance with the provisions of § 302.70(d) of this chapter.

§ 303.102 Collection of overdue support by State income tax refund offset.

(a) *Overdue support qualifying for offset.* Overdue support qualifies for State income tax refund offset if:

(1) There has been an assignment of the support obligation under § 232.11 of this title or section 471(a)(17) of the act to the State making the request for offset or an application for IV–D services filed with the IV–D agency under § 302.33 of this chapter, and

(2) The State does not determine, using guidelines it must develop which are generally available to the public, that the case is inappropriate for application of this procedure.

(b) *Accuracy of amounts referred for offset.* The IV-D agency must establish procedures to ensure that:

(1) Amounts referred for offset have been verified and are accurate; and

(2) The appropriate State office or agency is notified of any significant reductions in (including an elimination of) an amount referred for collection by State income tax refund offset.

(c) *Notice to custodial parent in non-AFDC cases.* In non-AFDC cases, the State must inform the non-AFDC custodial parent in advance if it will first use any offset amount to satisfy any unreimbursed AFDC and foster care maintenance payments which have been provided to the family.

(d) *Advance notice to absent parent.* The State must send a written advance notice to inform the absent parent of the referral for State income tax refund offset and of the opportunity to contest the referral.

(e) *Procedures for contesting offset and for reimbursing excess amounts offset.* (1) The State must establish procedures, which are in full compliance with the State's procedural due process requirements, for an absent parent to use to contest the referral of overdue support for State income tax refund offset.

(2) If the offset amount is found to be in error or to exceed the amount of overdue support, the State IV–D agency must take steps to refund the excess amount in accordance with procedures that include a mechanism for promptly reimbursing the absent parent.

(3) The State must establish procedures for ensuring that in the event of a joint return, the absent parent's spouse can apply for a share of the

refund, if appropriate, in accordance with State law.

(f) *Fee for non-AFDC cases.* In non-AFDC cases, the State may charge a reasonable fee to cover the cost of collecting overdue support using State tax refund offset.

(g) *Distribution of collections.* (1) Within a reasonable time period in accordance with State law, a State must distribute collections received as a result of State income tax refund offset: (i) for an AFDC case under § 302.51(b)(4) and (5) of this chapter, (2) or for a foster care maintenance case under § 302.52(b)(3) and (4) of this chapter; (iii) for a non-AFDC case, by paying offset amounts to the family first or using them first to reimburse the State, depending on the State's method for distributing arrearage collections in non-AFDC cases and must credit amounts offset on individual IV-D payment records.

(2) If the amount collected is in excess of the amounts required to be distributed under paragraph (g)(1) of this section, the IV-D agency must repay the excess to the absent parent whose State income tax refund was offset within a reasonable period in accordance with State law.

(3) The State must credit amounts offset on individual payment records.

(h) *Information to the IV-D agency.* The State agency responsible for processing the State tax refund offset must notify the State IV-D agency of the absent parent's home address and social security number or numbers. The state IV-D agency must provide this information to any other State involved in enforcing the support order.

§ 303.103 Procedures for the imposition of liens against real and personal property.

(a) The State shall have in effect and use procedures which require that a lien will be imposed against the real and personal property of an absent parent who owes overdue support and who resides or owns property in the State.

(b) The State must develop guidelines which are generally available to the public to determine whether the case is inappropriate for application of this procedure.

§ 303.104 Procedures for posting security, bond or guarantee to secure payment of overdue support.

(a) The State shall have in effect and use procedures which require that absent parents post security, bond or give some other guarantee to secure payment of overdue support.

(b) The State must provide advance notice to the absent parent regarding the delinquency of the support payment and the requirement of posting security, bond or guarantee, and inform the absent parent of his or her rights and the methods available for contesting the impending action, in full compliance with the State's procedural due process requirements.

(c) The State must develop guidelines which are generally available to the public to determine whether the case is inappropriate for application of this procedure.

§ 303.105 Procedures for making information available to consumer reporting agencies.

(a) "Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

(b) For cases in which the amount overdue support exceeds $1,000, the IV-D agency must have in effect procedures to make information available to consumer reporting agencies upon their request regarding the amount of overdue support owed by an absent parent. The procedures must include use of guidelines that are generally available to the public to determine whether application of this procedure is inappropriate in a particular case. In cases in which the overdue support is less than $1,000, these procedures are at the option of the State.

(c) The State IV-D agency may charge the agency a fee not to exceed the actual cost of the State of providing the information under paragraph (b) of this section.

(d) The IV-D agency must provide advance notice to the absent parent who owes the support concerning the proposed release of the information to the consumer reporting agency and must inform the absent parent of the methods available for contesting the accuracy of the information.

(e) The IV-D agency must comply with all of the procedural due process requirements of State law before releasing the information.

R. 1. By revising the introductory text of § 304.20(b), (b)(1), (b)(1)(viii) and (b)(1)(viii)(D) to read as follows:

§ 304.20 Availability and rate of Federal financial participation.

* * * * *

(b) Services and activities for which Federal financial participation will be available shall be those made pursuant to the approved title IV-D State plan which are determined by the Secretary to be necessary expenditures properly attributable to the Child Support Enforcement program, except any expenditure incurred in providing location services to individuals listed in § 302.35(c)(4) of this title, including the following:

(1) The administration of the State Child Support Enforcement program, including but not limited to the following:

* * * * *

(viii) The establishment of agreements with agencies administering the State's title IV-A and IV-E plans in order to establish criteria for:

* * * * *

(D) The procedures to be used to transfer collections from the IV-D agency to the IV-A or IV-E agency before or after the distribution described in § 302.51 or § 302.52, respectively, of this chapter.

R.2. By deleting the phrase "or other officials who make judicial decisions" in § 304.21(b)(2) thru (4) and the phrase "and other officials who make judicial decisions" in § 304.21(b)(5).

S.1. By substituting the phrase "applicable matching rate" for "70 percent rate" wherever it appears in 45 CFR Part 304.

S.2. By adding a new § 304.95 to read as follows:

§ 304.95 State Commissions on Child Support.

(a) As a condition of the State's eligibility for Federal payments under title IV-A or D of the Act for quarters beginning more than 30 days after August 16, 1984, and ending prior to October 1, 1985, the Governor of each State, on or before December 1, 1984, shall appoint a State Commission on Child Support.

(b) Each State Commission appointed under paragraph (a) of this section shall be composed of members appropriately representing all aspects of the child support system, including custodial and non-custodial parents, the IV-D agency, the State judiciary, the executive and legislative branches of the State government, child welfare and social services agencies, and others.

(c) Each State Commission shall examine, investigate and study the operation of the State's child support system for the primary purpose of determining the extent to which such system has been successful in securing support and parental involvement both for children who are eligible for aid under a State IV-A or D plan and for

children who are not eligible for such aid, giving particular attention to such specific problems (among others) as visitation, the establishment of appropriate objective standards for support, the enforcement of interstate obligations, the availability, cost, and effectiveness of services both to children who are eligible for such aid and to children who are not, and the need for additional State or Federal legislation to obtain support for all children.

(d) Each State Commission shall submit to the Governor of the State and make available to the public, no later than October 1, 1985, a full and complete report of its findings and recommendations resulting from the examination, investigation, and study under this section. The Governor shall transmit such report to the Secretary along with the Governor's comments thereon.

(e) None of the costs incurred in the establishment and operation of a State Commission under this section, or incurred by such a Commission in carrying out its functions under paragraphs (c) and (d) of this section, shall be considered as expenditures qualifying for Federal payments under title IV–A and D of the Act or be otherwise payable or reimbursable by the United States or any agency thereof.

(f) A state shall not be required to establish a State Commission under this section and the preceding provisions of this section shall not apply, if the Secretary determines, at the request of any State on the basis of information submitted by the State and such other information as may be available to the Secretary, that such State—

(1) Has placed in effect and is implementing objective standards for the determination and enforcement of child support obligations;

(2) Has established within the five years prior to August 1964 a commission or council with substantially the same functions as the State Commissions provided for under this section; or

(3) Is making satisfactory progress toward fully effective child support enforcement and will continue to do so.

T. By revising § 305.22(a) to read as follows:

§ 305.22 State financial participation.

* * * * *

(a) A State must participate financially by incurring the applicable State share of the program's administrative costs as follows:

FY 1983 through FY 1987—30 percent
FY 1988 and FY 1989—32 percent
FY 1990 and thereafter—34 percent; and

* * * * *

§ 305.28 [Amended]

U. By inserting a comma and the reference "302.52" after the reference "302.51" wherever if appears in § 305.28.

PART 307—[AMENDED]

3. 45 CFR Part 307 is amended as follows:

A. By amending § 307.16 by redesignating the introductory phrase as paragraph (a); paragraphs (a) and (b) as paragraphs (a) (1) and (2); paragraphs (b) (1) through (13) as paragraphs (a)(2) (i) through (xiii); and paragraph (b)(4) (i) through (iv) as paragraphs (a)(2)(iv) (A) through (D); changing the reference to paragraph (b)(1) in the old paragraph (b)(2) to (a)(2)(i); and adding a new paragraph (b) to read as follows:

§ 307.10 Computerized support enforcement programs.

* * * * *

(b) Effective October 1, 1984, a State computerized support enforcement system established under paragraph (a) of this section may facilitate the development and improvement of the income withholding and other procedures required under section 466(a) of the Act and § 302.70 and §§ 303.100 through 303.105 of this chapter through:

(1) The monitoring of support payments;

(2) The maintenance of accurate records of support payments; and

(3) The prompt notice to appropriate officials of any support arrearages.

B. By amending § 307.15 by substituting the phrase "§ 307.10(a)" for "§ 307.10" wherever it appears in paragraph (b)(7) and revising paragraph (a) and paragraphs (b)(2) and (b)(5) to read as follows:

§ 307.15 Approval of advance planning documents for computerized support enforcement systems eligible for 90 percent FFP.

(a) *Approval of an APD.* The Office shall not approve the initial and annually updated APD unless the document, when implemented, will carry out the requirements of § 307.10(a) of this part and the optional provision in § 307.10(b) of this part when elected by the State. Conditions for APD approval are specified in this section.

(b) * * *

(2) The APD must specify how the objectives of the computerized support enforcement system in § 307.10 will be carried out throughout the State; this includes a projection of how the proposed system will meet the functional requirements of § 307.10(a) and the functional requirements of § 307.10(b) when elected by the State and how the system will encompass all political subdivisions in the State within a reasonable period of time;

* * * * *

(5) The APD must contain a description of each component within the proposed computerized support enforcement system as required by § 307.10(a) and the optional component of § 307.10(b) when elected by the State and must describe information flows, input data, and output reports and uses;

* * * * *

C. By amending § 307.25 by revising paragraph (b) to read as follows. The introductory text of the section is shown for the convenience of the reader and contains no changes.

§ 307.25 Review of computerized support enforcement systems eligible for 90 percent FFP.

The Office will on a continuous basis review, assess and inspect the planning, design, development, installation, enhancement and operation of computerized support enforcement systems developed under § 307.10 of this part to determine the extent to which such systems:

* * * * *

(b) Meet the conditions in § 307.10(a) and the optional provision of § 307.10(b) when elected by the State.

D. By amending § 307.30: (1) by revising paragraphs (a)(2) and (b) to read as follows, and (2) by revising paragraph (c) to delete the cross reference to 45 CFR 95.617 as set forth below.

§ 307.30 Federal financial participation at the 90 percent rate for computerized support enforcement systems.

(a) * * *

(2) The Office determines:

(i) The system meets the requirements specified in § 307.10(a); or

(ii) The system meets the requirements specified in § 307.10(a) and the optional provisions in § 307.10(b).

* * * * *

(b) Reimbursement of hardware and proprietary software.

(1) Effective October 1, 1984, FFP at the 90 percent rate is available in expenditures for the rental or purchase of hardware for the planning, design, development, installation, enhancement or operation of a computerized support enforcement system as described in § 307.10 (a) or § 307.10 (a) and (b).

(2) Effective October 1, 1984, FFP at the 90 percent rate is available in expenditures for the rental or purchase of proprietary operating/vendor software necessary for the operation of hardware during the planning, design, development, installation, enhancement

or operation of a computerized support enforcement system in accordance with the Computerized Support Enforcement System (CSES) Guide for enhanced FFP. FFP at the 90 percent rate is not available for proprietary application software developed specifically for a computerized support enforcement system. (See § 307.35 of this part regarding reimbursement at the applicable matching rate.)

(c) *HHS rights to software.* The Department of Health and Human Services reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use for Federal government purposes, software, software modifications, and documentation developed under § 307.10. This license would permit the Department to authorize the use of software, software modifications and documentation developed under § 307.10 in another project or activity funded by the Federal government.

E. By amending § 307.35 by revising the title, the introductory text, and paragraph (a) to read as follows:

§ 307.35 Federal financial participation at the applicable matching rate for computerized support enforcement systems.

Federal financial participation at the applicable matching rate is available only in computerized support enforcement systems expenditures for:

(a) The operation of a system that meets the requirements specified in § 307.10(a) of this part and the optional provision of § 370.10(b) when elected by the State if the conditions for ADP approval in § 307.15 of this part are met; or

* * * * *

F. By substituting the phrase "applicable matching rate" for "70 percent rate" wherever it appears in Part 307.

(Catalog of Federal Domestic Assistance Program No. 13.679, Child Support Enforcement Program)

Dated: February 27, 1985.

R. Stephen Ritchie,

Director, Office of Child Support Enforcement.

Approved: March 22, 1985.

Margaret M. Heckler,

Secretary.

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Part III

Department of Education

National Institute of Handicapped Research

Proposed Funding Priorities for Research Fellowships for Fiscal Year 1985; Notice

DEPARTMENT OF EDUCATION

National Institute of Handicapped Research

Proposed Funding Priorities for Research Fellowships for Fiscal Year 1985

AGENCY: Department of Education.

ACTION: Notice of Proposed Funding Priorities for Research Fellowships for Fiscal Year 1985.

SUMMARY: The Secretary of Education proposes funding priorities for research fellowships to be supported by the National Institute of Handicapped Research (NIHR) in Fiscal Year 1985. NIHR funds some fellowships without specifying priority areas, but the regulations provide that the Secretary may set priorities when there are critical areas to be addressed. The Secretary has determined that research fellows are needed in the areas proposed below.

Authority for the fellowship program of NIHR is contained in section 202(d) of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 and by Pub. L. 98-221.

DATE: Interested persons are invited to submit comments or suggestions regarding the proposed priorities on or before June 10, 1985.

ADDRESSES: All written comments and suggestions should be sent to Betty Jo Berland, National Institute of Handicapped Research, Department of Education, 400 Maryland Avenue, SW., Room 3070, Mail Stop 2305, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Betty Jo Berland, National Institute of Handicapped Research. Telephone: (202) 732-1139; deaf and hearing impaired individuals may call (202) 732-1198 for TTY services.

SUPPLEMENTARY INFORMATION: The purpose of this program is to build research capacity and also to allow the Secretary to obtain the benefits of research conducted by highly qualified individuals. This research has a direct bearing on the development of programs, methods, procedures, and devises to assist in the provision of rehabilitative services to individuals.

NIHR fellowship regulations in 34 CFR Part 356, (46 FR 45312, September 10, 1981, as amended June 18, 1984 at 49 FR 24978), authorize the Secretary to establish priorities for fellowships by reserving funds to support fellowships in particular areas. The Secretary intends to fund some fellowships without regard to these priorities as well as to fund some in response to these priorities.

NIHR invites public comment on the merits of the proposed priorities, both individually and collectively, including suggested modifications to the proposed priorities. Comments can include factors which support the importance of a priority to handicapped individuals and other interested parties.

This notice does not solicit application proposals or concept papers. The final priorities will be selected on the basis of public comment, the availability of funds, and any other relevant Departmental considerations.

These final priorities will be announced in a notice published in the **Federal Register**. The notice will also solicit fellowship applications and set the closing date.

The following five proposed priorities represent areas in which NIHR proposes to support research and related activities through special fellowships. NIHR has also published an application notice in the **Federal Register** on December 14, 1984 (49 FR 48785) advising the public of its intent to fund up to 10 regular fellowships without regard to the areas covered by these proposed priorities. This notice does not affect the intent or the closing date established by the earlier notice.

The publication of these proposed priorities does not bind the United States Department of Education to fund fellowships in any or all of these research areas. Funding of particular fellowships depends on both the availability of funds and on responses to this notice.

Proposed Priorities

In each of the following priority areas, the fellow would conduct research on the nature, scope, and consequences of current Federal, State, and local policies and practices, and analyze possible alternatives.

- *Fellow in Community Mental Retardation Services*

A fellow in this area would conduct research which would analyze policies of Federal, State, and local governments on community-based services for mentally retarded individuals focusing on one or more of the following areas:

—Alternative means of providing residential assistance, with special emphasis on housing options for individuals in transitional employment programs.

—Use of innovative programs and services such as community colleges, independent living programs, volunteer programs using retired persons, youth and others, and "loan" programs from labor and industry.

—Implications of technology for improving services and service delivery.

- *Fellow in Transitional and Supported Employment*

A fellow in this area would research options and practices and analyze relative benefits of alternative future directions in research and services in one or more of the following areas:

—Trends in transition programs emphasizing "learning-on-the-job" at competitive worksites, work-study, cooperative work, and similar programs.

—Alternative approaches to providing ongoing assistance and support at the worksite.

The fellow might also review research and evaluation studies and compile demographic and statistical data on transitional and supported work, including effects on labor market participation and disability income transfers.

- *Fellow in Early Intervention*

A fellow in this area would conduct research studies on services to disabled or at-risk children from birth to age three and analyze strategies for early intervention programs. Work in this area would include research on one or more of the following topics:

—Guidelines for training personnel to work in early intervention programs, including curriculum requirements.

—Evaluative research to determine appropriate instructional strategies for infants and for ecological approaches to early intervention.

—Systems for coordination among health care providers, social services, rehabilitation services, educational systems, and resource information services for disabled children.

- *Fellow in Medical Research*

A fellow in this area would conduct analytical studies based on the National Spinal Cord Injury Data Base which is maintained by the 17 Spinal Cord Injury Projects supported by NIHR. Aspects of the research would include: Analysis of the cost-effectiveness data included in the data files; studies of complications which have both high incidence and a high associated cost; analyses of the clinical evaluation data available through the system; and analyses of strategies for future research in spinal cord injury and central nervous system trauma.

- *Fellow in Disability Statistics*

A fellow in this area would analyze demographic and other data to provide important information related to disability and rehabilitation research.

Such a fellow would conduct studies in one or more of the following areas:

—Evaluation of major federal surveys and data bases and determination of priorities for secondary analysis.

—Examination of the feasibility of adding disability-related queries to proposed federal surveys, and development of sample questionnaire items and data analysis plans.

—Analysis of studies at the sub-national level to determine the feasibility of extrapolating to national estimates, the development of such estimates, and a pilot survey and evaluation of State data bases containing disability-related statistics.

—Development of national estimates of incidence, prevalence, and related characteristics for major disability groups, and/or in-depth analyses in one or more areas of disability.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these priorities. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments received on or before (the 30th day after publication of this document) will be considered before the Secretary issues final priorities. All comments submitted in response to these proposed priorities will be available for public inspection during and after the comment period in Room 3070, Mary E. Switzer Building, 330 C Street, S.W., Washington, D.C. between the hours of 8:30 A.M. and 4:00 P.M., Monday through Friday of each week except federal holidays.

(20 U.S.C. 761a, 762)

(Catalog of Federal Domestic Assistance No. 84.133, National Institute of Handicapped Research)

Dated: May 6, 1985.

William J. Bennett,

Secretary of Education.

[FR Doc. 85-11282 Filed 5-8-85; 8:45 am]

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Thursday
May 9, 1985

Part IV

Environmental Protection Agency

40 CFR Part 403

General Pretreatment Regulations for Existing and New Sources; Proposed Regulations

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 403

[FRL-2758]

General Pretreatment Regulations for Existing and New Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed regulation.

SUMMARY: Pursuant to section 307(b) of the Clean Water Act ("CWA"), EPA has promulgated pretreatment standards regulating the introduction of pollutants into publicly owned treatment works ("POTWs"). These standards include sets of categorical standards that regulate specific process wastewater streams discharged by particular industrial categories. EPA has also promulgated a formula ("combined wastestream formula") for applying pretreatment standards to facilities that combine regulated process wastestreams with each other or with other wastestreams that are covered by categorical pretreatment standards. Under the formula, such wastestreams are treated in two different ways, depending on whether they are dilute or contaminated. A list of wastestreams that are to be considered dilute is set forth in 40 CFR Part 403, Appendix D. Today, EPA is proposing a revised Appendix D to update this list and to eliminate errors. After considering comments received in response to this proposal, EPA will promulgate a final Appendix D list.

DATE: Comments on this proposal must be submitted June 10, 1985.

ADDRESS: Send comments to Joseph S. Vitalis, Industrial Technology Division (WH-552), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attention: Part 403, Appendix D. The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2402 (Rear) (EPA Library). The EPA public information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Joseph S. Vitalis (WH-522), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 382-7172.

SUPPLEMENTARY INFORMATION: On June 26, 1978, EPA promulgated the General Pretreatment Regulations (40 CFR Part 403) establishing mechanisms and procedures for controlling the introduction of wastes from industry and other non-domestic sources into publicly owned treatment works (POTWs) (43 FR 27736). EPA amended these regulations on January 28, 1981 (46 FR 9404) and May 17, 1984 (49 FR 21024).

Including among these regulations is the "combined wastestream formula", 40 CFR 403.6(e), amended by the May 17, 1984 notice. This formula provides a mechanism to apply categorical pretreatment standards to facilities that combine process wastestreams covered by categorical pretreatment standards with each other or with other wastestreams not covered by categorical pretreatment standards. These other wastestreams are divided into two groups and are addressed differently by the formula.

"Dilute" wastestreams are those generally considered to have no more than trace or non-detectable amounts of pollutants of concern as discussed below. Included in this category are boiler blowdown; non-contact cooling water; sanitary wastewater; and process wastestreams that EPA has exempted or could have exempted from categorical pretreatment standards based upon a finding that these wastestreams do not contain more than trace or non-detectable amounts of pollutants of concern. In some cases, wastestreams from boiler blowdown and non-contact cooling water system discharges may be considered "unregulated" process streams. This determination is made by the local control authorities using factors discussed in the preamble in 49 FR 21024.

"Unregulated" wastestreams are those wastestreams not covered by categorical pretreatment standards that are not "dilute" wastestreams; these are presumed, for purposes of applying the combined wastestream formula, to contain pollutants of concern at a significant level. An "unregulated" wastestream could be one for which a categorical pretreatment standard has been promulgated but for which the deadline has not yet been reached, one that currently is not subject to a categorical pretreatment standard (whether or not it will be in the future), or one that is not regulated for the pollutant in question but is regulated for others. For more information on the use of the combined wastestream formula and the basis of its derivation, see the preamble discussion in 46 FR 9419-9423 (January 28, 1981) and 49 FR 21024-21038 (May 17, 1984). For demonstrated calculations, refer to the "Guidance Manual for Electroplating and Metal Finishing Pretreatment Standards" published by the Agency in February, 1984.

To assist industrial facilites and POTWs in determining whether particular wastestreams not covered by categorical pretreatment standards are "dilute" or "unregulated" streams, EPA included in 40 CFR Part 403 Appendix D a list of industrial subcategories that have been or could have been exempted from regulation by categorical pretreatment standards, based on any of four grounds specified in Paragraph 8 of the consent decree in *Natural Resources Defense Council, Inc., et al.* v. *Costle*, 12 ERC 1833 (D.D.C. 1979), as modified. The specified grounds were: (1) The pollutants of concern are not detectable; (2) the pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects; (3) the pollutants of concern are present in amounts too small to be effectively reduced by known technologies; and (4) the wastestream contains only pollutants which are compatible with the POTW.

In the introduction to Appendix D, EPA explained that, in some instances, EPA had formally excluded a listed subcategory for reasons other than the four set forth above. EPA included such subcategories in Appendix D only after determining that one or more of these four reasons could also have been used as a basis for excluding the subcategory. See 46 FR at 9459 (January 28, 1981). In addition, EPA promised in the introduction that the list would be periodically updated.

In reviewing the exisiting Appendix D list, the Agency has found that some subcategories had been placed on the list erroneously and others had been omitted by error. For example, in some cases, the Agency found that the reason for the Paragraph 8 exclusion was not one of the four reasons stated above but exclusion from regulation was based on one of the additional three reasons set forth in Paragraph 8; e.g., the caustic and/or water wash subcategory of the paint point source category has been excluded under paragraph 8(a)(iv) because the amount and toxicity of the pollutants of concern do not justify developing national regulations. In addition, further technical studies conducted by the Agency reorganized some industry categories. The newly designated subcategories sometimes do not qualify for the revised Appendix D list; e.g. paint and ink industries.

In still other cases, the Agency has in fact regulated certain subcategories that have been listed on Appendix D, e.g., chemical machining, immersion plating, pickling, bright dipping, iridite dipping, alkaline cleaning and galvanizing. All of

the above subcategories are regulated by categorical pretreatment standards under the electroplating and metal finishing point source categories (40 CFR Parts 413 and 433). Thus they are proposed today to be excluded from Appendix D. Finally some subcategories should have been included and were not, such as groundwood-chemi-mechanical. It is included on the proposed list under paragraph 8(a)(iii) because the pollutants of concern are present in amounts too small to be effectively reduced by known technologies.

Today, EPA is proposing to update Appendix D as well as to correct errors in the original list. The current list fails to include: Car wash; industrial laundries; laundry, garment services; linen supply; rug cleaning; upholstery; capacitors (fluid fill); dry transformers; ferrite electronic devices; fuel cells; insulated wire and cable; insulating devices—plastic and plastic laminates; luminescent materials (existing sources only); motors, generators, alternators; receiving and transmitting tubes; resistance heaters; resistors; switchgear; transformer (fluid fill); sodium bisulfite; sodium hydrosulfite; titanium dioxides; groundwood-chemi-mechanical; wet digestion reclaimed rubber; pan, dry digestion, and mechanical reclaimed rubber; soap manufacture by batch kettle; fatty acid manufacture by fat splitting; soap manufacture by fatty acid neutralization; glycerine concentration; glycerine distillation; manufacture of soap flakes and powders; manufacture of bar soaps; manufacture of liquid soaps; manufacture of spray dried detergents; manufacture of liquid detergents; manufacture of dry blended detergents; manufacture of drum dried detergents; and manufacture of detergent bars and cakes subcategories. All of these subcategories have been excluded from regulation for one of the four reasons listed above and, therefore, are proposed to be listed in Appendix D.

Likewise, Appendix D currently inappropriately includes some subcategories that have not been excluded from regulation for one of the four reasons listed above. The current inclusion of the following is inappropriate: Carbon zinc air cell batteries; lithium batteries; magnesium carbon batteries; magnesium cell batteries; miniature alkaline batteries; nickel zinc batteries; alkaline cleaning; bright dipping; chemical machining; galvanizing; immersion plating; iridite dipping; pickling; military explosive manufacturing; gum resin, turpentine and essential oils; basic oxygen furnace (semiwet); beehive coke process; electric arc furnace (semiwet); borax; boric acid; bromine; calcium carbide; calcium chloride; calcium hydroxide; calcium oxide; chromic acid; cuprous oxide; ferric chloride; ferrous sulfate; fluorine; hydrogen; iodine; lead monoxide; lithium carbonates; manganese sulfate; potassium chloride; potassium dichromate; potassium metal; potassium permanganate; potassium sulfate; sodium carbonate; sodium fluoride; stannic oxide; zinc oxide; zinc sulfate; shoes and related footwear; personal goods; primary arsenic; primary antimony; secondary babbitt; primary barium; secondary beryllium; primary bismuth; primary boron; secondary boron; bauxite; secondary cadmium; primary calcium; primary cesium; primary chromium; primary cobalt; secondary cobalt; secondary columbium; primary gallium; primary germanium; primary gold; secondary precious metals; primary hafnium; primary and secondary indium; primary lithium; primary manganese; primary magnesium; secondary magnesium; primary mercury; secondary mercury; primary molybdenum; secondary molybdenum; primary nickel; secondary nickel; secondary plutonium; primary potassium; primary rare earths; primary rhenium; secondary rhenium; primary rubidium; primary platinum groups; primary silicon; primary sodium; secondary tantalium; primary tin; secondary tin; primary titanium; secondary titanium; secondary tungsten; primary uranium; secondary uranium; secondary zinc; primary zirconium; solvent base process; solvent wash process; converted paper industry; low water use processing (Greige Mills); log washing; particleboard; planing mills; sawmills; veneer; wet storage; and wood preserving (inorganics) process subcategories.

Readers should note that Appendix D is to be used only for the purpose of applying the combined wastestream formula. It is not to be used by industrial users or regulatory authorities for the purpose of determining whether a particular industrial user is subject to, or exempt from, a particular categorical pretreatment standard. To make such a determination, one should refer to the primary sources: The pretreatment standard, its preamble and development document, and other material in the rulemaking record for the standard. When substantial doubt arises after reviewing these materials, EPA's category determination procedures should be used. See 40 CFR 403.6(a), 46 FR 9404 (January 28, 1981).

Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This proposed amendment does not satisfy any of the criteria specified in section (b) of the Executive Order and, as such, does not constitute a major rulemaking.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 4 U.S.C. 601 *et seq.*, EPA is required to prepare an Initial Regulatory Flexibility Analysis for all proposed rules that have a significant impact on a substantial number of small entities. I hereby certify that this proposed rule will not have significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

Solicitation of Comments

EPA invites public participation in this rulemaking. We ask that any perceived deficiencies in the record be addressed specifically. We also ask that any suggested revisions or corrections be supported by relevant information and data.

Finally, readers should note that this proposal is not intended to modify the combined wastestream formula, 40 CFR 403.6(e), in any way. Nor does EPA seek comments on the criteria used to include pollutants on Appendix D. EPA seeks comments only on the accuracy of the Appendix D list.

List of Subjects in 40 CFR Part 403

Confidential business information, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control.

Dated: April 30, 1985.

Lee M. Thomas,

Administrator.

PART 403—GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES

For the reason set out in the preamble, 40 CFR Part 403 is proposed to be amended as follows:

1. The authority citation for Part 403 continues to read as follows:

Authority: Secs. 301; 304 (b), (c), (e), and (g); 306 (b) and (c); 307; 380 and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977) (the "Act"); 33 U.S.C. 1311; 1314 (b), (c), (e), and (g); 1316 (b) and (c); 1317; 1318; and 1361; 86 Stat. 816, Pub. L. 92–500; 91 Stat. 1567; Pub. L. 95–217.

2. Part 403 Appendix D (Revised).

Newly revised Part 403 Appendix D is revised to read as follows:

Appendix D—Selected Industrial Subcategories Exempted From Regulation Pursuant to Paragraph 8 of the NRDC v. Costle Consent Decree

The following industrial subcategories have been excluded from categorical pretreatment standards pursuant to paragraph 8 of the the *Natural Resources Defense Council, Inc., et al.* v. *Costle* Consent Decree for one or more of the following four reasons: (1) The pollutants of concern are not detectable in the effluent from the Industrial User (paragraph 8(a)(iii)); (2) the pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects (paragraph 8(a)(iii)); (3) the pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the Administrator (paragraph 8(a)(iii)); or (4) the wastestream contains only pollutants which are compatible with the POTW (paragraph 8(b)(i)). In some instances, different rationales were given for exclusion under paragraph 8. However, EPA has reviewed these subcategories and has determined that exclusion could have occurred due to one of the four reasons listed above.

This list is complete as of May 9, 1985. It will be updated periodically for the convenience of the reader.

Auto and Other Laundries Industry

Car Wash
Carpet Cleaners
Coin Operated Laundries
Diaper Services
Dry Cleaners
Industrial Laundries
Laundry, Garment Services
Linen Supply
Power Laundries
Rug Cleaning
Upholstery

Electrical and Electronic Components [1]

Capacitors (Fluid Fill)
Carbon and Graphite Products
Dry Transformers
Ferrite Electronic Devices
Fixed Capacitors
Fluorescent Lamps
Fuel Cells
Incandescent Lamps
Insulated Wire and Cable
Insulating Devices—Plastic and Plastic Laminates
Luminescent Materials (Existing Sources Only)
Magnetic Coatings
Mica Paper Dielectric
Motors, Generators, Alternators
Receiving and Transmitting Tubes
Resistance Heaters
Resistors
Switchgear
Transformer (Fluid Fill)

Foundries Industry

Nickel Casting
Tin Casting
Titanium Casting

Gum and Wood Chemicals

Char and Charcoal Briquets

Inorganic Chemicals Manufacturing Industry

Ammonium Chloride
Ammonium Hydroxide
Barium Carbonate
Calcium Carbonate
Carbon Dioxide
Carbon Monoxide and Byproduct Hydrogen
Hydrochloric Acid
Hydrogen Peroxide (Organic Process)
Nitric Acid
Oxygen and Nitrogen
Potassium Iodide
Sodium Bicarbonate (PSES only)
Sodium Bisulfite (PSES only)
Sodium Chloride (Brine Mining Process)
Sodium Hydrosulfide
Sodium Hydrosulfite
Sodium Metal
Sodium Silicate
Sodium Sulfite (PSES only)
Sodium Thiosulfate
Sulfur Dioxide
Sulfuric Acid
Titanium Dioxide (PSES only)

Leather Industries

Gloves
Luggage

Paving and Roofing Industry

Asphalt Concrete
Asphalt Emulsion
Linoleum
Printed Asphalt Felt
Roofing

Pulp, Paper, Paperboard, and Converted Paper Industry

Groundwood-Chemi-Mechanical

Rubber Manufacturing Industry

Tire and Inner Tube Plants
Emulsion Crumb Rubber
Solution Crumb Rubber
Latex Rubber
Small-sized General Molded, Extruded and Fabricated Rubber Plants
Medium-sized General Molded, Extruded and Fabricated Rubber Plants
Large-sized General Molded, Extruded and Fabricated Rubber Plants
Wet Digestion Reclaimed Rubber
Pan, Dry Digestion, and Mechanical Reclaimed Rubber
Latex-Dipped, latex-Extruded, and latex-Molded Rubber
Latex Foam

Soap and Detergent Manufacturing

Soap manufacture by batch kettle
Fatty acid manufacture by fat splitting
Soap manufacture by fatty acid neutralization
Glycerine concentration
Glycerine distillation
Manufacture of soap flakes and powders
Manufacture of bar soaps
Manufacture of liquid soaps
Manufacture of spray dried detergents
Manufacture of liquid detergents
Manufacture of dry blended detergents
Manufacture of drum dried detergents
Manufacture of detergent bars and cakes

Textile Industry

Apparel manufacturing
Cordage and Twine
Padding and Upholstery Filling

Timber Products Processing

Barking Process
Finishing Processes
Hardboard—Dry Process.

[1] *Footnote:* The Paragraph 8 exemption for the manufacture of products in the Electrical and Electronic Components Category is for operations not covered by Electroplating/Metal Finishing pretreatment regulations.

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