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federal register

Tuesday
May 21, 1985

Selected Subjects

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Presidential Documents

Title 3—

The President

Proclamation 5340 of May 17, 1985

Modification of Import Quotas on Certain Sugar Containing Articles

By the President of the United States of America

A Proclamation

1. By Proclamation No. 5294 of January 28, 1985, I imposed, on an emergency basis, import quotas on certain sugar containing articles pursuant to Section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624) ("Section 22"). These quotas were to remain in effect pending investigation by the United States International Trade Commission (the "Commission") and Presidential action on the report and recommendations of the Commission.

2. The Secretary of Agriculture has advised me that, due to unexpected circumstances, it is appropriate to modify those import quotas, pending the investigation, report, and recommendations of the Commission, to permit the entry of certain articles currently excluded by those quotas.

3. I agree that it is appropriate to modify those quotas immediately while awaiting the investigation, report, and recommendations of the Commission.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by Section 22 of the Agricultural Adjustment Act of 1933, as amended, and the Constitution and statutes of the United States of America, do hereby proclaim as follows:

A. Part 3 of the Appendix to the Tariff Schedules of the United States is amended by:

(1) inserting in the superior heading for items 958.16 through 958.18—

(a) "(Proclamation No. 5294, effective January 29, 1985)" after "on the effective date of this proclamation";

(b) "over 10 percent by dry weight of" immediately after "Articles containing"; and

(c) the words "(a) articles not principally of crystalline structure or not in dry amorphous form that are prepared for marketing to the retail consumers in the identical form and package in which imported, or (b)" immediately after "except";

(2) deleting—

(a) the column heading "Effective Period" above the superior heading for items 958.16 through 958.18;

(b) "Until 10/1/85" for each of items 958.16 through 958.18; and

(c) items 958.20, 958.25, and 958.30 together with their superior headings;

(3) inserting in item 958.18 the words ", except cake decorations and similar products to be used in the same condition as imported without any further processing other than the direct application to individual pastries or confections; finely ground or masticated coconut meat or juice thereof mixed with those sugars; and minced seafood preparations within the scope of item 183.05 containing 20 percent or less by dry weight of these sugars" immediately after "183.05"; and

(4) effective on October 1, 1985—

(a) the superior heading to items 958.16 through 958.18 is modified by striking out the words "During the period beginning on the effective date of this proclamation (Proclamation No. 5294, effective January 29, 1985) through September 30, 1985, if" and inserting in their place "Whenever, in any 12-month period beginning October 1 in any year,"; and

(b) by striking out the quota quantities "1,000 short tons", "2,500 short tons", and "28,000 short tons" from items 958.16, 958.17, and 958.18, respectively, and inserting in their place "3,000 short tons", "7,000 short tons", and "84,000 short tons", respectively.

B. This proclamation shall be effective as of 12:01 a.m. Eastern Daylight Time on the second day following the date of signing.

C. The quotas for items 958.16 through 958.18 shall terminate upon the filing of a notice in the **Federal Register** by the Secretary of Agriculture that the Department of Agriculture is no longer conducting a price support program for sugar cane and sugar beets.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th 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 ninth.

Ronald Reagan

[FR Doc. 85-12330
Filed 5-17-85; 4:25 pm]
Billing code 3195-01-M

Editorial note: For the President's letter, dated May 17, 1985, to the Chairman of the U.S. International Trade Commission on the import quotas, see the *Weekly Compilation of Presidential Documents* (vol. 21, no. 20).

Presidential Documents

Proclamation 5341 of May 17, 1985

Senior Center Week, 1985

By the President of the United States of America

A Proclamation

Older Americans are as diverse and fascinating as America itself. The memories they carry with them constitute a living treasury of knowledge about the history of our times. But older Americans are far more than just a repository of knowledge about the past. They are living active lives today and contributing greatly to enriching the lives of their families, friends, and communities.

One of the objectives of the Older Americans Act is to help older Americans secure the full enjoyment of their freedom to participate in our Nation's life. Senior centers play a very important role in achieving this goal by tapping older people's experience, skills, and knowledge and providing a focus for their energies. These centers are helping to realize the theme of this year's Older Americans Month, which is now in progress: "Help Yourself to Independence."

The activities sponsored by senior centers are as various and interesting as the citizens who make use of them. Courses on art and literature, discussions of current events, and training sessions on how to use a computer are among the wide variety of events that occur in senior centers. The staffs of these centers are to be commended for their spirit of innovation and their dedication to enhancing the lives of older Americans. Once again, Americans are showing that anything is possible if we have the faith, the will, and the heart.

The Congress, by Senate Joint Resolution 60, has designated the week beginning May 12, 1985, through May 18, 1985, as "Senior Center Week" 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 the week of May 12, 1985, as Senior Center Week, and I call upon the people of the United States to honor older Americans and those local organizations that bring together activities and services for their benefit.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth 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 ninth.

Ronald Reagan

[FR Doc. 85-12368
Filed 5-20-85; 11:02 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5342 of May 17, 1985

National Digestive Diseases Awareness Week, 1985

By the President of the United States of America

A Proclamation

Digestive diseases rank third in contributing to the total economic burden of illness in the United States. In terms of human discomfort and pain, mortality, and impact on the Nation's economy, they represent one of our most serious health problems. Digestive diseases are the leading cause of hospitalization and surgery in this country, and each day some 200,000 people miss work because of digestive problems. Twenty million Americans are treated for some type of chronic digestive disorder each year, and almost half of the United States population suffers an occasional digestive disorder, creating a yearly expenditure of approximately $17 billion in direct health care costs and a total economic burden of $50 billion.

Research into the causes, cures, prevention, and clinical treatment of digestive diseases and related nutrition problems is a national concern. The week of May 12, 1985, marks the second anniversary of the initiation of a national digestive diseases education program. Its goals are to involve the digestive diseases community, including the Coalition of Digestive Disease Organizations, the Federation of Digestive Disease Societies, the National Digestive Diseases Advisory Board, the National Digestive Diseases Education and Information Clearinghouse, and the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, in educating the public and health care practitioners to the seriousness of these diseases and the methods available to prevent, treat, and control them.

In recognition of these important efforts to combat digestive diseases, the Congress, by Senate Joint Resolution 94, has designated the week beginning May 12, 1985, as "National Digestive Diseases Awareness Week" and has authorized and requested the President to issue a proclamation calling for observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of May 12, 1985, as National Digestive Diseases Awareness Week. I urge the people of the United States and educational, philanthropic, scientific, medical, and health care organizations and professionals to participate in appropriate ceremonies to encourage further research into the causes and cures of all types of digestive disorders so as to alleviate the suffering of their victims.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth 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 ninth.

Ronald Reagan

[FR Doc. 85-12369
Filed 5-20-85; 11:03 am]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 85-332]

European Larch Canker; Expansion of Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms without change an interim rule published in the **Federal Register** on February 20, 1985, which amended the "European Larch Canker" quarantine and regulations by expanding the previously designated regulated areas in Lincoln County in Maine. This action is necessary in order to prevent the artificial spread of European larch canker, a dangerous plant disease, into noninfested areas of the United States. The effect of this amendment was to impose certain restrictions on regulated articles moving interstate from the regulated areas.

EFFECTIVE DATE: May 21, 1985.

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

SUPPLEMENTARY INFORMATION:

Background

A document published in the **Federal Register** on February 20, 1985, (50 FR 7032-7033) set forth an interim rule amending § 301.91-3(c) of the European Larch Canker quarantine and regulations (7 CFR 301.91 *et. seq.*; hereinafter known as regulations). The document amended the regulations by expanding the previously designated regulated areas in Lincoln County, Maine. The regulations impose certain restrictions on regulated articles moving interstate from the regulated areas.

The amendment became effective on the date of publication. The document provided that the amendment was necessary as an emergency measure in order to prevent the artificial spread interstate of European larch canker.

Comments were solicited for 60 days after publication of the amendment. No comments were received. The factual situation which was set forth in the document of February 20, 1985, still provides a basis for the amendment. Accordingly, it has been determined that the amendment should remain effective as published in the **Federal Register** on February 20, 1985.

Executive Order 12291 and Regulatory Flexibility Act

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

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

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

Paperwork Reduction Act

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

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases, Plants (agriculture), Quarantine, Transportation, European larch canker.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, the interim rule published at 50 FR 7032-7033 on February 20, 1985, is adopted as a final rule.

Authority: 7 U.S.C. 150dd, 150ee, 161, 162; 7 CFR 2.17, 251 and 371.2(c).

Done at Washington, D.C., this 16th day of May 1985.

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

[FR Doc. 85-12133 Filed 5-20-85; 8:45 am]
BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 344, Amdt. 1; Valencia Orange Reg. 345]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rules.

SUMMARY: Amendment 1 of Regulation 344 increases the quantity of such fruit that may be shipped during the period May 17-May 23, 1985. Regulation 345 establishes the quantity of such fruit that may be shipped to market during the period May 24-May 30, 1985. The amendment and regulation are needed to provide for orderly marketing of fresh

Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATE: Regulation 344, Amendment 1 (§ 908.644) is effective for the period May 17–23, 1985. Regulation 345 (§ 908.645) is effective for the period May 24–30, 1985.

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

SUPPLEMENTARY INFORMATION:

Findings

These rules have been reviewed under USDA procedures and Executive Order 12291 and have been designated a "non-major" rules. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that these actions will not have a significant economic impact on a substantial number of small entities.

The amendment and the regulation are issued under Marketing Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The actions are based upon the recommendation and information submitted by the Valencia Orange Administrative Committee (VOAC) and upon other available information. It is hereby found that these actions will tend to effectuate the declared policy of the act.

The amendment and the regulation are consistent with the marketing policy for 1984–85. The marketing policy was recommended by the committee following discussion at a public meeting on March 26, 1985. The committee met again publicly on May 14, 1985, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges for the specified weeks. The committee reports the demand for Valencia oranges is good.

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

List of Subjects in 7 CFR Part 908

Marketing agreements and orders, California, Arizona, Oranges (Valencia).

PART 908—[AMENDED]

1. The authority citation for Part 7 CFR Part 908 continues to read as follows:

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

2. Section 908.644 is revised to read as follows:

§ 908.644 Valencia Orange Regulation 344.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period May 17, 1985, through May 23, 1985, are established as follows:

(a) District 1: 400,000 cartons;
(b) District 2: 600,000 cartons;
(c) District 3: Unlimited cartons.

3. Section 908.645 is added to read as follows:

§ 908.645 Valencia Orange Regulation 345.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period May 24, 1985, through May 30, 1985, are established as follows:

(a) District 1: 320,000 cartons;
(b) District 2: 480,000 cartons;
(c) District 3: Unlimited cartons.

Dated: May 10, 1985.

Thomas R. Clark,

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

[FR Doc. 85–12210 Filed 5–20–85; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 911

Limes Grown in Florida; Amendment to Container Marking Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action relieves container marking requirements on Florida seedless limes by expanding the permissible count range of limes in a 10-pound sample for specified size designations and adding a 10 percent tolerance for containers of limes in any lot which may fail to meet these requirements. This rule is necessary to prevent handlers from having to repack many lots of limes in order to comply with those more restrictive size ranges that would increase handlers' costs. This action was unanimously recommended by the Florida Lime Administrative Committee on April 24, 1985.

EFFECTIVE DATE: May 20, 1985.

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

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

This final rule 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 final rule 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 pack under § 911.311 Lime Pack Regulation 9 (7 CFR Part 911). The pack regulation, which is effective on a continuing basis, establishes pack and container marking requirements for fresh limes. This action was unanimously recommended by the Florida Lime Administrative Committee on April 24, 1985.

This action relieves container marking requirements on Florida seedless limes by expanding the permissible count range of limes in a 10-pound sample for specified size designations and adding a 10 percent tolerance for containers of limes in any lot which may fail to meet these requirements. The committee reports that the original size ranges would require most handlers to repack many lots of limes in order to comply with those more restrictive size ranges and would increase handlers' costs.

A final rule was published in the **Federal Register** (50 FR 15097) on April 17, 1985. This final rule required the marking of containers of seedless limes with one of seven specified sizes. These seven size designations were defined in terms of the number of limes in a ten pound sample in the container with

specific ranges defined. However, it was found that the original size ranges needed to be modified before they could be implemented. At an emergency meeting on April 17, 1985 the FLAC recommended postponement of that final rule until May 20, 1985, so they could study the problem further and recommend an amendment to the final rule. This action is necessary to permit implementation of the container marking requirements.

It is hereby found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the Federal Register (5 U.S.C. 553) in that a final rule with an effective date of May 20, 1985, was published in the Federal Register (50 FR 15097, 50 FR 18849) and this action is a relaxation of restrictions contained in that rule. Shipments of the current crop of limes are in progress and this regulation should be effective May 20, 1985, in order to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 911

Marketing agreements and orders, Limes, Florida.

PART 911—[AMENDED]

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 911.311 Lime Pack Regulation 9 is revised by amending paragraph (a)(5) to read as follows:

§ 911.311 Lime Pack Regulation 9.

(a) * * *

(5) No handler shall handle any container of seedless limes, grown in the production area, unless such container is marked on two sides with letters at least one inch in height with one of the size designations shown in column 1 of the following table: *Provided,* That the number of seedless limes in a ten pound sample of a particular size designation, representative of the limes in the container, corresponds to the permissible size range in column 2 of such table for such size designation: *Provided further,* That not more than 10 percent of the containers in any lot may fail to meet these requirements.

TABLE 1

Column 1 size designations	Column 2 size range
72	68 to 76.
63	59 to 67.
54	51 to 58.
48	45 to 51.
42	39 to 44.
36	33 to 38.

TABLE 1—Continued

Column 1 size designations	Column 2 size range
28	25 to 32.

* * * * *

Dated: May 16, 1985.

Thomas R. Clark,

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

[FR Doc. 85–12156 Filed 5–20–85; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 9

Government in the Sunshine Act Regulations

AGENCY: Nuclear Regulatory Commission.

ACTION: Interim rule with request for comments.

SUMMARY: The Nuclear Regulatory Commission is making an interim rule change to conform its definition of a "meeting" under the Government in the Sunshine Act (5 U.S.C. 552b) to the statutory intent, as clarified in the unanimous 1984 decision of the United States Supreme Court in *Federal Communications Commission* v. *ITT World Communications,* —— U.S. ——, 104 S.Ct. 1936. The Commission believes that this change would serve to effectuate the Congressional intent that background briefings and generalized discussions of agency business not be considered "meetings" for Sunshine Act purposes, and that adherence to statutory standards will help assure both fuller information for the Commissioners and greater collegiality in their performance of their duties. The rule change will be applied on an interim basis, pending submission and evaluation of comments and publication of a final rule.

EFFECTIVE DATE: The rule change will be effective on an interim basis on May 21, 1985. Comments on whether the interim rule change should be made final must be received on or before June 20, 1985. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Interested persons are invited to send written comments or suggestions to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be delivered to Room 1121, 1717 H Street, NW., Washington, D.C. between 8:15 a.m. and 5:00 p.m. Copies of any documents received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Peter Crane, Office of General Counsel, United States Nuclear Regulatory Commission, Washington, DC 20555, telephone: 202–634–1465.

I

SUPPLEMENTARY INFORMATION: The NRC's current Sunshine Act regulations (10 CFR § 9.100–109), define a "meeting" as follows, at 10 CFR § 9.101(c):

> "Meeting" means the deliberations of at least a quorum of Commissioners where such deliberations determine or result in the joint conduct or disposition of official business, but does not include deliberations required or permitted by §§ 9.105, 9.106, or 9.108(c),[1] gatherings of a social or ceremonial nature, or briefings of the Commission by representatives of other agencies or departments of the United States government, or representatives of foreign governments or international bodies where such briefings or discussions are informational in nature and are not conducted with specific reference to any particular matter then pending before the Commission.

It will at once be noticed that the only type of briefing which is explicitly exempted from the definition of "meeting" is a briefing by a representative of another agency or department or a foreign or international body. Likewise, the only type of "gathering" of Commissioners which is expressly exempted from the definition is one of a "social or ceremonial nature." Thus under the NRC's regulations, the following types of meetings would all be subject to the Sunshine Act's meeting requirements: a general background briefing by the NRC staff on a technical issue common to a number of plants; informal discussion of problems likely to face the agency in the coming year; a discussion of the effectiveness of a particular office in meeting the Commission's needs; and a discussion of the state of relations between the Commission and its oversight committees, or with other government agencies. It is the Commission's view that the Supreme Court's 1984 decision in *FCC* v. *ITT World Communications,* —— U.S. ——,

[1] These three sections definition refer to procedures for implementing the Sunshine Act itself, and have no bearing on the Commission's conduct of its everyday duties under the Atomic Energy Act, Energy Reorganization Act, and other statutes.

104 S.Ct. 1936, strongly suggests that none of these topics necessarily falls within the class of discussions that triggers the "meeting" requirement of the Sunshine Act.

In 1984, the Supreme Court provided its first guidance on the Sunshine Act. *FCC* v. *ITT World Communications*, —— U.S. ——, 104 S.Ct. 1936, was decided by a unanimous Court on April 30, 1984. The case arose when three members of the FCC, constituting a quorum of the agency's Telecommunications Committee (a subdivision to which decisionmaking power had been delegated) traveled to Europe to take part in an international conference of telecommunications regulators. An American company, aware that the FCC Commissioners planned to use the conference to argue for increased competition in the provision of telecommunications services, filed suit in District Court, charging among other things that the presence of a sufficient number of Commissioners to decide agency business rendered the international conference a Commission "meeting" under the Sunshine Act, and that the meeting was required to be held in the open. The District Court ruled for the company, as did the D.C. Circuit Court of Appeals, in a decision written by Judge Bazelon.

The Supreme Court, in a 9–0 decision written by Justice Powell, reversed the D.C. Circuit's holding. Its discussion of the meaning of "meeting" under the Sunshine Act is worth quoting at some length.

> Congress in drafting the Act's definition of "meeting" recognized that the administrative process cannot be conducted entirely in the public eye. "[I]nformal background discussions [that] clarify issues and expose varying views" are a necessary part of an agency's work. See S. Rep. No. 94–354, at 19 (1975). The Act's procedural requirements effectively would prevent such discussions and thereby impair normal agency operations without achieving significant public benefit. Section 552b(a)(2) therefore limits the Act's application to meetings "where at least a quorum of the agency's members . . . conduct or dispose of official agency business." S. Rep. No. 94–354, at 2.

In a footnote, the Court reviewed the pertinent legislative history:

> The evolution of the statutory language reflects the congressional intent precisely to define the limited scope of the statute's requirements. See generally, H.R. Rep. No. 94–880, Part 2, at 14 (1976). For example, the Senate substituted the term "deliberations" for the previously proposed terms—"assembly or simultaneous communication," H.R. 11656, 94th Cong., 2d Sess. § 552b(a)(2) or "gathering, S. 5, 94th Cong., 1st Sess. § 201(a) (1976)—in order to "exclude many discussions which are informal in nature." S. Rep. 94–354, at 10; see *id.*, at 18. Similarly, earlier versions of the Act had applied to any agency discussions that "concern[ ] the joint conduct or disposition of agency business," H.R. 11656, *supra*, § 552b(a)(2). The Act now applies only to deliberations that "determine or result in" the conduct of "official agency business." The intent of the revision clearly was to permit preliminary discussion among agency members. See 122 Cong. Rec. 28474 (1976) (remarks of Rep. Fascell).

The Court then explained that though the FCC's Telecommunications Committee was subject to the Sunshine Act (since it could act on behalf of the agency, under a delegation of authority from the Commission as a whole), it did not appear that the Committee had, by participating in the international conference, engaged in "deliberations [that] determine or result in the joint conduct or disposition of official agency business." The Court offered a definition of this by no means self-explanatory language:

> This statutory language contemplates discussions that "effectively predetermine official actions." See S. Rep. No. 95–354, at 19; accord *id.*, at 18. Such discussions must be "sufficiently focused on discrete proposals or issues as to cause or be likely to cause the individual participating member to form reasonably firm positions regarding matters pending or likely to arise before the agency." R. Berg and S. Klitzman, An Interpretive Guide to the Government in the Sunshine Act 9 (1978) (hereinafter Interpretive Guide).

The Court noted that ITT had not alleged that the Conference sessions included formal action on applications before the FCC, nor that the sessions "resulted in firm positions on particular matters pending or likely to arise before the Committee." Rather, the conference sessions "provided general background information to the Commissioners and permitted them to engage with their foreign counterparts in an exchange of views by which decisions already reached by the Commission could be implemented." The Court added: "As we have noted, Congress did not intend the Sunshine Act to encompass such discussions."

The Court observed that the D.C. Circuit had not found that the FCC Commissioners at the conference were actually deliberating on matters within their formally delegated authority; rather, the lower court had inferred an authority, not formally delegated, to engage in discussions on behalf of the Commission. The lower court "then concluded that these discussions were deliberations that resulted in the conduct of official agency business, as the discussions 'play[ed] an integral role in the Commission's policy-making processes.' [citation omitted]"

The Court categorically rejected the Court of Appeals' reasoning:

> We view the act differently. * * * Under the reasoning of the Court of Appeals, any group of members who exchange views or gathered information on agency business apparently could be viewed as a "subdivision * * * authorized to act on behalf of the agency." * * * Moreover, the more expansive view of the term "subdivision" adopted by the Court of Appeals would require public attendance at a host of informal conversations of the type Congress understood to be necessary for the effective conduct of agency business.

The interim rule incorporates verbatim the Supreme Court's language in the *ITT* decision. The exceptions for "social and ceremonial" gatherings and for informational briefings by other agencies or international organizations are dropped, since under the proposed rule they would be redundant. The Commission believes, based on almost eight years of operation under the current rules, that a decision to conform its regulations to the literal requirements of the statute as interpreted by the Supreme Court will improve its ability to do the public's business. The ability to hold informal preliminary briefings can help assure that Commissioners are well informed about subject areas well before any particularized proposal reaches them for consideration. The ability to hold free-flowing discussions of a variety of problems likely to face the agency, or to get together for "brainstorming sessions," can foster both collegiality and sound management. It is through such generalized background discussions that Commissioners can decide what topics should become the subject of more particularized proposals, discussions of which would fall within the Act's definition of "meeting."

In so changing its rules, the Commission would in no sense be seeking to evade the Sunshine Act's requirements. Rather, it would be giving belated recognition to the fact—understood by the Congress and reaffirmed by the Supreme Court—that some types of informal discussions, necessary for sound agency functioning, do not belong within the purview of the Sunshine Act.

II

In one other respect, the Commission placed on itself a restriction that other agencies did not see fit to adopt. The NRC's rules provide that when a meeting is closed, one of the following two alternatives must be adopted: either, (1) The Comission itself, as the last item if business in the meeting,

reviews the course of the meeting and decides which portions of the transcript or recording can be withheld, or (2) the Secretary, "upon the advice of the Office of General Counsel and after consulting with the Commission, shall make such determinations." These rules apply whether or not anyone has evinced any interest in learning the nature of the Commission's discussions.

Other agencies have taken the common-sense view that they will review the transcripts if and when someone asks for them. The Federal Communications Commission, in promulgating its Sunshine Act regulations in 1977, dismissed the suggestion that every transcript of every closed meeting should be reviewed as a matter of course (and later re-reviewed if any portions continued to be withheld). The FCC said:

> We reject the proposition that the transcript of each closed meeting should be reviewed regularly to determine whether it can be made available to the public. The proposition is impracticable. * * * Many of the matters acted on by the Commission in closed meetings should be of little or no interest to the general public and should rarely be made the subject of requests for transcripts. A periodic review of such transcripts would be a waste of time and public funds. Transcripts may be placed in the public file just after the meeting is held, but otherwise will be reviewed only when requests for copies are received. 42 Fed. Reg. 12867 (March 7, 1977).

In addition, in the interest of the efficient use of resources, the Commission is amending its rules to clarify that Sunshine Act recordings, transcripts, and minutes of closed Commission meetings will be reviewed for "closability" only when a request is received. The Commission agrees with the position taken in this regard by the Federal Communications Commission, which likewise found that it would be a waste of public funds to review transcripts in which no one has evinced any interest. Moreover, since the Commission's present rules require the Commissioners themselves to be consulted on these reviews, the present rule is an unnecessary burden on the time of the Commissioners. As revised, the relevant subsection provides that the review will take place if requested within the period during which the recording, transcript, or minutes must be retained. The provision for review by the Commissioners at the end of the meeting itself is dropped from the rule, as this provision is impracticable and is not currently used.

While the Commission is seeking public comment on the rule change, it has decided to make the rule effective on publication on an interim basis pending submission and evaluation of comments, and publication of a final rule. It is authorized to do so because the change to 10 CFR § 9.101(c) is both an interpretative rule and a rule of agency procedure, and the changes to 10 CFR § 9.108(c) is a rule of agency procedure. Such rule changes are exempt from proposed rulemaking and deferred effectiveness under 5 U.S.C. § 553 of the Administrative Procedure Act. The change to 10 CFR § 9.101(c) is interpretative because it merely specifies the Commission's interpretation of the term "meeting" in the Sunshine Act, *Batterton* v. *Marshall*, 648 F.2d 694, 705 (D.C. Cir. 1980). The changes to 10 CFR 9.101(c) and 10 CFR 9.108(c) are rules of agency procedure because they govern how the Commission conducts its business and do not in any way alter the substantive rights or interests of persons affected by Commission action, *Batterton* v. *Marshall*, *supra* at 707.

Making the rule change effective on an interim basis will not only improve the conduct of Commission business in the interim by facilitating the flow of information to the Commission and fostering collegiality, but will also enable the Commission to gain some limited experience with the rule change before making any decision on the final rule. However, in this interim period the Commission will *not* be using the new definition of meeting to permit private Commission discussions in any briefings or other Commission sessions devoted to specific initial licensing cases or the TMI–1 restart case. In this interim period initial licensing and TMI–1 restart will, as matter of policy, be governed by the "old" expansive definition of "meeting".

Environmental Impact—Categorical Exclusion

The amendments amend the Commission's rules relating to the Sunshine Act codified in 10 CFR Part 9 and therefore meet the eligibility criteria for the categorical exclusion set forth in 10 CFR 51.22(c)(1). Accordingly, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

Paperwork Reduction Act Statement

The rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. §§ 3501 et seq.).

List of Subjects in 10 CFR Part 9

Freedom of information, Penalty, Privacy, Reporting and recordkeeping requirements, Sunshine Act.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Part 9 on an interim basis. As noted, public comment is solicited as to whether they should be made final.

PART 9—PUBLIC RECORDS

1. The authority citation for Part 9 is revised to read as follows:

> **Authority:** Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).
>
> Subpart A also issued under 5 U.S.C. 552 and 31 U.S.C. 9701. Subpart B also issued under 5 U.S.C. 552a. Subpart C also issued under 5 U.S.C. 552b.

2. In Subpart C, § 9.101, paragraph (c) is revised to read as follows:

§ 9.101 Definitions.

* * * * *

(c) "Meeting" means the deliberations of at least a quorum of Commissioners where such deliberations determine or result in the joint conduct or disposition of official Commission business, that is, where discussions are sufficiently focused on discrete proposals or issues as to cause or to be likely to cause the individual participating members to form reasonably firm positions regarding matters pending or likely to arise before the agency. Deliberations required or permitted by § 9.105, 9.106, or 9.108(c) do not constitute "meetings" within this definition.

* * * * *

3. In Subpart C, § 9.108, paragraph (c) is revised to read as follows:

§ 9.108 Certification, transcripts, recordings, and minutes.

* * * * *

(c) In the case of any meeting closed pursuant to § 9.104, the Secretary of the Commission, upon the advice of the General Counsel and after consultation with the Commission, shall determine which, if any, portions of the electronic recording, transcript or minutes and which, if any, items of information withheld pursuant to § 9.105(c) contain information which should be withheld pursuant to § 9.104, in the event that a request for the recording, transcript, or minutes is received within the period during which the recording, transcript,

or minutes must be retained, under subsection (b) of this section.

* * * * *

Dated at Washington, D.C., this 16th day of May, 1985.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

Separate Statement of Chairman Palladino—Sunshine Act Rulemaking

I fully support the proposal set forth in this notice of rulemaking to change the Commission's Sunshine Act rules. However, I disagree with the policy decision to use the revised definition of a "meeting" during the interim period during which public comments are received and a final rule is published.

I doubt the usefulness of such interim application. If, on the one hand, the Commission applies the new definition narrowly—that is, if it exempts from the definition of "meeting " only the clearest of cases—then it will not gain much of value from interim application. If, on the other hand, the Commission applies the new definition broadly, then it risks potentially counter-productive consequences for its overall objective to conform its rules to the Sunshine Act.

Separate Views of Commissioner Asselstine

I approved publication of the proposed changes to our rule implementing the Sunshine Act only in order to obtain comment on those changes. However, I have significant concerns about the difficulty of administering the proposed standard which make it impossible for me to endorse the proposed rule. I particularly invite comment on the concerns expressed below.

The Sunshine Act is not an easy act to interpret or to apply. This is the primary reason the Commission's present regulation was written as it was. The Commission's regulation sets up a bright line for determining what constitutes a meeting and what does not. While the Commission may have given up some flexibility when it set up that bright line standard, it did so with a reason. A standard which provided more flexibility would, of necessity, have been less certain and would have created problems of interpretation. Adopting a more flexible standard would have made it easier for the Commission to misapply the Act inadvertently in a particular case.

The standard in the proposed rule suffers from just these problems. Because the standard is vague and subjective, it will be much more difficult to administer than the present standard. Predicting whether a particular meeting will consist of discussions "sufficiently focused on discrete proposals or issues as to cause or be likely to cause the individual participating members to form reasonably firm positions regarding matters pending or likely to arise before the agency" will require nothing short of divination. And, if the Commission guesses wrong, there is no remedy because if there is no "meeting" there will be no notice, no transcript, and no minutes.

If the Commission insists on going forward with the proposed rule, it should a least have made clear in the statement of considerations what change to present practice the rule is intended to effect. The Commission should have explained, with concrete examples, exactly what kind of meetings now held by the Commission will be treated as "gatherings" under the proposed rule. Or, if the intent is to create a new type of meeting not now held by the Commission, that should have been made clear.

I also cannot support the Commission's decision to make this rule immediately effective by applying it while the comment period runs. A rule changing the manner in which the Commission implements the Government in the Sunshine Act, an act the purpose of which was to provide the public with "the fullest practicable information regarding the decisionmaking processes of the Federal Government" (P.L. No. 94–409 § 2), is clearly a rule in which the public has an interest. The Commission should await public comment before putting the rule into effect. The Commission has operated under its present rule for eight years without catastrophe. Waiting thirty more days for public comment hardly seems to be an onerous burden.

[FR Doc. 85–12217 Filed 5–20–85; 8:45 am]

BILLING CODE 7590–01–M

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10 CFR Part 50

Emergency Planning; Statement of Policy

AGENCY: Nuclear Regulatory Commission.

ACTION: Statement of Policy on Emergency Planning Standard 10 CFR 50.47(b)(12).

SUMMARY: The United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit" or "Court") has vacated and remanded to the Nuclear Regulatory Commission ("NRC" or "Commission") that part of its interpretation of 10 CFR 50.47(b)(12) ("planning standard (b)(12)") which stated that a list of treatment facilities constituted adequate arrangements for medical services for individuals who might be exposed to dangerous levels of radiation at locations offsite from nuclear power plants. *GUARD* v. *NRC*, 753 F.2d 1144 (D.C. Cir. 1985). The Court also vacated certain Commission decisions which applied this interpretation in the Commission proceeding on operating licenses for the San Onofre Nuclear Generating Station, Units 2 and 3 ("SONGS"). However, the Court did not vacate or in any other way disturb the operating licenses for SONGS. Moreover, the Court's remand left to the Commission's sound discretion a wide range of alternatives from which to select an appropriate response to the Court's decision. This Statement of Policy provides guidance to the NRC's Atomic Safety and Licensing Boards ("Licensing Boards") and Atomic Safety and Licensing Appeal Boards ("Appeal Boards") pending completion of the Commission's response to the D.C. Circuit's remand.

EFFECTIVE DATE: May 21, 1985.

FOR FURTHER INFORMATION CONTACT: Sheldon Trubatch, Office of the General Counsel, (202) 634–3224.

SUPPLEMENTARY INFORMATION:

I. Background

Emergency planning standard (b)(12) provides:

(b) The onsite and offsite emergency response plans for nuclear power reactors must meet the following standards:

(12) Arrangements are made for medical services for contaminated injured individuals.

10 CFR 50.47(b)(12).

The scope of this requirement was an issue of controversy in the adjudicatory proceeding on the adequacy of the emergency plans for SONGS. See generally, LBP–82–39, 15 NRC 1163, 1186,–1200, 1244–1257, 1290 (1982). The Licensing Board concluded that planning standard (b)(12) required, among other things, the development of arrangements for medical services for members of offsite public who might be exposed to excessive amounts of radiation as a result of a serious accident. 15 NRC at 1199. The Licensing Board did not specify what would constitute adequate medical service arrangements for such overexposure. However, it found that there was no need to direct the construction of hospitals, the purchase of expensive equipment, the stockpiling of medicine or any other large expenditure, the sole purpose of which

would be to guard against a very remote accident. Rather, the Licensing Board believed that the emphasis should be on developing specific plans and training people to perform the necessary medical services. 15 NRC at 1200.

The Licensing Board also found, pursuant to 10 CFR 50.47(c)(1), that although the failure to develop arrangements for medical services for members of the offsite public who may be injured in a serious accident was a deficiency in the emergency plan, that deficiency was not significant enough to warrant a refusal to authorize the issuance of operating licenses for SONGS provided that deficiency was cured within six months. 15 NRC at 1199. (This period was subsequently extended by stipulation of the parties.) The Licensing Board provides several reasons which supported its finding that this deficiency was insignificant. Among these were that the possibility of a serious accident was very remote, significantly less than one-in-a-million per year, and that the nature of radiation exposure injury being protected against was such that available medical services in the area could be called upon on an *ad hoc* basic for injured members of the offsite public.

The Licensing Board's Interpretation of planning standard (b)(12) was called into question by the Appeal Board. ALAB-680, 16 NRC 127 (1982). In denying a motion to stay the Licensing Board's decision, the Appeal Board suggested that the phrase "contaminated injured individuals" had been read too broadly to include individuals who were severely irradiated. In the Appeal Board's view, the phrase was limited to individuals onsite and offsite who had been *both* contaminated with radiation *and* traumatically injured. The record in San Onofre was found to support a finding that adequate medical arrangements had been made for such individuals.

Faced with these differing interpretations, the Commission certified to itself the issue of the interpretation of planning standard (b)(12). CLI-82-27, 16 NRC 883 (1982). After hearing from the parties to the San Onofre proceeding and the Federal Emergency Management Agency (FEMA), the Commission determined among other things, that: (1) Planning standard (b)(12) applied to individuals both onsite and offsite; (2) "contaminated injured individuals" was intended to include seriously irradiated members of the public; and (3) adequate medical arrangements for such injured individuals would be provided by a list of area facilities capable of treating such injuries.

Subsequently, Southern California Edison provided a list of such facilities to the Licensing Board. The Licensing Board found that the list satisfied planning standard (b)(12). LBP-83-47, 18 NRC 128 (1983). Thereupon, the staff amended the San Onofre licenses to remove the emergency planning condition previously imposed. 48 FR 43246 (September 22, 1983).

II. The Court's Decision

In *Guard* v. *NRC*, the Court vacated the Commission's interpretation of planning standard (b)(12) to the extent that a list of treatment facilities was found to constitute adequate arrangements for medical services for offsite individuals exposed to dangerous levels of radiation. 753 F.2d at 1146, 1150j. The Court did not review any other aspects on the Commission's interpretation of planning standard (b)(12) . In particular, because the Court's decision addressed the adequacy of certain arrangements for only offsite individuals, the decision does not affect the emergency planning findings necessary for low power operation.

With regard to full-power operation, the Court also afforded the NRC substantial flexibility in its reconsideration of planning standard (b)(12) to pursue any rational course. 753 F.2d at 1146. Possible further Commission action might range from reconsideration of the scope of the phrase "contaminated injured individuals" to imposition of "genuine" arrangements for members of the public exposed to dangerous levels of radiation. *Id.* Until the Commission determined how it will proceed to respond to the Court's remand, the Commission provides the following interim guidance to the boards in authorizing, and to the NRC staff in issuing, a full-power operating licenses.

III. Interim Guidance

The Commission's regulations specifically contemplated certain equitable exceptions, of a limited duration, from the requirements of 50.47(b), including those presently uncertain requirements here at issue. Section 50.47(c)(1) provides that:

"Failure to meet the applicable standards set forth in paragraph (b) of this section may result in the Commission's declining to issue an operating license; demonstrate to the satisfaction of the Commission that deficiencies in the plans are not significant for the plant in question, that adequate interim compensating actions have been or will be taken promptly, or that there are other compelling reasons to permit plant operations."

For the reasons discussed below, the Commission believes that Licensing Boards (and, the uncontested situations, the staff) may find that applicants who have met the requirements of § 50.47(b)(12) as interpreted by the Commission before the *GUARD* decision and who commit to full compliance with the Commission's response to the *GUARD* remand meet the requirements of § 50.47(c)(1) and, therefore, are entitled to license conditional of full compliance with the Commission's response to the *GUARD* remand.[1]

The Commission relies upon several factors in directing the Licensing Boards and, where appropriate, the staff to consider carefully the applicability of § 50.47(c)(1) for the limited period necessary to finalize a response to the recent *GUARD* decision. Because the Commission has not determined how, or even whether, to define what constitutes adequate arrangements for offsite individuals who have been exposed to dangerous levels of radiation, the Commission believes that until it provides further guidance on this matter, Licensing Boards (or, in uncontested matters, the staff) should first consider the applicability of 10 CFR 50.47(c)(1) before considering whether any additional actions are required to implement planning standard (b)(12). Such consideration is particularly appropriate because the *GUARD* decision leaves open the possibility that modification or reinterpretation of planning standard (b)(12) could result in a determination that no prior arrangements need to be made for off-site individuals for whom the consequences of a hypothetical accident are limited to exposure to radiation.

In considering the applicability of 10 CFR 50.47(c)(1), the Licensing Boards (and, in uncontested cases, the staff) should consider the uncertainty over the continued viability of the current meaning of the phrase "contaminated injured individuals." Although, that phrase currently includes members of the offsite public exposed to high levels of radiation, the *GUARD*, court has clearly left the Commission the

[1] Licensees who have already obtained operating licenses based on compliance with the Commission's previous interpretation planning standard (b)(12) will also be expected either to come into compliance with any different interpretation of that planning standard or to explain why an exemption would be warranted. Failure to provide an adequate basis for an exemption request could lead to initiation of an enforcement action pursuant to 10 CFR Part 2.202.

discretion to "revisit" that definition in a fashion that could remove exposed individuals from the coverage of planning standard (b)(12). Therefore, Licensing Boards (and, in uncontested cases, the staff) may reasonably conclude that no additional actions should be undertaken now on the strength of the present interpretation of that term.

Moreover, the Commission believes that Licensing Boards (and, in uncontested cases, the staff) could reasonably find that any deficiency which may be found in complying with a finalized, post-*GUARD* planning standard (b)(12) is insignificant for the purposes of 10 CFR 50.47(c)(1). The low probability of accidents which might cause extensive radiation exposure during the brief period necessary to finalize a Commission response to *GUARD* (as the San Onofre Licensing Board found, the probability of such an accident is less than one in a million per year of operation), and the slow evolution of adverse reactions to overexposure to radiation are generic matters applicable to all plants and licensing situations and over which there is no genuine controversy. Both of those factors weigh in favor of a finding that any deficiencies between present licensee planning (which complies with the Commission's pre-*GUARD* interpretation of 10 CFR 50.47(b)(12)) and future planning in accordance with the final interpretation of planning standard (b)(12) as a response to the *GUARD* decision, will not be safety significant for the brief period in which it takes licensee to implement the final standard.

In addition, as a matter of equity, the Commission believes that Licensing Boards (and, in uncontested cases, the staff) could reasonably find that there are "other compelling reasons" to avoid delaying the licensees of those applicants who have complied with the Commission's pre-*GUARD* section 50.47(b)(12) requirements. Where applicants have acted in good faith reliance on the Commission's prior interpretation of its own regulation, the reasonableness of this good faith reliance indicates that it would be unfair to delay licensing while the Commission completes its response to the *GUARD* remand.

Finally, if Licensing Boards find that these factors adequately support the application of 10 CFR 50.47(c)(1), then those Licensing Boards could conclude that no hearings would be warranted. Therefore, until the Commission concludes its *GUARD* remand and instructs its boards and its staff differently, the Licensing Boards could reasonably find that any hearing regarding compliance with 10 CFR 50.47(b)(12) shall be limited to issues which could have been heard before the Court's decision in *GUARD* v. *NRC*.

Dated at Washington, D.C. this 16th day of May, 1985.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 85-12218 Filed 5-20-85; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 703, 745 and 790

Technical Amendments to Regulations

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: This regulation makes three technical changes to NCUA regulations, in order to correct citations and update regional office information.

EFFECTIVE DATE: May 21, 1985.

ADDRESS: National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Hattie M. Ulan, Staff Attorney, Department of Legal Services, at the above address or telephone: (202) 357-1030.

SUPPLEMENTARY INFORMATION: Three technical amendments are being made to the NCUA Regulations. The first is to § 703.3(e) (12 CFR 703.3(e)) where a typographical error in a citation is corrected. The second is to § 745.3(d) (12 CFR 745.3(d)). A regulation referred to in § 745.3(d) has been renumbered. This amendment makes the appropriate change to § 745.3(d). The last amendment is to § 790.2(c)(1) (12 CFR 790.2(c)(1)). This Section contains a chart of NCUA's regional offices, their addresses, and the states which each of the regional offices serves. Some of the information contained in the chart has changed since its last publication in the **Federal Register**. The amendment updates the information found in the chart.

No regulatory analysis has been made for these amendments since they are merely technical amendments for a typographical error, a renumbering and an updating of regional office information.

List of Subjects in 12 CFR Parts 703, 745 and 790

Credit unions, organization and functions (Government agencies).

By the National Credit Union Administration Board, this 13th day of May, 1985.

Rosemary Brady,

Secretary of the Board.

Accordingly, 12 CFR Parts 703, 745 and 790 are amended as set forth below:

PART 703—[AMENDED]

1. The authority citation for 12 CFR Part 703 continues to read as follows.

Authority: 12 U.S.C. 1757(7), 1757(8), 1766(a), and 1789(a)(11).

§ 703.3 [Amended]

2. 12 CFR 703.3(e) is amended by changing the citation from 12 U.S.C. 1757(a) to 12 U.S.C. 1757(9).

PART 745—[AMENDED]

3. The authority citation for 12 CFR Part 745 is revised to read as follows and any authority citation following any section in Part 745 is removed.

Authority: 12 U.S.C. 1766, 1789, and 1781-1790.

§ 745.3 [Amended]

4. 12 CFR 745.3(d) is amended by changing the citation from § 701.21-8 to § 701.23.

PART 790—[AMENDED]

5. The authority citation for 12 CFR Part 790 continues to read as follows.

Authority: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766); sec. 209, 84 Stat. 1014 (12 U.S.C. 1789), unless otherwise noted.

§ 790.2 [Amended]

6. The chart appearing in § 790.2(c)(1) is revised to read as follows:

* * * * *

(c) * * *

(1) * * *

Region No.	Area within region	Office address
I	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Puerto Rico, Rhode Island, Vermont, Virgin Islands.	441 Stuart Street, 6th Floor, Boston, Massachusetts 02116.
II	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.	1776 G Street NW., Suite 700, Washington, DC 20006.
III	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee	1365 Peachtree Street NE., Suite 540, Atlanta, GA 30367.

Region No.	Area within region	Office address
IV	Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Wisconsin.	230 S. Dearborn, Suite 3346, Chicago, IL 60604.
V	Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wyoming.	611 East 6th Street, Suite 407, Austin, TX 78701.
VI	Alaska, American Samoa, California, Guam, Hawaii, Oregon, Washington.	2890 N. Main Street, Suite 101, Walnut Creek, CA 94596.

* * * * *

[FR Doc. 85-12121 Filed 5-20-85; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-NM-131-AD; Amdt. 39-5067]

Airworthiness Directives; Boeing Model 757 Series Airplanes Equipped With Certain Air Cruisers Slides

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires inspection and replacement, as necessary, of certain Air Cruisers evacuation slides installed on Boeing Model 757 airplanes. This AD is prompted by reports of excessive slide fabric porosity, which results in leakage. Excessive leakage of the evacuation slide could result in an unusable slide and jeopardize successful emergency evacuation of an airplane.

DATE: Effective June 28, 1985.

ADDRESSES: The service documents cited in this AD may be obtained upon request from the Boeing Commerical Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the Federal Aviation Administration, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Young, Airframe Branch, ANM-120S; telephone (206) 431-2929. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and replacement, as necessary, of certain evacuation slides on Boeing Model 757 airplanes was published in the **Federal Register** on January 16, 1985 (50 FR 2293). The evacuation slide fabric can deteriorate resulting in an unusable slide which could jeopardize successful emergency evacuation of an airplane.

The comment period closed on March 8, 1985. Interested persons have been afforded an opportunity to comment on the proposed AD. Due consideration has been given to all comments received.

Three commenters responded to the Notice of Proposed Rulemaking. No commenter objected to the necessity of performing the initial inspection.

Two commenters proposed adding termination action to the AD; one suggested terminating action be based on inspesction reports. The FAA does not agree that terminating action should be added. At this time, there is no FAA-approved modification to correct the porosity problem and the AD does not require submission of inspection reports. If an approved modification is developed, the FAA will undertake rulemaking action to amend the AD to include appropriate termination action.

One commenter proposed extending the initial compliance time to one year, due to the number of slides to be inspected and the turnaround time required for repairs. This commenter also requested that the repeat inspections be deleted or, if justified, be extended to two years; requested that the offwing slides be deleted from the AD since they were made of different material; and observed that the Boeing Service Bulletin listed three Air Cruisers Service Bulletins and would apply to all Model 757 slides. Considering the low leakage rates and number of slides to be inspected and repaired, the FAA agrees that the initial inspection compliance time in paragraph A. of the proposal may be extended to one year without compromising air safety. Accordingly, paragraph A. has been changed to reflect this. The FAA does not agree with the remainder of the commenter's suggestions for the following reasons.

The slides have become porous while in service and it is expected that they will continue to deteriorate unless corrective action is taken. The initial compliance time interval was selected based on the age of the slides found to be porous, and the FAA has determined that a 18-month repetitive inspection is also necessary. The off-wing slides are made of the same material as the door mounted slides and, therefore, were included in the AD. Boeing Service Bulletin 757-25-0040 listed only two Air Cruisers Service Bulletins, 105-25-3 dated October 23, 1984, and 105-25-4 dated November 5, 1984, which contain a complete part number listing of the slides made of the suspect material. Other slides, not constructed of the suspect material, have different part numbers and are not affected by this AD.

Another commenter stated that: (1) the words "unless already accomplished" imply that the inspection is to be accomplished once with no further action; (2) the repeat inspection requirement needs clarification since an air retention test conducted during repack per the slide manufacturers folding procedure should be accepted for compliance with the AD; and (3) the phrase "not approved for flight" should replace the phrase "replace prior to further flight" used in paragraph A.3. of the AD, since the latter statement implies that the slides cannot be repaired.

The words "unless already accomplished" refer to inspections conducted prior to the effective date of the AD and the FAA believes the meaning is clear. The 18-month repetitive inspections could not be "already accomplished" in this sense. Accomplishment of the inspection procedure in the service bulletin is acceptable for compliance with the AD, whether conducted by an airline or the slide manufacturer during repack. Since the folding procedure has not been submitted to the FAA, the FAA cannot determine if it is approvable under paragraph C. of the AD. For clarification, paragraph B. of the final rule has been changed to state that the repeat inspection is required 18 months after the last leak check inspection conducted in accordance with the AD. The statement "replaced prior to further flight" has the ordinary meaning that a defective part must be replaced with a serviceable part. The statement does not specify any particular disposition for the defective part and the FAA believes that no further definition is necessary.

The third commenter objected to the words "replacement as necessary" used in the NPRM summary which indicated that the slides could be refurbished, and requested that the initial inspection be changed to 18 months after installation instead of 18 months after manufacture.

The FAA does not agree with these comments. The AD only requires replacement of slides that do not meet the inspection requirements with serviceable units. The FAA cannot

determine the time in service of the defective slides and, since slides are commonly moved from one airplane to another, the date of installation may not be available or meaningful. When determining the compliance times for the AD, the FAA considered the time between slide manufacture date and the time the defective slides were found to have excessive leakage.

It is estimated that 31 airplanes of U.S. registry will be affected by this AD, that it will take approximately 32 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $39,680.

The FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously noted.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Boeing Model 757 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Boeing: Applies to all Model 757 series airplanes equipped with Air Cruisers evacuation slides, part numbers (P/N) as specified in Boeing Service Bulletin 757-25-0040 dated December 21, 1984. To assure slides do not become unsafe due to porosity, accomplish the following, unless already accomplished.

A. Accomplish inspection procedures in accordance with the service bulletin or later FAA-approved revisions, as follows:

1. For slides manufactured prior to six months before the effective date of this AD, accomplish the inspection within the next 12 months.

2. For all other slides, accomplish the inspection within 18 months after the date of manufacture.

3. Slides which do not meet the limitations set forth in the service bulletin must be replaced with a serviceable slide prior to further flight.

B. Repeat the inspection procedures of paragraph A., above, within 18 months after the last leak check inspection performed in accordance with the service bulletin, or later FAA-approved revisions.

C. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office.

D. Upon request of an operator, an FAA Principal Maintenance Inspector, subject to prior approval by the Manager, Seattle Aircraft Certification Office, may adjust the compliance times if the request contains substantiating data to justify the request.

E. Aircraft may be ferried to a base for maintenance in accordance with Sections 21.197 and 21.199 of the Federal Aviation Regulations.

This amendment becomes effective June 28, 1985.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 2, 1983); and 14 CFR 11.89)

Issued in Seattle, Washington, on May 14, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-12176 Filed 5-20-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-NM-49-AD; Amdt. 39-5068]

Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, -50, -80, and C-9 (Military) Series Airplanes (Fuselage Numbers 1 Through 1195)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection of the rod end nut running torque and re-applies correct assembly torque on left and right hand elevator boost cylinder assemblies located on the horizontal stabilizer rear spar on certain McDonnell Douglas DC-9 series and C-9 (Military) airplanes. This AD is prompted by reports of loose rod end nuts and actual loss of a rod end nut, resulting in a jammed elevator in flight. This condition, if not corrected, could result in marginal elevator control authority.

DATE: Effective June 10, 1985.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Salas, Aerospace Engineer, Airframe Branch, ANM-122L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548-2826.

SUPPLEMENTARY INFORMATION: There have been several reports of elevator boost cylinder rod end nuts working loose. In three cases, the nut was found completely removed from the rod end. On February 11, 1985, a DC-9-51 operator experienced a jammed left hand elevator during takeoff due to the loss of the nut, P/N LH 7461T-080D, from the boost cylinder attach rod end, P/N 4918153-1. Full aircraft nose down trim and forward pressure on the control column were required to control the aircraft. Subsequent maintenance inspection disclosed that nut, P/N LH7461T-080D, had backed off the rod end, P/N 4918153-1, on the left elevator boost cylinder, allowing the rod end to swing down against the elevator structure and jamming the elevator at or near the full aircraft nose up position. Although the flight crew was able to safely land the airplane in this incident, a jammed elevator could result in a loss of aircraft control during critical flight conditions. Inspecting the right and left elevator boost cylinder rod end nut for running and assembly torque on a repetitive basis will minimize the potential of a free boost cylinder attach rod end.

Since this situation is likely to exist or develop on other airplanes of the same type design, this AD requires inspection and torquing of the rod end nut.

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

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document

involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9-10, -20, -30, -40, -50, -80, and C-9 (Military) series airplanes (Fuselage Numbers 1 through 1195), certificated in all categories.

To prevent elevator jamming which could result in loss of adequate aircraft control, accomplish the following within 300 flight hours after the effective date of this AD, unless already accomplished within the last 2500 flight hours.

A. Open access doors 3507 and 3608 to gain access to inspection area on lower elevator surface. (See Maintenance Manual, Chapter 6-11-3 for DC-9/C-9 or 6-23-00 for MD-80.)

B. Back off nut, P/N H20-8 or P/N LH7461T-080D, on rod end assembly, P/N 4918153-1 from its torqued position until three or more threads are exposed.

C. Using a properly calibrated torque wrench, check the initial running torque on each nut. The initial running torque must be a minimum of 18 inch-pounds:

1. If the minimum 18 inch-pound initial running torque is met, proceed to paragraph D., below.

2. If the initial running torque does not meet the 18 inch-pound minimum requirement, the nut must be replaced with a new H-20-8 or P/N LH7461T-080D nut which does meet the minimum 18 inch-pound initial running torque requirement.

D. After satisfying the initial minimum 18 inch-pound running torque requirement, retorque the nut on the rod end assembly to a final torque value of 400, plus or minus 50, inch-pounds.

E. Repeat the inspection requirements of paragraphs A. through D. of this AD at intervals not exceeding 2500 flight hours or 12 months, whichever occurs first, since last such inspection.

F. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplanes to a base to comply with the requirements of this AD.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective June 10, 1985.

(Secs. 313(a), 314(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Issued in Seattle, Washington, on May 14, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-12177 Filed 5-20-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-AEA-7]

Designation of Transition Area; Factoryville, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The notice proposed to designate a Factoryville, Pennsylvania Transition Area. A new VOR (VORA) Instrument Approach procedure has been developed for Seamens Airport and will require protection for aircraft executing the new procedure. This transition area will designate controlled airspace to protect aircraft using the instrument procedure.

EFFECTIVE DATE: May 21, 1985.

FOR FURTHER INFORMATION CONTACT: Glenn A. Bales, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Telephone: (718) 917-1228.

SUPPLEMENTARY INFORMATION: On Page 22102 of the **Federal Register** for May 25, 1984, the FAA published a proposed rule to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) so as to designate a transition area over Seamens Airport, Factoryville, Pennsylvania. The proposal would designate controlled airspace commencing at 700 feet above the airport and within a radius of 6 miles of the center of the airport with an extension from the Lake Henry ABVORTAC northwest to intercept the Seamens Field 6 mile radius zone, excluding existing 700-foot Transition Areas. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

Discussion of Comments

Four comments were received, two proposed no objection and two objected, as follows: Rik Luytjes, President, Air America, Inc. and Sal Cognetti Jr. of Bour, Gallagher, Foley & Cognetti, representing the owner of Grayce Farms Airport objected to the proposed transition area due to conflict with the Grayce Farms Airport traffic pattern. Aircraft executing a VORA Instrument Approach procedure to Seamens Airport utilizing the Lake Henry VORTAC would not penetrate the traffic pattern at Grayce Farms Airport. However, the designation of controlled airspace in the vicinity of Grayce Farms Airport is necessary to protect aircraft utilizing the instrument procedure. The current status of Grayce Farms Airport prescribes "VFR" operations only. Since the establishment of controlled airspace is for the protection of aircraft executing instrument procedures; controlled airspace would enhance safety for aircraft operating at both Seamens and Grayce Airports and would not surrogate the operation of Grayce Farms Airport.

List of Subjects in 14 CFR Part 71

Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective upon publication in the **Federal Register** as follows:

§ 71.181 [Amended]

1. Amend § 71.181 of FAR Part 71, Federal Aviation Regulations, by designating a new 700-foot Transition Area as follows:

Factoryville, PA New

That airspace extending upward from 700 feet above the surface within 6-mile radius of the center, 41-35-00N 74-46-00W, of Seamens Field, Factoryville, PA, and including the airspace within 6 miles each side of the Lake Henry ABVORTAC northwest to intercept the Seamens Field 6 mile radius zone, excluding existing 700-foot Transition Areas.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1345(a)); Sec.

6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

Issued in Jamaica, New York, on March 25, 1985.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 85-12174 Filed 5-20-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 84-ACE-14]

Designation of Transition Area—Fredericktown, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at Fredericktown, Missouri to provide controlled airspace for aircraft executing a new instrument approach procedure to the Fredericktown, Missouri Municipal Airport utilizing the Farmington, Missouri VORTAC as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

EFFECTIVE DATE: August 1, 1985.

FOR FURTHER INFORMATION CONTACT: Lewis G. Earp, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-540, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new instrument approach procedure is being developed for the Fredericktown, Missouri Municipal Airport utilizing the Farmington VORTAC as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails designation of a transition area at Fredericktown, Missouri at or above 700 feet above the ground within which aircraft provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and enroute environment. The intended effect of this action is to ensure segregation of aircraft using the new instrument approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A, dated January 2, 1985.

Discussion of Comments

On pages 10978 and 10979 of the **Federal Register** dated March 19, 1985, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Fredericktown, Missouri. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the notice of proposed rulemaking.

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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Sec. 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, by designating the following transition area:

Fredericktown, Missouri

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Fredericktown, Missouri, Municipal Airport (Latitude 37°36'20" N., Longitude 90°17'18" W.); excluding that airspace which overlies the Farmington, Missouri transition area.

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

This amendment becomes effective at 0901 G.m.t. August 1, 1985.

Issued in Kansas City, Missouri, on May 9, 1985.

Murray E. Smith,

Director, Central Region.

[FR Doc. 85-12175 Filed 5-20-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 84-ASO-20]

Alteration of VOR Federal Airways—North Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of VOR Federal Airways V-56, V-290 and V-189 located in the vicinity of Cape Hatteras, NC. The state of North Carolina requested the designation of additional airway segments to support increasing traffic to the Outer Banks area. A change has been made to the description of V-290 between Wright Brothers, NC, Very High Frequency Omni-Directional Radio Range (VOR) and Pamlico, NC, Nondirectional Radio Beacon (NDB). This segment of that airway has been redesignated as Green Federal Airway G-13. The airway has been described utilizing the Manteo, NC, NDB, Hatteras Inlet, NC, NDB, and Pamlico, NC, NDB. This action improves traffic flow in the area and aids flight planning.

EFFECTIVE DATE: 0901 GMT, August 1, 1985.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8628.

SUPPLEMENTARY INFORMATION:

History

On October 18, 1984, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of VOR Federal Airways V-56, V-189 and V-290 located in the vicinity of Cape Hatteras, NC (49 FR 40878). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting of the proposal were received. Except for changing a segment of V-290, rewording of V-56 and editorial changes, this amendment is the same as that proposed in the notice. Sections 71.103 and 71.123 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6A dated January 2, 1985.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the descriptions of V-56, V-189 and V-290 and designates new Federal Airway G-13 located in the vicinity of Cape Hatteras, NC. The state of North Carolina requested the additional airway segments to support the increasing traffic to the Outer Banks real estate/commercial development area. The Dare County Regional Airport, the Billy Mitchell and Ocracoke Island Airports, located in that area, are experiencing growth problems. This action would aid flight planning, improve traffic flow and reduce controller workload.

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. Since this a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

1. The authority citation for Part 71 is revised as follows:

Authority: 49 U.S.C. 1348(a) and 1354(a); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); 14 CFR 11.69; and 49 CFR 1.47.

§ 71.103 [Amended]

2. § 71.103 is amended as follows:

G-13—[New]

From Manteo, NC, NDB; via INT Manteo NDB 139° bearing and Hatteras Inlet, NC, 029° bearing; Hatteras Inlet; to Pamlico, NC, NDB.

§ 71.123 [Amended]

3. § 71.123 is amended as follows:

V-56—[Amended]

By adding the words "From INT New Bern 042° radial and Hatteras Inlet, NC, NDB 304° bearing; to Hatteras Inlet."

V-189—[Amended]

By removing the words "From Tar River, NC," and substituting the words "From Wright Brothers, NC, via Tar River, NC;" after "Hopewell, VA." add the words "The airspace within R-5302 and R-5314 is excluded."

V-290—[Revised]

From Rainelle, WV, via Montebello, VA; to Flat Rock, VA. From Franklin, VA; Elizabeth City, NC; to Wright Brothers, NC. From Pamlico, NC, NDB, via INT Pamlico 323° bearing and Tar River, NC, 109° radial; to Tar River.

Issued in Washington, D.C., on May 14, 1985.

James Burns, Jr.,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 85-12173 Filed 5-20-85; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 239

Guides Against Deceptive Advertising of Guarantees; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects a Commission document previously published in the **Federal Register** on Wednesday, May 1, 1985. Section 239.2 of the Final Revision of the Guides published on that date contained examples of sample disclosures in warranty or guarantee advertising that should have been highlighted. Section 239.2 is reprinted here with the sample disclosures highlighted. A few minor typographical corrections are also included.

EFFECTIVE DATE: The correction is effective May 21, 1985.

FOR FURTHER INFORMATION CONTACT: Allen Hile, Attorney, Division of Marketing Practices, 6th St. and Pa. Ave. NW., Washington, D.C. 20580 (202) 523-1670.

SUPPLEMENTARY INFORMATION: In FR Doc. 85-10448, appearing in the **Federal Register** issue for Wednesday, May 1, 1985, 50 FR 18462, the following corrections should be made.

On page 18462, 1st column 9th line in the **"SUMMARY"**, the word "of" should read "or". On page 18470, 1st column, 5th line in § 239.1, the word "or" should read "of".

Also on page 18470, 2nd column, § 239.2 should have contained highligbted disclosures in the "Examples". For the sake of clarity, the entire § 239.2 is reprinted below with the proper sections highlighted.

§ 239.2 Disclosures in Warranty or Guarantee Advertising.

(a) If an advertisement mentions a warranty or guarantee that is offered on the advertised product, the advertisement should disclose, with such clarity and prominence as will be noticed and understood by prospective purchasers, that prior to sale, at the place where the product is sold, prospective purchasers can see the written warranty or guarantee for complete details of the warranty coverage.[1]

Examples: The following are examples of disclosures sufficient to convey to prospective purchasers that, prior to sale, at the place where the product is sold, they can see the written warranty or guarantee for complete details of the warranty coverage. These examples are for both print and broadcast advertising. These examples are illustrative, not exhaustive. In each example, the portion of the advertisement that mentions the warranty or guarantee is in regular type and the disclosure is in italics.

A. "The XYZ washing machine is backed by our limited 1 year warranty. *For complete details, see our warranty at a dealer near you.*"

B. "The XYZ bicycle is warranted for 5 years. *Some restrictions may apply. See a copy of our warranty wherever XYZ products are sold.*"

C. "We offer the best guarantee in the business. *Read the details and compare wherever our fine products are sold.*"

[1] In television advertising, the Commission will regard any disclosure of the pre-sale availability of warranties as complying with this Guide if the advertisement makes the necessary disclosure simultaneously with or immediately following the warranty claim and the disclosure is made in the audio portion, or, if in the video portion, it remains on the screen for at least five seconds.

D. *"See our full 2 year warranty at the store nearest you."*

E. "Don't take our word—take our warranty. *See our limited 2 year warranty where you shop."*

(b) If an advertisement in any catalogue, or in any other solicitation [2] for mail order sales or for telephone order sales mentions a warranty or guarantee that is offered on the advertised product, the advertisement should disclose, with such clarity and prominence as will be noticed and understood by prospective purchasers, that prospective purchasers can obtain complete details of the written warranty or guarantee free from the seller upon specific written request or from the catalogue or other solicitation (whichever is applicable).

Examples: The following are examples of disclosures sufficient to convey to consumers how they can obtain complete details of the written warranty or guarantee prior to placing a mail or telephone order. These examples are illustrative, not exhaustive. In each example, the portion of the advertisement that mentions the warranty or guarantee is in regular typeface and the disclosure is in italics.

A. "ABC quality cutlery is backed by our 10 year warranty. *Write to us for a free copy at: (address)."*

B. "ABC power tools are guaranteed. *Read about our limited 90 day warranty in this catalogue."*

C. *"Write to us for a free copy of our full warranty.* You'll be impressed how we stand behind our product."

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 85-12154 Filed 5-20-85; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 85-87]

Customs Regulations Amendment Adding Ireland and Sweden to List of Countries Whose Pleasure Vessels Are Entitled To Be Issued U.S. Cruising Licenses

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by adding Ireland and Sweden to the list of countries whose pleasure vessels may be issued U.S. cruising licenses. Customs has been informed that yachts used and employed exclusively as pleasure vessels belonging to any resident of the U.S. are allowed to arrive at and depart from ports of both those countries and cruise in the waters of both countries without being subjected to formal entry and clearance procedures. Therefore, Customs is extending reciprocal privileges to pleasure vessels belonging to any resident of Ireland or Sweden.

EFFECTIVE DATE: These privileges became effective for Ireland on April 1, 1985, and for Sweden on April 23, 1985.

FOR FURTHER INFORMATION CONTACT: Concerning Ireland—John Mathis, concerning Sweden—Erwin Adler, both in the Carriers, Drawback and Bonds Division (202-566-5706), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION: Section 4.94(a), Customs Regulations (19 CFR 4.94(a)), provides that U.S. vessels documented as yachts, used exclusively for pleasure, not engaged in any trade, and not violating the customs or navigation laws of the U.S. may proceed from port to port in the U.S. or to foreign ports without entering and clearing, as long as they have not visited hovering vessels.

Generally, foreign-flag yachts entering the U.S. are required to comply with the laws applicable for foreign vessels arriving at, departing from, and proceeding between ports of the U.S. However, as provided in § 4.94(b), Customs Regulations (19 CFR 4.94(b)), pleasure vessels from certain countries may be issued cruising licenses which exempt them from formal entry and clearance procedures (e.g., filing manifests, obtaining permits to proceed and paying entry and clearance fees) at all but the first port of entry in the U.S. Yachts or pleasure vessels not carrying passengers or merchandise in trade are exempt from paying tonnage tax and light money in any case pursuant to §4.21(b)(5), Customs Regulations (19 CFR 4.21(b)(5)). Cruising licenses are available to pleasure vessels of countries which extend reciprocal privileges to U.S. pleasure vessels. A list of these countries is set forth in § 4.94(b).

By letter dated March 27, 1985, the Embassy of Ireland informed Customs Headquarters that the Government of Ireland permits yachts used and employed exclusively as pleasure vessels and belonging to any resident of the U.S., to arrive at and depart from ports of Ireland and cruise the waters of Ireland without entering and clearing Irish Customs, and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes or charges for cruising licenses. The Carriers, Drawback and Bonds Division of Customs is of the opinion that satisfactory evidence has been furnished to establish the reciprocity required in § 4.94(b). Therefore, on April 5, 1985, the Director of that division determined that, effective retroactively to April 1, 1985, Ireland should be added to the list of countries set forth in § 4.94(b).

By letter dated April 19, 1985, the Embassy of Sweden informed Customs Headquarters that the Government of Sweden permits yachts used and employed exclusively as pleasure vessels and belonging to any resident of the U.S., to arrive at and depart from ports of Sweden and cruise the waters of Sweden without entering and clearing Swedish Customs, and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes or charges for cruising licenses. The Carriers, Drawback and Bonds Division of Customs is of the opinion that satisfactory evidence has been furnished to establish the reciprocity required in § 4.94(b). Therefore, on May 8, 1985, the Director of that division determined that, effective retroactively to April 23, 1985, Sweden should be added to the list of countries set forth in § 4.94(b).

By virtue of the authority vested in the President by section 5 of the Act of May 28, 1908, 35 Stat. 425, as amended (46 U.S.C. 104), the President has delegated the authority to issue these cruising licenses to the Secretary of the Treasury by E.O. 10289, September 17, 1951. By Treasury Department Order 165-25, the Secretary of the Treasury delegated authority to the Commissioner of Customs to prescribe regulations relating to § 4.94(b) and other sections of the Customs Regulations relating to lists of countries entitled to preferential treatment in Customs matters because of reciprocal privileges accorded to vessels and aircraft of the U.S. Subsequently, by Customs Delegation Order No. 66 (T.D. 82-201), dated October 13, 1982, the Commissioner delegated authority to issue these cruising licenses and to amend this section to the Assistant Commissioner (Commercial Operations), who redelegated this authority to the Director, Office of Regulations and Rulings, who then redelegated it to the Director, Regulations Control and Disclosure Law Division.

Finding

On the basis of the information received from the Embassies of Ireland and Sweden, as described above, it has been determined that the U.S. is in

[2] *See* note 1.

possession of satisfactory evidence regarding the passage of U.S. pleasure vessels through the ports and waters of Ireland and Sweden without their being subjected to formal entry and clearance procedures. Therefore, Ireland and Sweden are added to the list of countries whose pleasure vessels may be issued U.S. cruising licenses.

Authority Citations

This document is the first occasion for Customs to amend a section within Part 4, Customs Regulations (19 CFR Part 4), since the Administrative Committee of the Federal Register amended publication policies and procedures for authority citations on March 28, 1985, (50 FR 12462). Accordingly, this document amends the authority citations for 19 CFR Part 4.

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely implements a statutory requirement and involves a matter in which the majority of the public is not particularly interested, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary. Further, for the same reasons good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(d)(1).

The Regulatory Flexibility Act

This document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) That Act does not apply to any regulation such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Executive Order 12291

This amendment does not meet the criteria for a major regulation as defined in section 1(b) of E.O. 12291. Accordingly, a major impact analysis is not required.

Drafting Information

The principal author of this document was John E. Doyle, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 4

Customs inspection and duties, Imports, Vessels, Yachts.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The authority citation for Part 4, Customs Regulations (19 CFR Part 4), is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1624; 46 U.S.C. 3, 2103;

Section 4.1 also issued under 46 U.S.C. 163;
Section 4.2 also issued under 19 U.S.C. 1433, 1441, 1486;
Section 4.3 also issued under 19 U.S.C. 288, 1434, 1435, 1441, 46 U.S.C. 111;
Section 4.5 also issued under 19 U.S.C. 1441;
Section 4.6 also issued under 19 U.S.C. 1585;
Section 4.7 also issued under 19 U.S.C. 1431, 1439, 1465, 1581(a), 1583, 46 U.S.C. 883a, 883b;
Section 4.7 also issued under 19 U.S.C. 1431, 1432, 1439, 1465, 1498, 1584, 46 U.S.C. 674;
Section 4.8 also issued under 19 U.S.C. 1448, 1486;
Section 4.9 also issued under 19 U.S.C. 1434, 1435, 42 U.S.C. 269, 46 U.S.C. 677;
Section 4.10 also issued under 19 U.S.C. 1448, 1451;
Section 4.12 also issued under 19 U.S.C. 1440, 1584;
Section 4.14 also issued under 19 U.S.C. 1466, 1498;
Section 4.15 also issued under 46 U.S.C. 310;
Section 4.16 also issued under 19 U.S.C. 1435b;
Section 4.20 also issued under 46 U.S.C. 77, 81, 83–83k, 121, 128, 8103;
Section 4.21 also issued under 19 U.S.C. 1441; 46 U.S.C. 121–125, 128, 129, 132, 135;
Section 4.22 also issued under 46 U.S.C. 121, 128, 141;
Section 4.24 also issued under 46 U.S.C. 2108;
Section 4.30 also issued under 19 U.S.C. 288, 1446, 1448, 1450–1454, 1490;
Section 4.31 also issued under 19 U.S.C. 1453, 1586;
Section 4.32 also issued under 19 U.S.C. 1449;
Section 4.35 also issued under 19 U.S.C. 1447;
Section 4.36 also issued under 19 U.S.C. 1431, 1457, 1458; 46 U.S.C. 100;
Section 4.37 also issued under 19 U.S.C. 1448, 1457, 1490;
Section 4.38 also issued under 19 U.S.C. 1448, 1505;
Section 4.39 also issued under 19 U.S.C. 1432, 1446;
Section 4.40 also issued under 19 U.S.C. 1448;
Section 4.50 also issued under 19 U.S.C. 1431;
Section 4.65a also issued under 46 U.S.C. 86–86i, 88–88g;
Section 4.66 also issued under 46 U.S.C. 91;
Section 4.66a also issued under 33 U.S.C. 1321, 46 U.S.C. 91;
Section 4.66b also issued under 33 U.S.C. 407, 1321;
Section 4.68 also issued under 46 U.S.C. 674, 817d, 817e;
Section 4.74 also issued under 46 U.S.C. 91;
Section 4.75 also issued under 46 U.S.C. 91;
Section 4.80 also issued under 46 U.S.C. 13, 251, 289, 319, 802, 808, 883, 883–1;
Section 4.81 also issued under 19 U.S.C. 1433, 1439, 1442, 1443, 1444, 1486; 46 U.S.C. 251, 313, 314, 883;
Section 4.81a also issued under 46 U.S.C. 883;
Section 4.82 also issued under 19 U.S.C. 293, 294; 46 U.S.C. 123;
Section 4.83 also issued under 46 U.S.C. 91, 111, 123;
Section 4.84 also issued under 19 U.S.C. 1433, 1435, 1437; 46 U.S.C. 91, 313, 314, 883–1;
Section 4.85 also issued under 19 U.S.C. 1439, 1442, 1443, 1444, 1623;
Section 4.86 also issued under 19 U.S.C. 1442, 1443, 1444;
Section 4.88 also issued under 19 U.S.C. 1442, 1622, 1623;
Section 4.93 also issued under 19 U.S.C. 1322(a), 46 U.S.C 683;
Section 4.94 also issued under 19 U.S.C. 1433, 1434, 1435, 1441, 46 U.S.C. 91, 104, 313, 314;
Section 4.98 also issued under 31 U.S.C. 9701;
Section 4.100 also issued under 19 U.S.C. 1706.

2. All other statutory authority cited at the end of various sections in Part 4 are removed.

§ 4.94 [Amended]

3. Section 4.94(b), Customs Regulations (19 CFR 4.94(b)), is amended by inserting, in appropriate alphabetical order, the word, "Ireland", and the word, "Sweden", to the list of countries whose yachts or pleasure vessels may be issued U.S. cruising licenses.

Dated: May 10, 1985.

Marvin M. Amernick,

Acting Director, Regulations Control & Disclosure Law Division.

[FR Doc. 85–11849 Filed 5–20–85; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Reg. No. 4]

Federal Old-Age, Survivors, and Disability Insurance Benefits—Deductions; Reductions, and Nonpayment of Benefits; and Determinations, Administrative Review Process, and Reopening of Determination and Decisions; Correction

AGENCY: Social Security Administration, HHS.

ACTION: Final rules; correction.

SUMMARY: On October 22, 1984, we published a final rule in the Federal Register (49 FR 41244) implementing provisions of Pub. L. 97–455 and Pub. L. 98–21 concerning reduction of Social Security benefits of a spouse who is receiving a Government pension. When preparing this final rule, we created a new paragraph (d) in § 404.408a, but failed to account for the existing paragraph (d). As a result, it was deleted from this section. We are hereby revising the amendatory language to state that the existing paragraph (d) is redesignated as paragraph (e) with no change in the wording.

On May 29, 1984, we published a final rule (49 FR 22268) implementing section 303 of Pub. L. 96–265, which provides a 15-month reentitlement period for disabled beneficiaries who have completed 9 months of trial work. When preparing the final rule, we made an editorial correction to the introductory statement in § 404.902, but failed to note that change in the preamble or in the amendatory language. We are hereby revising the amendatory language to state that in the third sentence of the introductory statement the word "dependents' " is being removed and the word "survivors' " and "disability" are being interchanged.

FOR FURTHER INFORMATION CONTACT: Jack Schanberger, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–6785.

1. In **Federal Register** document 84–27767, appearing in the **Federal Register** of October 22, 1984, pages 41244–46, we are revising the amendatory language in item 3 on page 41245, column 3, to read as follows:

"3. Section 404.408a is amended in paragraph (a) by revising the first and last sentences and adding a new sentence after the first sentence, by redesignating paragraphs (b)(1) as (b)(2) and (b)2) as (b)(1), by adding a new paragraph (b)(3), by adding a new paragraph (c), and by redesignating the materials now in paragraph (c) as (d)(3), by adding new paragraphs (d)(1), (d)(2), and (d)(4), and by redesignating the existing paragraph (d) as (e)."

2. In **Federal Register** document 84–14232, appearing in the **Federal Register** of May 29, 1984, pages 22268–75, as corrected by **Federal Register** document 84–26008, appearing in the **Federal Register** of October 2, 1984, page 38935, amendatory item number 10 on page 22272, column one, is further corrected to read as follows:

"10. Section 404.902 is amended by deleting the word "dependents' " from the third sentence of the introductory statement, and interchanging the words "survivors' " and "disability", and by revising paragraphs (r) and (s), and by adding a new paragraph (t), to read as follows. The introductory text of the section (as revised) and paragraph (q) are reprinted for the convenience of the reader."

Dated: May 14, 1985.

Wallace O. Keene,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 85–12168 Filed 5–20–85; 8:45 am]

BILLING CODE 4190–11–M

PEACE CORPS

22 CFR Part 307

Standards of Conduct

AGENCY: Peace Corps.

ACTION: Final rule.

SUMMARY: On December 20, 1983 the Peace Corps issued a final rule setting forth the Peace Corps Standards of Conduct. The Standards of Conduct, 22 CFR Part 307, were published in the **Federal Register**, Volume 48, Number 245 beginning on page 56206. This document amends § 307.735–401 paragraph (b) to reflect the correct titles and offices of assignment and to reiterate the requirement that experts and consultants must file a "Statement of Employment and Financial Interests."

EFFECTIVE DATE: May 21, 1985.

FOR FURTHER INFORMATION CONTACT: Randi J. Greenwald, Assistant General Counsel, Peace Corps, 806 Connecticut Avenue, NW., Room M–1207, Washington, D.C. 20526. Telephone 202–254–3114.

SUPPLEMENTARY INFORMATION: When the Standards of Conduct final rule was published, the Peace Corps was in the process of classifying positions. Also, in the interim, reorganizations have taken place. Section 307.735–401(b) is amended to reflect the correct titles and offices of assignment. Also, the words "and by all special empoyees (experts and consultants)" have been added to the last line of paragraph(b) to reiterate the requirement that experts and consultants must file a "Statement of Employment and Financial Interests."

List of Subjects in 22 CFR Part 307

Political activities, (Government Employees) Conduct standards, Ethical conduct, Financial disclosure, Government employees, Conflicts of interest.

PART 307—[AMENDED]

22 CFR Part 307 is amended as follows:

1. The authority citation for Part 307 continues to read:

Authority: E.O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR 1964–1965, Supp. 306; 5 CFR Part 735.

2. Section 307.735–401 is amended by revising paragraph(b) as follows:

§ 307.735–401 Submission of statements.

* * * * *

(b) Statements shall be submitted by employees who occupy the following positions which influence or are perceived to influence the planning, design, award, monitoring, and evaluation of Peace Corps procurements of goods and services, and by all special employees (expert and consultants).

Office of the Director

Director of Peace Corps
Deputy Director of Peace Corps
Executive Assistant
Confidential Assistant

Office of Private Sector Development

Director of Private Sector Development
Peace Corps Partnership Specialist

General Counsel

General Counsel
Associate General Counsel
Associate General Counsel

Office of Public Affairs

Director of Public Affairs
Press Officer (Supervisory Public Affairs Specialist)

Office of Congressional Relations

Legislative Liaison Officer (Director)

Office of Associate Director for Marketing, Recruitment, Placement, and Staging

Associate Director For MRPS
Special Assistant
Aministrative Officer

Office of Placement

Director of Placement

Office of Staging

Director of Staging
Supervisory Staging and Orientation Specialist
Staging and Orientation Specialist

Office of Recruitment

Director of Recruitment

Service Centers

Regional Service Center Director
Administrative Officer
Area Volunteer Recruitment Officer

Office of Marketing

Director
Visual Information Officer
Public Information Specialist
Communications Specialist
Audio-Visual Advertising Specialist
Supervisory Communications Operations Specialist

Office of Associate Director for International Operations

Associate Director, International Operations
Administrative Officer
Supervisory Budget Analyst
Supervisory Training Specialist
Confidential Assistant

Office of Training and Program Support

Director
Chief of Operations
Water Sanitation Program Specialist
Agriculture Program Specialist
Fisheries Program Specialist
Health Program Specialist
Forestry Program Specialist

Energy Program Specialist
Literacy/Adult Education Program Specialist
Education Program Specialist
Small Enterprise Development Coordinator
Women in Development Coordinator
Program Support Director
ICE Coordinator
Special Assistant to the Director
Training Support Director
Associate Training Specialist
Printing/Procurement Assistant
Stateside Training Contracts Coordinator
Administrative Liaison Officer

Africa Operations

Director
Assistant to the Director
Chief of Operations
Deputy Chief of Operations
Chief, Regional Training Programs
Director, RTRO
Administrative Rover
Training Specialist
Special Assistant
Country Desk Officer
Peace Corps Country Director
Deputy Peace Corps Country Director
Associate Peace Corps Director, Administration

Inter-America Operations

Director
Chief of Operations
Caribbean Basin Program Coordinator
Administrative Liaison Officer
Program Training Officer
Special Assistant
Country Desk Officer
Peace Corps Country Director
Deputy Peace Corps Director
Associate Peace Corps Director, Administration

NANEAP Operations

Director
Chief of Operations
Special Assistant
Program Training Officer
Administrative Liaison Officer
Country Desk Officer
Peace Corps Country Director
Deputy Peace Corps Country Director
Associate Peace Corps Director, Administration

Office of Associate Director for Management

Associate Director for Management
Assistant to the Associate Director for Management
Administrative Officer
Personnel Security Officer
Personnel Security Specialist

Office of Special Services

Special Services Director
Deputy Director of Special Services
Supervisory Special Services Specialist

Office of Compliance

Compliance Office Director
Investigator
Supervisory Inspector
Auditor
Equal Employment Manager

Office of Planning, Assessment and Management Information

Program Analysis Officer (Director)
Supervisory Management Analyst
Management Analyst
Computer Specialist
Evaluation Specialist

Office of Personnel Management

Director of Personnel
Labor Relations Specialist

Personnel Operations Division

Supervisory Personnel Staffing and Classification Specialist
Supervisory Personnel Management Specialist
Employee Relations Specialist
Employee Development Specialist

Office of Financial Management

Financial Manager (Director)
Director of Budget Division
Accounting Officer
Supervisory Operating Accountant
Systems Accountant
Certifying Officer
Contracts Director
Contracts Negotiator
Contracts Administrator
Purchasing Agent

Administrative Services Office

Administrative Services Officer (Director)
Administrative Services Manager
Supervisory Computer Specialist
Director of General Services and Communications (Support Services Supervisor)
Supervisory Management Analyst
Management Analyst
Supervisory Communications Specialist
Traffic Manager
Chief Librarian
Printing Officer
Communications Specialist
Support Services Specialist
Property and Medical Supply Management Specialist

Office of Medical Services

Health Services Officer
Medical Officer
Supervisory Occupational Health Nurse
Supervisory Health Benefits Analyst

Signed at Washington, D.C. on May 2, 1985.

Loret Miller Ruppe,

Director.

[FR Doc. 85-11945 Filed 5-20-85; 8:45 am]

BILLING CODE 6051-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203, 213, 234, and 235

[Docket No. R-85-1094; FR-1590]

Second Mortgages or Liens on Properties With FHA-Insured Mortgages; Escrow Accounts Associated With Interest Buy-Downs

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

ACTION: Final rule.

SUMMARY: This final rule adopts, with some revisions, a proposed rule to liberalize the use of junior mortgages on single-family dwellings with first mortgages insured by HUD.

The Department currently permits inferior liens on these dwellings to secure secondary financing made, insured, or held by a governmental agency. This policy is now extended, as the proposed rule advised, to non-governmental entities, but with limitations designed to protect the borrower and HUD.

EFFECTIVE DATE: July 8, 1985.

FOR FURTHER INFORMATION CONTACT: Brian J. Chappelle, Director, Single Family Development Division, Room 9270, 451 Seventh Street, S.W. Washington, D.C. 20410. Telephone number (202) 755-6720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Summary of the Proposed Rule

The proposed rule enunciated an expanded policy with respect to the use of secondary financing on one- to four-family dwellings with HUD-insured mortgages. The rule would permit second mortgages on these HUD-insured properties—a policy currently applicable only to governmental mortgagees—to be executed in favor of non-governmental mortgagees.

The proposed rule, briefly summarized here, provided that a second mortgage could be given to a non-governmental mortgagee under the following conditions: (1) The first and second mortgages together do not exceed HUD's applicable maximum loan-to-value ratio and the maximum mortgage amount for the area; (2) the sum of required payments under the insured first

mortgage and the second mortgage is not more than the mortgagor's reasonable ability to pay, as determined by the Federal Housing Commissioner; (3) the second mortgage does not require a balloon payment before ten years; (4) any periodic payments made under the second mortgage are made on a monthly basis and are substantially the same in amount; (5) the interest rate on the second mortgage does not exceed the rate on the insured first mortgage; and (6) the borrower is permitted to prepay the second mortgage without penalty. The proposed rule has been largely adopted in this rulemaking, except that of these six conditions, conditions #3 and #6 have been amended and condition #5 has been deleted in this final rule.

The rule also informed that the Department had recently revised its policy on interest buy-downs. The revised policy incorporated in the proposed rule reflected the Department's decision that escrowed funds used in an interest buy-down transaction were no longer to be considered as an "inducement to purchase" the property, thus reducing the acquisition cost.

Public Comment

The proposed rule, published in the Federal Register of April 10, 1984 (49 FR 14113), invited comments from the public for a period of 60 days, ending June 10, 1984. Eleven comments were received, with ten commenters opposing at least one provision of the proposed rule.

Seven commenters objected to the provision that would limit the interest rate on the second mortgage to that of the first mortgage. The objectors argued that such a limitation would effectively reduce the number of lenders that would advance secondary financing under the program. The objectors also contended that the limitation ignores both the risks inherent in secondary financing and the market conditions that make such financing critical as a means to expand opportunities for homeownership.

The Department has reconsidered the need for the proposed limitation on the interest rate on the second mortgage and has determined that the limitation should not be included in the final rule. Accordingly, proposed § 203.32(c)(3), § 213.520(c)(3), and § 234.55(c)(3), along with the proposed like paragraphs at § 203.32(d)(1)(ii), § 213.520(d)(1)(ii), and § 234.55(d)(1)(ii), have not been adopted. (With the removal of these paragraphs, the remaining paragraphs have been appropriately redesignated.)

Several comments were received on paragraph (c)(4) (now (c)(3)) of §§ 203.32, 213.520 and 234.55, which provides that the sum of the principals of the two mortgages cannot exceed the loan-to-value limitation applicable to the insured mortgage; and cannot exceed the maximum mortgage limit for the area.

Opposition to this provision centered on its restrictiveness, which, commenters claim, results in a large percentage of homes being excluded from FHA financing. According to the comments, the intended effect of the rule is vitiated, especially in high-cost areas, by the rule's restricting the aggregate of the first and second mortgages to HUD's loan-to-value and maximum mortgage limits. (However, one commenter did favor applying the loan-to-value limitation to the total of the first and second mortgages.) The dissenting commenters contend that a more realistic approach would not constrain approval of secondary financing on the basis of loan-to-value limits, but on the mortgagor's reasonable ability to meet his or her loan obligations.

While the rule may be restrictive, the limitations opposed by the commenters are mandated, for insured mortgages, under the various insurance programs of the National Housing Act (NHA). See, *e.g.*, 12 U.S.C. 1709(b). These statutory limits are intended, among other things, to ensure that affordable housing is made available to certain income groups that may not qualify for conventional financing. If, however, the mortgage limits were not applied to the insured loan plus the second mortgage, the Department would be insuring mortgages on property that, on purchase, would be carrying indebtedness that exceeds the statutory maximum mortgage limits. What this would mean is that the insurance programs would be serving income groups beyond those that the NHA was designed to reach. To avoid just such a result, the rule is not designed to allow borrowers to qualify to purchase property that is priced above the maximum mortgage limits. Rather, the rule's intent is to facilitate homebuying by borrowers who may not be able to purchase without giving a second mortgage, but whose total housing debt remains within the maximum mortgage limits.

In this connection, the Department wishes to clarify the different functions of the two types of mortgages described in the rule. Clarification is apparently necessary in view of some of the comments that seemingly viewed the two types of mortgages as being indistinguishable.

Those mortgages covered under paragraph (c) of each of the affected sections are to be distinguished from those to which paragraph (d) applies. In both cases, a second or junior mortgage is involved. However, paragraph (c) prohibits these mortgages from exceeding the loan-to-value and maximum mortgage limits, because their repayment is concurrent with payment on the insured mortgage. Thus, the borrower who, in order to qualify to purchase a home, would enter into this type of transaction may be obligated to service a mortgage debt that is larger than the National Housing Act contemplates—the inevitable consequence of allowing the purchase of a dwelling with a selling price that exceeds the mandatory mortgage ceilings. The rule is structured to prevent this result. Moreover, a paragraph (c) mortgage is the usual type of second mortgage in which the debt is collateralized by the homeowner's equity in the house. In contrast, a junior mortgage under paragraph (d)(1) is not required to be repaid until sale or refinancing of the insured mortgage, and is specifically given to secure funds to be used to reduce the mortgagor's monthly payments—in effect, allowing the mortgagor to qualify for an insured mortgage that he or she would not otherwise be able to afford. (Nonetheless, the mortgage, as provided in paragraph (d)(2), cannot exceed the maximum mortgage limits.)

In this regard also, the Department rejects the contention that the subordination of the second mortgage to the insured first mortgage should assuage HUD's concerns about the mortgagor's ability to repay the two mortgage loans. HUD's concern is not limited to the protection of the insurance fund. It extends to promoting sound lending practices, including lender compliance with loan-to-value ratios, to ensure that mortgagors do not become overburdened with debt. In any event, the insurance fund would be more at risk to the extent that there are mortgagors with heavily leveraged homes or with minimal equity or negative equity in their homes.

In the proposed rule of April 10, 1984, it was stated that HUD was considering extending the restrictions set forth in the rule to second mortgages provided by governmental entities, except for the restriction on loan-to-value ratios and maximum insurable amounts. The preamble continued that "The Department particularly solicits comments concerning this issue, * * *." 49 FR at 14113. Extension of these restrictions to government-financed second mortgages was strongly opposed on the grounds that it would impair the effectiveness of a State program designed to aid first-time buyers.

The Department has determined that it is not necessary to impose these restrictions on second mortgages held by governmental entities. HUD fully supports State housing programs that

create expanded homeownership opportunities for their citizens. Continuation of a non-restrictive policy, the Department believes, is more consistent with the intent of section 528 of the NHA (12 U.S.C. 1735f–6), relating to secondary mortgages on insured properties given to a governmental instrumentality.

The provision in paragraph (c)(5) of each of the affected sections (now paragraph (c)(4)) that prohibits a balloon payment in the first ten years of the second mortgage drew two comments. Both comments recommended a shorter period of from three to five years, which, they argued, is more consistent with industry practice, including the Federal National Mortgage Association (Fannie Mae) second mortgage purchase programs. The commenters asserted that first-time homebuyers usually turn over their homes within five years and that the ten-year period would discourage lender participation in the program.

The Department has decided to retain the ten-year provision in the final rule, but has added language that would allow a different period, at the discretion of the Commissioner. The Department believes that the ten-year limitation is necessary for the protection of some borrowers. HUD also recognizes, however, that for some borrowers a shorter period may not result in financial hardship. Thus, the final rule permits the Commissioner to approve a different period, if, in the Commissioner's opinion, it is warranted under the circumstances.

Several commenters raised issues or sought clarification with respect to the interest buy-down provisions.

One commenter questioned why the rule omitted a reference to "permanent buy-downs". The rule does not specifically use the term "permanent buy-downs", described by the commentor as occurring "when a seller pays to an investor in mortgages, an amount of money sufficient to reduce the interest rate on a mortgage by a specific amount for the full term of the mortgage." The language of paragraph (d)(1) has been revised to omit the phrase "in the early years" and is now broad enough to admit of an interest buy-down transaction of the type described in this comment.

One comment suggested that paragraph (c)(5) of the proposed rule neither allows nor prohibits mandatory repayment of a second mortgage upon sale or refinancing of the secured property, if sale or refinancing occurs before ten years. The commenter asked whether, on sale of the property, the new buyer would "automatically receive the second mortgage." This was not the intent of this provision. The ambiguity has been removed by the addition of permissive due-on-sale language in what is now paragraph (c)(4).

This same commenter posed a hypothetical situation in which a buyer pays off the second mortgage loan of, for example, $2,000 in the second year of the loan. In the following year, with a falling market, the buyer sells the house for more than the balance of the FHA-insured loan but less than the original purchase price of the home. Had the buyer not paid off the $2,000 second mortgage loan, applying the formula under paragraph (d)(1)(ii), the payoff on the second mortgage would be less than $2,000. The question that arises is whether the buyer could "recover the remainder of the repaid funds" (*i.e.*, the difference between the $2,000 paid off and such lesser amount as the buyer would have been responsible for under paragraph (d)(1), if the second loan had not been paid off early). The answer is no. The buyer could not recover any of the repaid funds. In the case of voluntary prepayments, as in the foregoing example, the restrictions set forth in paragraph (d)(1)(ii) do not apply. The final rule is amended in paragraph (d)(1)(iii) to make this plain.

A comment from a realty group asserted that "buy-down seconds could easily be structured [so that with] borrower income growth . . . repayment [could] begin after a period of five years or so." Paragraph (d)(1)(iii) of the final rule permits unrestricted prepayment of seconds. This is the only buy-down variation that the Department is implementing. Consequently, the paragraph remains unchanged in the final rule from its proposed version, except for its redesignation as paragraph (iii).

A commenter asked whether the term "non-governmental entities" includes individuals. The answer is yes. The term does include individuals.

A recommendation from a commenter urged the Department to include the one-time premium when calculating the loan-to-value ratio of the combined first and second mortgages.

The one-time premium will not be included in the calculation of the loan-to-value ratio. The exclusion is authorized under the final rule "One-Time Mortgage Insurance Premium" issued on June 23, 1983 (48 FR 28793). As explained in that rule, section 201 of the 1982 Omnibus Budget Reconciliation Act authorized the Department to "increase the otherwise determined maximum dollar mortgage amounts by the amount of the one-time premium and exclude the premium amount from cost of acquisition for purposes of determining minimum downpayment requirements." The exclusion of the premium from the loan-to-value calculation is therefore consistent with the above-cited rule. (*See also*, 49 FR 12693, 12694, March 30, 1984.)

Findings and Certifications

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, at the address set forth above.

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

This rule is listed under agenda number H–84–82, Item No. 36 in the Department's Semiannual Agenda of Regulations published on October 22, 1984 (49 FR 41700), under Executive Order 12291 and the Regulatory Flexibility Act.

The following numbers identify the program, as listed in the catalog of Federal Domestic Assistance, affected by this regulation change.

Section 203(b) = 14.117 Mortgage Insurance—Home
= 14.118 Mortgage Insurance—Homes for Certified Veterans
Section 213(b) = 14.126 Mortgage Insurance—Management Type Cooperative Projects
Section 234(c) = 14.133 Mortgage Insurance—Purchase of Units in Condominiums
Section 245(a) and (b) = 14.159 Section 245 Graduated Payment Mortgage Program

In accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. While the rule will provide a benefit to buyers and sellers of single family housing, some of whom may constitute small entities, it is

not expected that the economic impact of the rule on them will be significant.

List of Subjects

24 CFR Part 203

Home improvement, loan programs: Housing and community development, Mortgage insurance, Solar energy.

24 CFR Part 213

Mortgage insurance, Cooperatives.

24 CFR Part 234

Condominiums, Mortgage insurance, Homeownership, Project, Units.

24 CFR Part 235

Condominiums, Cooperatives, Low and moderate income housing; Mortgage insurance, Homeownership, grant programs: housing and community development.

Accordingly, 24 CFR Parts 203, 213, 234, and 235 are amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS

1. The authority citation for 24 CFR Part 203 is revised to read as set forth below and any authority citation following any section in Part 203 is removed:

Authority: Sections 203 and 211, National Housing Act, (12 U.S.C. 1709, 1715b).

2. In § 203.32, paragraph (a) is revised and new paragraphs (c) and (d) are added, to read as follows:

§ 203.32 Mortgage lien.

(a) Except as otherwise provided in this section, a mortgagor must establish that, after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage, and that there will not be outstanding any other unpaid obligations contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations that are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

* * * * *

(c) With the prior approval of the Commissioner, the mortgaged property may be subject to a second mortgage held by a mortgagee that is not a Federal, State or local governmental agency or instrumentality. Unless the mortgage is for the purpose described in paragraph (d) of this section, it shall meet the following requirements:

(1) The required monthly payments under the insured mortgage and the second mortgage shall not exceed the mortgagor's reasonable ability to pay, as determined by the Commissioner;

(2) Periodic payments, if any, shall be collected monthly and be substantially the same;

(3) The sum of the principal amount of the insured mortgage and the second mortgage shall not exceed the loan-to-value limitation applicable to the insured mortgage, and shall not exceed the maximum mortgage limit for the area;

(4) The repayment terms shall not provide for a balloon payment before ten years, or for such other term as the Commissioner may approve, except that the mortgage may become due and payable on sale or refinancing of the secured property covered by the insured mortgage; and

(5) The mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part at any time, and shall not provide for the payment of any charge on account of such prepayment.

(d)(1) With the prior approval of the Commissioner, the mortgaged property may be subject to a junior (second or third) mortgage securing the repayment of funds advanced to reduce the mortgagor's monthly payments on the insured mortgage following the date it is insured, if the junior mortgage meets the following requirements:

(i) The junior mortgage shall not provide for any payment of principal or interest until the property securing the junior mortgage is sold or the insured mortgage is refinanced, at which time the junior mortgage shall become due and payable;

(ii) The total amount of repayments under the junior mortgage shall not exceed the least of:

(A) One-half of the mortgagor's equity interest in the property at the time of sale or refinancing;

(B) Three times the amount of funds advanced to effect the interest rate buy-down; or

(C) The sum of the original loan amount plus the total accrued interest on the junior mortgage at the time of repayment; and

(iii) The junior mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part at any time, and shall not provide for the payment of any charge on account of such prepayment. Any full or partial prepayment will not be recoverable by the mortgagor if, by application of paragraph (d)(1)(ii) on sale or refinancing of the property, a lesser amount than the amount prepaid would have been due.

(2) The sum of the principal amount of the insured mortgage, any second mortgage made under paragraph (b) or (c) of this section, and the mortgage securing the repayment of funds advanced to reduce the borrower's monthly payments (whether a second or third mortgage) may exceed the loan-to-value limitation applicable to the insured mortgage, but such sum may not exceed the maximum mortgage limit for the area.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

3. The authority citation for 24 CFR Part 213 is revised to read as set forth below and any authority citation following any section in Part 213 is removed:

Authority: Sections 211, 213, National Housing Act, (12 U.S.C. 1715b, 1715e).

4. In § 213.520, paragraph (a) is revised and new paragraphs (c) and (d) are added, to read as follows:

§ 213.520 Mortgage lien.

(a) Except as otherwise provided in this section, a mortgagor must establish that, after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage, and that there will not be outstanding any other unpaid obligations contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations that are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

* * * * *

(c) With the prior approval of the Commissioner, the mortgaged property may be subject to a second mortgage held by a mortgagee that is not a Federal, State or local governmental agency or instrumentality. Unless the mortgage is for the purpose described in paragraph (d) of this section, it shall meet the following requirements:

(1) The required monthly payments under the insured mortgage and the second mortgage shall not exceed the mortgagor's reasonable ability to pay, as determined by the Commissioner;

(2) Periodic payments, if any, shall be collected monthly and be substantially the same;

(3) The sum of the principal amount of the insured mortgage and the second mortgage shall not exceed the loan-to-value limitation applicable to the insured mortgage, and shall not exceed the maximum mortgage limit for the area;

(4) The repayment terms shall not provide for a balloon payment before ten years, or for such other term as the Commissioner may approve, except that the mortgage may become due and payable on sale or refinancing of the secured property covered by the insured mortgage; and

(5) The mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part at any time, and shall not provide for the payment of any charge on account of such prepayment.

(d)(1) With the prior approval of the Commissioner, the mortgaged property may be subject to a junior (second or third) mortgage securing the repayment of funds advanced to reduce the mortgagor's monthly payments on the insured mortgage following the date it is insured, if the junior mortgage meets the following requirements:

(i) The junior mortgage shall not provide for any payment of principal or interest until the property securing the junior mortgage is sold or the insured mortgage is refinanced, at which time the junior mortgage shall become due and payable;

(ii) The total amount of repayments under the junior mortgage shall not exceed the least of:

(A) One-half of the mortgagor's equity interest in the property at the time of sale or refinancing;

(B) Three times the amount of funds advanced to effect the interest rate buy-down; or

(C) The sum of the original loan amount plus the total accrued interest on the junior mortgage at the time of repayment; and

(iii) The junior mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part at any time, and shall not provide for the payment of any charge on account of such prepayment. Any full or partial prepayment is not recoverable by the mortgagor if, by application of paragraph (d)(1)(ii) on sale or refinancing of the property, a lesser amount than the amount prepaid would have been due.

(2) The sum of the principal amount of the insured mortgage, any second mortgage made under paragraph (b) or (c) of this section, and the mortgage securing the repayment of funds advanced to reduce the borrower's monthly payments (whether a second or third mortgage) may exceed the loan-to-value limitation applicable to the insured mortgage, but such sum may not exceed the maximum mortgage limit for the area.

PART 234—CONDOMINUM OWNERSHIP MORTGAGE INSURANCE

5. The authority citation for 24 CFR Part 234 is revised to read as set forth below and any authority citation following any section in Part 234 is removed:

Authority: Sections 211, 234, National Housing Act (12 U.S.C. 1715b, 1715y).

6. In § 234.55, paragraph (a) is revised and new paragraphs (c) and (d) are added, to read as follows:

§ 234.55 Mortgage lien.

(a) Except as otherwise provided in this section, a mortgagor must establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage, and that there will not be outstanding any other unpaid obligations contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations that are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

* * * * *

(c) With the prior approval of the Commissioner, the mortgaged property may be subject to a second mortgage held by a mortgagee that is not a Federal, State or local governmental agency or instrumentality. Unless the mortgage is for the purpose described in paragraph (d) of this section, it shall meet the following requirements:

(1) The required monthly payments under the insured mortgage and the second mortgage shall not exceed the mortgagor's reasonable ability to pay, as determined by the Commissioner;

(2) Periodic payments, if any, shall be collected monthly and be substantially the same;

(3) The sum of the principal amount of the insured mortgage and the second mortgage shall not exceed the loan-to-value limitation applicable to the insured mortgage, and shall not exceed the maximum mortgage limit for the area;

(4) The repayment terms shall not provide for a balloon payment before ten years, or for such other term as the Commissioner may approve, except that the mortgage may become due and payable on sale or refinancing of the secured property covered by the insured mortgage; and

(5) The mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part at any time, and shall not provide for the payment of any charge on account of such prepayment.

(d)(1) With the prior approval of the Commissioner, the mortgaged property may be subject to a junior (second or third) mortgage securing the repayment of funds advanced to reduce the mortgagor's monthly payments on the insured mortgage following the date it is insured, if the junior mortgage meets the following requirements:

(i) The junior mortgage shall not provide for any payment of principal or interest until the property securing the junior mortgage is sold or the insured mortgage is refinanced, at which time the junior mortgage shall become due and payable;

(ii) The total amount of repayments under the junior mortgage shall not exceed the least of:

(A) One-half of the mortgagor's equity interest in the property at the time of sale or refinancing;

(B) Three times the amount of funds advanced to effect the interest rate buy-down; or

(C) The sum of the original loan amount plus the total accrued interest on the junior mortgage at the time of repayment; and

(iii) The junior mortgage shall contain a provision permitting the mortgagor to prepay the d property may be subject to a junior (second or third) mortgage securing the repayment of funds advanced to reduce the mortgagor's monthly payments on the insured mortgage following the date it is insured, if the junior mortgage meets the following requirements:

(i) The junior mortgage shall not provide for any payment of principal or interest until the property securing the junior mortgage is sold or the insured mortgage is refinanced, at which time the junior mortgage shall become due and payable;

(ii) The total amount of repayments under the junior mortgage shall not exceed the least of:

(A) One-half of the mortgagor's equity interest in the property at the time of sale or refinancing;

(B) Three times the amount of funds advanced to effect the interest rate buy-down; or

(C) The sum of the original loan amount plus the total accrued interest on the junior mortgage at the time of repayment; and

(iii) The junior mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part at any time, and shall not provide for the payment of any charge on account of such prepayment. Any full or partial prepayment is not recoverable by the

mortgagor if, by application of paragraph (d)(1)(ii) on sale or refinancing of the property, a lesser amount than the amount prepaid would have been due.

(2) The sum of the principal amount of the insured mortgage, any second mortgage made under paragraph (b) or (c) of this section, and the mortgage securing the repayment of funds advanced to reduced the borrower's monthly payments (whether a second or third mortgage) may exceed the loan-to-value limitation applicable to the insured mortgage, but such sum may not exceed the maximum mortgage limit for the area.

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOMEOWNERSHIP AND PROJECT REHABILITATION

7. The authority citation for 24 CFR Part 235 is revised to read as set forth below and any authority citation following any section in Part 235 is removed:

Authority: Sections 211, 235, National Housing Act, (12 U.S.C. 1715b, 1715z).

8. In § 235.1(a), add in numerical order the following section heading:

§ 235.1 Cross reference.

(a) * * *

Sec.
203.32 Mortgage lien.
* * * * *

5. A new § 235.32 is added, to read as follows:

§ 235.32 Mortgage lien.

(a) Except as provided in paragraph (b) of this section, a mortgagor must establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage, and that there will not be outstanding any other unpaid obligations contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations that are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

(b) With the prior approval of the Commissioner, the mortgaged property may be subject to a second mortgage made or insured, or other secondary lien held, by a Federal, State or local governmental agency or instrumentality. However, the required monthly payments under the insured mortgage and the second mortgage or lien shall not exceed the mortgagor's reasonable ability to pay, as determined by the Commissioner.

Dated: May 14, 1985.

Janet Hale,

Acting General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 85-12182 Filed 5-20-85; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Order No. 1093-85]

Delegation of Authority To Pay the Travel Expenses of Newly Appointed Special Agents

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order amends § 0.142 of Title 28, Code of Federal Regulations, to delegate to the Director of the Federal Bureau of Investigation and the Administrator of the Drug Enforcement Administration the authority to authorize the payment of travel expenses of newly appointed special agents and the transportation expenses of their families and household goods and personal effects from place of residence at time of selection to the first duty station in accordance with 28 U.S.C. 530.

EFFECTIVE DATE: May 1, 1985.

FOR FURTHER INFORMATION CONTACT: Kamal J. Rahal, Director, Finance Staff, Office of the Controller, Justice Management Division, Department of Justice, Washington, D.C. 20530 (202 633-5538).

SUPPLEMENTARY INFORMATION: Public Law No. 98-86, 97 Stat. 492, August 26, 1983, amended Title 28, United States Code by adding a new section 530 which authorizes the Attorney General or his designee to pay the travel expenses of newly appointed special agents and the transportation expenses of their families and household goods and personal effects from place of residence at time of selection to the first duty station, to the extent such payment are authorized by 5 U.S.C. 5723 for new appointees who may receive payments under that section.

This regulation is exempt from the requirements of Executive Order No. 12291 as a regulation related to agency organization and management. Furthermore, this regulation will not have a significant economic impact on a substantial number of small entities because its effect is internal to the Department of Justice.

List of Subjects in 28 CFR Part 0

Government employees, Organization and functions (Government agencies), Authority delegations (Government agencies), and Intergovernmental relations.

PART 0—[AMENDED]

1. The authority citation for Part 0 of Title 28, Code of Federal Regulations continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510 unless otherwise noted.

2. Part 0 is hereby amended by revising the introductory text to § 0.142 and adding paragraph (g) as follows:

§ 0.142 Per diem and travel allowances.

The Director of the Federal Bureau of Investigation, Director of the Bureau of Prisons, Commissioner of Federal Prison Industries, Inc., Commissioner of Immigration and Naturalization Service, Administrator of the Drug Enforcement Administration, Director of the United States Marshalls Service, and Assistant Attorney General, Office of Justice Programs, as to their respective jurisdictions, and the Assistant Attorney General for Administration as to all other organizational units of the Department (including United States Attorneys), except as provided in paragraphs (f) and (g) of this section, are authorized to exercise the authority of the Attorney General to take final action in the following matters:

* * * * *

(g) The Director of the Federal Bureau of Investigation and the Administrator of the Drug Enforcement Administration are authorized to approve travel expenses of newly appointed special agents and the transportation expenses of their families and household goods and personal effects from place of residence at time of selection to the first duty station, in accordance with 28 U.S.C. 530 and regulations prescribed by the Assistant Attorney General for Administration.

Dated: May 1, 1985.

Edwin Meese III,

Attorney General

[FR Doc. 85-11008 Filed 5-20-85; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD2 85-07]

Special Local Regulations: Tri-State Fair Powerboat Races

Correction

In FR Doc. 85-10293 beginning on page 16701 in the issue of Monday, April 29, 1985, make the following correction:

In the second column, in the **SUMMARY**, in the second line "237.0" should read "327.0".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 712 and 716

[OPTS-82022; TSH-FRL 2838-9]

Addition of Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is adding five chemicals to the Toxic Substances Control Act (TSCA) section 8(a) Preliminary Assessment Information rule and to the list of chemical substances and mixtures for which lists and copies of unpublished health and safety studies must be submitted under section 8(d) of TSCA. The chemicals were recommended by the Interagency Testing Committee (ITC) in its Sixteenth Report and designated for priority consideration by EPA within 1 year. Under 40 CFR 712.30(c) and 716.18(b), chemical substances and mixtures that have been recommended for testing by the ITC and designated for 12-month response may be added to these rules by the publication of amendments to that effect in the Federal Register. Thirty days after the publication of these amendments to the regulations, these chemicals will be listed in 40 CFR Parts 712 and 716.

EFFECTIVE DATE: This regulation becomes effective on June 20, 1985.

FOR FURTHER INFORMATION CONTACT:
Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460.
Toll free: (800-424-9065).
In Washington, D.C: (554-1404).
Outside the USA: (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION: OMB Control Numbers 2070-0054 and 2070-0004.

I. Background

Under section 8(a) of the Toxic Substances Control Act (TSCA), EPA issued the Preliminary Assessment Information rule, which was published in the **Federal Register** of June 22, 1982 (47 FR 26992), for reporting by chemical manufacturers. Those companies which manufactured, produced, or imported one of the approximately 250 chemical substances listed were to report general production, use, and exposure data to the Agency by November 19, 1982. An amendment to the rule, published in the **Federal Register** of May 11, 1983 (48 FR 21294), added 40 CFR 712.30(c) which provides that chemicals designated by the Interagency Testing Committee may be added to the rule by the publication of a regulation to that effect in the **Federal Register.**

EPA issued regulations under section 8(d) of TSCA, which were published in the **Federal Register** of September 2, 1982 (47 FR 38780), to require submission of lists and copies of unpublished health and safety studies on specifically listed chemicals by chemical manufacturers and processors. Other persons in possession of such studies may be asked to submit them on a voluntary basis. The rule established standardized reporting requirements and provides for amending the list of chemicals which are subjects of the rule. This rule is codified at 40 CFR Part 716. Section 716.18(b) of the rule provides that chemicals designated by the ITC for testing consideration may be added to the rule by the publication of a regulation to that effect in the **Federal Register.**

Elsewhere in today's **Federal Register**, EPA is issuing a notice announcing the receipt of the Sixteenth Report of the Interagency Testing Committee, which was transmitted to the Administrator of EPA on May 2, 1985. The Sixteenth Report, which revises and updates the Committee's priority list of chemicals, adds five chemicals to the list for priority consideration within 12 months by EPA in the promulgation of test rules under section 4(a) of TSCA. In addition to adding the chemicals designated by the ITC to the section 8(a) Preliminary Assessment Information rule, the Agency is adding these chemicals to the list of substances and mixtures for which lists and copies of unpublished health and safety studies must be submitted under section 8(d) of TSCA.

II. Chemicals To Be Added

The ITC designated chemicals for which reporting is required under sections 8(a) and 8(d) are as follows:

CAS No.	Name
96-37-7	Methylcyclopentane.
79-94-7	Tetrabromobisphenol A.
112-35-6	Triethylene glycol monomethyl ether.
112-50-5	Triethylene glycol monoethyl ether.
143-22-6	Triethylene glycol monobutyl ether.

III. Reporting Requirements

A. Preliminary Assessment Information Rule

All persons who manufactured or imported the chemicals named in this rule during their latest complete corporate fiscal year must submit a Preliminary Assessment Information Manufacturer's Report (EPA Form No. 7710-35) for each importing or manufacturing site at which they manufactured or imported a listed chemical substance. A separate form must be completed for each chemical and submitted to the Agency no later than August 19, 1985. Copies of the form are available from the TSCA Assistance Office at the address given above.

Manufacturers or importers who qualify as small with respect to the previously prescribed standards are exempt from this rule under 40 CFR 712.25(c).

Under § 712.30(a)(3) of the Preliminary Assessment Information rule, a company which has voluntarily submitted a Manufacturer's Report to the ITC will be allowed to submit a copy of the original Report to EPA. Also under § 712.30(a)(3), persons who previously and voluntarily provided EPA with a Manufacturer's Report on one of the substances listed in § 712.30(o) must notify EPA by letter of their desire to have this submission accepted in lieu of a current data submission and must follow all other procedures outlined in that section.

B. Health and Safety Data Reporting Rule

This regulation adding these chemicals to 40 CFR 716.17 constitutes the notice required by 40 CFR 716.18(b). That paragraph states that substances and mixtures designated by the ITC for testing consideration will be added to the section 8(d) model rule 30 days after publication in the **Federal Register.** Hence, on June 20, 1985, these chemicals will be listed in 40 CFR Part 716.

At that time, persons who have manufactured, imported or processed; are manufacturing, importing or

processing; have proposed to manufacture, import or process; or will propose to manufacture, import or process these chemicals may be subject to the reporting requirements of the Health and Safety Data Reporting Rule. EPA advises these persons to refer to 40 CFR Part 716 for complete information on required submissions.

C. Removal of Chemicals From the Rules

Any person who believes that section 8(a) or 8(d) reporting required on a chemical by this rule would be unnecessary, should promptly submit to the Agency in detail the reasons for that belief. The chemical may then be removed from the rule at the Agency's discretion, for good cause. When withdrawing a chemical from the rule, the Agency will issue a rule amendment for publication in the **Federal Register.**

IV. Release of Aggregate Data

The Agency will follow the procedures for release of aggregate data and requesting exemptions from release of aggregate statistics as prescribed in the rule related notice published in the **Federal Register** of June 13, 1983 (48 FR 27041). Requests for exemptions from release of aggregate data for any substance must be received by EPA no later than August 19, 1985

V. Economic Impact

A. Preliminary Assessment Information Rule

Employing the analysis prepared for the Preliminary Assessment Information rule published in the **Federal Register** of June 22, 1982, as well as other relevant data, the Agency has estimated the impact of the addition of these chemicals on the firms that must report and upon the Agency in terms of data processing costs. These estimates are higher than the original costs developed for the Final Preliminary Assessment Information Rule. This increase reflects price inflation (27%) as measured by the GNP Deflator from 1980 to the fourth quarter of 1984.

The Agency used the TSCA Inventory and other sources to generate a list of manufacturers and importers of the listed chemicals. After excluding firms which reported no production for the Inventory, 26 companies operating 26 sites were listed as manufacturers of the chemicals, and 6 importers of the chemicals were identified. Of those subject to reporting for this rule, one manufacturer and one importer were judged to potentially qualify as a small business as defined in 40 CFR 712.25(e). Thus, 30 firms (or 25 U.S. sites plus 5 importers) are expected to report for this rule. A total of 30 reports is expected.

The costs for reporting are broken down as follows:

Reporting cost:	
(a) 30 reports expected at $739/report	$22,170
(b) 30 familiarization cases at $617/case	$18,510
Total	$40,680
Average cost per site	$1,356
Average cost per firm	$1,356
Reporting burden (hours):	
(a) Familiarization (18 hours per site times 30 sites/importers)	540
(b) Reporting (16 hours per report times 30 reports)	480
Total	1,020
EPA cost: Processing cost = $83 per report times 30 reports	$2,490

B. Health and Safety Data Reporting Rule

EPA estimates that submitting the required data on these additional chemicals will cost industry $38,362. This consists of the following:

Initial review	$14,592
Site identification	3,420
File search	6,815
Title listing	285
Photocopying (materials and labor)	1,442
Managerial review	10,640
Ongoing reporting	1,368
Total	38,362

If the Agency assumes ±30 percent margin of error in these estimates, the range of probable cost varies from $26,853 to $49,871. These costs are minimal compared to the importance of obtaining information in time to evaluate ITC-designated chemicals within statutory deadlines.

VI. Rulemaking Record

EPA has established a public record (docket number OPTS-82022) for this rulemaking document. All documents, including the index to this public record, are available for inspection in the OTS Reading Room, Rm. E-107, 401 M St., SW.; Washington, D.C., from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. This record includes basic information considered in developing this rule.

VII. Regulatory Assessment Requirements

A. 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 regulation is not major because it will not result in an effect on the economy of $100 million or more, an increase in costs or prices, or any of the adverse effects described in the Executive Order.

This amendment was not submitted to the Office of Management and Budget (OMB) for review, because the automatic listing of designated substances is provided for in 40 CFR 712.30(c) and 716.18(b)—final rules which have been previously reviewed by OMB under the terms of the Executive Order.

B. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the Office of Management and Budget (OMB) under the provision of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control numbers 2070-0054 and 2070-0004.

List of Subjects in 40 CFR Parts 712 and 716

Chemicals, Environmental protection, Hazardous substances, Health and Safety data, Recordkeeping and reporting requirements.

Dated: May 15, 1985.

Joseph Merenda,

Director, Existing Chemical Assessment Division.

Therefore, 40 CFR Chapter I, Part 712, is amended as follows:

PART 712—[AMENDED]

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

Authority: 15 U.S.C. 2607(a)

2. By adding § 712.30(o) and revising the OMB Control Number to read as follows:

§ 712.30 Chemical lists and reporting periods.

* * * * *

(o) A Preliminary Assessment Information Manufacturer's Report must be submitted by August 19, 1985, for each chemical substance listed below.

CAS No.	Name
96-37-7	Methylcyclopentane.
79-94-7	Tetrabromobisphenol A.
112-35-6	Triethylene glycol monomethyl ether.
112-50-5	Triethylene glycol monoethyl ether.
143-22-6	Triethylene glycol monobutyl ether.

(Approved by the Office of Management and Budget under Control Number 2070-0054)

PART 716—[AMENDED]

3. In Part 716 the authority citation continues to read as follows:

Authority: 15 U.S.C. 2607(d)

4. By adding § 716.17(a)(12) to read as follows:

§ 716.17 Substances and designated mixtures to which this subpart applies.

(a) * * *

(12) As of June 20, 1985, the following chemical substances are added to this section:

CAS No.	Name
96-37-7	Methylcyclopentane.
79-94-7	Tetrabromobisphenol A.
112-35-6	Triethylene glycol monomethyl ether.
112-50-5	Triethylene glycol monoethyl ether.
143-22-6	Triethylene glycol monobutyl ether.

* * * * *

[FR Doc. 85-12187 Filed 5-20-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 87

[FCC 85-242]

Table of Frequency Allocations; Amendment

AGENCY: Federal Communication Commission.

ACTION: Final Rule.

SUMMARY: The Federal Communication Commission amends Parts 2 and 87 of its Rules to delete footnote US40 from the Table of Frequency Allocations. Footnote US40 provides for collision-avoidance system in the 1592.5–1627.5 MHz band. This action will bring the Commission's Rules into conformance with current and projected use of this band.

EFFECTIVE DATE: June 20, 1985.

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

FOR FURTHER INFORMATION CONTACT: Mr. Fred Thomas, Office of Science and Technology, 2025 "M" Street, NW., Washington, DC 20554, (202) 653-8162.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 2

Frequency allocations, Communications equipment, Radio.

47 CFR Part 87

Communications equipment, Radio.

Order

In the matter of amendment of Parts 2 and 87 to delete footnote US40 from the table of Frequency Allocations.

Adopted: May 8, 1985.
Released: May 10, 1985.

By the Commission.

1. The National Telecommunication and Information Agency (NTIA), through the Interdepartment Radio Advisory Committee (IRAC), has suggested that footnote US40 in the Commission's Rules is no longer necessary and should be deleted. Footnote US40 provides for collision-avoidance systems in the 1592.5–1622.5 MHz band. NTIA has recently published a report on the 1530–1660.5 MHz band concluding that there are no collision-avoidance systems operating in, or planned for, this band.[1] The Commission, therefore, is modifying Sections 2.106 and 87.183 as stated in the Appendix to remove footnote US40 from the Table of Frequency Allocations and its associated reference from Part 87.

2. We find that good cause exists to dispense with the notice and comment provisions of the Administrative Procedure Act (5 U.S.C. 553) in making this amendment. This amendment will not affect existing or future FCC licensees as collision-avoidance systems are owned and operated by agencies of the Federal Government. Further this amendment reflects an NTIA action regarding government operations. Therefore, we would not expect a Notice to generate adverse comments. In shorts, public notice and comment appears unnecessary.

3. Accordingly, it is ordered, that § 72.106 is amended as set forth in the Appendix. Authority for this action is contained in sections 4(i) and 303(r) of the Communication Act of 1934, as amended. These amendments become effective 30 days after publication of this *Order* in the **Federal Register.**

4. Point of contact on this matter is Fred Thomas (202) 653-8162.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachment.

[1] NTIA report 84-160 "Spectrum Resource Assessment of the 1530-1660.5 MHz Band", September 1984.

Appendix

Parts 2 and 87 of Title 47 of the CFR are amended as follows:

PART 2—[AMENDED]

1. The authority citation for Part 2 continues to read:

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

2. Section 2.106 is amended by removing footnote designator US40 at columns 4 and 5 in the 1559–1610 MHz and 1610–1626.5 MHz bands and by removing the text of footnote US40 from the list of footnotes following the Table of Frequency Allocations, to read as follows:

§ 2.106 Table of Frequency Allocations.

United States Table		FCC use designators	
Government allocation (MHz)	Non-Government allocation (MHz)	Rule part(s)	Special use frequencies
(4)	(5)	(6)	(7)
* * *	* * *	* *	*
1559–1610	1559–1610		
Aeronautical radionavigation	Aeronautical Radionavigation	Aviation (87)	
Radionavigation-satellite (space-to-Earth).	Radionavigation-satellite (space-to-Earth).		
722, US39	722, US39		
US208, US260	US208, US260		
1610–1626.5	1610–1626.5		
Aeronautical radionavigation	Aeronautical radionavigation	Aviation (87)	
722, 732, 733, 734	722, 732, 733, 734		
US39, US208, US260	US39, US208, US260		

* * * * *

PART 87—[AMENDED]

3. The authority citation for Part 87 continues to read:

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

§ 87.183 [Amended]

4. In § 87.183 paragraph (p) is amended by removing the words "1592.5–1622.5 MHz—Aircraft collision avoidance systems."

[FR Doc. 85-12112 Filed 5-20-85; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 658

[Docket No. 30519-89]

Shrimp Fishery of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of Texas closure adjustment.

SUMMARY: NOAA adjusts the beginning date of the Texas closure from June 1, 1985, to May 20, 1985, for closure of the fishery conservation zone off Texas to trawl fishing. The ending date remains July 15, 1985. This closure applies for all species of shrimp except royal red shrimp beyond the 100-fathom depth contour.

EFFECTIVE DATE: Closure is effective from 30 minutes after sunset on May 20, 1985, to 30 minutes after sunset on July 15, 1985. Public notice has been issued at least 72 hours prior to closure as required under 50 CFR 658.25(b) (3) and (4).

FOR FURTHER INFORMATION CONTACT: Donald W. Geagan, National Marine Fisheries Service, Southeast Regional Office, Fishery Operations Branch, 9450 Koger Boulevard, St. Petersburg, Florida 33702; telephone number: 813-893-3723.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico provides for adjustments to the closing and opening dates for the seasonal closure of the fishery conservation zone off Texas. Implementing rules at 50 CFR 658.25 describe the Texas closure and specify that these adjustments be made by the Regional Director under criteria set out in that section.

Available information and estimates indicate that an early closure is warranted and desirable. Biological data collected by the Texas Parks and Wildlife Department on the size of shrimp indicate an earlier-than-usual movement of brown shrimp from the bays into the Gulf. The regulations state that the closure date must be based on a prediction of when the average size of brown shrimp leaving the bays to enter the Gulf will be 80mm to 90mm, on the strength of outgoing tides at that time, and on other ecological data relevant at this time that includes periods of larger-than-average tidal duration, which this year occur May 7-12, 1985; May 20-27, 1985; and June 3-9, 1985. It is predicted that the average size of shrimp entering the Gulf of Mexico will be 90mm on or about May 19, 1985. Based on this information, the Regional Director has determined that the customary closure dates of June 1 to July 15 will be changed to May 20 to July 15. The State of Texas will close its waters for this same period.

All trawling is prohibited from May 20 to July 15, 1985, in the area described in § 658.25(a), except that vessels may trawl for royal red shrimp beyond the 100-fathom depth contour. The vessels that trawl for royal red shrimp need no special permit or letter of authorization.

List of Subjects in 50 CFR Part 658

Fisheries, Reporting and recordkeeping requirements.

Other Matters

This action is taken under the authority of 50 CFR 658.25, and is taken in compliance with Executive Order 12291.

(16 U.S.C. 1801 *et seq.*)

Dated: May 16, 1985.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 85-12234 Filed 5-16-85; 5:04 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 50, No. 98
Tuesday, May 21, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

NRC Size Standard for Making Determinations Required by the Regulatory Flexibility Act of 1980

AGENCY: Nuclear Regulatory Commission.

ACTION: Invitation for public comment on proposed definition of small entities.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to adopt a size standard that will be appropriate to use in determining which of the NRC's licensees are small entities. Current NRC practice is to review regulations in accordance with the procedures set out in the Regulatory Flexibility Act of 1980, which requires all Federal agencies to consider the impact of their regulations on small entities. This proposal sets forth for public comment the size determination standard that NRC intends to use to identify more accurately the regulations subject to the regulatory flexibility analysis required by the Act.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on this size standard for a small entity to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments received by the Commission may be examined and copied for a fee at the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

DATE: Comments should be received on or before July 22, 1985.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 301-492-7086 or Toll Free 800-368-5642.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Regulatory Flexibility Act of 1980 requires Federal agencies to consider the effects of their rules on small entities: Small businesses, small governmental jurisdictions, and small not-for-profit organizations. A small business is defined by the Regulatory Flexibility Act and also section 3 of the Small Business Act as a business that is independently owned and operated, and is not dominant in its field. the Small Business Administration (SBA) has established detailed quantitative limits to implement this definition (13 CFR Part 121). A small governmental jurisdiction is one with a population of less than 50,000. In developing NRC's plan to implement the Act, it is possible to apply the Act's definition of small governmental jurisdiction. The third type of small entity is a small not-for-profit organization. The SBA has not defined what a small not-for-profit organization is, and the NRC is not proposing a definition at this time. The NRC would, however, appreciate any views its nonprofit licensees may have on the size of an organization which would constitute a small not-for-profit organization, and the basis for such a determination.

Small Businesses

The SBA size standards for small businesses, revised in 1984 (49 FR 5024; February 9, 1984), are established for distinct industrial categories and do not correspond to NRC licensing categories in which licensees are grouped by their use of specific nuclear materials. To assure definitions of small entities that are appropriate for each agency's particular regulatory programs, the Act permits an agency to establish its own definition of small entities after consultation with SBA's Office of Advocacy and an opportunity for public comment. The NRC has consulted with the SBA's Office of Advocacy, and through this notice, the NRC is seeking public comment on its proposed definition of small entity.

NRC Licensees

Under the Atomic Energy Act, as amended, the NRC is responsible for the licensing and regulation of source, byproduct and special nuclear material in a manner which will protect the public health and safety, national security, and the environment. To this end, the NRC regulates approximately 7,000 licensees who hold over 9,000 licenses. Nuclear reactor licensees, while the focus of wide public interest, represent only a small percentage of the NRC's licensees. The majority of NRC licensees are materials licensees who are engaged in numerous activities involving the use of nuclear material that is regulated by the NRC. These activities include, for example, the following categories: (1) A nuclear medicine department of a hospital where radionuclides may be used for diagnostic purposes through *in vivo* and *in vitro* procedures and for therapeutic applications, such as the treatment of cancer, either by beam therapy or drugs containing radionuclides; (2) A manufacturing or construction firm which uses radionuclides in measuring gauges to perform some type of quality control, such as density gauges in slurry pipeline, thickness gauges in thin film manufacturing, fluid level detectors, and soil density gauges. (3) A university science department where radionuclides are used for teaching and research purposes. (4) A well logging company which would use radionuclides to obtain geological data regarding subsurface formations as an indicator of oil locations. (5) A radiography firm where devices are used to test the integrity of pipelines, weld joints, steel structures, aircraft parts, etc. (6) A manufacturer who might use a cobalt irradiator to sterilize medical products, treat hard woods, plastics or semi-conductor materials, or to test aircraft and electronic equipment.

NRC Licensee Groupings

NRC licensees are grouped into categories in accordance with their use of nuclear material. At the present time, the NRC has categorized its material licensees into about 100 separate groups called program codes. Because these licensees are grouped according to their use of the nuclear material, it is possible to find many industries represented in a given category. For example, the program code that is entitled Measuring Systems-Fixed Gauges contains over 1100 NRC licensees. An analysis of the licensees indicates that they fall into more than 30 Standard Industrial Classification (SIC) Code categories used by the Small Business Administration. Because most of the NRC categories or program codes

contain a mixture of industries, it is not possible to align NRC licensees by SIC codes or with SBA size standards which are based on SIC industrial groupings. The inability to match NRC licensees to existing criteria established for determining small entities led the NRC to survey its licensees in order to acquire economic data that would enable the NRC to define a small entity within the nuclear regulatory context. In 1983, the NRC contacted its materials licensees and asked them to complete a questionnaire which requested information such as the number of employees, range of annual receipts, and number of beds (for hospitals). The response rate from the survey, which was conducted during the same period of time that the SBA was preparing its notice of final rulemaking, was in excess of 80 percent.

Evolution of NRC Size Definition

There is no single size standard that applies to all businesses by establishing a precise number of employees or annual receipts. The SBA, in publication of its final rule, established two primary standards. One was based upon number of employees in over 560 industrial groupings that range from a low of 500 employees to a high of 1000 employees, and another was based upon annual receipts for over 260 industrial groupings that range from $0.1 million to $17.0 million. In addition, prior to the publication of its final rule, SBA's smallest employee-based size standard was 25. Through the SBA's publication of its second proposed rule (May 6, 1983; 48 FR 20560), 150 beds was the standard used for a small hospital in the SBA loan program.

Some agencies have adopted criteria that are more consistent with industry practice or the agency mission. The Occupational Safety and Health Administration (OSHA) small business size standard was derived from the clauses imposed in Congressional appropriations, which define a small business as one with 10 or fewer employees. The Civil Aeronautics Board (CAB) uses number of seats and/or payload capacity to determine small air carriers (47 FR 49963; November 4, 1982); the Department of Education uses student population, with differing figures for local educational agencies and institutions of higher education (46 FR 3920; January 16, 1981); and the Securities and Exchange Commission uses a multi-layered approach which takes into consideration capital, assets, revenues (gross), and transactions (47 FR 5215; February 4, 1982).

Based on the wide disparity among the different agency size standards and the unique nature of nuclear regulations, a number of possible methods to set a size standard were assessed by the NRC. These methods and their appropriateness are discussed below. When the NRC designed its questionnaire, it asked licensees to provide information on the actual number of employees, number of beds, and to report annual receipts in 16 dollar ranges.[1]

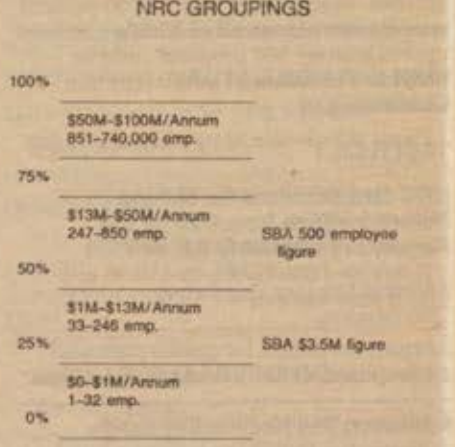
Use of SBA Size Standards

The two most frequently used numbers in the SBA's final rule establishing a size standard are 500 employees and $3.5 million in annual receipts. If the NRC defined a small entity as one with less than 500 employees, approximately 65 percent of its licensees would be small entities under this criterion. When compared to the annual range of billings at the 65 percent figure, this would result in having many companies with annual receipt of between $25 and $50 million being considered small entities. The $3.5 million SBA cut-off figure is almost impossible to apply at this time, because the annual receipts categories that the NRC used in its surveys do not enable the agency to determine specifically which of its licensees fall above or below this cut-off line. Consequently, neither of these criteria is appropriate for NRC use.

Employee Size/Range of Billing—NRC Licensees

At one time, the SBA raised its lowest proposed size standard from 15 to 25 employees (47 FR 18992; May 2, 1982). However, it was found with NRC licensees that a standard with an increased number of employees does not directly correlate to an increase in the annual receipts. For example, if the 25 employee size standard were used, it is possible to find companies with fewer than 25 employees, even fewer than 10 employees, which reported annual receipts greater than $1 million. It is also possible to find licensees with several hundred employees who reported a range of annual receipts the size of the licensees with 25 or fewer employees. Therefore, neither absolute number of employees nor range of annual receipts was viewed as a unique indicator of a small entity among NRC licensees.

The licensees who responded to the NRC questionnaire ranged in size from one employee to 740,000 employees, and they reported annual receipts ranging from less than $75,000 to more than $100,000,000. In searching for natural groupings in the data, it was observed that in both employee size and range of annual receipts, it was possible to group the data by the following quartiles:



If the NRC applied the most frequently used SBA size standard of 500 employees, it would fall into the third quartile of NRC licensees and include those licensees whose range of annual receipts would fall between $13M and $50M per year. Using this criterion would result in having approximately 65 percent of NRC's licensees being considered small entities. The NRC believes this result would be contrary to the spirit of the Regulatory Flexibility Act.

If the NRC applied the SBA's most frequently used dollar standard of $3.5M in annual receipts, the line would fall near the bottom of the second quartile of NRC licensees. Based upon the information available to NRC, the NRC concludes that the most logical figure to use, and one which is closest to the $3.5M SBA figure, is the line between the first and second quartile or $1M per year in annual receipts. Thus, $1M in annual receipts was chosen as the threshold figure for determining which NRC licensees are large or small.

NRC Size Definition

The NRC proposes to define a small entity within the nuclear regulatory context as one having annual receipts of $1 million or less. While the agency average of licensees who would be classified as small would be approximately 25 percent, there will be

[1] These was (1) less than 75,000, (2) $75K–$150K, (3) $150K–$500K, (4) more than $500K, (5) less than $250K, (6) $250K–$500K, (7) $500K–$750K, (8) $750K–$1M, (9) $1M–$7M, (10) $7M–$13M, (11) $13M–$19M, (12) $19M–$25M, (13) $25M–$50M, (14) $50M–$75M, (15) $75M–$100M, (16) more than $100M. The first four dollar ranges were used when the radiography licensees were canvassed in April 1983. Based upon experience gained from administering the questionnaire to these licensees, these ranges were revised upward when the remaining licensees were canvassed in July 1983.

a variation within each NRC program code in the number of businesses that will be considered to be small. For example, in NRC program code 03110 (Well Logging), 67 of the 127 licensees who responded (52.8 percent) are small entities; in NRC program code 03120 (Other Measuring Systems), where over 2000 licensees responded, 600 (28.6 percent) are small entities; and in NRC program code 02120 (Institutional—Other), which is largely composed of hospitals, 125 (8.5 percent) are small entities. The average figure of 25 percent was chosen across all of NRC's approximately 100 program code to provide a measure of administrative consistency.

Dated at Bethesda, Maryland this 14th day of May 1985.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 85-12219 Filed 5-20-85; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-ANE-8]

Airworthiness Directives: Pratt & Whitney Aircraft JT9D-7R4D, -7R4E and -7R4E4 Turbofan Engines

AGENCIES: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) which would require fuel nozzle flow measurement checks following on-wing cleaning, and would require ground starts to be conducted using single ignition. The proposed AD is needed to detect carbon buildup on the fuel nozzles which can have a detrimental effect on burner combustion efficiency and stability, leading to engine surge and the inability to start inflight.

DATES: Comments must be received on or before July 30, 1985.

ADDRESSES: Comments on the proposal may be mailed in duplicate to:

Federal Aviation Administration, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 85-ANE-8, 12 New England Executive Park, Burlington, Massachusetts 01803

or delivered in duplicate to Room No. 311 at the above address.

Comments delivered must be marked: Docket No. 85-ANE-8.

Comments may be inspected at the New England Regional Office, Office of the Regional Counsel, Room No. 311, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, except Federal holidays.

The referenced service documents may be obtained from Pratt & Whitney Aircraft, Commercial Products Division, 400 Main Street, East Hartford, Connecticut 06108. A copy of the referenced service document is contained in Rules Docket No. 85-ANE-8 in the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Mark C. Fulmer, Transport Engine Branch, ANE-141, Engine Certification Office, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7120.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 85-ANE-8". The postcard will be date/time stamped and returned to the commenter.

The FAA has determined that carbon can build up internally and block the orifice and internal passages of the primary flow path on certain JT9D-7R4 series engine fuel nozzles. External buildup of carbon also reduces the fuel nozzle spray cone angle characteristics. The carbon accumulation reduces combustion efficiency and stability, and blocks primary fuel flow in the fuel nozzles. The condition has caused instances of engine sub-idle speeds, lack of response to throttle advance, overtemperature, surge, and the inability to start the engine inflight.

On October 28, 1983, emergency telegraphic AD No. T83-22-52 was issued requiring fuel nozzle replacement to control fuel nozzle spray cone angle characteristics. On-wing fuel nozzle cleaning was approved as an equivalent means of compliance on November 2, 1983. AD 83-22-52, incorporating the equivalent means of Compliance, was published in the Federal Register on January 19, 1984 (49 FR 2240).

It has since been determined by the FAA that carbon blockage of the fuel nozzle internal primary passage reduces the effectiveness of on-wing cleaning to restore spray cone angle. On-wing cleaning may also aggravate fuel nozzle flow reduction by loosening carbon particles and depositing them at the entrance to the primary fuel nozzle orifice. Fuel nozzle primary flow cone angle reduction can cause engines to fail to start which initially manifests itself on the ground using single ignition. The FAA has also determined that the JT9D-7R4D1, -7R4E1, -7R4G2, -7R4H1 and -7R4H2 models have not experienced the detrimental carbon buildup on internal fuel nozzle primary flow passages.

The proposed Ad would require flow checking fuel nozzles following on-wing cleaning and following starting difficulties. It would also require ground starts to be conducted using single ignition.

Conclusion: The FAA has determined that this proposed regulation only involves 29 Boeing 767 aircraft, and the approximate cost per aircraft would be $1,600 per year. These aircraft are not operated by small entities. Therfore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (3) is promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Engines, Air Transportation, Aircraft, Aviation safety, Incorporation by reference.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.12) by adding the following new AD:

Pratt & Whitney Aircraft: Applies to Pratt & Whitney Aircraft JT9D–7R4D, –74R4E and –7R4E4 turbofan engines.

Compliance is required as indicated unless already accomplished.

To prevent deterioration of fuel nozzle flow and spray cone angle which could lead to engine surge, overtemperature or the inability to start inflight, accomplish the following on JT9D–7R4D, –7R4E and –7R4E4 engines incorporating Pratt & Witney Aircraft (PWA) Part Number (PN's) 79282 and 794731 fuel nozzles:

a. Following any on-wing cleaning of fuel nozzles, conduct a flow check prior to returning the aircraft to service, in accordance with PWA Maintenance Manual, P/N 785050, Chapter 73–11–05, Cleaning/Painting Section as revised by Temporary Revision 73–3. The limits for the flow check are as follows:

(1) A flow reduction of 10 percent or less is acceptable.

(2) A flow reduction greater than 10 percent but less than 20 percent requires selected fuel nozzles to the replaced with new or ultrasonically cleaned nozzles within 300 flight cycles. The fuel nozzles may be replaced in quantities and locations as needed to restore the flow to 10 percent flow reduction or less.

(3) A flow reduction of 20 percent or greater requires selected fuel nozzles to be replaced with new or ultrasonically cleaned nozzels within 25 flight cycles. If there have been any unresolved aborted ground starts since the last cleaning and flow check, fuel nozzeles must be selectively replaced within 5 flight cycles. The fuel nozzles may the replaced in quantities and locations as needed to restore the flow to 10 percent flow reduction or less.

b. Ground starts must be conducted using single ignition, either ignition selector position 1 or 2.

If an aborted start is experienced using single ignition that is not attributable to an ignition system fault, the engine may be started on the opposite ignition system or dual ignition and the fuel nozzles must be cleaned and flow checked within 25 flight cycles in accordance with PWA Maintenance Manual P/N 785050, Chapter 73–11–05, Cleaning/Painting Section as revised by Temporary Revision 73–3. The flow check limits in the above paragraph a. are applicable to this flow check also.

Upon request, an alternate means of compliance may be approved by the Manager, Engine Certification Office, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts, 01803.

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

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

Issued in Burlington, Massachusetts, on May 9, 1985.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 85–12172 Filed 5–20–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 85–AWP–12]

Proposed Alteration of Elko, Nevada, Control Zone and Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the control zone and 700 ' transition area at Elko, Nevada. The additional controlled airspace will accommodate aircraft executing the recently published LDA/DME Runway 23 instrument approach procedure to Elko Municipal-J.C. Harris Field. This action is necessary to esure segregation of aircraft using approach procedures in instrument weather conditions and other aircraft operating in visual weather conditions.

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

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, AWP–530, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009–2007.

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

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

FOR FURTHER INFORMATION CONTACT: Curtis Alms, Federal Aviation Administration, Air Traffic Division, Airspace and Procedures Branch, 15000 Aviation Boulevard, Hawthorne, California 90261; telephone number (213) 536–6649.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85–AWP–12." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contined in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above, both before and after the closing date for comments. A report summarizing each substantive public contract with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace & Procedures Branch, 15000 Aviation Boulevard, Hawthorne, California, 90261. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 and §71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to provide additional controlled airspace to accommodate aircraft executing the recently published LDA/DME Runway 23 instrument approach procedure to Elko Municipal–J.C. Harris Field. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6A dated January 2, 1985.

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

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

The Proposed Amendment

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

Section 71.171—Elko, Nevada, Control Zone (Revised)

"Within a 5-mile radius of the Elko Municipal Airport (40°49'20.5"N./115°47'38.1"W.); and within 2 miles each side to the 247° bearing from the Elko Airport extending from the 5-mile radius area to 6 miles southwest of the airport; and within 1.5 miles each side of the 075° bearing from the Elko Airport extending from the 5-mile radius area to 9.5 miles northeast of the airport."

Section 71.181—Elko, Nevada, Transition Areas (Revised)

"That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Elko Municipal Airport (lat. 40°49'20.5"N., long. 115°47'38.1"W.) and within 4.5 miles east and 9 miles west of the 161° bearing from the Elko Municipal Airport, extending from the 9.5-mile radius area to 25 miles south of Elko Municipal Airport, and within 5 miles each side of the 075° bearing from the Elko Municipal Airport, extending from the 9.5-mile radius area to 20.5 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 21.5-mile radius of Elko Municipal Airport."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.65)

Issued in Los Angeles, California, on May 9, 1985.

H.C. McClure,

Director, Western-Pacific Region.

[FR Doc. 85-12170 Filed 5-20-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 85-AWP-13]

Establishment of Transition Area, Indian Springs Air Force Auxiliary Field (AFAF), Indian Springs, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This Notice proposes the establishment of a Transition Area at Indian Springs AFAF, Indian Springs, Nevada, (Lat. 36°34'58.8"N., Long 115°40'31.6"W.) is necessary to provide sufficient controlled airspace to accommodate the established TACAN instrument approaches. This action will provide legal description for future charting.

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

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, AWP-530, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007.

The official docket may be examined in the Office of the Regional Counsel, Western-Pacific Region, Room 6W14, at 15000 Aviation Boulevard, Hawthorne, California 90261.

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

FOR FURTHER INFORMATION CONTACT: Curtis Alms, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration (FAA), 15000 Aviation Boulevard, Hawthorne, California 90261; telephone (213) 536-6649.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to the Airspace Docket No. 85-AWP-13." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above, both before and after closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace and Procedures Branch, 15000 Aviation Boulevard, Hawthorne, California 90261. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to provide controlled airspace to accommodate aircraft executing the published TACAN Runway 8 and TACAN Runway 26 instrument approach procedure to Indian Springs AFAF. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

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

List of Subject in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.71 & 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Section 71.181—Indian Springs Air Force Auxiliary Field Transition Area, Indian Springs, Nevada. (New)

"That airspace extending upward from 700 feet above the surface within a 5.5 mile arc of Indian Springs Air Force Auxiliary Field (AFAF), (lat. 36°34'58.8"N., long. 115°40'31.6"W.); from a point lat. 36°33'37"N., long. 115°34'50"W.; to lat. 36°35'00"N., long. 115°46'28"W.; direct to a point lat. 36°35'00"N., long. 115°37'00"W.; thence to the point of beginning."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.65.)

Issued in Los Angeles, California on May 9, 1985.

H.C. McClure,

Director, Western-Pacific Region.

[FR Doc. 85-12171 Filed 5-20-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-55-83]

Credit for Clinical Testing Expenses for Certain Drugs for Rare Diseases or Conditions; Proposed Rulemaking

Correction

In FR Doc. 85-9634 beginning on page 15930 in the issue of Tuesday, April 23, 1985, make the following correction: On page 15933, in the second column, in § 1.28-1(b)(3), in the seventh line "if" should read "is".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7-85-15]

Drawbridge Operation Regulations; Oklawaha River, Florida

Correction

In FR Doc. 85-11499 beginning on page 19955 in the issue of Monday, May 13, 1985, make the following correction: In the third column, **Discussion of Proposed Regulations**, fifth line, "to" should read "not".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL-2838-8]

Approval and Promulgation of Implementation Plans; Kern County Air Pollution Control District, Air Pollution Control Regulations, State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Kern County Air Pollution Control Board (KCAPCB) adopted revised permitting rules on August 27, 1984. The State of California submitted the rules as revisions to the State Implementation Plan (SIP) on February 6, 1985. Those revised rules (Rules 210.1 and 210.2) satisfy EPA's requirements for New Source Review (NSR), and regulate the construction and operation of new and modified major sources of nonattainment pollutants.

The KCAPCB adopted these revised rules to satisfy a condition on the approval of a previous version of the NSR rules. In this notice EPA is proposing to approve the revised rules and replacements to the previous rules and to rescind the condition of approval.

DATE: Comments may be submitted up to June 20, 1985.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air Management Division, Air Programs Branch, State Liaison Section, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

Copies of the rules and EPA's technical support document are available for public inspection during normal business hours at the EPA Region 9 office at the above address and at the following locations:

California State Air Resources Board, 1102 "Q" Street, Sacramento, CA 95812

Kern County Air Pollution Control District, 1601 "H" Street, Suite 150, Bakersfield, CA 93301-5199

FOR FURTHER INFORMATION CONTACT: James C. Breitlow, Chief, State Implementation Plan Section, Air Programs Branch, Air Management Division, Environmental Protection Agency, Region 9, (415) 974-7641.

SUPPLEMENTARY INFORMATION:

Background

Part D of the Clean Air Act (Sections 172 and 173) requires that States incorporate in their State Implementation Plans an acceptable permitting program for the pre-construction review of new or modified major stationary sources in nonattainment areas. EPA's requirements are contained at 40 CFR 51.18.

On August 21, 1981 (46 FR 42450) EPA conditionally approved the Kern County NSR rules (Rules 210.1 and 210.2) except for the portion of Rule 210.1 that provided exemptions from Lowest Achievable Emission Rate requirements (which portion was disapproved). The approval was made contingent on revision of the NSR rules to satisfy Section 173, 40 CFR 51.18 (as amended May 13, 1980 and August 7, 1980), and the deficiencies cited in EPA's Evaluation Report supporting that rulemaking. The revised rules are intended to satisfy the condition.

Kern County (San Joaquin Valley portion) is designated nonattainment for ozone and total suspended particulate (TSP); the Bakersfield urbanized area is nonattainment for carbon monoxide (CO). The Valley portion is designated attainment for nitrogen oxides, sulfur dioxide, and—outside Bakersfield—CO. The Southeast Desert portion of the County is designated attainment or unclassifiable for all of these pollutants.

NSR—Part D of the Clean Air Act (Sections 171 to 173) and 40 CFR 51.18 define the requirements for NSR programs, which apply to nonattainment pollutants. The most important requirements are that local NSR rules and programs require applicants for major new or modified sources to:

(a) Meet the Lowest Achievable Emission Rate (LAER),

(b) Provide reductions in emissions at least equal to the increased emissions, sufficient to provide for Reasonable Further Progress (RFP), and

(c) Certify that all major sources they own in the same State comply with all applicable emission limitations and standards.

The Kern County Air Pollution Control District currently administers the NSR program under its conditionally approved Rules 210.1 and 210.2.

Description of Regulations

In response to the NSR requirements, the KCAPCB adopted revised Rules 210.1 and 210.2 on August 27, 1984. The

revisions substantively revise the previously adopted versions of Rules 210.1 and 210.2. The rules do not take effect in Kern County until final EPA action approving the rules is published in the Federal Register.

Evaluation

EPA has evaluated the revised rules to determine whether they satisfy the NSR approval criteria. The revised rules satisfy EPA's requirements and strengthen the NSR program. The rules would: (1) Require pre-construction review of at least those sources which would be subject to review under EPA requirements, and (2) require application of LAER and offsets, and certification of statewide compliance, in a manner consistent with EPA's NSR requirements.

The revised rules are discussed in detail in EPA's technical support document, which provides the basis for today's proposal (available at the locations listed in the **"ADDRESSES"** section of this notice).

In its finally adopted rules, KCAPCB deleted several offset exemptions contained in earlier draft rules for certain cogeneration and resource recovery sources. These exemptions were not consistent with EPA requirements. Without these exemptions, the rules are approvable. However, a State of California statute requires all local air districts to provide such offset exemptions for cogeneration and resource recovery sources. EPA proposes to approve the Kern County rules as adopted without the offset exemptions. However, any attempt by KCAPCB to provide offset exemptions to cogeneration and resource recovery sources pursuant to the State statute would be inconsistent with the Federal SIP. Any permits issued pursuant to such exemptions would not be valid under the SIP.

Section 5.B.7. of the KCAPCB rules provides that emissions reductions resulting from proposed control measures filed with the Control Board for nonattainment area planning purposes may not be used as emissions offsets until the Board takes appropriate action to allow their use. KCAPCB has explained this to mean that such reductions may not be used as offsets unless and until the Board determines that they will not in fact be required for nonattainment area planning purposes. EPA proposes to approve the rules with this understanding.

The definition of "stationary source" in Section 1.Q. of the KCAPCB rules differs slightly from the Federal definition. KCAPCB must submit as a SIP revision an enforceable commitment that Section 1.Q. will not be used to exempt from new source review any new or modified source that would be considered a major stationary source or major modification pursuant to the Federal definition at 40 CFR 51.18(j). KCAPCB must make this commitment before EPA can take final action approving the KCAPCB rules.

The KCAPCB rule does not explicitly provide that emission reductions used as offsets shall have the same qualitative significance for public health and welfare as that attributed to the increased emissions. KCAPCB must make a commitment to use the power given to it under Section 41700 of the California Health and Safety Code to prevent netting which would harm public welfare. KCAPCB must also make this commitment before EPA can take final action approving these rules.

Section 4.B of the proposed rules provides that where the operation of a specific source has been significantly reduced during the previous three years, the Control Officer may specify an averaging period or emission rate which he determines provides an equitable emission base. EPA interprets this provision to mean that if operation of a source has been reduced for reasons which are not under the source's control and which are not expected to remain in place (i.e., not representative of normal operating conditions), a more representative averaging period may be specified by the Control Officer. Implementation consistent with this interpretation will be monitored through audits.

Proposed Action

EPA proposes to approve, under section 110 and Part D of the Clean Air Act, the revised Rules 210.1 and 210.2 which are available at the locations listed in the **"ADDRESSES"** section.

EPA is proposing approval of the Kern County SIP because the Agency considers this rule to strengthen the current new source review program in Kern County. However, further actions on this rule may be affected by evolving Agency policy in certain key areas. In particular, EPA is in the process of finalizing its interim policy on emissions trading. The content of the Kern County SIP, including NSR, may be significantly affected by how this policy resolves several issues, including the extent that emissions reductions can be credited in nonattainment areas which do not have an accepted attainment demonstration. To date, Kern County does not have approved demonstrations for both particulate matter and ozone. EPA reserves the right to require any necessary changes into the plan. If changes are substantive, EPA will publish a new proposal outlining the revisions required for Agency approval.

EPA also proposes to amend 40 CFR 52.220(c)(75)(i) and 40 CFR 52.220(c)(76)(i)(A) to replace the previous NSR rules with the revised rules. EPA also proposes to rescind 40 CFR 52.232(a)(5)(i)(A), thereby eliminating the condition of approval promulgated in EPA's previous rulemaking of August 21, 1981 (see BACKGROUND, above).

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. section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities.

Authority: Sections 110, 129, 171 to 173, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410, 7429, 7501 to 7503 and 7601(a)).

Dated: September 10, 1984.

John Wise,

Acting Regional Administrator.

[FR Doc. 85-12186 Filed 5-20-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 85-01; Notice 2 and Docket 78-16; Notice 5]

Federal Motor Vehicle Safety Standards

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

ACTION: Evaluation Report and proposed rule, extension of period for public comment.

SUMMARY: This notice grants two petitions for extension of the period to submit written comments on two agency notices. NHTSA is thus extending by 60 days, period for comment on the agency's Evaluation Report on Standard Nos. 205, *Glazing Materials*, and 212, *Windshield Mounting* and on the notice proposing to extend Standard No. 204, *Steering Column Rearward Displacement*, to vehicles up to 5,500 pounds unload weight.

DATES: Comments on Docket No. 85-01; Notice 1 must be received by July 29, 1985. Comments on Docket No. 78-16; Notice 4 must be received by July 19, 1985.

ADDRESS: Comment should refer to the docket and notice numbers be submitted to: Docket Section, Room 5109, National

Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. (Docket Room hours 8 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Oesch, Office of Chief Counsel, Room 5219, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Telephone (202) 426–2992.

SUPPLEMENTARY INFORMATION: On February 26, 1985 (50 FR 7805), NHTSA issued a notice (Docket 85–01; Notice 1) seeking comments on the agency's Evaluation Report on Standard No. 205, *Glazing Materials,* and Standard No. 212, windshield mounting. Comments were requested by May 28, 1985. On April 4, 1985 (50 FR 13402), the agency published a notice (Docket No. 78–16; Notice 4) proposing an amendment to Standard No. 204, *Steering Column Rearward Displacement.* Comments were requested by May 20, 1985.

Ford Motor Company and the Motor Vehicle Manufacturers Association (MVMA) have petitioned the agency to extend the comment period for the notices. Both petitioners requested that the comment period on the Standard Nos. 205/212 Evaluation Report be extended 60 days. MVMA also asked for a 60 day extension of the comment period for the Standard No. 204 notice, while Ford asked for a 45 day extension for that notice. They noted that the agency has recently issued three notices related to occupant crash protection (Docket 74–14; Notices 37, 38 and 39) all of which have a comment closing date of May 28, 1985. The petitions said that since many of the same vehicle industry personnel work on all the notices on crashworthiness, it would be difficult to analyze and evaluate all five notices with the same timeframe. They argued that the comment period could be delayed without any adverse impact on safety. The agency recognizes that responding to the five separate notices within the same general timeframe imposes a substantial workload on the petitioners. The agency also agrees that the comment date on the Standard Nos. 205/212 and 204 notices can be extended without adversely affecting safety. The agency has therefore decided to extend the comment period on both notices by 60 days.

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

Issued on May 15, 1985.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 85–12160 Filed 5–16–85; 12:16 pm]

BILLING CODE 4910–59–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1312

[Ex Parte No. MC–170; Sub.-1]

Short Notice Effectiveness for Independently Filed Single-Factor Motor-Water Rates

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Pursuant to a petition filed by Carolina Freight Carriers Corporation (Carolina), the Commission, under 49 U.S.C. 10762(d)(1), proposes to amend the regulations at 49 CFR 1312 to reduce the notice period for independently filed single-factor domestic motor-water property rates. Rate reductions and new rates would become effective on 1-day's notice and rate increases would become effective on 7-workdays' notice, rather than the 30-days' notice currently required for all of the above rates at 49 CFR 1312.4(e)(1)(ii)(A).[1] The current 30-day notice requirements limits the shippers' freedom to choose the most responsive carrier for time-sensitive deliveries, and also discourages shippers from testing the services of new carriers. Reduction of the notice requirement would lessen these problems and allow carriers already serving a particular shipper to meet new competition for that traffic and the changing transportation needs of that shipper.

DATES: Comments are due on June 21, 1985. Petitioner's reply is due July 8, 1985.

ADDRESSES: The original and, if possible, 15 copies of comments should be sent to: Ex Parte No. MC–170 (Sub-No. 1), Case Control Branch, Office of Secretary, Interstate Commerce Commission, Washington, DC 20423.

A copy of the comments should be sent to petitioner's representative: Donald G. Hichman, International Pricing Manager, Carolina Freight Carriers Corporation, P.O. Box 697, Cherryville, NC 28201.

FOR FURTHER INFORMATION CONTACT:

Ardith M. Horne, (202) 275–1764

or

Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, c/o Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

[1] Prior to October 30, 1984, the 30-days' notice provision applicable to the considered rates was contained in 49 CFR 1310.2(d). This rule was recodified at 49 CFR 1312.4(e)(1)(ii)(A) in No. 37321, *Revision of Tariff Regulations, All Carriers,* served October 1, 1984.

Energy and Environmental Considerations

This action does not appear to significantly affect either the quality of the human environment or conservation of energy resources. Comments are welcome on these issues.

Regulatory and Flexibility Analysis

Adoption of the proposed rule change will not have a significant economic impact on a substantial number of small entities. The rule change would reduce regulatory lag, and allow small carriers to price their services more competitively, without affecting the ability of small entities to challenge proposed rate changes. Comments on this issue are also invited.

List of Subjects in 49 CFR Part 1312

Motor carriers, Freight forwarders, Martime carriers, Freight, Exports, Imports, Intermodal transportation.

This action is taken under the authority of 5 U.S.C. 553 and 49 U.S.C. 10321 and 10762(d)(1).

Decided: May 10, 1985.

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

James H. Bayne,

Secretary.

Appendix

49 CFR Part 1312 would be amended as follows:

1. The authority citation for Part 1312 continues to read as follows:

Authority: 49 U.S.C. 17062; 5 U.S.C. 553.

2. Paragraph (h)(4) of § 1312.39 of 49 CFR Part 1312 would be revised to read as follows:

§ 1312.39 Miscellaneous provisions which may be filed on less than statutory notice.

* * * * *

(h) * * *

(4) *Joint intermodal traffic.* This subsection (h) applies to single-factor motor-water rates, charges, rules, and other provisions.

* * * * *

[FR Doc. 85–12257 Filed 5–20–85; 8:45 am]

BILLING CODE 7035–01–M

Notices

Federal Register
Vol. 50, No. 98
Tuesday, May 21, 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.

CONSUMER PRODUCT SAFETY COMMISSION

Public Meeting Concerning Commission Priorities

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of public meeting.

SUMMARY: The Commission will conduct a public meeting to obtain views from interested parties about priorities for Commission attention during fiscal year 1987. Participation by members of the public is invited. Written comments and oral presentations concerning Commission priorities will become part of the public record of this proceeding.

DATES: The meeting will begin at 9:30 a.m. on June 4, 1985. Requests from members of the public who desire to make presentations must be received by the Office of the Secretary not later than May 31, 1985. Persons desiring to make presentations at this meeting must submit a written text or summary of their presentations no later than May 31, 1985.

ADDRESS: The meeting will be in the third floor conference room, 1111 18th Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: For information about the meeting or to request opportunity to make a presentation at the meeting, call or write Sheldon Butts, Deputy Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6800.

SUPPLEMENTARY INFORMATION: The Consumer Product Safety Commission will conduct a public meeting to receive views from interested parties concerning establishment of priorities for Commission attention during fiscal year 1987 (October 1, 1986 through September 30, 1987). The meeting will begin at 9:30 a.m. on June 4, 1985, in the Commission's hearing room, third floor, 1111 18th Street, N.W., Washington, D.C.

The purpose of this meeting is to obtain views concerning projects and activities which should be given priority by the Commission during fiscal year 1987 from a wide range of interested parties including representatives of consumers; manufacturers, importers, distributors, and retailers of consumer products; members of the academic community; and representatives of health and safety agencies of state and local governments.

The Commission is an independent regulatory agency of the U.S. government which is headed by five Commissioners who are appointed by the President with the advice and consent of the Senate.

The Commission is charged by Congress with protection of the public from unreasonable risks of injury associated with consumer products. In accordance with that mandate, the Commission administers and enforces the following laws, and rules issued under those laws:

The Consumer Product Safety Act (15 U.S.C. 2051, *et seq.*);

The Federal Hazardous Substances Act (15 U.S.C. 1261, *et seq.*);

The Flammable Fabrics Act (15 U.S.C. 1191, *et seq.*); and

The Poison Prevention Packaging Act (15 U.S.C. 1471, *et seq.*)

Standards and regulations issued under those statutes are published in the Code of Federal Regulations, Title 16, Chapter II.

While the Commission has broad jurisdiction over products used by consumers in or around their homes, in schools, in recreation, and other settings, its staff and budget are limited. For these reasons, the Commission must concentrate its resources on the most serious hazards associated with consumer products within its jurisdiction in order to discharge its Congressional mandate effectively.

In its budget request for fiscal year 1986 (October 1, 1985 through September 30, 1986), the Commission identified five priority projects for that fiscal year. Those projects are described in Appendix 1 to this notice. The order in which the projects appear in Appendix 1 does not reflect the relative priority of one project over another, and that appendix does not contain a complete list of all projects to be undertaken by the Commission during that fiscal year.

Commission priorities are selected in accordance with Commission policy governing establishment of priorities, published at 16 CFR 1009.8.

Interested parties who desire to make presentations at the meeting on June 4, 1985, should call or write Sheldon Butts, Deputy Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6800, not later than May 31, 1985.

Presentations should be limited to approximately ten minutes. Persons desiring to make presentations must submit the written text or a summary of their presentations to the Office of the Secretary not later than May 31, 1985.

The Commission reserves the right to impose further time limitations on all presentations and further restrictions to avoid duplication of presentations.

The public meeting will begin at 9:30 a.m. on June 4, 1985 and will conclude the same day.

Dated: May 16, 1985.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Appendix 1—Commission Priorities for Fiscal Year 1986 (October 1, 1985 through September 30, 1986)

Electrocution Hazards. Each year more than 500 persons are electrocuted in incidents involving products under CPSC jurisdiction. Approximately 300 of these accidents involve products such as power tools, kitchen appliances, house wiring, and personal grooming equipment. For example, it is estimated that 136 electrocutions involving hair dryers have occured between 1977 and 1981. In FY 1986, the Commission will: (1) Work to improve the voluntary safety standard for hair dryers; (2) pursue the incorporation of miniaturized ground fault circuit interrupters in certain appliances; and (3) attempt to change the National Electric Code to require ground fault protection in high hazard areas of homes.

Fire Toxicity. Residential fires are responsible for approximately 5,000 deaths annually. More than half of these deaths are estimated to be attributable to the inhalation of toxic gases rather than from burns. Carbon monoxide is generally accepted as the major single cause of smoke inhalation deaths; however, there is increasing concern that other toxic gases may also play an

important role in such deaths. The objective of this project is to ultimately reduce deaths and injuries resulting from toxic combustion products. In FY 1986, the Commission will continue to work with Federal, State and local agencies to focus activities in the field of fire toxicity. CPSC will also review the scientific and techical literature to describe the types and quantities of toxic gases given off by various materials, conduct laboratory tests to determine the relative toxicity of combustion products given off when various materials burn, and begin to evaluate and adapt fire hazard assessment models for consumer product application.

Gas Heating Systems. An estimated 280 carbon monoxide poisoning deaths associated with gas appliances occur in the home. The largest single contributor to these deaths is vented gas-fired heaters; accidents involving these products result in an estimated 120 carbon monoxide-related deaths annually. Water heaters are the largest single contributor to fire losses associated with gas heating equipment. Gas heathers account for 24,500 fires and 220 deaths, of which 9,800 fires and 50 deaths are associated with water heaters. In FY 1986, the Commission will continue its efforts to encourage the development of reliable, low cost carbon monoxide and fuel gas detectors which could be used on gas-fired appliances. In addtion, CPSC will recommend safety improvements to the voluntary standard for water heaters to address fire and explosion hazards.

Portable Electric Heaters. The primary hazard associated with the use of portable electric hearters is fire. It is estiamted that in 1982 there were 130 deaths, 370 injuries and 3,300 fires associated with portable electric heaters. In FY 1986, the Commission will evaluate the existing voluntary standard for portable electric heaters, and continue to work with industry to upgrade the standard and improve the safety of these products.

Riding Mowers. An estimated 100 deaths each year are associated with riding mowers and garden tractors. In 1980, these products were involved in an estimated 38,000 medically-attended injuries. Many of the fatal accidents involve mower tipover. In other cases, victims fall under or are run over by mowers (incidents involving young children are included in this category). The risk of injury associated with a riding mower is estimated to be 50 percent higher than the risk with a walkbehind mower. In FY 1986, the Commission will participate with industry in efforts to upgrade the voluntary standard for riding movers.

[FR Doc. 85-12192 Filed 5-20-85; 8:45 am]
BILLING CODE 6355-01-M

COPYRIGHT ROYALTY TRIBUNAL

Distribution of 1983 Cable Copyright Royalty Fund

AGENCY: Coyright Royalty Tribunal.
ACTION: Notice of Prehearing Conference.

SUMMARY: The Copyright Royalty Tribunal hereby gives notice of a prehearing conference to discuss certain procedural matters concerning the distribution of the 1983 cable copyright royalty fund. Subjects will include:

1. Evidentiary objections to the written direct cases of the parties.
2. Comments on letter dated May 12, 1985 to the Members of the Bar who practice before the Tribunal.

Status: Open.

DATE: Friday, June 7, 1985, 10:00 a.m.
ADDRESS: The conference will be held at a hearing room of the Commodity Futures Trading Commission, 5th floor hearing room, 2033 K Street, NW, Washington, DC.
FOR FURTHER INFORMATION CONTACT: Contact Robert Cassler, General Counsel, (202) 653-5175, Copyright Royalty Tribunal, 1111 20th St., NW, Suite 450, Washington, DC 20036.

Dated: May 15, 1985.
Edward W. Ray,
Acting Chairman.
[FR Doc. 85-12169 Filed 5-20-85; 8:45 am]
BILLING CODE 1410-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, July 2, 1985; Tuesday, July 9, 1985; Tuesday, July 16, 1985; Tuesday, July 23, 1985 and Tuesday, July 30, 1985 at 10:00 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Installations and Logistics) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b.(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy & Requirements) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b.(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a quarantee that the data will be held in confidence (5 U.S.C. 552b.(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, The Pentagon, Washington, D.C. 20301.

Patricia H. Means,
OSD Federal Register Liaison Officer, Department of Defense.
May 16, 1985.
[FR Doc. 85-12208 Filed 5-20-85; 8:45 am]
BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Public Information Collection Requirement Submitted to OMB for Review.

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Ch. 35). Each entry contains the following information: (1) Type of Submission; (2)

Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Exiting Collection in Use Without OMB Control Number

Verification of Professional Educator Employment for Salary Rating Purposes—DS Form 5013

Information collection is used to verify an applicant's previous experience which is used to establish rate of pay.

Individuals
Responses 11,000
Burden hours 917

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone (202) 746-0933.

FOR FURTHER INFORMATION CONTACT: A copy of the information collection proposal may be obtained from Mr. Robert L. Newhart, OASD MI&L(PI), Room 3C800, Pentagon, Washington, DC 20301-4000, telephone (202) 695-0643. This collection is not for contract.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

May 16, 1985.

[FR Doc. 85-12209 Filed 5-20-85; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Inventory of Commercial Activities

Correction

In FR Doc. 85-11693 beginning on page 20260 in the issue of Wednesday, May 15, 1985, make the following corrections:

1. On page 20260, in the third column, add the following line as the last entry in the table under **Assistant Secretary, Management and Administration:** Photo and graphics services—MD: Germantown—Jan. 1988.

2. On page 20261, in the first column, add the following line before the third line from the bottom of the table:

Facility, grounds, utility maint.—UT: Salt Lake City—Jan. 1987.

BILLING CODE 1505-01-M

Office of Assistant Secretary for International Affairs and Energy Emergencies

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; Spain

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between The Government of the United States of America and The Government of Spain concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the shipment of 10 kilograms of irradiated enriched uranium fuel from the JUNTA research reactor (JEN-1) in Madrid, Spain to the US DOE Idaho facilities for processing and storage of recovered uranium under contract number DE-AC09-775R01014.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.
Dated: May 14, 1985.

George J. Bradley, Jr.,

Deputy Assistant Secretry for International Affairs.

[FR Doc. 85-12191 Filed 5-20-85; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 85-11-NG]

Natural Gas Imports, Dome Petroleum Corp.; Application To Import Natural Gas From Canada

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Application to Import Natural Gas From Canada for Spot Market Sales.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on May 1, 1985, of an application from Dome Petroleum Corp. (Dome Corp.) for an authorization to import up to 50 Bcf per year of Canadian natural gas for two years for sale to U.S. purchasers on a short-term or spot market basis. Dome Corp. seeks to import the gas both as a broker for U.S. purchasers and Canadian suppliers, and as an importer on its own behalf. The details of individual transactions, including the identification of the supplier, purchaser, price, volume and duration, will be negotiated for each short-term or spot market sale. Dome Corp. will make quarterly reports to the ERA of the details of each short-term or spot market sale within 40 days following the close of each calendar quarter.

The application was filed with the ERA pursuant to section 3 of the Natural Gas Act. Protests or petitions to intervene are invited.

DATES: Protests or petitions intervene are to be filed no later than 4:30 p.m., June 20, 1985.

FOR FURTHER INFORMATION CONTACT:

Stanley C. Vass (Natural Gas Division, Office of Fuels Programs), Economic Regulatory Administration, Forrestal Building, Room GA-007, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9482

Diane J. Stubbs (Office of General Counsel, Natural Gas and Mineral Leasing), Forrestal Building, Room 6E-042, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6667

SUPPLEMENTARY INFORMATION: Dome Corp. is a North Dakota corporation and a wholly-owned subsidiary of Dome Petroleum Limited, a Canadian corporation. Dome Corp. seeks authorization to import up to 50 Bcf per yer of Canadian natural gas for a two-year period beginning on date of first delivery. The imported gas will be supplied by various Canadian suppliers and sold on a short-term or spot market basis to U.S. purchasers, including industrial or agricultural users, electric utilities, pipelines, and distribution companies. Dome Corp. will act either as a broker for U.S. purchasers and Canadian suppliers or as a direct importer on its own behalf. According to Dome Corp., the specific details of each transaction, including the identification of the supplier and purchaser, volume, price, transportation arrangements and duration of the agreement will be freely negotiated for each short-term or spot market sale, and will be responsive to current market conditions for natural gas.

Dome Corp. states that it will report the details of each short-term or spot

market sale made during each calendar quarter within 40 days following the close of calendar quarter, to include import and sale price, volume imported, duration of the agreement, contract adjustment and take provisions, if any, the Canadian suppliers, the U.S. purchasers, and a description of the market served.

Dome Corp. also states that it intends to use existing facilities to transport the gas. Dome Corp. expects that the majority of the short-term or spot market sales to U.S. purchasers will be used to displace higher-priced energy supplies. When the natural gas imported displaces the consumption of high sulfur fuel oil or coal, Dome Corp. believes that there will be a positive impact on the environment. When the imported natural gas displaces other natural gas that is not competitively priced, no environmental impact is anticipated.

Dome Corp. asserts that it needs a blanket authorization to import the Canadian gas in order to be able to quickly negotiate and execute contracts with purchasers and suppliers and to compete with available domestic supplies. Dome Corp. urges that the proposed import will be in the public interest because the terms, including the price for each short-term or spot market sale, will be freely negotiated, competitive, and will help ensure the efficient allocation of natural gas in the marketplace.

The decision on this application will be made consistent with the Department of Energy's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest. Parties that may oppose this application should address in their comments the issue of competitiveness as set forth in the policy guidelines. The applicant has asserted that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Other Information

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received by persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-033-B, RG-23, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585. They must be filed no later than 4:30 p.m., June 20, 1985.

A decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Dome Corp.'s application is available for inspection and copying in the Natural Gas Division Docket Room, GA-033-B, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on May 10, 1985.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-12189 Filed 5-20-85; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 85-07-NG; Order No. 81]

Natural Gas Imports/Exports, Great Lakes Transmission Co.; Conditional Order Amending Authorization

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Conditional Order Amending Authorization to Import and Export Canadian Natural Gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that on May 9, 1985, the ERA Administrator issued an opinion and order approving Great Lakes Transmission Company's (Great Lakes) application to amend its authorization to import and export Canadian natural gas from and to TransCanada Pipelines Limited (TransCanada) conditioned on completion of DOE's environmental review. The conditional order authorizes Great Lakes to increase the volumes it imports and exports for TransCanada from 815,000 Mcf per day to 825,000 Mcf per day for the period November 1, 1985, to November 1, 2005.

The text of the opinion and order follows.

FOR FURTHER INFORMATION CONTACT:

Tom Dukes (Natural Gas Division, Office of Fuels Programs), Economic Regulatory Administration, Forrestal Building, Room GA-007, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9590

Diane Stubbs (Office of General Counsel, Natural Gas and Mineral Leasing), U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6667

Issued in Washington, D.C., on May 9, 1985.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

Conditional Order Amending Authorization To Import and Export Natural Gas From Canada

[DOE/ERA Opinion and Order No. 81]

I. Background

On March 8, 1985, Great Lakes Gas Transmission Company (Great Lakes) filed an application with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE), pursuant to section 3 of the Natural Gas Act, to amend the existing natural gas import/export authorization granted by the ERA on January 23, 1985, in DOE/ERA Opinion and Order No. 70 (Order No.

70).[1] The amendment for which Great Lakes seeks approval would permit it to increase the volumes of natural gas it presently imports and exports for TransCanada Pipelines Limited (TransCanada) from 815,000 Mcf per day to 825,000 Mcf per day from November 1, 1985, to November 1, 2005.

In order to import and export the incremental volumes, Great Lakes proposed to construct approximately 15 miles of 12-inch loop pipeline parallel to its existing pipeline that serves Sault Ste. Marie and Rudyard, Michigan, and Sault Ste. Marie, Ontario. Pursuant to section 7(c) of the Natural Gas Act, Great Lakes filed an application with the Federal Energy Regulatory Commission (FERC) on March 4, 1985, for a certificate of public convenience and necessity to construct the additional pipeline capacity.[2] Great Lakes states it would be unable to increase deliveries by 10,000 Mcf per day to the point of interconnection with TransCanada's facilities at Sault Ste. Marie, Michigan without constructing the proposed pipeline.

Great Lakes operates a pipeline system extending from the international boundary near Emerson, Manitoba, Canada, the point at which it connects with the facilities of TransCanada, across northern Minnesota, Wisconsin, and Michigan, until it reconnects with TransCanada's eastern Canadian facilities at two points on the international boundary near St. Clair and Sault Ste. Marie, Michigan. Under an agreement dated September 12, 1967, as amended, Great Lakes supplies transportation services for TransCanada.

Great Lakes was initially granted authority to import and export Canadian natural gas by the Federal Power Commission (FPC) in Order No. 521, issued on June 20, 1967, in Docket No. CP66-112,[3] and later amended by the FPC on June 1, 1971, in Docket No. CP71-223.[4] On January 23, 1985, the ERA issued Order No. 70 which extended Great Lakes' authorization to continue to import into and export from the United States up to 815,000 Mcf per day of Canadian natural gas from November 1, 1992, to November 1, 2005.

In its March 8, 1985, application, Great Lakes requested that the proviously authorized daily import/export volumes be increased from 815,000 Mcf to 825,000 Mcf beginning November 1, 1985, based on a February 28, 1985, amending agreement to the transportation contract between Great Lakes and TransCanada.

According to Great Lakes, the additional cost of service related to construction of new pipeline facilities is expected to be offset by the additional revenues it will receive from TransCanada due to increase in contract demand. In Great Lakes' opinion, the project is not inconsistent with the public interest since it provides service to an existing customer who will provide the revenue to pay for its cost.

Because Great Lakes' amending agreement with TransCanada calls for increased deliveries by November 1, 1985, it requested the ERA to expedite its decision to ensure that construction of new pipeline facilities can be initiated by June 1, 1985.

II. Intervention and Comments

The ERA issued a notice of the application on March 21, 1985,[5] inviting protests, motions to intervene or comments to be filed by April 29, 1985. Northern Natural Gas Company, Division of InterNorth Inc., Michigan Consolidated Gas Company, and InterCity Gas Corporation (Inter-City) moved to intervene. Inter-City was the only movant to comment on the application, requesting that any decision by the ERA assure that the cost of the proposed service would be borne by Great Lakes and not by its transportation or resale customers. This order grants intervention to all movants.

III. Decision

Great Lakes' application has been evaluated to determine if an increase in the volume it imports and exports for TransCanada meets the public interest requirements of section 3 of the Natural Gas Act. Under section 3, imports and exports are to be authorized unless there is a finding that they "will not be consistent with the public interest."[6] The Administrator is guided by the DOE's policy relating to the regulation of natural gas imports.[7] With respect to imports, under the policy guidelines the competitiveness of the arrangement is the primary consideration for meeting the public interest test. The primary consideration bearing on exports is the lack of domestic need for the gas.

The competitiveness of Great Lakes' arrangement is not an issue in this case because the volumes being imported are redelivered to Canada and are not sold to U.S. consumers. Inasmuch as the volumes are being imported and exported for TransCanada's account and are not sold of the U.S. market, the only relevant issue is the impact of the import and export of Great Lakes and its customers.

In Order No. 70, the ERA extended Great Lakes' authorization to import and export gas for TransCanada primarily because the contract provided Great Lakes the security it needed to obtain additional long and short-term financing while improving service to its other customers.[8] Order No. 70 also took into consideration the fact that no domestic supply of gas exists in Great Lakes' market area that could replace the volumes being transported for TransCanada. It is the ERA's opinion that, other than Great Lakes' proposal to construct a parallel pipeline to accommodate a 10,000 Mcf per day increase in its authorization, the circumstances which led to approval of Order No. 70 remain the same.

The high-volume shipments for TransCanada have enabled Great Lakes to minimize rates for its U.S. customers through the wider allocation of its fixed costs. This same principle should continue to apply under the proposed expansion since costs related to construction and operation of the additional pipeline are expected to be offset by revenues Great Lakes will receive from TransCanada due to increased contract demand. The appropriate place for Inter-City to address its concerns about the issue of cost of service would be before the FERC in a rate proceeding, should it be necessary.

Great Lakes' proposal to construct additional loop pipeline capacity to accommodate the increased volumes has triggered an environmental review under the National Environmental Policy Act (NEPA) of the impacts of the import and related construction. NEPA requires agencies to give appropriate consideration to the environmental effect of their proposed actions: in the ERA's case, the authorization to import and export gas; in the FERC's case, the certificate of public convenience and necessity to construct additional pipeline capacity.[9] The FERC has the

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[1] *Great Lakes Transmission Company*, DOE/ERA Opinion and Order No. 70, issued January 23, 1985 (1 ERA ¶ 70,583).

[2] FERC Docket No. CP85-333-000 (50 FR 12861, April 1, 1985).

[3] 37 FPC 1070.

[4] 45 FPC 1037.

[5] 50 FR 12371, March 28, 1985.

[6] 15 U.S.C. 717b.

[7] 49 FR 6684, February 22, 1984.

[8] According to Great Lakes' application of October 26, 1983 (and as amended in Docket No. 83-07-NG), gas shipments made for TransCanada accounted for 55 percent of its system throughput.

[9] In DOE Delegation Order 0204-112 (49 FR 6690, February 22, 1984) the Secretary delegated to the FERC the authority for "approval or disapproval of the construction and operation of particular facilities . . ." for imports and exports.

lead for developing the environmental review of this import.

The approval of this import and export is therefore being conditioned on completion of the environmental review. When the FERC has completed its environmental work, the ERA will perform an environmental review based on the FERC's analysis, reconsider this opinion, and issue a final opinion and order. The conditional decision indicates to the parties the ERA's determination on all but the environmental issues in this case.

The record in this proceeding has been reviewed and Great Lakes' arrangement is found to be reasonable and beneficial. No member of the public has come forward to contend otherwise.

After taking into consideration all information in the record of this proceeding, I find that the amended authorization requested by Great Lakes is not inconsistent with the public interest and should be granted, conditioned upon completion of the DOE's environmental review.

Order

For the reasons set forth above pursuant to section 3 of the Natural Gas Act, it is ordered that:

A. The import and export authorization previously issued by the Federal Power Commission (FPC) to Great Lakes Transmission Company by FPC Order No. 521, issued on June 20, 1967, in Docket No. CP66–112 (37 FPC 1070), as later amended on June 1, 1971, in Docket No. CP71–223 (45 FPC 1037), and later amended in DOE/ERA Opinion and Order No. 70, issued January 23, 1985, is hereby further amended to increase the authorized volumes Great Lakes imports and exports from 815,000 Mcf per day to up to 825,000 Mcf per day for the period November 1, 1985, to November 1, 2005.

B. The authorization in Ordering Paragraph A is conditioned upon entry of a final ERA order after review by the DOE of the FERC environmental analysis of this project, and the completion by the DOE of its NEPA responsibilities.

C. The motions to intervene, as set forth in this opinion and order, are hereby granted, subject to the administrative procedures in 10 CFR Part 590, provided that participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their motions to intervene and not herein specifically denied, and that the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order issued in these proceedings.

D. The authorization granted in Ordering Paragraph A is subject to conditions as may result from further proceedings in this case. Applicants and intervenors in this proceeding shall be bound by opinions and orders issued in further proceedings in this case.

Issued in Washington, D.C., on May 9, 1985.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 85–12190 Filed 5–20–85; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CI85–417–000]

EnTrade Corporation; Application for Blanket Limited Term Certificate And Limited Partial Abandonment Authorization

May 16, 1985.

Take notice that on May 3, 1985, EnTrade Corporation, P.O. Box 1753, 2900 Veach Road, Owensboro, Kentucky 42301, filed an application pursuant to Sections 4 and 7 of the Natural Gas Act, 15 U.S.C. Sections 717c, 171f, and the provisions of 18 CFR Part 157, for a blanket limited-term certificate of public convenience and necessity authorizing EnTrade to conduct a short-term spot sales marketing program, hereinafter referred to as EnSPEED, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Approval would (1) authorized the sale of natural gas for resale in interstate commerce; (2) permit limited-term, partial abandonment of certain natural gas sales; (3) confer pre-granted abandonment authorization for sales of natural gas made pursuant to the requested certificate; (4) authorize transportation of natural gas by interstate pipeline companies able and willing to praticipate in the EnSPEED Program; and (5) confer pre-granted abandonment authorization for the transportation service allowed under the requested certificate. EnTrade also requests the Commission to declare that, with respect to EnTrade and its activities, the Commission will only assert Natural Gas Act jurisdiction over sales for resale and transportation not otherwise exempt from the NGA.

Under the EnSPEED Program, EnTrade proposes to sell natural gas qualifying for the section 102, 103, 107, and 108 rates under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. Sections 3301–3432. Only contractually committed gas will be sold. EnTrade and participating producers will seek temporary releases of gas from the purchasers in order to meet market demand for natural gas sales. Releasing purchasers will be absolved from take-or-pay liability for any volumes of gas released and sold under the program. Arrangements for transporting the released gas will be made on a case-by-case basis.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 3, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless Applicant is otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–12197 Filed 2–20–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. SA85–28–000]

Everest Minerals Corp. et al.; Petition for Adjustment

Issued: May 15, 1985.

On May 6, 1985, Everest Minerals Corporation, Peter Paul Petroleum Company, Edwards & Leach Oil Company and Flag-Redfern Oil Company filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 and Rule 1103 of the Commission's Rules of Practice and Procedure (18 CFR 385.1103) seeking additional time to make their Btu refunds required by the Commission's Order Nos. 399 and 399–A.[1] Petitioners seek an extension until June 17, 1985, to make the refunds due on May 3, 1985.

Petitioners submit that they were unable to determine the amount of refunds they owe because their pipeline

[1] Refunds Resulting from Btu Measurement Adjustment, 49 FR 377735 (Sept. 26, 1984) (Final Rule); 49 FR 46353 (Nov. 26, 1984) (Order No. 399–A, granting rehearing of Order No. 399).

purchaser, Perry Pipeline Company, has failed to provide them sufficient information to verify the accuracy of the refund invoices received from the pipeline. Petitioners assert that the extension of time is necessary to prevent special hardship, inequity, and an unfair distribution of burdens that would result if they had to make refunds with insufficient information to verify the pipeline's estimate of the amount due.[2]

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 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. 85-12198 Filed 5-20-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA85-29-000]

Everest Exploration II et al.; Petition for Adjustment

Issued May 15, 1985.

On May 6, 1985, Everest Exploration II, Everest Exploration III, Everest Exploration 1978 Oil and Gas, all limited partnerships and Charles F. Urschel, an individual d/b/a "Double 'U' Oil Company," filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 and Rule 1103 of the Commission's Rules of Practice and Procedure (18 CFR 385.1103) seeking additional time to make their Btu refunds required by the Commission's Order Nos. 399 and 399-A.[1] Petitioners seek an extension until June 17, 1985, to make the refunds due on May 3, 1985.

Petitioners submit that they were unable to determine the amount of refunds they owe because their pipeline purchaser, Tennessee Gas Pipeline Company, has failed to provide them sufficient information to verify the accuracy of the refund invoices received from the pipeline. Petitioners assert that the extension of time is necessary to prevent special hardship, inequity, and an unfair distribution of burdens that would result if they had to make refunds with insufficient information to verify the pipeline's estimate of the amount due.[2]

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 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. 85-12199 Filed 5-20-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-4-51-002]

Great Lakes Gas Transmission Co.; Proposed Changes in FERC Gas Tariff Under Purchased Gas Adjustment Clause Provisions

May 14, 1985.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on May 9, 1985, tendered for filing Substitute Fifty-First Revised Sheet No. 57 to its FERC Gas Tariff, First Revised Volume No. 1, to be effective May 1, 1985.

Great Lakes states that the above tariff sheet is filed in compliance with the Commission's letter order issued April 26, 1985 in the captioned docket which directed Great Lakes to refile the revised rates filed for on March 29, 1985. The filing of May 9, 1985 reflected an allocation of a one-time adjustment of unrecovered purchased gas costs for a prior period among its established groups of resale customers based upon actual volumes for each month of the deferral period as ordered by the Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street 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 21, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-12201 Filed 5-20-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-13800-001 et al.]

J.M. Huber Corp. et al.; Applications for Certificates, Abandonments of Service and Petitions To Amend Certificates [1]

May 16, 1985.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 3, 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 Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

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[1] Pipelines have an obligation under the Natural Gas Act as part of prudent management to cooperate with first sellers by providing them sufficient information to be able to pay their refunds promptly and properly. *Id.*, 49 FR 37735, 37740 (Sept. 26, 1984).

[1] Refunds Resulting from Btu Measurement Adjustment, 49 FR 37,735 (Sept. 26, 1984) (Final Rule); 49 FR 46,353 (Nov. 26, 1984) (Order No. 399-A, granting rehearing of Order No. 399).

[2] Pipelines have an obligation under the Natural Gas Act as part of prudent management to cooperate with first sellers by providing them sufficient information to be able to pay their refunds promptly and properly. *Id.*, 49 FR 37,735, 37,740 (Sept. 26, 1984).

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-13800-001 and C172-369-001, May 3, 1985.	J. M. Huber Corporation, 2000 West Loop South, Houston, Texas 77027.	Colorado Interstate Gas Company, West Panhandle Field, Hutchinson, Carson and Moore Counties, Texas.	(1)	14.73
G-5716-029, D, Apr. 29, 1985	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Northern Natural Gas Company, Hugoton Field, Haskell County, Kansas.	(2)	
G-7642-012, D, Apr. 18, 1985	do	Northern Natural Gas Company, Hugoton Field, Stevens County, Kansas.	(3)	
G-7643-006, D, Apr. 29, 1985	do	Northern Natural Gas Company, Hanke Field, Stevens County, Kansas.	(4)	
G-16139-012, D, Apr. 24, 1985	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77252.	Transwestern Pipeline Company, Panhandle Area of Texas Brillhart Field, Hansford County, Texas.	(5)	
CI63-523-000, E, Feb. 16, 1984	The George R. Brown Partnership (Formerly: Cryogen Inc., Succ. in Interest to George R. Brown) 860 San Jacinto Bldg., Houston, Texas 77002.	Transcontinental Gas Pipe Line Corporation, Live Oak Field, Vermilion Parish, Louisiana.	(6)	14.73
CI66-1215-000, D, Apr. 22, 1985	Sun Exploration and Production Company, P.O. Box 2880, Dallas, Texas 75221-2880.	Natural Gas Pipeline Company of America, Farnsworth North Field, Ochiltree County, Texas.	(7)	
CI67-266-000, D, Apr. 29, 1985	Monsanto Oil Compnay, 1300 Post Oak Tower, 5051 Westheimer, Houston, Texas 77056.	Arkansas Louisiana Gas Company, Paw Paw Field, Sequoyah County, Oklahoma.	(8)	
CI67-816-001, D, Apr. 26, 1985	Gulf Oil Corporation	Transwestern Pipeline Company, Gomez Field, Pecos County, Texas.	(9)	
CI67-1005-001 and CI85-261-000 C & B, May 3, 1985.	Sun Exploration and Production Company	Northwest Central Pipeline Corporation, Certain acreage in Alfalfa County, Oklahoma.	(10 11)	14.73
CI68-1429-000, F, Apr. 25, 1985	Tenneco Oil Company (Succ. in Interest to Columbia Gas Development Corporation), P.O. Box 2511, Houston, Texas 77001.	Natural Gas Pipeline Company of America, West Cameron Blocks 225/229, Offshore Louisiana.	(12)	14.73
CI69-363-000, E, May 6, 1985	Tenneco Oil Company (Succ. in Interest to Energy Reserves Group, Inc.), P.O. Box 2511, Houston, Texas 77001.	United Gas Pipe Line Company, La Terre No. 2 Well, Chauvin Field, Terrebonne Parish, Louisiana.	(13)	14.73
CI79-24-001, C, Apr. 26, 1985	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	El Paso Natural Gas Company, Ignacio Blanco Field, La Plata County, Colorado.	(14)	14.73
CI79-631-001, C, May 7, 1985	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77252.	Northern Natural Gas Company, USM Queen Field, Pecos County, Texas.	(15)	14.73
CI85-380-000, A, Apr. 11, 1985	Texaco Inc., P.O. Box 52332, Houston, Texas 77052	Texas Gas Transmission Corporation, Block 31 Vermillion Area, Offshore Louisiana.	(16)	14.73
CI85-393-000, B, Apr. 15, 1985	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Phillips Petroleum Company, Hobbs Field, Lea County, New Mexico.	(17)	
CI85-394-000, (CI69-21), B, Apr. 15, 1985.	Forest Oil Corporation, 950—17th Street, Denver, Colorado 80202.	Northern Natural Gas Company, West Wahs Field, Reeves County, Texas.	(18)	
CI85-395-000 (CI69-1027), B, Apr. 16, 1985.	do	Columbia Gas Transmission Corporation, Vermilion Block 162, Offshore Louisiana.	(19)	
CI85-396-000 (CI84-154-000), B, Apr. 15, 1985.	Shell Western E&P Inc., P.O. Box 4684, Houston, Texas 77210.	Tennessee Gas Pipeline Company, Clovelly Field, LaFourche Parish, Louisiana.	(20)	
CI85-397-000, B, Apr. 15, 1985	REXOCO, Inc. (Formerly: Rex & Morris DRLG. Co.), Box 334, El Dorado, Kansas 67042.	Kathol Natural Gas, Southwest Petro Capital Corp., Stafford County, Kansas.	(21)	
CI85-399-000, B, Apr. 19, 1985	Oleum Incorporated, P.O. Box 631, Amarillo, Texas 79173.	Tennessee Gas Pipeline Company, H.S. Philips No. 1 and George Mikeska No. 1 wells, Nelsonville Field, Austin County, Texas.	(22)	
CI85-401-000, E, Apr. 22, 1985	Shell Offshore Inc. (Succ. in Interest to Petro-Lewis Funds, Inc.) P.O. Box 4480, Houston, Texas 77210.	Florida Gas Transmission Company, Grand Isle Block 75, Offshore Louisiana.	(23)	14.73
CI85-402-000, E, Apr. 22, 1985	do	Florida Gas Transmission Company, South Marsh Island Blocks 149 and 150, Offshore Louisiana.	(24)	14.73
CI85-403-000 (CI71-399), B, Apr. 22, 1985.	Placid Oil Company, 3600 Thanksgiving Tower, Dallas, Texas 75201.	Southern Natural Gas Company, Bully Camp Field, LaFourche Parish, Louisiana.	(25)	
CI85-404-000 (G-10225), B, Apr. 22, 1985.	Forest Oil Corporation and Signal Oil and Gas Company, 1500 Colorado Natl. Bldg., 950—17th Street, Denver, Colorado 80202 and P.O. Box 94193, Houston, Texas 77018.	Texas Eastern Transmission Corporation, Sal Del Rey and La Jara Fields, Hidalgo and Willacy Counties, Texas.	(26)	
CI85-406-000, A, Apr. 24, 1985	Elf Aquitaine, Inc., Allied Bank Plaza, 1000 Louisiana, Suite 3800, Houston, Texas 77002.	Florida Gas Transmission Company, Matagorda Island Blocks 555 and 556, Offshore Texas.	(27)	14.73
CI85-407-000 (G-4616), B, Apr. 24, 1985.	Texaco Inc., P.O. Box 52332, Houston, Texas 77052	Diamond Shamrock Refining and Marketing Company, Hutchinson County, Texas.	(28)	
CI85-408-000 (CI74-375), B, Apr. 25, 1985.	AGM Corporation, P.O. Box 631, Amarillo, Texas 79173.	Valero Interstate Transmisaion Company, Certain acreage in Brooks County, Texas.	(29)	
CI85-409-000, B, Apr. 25, 1985	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Warren Petroleum Company, State Weems Unit & "W" Lease, Broncho Field, Yoakum County, Texas.	(30)	
CI85-410-000 (CI64-672), B, Apr. 25, 1985.	Cities Service Oil and Gas Corporation, P.O. Box 300, Tulsa, Okla. 74102.	Northern Natural Gas Company, Thoroff Area, Meade County, Kansas.	(31)	
CI85-411-000, B, Apr. 25, 1985	Oleum Incorporated, P.O. Box 631, Amarillo, Texas 79173.	Panhandle Eastern Pipe Line Company, Stranathan 1-26, Sec. 26, Hickie 1-24, Sec. 25, Christensen 1-24, Sec. 24, All in T34S, R12W, Barber County, Kansas.	(32)	
CI85-412-000, A, Apr. 26, 1985	ARCO Oil and Gas Company, Division of Atlantic, Richfield Company.	Texas Gas Transmission Corporation, South Bosco Field, Acadia and Lafayette Parishes, Louisiana.	(33)	14.73
CI85-415-000, B, May 2, 1985	Clovelly Oil Co., Inc., Poydras Center, Suite 2350, 650 Poydras Street, New Orleans, La. 70130.	Transcontinental Gas Pipe Line Corporation, South Crowley Field, Acadia Parish, Louisiana.	(34)	
CI85-416-000, B, May 3, 1985	Goodstein Inc., P.O. Box 1700, Casper, Wyoming 82602-1700.	Transcontinental Gas Pipe Line Corporation, South Crowley Field, Acadia Parish, Louisiana.	(34)	
CI85-420-000, B, May 8, 1985	Collet Oil Ventures, Inc. (Succ. to Flynn Energy Corp.).	Transcontinental Gas Pipe Line Corporation, Mosquito Bay Field, Terrebonne Parish, Louisiana.	(35)	
CI85-454-000, B, May 13, 1985	Taylor Energy Company, 2-3-4 Loyola Bldg., Suite 500, New Orleans, La. 70112.	Texas Gas Transmission Corporation, Chalkley Field, Cameron Parish, Louisiana.	(36)	
CI85-455-000 (CI66-1003), B, May 10, 1985.	Union Oil Company of California, Box 7600, Los Angeles, Calif. 90051.	Transcontinental Gas Pipe Line Corporation, Block 158 Field (Block 159), Ship Shoal Area, Offshore Louisiana.	(37)	
CI85-456-000, B, May 13, 1985	Marion Corporation	Transcontinental Gas Pipe Line Corporation, Pointe Au Fer Field, Terrebonne Parish, Louisiana.	(38)	
CI85-457-000 (CI65-1053), B, May 13, 1985.	Tolex Energies, Inc., 1010 Mid America Tower, Oklahoma City, Okla. 73102.	Northern Natural Gas Company, Sec. 191, Block 42, H&TC R.R. Co. Survey, Morrison Ranch (Morrow UP.), Roberts County, Texas.	(39)	

[1] Applicant is filing for a change in delivery point.
[2] Lease expired.
[3] To release gas for irrigation fuel.
[4] By assignment of oil, gas, and mineral lease, dated 8-14-84, to be effective 8-14-84, Mobil Oil Corporation assigned to Douglas Energy Company, Inc.
[5] Gulf has agreed to sell its interest in the C. D. Alexander "A" No. 1-19 Well to the landowner.
[6] Being re-noticed per additional material filed 4-15-85. The George R. Brown Partnership acquired this acreage by Assignment from Cryogen Inc., dated 1-21-85.
[7] By Partial Assignment and Bill of Sale executed on 11-11-83, effective 11-1-83, wherein Sun Exploration and Production Company assigned its interest in certain property to Kaiser-Francis Oil Company.
[8] Property (Hallum No. 1 well) was plugged and abandoned on 2-18-85. Lease expired of its own term and has reverted to landowners. Monsanto Oil Company has no further interest in the lease.
[9] Because of the distance involved, the poor quality and low volume of casinghead gas produced from the Queen Formation, Transwestern deemed the connection and treating costs to be prohibitive.
[10] Applicant is filing under Letter Agreement dated 2-13-85.
[11] Rate Schedule No. 770 is cancelled and Docket No. CI85-261-000 is terminated because said acreage is to be added to Rate Schedule No. 448 and Docket No. CI67-1005-001.
[12] Tenneco Oil Company acquired this property as of 11-1-84.
[13] Tenneco Oil Company acquired this property as of 10-15-82 and requests that the Commission issue a permanent certificate effective as of that date.
[14] Applicant is filing for additional acreage.
[15] Applicant is filing under contract dated 2-14-79. This document is subject to the pending abandonment application before the Commission between Gulf Oil Corporation and Transwestern Pipeline Company in Docket No. CI67-818.
[16] Applicant is filing under Gas Purchase Contract dated 2-7-85.
[17] Depths below the base of the Grayburg-San Andres Formation are non-producing and the contract primary term has expired.
[18] All wells have been plugged and abandoned. There are no known recoverable reserves. All leases applicable to Rate Schedule #44 have expired. Service to Buyer has ceased and gas contract has been terminated.
[19] Forest Oil Corporation no longer has an interest in this field. Lease OCS-G-1127 (Block 161) was assigned to C&K Petroleum, Inc. on 7-25-82. Lease OCS-G-1128 (Block 162) expired 9-20-79.
[20] All of Shell Western E&P Inc.'s leases in Clovelly Field have been assigned to Taylor Energy Company, Effective 10-1-83.
[21] Marginal Wells—Small reserves. Do not have purchaser or line for interstate. Do have an intrastate line. Purchaser would be Central States Gas Co.
[22] The leases included within units on which producing wells are located were assigned effective 8-27-84, to David Dilger and Basin Operating Company, Ltd., respectively. All other leases committed to the contract have expired or terminated by their own terms.
[23] Effective as of 10-1-84, SOI acquired all of the interest of Petro-Lewis Funds, Inc., in Grand Isle Block 75, Offshore Louisiana.
[24] Effective as of 12-1-84, SOI acquired all of the interest of Petro-Lewis Funds, Inc., in South Marsh Island Blocks 149 and 150, Offshore Louisiana.
[25] Depletion of reserves and termination of dedicated leases.
[26] All wells have been plugged and abandoned. There are no known recoverable reserves. All leases applicable to Rate Schedule #11 have expired. Service to Buyer has ceased and gas contract has been terminated.
[27] Applicant is filing under Gas Purchase Contract dated 12-4-84.
[28] Lease released and well plugged and abandoned.
[29] Effective 6-1-84, AGM Corporation transferred all of its interest in the wells and leases covered by Rate Schedule No. 1 to P.B. Production, Inc.
[30] Original contract dated 6-11-57 expired by its own terms on 6-11-67.
[31] There have been no deliveries since 1-1-73 when Applicant sold its interest in the Thonoff "A" and "C" Units. Applicant's only remaining interests under contract dated 10-15-63 are in certain non-producing horizons under leases which are being perpetuated by production from Southwest Oil Industries, Inc.'s Thonoff No. 1 and Thonoff No. 1-4 wells.
[32] The Stranathan 1-26 well leases were released by Seller 3-12-81, Hickle 1-25 well and Christensen 1-24 well leases were assigned by Seller to Gordon Penny, effective 1-2-85. Seller owns no interest in other leases originally committed to the contract by Nichols Drilling Company and Adamana Limited, and thus has no leases remaining from which to continue service.
[33] Applicant is filing under Gas Purchase Contract dated 2-25-85 which is a Rollover Contract.
[34] Well was plugged and abandoned 10-20-82.
[35] Well was plugged and abandoned in 1979.
[36] To release gas for compressor fuel to be used in gas-lift system in the LaPice Field, St. James Parish, Louisiana.
[37] Gas reserves were depleted. Wells plugged and abandoned and the Platforms removed. The lease expired on 12-17-80, 90 days following cessation of production.
[38] This well was assigned to Mullins & Prichard.
[39] Non-Commercial.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 85-12200 Filed 5-20-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP85-146-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Filing

May 14, 1985.

Take notice that on May 1, 1985, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), tendered for filing proposed tariff sheets to its FERC Gas Tariff, Sixth Revised Volume No. 2, consisting of the following:

Third Revised Sheet No. 2CC
Second Revised Sheet No. 299YY4

According to Section 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 May 9, 1985.

Tennessee states that these tariff sheets are filed to revise the monthly demand charge of Rate Schedule T-128 to a demand charge per Mcf.

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 21, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 85-12202 Filed 5-20-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. GT85-15-000]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

May 14, 1985.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on May 8, 1985 tendered for filing as part of its FERC Gas Tariff, the following sheets:

Fourth Revised Volume No. 1

Sixth Revised Sheet No. 1
Second Revised Sheet No. 6D
Sixth Revised Sheet No. 9
Sixth Revised Sheet No. 10
Fifth Revised Sheet No. 11
Sixth Revised Sheet No. 12
Sixth Revised Sheet No. 13
Seventh Revised Sheet No. 97
Seventh Revised Sheet No. 98
Fifth Revised Sheet No. 182
Fourth Revised Sheet No. 187

Original Volume No. 2

Second Revised Sheet No. 1H

The purpose of this filing is to update the Table of Contents, System Maps, and the Index of Purchasers for Texas Eastern's FERC Gas Tariff, Fourth Revised Volume No. 1, and the Table of Contents for Original Volume No. 2.

In addition, due to a name change of one of Texas Eastern's customers from Missouri Utilities Company to Union Electric Company, Texas Eastern has not only included this change in the appropriate tariff sheets as set forth in the above paragraph, but has also included such change in Section 12.3A *Quantity Entitlements* on Seventh Revised Sheet No. 97 and Seventh Revised Sheet No. 98.

The proposed effective date of the above tariff sheets is June 10, 1985.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211

and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before May 21, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 85-12203 Filed 5-20-85; 8:45 am]

BILLING CODE 6717-01-M

Oil Pipeline; Tentative Valuation

May 17, 1985.

The Federal Energy Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to section 19a of the Interstate Commerce Act.

Notice is hereby given that a tentative valuation is under consideration for the common carrier by pipeline listed below:

1983 Annual Report

Valuation Docket No. PV-1479-000—General American Pipe Line Company, 944 Adams Building, Bartlesville, Oklahoma 74004.

On or before June 24, 1985, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in this valuation may file, pursuant to rule 214 of the Federal Energy Regulatory Commission's "Rules of Practice and Procedure" (18 CFR 385.214), an original and three copies of a petition for leave to intervene in this proceeding.

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under section 19a(h) of the Act, thereby enabling it to file a protest. The petition to intervene must be served on the individual company at its address shown above and an appropriation certificate of service must be attached to the petition. Persons specifically designated in section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Francis J. Conner,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 85-12204 Filed 5-20-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-41018; TSH-FRI 2839-1]

Sixteenth Report of the Interagency Testing Committee to the Administrator; Receipt of Report and Request for Comments Regarding Priority List of Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Interagency Testing Committee (ITC), established under section 4(e) of the Toxic Substances Control Act (TSCA), tansmitted its Sixteenth Report to the Administrator of EPA on May 2, 1985. This report, which revises and updates the Committee's priority list of chemicals, adds five designated chemicals to the list for priority consideration by EPA in the promulgation of test rules under section 4(a) of the Act. The new designated chemicals are methlycyclopentane (CAS No. 96-37-7), tetrabromobisephenol A (CAS No. 79-94-7), triethylene glycol monomethyl ether (CAS No. 112-35-6), triethylene glycol monoethyl ether (CAS No. 112-50-5), and triethylene glycol monobutyl ether (CAS No. 143-22-6). The Sixteenth Report is included in this notice.

The Agency invites interested persons to submit written comments on the Report, and to attend Focus Meetings to help narrow and focus the issues raised by the ITC's recommendations. Members of the public are also invited to inform EPA if they wish to be notified of subsequent public meetings on these chemicals. ITC also notes the removal of 4 chemicals from the priority list because EPA has responded to the ITC's previous recommendations for testing of the chemicals.

DATES: Written comments should be submitted by June 20, 1985. Focus Meetings will be held on June 12, 1985.

ADDRESSES: Send written submissions to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M St., SW., Washington, D.C. 20460.

Submissions should bear the document control number (OPTS-41018).

The public record supporting this action, including comments, is available for public inspection in Rm. E-107 at the address noted above from 8 a.m. to 4 p.m. Monday through Friday, except legal holidays. Focus Meetings will be held June 12, 1985 at the Disabled American Veterans (DAV) Headquarters, 807 Maine Ave., SW., Washington, D.C. Persons planning to attend any one of the Focus Meetings and/or seeking to be informed of subsequent public meetings on these chemicals, should notify the TSCA Assistance Office at the address listed below. To insure seating accommodations at the Focus Meeting, persons interested in attending are asked to notify EPA at least one week ahead of the scheduled dates.

FOR FURTHER INFORMATION CONTACT:

Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C.: 20406.

Toll Free: (800-424-9065).
In Washington, D.C.: (5543-1404).
Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: EPA has received the Sixteenth Report of the TSCA Interagency Testing Committee to the Administrator.

I. Background

Section 4(a) of TSCA (Pub. L. 94-469, 90 Stat. 2003 *et seq;* 15 U.S.C. 2601 *et seq.*) authorizes the Administrator of EPA to promulgate regulations requiring testing of chemical substances and mixtures in order to develop data relevant to determining the risks that such chemical substances and mixtures may present to health and the environment.

Section 4(e) of TSCA established an Interagency Testing Committee to make recommendations to the Administrator of EPA of chemical substances and mixtures to be given priority consideration in proposing test rules under section 4(a). Section 4(e) directs the Committee to revise its list of recommendations at least every 6 months as necessary. The ITC may "designate" up to 50 substances and mixtures at any one time for priority consideration by the Agency. For such designations, the Agency must within 12 months either initiate rulemaking or issue in the Federal Register its reasons for not doing so. The ITC's Sixteenth Report was received by the Administrator on May 2, 1985, and follows this Notice. The Report designates five substances for priority consideration and response by EPA within 12 months.

II. Written and Oral Comments and Public Meetings

EPA invites interested persons to submit detailed comments on the ITC's new recommendations. The Agency is interested in receiving information

concerning additional or ongoing health and safety studies on the subject chemicals as well as information relating to the human and environmental exposure to these chemicals. A rule amendment is published elsewhere in today's **Federal Register** adding the five substances designated in the ITC's Sixteenth Report to the TSCA section 8(d) Health and Safety Data Reporting Rule (40 CFR Part 716). The section 8(d) rule requires the reporting of unpublished health and safety studies on the listed chemicals. These five chemicals will also be added to the TSCA section 8(a) Preliminary Assessment Information Rule (40 CFR Part 712) published elsewhere in this issue. The section 8(a) rule requires the reporting of production volume, use, exposure, and release information on the listed chemicals.

Focus Meetings will be held to discuss relevant issues pertaining to the chemicals and to narrow the range of issues/effects which will be the focus of the Agency's subsequent activities in responding to the ITC recommendations. The Focus Meetings wil be held June 12, 1985 at DAV Headquarters, 807 Main Ave., SW, Washington, D.C. These meetings are intended to supplement and expand upon written comments submitted in response to this notice. The schedule for the Focus Meetings is as follows: methylcyclopentane: 9:30 a.m.; tetrabromobisphenol A: 11 a.m.; triethylene glycol monomethyl ether, triethylene glycol monoethyl ether, triethylene glycol monobutyl ether: 2 p.m.

Persons wishing to attend one or more of these meetings or subsequent meetings on these chemicals should call the TSCA Assistance Office at the toll free number listed above at least one week in advance.

All written submissions should bear the identifying docket number (OPTS-41018).

III. Status of List

In addition to adding the five designations to the priority list, the ITC's Sixteenth Report notes the removal of four chemicals from the list since the last ITC report because EPA has responded to the Committee's prior recommendations for testing of the chemicals. Subsequent to the ITC's preparation of its Fifteenth Report, EPA responded to the ITC's recommendations for four additional chemicals. The four chemicals removed and the dates of publication in the **Federal Register** of EPA's responses to the ITC for these chemicals are: 2-(2-Butoxyethoxy)ethyl acetate, Nov. 19, 1984 (49 FR 45606–45610); Ethylene-bis(oxyethylene) diacetate, Nov. 19, 1984 (49 FR 45651–45654); 1,2,3,4,7,7-Hexachloronorbornadiene, Nov. 19, 1984 (49 FR 45654–45657); Oleylamine, Nov. 19, 1984 (49 FR 45610–45617). The current list contains 17 designated substances or groups of substances and two recommended substances or groups of substances.

Authority: 15 U.S.C. 2601.

Dated: May 15, 1985.

J. Merenda,

Director, Existing Chemical Assessment Division.

Sixteenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency

Summary

Section 4 of the Toxic Substances Control Act of 1976 (TSCA, Pub. L. 94–469) provides for the testing of chemicals in commerce that may present an unreasonable risk of injury to health or the environment. It also provides for the establishment of a Committee, composed of representatives from eight designated Federal agencies, to recommend chemical substances and mixtures (chemicals) to which the Administrator of the U.S. Environmental Protection Agency (EPA) should give priority consideration for the promulgation of testing rules.

Section 4(e)(1)(A) of TSCA directs the Committee to recommend to the EPA Administrator chemicals to which the Administrator should give priority consideration for the promulgation of testing rules pursuant to section 4(a). The Committee is required to designate those chemicals, from among its recommendations, to which the Administrator should respond within 12 months by either initiating a rulemaking proceeding under section 4(a) or publishing the Administrator's reason for not initiating such a proceeding. Every 6 months, the Committee makes those revisions in the TSCA section 4(e) Priority List that it determines to be necessary and transmits them to the EPA Administrator.

As a result of its deliberations, the Committee is revising the TSCA section 4(e) Priority List by the addition of five chemicals, and is noting the removal of four as a result of responses by EPA.

The Priority List is divided into two parts: Part A contains those recommended chemicals and groups designated for priority consideration and response by the EPA Administrator within 12 months, and Part B contains chemicals and groups that have been recommended for priority consideration by EPA without being designated for response within 12 months. Although TSCA does not establish a deadline for EPA response to nondesignated chemicals and groups (Part B of the Priority List), the Committee anticipates that the EPA Administrator will respond in a timely manner.

The chemicals being added to the Priority List are presented, together with the types of testing recommended, in the following Table 1.

TABLE 1.—ADDITIONS TO THE SECTION 4(e) PRIORITY LIST—MAY 1985

Chemical/group	Recommended studies
A. Designated for response within 12 mos:	
Methylcyclopentane (CAS No. 96-37-7)	Health effects: Chronic toxicity studies including neurotoxicity, cardiotoxicity, and oncogenicity; genotoxicity; reproductive and teratogenic effects.
Tetrabromobisphenol A (CAS No. 79-94-7)	Chemical fate: Water solubility; soil adsorption coefficient; persistence. Ecological effects: Acute and chronic toxicity to fish, aquatic invertebrates, and algae; bioconcentration potential in fish.
Triethylene glycol monomethyl ether (CAS No. 112-35-6); triethylene glycol monoethyl ether (CAS No. 112-50-5); and triethylene glycol monobutyl ether (CAS No. 143-22-6).	Health effects: Toxicokinetic (absorption, distribution, and excretion) and metabolic studies. Additional testing conditional upon results of toxicokinetic and metabolic studies: subchronic studies with emphasis on hematologic effects; reproductive and developmental toxicity studies.
B. Recommended but not designated for response with 12 mos: None.	

TSCA Interagency Testing Committee

Statutory Member Agencies and Their Representatives

Council on Environmental Quality

Harvey Doerksen, Member [1]
George W. Schlossnagle, Alternate[2]

Department of Commerce

Bernard Greifer, Member and Chairperson

Environmental Protection Agency

Carl R. Morris, Member
Robert Brink, Alternate[3]

National Cancer Institute

Elizabeth K. Weisburger, Member
Richard Adamson, Alternate

National Institute of Environmental Health Sciences

Dorothy Canter, Member

National Institute for Occupational Safety and Health

Rodger L. Tatken, Member
Sanford S. Leffingwell, Alternate

National Science Foundation

Winston C. Nottingham, Member

Occupational Safety and Health Administration

Allan Salzberg,[4]
Stephen Mallinger, Alternate [5]

Liaison Agencies and Their Representatives

Consumer Product Safety Commission

Lakshmi Mishra
Arthur Gregory

Department of Agriculture

Homer E. Fairchild
Richard M. Parry, Jr.

Department of Defense

Edmund Cummings
Patrick A. Truman

Department of the Interior

Vyto A. Adomaitis
David R. Rosenberger

Food and Drug Administration

Arnold Borsetti, Vice Chairperson
Allen H. Heim

National Toxicology Program

Dorothy Canter

Committee Staff

Arthur M. Stern, Acting Executive Secretary
Norma Williams, ITC Coordinator

Support Staff

Alan Carpien—Office of the General Counsel, EPA
Stephen J. Ells—Office of Toxic Substances, EPA
Vera W. Hudson—National Library of Medicine

Notes

[1] Appointed on October 29, 1984.
[2] Resigned from the Committee on November 15, 1984.
[3] Appointed on October 4, 1984; selected as the Executive Secretary, effective April 28, 1985.
[4] Appointed on November 15, 1984.
[5] Appointed on October 18, 1984.

The Committee acknowledges and is grateful for the assistance and support given the ITC by the staffs of CRCS, Inc., and Dynamac Corporation (technical support prime and subcontractors) and personnel of the EPA Office of Toxic Substances.

Chapter 1—Introduction

1.1 *Background.* The TSCA Interagency Testing Committee (Committee) was established under section 4(e) of the Toxic Substances Control Act of 1976 (TSCA, Pub. L. 94-469). The specific mandate of the Committee is to recommend to the Administrator of the U.S. Environmental Protection Agency (EPA) chemical substances and mixtures in commerce that should be given priority consideration for the promulgation of testing rules to determine their potential hazard to human health and/or the environment. TSCA specifies that the Committee's recommedations shall be in the form of a Priority List, which is to be published in the **Federal Register.** The Committee is directed by section 4(3)(1)(A) of TSCA to designate those chemicals on the Priority List to which the EPA Administrator should respond within 12 months by either initiating a rulemaking proceeding under section 4(a) or publishing the Administrator's reason for not initiating such a proceeding. There is no statutory time limit for EPA response regarding chemicals that ITC has recommended, but not designated for response within 12 months.

Every 6 months, the Committee makes those revisions in the section 4(e) Priority List that it determines to be necessary and transmits them to the EPA Administrator.

The Committee is comprised of representatives from eight statutory member agencies, five liaison agencies, and one national program. The specific representatives and their affiliations are named in the front of this report. The Committee's chemical review procedures and prior recommendations are described in previous reports (Refs. 1 through 15).

1.2 *Committee's previous reports.* Fifteen previous reports to the EPA Administrator have been issued by the Committee and published in the **Federal Register** (Refs. through 15). Eighty-six entries (chemicals and groups of chemicals) were recommended for priority consideration by the EPA Administrator and designated for response within 12 months. In addition, two groups were recommended without being so designated. Removal of 70 entries was noted in the previous reports.

1.3 *Committee's activities during this reporting period.* Between October 1, 1984, and March 31, 1985, the Committee continued to review chemicals from its fourth and fifth scoring exercises, and from nominations by Member Agencies.

The Committee contacted chemical manufactures and trade associations to request information that would be of value in its deliberations. Most of those contacted provided unpublished information on current production, exposure, use, and effects of chemicals under study by the Committee.

During theis reporting period, the Committee examined 86 chemicals for priority consideration. Five chemicals were added to the section 4(e) Priority List, and 22 were deferred indefinitely. The remaining chemicals are still under study.

1.4 *The TSCA section 4(e) Priority List.* Section 4(e)(1)(B) of TSCA directs the Committee to: ". . . make such revisons in the [priority] list as it determines to be necessary and . . . transmit them to the Administrator together with the Committee's reasons for the revisons." Under this authority, the Committee is revising the Priority List by adding five chemicals: methylcyclopentane; tetrabromobisphenol A; triethylene glycol monomethyl ether, triethylene glycol monoethyl ether, and triethylene glycol monobuty either. All of these chemicals are designated for response within 12 months. The testing recommended for these chemicals and the rationales for the recommenations are presented in Chapter 2 of this report.

Four chemicals are being removed from the Priority List because the EPA Administrator has responded to the Committee's prior recommendations for testing them. They are:

2-(2-Butoxylthoxy)ethyl acetate
Ethylene bis(oxyethylene) diacetate
1,2,3,4,7,7-Hexacholoronorboradiene
Oleylamine

With the five recommendations and four removals noted in this report, 19 entries now appear on the section 4(e) Priority List. The Priority List is divided in the following Table 2 into two parts; namely, Table 2A, Chemicals and Groups of Chemicals Designated for Response Within 12 Months, and Table 2B, Other Recommended Chemicals and Groups of Chemicals.

TABLE 2—THE TSCA SECTION 4(e) PRIORITY LIST—MAY 1985

Entry	Date of designation
2A. Chemicals and Groups of Chemicals Designated for Response Within 12 Mos	
1. Anthraquinone	Nov. 1984.
2. Bisphenol A	May 1984.
3. 2-Chloro-1,3-butadiene	Nov. 1984.
4. Cumene	Do.
5. 1,2-Dibromo-4-(1,2,-dibromoethyl) cyclo hexane.	May 1984.
6. Diisopropyl biphenyl	Do.

TABLE 2—THE TSCA SECTION 4(e) PRIORITY LIST—MAY 1985—Continued

Entry	Date of designation
7. 2-Ethylhexanoic acid	Do.
8. Isopropyl biphenyl	Do.
9. Mercaptobenzothiazole	Nov. 1984.
10. Methylcyclopentane	May 1985.
11. Octamethylcyclotetrasiloxane	Nov. 1984.
12. Pentabromoethylbenzene	Do.
13. Sodium *N*-methyl-*N*-oleoyltaurine	Do.
14. Tetrabromobisphenol A	May 1985.
15. Triethylene glycol monomethyl ether	Do.
16. Triethylene glycol monoethyl ether	Do.

TABLE 2—THE TSCA SECTION 4(e) PRIORITY LIST—MAY 1985—Continued

Entry	Date of designation
17. Triethylene glycol monobutyl ether	Do.
2B. Other Recommended Chemicals and Groups of Chemicals	
	Date of recommendation
1. Carbofuran intermediates	Nov. 1982.
2. 3,4-Dichlorobenzotrifluoride	May 1984.

To date, 74 chemicals and groups of chemicals have been removed from the Priority List. The cumulative list is presented in the following Table 3.

TABLE 3.—CUMULATIVE REMOVALS FROM THE TSCA SECTION 4(e) PRIORITY LIST—MAY 1985

[EPA Responses to committee recommendations]

Chemical/group	Federal Register	
	Citation	Publication date
1. Acetonitrile	47 FR 58020-58023	Dec. 29, 1982.
2. Acrylamide	49 FR 30592-30594	July 31, 1984.
3. Alkyl epoxides	49 FR 449-456	Jan. 4, 1984.
4. Alkyl phthalates	46 FR 53775-53777	Oct. 30, 1981.
5. Alkyltin compounds	47 FR 5456-5463	Feb. 5, 1982.
6. Aniline and bromo-, chloro-, and/or nitroanilines	49 FR 108-126	Jan. 3, 1984.
7. Antimony metal	48 FR 717-725	Jan. 6, 1983.
8. Antimony sulfide	48 FR 717-725	Do.
9. Antimony trioxide	48 FR 717-725	Do.
10. Aryl phosphates	48 FR 57452-57460	Dec. 29, 1983.
11. Benzidine-based dyes	46 FR 55004-55006	Nov. 5, 1981.
12. Benzyl butyl phthalate	46 FR 53775-53777	Oct. 30, 1981.
13. Biphenyl	48 FR 23080-23086	May 23, 1983.
14. Bis(2-ethylhexyl) terephthalate	48 FR 51845-51848	Nov. 14, 1983.
15. 2-(2-Butoxyethoxy)ethyl acetate	49 FR 45606-45610	Nov. 19, 1984.
16. Butyl glycolyl butyl phthalate	46 FR 54487	Nov. 2, 1981.
17. Calcium naphthenate	49 FR 21411-21418	May 21, 1984.
18. Chlorendic acid	47 FR 44878-44789	Oct. 12, 1982.
19. Chlorinated benzenes, mono- and di-	49 FR 50408-50409	Dec. 28, 1984.
20. Chlorinated benzenes, tri-, tetra-, and penta-	49 FR 50408-50409	Do.
21. Chlorinated naphthalenes	46 FR 54491	Nov. 2, 1981.
22. Chlorinated paraffins	47 FR 1017-1019	Jan. 8, 1982.
23. 4-Chlorobenzotrifluoride	47 FR 50555-50558	Nov. 8, 1982.
24. Chloromethane	45 FR 48524-48564	July 18, 1960.
25. 2-Chlorotoluene	47 FR 18172-18175	Apr. 28, 1982.
26. Cobalt naphthenate	49 FR 21411-21418	May 21, 1984.
27. Cresols	48 FR 31812-31819	July 11, 1983.
28. Cyclohexanone	49 FR 136-142	Jan. 3, 1984.
29. *o*-Dianisidine-based dyes	46 FR 55004-55006	Nov. 5, 1981.
30. Dibutyltin bis(isooctyl maleate)	48 FR 51361-51366	Nov. 8, 1983.
31. Dibutyltin bis(isooctyl mercaptoacetate)	48 FR 51361-51366	Do.
32. Dibutyltin bis(lauryl mercaptide)	48 FR 51361-51366	Do.
33. Dibutyltin dilaurate	48 FR 51361-51366	Do.
34. Dichloromethane	46 FR 30300-30320	June 5, 1981.
35. 1,2-Dichloropropane	49 FR 899-906	Jan. 6, 1984.
36. Diethylenetriamine	47 FR 18386-18391	Apr. 29, 1982.
37. Dimethyltin bis(isooctyl mercaptoacetate)	48 FR 51361-51366	Nov. 8, 1983.
38. 1,3-Dioxolane	49 FR 32113-32114	Aug. 10, 1984.
39. Ethylene bis(oxyethylene) diacetate	49 FR 45651-45654	Nov. 19, 1984.
40. Ethyltoluene	48 FR 23088-23095	May 23, 1983.
41. Fluoroalkanes	46 FR 53704-53706	Oct. 30, 1981.
42. Formamide	48 FR 23098-23102	May 23, 1983.
43. Glycidol and its derivatives	48 FR 57562-57571	Dec. 30, 1983.
44. Halogenated alkyl epoxides	48 FR 57686-57700	Do.
45. Hexachloro-1,3-butadiene	47 FR 58029-58031	Dec. 29, 1982.
46. Hexachlorocyclopentadiene	47 FR 58023-58025	Do.
47. Hexachloroethane	47 FR 18175-18176	Apr. 28, 1982.
48. 1,2,3,4,7,7-Hexachloronorbornadiene	49 FR 45654-45657	Nov. 19, 1984.
49. Hydroquinone	49 FR 438-449	Jan. 4, 1984.
50. Isophorone	48 FR 727-730	Jan. 6, 1983.
51. Lead naphthenate	49 FR 21411-21418	May 21, 1984.
52. Mesityl oxide	48 FR 30699-30706	July 5, 1983.
53. 4,4'-Methylenedianiline	48 FR 31806-31810	July 11, 1983.
54. Methyl ethyl ketone	47 FR 58025-58029	Dec. 29, 1982.
55. Methyl isobutyl ketone	47 FR 58025-58029	Do.
56. Methylolureas	49 FR 21371-21375	May 21, 1984.
57. Monobutyltin tris(isooctyl mercaptoacetate)	48 FR 51361-51366	Nov. 8, 1983.
58. Monomethyltin tris(isooctyl mercaptoacetate)	48 FR 51361-51366	Do.
59. Nitrobenzene	46 FR 30300-30320	June 5, 1981.
60. Oleylamine	49 FR 45610-45617	Nov. 19, 1984.
61. 2-Phenoxyethanol	49 FR 21407-21411	May 21, 1984.
62. Phenylenediamines	50 FR 4267-4269	Jan. 30, 1985.
63. Polychlorinated terphenyls	46 FR 54482-54483	Nov. 2, 1981.
64. Pyridine	47 FR 58031-58036	Dec. 29, 1982.
65. Quinone	49 FR 458-465	Jan. 4, 1984.
66. 4-(1,1,3,3-Tetramethylbutyl)phenol	49 FR 29449-29450	July 20, 1984.
67. *o*-Tolidine-based dyes	46 FR 55004-55006	Nov. 5, 1981.
68. Toluene	47 FR 56391-56392	Dec. 16, 1982.

TABLE 3.—CUMULATIVE REMOVALS FROM THE TSCA SECTION 4(e) PRIORITY LIST—MAY 1985—Continued

[EPA Responses to committee recommendations]

Chemical/group	Federal Register	
	Citation	Publication date
69. 1,2,4-Trimethylbenzene	48 FR 23068-23095	May 23, 1983.
70. Trimethylbenzenes	48 FR 23088-23095	Do.
71. 1,1,1-Trichloroethane	49 FR 39810-39818	Oct. 10, 1984.
72. Tris(2-chloroethyl) phosphite	47 FR 49466-49467	Nov. 1, 1982.
73. Tris(2-ethylhexyl)trimellitate	48 FR 51642-51645	Nov. 14, 1983.
74. Xylenes	47 FR 56392-56394	Dec. 16, 1982.

[1] Removed by the Committee for reconsideration. Seven individual group members were subsequently designated in the 11th ITC Report (Ref. 11) for priority consideration.

References

(1) Initial Report to the Administrator, Environmental Protection Agency, TSCA Interagency Testing Committee, October 1, 1977. Published in the **Federal Register** of Wednesday, October 12, 1977, 42 FR 55026–55080. Corrections published in the **Federal Register** of November 11, 1977, 42 FR 58777–58778. The report and supporting dossiers were also published by the Environmental Protection Agency, EPA 560–10–78/001, January 1978.

(2) Second Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1978. Published in the **Federal Register** of Wednesday, April 19, 1978, 43 FR 16684–16688. The report and supporting dossiers were also published by the Environmental Protection Agency, EPA 560–10–78/002, July 1978.

(3) Third Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, October 1978. Published in the **Federal Register** of Monday, October 10, 1978, 43 FR 50630–50635. The report and supporting dossiers were also published by the Environmental Protection Agency, EPA 560–10–79/001, January 1979.

(4) Fourth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1979. Published in the **Federal Register** of Friday, June 1, 1979, 44 FR 31866–31889.

(5) Fifth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, November 1979. Published in the **Federal Register** of Friday, December 7, 1979, 44 FR 70664–70674.

(6) Sixth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1980. Published in the **Federal Register** of Wednesday, May 28, 1980, 45 FR 35897–35910.

(7) Seventh Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, October 1980. Published in the **Federal Register** of Tuesday, November 25, 1980, 45 FR 78432–78446.

(8) Eighth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1981. Published in the **Federal Register** of Friday, May 22, 1981, 46 FR 28138–28144.

(9) Ninth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, October 1981. Published in the **Federal Register** of Friday, February 5, 1982, 47 FR 5456–5463.

(10) Tenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, April 1982. Published in the **Federal Register** of Tuesday, May 25, 1982, 47 FR 22585–22596.

(11) Eleventh Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, October 1982. Published in the **Federal Register** of Friday, December 3, 1982, 47 FR 54625–54644.

(12) Twelfth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, May 1983. Published in the **Federal Register** of Wednesday, June 1, 1983, 48 FR 24443–24452.

(13) Thirteenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, November 1983. Published in the **Federal Register** of Wednesday, December 14, 1983, 48 FR 55674–55684.

(14) Fourteenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, May 1984. Published in the **Federal Register** of Tuesday, May 29, 1984, 49 FR 22389–22407.

(15) Fifteenth Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency. TSCA Interagency Testing Committee, November 1984. Published in the **Federal Register** of Thursday, November 29, 1984, 49 FR 46931–46949.

Chapter 2—Recommendations of the Committee

2.1 *Chemicals recommended for priority consideration by the EPA Administrator.* As provided by section 4(e)(1)(B) of TSCA, the Committee is adding the following five chemical substances to the section 4(e) Priority List: methylcyclopentane; tetrabromobisphenol A; triethylene glycol monomethyl ether; triethylene glycol monoethyl ether; and triethylene glycol monobutyl ether. The recommendation of these chemicals is being made after considering the factors identified in section 4(e)(1)(A) and other available relevant information, as well as the professional judgment of Committee members.

The five recommendations designated for response by the EPA Administrator within 12 months are grouped as follows: methylcyclopentane, tetrabromobisphenol A, and triethylene glycol monoethers (monomethyl ether, monoethyl ether, and monobutyl ether). The specific testing recommendations and supporting rationales are presented in section 2.2 of this report.

2.2. *Chemicals designated for response within 12 months with supporting rationales.*

2.2.a Methylcyclopentane (9 CI).

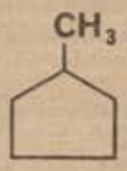
Summary of recommended studies. It is recommended that methylcyclopentane be tested for the following:

Health effects:

Chronic toxicity studies including neurotoxicity, cardiotoxicity, and oncogenicity
Genotoxicity
Reproductive and teratogenic effects

Physical and Chemical Information

CAS Number: 96–37–7.
Synonyms: Methylpntamethylene.
Structural Formula:



Empirical Formula: C_6H_{12}.
Molecular Weight: 84.
Melting Point: −142.4 °C
Boiling Point: 71.7 °C
Vapor Pressure: 233 mmHg at 38°
Specific Gravity: 0.754 (15.5/15.5 °C)
Solubility in Water: 2.0 mg/L (estimated; Ref. 10, Lyman et al., 1982);

however, it may be as much as 50 mg/L (Ref. 15, Sauer, 1981).

Solubility in Organic Solvents: Soluble in Alcohol, acetone, benzene, ether, carbon tetrachloride, and petroleum ether.

Log Octanol/Water Partition Coefficient: 3.53 (estimated; Ref. 10, Lyman et al., 1982).

Description of Chemical: Flammable, colorless liquid with sweetish odor.

Rationale for Recommendations

I. Exposure Information

A. *Production/use.* Methylcyclopentane is currently produced by only one domestic manufacturer (Ref. 16, SRI, 1983). The material is sold as products composed largely of methylcyclopentane and as a constituent (7–15 percent) of a hexane solvent stream (Ref. 14, Phillips, 1984). Another manufacturer produces approximately 20,000 pounds of the compound annually as a byproduct in the manufacture of a high-energy fuel (Ref. 2, Ashland, 1983).

Methylcyclopentane can be used as an extraction solvent, an azeotropic distillation agent, and as a chemical intermediate (Ref. 7, Hawley, 1977). It is also used as an unseparated component of solvent mixtures for cellulose ethers and esters, resins, waxes, fats and oils, bitumen and rubber, polyethylene, and paint removers.

The compound occurs naturally in crude oil (approximately 0.8 percent) and natural gas liquids. It is also produced incidentally during the catalytic cracking and pyrolysis of crude oils and occurs in various refinery process streams. In finished gasoline, the volume percent of methylcyclopentane may vary from 0.4 to 3.15 (Ref. 1, API, 1984).

B. *Evidence for exposure.* Methylcyclopentane has been detected in workplace air samples. For example, it was identified in air samples in a shoe factory (Refs. 5, 13, 4, and 17, Brugnone et al., 1979; Perbellini et al., 1980; Brugnone and Perbellini, 1980; Zappoli et al., 1979). The National Occupational Hazard Survey conducted by NIOSH during 1972–74 estimated that 1,058,617 people in 53 industries were exposed to methylcyclopentane in the workplace in 1970 (Ref. 11, NIOSH, 1976). No threshold limit values were reported for the compound, but levels in most plants are expected to be low, on the order of <1 ppm on an 8-hour time/weighted average basis (Ref. 14, Phillips, 1984).

Methylcyclopentane has been found in air samples (urban and rural) and marine water samples, suggesting the possibility of widespread dispersal or emission from natural sources (Refs. 8, 3, and 9, Holzer et al., 1977; Bertsch et al., 1974; Koons, 1977).

II. Chemical Fate Information

A. *Partitioning.* Due to its high volatility and relatively low water solubility, methylcyclopentane is expected to partition chiefly into the atmosphere. Although some monitoring studies resulted in the detection of methylcyclopentane in aqueous media, concentrations were much lower than those found in atmospheric testing. Based on the reactivity scale of Darnall et al. (Ref 6, 1976), it is expected that methylcyclopentane would rapidly degrade in the atmosphere, exhibiting a t½ of under 24 hours as a consequence of reaction with atmospheric hydroxyl radicals.

B. *Bioconcentration.* Although the estimated log P of 3.53 indicates some potential for bioconcentration, methylcyclopentane's high volatility would preclude the opportunity for appreciable bioconcentration to take place.

III. Biological Effects of Concern to Human Health

A. *Metabolism.* No information was found. However, by analogy with cyclohexane, it is possible that methylcyclopentane could undergo oxidative changes of the cyclopentane ring. There could also be oxidation (hydroxylation) of the ring followed by conjugation and excretion as a glucuronide conjugate.

B. *Carcinogenicity.* No information was found.

C. *Genotoxicity.* No information was found.

D. *Reproduction effects, teratogenicity, and embryotoxicity.* No information was found.

E. *Toxicity*—1. *Acute*—A minimum lethal atmospheric level for mice was 95 mg/L. No other studies were found. When tested for neurotoxicity by oral administration in rats under the conditions where hexane had a pronounced action, methylcyclopentane showed only a slight effect (Ref. 12, Ono et al., 1981).

2. *Subchronic*—After administration by gavage at 0.5 or 2.0 g/kg to male F344 rats for 4 weeks, methylcyclopentane apparently did not exert a nephrotoxic action (Ref. 1, API, 1984).

F. *Rationale for health effects recommendations.* The possibility of exposure of the general population to methylcyclopentane through its use in solvent mixtures and thinners is high. In addition, its presence in gasoline adds to the concern. Although data are available on exposure to the compound via the oral route, these may not be relevant, since the general population would more likely be exposed to the compound by inhalation, an area where data are lacking. Since there is potential for exposure, studies of the possible chronic toxicity, genotoxic effects, and reproductive and teratogenic effects of methylcyclopentane are needed.

IV. Ecological Effects.

No information was found. Since methylcyclopentane is expected to partition into the atmosphere where it would degrade rapidly, environmental testing is not being recommended.

References

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2.2.b *Tetrabromobisphenol A.*

Summary of recommended studies. It is recommended that tetrabromobisphenol A be tested for the following:

A. Chemical Fate:

Water solubility
Soil adsorption coefficient
Persistence

B. Ecological Effects:

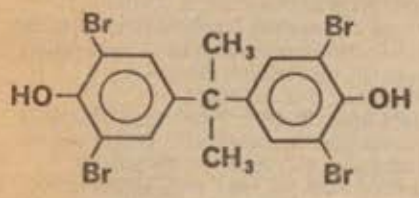
Acute and chronic toxicity to fish, aquatic, invertebrates, and algae
Bioconcentration potential in fish

Physical and Chemical Information

CAS Number: 79–94–7.

Synonyms: Phenol, 4,4'-(1-methylethylidene)-bis[2,6-dibromo- (9 CI); 2,2-Bis(3,5-dibromo-4-hydroxyphenyl)propane; TBBPA

Structural Formula:



Empirical Formula: $C_{15}H_{12}Br_4O_2$.

Molecular Weight: 544.

Melting Point: 181 °C.

Boiling Point: 316 °C with decomposition.

Vapor Pressure: No information was found.

Specific Gravity: 2.12 at 25 °C (Ref. 2, Ethyl Corp., 1984).

Water Solubility: <0.1 g/L at 25 °C, 2 mg/L (estimated; Ref. 11, Lyman et al., 1982).

Log Octanol/Water Partition Coefficient: 4.5 (Ref. 15, Velsicol, 1978a).

Rationale for Recommendations

I. Exposure Information

A. *Production/use/release.* The current produciton volume of tetrabromobisphenol A (TBBPA) is not publicly available, but there appear to be at least two manufacturers of the compound (Refs. 3, 4, and 2, Great Lakes, 1983a, 1983b; Ethyl Corp., 1984). A new plant with an annual production capacity of 15 million pounds has recently been completed (Ref. 1, Chemical Purchasing, 1983). In 1983, 1.45 millions pounds of TBBPA were imported (Ref. 13, USITC, 1984).

TBBPA is used primarily as a reactive flame retardant in the manufacture of epoxy resins and polycarbonates (Refs. 8 and 10, Kirk-Othmer, 1980a, 1982). It is used in the manufacture of printed circuit boards and as an additive flame retardant for styrene thermoplastics such as ABS and high-impact polystyrene (Refs. 9 and 3, Kirk-Othmer, 1980b; Great Lakes, 1983a). TBBPA is also used as a flame retardant in paper and textile applications and as plasticizer (Refs. 6 and 7, Hawley, 1977; Inouye et al., 1979).

Based on the relatively high expected production volume and the reported importation volume, substantial releases of TBBPA to the aquatic environment at production and use sites are likely, expecially where it is used as an additive flame retardant.

B. *Evidence for exposure.* TBBPA was found in sediment samples collected from four sites in the vicinity of a company manufacturing the compound (Ref. 18, Zweidinger at al., 1979). The concentrations at these sites ranged from 0.30 to 330 mg/kg. TBBPA was also found in river sediments collected near Osaka, Japan (Ref. 18, Watanabe et al., 1983). Although 20 ppb were found in the sediments, the compound was not detected in mussels collected from Osaka Bay.

II. Chemical Fate Information

A. *Transport.* Based on a log P of 4.5, most of the TBBPA released to the environment is expected to sorb onto sediments and organic matter. TBBPA is expected to be transported via suspended matter as well as in the water column of receiving streams.

B. *Persistence.* No information was found.

C. *Rationale for chemical fate recommendations.* Definitive test data on the water solubility, soil adsorption coefficient, and persistence of TBBPA are needed to quantify its partitioning, persistence, and bioavailability in the natural environment. These data are also needed in order to design appropriate ecotoxicity tests.

III. Biological Effects of Concern to Human Health

TBBPA has been tested for acute and subchronic toxicity by the oral and inhalation routes of exposure and has been found to have a low level of toxicity; e.g., the acute oral LD_{50} for the rat was greater than 50 g/kg (Ref. 5, Great Lakes, 1984).

Microbial genotoxicity tests with TBBPA have been negative (Ref. 5, Great Lakes, 1984). The compound was negative in four strains of *Salmonella* when tested both with and without metabolic activation (Ref. 12, NTP, 1983).

Due to expected low human exposure potential, the compound is not being recommended for health effects testing at this time.

IV. Ecological Effects of Concern

A. *Acute effects.* The 96-hour LC_{50}'s for TBBPA with bluegill and rainbow trout were 0.51 and 0.40 mg/L, respectively (Ref. 16, Velsicol, 1978b).

B. *Chronic effects.* No information was found.

C. *Bioconcentration.* Based on a reported log P of 4.5, the bioconcentration factor in fish using the equation of Veith et al. (Ref. 14, 1979) is approximately 1,300.

D. *Rationale for ecological effects recommendations.* The available data indicate that TBBPA is highly toxic to fish under acute conditions. Data on the compound's acute toxicity to aquatic invertebrates and algae are also needed. The data from the rainbow trout test demonstrate that fish mortality increased throughout the duration of the test and, if the test had continued, mortalities may have occurred at even lower concentrations. Based on this information, TBBPA is expected to be chronically toxic to fish and aquatic invertebrates at very low concentrations; i.e., <0.10 mg/L. Based on the high log P of 4.5, tests with fish should be performed to accurately measure the bioconcentration potential of TBBPA.

Chronic tests with sensitive, sediment-dwelling organisms are also needed if the chemical fate tests demonstrate that TBBPA partitions mainly to sediments and persists there. Microcosm tests with different types of sediments may be appropriate for this compound.

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2.2.c Triethylene glycol monoethers.

Summary of recommended studies. It is recommended that the triethylene glycol monoethers (triethylene glycol monomethyl ether, triethylene glycol monoethyl ether, and triethylene glycol monobutyl ether) be tested for the following:

Health Effects:

Toxicokinetic (absorption, distribution, and excretion) and metabolic studies

Additional testing conditional upon results of toxicokinetic and metabolic studies:

- Subchronic studies with emphasis on hematologic effects.
- Reproductive and developmental toxicity studies.

Physical and Chemical Information

1. Compound: Triethylene glycol monomethyl ether (MTri).

CAS Number: 112–35–6.

Synonyms: 2-[2-(2-Methoxyethoxy)ethoxy]-ethanol (9 CI); Triglycolmonomethyl ether; Methoxytriethylene glycol; Methoxytriglycol.

Structural Formula: $CH_3—O—C_2H_4—O—C_2H_4—O—C_2H_4—OH$.

Empirical Formula: $C_7H_{16}O_4$.

Molecular Weight: 164.2.

Melting Point: −38.2 °C.

Boiling Point: 249 °C.

Vapor Pressure: <0.01 mmHg at 20 °C.

Specific Gravity: 1.053 at 20/20 (Ref. 15, Union Carbide, 1981).

Solubility in Water: Completely soluble.

Solubility in Organic Solvents: Soluble in acetone, benzene, ethyl ether, methanol, and carbon tetrachloride.

Log Octanol/Water Partition Coefficient: −1.12 (estimated; Ref. 8, Leo et al., 1971).

Description of Chemical: Colorless liquid.

2. Compound: Triethylene glycol monoethyl ether (ETri).

CAS Number: 112–50–5.

Synonyms: 2-[2-(2-Ethoxyethoxy)ethoxy]-ethanol (9 CI); Ethoxytriglycol; Triglycol monethyl ether; Ethoxtriethylene glycol.

Structural Formula: $C_2H_5—O—C_2H_4—O—C_2H_4—O—C_2H_4—OH$.

Empirical Formula: $C_8H_{18}O_4$.

Molecular Weight: 178.

Melting Point: −19 to −21 °C (Refs. 16 and 11, Union Carbide, 1985; Olin, 1983).

Boiling Point: 256.5 °C.

Vapor Presure: <0.01 mmHg at 25 °C.

Specific Gravity: 1.021 at 25/25.

Solubility in Water: Miscible.

Solubility in Organic Solvents: Soluble in acetone, benzene, ethyl ether, methanol, and carbon tetrachloride.

Log Octanol/Water Partition Coefficient: −0.62 (estimated; Ref. 8, Leo et al., 1971).

Description of Chemical: Colorless liquid.

3. Compound: Triethylene glycol monobutyl ether (BTri).

CAS Number: 143–22–6.

Synonyms: 2-[2-(2-Butoxyethoxy)ethoxy]-ethanol (9 CI); Butoxytriglycol; Triglycol monobutyl ether; Butoxythiethylene glycol.

Structural Formula: $C_4H_9—O—C_2H_4—O—C_2H_4—O—C_2H_4—OH$.

Empirical Formula: $C_{10}H_{22}O_4$.

Molecular Weight: 206.28

Melting Point: −47.6 °C.

Boiling Point: Decomposes.

Vapor Pressure: <0.01 mmHg at 20 °C.

Specific Gravity: 1.0021 at 20/20 °C.

Solubility in Water: Completely soluble.

Solubility in Organic Solvents: Soluble in heptane, acetone, benzene, ethyl ether, methanol, and carbon tetrachloride.

Log Octanol/Water Partition Coefficient: −0.38 (estimated; Ref. 8, Leo et al., 1971).

Description of Chemical: Water-white liquid with mild, characteristic odor (Ref. 15, Union Carbide, 1981).

Rationale for Recommendations

I. Exposure Information

A. *Production/use/release.* The 1983 production volume data on the triethylene glycol monoethers are summarized below (Ref. 17, USITC, 1984):

MTri—24.9 million pounds
ETri—22.5 million pounds
BTri—8.4 million pounds

Consumption of the three triethylene glycol monoethers totaled approximately 40 million pounds in 1980 and 47 million pounds in 1977. It is expected that domestic consumption of these compounds will rise to 53 million pounds in 1985 (Ref. 3, CEH, 1981).

The triethylene glycol monoethers are solvents used primarily in the formulation of automotive hydraulic brake fluids, constituting about 40–60 percent of these products. They can also be used as components of cleaners and cutting oils, as additives in de-icing compounds, and as intermediates in the production of specialty plasticizers and antidusting agents for finely powdered materials (Refs. 3, 11, 12, and 16, CEH, 1981; Olin, 1983, 1984; Union Carbide, 1985).

Most of the uses of the triethylene glycol monoethers are expected to lead to their eventual but dispersed release to the natural environment. Some minor

fraction may be consumed as chemical intermediates or destroyed during use (e.g., as a jet fuel additive).

B. *Evidence for exposure.* The National Occupational Hazard Survey conducted by NIOSH during 1972–74 estimated that 80,404, 81,218, and 17,644 workers were potentially exposed to MTri, ETri, and BTri, respectively, in the workplace in 1970 (Ref. 9, NIOSH, 1976). Preliminary data from the more recent National Occupational Exposure Survey conducted during 1980–83 indicated that 248,333 workers (including 8,103 females) were potentially exposed to brake fluids in the workplace in 1980 (Ref. 10, NIOSH, 1984). No information was found on environmental exposures to the compounds.

II. Chemical Fate Information

A. *Transport.* Because of their miscibility with water, low vapor pressures, and low estimated octanol/water partition coefficients, the triethylene glycol monoethers are expected to partition mostly to water.

B. *Persistence.* Based on their water solubility, the triethylene glycol monoethers are expected to undergo primary biodegradation in aerobic surface waters and complete biodegradation in anaerobic environments at moderate rates, with half-lives of 1–3 weeks. If they were to be present at concentrations of hundreds of mg/L (e.g., as a result of a spill), they could be toxic to the degrader micro-organisms and persist until diluted to a degradable concentration. At more normal concentrations, they could also undergo free-radical oxidations to peroxides in sunlit waters, but biodegradation is expected to be the dominant transformation process.

C. *Rationale for chemical fate recommendations.* The triethylene glycol monoethers are not expected to partition into air, sediments, or biota. They are expected to reside primarily in aquatic environments where they would have relatively short half-lives due to biodegradation.

III. Biological Effects of Concern to Human Health

A. *Toxicokinetics (absorption, distribution, and excretion).* No information was found. However, tests on structurally similar monoethylene glycol ethers have shown extremely rapid absorption through human skin (Ref. 6, EPA, 1984).

B. *Genotoxicity.* No information was found.

C. *Short-term (acute) effects.* Based on available animal data, the triethylene glycol monoethers are expected to have a low order of acute toxicity (Refs. 4 and 5, EPA, 1982a, 1982b).

D. *Long-term (subchronic/chronic) effects.* Rats were maintained for 30 days on drinking water containing ETri, resulting in a daily intake ranging from 0.18 to 3.30 g/kg. The maximum intake having no effect was 0.75 g/kg/day, but the study did not give details of the effects at higher dose levels. The highest dose produced micropathologic effects in the liver, kidneys, spleen, or testes (Ref. 14, Smyth and Carpenter, 1948).

No additional information was found on MTri, ETri, or BTri. Subchronic tests conducted on structurally similar monoethylene glycol ethers (methyl, ethly, and butyl) demonstrate hemopoietic effects in laboratory animals, including human effects in the case of MTri. These effects were generally reversible over time after cessation of exposure (Refs. 4, 5, and 7, EPA, 1982a, 1982b; Grant et al., in press).

1. *Neurotoxicity*—No information was found.

2. *Behavioral*—No information was found.

3. *Oncogenicity*—No information was found.

4. *Other chronic effects*—No information was found

E. *Reproductive and developmental toxicity.* No information was found on the triethylene glycol monoethers. However, the developmental effects of the 2-methoxyethanol and 2-ethoxyethanol glycol ethers have been studied in many species, by various routes, and at many exposure levels. The results show fetal malformations, fetal deaths, and grown retardation. In addition, they caused testicular damage in several mammalian species (Refs. 4 and 5, EPA, 1982a, 1982b).

F. *Rationale for health effects recommendations.* There is a potential for human exposure to these compounds. The large quantities produced and most of the uses of the triethylene glycol ethers are expected to lead to eventual human exposure. The most likely route of exposure is via skin absorption. In view of the lack of information on the health effects of these substances and the adverse hematologic, developmental, and testicular effects of related monoethylene glycol ethers, testing is needed to determine if the larger triethylene glycol ethers are absorbed as a result of dermal exposure. All of the monoethylene glycol ethers are rapidly absorbed through the skin, but the degree and rate of absorption for the triethylene glycol ethers have not been determined. Testing to determine the degree of absorption and the nature of the metabolic products is needed. Subchronic studies, with emphasis on hematologic effects, and reproductive and developmental toxicity studies should be conducted if the toxicokinetic and metabolic studies show that the triethylene glycol ethers are absorbed.

IV. Ecological Effects of Concern

The 24-hour LC_{50} of ETri for goldfish (*Carrassius auratus*) was greater than 5,000 mg/L (Ref. 1, Bridie et al., 1979), while that of triethylene glycol for brine shrimp was greater than 10,000 mg/L (Ref. 13, Price et al., 1974). Acute toxicity tests with animals indicate that the triethylene glycol monoethers are relatively innocuous at low doses. Although the data are sparse, there is no indications that the triethylene glycol monoethers will produce adverse effects at expected environmental concentrations.

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[FR Doc. 85–12188 Filed 5–20–85; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 80–634]

Changes in the Corporate Structure and Operations of the Communications Satellite Corporation

AGENCY: Federal Communications Commission.

ACTION: Report and Order; Correction.

SUMMARY: The Report and Order in this proceeding adopting modifications to the annual Form M and monthly Form 901 financial reports which Comsat is required to submit to the Commission was published in 50 FR 18304 (April 30, 1985). The Order as published omitted footnote 18 and certain language in the sixth and seventh sentences of paragraph 23. These errata are indicated below.

FOR FURTHER INFORMATION CONTACT: Glenn E. deChabert, International Policy Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632–4047.

SUPPLEMENTARY INFORMATION:

ERRATUM

In the Matter of Changes in the corporate structure and operations of the Communications Satellite Corporation; CC Docket No. 80–634.

Released: May 10, 1985.

1. In the *Report and Order*, FCC 85–178, Mimeo No. 35674, released April 19, 1985, footnote 18 (cited in paragraph 18) and certain language adopted by the Commission in paragraph 23 were inadvertently omitted.

2. Footnote 18 is inserted as follows: "*See* Appendix A, Chart 3."

3. The sixth and seventh sentences of paragraph 23 are amended as follows:

Given this rush of events, we find that all of the above activities, which may be described as "competitive" common carrier activites (including those common carrier services which are to be provided through Comsat's proposed new end-to-end and earth station subsidiary), must be reflected in the aggregate "other nonjurisdictional" categories included on Comsat's annual and monthly Balance Sheet, Statement of Income and Home Office Costs schedules. Moreover, we shall require that Comsat account for these specific "competitive" common carrier activities individually in a separate breakout of each of the "other nonjurisdictional" line items in Comsat's revised annual and monthly reports.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85–12115 Filed 5–20–85; 8:45 am]

BILLING CODE 6712–01–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.: 224–002969–003.

Title: Long Beach Terminal Agreement.

Parties: The City of Long Beach (City) Exxon Corporation (Exxon).

Synopsis: The basic agreement, as amended leases certain land areas to Exxon for a tank farm, etc., preferentially assigns certain berthing areas, and grants pipeline licenses for construction and operation of shoreside bunkering lines throughout the Port of Long Beach. Agreement No. 224–002969–003 amends the basic agreement by modifying the description of the licensed premises to include an additional pipeline; modifies certain provisions relating to all the pipelines installed within the licensed premises; amends the permitted uses allowing Exxon to provide bulk terminalling services for third parties; restructures the compensation provisions to provide a single compensation for all the leased, assigned and licensed premises.

Agreement No.: 221–003463–002.

Title: Galveston Terminal Agreement.

Parties: Far-Mar-Co., Inc. (Far-Mar) Union Equity Co-Operative Exchange (Union).

Synopsis: Agreement No. 221–003463–002 provides that Far-Mar will assign its interest under original Agreement No. T–3463 to Union. The facility involved, located in the Port of Galveston, is to be used for the warehousing, storing, marketing, conditioning and shipping of wheat and milo. The parties have requested a shortened review period for the agreement.

By Order of the Federal Maritime Commission.

Dated: May 16, 1985.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85–11967 Filed 5–20–85; 8:45 am]

BILLING CODE 6730–01–M

Petition of Concorde/Nopal for Issuance of Rules To Meet or Adjust Conditions Unfavorable to Trade in the U.S./Venezuela Trade; Order of Dismissal

By Petition filed January 23, 1985, Concorde/Nopal Line requested the Commission to issue rules pursuant to section 19(1)(b) of the Merchant Marine Act of 1920, (46 U.S.C. 876(a)(b)) to meet or adjust conditions unfavorable to shipping in the United States trades with Venezuela. Concorde/Nopal alleged that conditions unfavorable to shipping exist in those trades as a result of the existence and enforcement of cargo reservation laws and decrees and currency exchange decrees promulgated by the Government of Venezuela. The Department of State was informed on January 30, 1985 of the filing of the Petition and that the Commission intended to institute a proceeding by issuance of a Notice of Proposed Rulemaking,[1] which would permit the

[1] The Commission's decision to forego the publication of the Petition in the **Federal Register** as an initial step was prompted in part by its analsis of the lengthy record compiled in Docket No. 82–58, *Actions To Adjust or Meet Conditions Unfavorable To Shipping In The United States Venezuela Trade*, which had been discontinued in December 1983.

Commission to pursue the matter without delay while the Department simultaneously attempted to reach a diplomatic resolution of the problem. The Commission informed the public of the actions it intended to take through a press release.

The Commission deferred action on the Petition, however, at Concorde/Nopal's request, when the carrier notified the Commission on February 13, 1985 that it hoped to reach an amicable resolution of the problem pursuant to information that the Government of Venezuela was "prepared to grant it, within a reasonable time after application, a permit to compete in the South Florida/Venezuela trade. . . ." Concorde/Nopal's request to defer Commission action was renewed on March 29, 1985, and again, most recently, on May 6, 1985.

In its most recent communication, Concorde/Nopal informs the Commission that it has received a "modified provisional authorization" from the Venezuelan Ministry of Transportation and Communications which "appears to grant Concorde/Nopal authority to serve the trade with a frequency of up to three voyages per month on up to three vessels nominated in advance." While Concorde/Nopal expresses reservations with respect to the need for "technical clarifications of the provisional authorization," and requests further deferral of Commission action, it essentially appears to have obtained access to the trade which will permit it to compete for commercial cargoes.

In view of these events, no regulatory purpose would appear to be achieved by continued Commission consideration of Concorde/Nopal's Petition.

Therefore, it is ordered, That Concorde/Nopal's Petition for Issuance of Rules To Adjust of Meet Conditions Unfavorable To Trade in the U.S./Venezuela Trade, is dismissed.[2]

By the Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-12180 Filed 5-20-85; 8:45 am]

BILLING CODE 6730-01-M

[2] This, of course, is without prejudice to Concorde/Nopal filing another petition with the Commission at any time should it perceive a need to do so

FEDERAL RESERVE SYSTEM

Society Corp.; Formation of Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

Correction

In FR Doc. 85-11326 begininning on page 19808 in the issue of Friday, May 10, 1985, make the following correction on page 19809: In the first column, the second paragraph of the description of *Society Corporation* was inaccurate and is corrected to read as follows:

Additionally, Society Corporation has applied under section 4(c)(8), to acquire Centran Life Insurance Company, Berea, Ohio (credit reinsurance and underwriting); Security Capital Leasing Inc., Berea, Ohio (leasing activities); CFR One, Inc., Berea, Ohio (consumer finance business, sale of credit-related property and casualty insurance); CFS One Inc., of Mississippi, Berea, Ohio (consumer finance activities); and Protective Loan Corporation, Berea, Ohio (consumer finance activities).

BILLING CODE 1505-01-M

First Railroad & Banking Company et al.; Notice of 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 June 10, 1985.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Railroad & Banking Company*, Augusta, Georgia; to expand the geographic scope of the activities of its subsidiary, Capital Premium Plan, Inc., Charlotte, North Carolina, which is engaged in making and acquiring loans and extensions of credit consisting of insurance premium financing, to include the entire United States.

B. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *InterFirst Corporation*, Dallas, Texas; to engage *de novo* through its subsidiary, Interfirst Mortgage Company, Corsicana, Texas, in expanding the geographic scope of its mortgage loan business, including the making or acquiring for its own account or for the account of others loans and other extensions of credit secured by real estate, and the servicing, warehousing, originating, and marketing of mortgages throughout the United States.

2. *United City Corporation*, Plano, Texas; to engage *de novo* directly in making commercial loans, including commercial real estate and interim construction loans. The geographic scope of these activities will be Texas and the contiguous states.

Board of Governors of the Federal Reserve System, May 16, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-12233 Filed 5-20-85; 8:45 am]

BILLING CODE 6210-01-M

FirstPlace Financial 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 June 14, 1985.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *FirstPlace Financial Corp.*, Lincoln, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank in Lincoln, Illinois.

2. *KGG Ban Corp.*, Hampton, Iowa; to become a bank holding company by acquiring 97.2 percent of the voting shares of Community State Bank, Rockwell, Iowa.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Evergreen Bancshares, Inc.*, Crossett, Arkansas; to become a bank holding company by acquiring 80 percent of the voting shares of First State Bank, Crossett, Arkansas.

2. *First Corinth Corp.*, Corinth, Mississippi; to become a bank holding company by acquiring at least 80 percent of the voting shares of National Bank of Commerce of Corinth, Corinth, Mississippi.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Rock Springs American Bancorporation, Inc.*, Rock Springs, Wyoming; to become a bank holding company by acquiring 100 percent of the voting shares of The American National Bank of Rock Springs, Rock Springs, Wyoming.

Board of Governors of the Federal Reserve System, May 16, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-12232 Filed 5-20-85; 8:45 am]

BILLING CODE 6210-01-M

Central Banc System, Inc., Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and section 225.14 of the Board's Regulation Y (12 CFR 225.24) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questionsd of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than May 31, 1985.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Central Banc System, Inc.*, Granite City, Illinois; to acquire 100 percent of the voting shares of Southern Bancshares, Inc., Fairview Heights, Illinois, thereby indirectly acquiring Southern Illinois Bank, Fairview Hieghts, Illinois.

Board of Governors of the Federal Reserve System, May 20, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-12354 Filed 5-20-85; 9:26 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Board of Scientific Counselors, Division of Cancer Treatment; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Treatment, National Cancer Institute, June 10-11, 1985, Building 31C, 6th Floor, "C" Wing, Conference Room 10, Bethesda, Maryland 20205. The meeting will be open to the public on June 10, from 8:30 a.m. until 5:00 p.m., and again on June 11, 1985 from 11:00 a.m. until adjournment, to review program plans, contract recompetitions and budget for the DCT program. In addition, there will be a scientific review by two of the programs in the Division. Attendance by the public will be limited to space available. In accordance with provisions set forth in section 552(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 11, from 8:30 a.m. to 11:00 a.m., for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Bruce Chabner, Executive Executive Secretary, Board of Scientific Counselors, DCT, National Cancer Institute, Building 31, Room 3A52, National Institutes of Health, Bethesda, Maryland 20205 (301/496-4291) will furnish substantive program information.

Dated: May 14, 1985.

James B. Wyngaarden,

Director, NIH.

[FR Doc. 85-12167 Filed 5-20-85; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Institute; Cancer Clinical Investigation Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee, National Cancer Institute, National Institutes of Health, June 24–25, 1985, Building 31C, Conference Room 6, Bethesda, Maryland 20205. This meeting will be open to the public on June 24, from 8:30 a.m. to 9:00 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 24, from approximately 9:00 a.m. until recess, and June 25, from 8:30 a.m. to adjournment for the review, discussion and evaluation of cooperative agreement applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Richard Hsieh, Executive Secretary, Cancer Clincial Investigation Review Committee, National Cancer Institute, Westwood Building, Room 819, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7481) will furnish substantive program information.

Dated: May 14, 1985.

James B. Wyngaarden,

Director, NIH.

[FR Doc. 85–12165 Filed 5–20–85; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Developmental Therapeutics Contracts Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Developmental Therapeutics Contracts Review Committee, National Cancer Institute, National Institutes of Health, July 29–30, Building 31C, Conference Room 7, Bethesda, Maryland 20205. This meeting will be open to the public on July 29, from 8:30 A.M. to 9:00 A.M. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on July 29 from 9:00 A.M. to adjournment on July 30 for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Kendall G. Powers, Executive Secretary, Developmental Therapeutics Contracts Review Committee, National Cancer Institute, Westwood Building, Room 805, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7575) will provide program information.

Dated: May 14, 1985.

James B. Wyngaarden,

Director, NIH.

[FR Doc. 85–12163 Filed 5–20–85; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Developmental Therapeutics Contracts Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Developmental Therapeutics Contracts Review Committee, National Cancer Institute, National Institutes of Health, June 28, Linden Hill Hotel & Racquet Club, 5400 Pooks Hill Road, Bethesda, Maryland 20205. This meeting will be open to the public on June 28, from 8:30 A.M. to 9:00 A.M. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 28 from 9:00 A.M. to adjournment for the review, discussion and evaluation of individual contract proposals. These proposal and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Kendall G. Powers, Executive Secretary, Developmental Therapeutics Contracts Review Committee, National Cancer Institute, Westwood Building, Room 805, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7575) will provide program information.

Dated: May 14, 1985.

James B. Wyngaarden,

Director, NIH.

[FR Doc. 85–12164 Filed 5–20–85; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Allergy and Infectious Diseases; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of committees of the National institute of Allergy and Infectious Diseases for June, 1985.

These meetings will be open to the public to discuss administrative details relating to committee business and for program review. Attendance by the public will be limited to space available. Portions of these meetings will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92–463, for the review, discussion, and evaluation of individual grant applications and contract proposals. These applications, proposals, and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Patricia Randall, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A–32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the committee members.

Substantative program information may be obtained from each executive secretary whose name, room number,

and telephone number are listed below each committee.

Name of committee: Microbiology and Infectious Diseases Research Committee
Executive secretary: Dr. M.S. Quraishi, Room 706, Westwood Building, National Institutes of Health, Bethesda, MD 20205 Telephone: (301) 496-7465
Dates of meeting: June 13-14, 1985
Place of meeting: Westwood Building, Room 740, National Institutes of Health, 5333 Westbard Avenue, Bethesda, MD 20205
Open:
June 13, 1985, 8:30 a.m.-9:00 a.m.
June 14, 1985, 8:30 a.m.-10:00 a.m.
Agenda: Report from Director, Extramural Activities Program, on Committee concerns followed by Program concept clearance.
Closed:
June 13, 1985, 9:00 a.m.-recess
June 14, 1985, 10:00 a.m.-adjournment
Closure reason: To review grant applications and contract proposals
Name of committee: Allergy and Clinical Immunology Subcommittee of the Allergy, Immunology, and Transplantation Research Committee
Executive secretary: Dr. Nirmal Das, Room 706, Westwood Building, National Institute of Health, Bethesda, MD 20205, Telephone: (301) 496-7966
Date of meeting: June 24, 1985
Place of meeting: Building 31C, Conference Room 8, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205
Open: June 24, 1985, 1:15 p.m.-2:20 p.m.
Agenda: Reports by Director and Deputy Director, Immunology, Allergic, and Immunologic Diseases Program; and Director, Extramural Activities Program on Committee concerns
Closed: June 24, 1985-8:30 a.m.-12:00 Noon and 2:20 p.m.-adjournment
Closure reason: To review grant applications and contract proposals
Name of committee: Transplantation biology and Immunology Subcommittee of the Allergy, Immunology, and Transplantation Research Committee
Executive secretary: Dr. Nirmal Das, Room 706, Westwood Building, National Institute of Health, Bethesda, MD 20205, Telephone: (301) 496-7966
Date of meeting: June 27, 1985
Place of meeting: TraveLodge, 250 Beach Street, San Francisco, CA
Open: June 27, 1985, 8:30 a.m.-9:00 a.m.
Agenda: Administrative business of the committee and comments from Program staff.
Closed: 9:00 a.m.-adjournment
Closure reason: To review grant applications and contract proposals.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

Dated: May 14, 1985.

James B. Wyngaarden,

Director, NIH.

[FR Doc. 85-12166 Filed 5-20-85; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-85-799]

Amendment of Delegation of Authority to the Assistant Secretary for Public and Indian Housing

AGENCY: Office of the Secretary, HUD.

ACTION: Amendment of Notice of Delegation of Authority.

SUMMARY: On September 7, 1983, the Secretary of Housing and Urban Development transferred to the Assistant Secretary for Public and Indian Housing from the Assistant Secretary for Housing-Federal Housing Commissioner the delegated authority to administer and carry out certain housing and housing-related programs and functions. (See 48 FR 41097, September 13, 1983). Among the programs and functions excluded from that transfer of delegated authority were those under sections 10(c) and 23 of the United States Housing Act of 1937 (42 U.S.C. 1410(c), 1421(b)). The Secretary of Housing and Urban Development is now amending the transfer of delegated authority to the Assistant Secretary for Public and Indian Housing to include the authority to administer and carry out all functions and programs under sections 10(c) and 23 of the United States Housing Act of 1937.

EFFECTIVE DATE: May 10, 1985.

FOR FURTHER INFORMATION CONTACT: Thomas Sherman, Director, Office of Public Housing, Room 4204, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, Telephone: (202) 755-5380 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Secretary of Housing and Urban Development is amending the Delegation of Authority published on September 13, 1983 (48 FR 41097), in order to transfer to the Assistant Secretary for Public and Indian Housing the authority to administer and carry out all functions and programs under sections 10(c) and 23 of the United States Housing act of 1937.

Accordingly, Section B of said Delegation of Authority is amended as follows:

Section B. * * *

(1) Administer any function or program authorized under Section 8 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437(f)), including insurance and bonding functions for any Section 8 program:

(2) * * *

(3) * * *

(Secs. 5(a) and 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3534(a) 3535(d))

Dated: May 10, 1985.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development.

[FR Doc. 85-12181 Filed 5-20-85; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF THE INTERIOR

National Park Service

Upper Delaware National Scenic and Recreational River; Meeting

AGENCY: National Park Service; Upper Delaware Citizens Advisory Council.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: May 24, 1985, 7:00 p.m.

ADDRESS: Town of Tusten, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Jutzky, Superintendent, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, New York 12764-0159, (717) 729-7135.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. § 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include items regarding continuance of discussion of requirements for a river management plan. The meeting will be open to the

public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National and Recreational River, River Road, 1¾ miles north of Narrowsburg, N.Y. Damascus Township, Pennsylvania.

Dated: May 2, 1985.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 85–12194 Filed 5–20–85; 8:45 am]

BILLING CODE 4310–70–M

Women's Rights National Historical Park Advisory Commission; Meeting

AGENCY: National Park Service: Women's Rights National Historical Park Advisory Comission.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Women's Rights National Historical Park Advisory Commission. Notice of this meeting is required under the Federal Advisory Committee Act.

DATES: May 30, 1985, 9:00 a.m. to 6:00 p.m.; May 31, 1985, 9:00 a.m. to 12:00 noon.

ADDRESS: Women's Rights National Historical Park, 116 Fall Street, P.O. Box 79, Seneca Falls, New York 13148.

FOR FURTHER INFORMATION CONTACT: Judy Hart, Superintendent, Women's Rights National Historical Park, 116 Fall Street, P.O. Box 70, Seneca Falls, New York 13148, (315) 568–2991.

Steven H. Lewis,

Deputy Regional Director, North Atlantic Region.

May 15, 1985.

[FR Doc. 85–12193 Filed 5–20–85; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Arizona et al.; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 11, 1985. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by June 5, 1985.

Carol D. Shull,

Chief of Registration, National Register.

ARIZONA

Maricopa County

Phoenix, *Stoughton, Ralph H., Estate,* 805 W. South Mountain Ave.

KENTUCKY

Garrard County

Bryantsville vicinity, *Spring Garden-John Leavell (Garrard County MRA),* Ballard Lane-Tanyard Branch

Bryantsville, *Bryantsville Post Office and Store (Garrard County MRA),* Off US 27

Lancaster vicinity, *Sharp House (Garrard County MRA),* Fisher Ford Rd.

NEW HAMPSHIRE

Allegany County

Barton, *Shaw Mansion,* Laurel Run Rd.

Belknap County

Laconia, *United Baptist Church of Lakeport,* 23 Park St.

Carroll County

Brookfield, *Brookfield Town Hall,* NH 109

Coos County

Lancaster, *Weeks Estate,* NH 3

Grafton County

Enfield, *Centre Village Meeting House,* NH 4A

Hillsborough County

Nashua, *Hillsborough County Courthouse,* 19 Temple St.

Temple, *Birchwood Inn,* NH 45

Merrimack County

Danbury, *South Danbury Christian Church,* US 4

Rockingham County

Portsmouth, *Haven-White House,* 229 Pleasant St.

Sullivan County

Goshen, *Backside Inn (Plank Houses of Goshen New Hampshire),* Brook Rd.

Goshen, *Burford House (Plank Houses of Goshen New Hampshire),* NH 10

Goshen, *Cote House (Plank Houses of Goshen New Hampshire),* Goshen Center Rd.

Goshen, *Covit House (Plank Houses of Goshen New Hampshire),* Goshen Center Rd.

Goshen, *Durham House (Plank Houses of Goshen New Hampshire),* Ball Park Rd.

Goshen, *Garber House (Plank Houses of Goshen New Hampshire),* Willey Hill Rd.

Goshen, *Giffen House (Plank Houses of Goshen New Hampshire),* NH 10

Goshen, *Janicke House (Plank Houses of Goshen New Hampshire),* Goshen Center Rd.

Goshen, *Knights-Morey House (Plank Houses of Goshen New Hampshire),* Province Rd.

Goshen, *Lear House (Plank Houses of Goshen New Hampshire),* Province Rd.

Goshen, *Pike House (Plank Houses of Goshen New Hampshire),* NH 10

Goshen, *Purnell House (Plank Houses of Goshen New Hampshire),* NH 10

Goshen, *Scranton House (Plank Houses of Goshen New Hampshire),* Brooke Rd.

Goshen, *Seavey House (Plank Houses of Goshen New Hampshire),* NH 10

Goshen, *Stelljes House (Plank Houses of Goshen New Hampshire),* NH 31

Goshen, *Welcome Acres (Plank Houses of Goshen New Hampshire),* NH 10

Goshen, *Williamson House (Plank Houses of Goshen New Hampshire),* Messer Rd.

Goshen, *Windswept Acres-Powers House (Plank Houses of Goshen New Hampshire),* NH 31

Newport, *Newport Downtown Historic District,* Main St. roughly bounded by depot, Sunapee, Central and West Sts.

Plainfield, *Plainfield Town Hall,* NH 12A

Unity, *Unity Town Hall,* Off Unity Rd. & Old NH Tpk.

OREGON

Benton County

Corvallis, *Helm-Hout House,* 844 SW 5th St.

Clatsop County

Astoria, *Page, Judge C. H., House,* 1393 Franklin Ave.

Astoria, *Stevens, Charles, House,* 1388 Franklin Ave.

Douglas County

Roseburg, *Methodist Episcopal South Church,* 809 SE Main St.

Jackson County

Medford, *Medford Hotel,* 406 W. Main

Marion County

Salem, *Doue, Alexander, House,* 1095 Saginaw St.

Silverton, *Calvary Lutheran Church & Parsonage,* 314 Jersey St.

Multnomah County

Portland, *Eastman-Shaver House,* 2845 NW Beulah Vista Terrace

Portland, *Frye, J. O., House,* 2997 SW Fairview Blvd.

Portland, *Montgomery Ward & Company,* 2741 NW Vaughn

Portland, *Portland Police Block,* 209 SW Oak St.

Washington County

Gaston vicinity, *Dundee Lodge,* Rt. 1, Box 311

PENNSYLVANIA

Chester County

West Chester, *West Chester Downtown Historic District,* Roughly bounded by Biddle, Matlick, Barnard and New Sts.

Lancaster County

East Donegal Township, *Donegal Presbyterian Church Complex,* Donegal Springs Rd.

VIRGINIA

Gloucester County

Gloucester Point, *Gloucester Point Archaeological District*

WASHINGTON

Jefferson County

Brinnon vicinity, *Seal Rock Shell Mounds 45JE15.*

[FR Doc. 85-12235 Filed 5-20-85; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Overseas Private Investment Corporation

Proposed Insurance Contract

AGENCY: Overseas Private Investment Corporation.

ACTION: Notice of intent.

SUMMARY: The Overseas Private Investment Corporation (OPIC) announces its intent to issue a revision of its basic insurance contract. The revised contract simplifies the text of the existing contract and makes it more readable.

SUPPLEMENTARY INFORMATION: The Overseas Private Investment Corporation ("OPIC") is an agency of the United States Government that offers insurance to U.S. citizens against certain political risks of investing abroad. Over $9 billion of OPIC insurance is currently in force.

The basic terms of OPIC insurance are outlined in a standard contract form. While OPIC has made numerous changes to particular contract provisions over the years which are incorporated through standard amendments, the last comprehensive revision of the contract was in 1970. OPIC is now proposing to revise the contract primarily to simplify the standard OPIC contract and make it more readable.[1] The draft revision is intended to have materially the same effect as the current OPIC contract (234 KGT 12-70 (Revised)), but a number of changes to particular provisions have also been made. (OPIC may offer some of its currrent customers the opportunity to substitute the new contract for their present contracts.)

The purpose of this notice is to explain the proposed revisions, and to solicit comments from OPIC's customers and other interested parties on the draft, set forth below. Following is a discussion of the major changes to the existing contract and the purpose and intent behind various terms.

DATES: Comments on the revised insurance contract should be received within 60 days.

ADDRESSES: Comments may be sent to—Office of the General Counsel, Overseas Private Investment Corporation, 1129 20th Street, NW., Washington, D.C. 20527.

FOR FURTHER INFORMATION CONTACT: Richard Stern, (202) 653-2937.

Summary of Contract Revisons Contract Organization

To simplify the contract and make it easier to locate particular provisions, the contract has been reorganized along functional lines. A new Article I replaces the Special Terms and Conditions, which was previously a separate document. The main purpose of the new Article I is to identify the insured investment which is the subject of the contract. It also contains the basic exchange of promises between the parties, establishes the premium schedule, and provides an overview of the organization of the contract.

OPIC offers insurance coverage against three separate risks: (1) The risk that proceeds from the insured investment will not be convertible into U.S. dollars, (2) the risk of expropriation of the insured investment in the project and (3) the risk of loss of project property due to war, revolution, insurrection or civil strife. (In the proposed draft, the last category is called "political violence"coverage.)

In the draft, contract terms relating to each of the three OPIC coverages have been combined and reorganized into two articles, one defining the scope of coverage and one specifying the amount of compensation available. Thus, Article II defines the scope of coverage against inconvertibility of funds, and Article III specifies the amount of compensation payable if an event satisfies the scope of coverage requirements. Similarly, Article IV defines the scope of coverage and Article V specifies the amount of compensation available in the event of an expropriation of the insured investment. Articles VI and VII set forth the scope and amount of compensation for damage due to political violence.

If an investor chooses not to purchase all three types of insurance coverage offered by OPIC, the portions of the standard contract relating to those types of insurance that have not been purchased will be omitted from the investor's contract.

Articles VIII and IX contain general provisions applicable to all three coverages. Article VIII sets out procedures, including those applicable to applications for compensation. Article IX outlines the investor's duties to OPIC. If an investor fails to comply with any of these duties he may lose his right to compensation.

The present OPIC contract begins with definitions of 33 "governing terms." The draft reduces the OPIC contract's reliance of defined terms. Some definitions have been eliminated as unnecessary. In other instances, definitions have been incorporated into the substance of the relevant contract provisions. Others have become unnecessary as a result of the simplification of contract terms. For example, the definition of "Net Investment" is no longer necessary because the revised contract adopts a "book value" standard for compensation for expropriation.[2]

Article I—Subject of Insurance and Exchange of Promises

Draft section 1.01 describes the insured investment by setting forth the amount that will be contributed, the foreign enterprise which will receive the contribution, the securities which the investor will receive in return and the project to which the investment will be applied. Investors should be aware that subsequent investments to the same foreign enterprise which are not insured by OPIC can affect the computation of coverage. For example, assume that an investor owns all of a foreign enterprise and obtains insurance covering 90% of his 100 equity shares. If the investor subsequently contributes additional funds and receives 100 new shares, only the investment represented by 90 of his shares is covered, i.e., only 45% of the equity is insured under the inconvertibility and expropriation insurance. On the other hand a subsequent contribution to capital without the issuance of new shares results in no change in the number of shares and percentage of equity covered under the expropriation and inconvertibility insurance; however, the amount of the contribution is deducted from book value in computing compensation for expropriation (section 5.03.2).

[1] OPIC uses a number of standard contract forms in addition to the basic 234 KGT 12-70 (Revised), including special forms for coverage of loans, leases and oil and gas exploration projects. None of these are affected by the proposed changes to the basic form.

[2] Recently, OPIC began issuing contracts to new investors which incorporate the "book value" approach by amending OPIC's standard contract form.

A subsequent, uninsured contribution to a branch foreign enterprise is treated the same as a contribution to an incorporated subsidiary for which no new shares are issued. Because compensation under the political violence insurance is based upon the investor's entire equity interest (section 7.03), subsequent, uninsured contributions have no effect on the computation of the proportion of any loss which is compensated.

Draft section 1.03 states the maximum aggregate compensation for which OPIC could be liable under the contract. This amount will be equal to the highest of the maximum coverage amounts for the categories of risks elected for the first period of coverage.

Article II—Inconvertibility—Scope of Coverage

Draft section 2.01 is intended to have the same essential effect as Articles 13 and 14 of the present contract. As under the existing contract, OPIC does not insure that all the investor's funds in the project country will be convertible into United States dollars, but only "earnings from or returns of the insured investment." This language is intended to have the same meaning as the defined terms "Investment Earnings" and "Return of Capital" in the present contract; that is, the only funds covered against the risk of inconvertibility are proceeds from the insured investment, such as dividends, repayments of principal and interest on loans or proceeds from the sale of securities acquired for the insured investment. Also, if an investor owns all of the equity of a foreign enterprise, but only a portion of the stock is insured, only that portion of any inconvertible dividend or distribution with respect to the stock could be made the subject of a claim.

The present OPIC contract provides that inconvertibility coverage is lost as to local currency which has been held by the investor for more than 18 months (section 14.01, proviso (ii) (B) and (C)). During the past year, however, OPIC's practice has been to delete the 18-month limitation by amendment to the contract form. The draft codifies OPIC's practice. Under the draft, an investor may leave project earnings or other covered funds in the project country up to the termination of the contract without losing inconvertibility coverage.

The standard for determining whether local currency has in fact become inconvertible into dollars is a practical one. For example, if direct exchanges of local currency for dollars are prohibited by law or no dollars are available through the official exchange mechanism, but another legal mechanism (such as a parallel market or government bonds which can be sold for dollars) remains available for converting funds, the local currency would not be considered inconvertible since a legal functional equivalent to a formal exchange market would be available. This is true even though the effective rate obtainable through such means may be less favorable than the rate nominally provided through other lawful channels. Similarly, if local currency is convertible into the currency of a third country, and that currency is in turn convertible into dollars, the requirements for coverage would not be satisfied. On the other hand, the investor is not required to resort to any practice which is illegal under the laws of the project country, even if the practice is common.

OPIC's inconvertibility coverage applies only to situations in which the investor is unable legally to convert currency. Other types of government restrictions which preclude an investor from transferring funds out of the project country (such as restrictions on bank accounts) are not covered by OPIC's inconvertibility coverage, but may be compensable as an expropriation of funds (section 4.02) if they are illegal and satisfy the other requirements of Article IV.

OPIC coverage does not provide compensation for temporary delays in processing currency exchanges. Under the present contract, different waiting periods are provided, depending upon the reason for blockage, for establishing a mature claim. Ordinarily, the maximum waiting period is 60 days. The draft simplifies the present contract by adopting a single time limit which will usually be 60 days. However, since the time required to make currency exchanges under normal conditions varies from country to country, a longer time limit may be specified when a particular contract is executed.

Exclusions from inconvertibility coverage have been consolidated in section 2.02. Investors should pay particular attention to the exclusion of pre-existing restrictions (section 2.02(a)). If the investor would have been legally unable to convert local currency into dollars in similar circumstances on the date that the contract was issued, and if the investor either had actual notice of the exchange restrictions, or could have discovered them through the exercise of due diligence, OPIC does not pay compensation. Thus, OPIC's inconvertibility coverage does not guarantee an investor that a particular currency will in fact be convertible into dollars; rather, OPIC insures investors against the consequences of conversion restrictions not existing at the time the investor entered into the contract with OPIC. The investor assumes the burden of any exchange restrictions existing in the host contry at the time the insurance is issued.

Also of particular importance is the exclusion in section 2.02(b), which requires the investor to make all reasonable efforts to convert the funds.

The exclusion for events due predominantly to provocation or instigation attributable to the investor (section 2.02(d)) applies to situtations in which transfers of currency are blocked as a reasonable response by the government of the project country to actions attributable to a particular investor. Investor actions which are legal under local and international law may nonetheless constitute provocation or instigation if they are unreasonable. Actions by a foreign enterprise controlled by the investor are considered attributable to the investor.

Article III—Inconvertibility—Amount of Compensation

Section 3.01 of the draft is a simplification of the defined term "Reference Rate of Exchange" in the existing contract, as modified by standard amendments. The basic standard for paying compensation for inconvertibility is the official rate of exchange recognized by the government of the project country 60 days prior to receipt of the application for compensation by OPIC. If more then one official exchange rate was in effect, OPIC pays compensation at the exchange rate which would have been applicable to the type of transfer involved (e.g., dividend remittance, debt repayment).

Some countries maintain a nominal official rate of exchange for political purposes, but permit conversions to be made at a different (usually lower) rate of exchange in a parallel market or through some other channel such as a government bond market. If dollars were not generally and readily available to the public at the official exchange rate, compensation is computed at the effective rate at which dollars were available in the project country through a legal and normal channel (section 3.01.2). The exchange rate prevailing in that channel shall be the applicable rate even if insufficient dollars are available through it to service the entire demand.

Article IV—Expropriation—Scope of Coverage

Provisions relating to acts constituting expropriation have been combined and rewritten in Article IV. The article is

divided into two sections, "total expropriation" and "expropriation of funds." OPIC does not insure against partial expropriation as such. An expropriation of a portion of the insured investment, or an action which partially impairs the investor's rights in the investment, is covered only if it meets the requirements for "total expropriation" (Section 4.01). Prior to receiving compensation from OPIC, an investor must assign to OPIC all of its interest in the project attributable to the insured investment (Section 8.02). Expropriations of proceeds from the insured investment, however, are covered by the "expropriation of funds" provision (Section 4.02). This is the only form of partial expropriation covered by the contract. Compensation is in the amount of the value of the expropriated proceeds and the rights assigned to OPIC are only those related to the proceeds.

The draft and the present contract both require governmental action to establish expropriation (Section 4.01(a)). Neither recognition by the Government of the United States, nor a legal manner of succession is necessary for an entity to be considered a "foreign governing authority." The test is whether the entity is in *de facto* control of the part of the country in which the project is located and performs the functions of a government. The action complained of must be legally attributable to the government or a subdivision of it (such as a province or agency). For example, if an organized rebel force takes and maintains control of part of the country and expropriates the project, OPIC would pay compensation, even though the investor's legal rights were still recognized by the central government. Also, an action by a government-owned corporation can be the basis for an expropriation if the government is legally responsible for the action. The term "foreign" is included to exclude the Government of the United States and any military command in which it participates.

The substance of proviso 1 to the definition of Expropriatory Action in the present contract has been retained in the illegality requirement of section 4.01(b). Thus, governmental actions may have a substantial adverse effect on the project, but if they are not illegal under local or international law they do not constitute a compensable expropriation. For example, bona fide tax increases, price controls, currency controls, regulatory measures or other legitimate governmental actions may seriously harm an investor, but if they are not illegal as applied to the investor, OPIC would not pay compensation.

Section 4.01(c), the taking requirement, provides that illegal government action is compensable as a total expropriation under the OPIC contract only if it has the effect of directly depriving the investor of fundamental rights in the insured investment. Rights are "fundamental" if their denial substantially deprives the investor of the benefits of the investment.

As under the existing contract, the focus is on the practical effect of the illegal actions on the investor's interest. A right that is fundamental in one case may not be in another. In each instance, the significance of the rights in question must be examined in the context of the overall investment arrangement. The action could affect the foreign enterprise directly or the investor's rights with respect to the foreign enterprise.

For example, a breach by the host government of an investment agreement, either with the investor or with the foreign enterprise, might violate international and local law. The breach would not give rise to a valid claim for total expropriation, however, unless it so impeded the project's ability to continue to operate or the investor's rights with respect to the foreign enterprise that it substantially deprived the investor of the benefits of the investment.

As under the existing contract, the illegal government actions must "directly deprive the investor of the benefits of the investment. The contract does not insure investors against actions which directly deny only rights of third parties. OPIC does recognize, however, that actions which transgress the rights of a corporation also deny rights to the investors in the corporation.

As under the present contract, the expropriatory effect must continue for one year. An investor is not required to exhaust local remedies for breaches of local or international law before submitting its claim to OPIC, but it is required to pursue them for one year section 4.01(d)), and to consult and cooperate with OPIC section 9.01(8) and (9)) in doing so.

Article V—Amount of Compensation—Expropriation

Under the present standard OPIC contract, compensation for expropriation is determined under the definition of "Net Investment." This formula is replaced in the draft by the "book value" concept, which is more familiar to accountants and business people. Essentially, book value means the initial investment in a project, adjusted by the net retained earnings or losses of the project. The term "book value" is applied to indemnify the investor for losses due to expropriation of the insured investment and net retained earnings up to the contract maximums. On the other hand, the investor does not receive compensation for losses from causes other than expropriation, nor does the investor benefit from accounting practices which the investor does not ordinarily use or which do not reflect economic reality.

OPIC does not generally provide expropriation coverage for the full amount of an investor's investment in a project, but only for that portion of the investor's investment identified in Article I as the "insured investment" section 1.01). In the event of an expropriation, OPIC does not pay compensation based on the full book value of the investor's investment in the project, but only for the *pro rata* share of book value attributable to the portion of the investment in the project that is insured by OPIC section 5.01). For example, suppose that an investor is a one-half partner in a project, and the investor's contract stipulates that 80% of the investor's investment constitutes the "insured investment" section 1.01). Compensation for expropriation would be based on 40% of the project's book value (the investor's one-half share multiplied by the 80% which OPIC insures). If the investor contributes additional sums to the project (either directly or through a third party) but does not obtain additional OPIC insurance, the additional contributions are deducted from book value in computing compensation section 5.03(2)) even though no new shares are issued.

Book value is based on financial statements maintained by the investor in accordance with accounting principles generally accepted in the United States ("GAAP") and translated into dollars in accordance with GAAP. The methods of accounting used in submitting a claim to OPIC must be consistent with the investor's own accounting methods for similar circumstances and periods. OPIC will follow the investor's choice of alternative methods within GAAP, but adjustments can be made to (1) adjust related party transactions to reflect fair market prices; (2) disregard the effects of tax sharing agreements and consolidated accounting; and (3) write-down the book value of unproductive assets to actual value. Also, any accounting treatment which substantially overstates the real economic value of the insured investment or the foreign enterprise

viewed as an independent entity will not be accepted.

At present, OPIC's standard contract (section 2.11) requires the investor to maintain annual certificates from a responsible financial officer or outside accountants acceptable to OPIC certifying that financial records are being maintained in accordance with generally accepted accounting principles. The proposed draft eliminates that requirement. However, the investor remains responsible for maintaining records sufficient to substantiate all aspects of claims for compensation. (section 9.01.6).

Provisions relating to other compensation and retained property (section 5.03.4) have been rewritten to delete the requirements for certain assignments and possible removal of assets from the project country. As a result of these changes, if property remains subject to the investor's effective control after the expropriation, OPIC may decline to accept the assignment of rights to that property and may deduct from the compensation payable the property's book value. The purpose of this provision is to insure that the investor is compensated only for actual losses due to expropriation. For example, assume that an investor made an insured investment in a project consisting of a rubber plantation and a rubber vulcanizing plant and that the plantation, but not the plant, were expropriated. If the plantation constituted a substantial portion of the project's assets, OPIC would pay compensation for total expropriation in the amount of the insured investment's *pro rata* share of the book value of the total project and receive an assignment of the investor's interest in the entire project (section 8.02). However, under section 5.03.4(b) of the draft, OPIC could refuse to accept an assignment of the investor's interest in the plant, if it remains subject to the investor's effective disposition and control and commercially viable. The book value attributable to the plant would be deducted from compensation.

Also, section 5.03.4(c) provides that OPIC may reduce compensation to offset obligations of which the investor is relieved by the expropriation

Limitations on amounts of compensation are the same as under the present contract, except that the limitation relating to insolvency (section 5.04(b)) has been expanded to apply to all categories of investors. Under the present contract, the insolvency limitation applies only to investors holding "debt Securities." The purpose of the change is to insure that OPIC does not pay a windfall to investors on projects which are failures for ordinary commercial reasons.

The provocation and instigation section (section 5.04.2) has the same meaning as the provocation and instigation section for inconvertibility coverage, described above. For example, assume that a mining lease was obtained originally by bribery or other corrupt practices by the investor and that upon discovery of the circumstances the government of the country in which the project is located declares the lease void. Compensation would not be due from OPIC, since a preponderant cause of the expropriation would be the investor's corrupt practices.

Article VI—Political Violence—Scope of Coverage

At present, OPIC's standard contract provides coverage against "Damage," which is defined to include injury to property from "war, revolution or insurrection" (section 1.07). In addition, in recent years OPIC has offered a standard addendum which broadens coverage to include damage caused by "civil strife." Several of these terms are becoming words of art with established meanings under international and domestic law. OPIC does not intend to limit coverage to violent events that fall into one of these established categories. Therefore, § 6.01 has been rewritten to define "political violence" broadly as any violent act which has a political objective as its principal, immediate motive. Declared and undeclared wars, hostile actions by armed forces, civil wars, revolutions, insurrections, civil strife, terrorism and sabotage all qualify as examples of types of political violence which are covered. This list is not intended to be exhaustive, and other actions that satisfy the definition of political violence are also covered.

A political objective must be the primary intent of the specific act. Thus, an ordinary criminal act, such as a robbery, to obtain financing for a political group would not encompass political violence.

Labor and student violence are not included within political violence coverage, however. In determining whether actions such as general strikes fall into the category of political violence, which is covered under the contract, as opposed to the category of labor violence, which is not covered, the primary objective of the acts as they affect the investor must be considered. For example, if in the course of a general strike to achieve higher wages, the investor's property is destroyed, compensation would not be payable since the primary goal of the violence was related to a typical labor demand. On the other hand, if the general strike was called to bring down a government, attendant violence would be "political violence" unless the specific act of violence directly affecting the investor was motivated by a separate labor demand.

A number of types of property are not eligible for political violence coverage. Only the loss, damage or destruction of "tangible property of the foreign enterprise used for the project" is covered. Thus, notes or other intangibles are not protected against theft or destruction due to political violence. However, property leased by the foreign enterprise is considered property "of" the foreign enterprise, and therefore it is covered, provided that it is actually used for purposes of the project and the foreign enterprise bears the risk of loss. In addition, certain valuable items such as precious metals, works of art, money and documents are excluded from coverage (section 6.02(a).

Compensation will not be paid for losses that could have been prevented by taking reasonable protective measures (section 6.02(c)). In applying this provision, measures which could have been taken by the management of the project as well as by the investor must be considered.

The provocation and instigation (section 6.02(d)) has essentially the same meaning as under the inconvertibility and expropriation coverages, described above. In assessing whether particular actions constitute provocations, the existing political climate in the project country must be taken into account. Actions that are legal and that would be reasonable under ordinary circumstances may nevertheless constitute provocation if the investor or local representative acting on his behalf knew or should have known that the action might foreseeably result in political violence.

Article VII—Amount of Compensation—Political Violence

Contract provisions relating to compensation for damage due to political violence have been restructured to provide two alternative measures of compensation: Historical cost and replacement cost (section 7.01). If the investor does not repair or replace the property permanently lost due to political violence within three years, the investor can obtain compensation on a historical cost basis only.

Historical cost in the Investor's share of the least of the actual original cost of the damaged item, the fair market value of the item at the time it was lost or the

reasonable cost to repair the item. The determination of reasonable costs to repair property is based on the actual conditions which exist in the country at the time. "Investor's share" is defined as the proportion of equity in the foreign enterprise held by the investor (section 7.03). The total amount of compensation received on a historical cost basis for a single incident or a related series of incidents may not exceed the total book value of the investor's insured investment in the project at the time of the loss (section 7.01(a)).

If the investor does repair or replace the property within three years with new or used property which is equivalent to or better than that which was lost, the investor may elect to have OPIC pay compensation based on the actual cost to repair or replace the property, up to a maximum of 200% of the original cost of the item which was lost. To qualify for replacement cost compensation, the investor must also maintain or receive an interest in the foreign enterprise that reasonably reflects the amount invested in connection with the repair or replacement. For example, assume that the investor and a local partner each own 50% of the equity of a foreign enterprise which suffers loss to covered property having an original cost of $50,000 and a replacement cost of $100,000. The investor may collect as much as $100,000 under the present draft if it is all contributed to repair or replace the lost property and other requirements are met. However, to qualify, the investor must receive or maintain a commensurate interest in the foreign enterprise for the contribution. If the local partner also contributes $100,000, and no new securities are issued by the foreign enterprise, then the investor has maintained an interest that reflects the contribution because the 50–50 equity relationship is properly preserved. If the local partner contributes nothing, then the investor would have to receive a debt obligation of the foreign enterprise or a larger proportion of the equity or some other equivalent interest to reflect the investor's increased contribution *vis-a-vis* his partner.

Compensation on a replacement cost basis may exceed the book value of the investor's insured investment in the project on the date of the loss.

As under the present contract, political violence coverage applies to partial damage to property, as well as total destruction. However, OPIC does not pay compensation if the project is temporarily deprived of the use of its property, nor does it pay for lost profits or other consequential damages. For example, if an invading army commanders delivery trucks belonging to the project for six months and then returns them, OPIC would pay compensation based on any physical damages to the delivery trucks, but it would not pay for the loss of use of the trucks, nor would OPIC be responsible for lost profits or other expenses which the project sustained because it was unable to operate during the period that it was deprived of the use of the trucks.

A new feature in the proposed draft is a provision for a mutually agreed upon appraiser to resolve any dispute concerning valuation (section 7.05).

Of course, any compensation received from other sources (including under other OPIC contracts) is deducted from the computation of loss.

Article VIII—Procedures

Article VIII consolidates and reorganizes the procedures applicable to claims. With only a few exemptions, Article VIII either has the same effect as the existing contract, or puts into the contract the policies which OPIC has followed as a matter of practice.

Section 8.01 deals with applications for compensation, including time limits. There is no prescribed form for an application for compensation, but a list of required documents for inconvertibility claims is furnished upon request of an investor who is about to file a claim.

Section 8.02 sets forth the rights which must be transferred to OPIC in connection with claim payments.

Section 8.04 provides for payment of excess salvage to the investor. If OPIC obtains greater value from property transferred to it than the amount of compensation paid, plus interest and OPIC's expenses, OPIC will refund the excess to the investor. However, this provision in no way obligates OPIC to take any actions with regard to the property transferred to it.

The rules concerning election of coverage are set forth in section 8.06, including rules for mandatory minimum elections.

Section 8.09 codifies OPIC's existing policy relating to the refund of premiums.

Article IX—Investor's Duties

The Investor's Duties section of the contract is intended to collect in one place all of the investor's duties to OPIC. If the investor materially breaches any of the duties to OPIC, the investor may lose the right to compensation.

Of course, material misrepresentations in the application for insurance or material changes—such as a change in the line of business in which the foreign enterprise is engaged—can invalidate coverage (section 9.01.1).

It is important that investors realize that OPIC considers statutory policy goals, as well as underwriting considerations, in deciding whether to issue insurance to a particular investor. Accordingly, misrepresentations or changes which do not affect underwriting risk can be grounds for voiding coverage.

Section 9.01.3 requires the investor to maintain the risk of loss for at least ten percent of the book value of its interest in the foreign enterprise. For this ten percent, the investor may not obtain insurance from any source. Other provisions in the draft contract reduce the compensation otherwise payable to ensure that this duty is satisfied (section 5.04.1(c), section 7.02(b)).

The investor must maintain adequate accounting books and records and regularly prepared financial statements which can be a basis for computing compensation. All accounting must be in accordance with principles of accounting generally accepted in the United States, including principles of currency translation (section 9.01.6).

The contract give OPIC authority to require investors to make available any and all information which may be relevant, or may lead to information which is relevant, to OPIC's duties, which include not only processing claims but also reporting to the Congress (section 9.01.7).

The investor is required to consult with OPIC concerning any events which could result in claims for compensation under the expropriation or political violence coverage (section 9.01.8). Prior to the time that the investor assigns rights in the insured investment to OPIC, the investor is obliged, at its own expense, to take all reasonable measures to preserve property or rights which may be transferred to OPIC, including pursuing administrative and judicial remedies. After the transfer of property or rights to OPIC, the investor has a duty to cooperate with OPIC in any actions which OPIC may take with regard to the rights or property. For example, the investor shall, in exchange for the payment of reasonable out-of-pocket exenses by OPIC, make available appropriate personnel and information to assist OPIC in preserving the property or in prosecuting claims.

Of course, OPIC cannot investigate an investor's representations or compliance with all duties until after a claim arises. Therefore, it is important that investors understand that OPIC does not, through

inaction, waive any breaches of investor's duties (section 9.03).

Overseas Private Investment Corporation.

Elizabeth A. Burton,

Corporate Secretary.

Form 234 KGT—

OPIC Contract of Insurance No.

OVERSEAS PRIVATE INVESTMENT CORPORATION

CONTRACT OF INSURANCE

Against

as defined below,

between the Overseas Private Investment Corporation ("OPIC") and (the "Investor").

TABLE OF CONTENTS

[1] This Table of Contents applies to all coverages offered by OPIC whether or not all of those coverages are provided in this contract.

Article I—Subject of Insurance and Exchange of Promises

1.01 *Subject.*

1. *Investment.* The Investor promises that the Investor contributed or will contribute

[(a) Up to $1,000,000 for equity securities and

(b) Up to $500,000 for debt securities]

in

[X Corporation, S.A.
Address
a corporation organized under the laws of y]
(the "foreign enterprise")

for which the Investor has acquired or will acquire

[(a) 100 shares of common stock, representing 25% of the equity, and (b) notes payable in five equal annual installments of principal, with interest at 14%.]

(together "the investment").

——% of each of these interests acquired by the Investor is insured under this contract (the "insured investment").

2. *Project.* The investment will be applied to

[the construction and operation of a fertilizer producing plant in y] (the "project").

1.02 *Promises.*

OPIC promises that if acts occur during the term of this contract which satisfy the requirements for coverage in Article——, OPIC will pay the Investor the amount of compensation provided in Article——, in accordance with the procedures in Article VIII.

The Investor promises to comply with the duties in Article IX. If the Investor violates any of those duties, the Investor may lose rights, including the right to compensation.

Amendments to Articles I through IX may be contained in Article X.

1.03 *Maximum Aggregate Compensation.*

OPIC will not pay compensation under this contract in an aggregate amount that exceeds $——.

1.04 *Full Faith and Credit.*

The full faith and credit of the United States of America is pledged to secure the full payment by OPIC of its obligations under this contract.

1.05 *Term.*

This contract shall enter into force on the date it has been signed by OPIC and the Investor and shall terminate——years afterward.

1.06 *Premiums and Coverage Elections.*

1. *Timing and Rates.* The Investor shall elect amounts of coverage (section 8.06) and pay premiums on or before each annual anniversary of the effective date of the contract. The premiums shall be as follows:

(a) ——% of the total of the Current Insured Amounts for inconvertibility insurance;

(b) ——% of the total of the Current Insured Amounts for expropriation insurance;

(c) ——% of the total of the Current Insured Amounts for political violence insurance; and

(d) ——% of the total of the Standby Amounts for the inconvertibility and expropriation coverages and ——% for the Standby Amount for political violence coverage. A Standby Amount is the difference between the Maximum Insured Amount and the Current Insured Amount for a coverage.

By notice to the Investor at least thirty days prior to a premium due date, OPIC may increase the rates for Current Insured Amounts. The total increase shall be limited to 50% of the above rates during the first ten years of this contract and to 100% of the above rates thereafter.

2. *Initial Elections.* The coverages and the premiums for the first period shall be—

	Inconvertibility	Expropriation	Political violence	Total premium
A. Maximum Insured Amount:				
1. Debt	$	$	$	
2. Equity	$	$	$	
3. Other	$	$	$	
4. Total	$	$	$	
B. Current Insured Amount:				
1. Debt	$	$	$	$
2. Equity	$	$	$	$
3. Other	$	$	$	$
4. Total	$	$	$	$
Premium Rate for Current Coverage.	%	%	%	
Premium	$	$	$	$
C. Standby Amount (line A.4. less line B.4.).	$	$	$	$
Premium Rate for Standby Coverage.	%	%	%	
Premium	$	$	$	$
D. Total Premium.				$

Article II—Inconvertibility—Scope of Coverage

2.01 *Inconvertibility of Local Currency.* Local currency shall be deemed inconvertible and compensation shall be payable, subject to the exclusions (section 2.02) and limitation (section 3.02), if the Investor is unable legally to convert earnings from or returns of the insured investment into United States dollars through any channel during the —— days immediately prior to a claim to OPIC, except at rates which are continuously less than the rate described under section 3.01.2.

2.02 *Exclusions.* Regardless of any other provisions, no compensation for inconvertibility shall be payable if

(a) *Pre-existing Restrictions.*

(1) The Investor would have been unable legally to convert local currency into United States dollars in comparable circumstances on the date of this contract; and

(2) The Investor knew or should have known about the restriction; or

(b) *Investor Diligence.* The Investor has not made all reasonable efforts to convert the local currency into United States dollars; or

(c) *Reconversions.* The local currency represents funds which were previously converted into another currency; or

(d) *Provocation.* A preponderant cause of the inconvertibility is provocation or instigation attributable to the Investor, including corrupt practices.

Article III—Inconvertibility—Amount of Compensation

3.01 *Rate of Compensation for Inconvertibility.*

1. *Date.* If the requirements of inconvertibility are satisfied (Article II), OPIC

shall pay compensation against prior delivery of the inconvertible local currency. The compensation shall be 99% of the United States dollar equivalent of the local currency at the exchange rate in effect sixty days before OPIC receives the application for compensation.

2. *Exchange Rate.*

(a) The exchange rate shall be the official exchange rate applicable to the type of remittance involved.

(b) If, however,

(1) United States dollars were not generally available at the applicable official exchange rate; and

(2) Exchanges of local currency for United States dollars were effected legally and normally through another channel;

then the exchange rate shall be the effective rate obtained through that channel.

(c) In either case, the exchange rate shall be net of all deductions for governmentally imposed charges, such as taxes and commissions.

3.02 *Limitation.* Compensation shall not exceed the Current Insured Amount (section 8.06) in effect sixty days before OPIC receives the application for compensation.

Article IV—Expropriation—Scope of Coverage

4.01 *Total Expropriation.* Compensation is payable for total expropriation (section 5.01) if an act or series of acts satisfies all of the following requirements:

(a) The acts are attributable to a foreign governing authority which is in *de facto* control of the part of the country in which the project is located;

(b) The acts are violations of international law (without regard to the availability of local remedies) or material breaches of local law;

(c) The acts have the effect of total expropriation by directly depriving the Investor of fundamental rights in the insured investment (Rights are "fundamental" if without them the Investor is substantially deprived of the benefits of the investment.); and

(d) The violations of law are not remedied (section 9.01.9) and the expropriatory effect continues for one year.

4.02 *Expropriation of Funds.* Compensation is payable for an expropriation of funds that constitute a return of the insured investment or earnings on the insured investment (section 5.02) if an act or series of acts

(a) Satisfies the governmental action, illegality and duration requirements (section 4.01(a), (b) and (d)); and

(b) Directly results in

(1) Preventing the Investor from repatriating the funds; and

(2) Effectively controlling the funds in the country in which the project is located.

Article V—Expropriation—Amount of Compensation.

5.01 *Total Expropriation.* For total expropriation (section 4.01), OPIC shall pay compensation in United States dollars in the amount of the book value of the insured investment, subject to adjustments (section 5.03) and limitations (section 5.04).

Compensation is computed as of the date the expropriatory effect commences (section 4.01(c) or section 4.02(b)) and is based on financial statements maintained by the Investor in accordance with section 9.01.6 for the foreign enterprise. However, OPIC may audit and make adjustments to the financial statements

(1) To conform them to principles of accounting generally accepted in the United States; and

(2) To make the adjustments (section 5.03).

OPIC shall be bound by the Investor's choice among generally accepted accounting principles, if the choice is consistent with the Investor's own accounting, unless such choice results in a substantial overstatement of the real economic value of the insured investment or the foreign enterprise as an independent entity.

5.02 *Expropriation of Funds.* For expropriation of funds (section 4.02), OPIC shall pay compensation in the amount of the United States dollar equivalent of the blocked funds, computed as of the date the blockage begins. Compensation for expropriation of funds shall be subject to the adjustments and limitations (section 5.03 and section 5.04).

5.03 *Adjustments.*

1. *Investments of Property.* Non-cash items contributed to the investment shall be adjusted to reasonable value in the United States of the items furnished at the time of transfer, plus freight and other reasonable direct costs incurred in furnishing the items to the project.

2. *Non-Insured Contribution.* Any portion of book value attributable to a direct or indirect contribution by the Investor after the insured investment is made shall be deducted from book value.

3. *Special Accounting Rules.* Dealings among related parties shall be adjusted to the standard of arms' length dealing, and forgiveness of obligations shall be offset. Each entity shall be accounted for as if it were a separate person for income tax purposes, and the effect of tax shifting arrangements shall be disregarded. Obsolescence or permanent reduction in recoverable values shall be recognized by adjusting the book value of productive facilities and assets to realizable value. OPIC may adjust financial statements to reflect the effect of events that occur before the expropriatory effect commences, such as events of loss which are later confirmed.

4. *Other Compensation and Retained Property.* OPIC may reduce compensation for

(a) Compensation received from other sources on account of the expropriation;

(b) Property which remains subject to the Investor's effective disposition and control after the expropriatory effect commences (unless OPIC requires the Investor to assign the property (section 8.02)); and

(c) Any obligation the Investor is relieved of by the expropriation.

The reduction shall be proportionate to the extent that these items are attributable to the insured investment.

5.04 *Limitations.*

1. *Amount.* Compensation shall not exceed any of the following limitations:

(a) *Current Insured Amount.* The Current Insured Amount (Section 8.06) on the date the expropriatory effect commences;

(b) *Insolvency.* If the foreign enterprise is insolvent, the amount that the Investor would have been entitled to receive in insolvency proceedings with respect to the insured investment if assets had been liquidated at book value on the day prior to commencement of the expropriatory effect;

(c) *Self-Insurance.* The maximum amount which could be received by the Investor from OPIC without breaching section 9.01.3.

2. *Provocation.* No compensation shall be paid for any loss for which a preponderant cause is provocation or instigation attributable to the Investor, including corrupt practices.

Article VI—Political Violence—Scope of Coverage

6.01 *Loss Due to Political Violence.* Compensation is payable, subject to the exclusions (section 6.02) and limitations (section 7.02), if political violence is the direct and immediate cause of the permanent loss, damage, or destruction of tangible property of the foreign enterprise used for the Project.

"Political violence" means a violent act undertaken with the primary intent of achieving a political objective, such as declared or undeclared war, hostile action by national or international armed forces, civil war, revolution, insurrection, civil strife, terrorism or sabotage. However, acts undertaken primarily to achieve labor or student demands are not covered.

6.02 *Exclusions.* Regardless of any other provision of this contract, no compensation shall be payable

(a) *Excluded Property.* For loss of precious metals, gems, works of art, money or documents;

(b) *Minimum Loss.* If the amount of compensation payable would be less than $5,000;

(c) *Reasonable Protective Measures.* If the loss results from the failure to take reasonable measures to protect or preserve the property; or

(d) *Provocation.* If a preponderant cause of the loss is provocation or instigation attributable to the Investor, including corrupt practices.

Article VII—Political Violence—Amount of Compensation

7.01 *Basis of Compensation.* If the requirements of Article VI are satisfied, and subject to the limitations (§ 7.02) and the deduction of other compensation (§ 7.03), OPIC shall pay compensation in United States dollars for any item of property lost. Compensation shall be in the amount of historical cost, or, if the requirements of § 7.01(b) are met, in the amount of replacement cost.

(a) *Historical Cost.* Historical cost is the Investor's share (§ 7.04) of the least of

(1) The original cost;

(2) Fair market value; or

(3) The reasonable cost to repair the property;

less anything of value received by the Investor on account of the property lost, damaged or destroyed, including insurance proceeds, and less Investor's share of any such receipts by the foreign enterprise.

(b) *Replacement Cost.* If the Investor so elects, OPIC will pay the reasonable cost to repair any item of property or to replace it with equivalent new property, less anything of value received by the Investor on account of the property lost, damaged or destroyed, including insurance proceeds, and less the Investor's share of any such receipts by the foreign enterprise. To receive such compensation, the Investor must

(1) Repair or replace the lost property within three years of the loss; and

(2) Receive or maintain an interest in the foreign enterprise that reasonably reflects the additional contribution.

7.02 *Limitations.* Regardless of any other privision of this contract, the following limitations shall apply in computing compensation on either a historical cost or replacement cost basis:

(a) *Current Insured Amount.* Compensation shall not exceed the Current Insured Amount (section 8.06) on the date of the loss.

(b) *Self-insurance.* Violation of the duty to be self insured (section 9.01.3) shall result in a corresponding reduction of compensation otherwise payable under this contract.

(c) *Aggregate Historical Cost Compensation.* Aggregate compensation for property compensated at historical cost shall not exceed the book value of the insured investment (section 7.05) at the time of loss.

(d) *Replacement Cost Limit.* Compensation for any item compensated at replacement cost shall not exceed 200% of its original cost.

(a) *Investor's Share.* "Investors share" means the ratio of the number of equity shares owned by the Investor to the total number of equity shares of the foreign enterprise.

7.04 *Book Value of Insured Investment.*

(a) *Book Value.* Book value is based on financial statements maintained by the Investor in accordance with section 9.01.6 for the foreign enterprise. However, OPIC may audit and make adjustments to the financial staements

(1) To conform to principles of accounting generally accepted in the United States; and

(2) To make the adjustments described in section 7.04(b).

OPIC shall be bound by the Investor's choice among generally accepted accounting principles, if the choice is consistent with the Investor's own accounting, unless such choice results in a substantial overstatement of the real economic value of the insured investment or the foreign enterprise as an independent entity.

(b) *Adjustments.*

(1) *Investments of Property.* Non-cash items contributed to the investment shall be adjusted to reasonable value in the United States of the items furnished at the time of transfer, plus freight and other reasonable direct costs incurred in furnishing the items to the project.

(2) *Non-Insured Contribution.* Any portion of book value attributable to a direct or indirect contribution by the Investor after the insured investment is made shall be deducted from book value.

(3) *Special Accounting Rules.* Dealings among related parties shall be adjusted to the standard of arms' length dealing, and forgiveness of obligations shall be offset. Each entity shall be accounted for as if it were a separate person for income tax purposes, and the effect of tax shifting arrangements shall be disregarded. Obsolescence or permanent reduction in recoverable values shall be recognized by adjusting the book value of productive facilities and assets to realizable value. OPIC may adjust financial statements to reflect the effect of events that occur before the property is lost, damaged or destroyed, such as events of loss which are later confirmed.

(c) *Insolvency.* If the foreign enterprise is insolvent, book value of the insured investment shall not exceed the amount that the Investor would have been entitled to receive in insolvency proceedings with respect to the insured investment if assets had been liquidated at book value on the day prior to the loss, damage or destruction of the property.

7.05 *Appraisal.* If OPIC determines that compensation is payable but OPIC and the Investor are unable to agree on a question of valuation, either may demand the appointment of an impartial appraiser. If the parties are unable to agree on the appraiser, the appointment shall be made by the American Arbitration Association. The appraiser's itemized appraisal shall be binding. Appraisal costs shall be borne equally by OPIC and the Investor.

7.06 *Estimated Compensation.* If OPIC determines that compensation is payable but conditions in the project country preclude reasonable efforts by OPIC to determine the precise amount due, OPIC may pay estimated compensation based on the information then available. OPIC may revise its estimate and recover any excess or pay any additional amount due.

Article VIII—Procedures

8.01 *Application for Compensation.* An application for compensation shall demonstrate the Investor's right to compensation in the amount claimed. The Investor shall provide such additional information as OPIC may reasonably require to evaluate the application. The Investor may withdraw an application for compensation, but the right to recover compensation will be lost for any acts covered by the application.

(a) There is no time limit on application for inconvertibility compensation (Article III); however, § 3.02 provides that compensation shall not exceed the Current Insured Amount in effect sixty days before OPIC receives the application.

(b) An application for expropriation compensation (Article V) must be filed within six months after the Investor has reason to believe that all requirements of Article IV have been satisfied.

(c) A notice demonstrating the Investor's entitlement to political violence compensation (Article VI) must be filed within six months of the loss. The notice together with proof of the amount of compensation due will be considered a completed application, which must be filed within three years of the loss. The Investor may request historical cost compensation (section 7.01(a)) and later amend the application within three years of the loss to elect replacement cost compensation (section 7.01(b)).

8.02 *Assignment to OPIC.* Within sixty days after OPIC notifies the Investor of the amount of compensation OPIC will pay under expropriation or political violence coverage, and prior to payment, the Investor shall transfer to OPIC all interests attributable to the insured investment (section 4.01) or funds (section 4.02) as of the date the expropriatory effect commences, including claims arising out of the expropriation, or all claims arising out of the loss due to political violence (section 6.01). The Investor shall transfer the interests and claims free and clear of, and shall agree to indemnify OPIC against, claims, defenses, counterclaims, rights of setoff and other encumbrances (except defenses relating to the expropriation).

In connection with an inconvertibility claim, immediately upon receipt of instructions from OPIC, the Investor shall deliver the local currency to OPIC by draft subject to collection (or, at OPIC's option, in cash).

OPIC may decline all or any portion of the Investor's interests or claims; if so, the Investor's right to compensation shall be affected only as provided in § 5.03.4(b).

8.03 *Security.* As a condition for the payment of compensation, OPIC may require the Investor to provide security satisfactory to OPIC for repaying compensation (as may be required, for example, by section 7.06 or section 9.02(b)).

8.04 *Excess Salvage Value.* With respect to compensated expropriation and political violence claims, OPIC shall pay to the Investor any amounts OPIC realizes in United States dollars from the rights transferred (section 8.02) in excess of

(a) The compensation paid by OPIC; plus

(b) Reasonable interest; plus

(c) OPIC's out-of-pocket expenses in maintaining and realizing funds from the transferred property.

However, this provision shall not in any way restrict OPIC's discretion to deal with the rights transferred. OPIC shall have no obligation to take action with respect to the rights transferred and shall incur no liability to the Investor for any actions taken or not taken after the transfer.

8.05 *Arbitration.* Any controversy relating to this contract shall be settled by arbitration in Washington, D.C. according to the then prevailing Commercial Arbitration Rules of the American Arbitration Association. Unless the Investor initiates arbitration, OPIC's liability shall expire one year after OPIC notifies the Investor of its determination concerning an application for compensation. A decision by arbitrators shall be final and binding, and any court having jurisdiction may enter judgment on it.

8.06 *Election of Amount of Coverage and Termination.* By prior notice to OPIC effective as of the next due date for premiums (section 1.06), the Investor may increase or decrease the Current Insured Amount or decrease the Maximum Insured Amount for any coverage for the remainder of the contract term, subject to the following limitations:

(a) Current Insured Amount shall not exceed Maximum Insured Amount;

(b) Maximum Insured Amount shall be reduced automatically by compensation paid by OPIC; Current Insured Amount shall also be reduced for the period to which the claim relates (section 3.02, section 5.04.1(a), or section 7.02(a));

(c) For expropriation coverage, Current Insured Amount shall not be less than the amount of compensation which would be due under § 5.01 unless a lower Maximum Insured Amount has been elected;

(d) For political violence coverage, Current Insured Amount shall not be less than the lesser of the Investor's share of

(1) Original cost (section 7.01(a)(1)); or

(2) Fair market value of the covered property unless a lower Maximum Insured Amount has been elected or OPIC and the Investor have agreed to a lower amount to take into account coverage under another OPIC contract.

The Investor may terminate this contract effective as of any premium due date unless the premium is already paid. However, termination shall not affect any rights or obligations of either party relating to prior periods.

8.07 *Legal and Miscellaneous.* This contract shall be governed by the law of the District of Columbia, its conflict of law rules excepted. This contract constitutes the complete agreement between the parties, superseding any prior understandings. This contract may be modified, or its terms waived, only in writing.

8.08 *Notices.* Notices must be in writing, and shall be effective when received. Notices may be given to the Investor at the address on the title page (unless changed in writing), and to OPIC at

Overseas Private Investment Corporation
1129 20th Street, NW.
Washington, D.C. 20527
Attention: Vice-President, Insurance.

8.09 *Refund of Premiums.* Upon timely request, OPIC will refund premiums *pro rata* if

(a) Excess coverage is maintained while a valid claim for compensation is pending; or

(b) The Investor becomes ineligible for coverage or ceases to hold all or a portion of the insured investment.

Article IX—Investor's Duties

9.01 *Duties.*

1. *Representations and Project Execution.* The Investor understands that OPIC has issued this contract based on statutory policy goals (22 U.S.C. 2191) as well as underwriting considerations. All statements made by the Investor to OPIC in connection with this contract are true and complete, and the investment and the project shall be carried out as described.

2. *Ownership and Eligibility.* The Investor shall at all times remain the beneficial owner of the insured investment and shall remain eligible for OPIC insurance as

(a) A citizen of the United States; or

(b) A corporation or other association created under the laws of the United States, its states or territories, of which 50% of both the total interest and of each class of shares is beneficially owned by citizens of the United States; or

(c) An entity created under foreign law in which a 95% interest is owned by entities eligible under (a) or (b).

3. *Self-Insurance.* The Investor shall continue to bear the risk of loss of at least 10% of the book value of its interests in the foreign enterprise.

4. *Assignment.* The Investor shall not assign this contract, or any of its rights, without OPIC's written consent, which will not be withheld unreasonably.

5. *Premiums.* The Investor shall pay the premiums for this contract in accordance with Article I. In the event that premiums are not paid when due, the Investor shall be in default but may cure this default within sixty days by paying the premiums plus interest at a rate of 12% per annum.

6. *Accounting Records.*

(a) The Investor shall maintain in the United States the records, books of account and current financial statements for the foreign enterprise necessary to compute and substantiate compensation, including

(1) Records documenting the investment;

(2) Annual balance sheets;

(3) Annual statements of income, retained earnings, changes in financial position and related footnotes.

(b) Accounting records shall be maintained in the United States dollars in accordance with principles of accounting generally accepted in United States (including principles of currency translation), as modified by the special accounting rules Section 5.03.3 and (Section 7.04(b)(3)).

(c) The Investor shall retain all accounting records until

(1) The deadline for filing an application for compensation has expired (Section 8.01); or

(2) Final action has been taken on an application for compensation (including arbitration and judicial appeals).

However, if compensation has been paid, the accounting records shall be retained for three years after the Investor receives the compensation.

7. *Reports and Access to Information.* In order that OPIC may perform its statutory duties, including settling claims and reporting to the Congress (22 U.S.C. 2200a), the Investor shall furnish OPIC with such information as OPIC may reasonably request, including

(a) Making available for interviews any persons subject to the Investor's practical control (including employees of the project, and independent accountants);

(b) Making available for inspection and copying all documents and accounting records relating to the project (including workpapers of independent accountants);

(c) Permitting OPIC to inspect the project; and

(d) Furnishing available information concerning the effects of the project on the economy of the United States, the environment, and the economic and social development of the country in which the project is located.

The Investor's duties under this paragraph shall continue for the periods specified for retention of accounting records (Section 8.01.6(c)).

8. *Compulsory Notice.* The Investor shall notify OPIC promptly of any acts or threats to act in a manner which may come within the scope of the expropriation or political violence coverage (Articles IV and VI) and shall keep OPIC informed as to all relevant developments.

9. *Preservation, Transfer and Continuing Cooperation.* At OPIC's request, the Investor shall promptly assign rights with respect to the Investment, as required by section 8.02. Prior to the assignment of rights required by section 8.02, the Investor shall take all reasonable measures to preserve property, to pursue available administrative and judicial remedies, and to negotiate in good faith with the governing authority of the country in which the project is located and other potential sources of compensation. After a transfer of rights or delivery of Local Currency, in exchange for reimbursement of reasonable out-of-pocket expenses, the Investor shall take all necessary actions to assist OPIC and in preserving the property and rights transferred to OPIC and in prosecuting related claims.

10. *Other Compensation.* The Investor shall not enter into any agreement with respect to compensation for any acts within the scope of coverage (Article II, IV or VI) without OPIC's prior written consent.

11. *Agreements Regarding Investment Disputes.* If any rights transferrable to OPIC (section 8.02) are subject to agreements providing for arbitration in a forum limited to non-governmental parties (such as the International Centre for Settlement of Investment Disputes), the Investor shall act as necessary to protect OPIC's interests.

9.02 *Default.* Material breach or misrepresentation by the Investor shall constitute default, and OPIC may

(a) Refuse to make payments to the Investor;

(b) Recover payments made; or

(c) Terminate this contract effective as of the date of the breach by giving notice to the Investor.

9.03 *Non-Waiver.* Neither OPIC's failure to invoke its rights, nor its acceptance of premiums, shall waiver any of its rights, even though OPIC knows of the Investor's breach.

9.04 *Cure.* OPIC may permit the Investor to cure a breach in a manner satisfactory to OPIC, but shall have no obligation to allow breaches to be cured.

Investor _____
By: _____
Date: _____

(Name and Title) _____

Overseas Private Investment Corporation _____
By: _____
Date: _____
(Name and Title) _____

Overseas Private Investment Corporation.

Elizabeth A. Burton,
Corporate Secretary.

[FR Doc. 85-12179 Filed 5-20-85; 8:45 am]
BILLING CODE 3210-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Termination of Final Judgment; Dempster Systems Inc.

Notice is hereby given that Dempster System Inc. (hereinafter "Dempster"), successor to the defendant Dempster Brothers, Incorporated in the final judgment entered in *United States* v. *Dempster Brothers, Incorporated,* Civil Action No. 4101, has filed with the United States District Court for the Eastern District of Tennessee a motion to terminate the final judgment; and the Department of Justice ("Department"), in a stipulation also filed with the court, has consented to the termination of the judgment, but has reserved the right to withdraw its consent for at least seventy (70) days after the publication of this notice. The complaint in this case was filed on June 30, 1960, and an amended complaint, on which the final judgment is based, was filed on January 3, 1962. The amended complaint alleged that Dempster Brothers, Incorporated, and its president, George R. Dempster, had conspired with the company's independent distributors to eliminate competition in the manufacture and sale of solid waste material handling equipment through territorial and customer allocations, tying arrangements and the misuse of patents. The judgment, entered July 6, 1962, enjoins Dempster from entering into, adhering to, maintaining, enforcing, or claiming rights under any contract, agreement, understanding, plan or program with any distributors pursuant to which (1) the distributors would sell no material equipment not made or sold by Dempster; (2) distributors would be restricted to selling only in assigned territories; (3) distributors would refrain from competing with Dempster in selling to governmental agencies or abroad; (4) distributors would sell the Dempster Dumpster rear loader to a customer only if the customer agreed to purchase the detachable containers used with the Dumpster hoist, or vice versa; and (5) expired patents or patent applications would be used to discourage competition in the manufacture and sale of material handling equipment.

The Department has filed with the court a memorandum setting forth the reasons why the Department believes that termination of the judgment would serve the public interest. Copies of the complaints and final judgment, Dempster's motion papers, the stipulation containing the Government's consent, the Department's memorandum and all futher papers filed with the court in connection with this motion will be available for inspection in the Legal Procedure Unit of the Antitrust Division, Room 7416, Department of Justice, 10th Street and Pennsylvania Avenue NW., Washington, D.C. 20530 (telephone 202/633–2481), and at the office of the Clerk of the United States District Court for the Eastern District of Tennessee, Northern Division, 501 Main Street, Room 211, Knoxville, Tennessee 37902. Copies of any of these materials may be obtained from the Legal Procedure Unit upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the decree to the Department. Such comments must be recieved within sixty days, and will be filed with the court. Comments should be addressed to John W. Clark, Chief, Special Trial Section, Antitrust Division, Department of Justice, Washington, D.C. 20530 (telephone 202/724–6335).

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 85–12214 Filed 5–20–85; 8:45 am]

BILLING CODE 4410-01-M

The Plastics Recycling Foundation, Inc.; Notification of Parties and Objectives

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. No. 98–462 ("the Act"), the Plastics Recycling Foundation, Inc. has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing: (1) The identities of the parties to the Plastics Recycling Foundation, Inc. and (2) the nature and objectives of Plastics Recycling Foundation, Inc. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the Plastics Recycling Foundation, Inc. and its general areas of planned activities are given below.

The parties to the Plastics Recycling Foundation are as follows:

—Allegheny Leeter-Eater (®) Division
—Bev-Pak
—Brockway, Inc.
—Coca-Cola Bottling Company of New York
—Coca-Cola USA
—Conair, Inc.
—Continental Plastic Containers
—Eastman Chemical Products, Inc.
—E.I. duPont de Nemours & Company
—Hoover Universal, Inc.
—Nelmor Company
—Owens Illinois, Inc.
—Pepsi-Cola Company
—Rohm and Haas Company
—The Seven-Up Company
—The Society of the Plastics Industry, Inc.
—Sundor Brands
—Union Carbide Corporation
—U.S. Industrial Chemicals Company
—Van Dorn Plastic Machinery Company.

The objectives of the Plastics Recycling Foundation are as follows:

To sponsor research into improved recycling of all plastic materials, to operate demonstration and research recycling facilities for plastic materials, to disseminate recycling technology, to promote the recyclability of plastics by publicizing the work of the Foundation, and to sponsor research into environmentally sound methods of disposing of all plastics materials.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 85–12215 Filed 5–20–85; 8:45 am]

BILLING CODE 4410-01-M

Software Productivity Consortium; Change in Membership

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. No. 98–462 ("the Act"), Software Productivity Consortium has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in the membership of the Software Productivity Consortium by the addition of Allied Corporation and Grumman Aerospace Corporation. The additional notifications were filed for the purpose of extending the protections of the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the Software Productivity Consortium and its general areas of planned activities are given below.

Software Productivity Consortium, with the addition of Allied Corporation and Grumman Aerospace Corporation, consists of the following firms: Allied Corporation; The Boeing Company; E-systems, Inc.; Ford Aerospace and Communications Corporation; General Dynamics Corporation; Grumman Aerospace Corporation; GTE Government Systems Corporation; Lockheed Missiles and Space Company;

McDonnell Douglas Corporation; Northrop Corporation; Rockwell International; Science Applications International Corporation; TRW Inc.; United Technologies Corporation; and Vitro Corporation. The purpose of the current effort is jointly to explore the possible nature and structure for a joint venture to conduct research and development in the area of advanced technology relating to computer software tools and techniques. At the conclusion of the organizational phase, a final proposal will be prepared and submitted to the parties and other companies, who will then decide whether or not to participate in the purposed venture. For the present, participation in the exploratory activities creates no obligation on any of the parties to enter into the proposed joint venture, and each of the parties has the discretion to terminate its participation at any time, without further obligation to other parties.

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 85-12216 Filed 5-20-85; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

The Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: June 11, 1985, 9:30 a.m., Rm. S4215 A & B Frances Perkins, Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Fernand Lavallee, Executive Secretary, Labor Advisory Committee, Phone: (202) 523-6565, May 8, 1985.

Signed at Washington, D.C., this 8th day of May 1985.

Robert W. Searby,

Deputy Under Secretary International Affairs.

[FR Doc. 85-12226 Filed 5-20-85; 8:45 am]

BILLING CODE 4510-28-M

Employment and Training Administration

Final Program Year (PY) 1985 Planning Estimates/Allotments for Basic Labor Exchange Activities Under the Wagner-Peyser Act, as Amended by Public Law 97-300

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces the final planning estimates/allotments for PY 1985 (July 1, 1985 through June 30, 1986) for basic labor exchange activities under the Wagner-Peyser Act, as amended.

FOR FURTHER INFORMATION CONTACT: Richard C. Gilliland, Director, United States Employment Service (Attention: TEES) 601 D Street, NW., Washington, D.C. 20213. Telephone: 202-376-6750.

SUPPLEMENTARY INFORMATION: Section 6(b)(5) of the Wagner-Peyser Act, as amended, requires that the Secretary of Labor provide final planning estimates/allotments to all States not later than May 15, of the fiscal year preceding the year in which the funds will be used. Preliminary planning estimates were made available on March 7, 1985.

The Act requires that at least 97 percent of the funds appropriated for allotments to States be distributed by the formula provisions contained in Sections 6(a) and (b) of the Act. An amount not to exceed 3 percent of the sums available for allotment shall be reserved by the Secretary in accordance with Section 6(b)(4).

The amount of funds available for distribution in PY 1985 is $740,398,000 of which $14,000,000 is being reserved for postage expenses associated with public employment service business. Calendar Year 1984 average annual civilian labor force and unemployment data were used in making the formula calculations.

The Secretary reserved three percent of the total available funds under the provision of Section 6(b)(4) and announced three proposed funding options for the distribution of this reserve in the **Federal Register** on March 18, 1985. In response to public comments received on these options the Department decided to retain the funding methodology (Option A) that was used in the nine month Transition Period and Program Year 1984. Under this option, $21,791,940 is distributed to States whose relative share of resources decreased from their total allotment for PY 1984 to the PY 1985 basic formula amount. Of this total, $8,816,210 is allocated to twelve States whose relative share decreased and which have a civilian labor force (CLF) below one million and are below the median CLF density. These States are held harmless at 100 percent of their PY 1984 relative share of resources. The remaining $12,975,730 is distributed to States losing in relative share from PY 1984.

Further information regarding the allocation methodology is available upon request.

Signed at Washington, D.C. on May 15, 1985.

Frank C. Casillas,

Assistant Secretary of Labor.

BILLING CODE 4510-30-M

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION 5/ 9/85
OFFICE OF FINANCIAL CONTROL AND MANAGEMENT SYSTEMS
FINAL PY 1985 WAGNER-PEYSER ALLOTMENTS TO STATES

	BASIC FORMULA	3% DISTRIBUTION			TOTAL ALLOTMENT***
		STEP 1*	STEP 2**	TOTAL	
ALABAMA	11,767,433	0	0	0	11,767,433
ALASKA	6,892,944	1,003,350	0	1,003,350	7,896,294
ARIZONA	7,207,734	0	446,069	446,069	7,653,803
ARKANSAS	7,092,453	0	716,111	716,111	7,808,564
CALIFORNIA	71,593,305	0	0	0	71,593,305
COLORADO	8,868,026	0	0	0	8,868,026
CONNECTICUT	8,265,604	0	414,653	414,653	8,680,257
DELAWARE	1,967,939	0	61,017	61,017	2,028,956
DIST OF COLUMBIA	5,277,017	0	532,811	532,811	5,809,828
FLORIDA	27,359,962	0	0	0	27,359,962
GEORGIA	14,604,678	0	0	0	14,604,678
HAWAII	2,823,608	0	285,094	285,094	3,108,702
IDAHO	5,743,048	835,969	0	835,969	6,579,017
ILLINOIS	33,949,456	0	0	0	33,949,456
INDIANA	15,580,131	0	0	0	15,580,131
IOWA	9,011,020	0	909,825	909,825	9,920,845
KANSAS	6,111,893	0	99,630	99,630	6,211,523
KENTUCKY	10,486,557	0	0	0	10,486,557
LOUISIANA	12,174,982	0	0	0	12,174,982
MAINE	3,415,336	497,143	0	497,143	3,912,479
MARYLAND	11,529,369	0	0	0	11,529,369
MASSACHUSETTS	15,193,714	0	0	0	15,193,714
MICHIGAN	28,642,654	0	0	0	28,642,654
MINNESOTA	11,966,172	0	0	0	11,966,172
MISSISSIPPI	7,822,402	0	789,813	789,813	8,612,215
MISSOURI	13,302,653	0	0	0	13,302,653
MONTANA	4,693,249	683,158	0	683,158	5,376,407
NEBRASKA	5,640,361	821,022	0	821,022	6,461,383
NEVADA	4,562,332	664,102	0	664,102	5,226,434
NEW HAMPSHIRE	2,522,553	0	0	0	2,522,553
NEW JERSEY	20,402,230	0	0	0	20,402,230
NEW MEXICO	5,266,649	766,624	0	766,624	6,033,273
NEW YORK	54,374,035	0	5,490,039	5,490,039	59,864,074
NORTH CAROLINA	16,606,891	0	0	0	16,606,891
NORTH DAKOTA	4,779,131	695,659	0	695,659	5,474,790
OHIO	31,286,439	0	0	0	31,286,439
OKLAHOMA	12,432,211	0	1,255,256	1,255,256	13,687,467
OREGON	8,702,029	0	878,627	878,627	9,580,656
PENNSYLVANIA	33,207,783	0	0	0	33,207,783
PUERTO RICO	8,535,992	0	0	0	8,535,992
RHODE ISLAND	2,617,485	0	264,283	264,283	2,881,768
SOUTH CAROLINA	8,226,253	0	0	0	8,226,253
SOUTH DAKOTA	4,417,016	642,949	0	642,949	5,059,965
TENNESSEE	13,153,380	0	0	0	13,153,380
TEXAS	41,398,516	0	588,449	588,449	41,986,965
UTAH	9,660,550	1,406,208	0	1,406,208	11,066,758
VERMONT	2,069,183	301,195	0	301,195	2,370,378
VIRGINIA	14,345,006	0	0	0	14,345,006
WASHINGTON	12,608,898	0	0	0	12,608,898
WEST VIRGINIA	5,791,630	0	0	0	5,791,630
WISCONSIN	13,458,527	0	244,053	244,053	13,702,580
WYOMING	3,426,935	498,831	0	498,831	3,925,766
FORMULA TOTAL	702,835,354	8,816,210	12,975,730	21,791,940	724,627,294
GUAM	339,898	0	0	0	339,898
VIRGIN ISLANDS	1,430,808	0	0	0	1,430,808
NATIONAL TOTAL	704,606,060	8,816,210	12,975,730	21,791,940	726,398,000

* – FUNDS ARE ALLOCATED TO THE 12 STATES WHOSE RELATIVE SHARE DECREASED FROM PY 1984 TO THE PY 1985 BASIC FORMULA AMOUNT AND WHICH HAVE A CIVILIAN LABOR FORCE (CLF) BELOW ONE MILLION AND ARE BELOW THE MEDIAN CLF DENSITY. THESE STATES ARE HELD HARMLESS AT 100% OF THEIR PY 1984 RELATIVE SHARE.

** – THE BALANCE OF THE 3% FUNDS ARE DISTRIBUTED TO THE REMAINING 15 STATES LOSING IN RELATIVE SHARE FROM PY 1984 TO THE PY 1985 BASIC FORMULA AMOUNT.

*** – HOLD-HARMLESS PROVISIONS REQUIRED UNDER SECTION 6(B) OF THE WAGNER-PEYSER ACT, AS AMENDED, ARE MAINTAINED AT THE FINAL ALLOTMENT LEVEL.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period May 6, 1985–May 10, 1985.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a signficant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–15,765; Plastronics Co., Milwaukee, WI

TA–W–15,749; Texon, Inc., Emhart Footwear Materials Group, Westfield, MA

TA–W–15,750; Texon, Inc., Emhart Footwear Materials Group, Huntington, MA

TA–W–15,751; Texon, Inc., Emhart Footwear Materials Group, South Hadley, MA

Affirmative Determinations

TA–W–15,768; United Shoe Machinery Corp., Foundry Division, Beverly, MA

A certification was issued covering all workers of the firm separated on or after September 1, 1984 and before May 31, 1985.

TA–W–15,747; Hadley Division, Dalton Industries, Inc., Asheville, NC

A certification was issued covering all workers of the firm separated on or after January 14, 1984 and before October 1, 1984.

TA–W–15,753; ABC Manufacturing Co., Manning, SC

A certification was issued covering all workers of the firm separated on or after January 23, 1984.

TA–W–15,748; Mount Veron Mills, Inc., Echota Plant, Calhoun, GA

A certification was issued covering all workers of the firm separated on or after February 1, 1984 and before April 1, 1985.

TA–W–15,762; ICL, Inc., Utica, NY

A certification was issued covering all workers of the firm separated on or after January 1, 1985 and before June 30, 1985.

TA–W–15,728; Weisner Products, Long Island, NY

A certification was issued covering all workers of the firm separated on or after January 2, 1984 and before April 9, 1984.

I hereby certify that the aforementioned determinations were issued during the period May 6, 1985–May 10, 1985. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. during normal business hours or will be mailed to persons who write to the above address.

Dated: May 14, 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 85–12227 Filed 5–20–85; 8:45 am]

BILLING CODE 450-30-M

Occupational Safety and Health Administration

Alaska State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the **Federal Register** (38 FR 21628) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952 containing the decision.

The Alaska plan provides for modifications, revisions, or revocations of existing standards to meet the requirement for State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.41 of Title 29 CFR provides for submitting these changes as part of a State-initiated plan change supplement. The State has submitted by letters dated March 28, 1978 and September 8, 1980 from Edmund N. Orbeck, Commissioner, to James W. Lake, Regional Administrator, and incorporated as part of the plan, State standard amendments to Subchapter AAC 02, Occupational and Industrial Structures, which was originally adopted in response to 29 CFR Part 1910 Subparts E, J, and L.

These amended State standards which are contained in Subchapter 2, Alaska Occupational Safety and Health Code, were promulgated after public notice under authority vested by AS 18.60.020 and after compliance with the Administrative Procedure Act (AS 44.62) specifically including the notice under AS 44.62.210 to Edmund Orbeck, Commissioner, and became effective January 26, 1978 and December 24, 1980, respectively.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as Federal standards and accordingly should be approved. The major differences from the Federal standards are changes in text that do not diminish from the State standards when compared to the text in the Federal standards. During the time that the standards have been in effect, OSHA has received no indication of significant objection to these State standards either as to their effectiveness in comparison to the Federal standards or as to their conformance with the product clause requirements of Section 18(e) of the Act. (A different State standard applicable to a product which is distributed or used in interstate commerce must be required by compelling local conditions and not unduly burden interstate commerce.) OSHA, therefore, approves these standards. However, the right to reconsider this approval is reserved should substantial objections be submitted to the Assistant Secretary.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99811; and the Office of State Programs, Room N–3476, 200

Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(e) the Assistant Secretary may prescribe alternate procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Alaska plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective May 21, 1985.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington, this 13th day of December 1982.

Ronald T. Tsunehara,

Acting Regional Administrator.

[FR Doc. 85-12229 Filed 5-20-85; 8:45 am]

BILLING CODE 4510-26-M

Washington State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the **Federal Register** (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of State standards that are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20 provides that where any alteration in the Federal program could have an adverse impact on the at least as effective as status of the State program, a program change supplement to a State plan shall be required.

In response to Federal standards changes, the State has submitted by letter dated November 16, 1984, from Richard E. Martin, Assistant Director, to James W. Lake, Regional Administrator, and incorporated as part of the plan, State standard amendments that are identical to the Federal standard, 29 CFR 1910.1025, Inorganic Lead Amendments, as published in the **Federal Register** (46 FR 60758) on December 11, 1981. The Washington Inorganic Lead standard amendments are contained in WAC 296-62-07521(5)(a) (i) and (ii) and Table I. The amendments were adopted on June 11, 1982 and became effective on July 11, 1982. The State also submitted a standard amendment identical to the Federal standard 29 CFR 1910.1025, Inorganic Lead Amendment, as originally published in the **Federal Register** (47 FR 51110) on November 12, 1982, and a correction in the **Federal Register** (48 FR 9641) on March 8, 1983. The Washington standard amendments are contained in WAC 296-62-07521(6)(c)(ii) and Appendix B, and by the addition of Appendix D. The amendments were adopted on November 30, 1983 and became effective on December 30, 1983.

The State of Washington standard adoptions are pursuant to RCW 34.04.040(2), 49.17.040, 49.17.050, Public Meetings Act RCW 42.30, Administrative Procedures Act RCW 34.04, and the State Register Act RCW 34.08 as ordered and transmitted under Washington Administrative Orders No. 82-22 and 83-34.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard, it has been determined that the State standard is at least as effective as the comparable Federal standard, as required by section 18(c)(2) of the Act. OSHA has determined that the differences between the State and Federal standards are minimal and that the standards are thus substantially identical. OSHA therefore approves this standard; however, the right to reconsider this approval is reserved should substantial objections be submitted to the Assistant Secretary.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Labor and Industries, General Administration Building, Olympia, Washington 98501; and the Office of State Programs, Room N-3476, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Washington State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective May 21, 1985.

(Section 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington, this 25th day of March 1985.

James W. Lake,

Regional Administrator.

[FR Doc. 85-12230 Filed 5-20-85; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 85-92; Exemption Application No. D-3225 et al.]

Grant of Individual Exemptions; Home Savings & Loan Association et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the Federal Register of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also

invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedues set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Home Savings & Loan Association (HS) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 85–92; Exemption Application No. D–3225]

Exemption

(I) Effective January 1, 1975, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the past and proposed sale, exchange or transfer between HS and certain employee benefit plans (the Plans) of multi-family residential and commercial mortgage loans (the Mortgages) or participation interests therein (the Participation Interests) which are originated by HS provided that:

A. Such sale, exchange or transfer is expressly approved by a fiduciary independent of HS who has authority to manage or control those Plan assets being invested in Mortgages or Participation Interests;

B. The terms of all transactions between the Plans and HS involving the Mortgages or Participation Interests are not less favorable to the Plans than the terms generally available in arm's length transactions between unrelated parties;

C. No investment management, advisory, underwriting fee or sales commission or similar compensation is paid to HS with regard to such sale, exchange or transfer;

D. The decision to invest in a Mortgage or Participation Interest is not part of an arrangement under which a fiduciary of a Plan, acting with knowledge of HS, causes a transaction to be made with or for the benefit of a party in interest [as defined in section 3(14) of the Act] with respect to the Plan; and

E. HS shall maintain for the duration of any Mortgage or Participation Interest which is sold to a Plan pursuant to this exemption, records necessary to determine whether the conditions of this exemption have been met. The records mentioned above must be unconditionally available at their customary location for examination, for purposes reasonably related to protecting rights under the Plans, during normal business hours by: Any trustee, investment manager, employer of Plan participants, employee organization whose members are covered by a Plan, or participant or beneficiary of a Plan.

(II) Effective January 1, 1975, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to any transactions to which such restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest (including a fiduciary) with respect to a Plan by virtue of providing services to the Plan (or who has a relationship to such service provider described in section 3(14) (F), (G), (H), or (I) of the Act) solely because of the ownership of a Mortgage or Participation Interest by such Plan.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on March 20, 1985 at 50 FR 11267.

EFFECTIVE DATE: The effective date of this exemption is January 1, 1975.

FOR FURTHER INFORMATION CONTACT: Mr. Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The Goodwin Ammonia Company Profit Sharing Plan (the Plan) Located in Garden Grove, California

[Prohibited Transaction Exemption 85–93; Exemption Application No. D–5961]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale on December 28, 1983, by the Plan to Goodwin Ammonia Company of a promissory note (the Note) made by Janus Financial Group, Inc., an unrelated third party, for the full face value of the Note, provided such value was no less than the fair market value of the Note on that date.

Effective Date: This exemption is effective December 28, 1983.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on March 15, 1985 at 51 FR 10558.

Written Comments and Hearing Requests

The Department has received no written comments and no requests for a hearing. By telephone on April 1, 1985, however, Mr. Donald Goodwin advised that the notice of proposed exemption contained a typographical error in stating the amount of the Plan's total assets as of December 31, 1983. He pointed out that such amount was $1,166,399.47 (not $1,666,399.47, as stated in the notice of proposed exemption). The Department acknowledges this correction and has determined that the exemption should be granted as proposed.

For Further Information Contact: Mrs. Miriam Freund of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his

duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representation contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 16th day of May, 1985.

Elliot I. Daniel,

Acting Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 85-12196 Filed 5-20-85; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-4482 et al.]

Proposed Exemptions; Local Union No. 731, International Brotherhood of Teamsters et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Local Union No. 731, International Brotherhood of Teamsters (the Union) Located in Chicago, Illinois

[Application No. D-4482]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and Section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanction resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed sale of an interest in a computer system by the Union to a group of related pension and welfare trust funds.[1] (the Plans) for $12,000, provided that this amount does not exceed the fair market value of the interest in the computer system on the date the transaction is consummated.

Summary of Facts And Representations

1. In July 1979, the Union and the Plans jointly leased an IBM System/34 computer (the Computer) from IBM.[2] The Computer was installed at the Union's office located at 300 South Ashland Boulevard, Chicago Illinois. The Union and the Plans are located in adjacent offices.

2. On March 25, 1981, the Union and the plans, pursuant to a purchase option contained in the lease, prchased the Computer from IBM for $68,071.08. In October 1982, the Union and the Plans paid approximately $10,111 to have the Computer's disk capacity doubled. The lease payments, purchase cost of the Computer and the cost for increased disk capacity were allocated between the Union and the Plans based on the number of participants in each, with the Union's share being 20% of the costs.

3. The International Brotherhood of Teamsters, the parent organization of the Union, recommended that the Union change to the computer system presently used by a majority of its local unions throughout the country. The Union, in order to comply with this recommendation, proposes to sell its 20% interest in the Computer to the plans. The applicant represents that the Plans, in order to operate efficiently, will require the additional computer storage and hardware which will be acquired from the Union. Without the full

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[1] The Plans which are purchasing the interest in the computer system are as follows:

1. Health & Welfare Fund of the Excavating, Grading and Asphalt Craft, Local No. 731.

2. Local No. 731 Excavators & Pavers Pension Trust Fund.

3. Local No. 731 I.B. of T. Private Scavengers Health & Welfare Fund.

4. Local 731 I.B. of T. Private Scavengers & Garage Attendants Pension Trust Fund.

5. Local 731, O.B. of T. Garage Attendants Health & Welfare Fund.

[2] In this exemption no relief is being provided for the joint use of the Computer beyond that allowed under prohibited transaction class exemption 77-10, 42 FR 33918, July 1, 1977

capacity of the Computer, it is represented that the Plans would be required to remove current participants' data prematurely from the Computer. The applicant represents that the purchase of the next upgrade for the Computer from IBM would cost the Plans approximately $22,000.

4. The Union had the Computer appraised. However, the Department had questions concerning the method of appraisal and required the Union to market test the Computer (i.e., seek offers from unrelated parties). On January 17, 1985, the Union received a purchase offer of $12,000 for the Union's 20% interest in the Computer from Mr. Dominic Senese, a trustee of Produce Drivers Local 703 Pension fund. Based on Mr. Senese's offer, the Plans propose to pay the Union $12,000 for its offer, the Plans propose to pay the Union $12,000 for its interest in the Computer.

5. Mr. Donald Scanlon (Mr. Scanlon), a professional salaried administrator of Pension and Welfare Trust Funds in Chicago, Illinois, has been appointed by the Plans to act as an independent fiduciary with respect to the proposed transaction. Mr. Scanlon, Who has no relationships with the Plans or the Union, represents that he has 5 years experience in the administration of Taft-Hartley Employee Benefit Trust Funds, either as representative, assistant to an administrator, or as an administrator of various trust funds. Mr. Scanlon represents that he is fully conversant with his duties, liabilities and responsibilities as an independent fiduciary under the Act.

Mr. Scanlon represents that he has reviewed the documentation with regard to the proposed sale of the interest in the Computer by the Union to the Plans and has determined that the terms of the proposed transaction are appropriate, suitable and in the plans' best interest. Mr. Scanlon represents that the Plans' purchase of the Union's interest in the Computer appears administratively reasonable and necessary at this time, since the Plans need the additional storage to operate efficiently.

Mr. Scanlon states that in his professional opinion the $12,000 purchase price to be paid by the Plans is a fair, reasonable and equitable price. Further, the benefits derived by the plans from this transaction will most certainly exceed the purchase cost.

6. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because:

(a) it is a one time transaction for cash;

(b) the acquisition of the Union's interest in the Computer will allow the Plans to operate more efficiently; and

(c) the Plans' trustees and Mr. Scanlon have determined that the proposed transaction is in the interests of an protective of the Plans and their participants and beneficiaries.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-9871. (This is not a toll-free number.)

Retirement Plan for Employees of Holsum Bakery, Inc. (the Plan) Located in Phoenix, Arizona

[Application No. D-5773]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the sale of certain real property by Holsum Bakery, Inc, (the Employer) to the Plan, and the leaseback of the real property by the Plan to the Employer provided the terms of the proposed transactions are as favorable to the Plan as those obtainable by the Plan in an arm's-length transaction with an unrelated party.

Summary of Facts and Representations

1. The Plan is a defined benefit pension plan with 201 participants. The Plan had total net assets of $1,152,860 as of December 31, 1983. The independent trustee of the Plan is Valley National Bank of Arizona, N.A. (the Trustee). The Trustee has sole investment authority for the Plan. The Employer is an Arizona corporation engaged primarily in the business of preparing and distributing bread and other bakery products.

2. The applicant proposes that the Employer first cause a warehouse to be constructed on property it now owns. The warehouse will be built as a general purpose structure. When the warehouse is completed, the Plan will purchase the warehouse, together with the land presently owned by the Employer (collectively, the Property) for a fixed price of $250,000 to be paid in cash. The Property represents approximately 24 percent of the Plan's total assets. The $250,000 purchase price is based upon an independent appraisal of the Property which was performed by Warren L. Searles, STA, ASA (the Appraiser) of Searles & Campbell, real estate appraiser and consultants located in Scottsdale, Arizona. The Appraiser established the fair market value of the Property at $280,000. This valuation was based upon the Appraiser's inspection of the Property and the proposed building plans as of May 15, 1984. The Plan will therefore be able to purchase the Property for less than its fair market value. The Appraiser further determined that the fair rental value of the Property is $28,897 per year.

3. When the warehouse is completed, the Plan will then lease the Property (the Lease) to the Employer for $30,600 per year for a period of five years with rent adjusted annually based on the CPI. The rent will be payable in equal monthly installments of $2,550. At the end of the first Lease year, and at the end of every Lease year during the term of the Lease, the yearly rental rate will be adjusted based upon the "All Urban Index" of the consumer Price Index. In no event shall the rental rate be less than the initial rate of $30,600 per annum. The rental rate will constitute a 12 percent return for the Plan.

4. At the end of the Lease term of five years, the Employer will have the option to renew the Lease for up to two successive periods of five years each. The Employer's options to renew the Lease are subject to the Trustee's determination that such renewals will be in the interest of the Plan. If the option(s) to renew are exercised, the base monthly rental rate during the option periods(s) will be adjusted to reflect the net fair market rental value of the Property as determined by an independent MAI appraiser selected by the Trustee. In no event will the rental rate for the option period be less than $30,500 per annum, the initial rental rate. All of the terms and conditions during the option period(s) will be the same as those set forth in the original Lease.

5. The Employer will pay all costs relating to the Property, including maintenance, utilities, taxes and insurance. If the Employer defaults under the Lease, the Plan will have the option to (i) sell the Property and keep the proceeds; (ii) relet the Property or (iii) require the Employer to repurchase the Property at its fair market value. At the end of the Lease term, the Plan will be free to sell the Property or to relet it to the Employer or any other person at its fair rental value.

6. The Trustee is an independent fiduciary with respect to the Plan. The Employer does maintain accounts with the Trustee. However, these accounts constitute less than .01 percent of the

Trustee's total accounts. The Trustee had made the following representations:

(a) It has examined the terms of the proposed sale and leaseback and has determined that both the proposed sale of the warehouse to the Plan and the Lease will be on no less than fair market terms.

(b) Prior to the closing of the sale and leaseback, it will examine all of the specific terms of and will ascertain that all such terms will be no less than fair market terms.

(c) It has examined the Plan's investment portfolio and has determined that the sale and leaseback of the Property are in the best interest of the Plan and its participants and beneficiaries.

(d) It will monitor the Employer's performance of its obligations under the Lease during the term of the Lease including approving renewals of the Lease.

7. In summary, the applicant represents that the proposed transactions meet the statutory criteria of section 408(a) of the Act because:

(1) The purchase price and rental rate for the Property has been determined by an independent appraisal;

(2) The Property will include a general purpose building which will be readily adaptable to other uses, so as to ensure a continued investment return after the Lease expires;

(3) The Plan will be able to purchase the property for an amount less than its fair market value;

(4) The Plan will receive in excess of fair market rental value under the terms of the Lease; and

(5) The Trustee has determined that the proposed transactions are in the interests of and protective of the Plan and its participants and beneficiaries.

For Further Information Contact: Ms. Linda Hamilton of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Ironworkers Local No. 6 Pension Fund (the Plan) Located in Buffalo, New York

[Application No. D-5793]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed purchase by the Plan of an unimproved parcel of real property from the Ironloc No. 6 Corporation (the Corporation), a party in interest with respect to the Plan, provided that the terms of such sale are at least as favorable to the Plan as those which the Plan could obtain in an arm's-length transaction with an unrelated party.

Summary of Facts and Representations

1. The Plan is a multi-employer defined benefit plan with 1,058 participants and total assets of $15,844,066 as of August 31, 1984. The Plan was established under a collective bargaining agreement negotiated between the International Association of Bridge, Structural and Ornamental Ironworkers Local No. 6, AFL-CIO (the Union) and the Construction Industry Employers Association, Inc. of New York (the Association). The trustees of the Plan (the Trustees) are four representatives of the Union and four representatives of the Association. The Corporation is a non-profit New York corporation which is the Union's property-holding entity and which is comprised of members of the Union. The Association is composed of bridge, structural and ornamental iron construction companies in and near Buffalo, New York and the Union represents ironworkers employed by members of the Association.

2. The Plan's current administrative offices are located in office space which the Plan occupies as a lessee. The Trustees have determined that it would be advantageous for the Plan to construct its own office building and thereby own its own offices and earn income from leasing additional space in such building to unrelated parties on a standard commercial basis. The Trustees have determined that the Plan is in a sufficient financial position for such an undertaking. Toward this end, the Trustees propose that the Plan prevent a vacant lot (the Property) which is currently available and construct an office building thereon. Since the Property is owned by the Corporation, the Trustees are requesting an exemption to permit the Plan to purchase the Property from the Corporation.

3. The Property is a 3.44 acre parcel of unimproved land located at 188 Orchard Road in West Seneca, New York, near Buffalo, and is zoned for commercial use. It is the intention of the Trustees to construct on the Property a two-story office building suitable not only for the Plan's offices but also for professional tenants such as doctors and attorneys. The Trustees represent that such tenants will not include any parties in interest with respect to the Plan. The Property was appraised by Howard P. Schultz, MAI (Schultz) of the Hansen Appraisal Service, Inc. in Buffalo, New York. Schultz represents that as of April 24, 1984 the Property had a fair market value of $105,000 and that the highest and best use of the Property is commercial development. It is proposed that the Plan will pay cash for the Property in the amount of $105,000 and that the Corporation will pay all closing costs and fees related to the sale. The Corporation will insure the full fee simple title to the Plan as free and clear of encumbrances.

4. The Trustees have appointed William C. Klager (Klager) of Buffalo, New York to represent the Plan as an independent fiduciary with respect to the Plan's proposed purchase of the Property from the Corporation. Klager is a professional investment advisor who represents that he has substantial fiduciary experience under the Act and that he has substantial fiduciary experience under the Act and that he is independent of and unrelated to the Corporation and the Union. Klager also represents that he has substantial specific experience as a real estate investment advisor. Klager states that he has reviewed Schultz' appraisal, the Plan's investment portfolio and the various documents relating to the proposed transaction and that he has analyzed the locale of the Property from a marketing perspective relating to the Property's suitability for an office building of the type proposed by the Trustees. Based on this review and analysis, Klager has determined that the Plan should acquire the Property as proposed herein for the following reasons: (1) Even without any improvement, as proposed, the Property represents a good investment in itself because of the likely gain upon any resale of the Property, due to favorable conditions in the Property's surrounding area; (2) The particular structure proposed for construction on the Property will further enhance the marketability of the Property; and (3) the Plan is currently in a good financial position to make the proposed investment in the Property. Klager concludes that the Plan's purchase of the Property from the Corporation will be in the best interests of the Plan and its participants and beneficiaries. In addition to the foregoing review of the proposed transaction, Klager will represent the Plan in that consummation of the proposed transaction to ensure that it proceeds according to the terms described herein.

5. In summary, the applicants represent that the proposed transaction satisfies the criteria of section 408(a) of the Act because: (1) the interests of the Plan are and will be represented by an independent fiduciary, Klager, an experienced real estate investment advisor who has determined that the proposed transaction will be in the best interests of the Plan and its participants and beneficiaries; (2) the Plan will pay cash in the amount of the Property's fair market value, according to Schultz' appraisal, and will pay no fees or other costs related to the sale; (3) the Plan will acquire an asset with good resale potential even without the proposed improvement of the Property, according to Klager; and (4) the Plan is in a good financial position to make the proposed investment in the Property.

For further information contact: Mr. Ronald Willett of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; not does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemption and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 16th day of May, 1985.

Elliot I. Daniel,

Acting Assistant Administrator for Regulations and Intepretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 12195 Filed 5-20-85; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Partnership Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Office for Partnership Advisory Panel (State Programs Section) to the National Council on the Arts will be held on May 29, 1985, from 9:00 a.m.—5:00 p.m. in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506.

This meeting will be open to the public on a space available basis. The topics for discussion will be application review, site visits reports, Open Dialogue II and related issues.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 85-12205 Filed 5-20-85; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Notice of Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published April 23, 1985 (50 FR 15994). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more prior to the meeting. It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the June 1985 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3265, Attn: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

Joint Metal Components and Structural Engineering, May 23 and 24, 1985, Washington DC. The Subcommittees will discuss modifications to General Design Criterion 4 that will account for the use of leak-before-break criterion. Other related matters will be discussed at this meeting.

State of Nuclear Power Safety, May 31, 1985, Washington, DC. The Subcommittee will begin discussions on items selected for review from member lists of reactor safety problems.

Emergency Core Cooling Systems, May 31, 1985, Washington, DC. The Subcommittee will review selected portions of the NRC Thermal Hydraulic Research Program for the ACRS Report to the Commission on the FY 1987 research Budget.

Regulatory Activities, June 4, 1985, Washington, DC. The Subcommittee will review the: (1) Proposed revision to Appendix J to 10 CFR 50, "Leak Tests for Primary and Secondary Containments of Light-Water Cooled Nuclear Power Plants," (2) Draft Regulatory Guide on "Containment System Leakage Testing," and (3) proposed Regulatory Guide, "Criteria for Programmable Digital Computer Systems Software n Safety-Related Systems of Nuclear Power Plants."

Safety Research Program, June 5, 1985, Washington, DC. The Subcommittee will continue its discussion of the proposed NRC Safety Research program and budget for FY 1987. Also, it will discuss a draft ACRS report to the Commission on the related matter.

Regulatory Policies and Practices, June 5, 1985, Washington, DC. The Subcommittee will review the Interim Use Manual Chapter on Plant-Specific Backfitting.

Emergency Core Cooling Systems, June 12 and 13, 1985, Alliance, OH. The Subcommittee will continue the review of the joint NRC/B&WOG/EPRI/B&W joint IST Program. A visit to the MIST facility is also planned.

Air Systems, June 17, 1985, Washington, DC. The Subcommittee will review the NRC Staff's Supplement to the Control Room Habitability Working Group Report—June 1984. This Supplement is to discuss the Staff's survey of NTOL and OR control rooms. Also, the Subcommittee wil review the Staff's final report on "Safety Implications Associated with In-Plant Pressurized Gas Storage and Distribution Systems in Nuclear Power Plants."

Maintenance Practices and Procedures, June 18, 1985, Washington, DC. The Subcommittee will review the maintenance and surveillance program plan.

Joint Human Factors and Maintenance Practices and Procedures, June 18, 1985, Washington, DC. The Subcommittees will explore the use of natural aptitude selection procedures, tests, and evaluations.

Joint Waste Management and Site Evaluation, June 18 and 19, 1985, Washington, DC. The Subcommittees will review: (1) EPA Standards for HLW Repository, and (2) proposed Rule on Emergency Preparedness for Fuel Cycle and Other Radioactive Material Licensees.

Beaver Valley 2, June 20 and 21, 1985, Pittsburgh, PA—POSTPONED.

Class 9 Accidents, July 2, 1985, Washington, DC. The Subcommittee will continue the review of draft NUREG–0956, "Source Term Reassessment."

Reactor Operations, July 9, 1985, Washington, DC. The Subcommittee will discuss recent operating occurrences.

Long Range Plan for NRC, July 10, 1985, Washington, DC. The Subcommittee will continue discussions on developing a long range plan for the NRC. Topics under discussion are primarily technical issues related to the regulation of nuclear power plant safety and safety regulations over the next 5 to 10 years.

Diablo Canyon, JuLy 10, 1985, Washington, DC. The Subcommittee will review Pacific Gas and Electric's long-term seismic program plan for Diablo Canyon.

River Bend, July 10, 1985, Washington,DC. The Subcommittee will continue the review of Gulf States Utilitities' application for an operating license for the River Bend Station.

ATWS, July 17, 1985, Washington, DC. The Subcommittee will discuss RPS and scram breaker reliability.

Quality and Quality Assurance In Design and Construction, July 30, 1985, Washington, DC. The Subcommittee will review the Final Rule on "The Important To Safety Issue," and be briefed on the "NRC Quality Assurance Program Implementation Plan."

Class 9 Accidents, August 1, 1985 (tentative), Washington, DC. The Subcommittee will discuss with the NRC Staff a SECY paper describing regulatory initiatives related to the source term reassessment.

Long Range Plan for NRC, August 7, 1985, Washington, DC. The Subcommittee will continue discussions on developing a long range plan for the NRC. Topics to be discussed are primarily technical issues related to the regulation of nuclear power plant safety and safety regulation over the next 5 to 10 years.

Long Range Plan for NRC, September 11, 1985, Washington, DC. The Subcommittee will continue discussion, on developing a long range plan for the NRC. Topics to be discussed are primarily technical issues related to the regulation of nuclear power plant safety and safety regulation over the next 5 to 10 years.

Reliability Assurance, October 8, 1985, Washington, DC. The Subcommittee will continue discussions on valve reliability. A risk perspective on valve performance will be sought. Also to be studied is the importance of valves from a safety standpoint.

Long Range Plan for NRC, October 9, 1985, Washington, DC. The Subcommittee will continue discussions on developing a long range plan for the NRC. Topics to be discussed are primarily technical issues related to the regulation of nuclear power plant safety and safety regulation over the next 5 to 10 years.

Qualification Program for Safety-Related Equipment, Date to be determined (June/July), Washington, DC. The Subcommittee will discuss NRC Staff resolution of USI A–46, "Seismic Qualification of Equipment in Operating Plants."

Joint Emergency Core Cooling Systems and Fluid Dynamics, Date to be determined (July), Washington DC. The Subcommittees will: (1) Continue the review of the proposed revision to Appendix K of 10 CFR 50.46; (2) review implementation of GE Appendix K analysis effort; (3) review the USI A–43 implementation proposal; (4) review RCP trip issue resolution; and (5) discuss NRR's ECCS-related issues of ongoing concern.

Joint Metal Components and Seismic Design of Piping, Date to be determined (July, tentative), Washington, DC. The Subcommittees will review the NRC Piping Review Committee's overall recommendations on piping system design and its implementation.

Joint Reliability and Probabilistic Assessment and Millstone 3, Date and location to be determined (July/August). The Subcommittees will review the probabilistic risk assessment for Millstone 3.

Joint Emergency Core Cooling Systems and Fluid Dynamics, Date to be determined (August), Washington, DC. The Subcommittees will: (1) review the status of the hydrodynamic loads issue for Mark I–III containment plants; and (2) review the AEOD report on Interfacing LOCAs.

Emergency Core Cooling System, Date to be determined (summer), Palo Alto, CA. The Subcommittee will continue the review of the joint NRC/B&WOG/EPRI/B&W joint IST Program. A visit is planned to the EPRI Stanford Research Institute facilities supporting this Program.

Joint Reactor Radiological Effects and Fire Protection, Date to be determined (October), Washington, DC. The Subcommittee will review the increased N–16 radioactivity and fire protection problems in using H_2 addition to BWRs to reduce IGSCC.

ATWS, Date to be determined (October), Washington, DC. The Subcommittee will continue the review of the status of ATWS Rule implementation effort and related issues.

Emergency Core Cooling Systems, Date to be determined, Washington, DC. The Subcommittee will review NRC/RES thermal hydraulic research program with emphasis on new international code assessment program.

GESSAR II, Date and location to be determined. The Subcommittee will continue its review of GESSAR II for a Final Design Approval applicable to future plants.

Seismic Design of Piping, Date to be determined, Washington, DC. The Subcommittee will review reports issued by the NRC Piping Review Committee on dynamic loads and other load

combinations and seismic design requirements of piping systems.

ACRS Full Committee Meeting

June 6–8, 1985: Items are *tentatively* scheduled. *A. *NRC Safety Research Program and Budget (Open)*—Discuss proposed ACRS report to the NRC regarding the proposed safety research program and budget for FY 1987.

*B. *General Electric Standard Safety Analysis Report (GESSAR II) (Open/Closed*—continue ACRS review of the request for an FDA for this type of standardized nuclear power plant. Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this facility and detailed security provisions for this type of nuclear plant.

*C. *San Onofre Nuclear Generating Station Unit No. 1 (Open)*—review Integrated Plant Safety Assessment Report for this unit.

*D. *Decay Heat Removal (Open)*—discuss related ACRS Subcommittee activities and proposed ACRS report on heat removal systems for PWR nuclear power plants.

*E. *Quantitative Safety Goals (Open)*—discuss NRC Staff evaluation of 2-year trial period and plan for implementation of proposed quantitative safety goals.

*F. *Security Provisions at Nuclear Facilities (Open/Closed)*-disucss proposed ACRS comments regarding security provisions at nuclear reactors.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this facility and detailed security provisions for this type of nuclear plant.

*G. *Emergency Preparedness and Planning (Open)*—discuss consideration of seismic events in emergency planning for nuclear facilities.

*H. *NRC Rules and Regulatory Guides (Open)*—Discuss proposed revisions of the NRC rules and regulatory guides related to containment leak rate testing at nuclear power plants and criteria for software in safety related systems of nuclear power plants.

*I. *ACRS Subcommittee Activities (Open/Closed)*—hear and discuss reports of ACRS Subcommittees regarding current activities related to safety related matters such as reliability assurance programs for nuclear power plant components such as valves, participation in the development of a long range plant for NRC activities, and discussions with foreign advisory committees regarding safety related features in foreign nuclear power plants.

Portions of this session will be closed as necessary, to discuss Proprietary Material applicable to the matters being discussed and information provided in confidence by a foreign source.

*J. *Proposed ACRS Activities (Open)*—discuss proposed ACRS activities related to matters such as ACRS review of the program for management and disposal of civilian radioactive waste pressurized thermal shock in nuclear power plants, probabilistic risk assessment of nuclear power plants, and consideration of allegations at nuclear power plant.

*K. *Meeting with NRC Executive Director for Operations (Open)*—hear and discuss proposed changes in NRC regulatory procedures and requirements.

*L *NRC Inspection Program (Open)*—hear and discuss a briefing by representatives of the NRC Staff regarding NRC inspection programs for nuclear facilities.

*M. *ACRS Procedures (Open)*—Discuss proposed changes in ACRS By laws regarding conduct of ACRS members and procedures for revision of the bylaws.

July 11–13, 1985—Agenda to be announced.

August 8–10, 1985—Agenda to be announced.

Dated: May 15, 1985.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 85–12220 Filed 5–20–85; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–321 and 50–366]

Georgia Power Co. et al. (Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2) Exemption

I

The Georgia Power Company (GPC or the licensee) and three other co-owners are the holders of Facility Operating Licenses Nos. DPR–57 and NPF–5 which authorize operation of the Edwin I. Hatch Nuclear Plant, Units 1 and 2 (Hatch or the facilities) at steady state reactor power levels not in excess of 2436 magawatts thermal for each unit. The facilities are boiling water reactors located at the licensee's site in Appling County, Georgia. The licenses are subject to all rules and regulations of the Nuclear Regulatory Commission (the Commission).

II

Subsection (c) of 10 CFR 50.48 requires that fire protection modifications for which plant shutdown is required (other than alternate shutdown capability) be completed before startup following the first refueling outage that commences 180 days or more after the effective date of Appendix R. For the items covered by this exemption, the licensee was able to take advantage of the "tolling provision," subsection (c)(6), thereby commencing the 180-day period upon issuance of the staff Safety Evaluation dated April 18, 1984. The deadlines for these modifications were therefore startup following the refueling outage that is scheduled to commerce in the fall of 1985 for Hatch Unit 1 and startup following the refueling outrage that commenced on April 5, 1985 for Hatch Unit 2.

In a submittal dated April 16, 1985, the licensee requested an exemption from the schedular requirements of 10 CFR 50.48(c) which would extend the deadline from startup following the above stated refueling outages, to November 30, 1986, for installation of fire protection modifications in certain areas of Units 1 and 2 for which plant shutdown is required in order to install the modifications. The proposed exemption is needed since the licensee has indicated that the installation of the outage related fire protection modifications in these areas of Units 1 and 2 cannot be completed on the schedule stated in 10 CFR 50.48(c) for the following reasons:

(1) The magnitude of the overall fire protection enhancement program at the Hatch plant is large and has a projected cost of 25 million dollars (excluding the alternate shutdown system for the control room/cable spreading room fire).

(2) Currently, extensive redesign and modifications of safe shutdown related equipment and cables is underway in response to equipment qualification, operational safety enhancement and plant reliability improvement projects. These projects are interdependent with the fire protection program and the design for Appendix R cableway barriers must, in many cases, follow the final design of the equipment qualification project.

(3) Design sequences of the Appendix R modifications are complex and the final bill of materials and specifications for the bidding of installation contracts cannot proceed until the design is near its final stages. Following design, implementation must await rerouting of cables from Appendix R or equipment qualification modifications.

The first of these reasons, the overall extent and cost of the fire protection program at Hatch, is not by itself an acceptable basis for extension of the schedule. Based on the information provided, the Hatch program is commensurate with programs at other facilities both in extent and cost. This Exemption is therefore not based on this

factor. The second and third reasons, having to do with the interrelationship between non-outage-related and outage-related work and the inability to perform certain tasks before a final design has been completed, are acceptable bases on which a schedule extension can be granted.

The licensee indicated that in each area for which schedular exemptions are requested, the valnerable systems will be protected by one of the following means: (1 A fire watch, or (2) automatic fire detection and fire suppression systems.

In those locations where a fire watch will be provided, an individual will be present to detect and respond to any fire emergency. This provides reasonable assurance that a fire will be discovered in its initial stages before significant damage occurs and will be suppressed manually by either the fire watch or the plant fire brigade. Under these circumstances, fire damage will be limited, and no loss of safe shutdown capability should occur.

In those locations where automatic fire detection and suppression systems are located, we expect a fire to be detected in its formative stages, before significant fire propagation or temperature rise occurs. The fie would then be suppressed by the fire brigade using manual fire fighting equipment. If rapid fire spread occurred before the arrival of the brigade, we expect the sprinkler system to actuate and control the fire, reduce room temperatures and protect the vulnerable shutdown systems.

Based on the consideration discussed above, the Commission concludes that the licensee has provided reasonable and acceptable interim post-fire safe shutdown capability or interim fire protection measures to support the exemption request.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), an exemption as requested by the licensee's letter of April 16, 1985, is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. The Commission hereby grants an exemption from the requirements of 10 CFR 50.48(c) to extend the deadline for completion of fire protection modifications requiring plant shutdown at the Edwin I. Hatch Nuclear Plant, Units 1 and 2, until November 30, 1986, for each Unit.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the exemption will have no significant impact on the environment (50 FR 20157).

This exemption is effective upon issuance.

Dated at Bethesda, Maryland this 14th day of May, 1985.

For the Nuclear Regulatory Commission.

Darrell Eisenhut,

Acting Director, Office of Nuclear Reactor Regulations.

[FR Doc. 85-12221 Filed 5-20-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Company (Maine Yankee Atomic Power Station); Issuance of Final Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Inspection and Enforcement, has issued a final decision concerning a Petition dated April 8, 1983, filed by David Santee Miller on behalf of Sensible Maine Power, et al. The Petitioners had requested that the Commission take action to remedy alleged serious deficiencies in the offsite radiological emergency plans for the Maine Yankee Atomic Power Plant in Wiscasset, Maine. On September 30, 1983, the Director, Office of Inspection and Enforcement issued an Interim Decision, granting in part, denying in part, and deferring in part, the Petitioners' request. The portion of the Petitioners' request that was deferred dealt with the alleged inadequacies of State Route 27 as an evacuation route. The Director has now determined that the remaining portion of the Petitioner's request dealing with this issue should be denied.

Reasons for this final decision are explained in the "Final Director's Decision Under 10 CFR 2.206" (DD-85-6) which is available for inspection in the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 and at the local Public Document Room for the Maine Yankee facility at the Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, Maine 04578. A copy of the decision will be filed with the Secretary for Commission review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), the decision will become the final action of the Commission twenty-five (25) days after issuance, unless the Commission on its own motion institutes review of the decision within that time.

Dated at Bethesda, Maryland, this 13 day of May 1985.

For the Nuclear Regulatory Commission.

James M. Taylor,

Director, Office of Inspection and Enforcement.

[FR Doc. 85-12222 Filed 5-20-85; 8:45 am]

BILLING CODE 7590-01-M

[License No. 45-09963-01 EA 85-04]

Met Lab, Inc., Order To Show Cause Why License Should Not Be Revoked

I

Met Lab, Inc., 605 Rotary Street, Hampton, Virginia, 23661 (the "licensee") is the holder of a materials license issued by the Nuclear Regulatory Commission (the "Commission") pursuant to 10 CFR Part 30. The license, issued on November 2, 1982 and due to expire on June 30, 1987, authorizes the licensee to possess sealed sources for use in industrial radiography.

II

On June 7 and 27, 1984, and inspection of Met Lab, Inc. activities by the NRC Region II staff revealed that the licensee had not conducted its activities in full compliance with NRC requirements. A Notice of Violation (NOV) was issued to the licensee on July 5, 1984. One of the violations identified in the NOV was the failure of the licensee to perform annual radiation response checks on pocket dosimeters.

The licensee responded to the NOV by letter dated September 10, 1984, under signature of its President, Oscar W. Ward, III. In the licensee's response, the licensee denied the violation involving failure to make annual pocket dosimeter radiation response checks. The licensee stated that the pocket dosimeters had been checked but that the records had not been available for review because they had been filed incorrectly and could not be located during the inspection. As part of the denial, the licensee submitted a copy of a record of three pocket dosimeter checks for correct response to radiation allegedly performed on January 21, 1984.

III

A review by the NRC Region II Staff of the record of checks submitted by the licensee indicated that the calculations in the record were incorrect and that the recorded dosimeter responses were based on these incorrect calculations. The NRC review indicated that the dosimeter response checks had not been performed as stated and that the report was a fabrication. On November 27, 1984, a special inspection and an Office of Investigations' (OI) inquiry were

performed at the licensee's facility by a Region II inspector and a Region II OI investigator. As a result of the staff's further review of this matter, it appears that the licensee failed to apply the inverse square law governing the relationship between distance and exposure in calculating the change in dose rate versus distance from a point source. The dosimeter response checks listed in the record submitted on September 10, 1984 could not have been obtained with the source, distance, and exposure times used unless all three pocket dosimeters checked were each out of calibration by a factor of sixteen.

The licensee's President, Mr. Ward, told the NRC investigator that a mistake had been made in the calculations but maintained that the record had been made prior to the June inspections. Mr. Ward also acknowledged that there was no possible way that the results in the record could have been derived if the documented test had been conducted as indicated in the report. Mr. Ward provided no explanation of how the incorrect data came to be recorded.

On balance, the staff believes that the record of dosimeter response checks did not reflect any checks that were actually made but that the record was fabricated, apparently for the purpose of demonstrating compliance with a requirement against which Region II had cited a violation.

IV

Other circumstances indicate the licensee's lack of truthfulness in dealing with the Commission. On or about August 15, 1984, Mr. Ward informed the NRC Region II staff, by telephone, that the reason the licensee had not responded to the NOV issued on July 5, 1984 was because Mr. Ward could not find the NOV. Mr. Ward subsequently informed the NRC during the OI Inquiry performed on November 27, 1984 that this statement was false and that he had made the statement to gain more time to search for the missing dosimeter response check record. While Mr. Ward's false statement is not in itself of major significance (i.e., had he merely asked for additional time to respond to the NOV, additional time would have been granted in all likelihood), his conduct casts doubts about his candor and forthrightness in his dealings with the Commission.

V

Under Section 186 of the Atomic Energy Act of 1954, as amended, a license may be suspended or revoked for, among other things, a material false statement or a finding which would warrant the Commission to refuse to grant a license on initial application. As stated above, the licensee in its response to the NOV submitted a material false statement concerning dosimeter response checks by stating that it had complied with the requirement and submitting a false record to demonstrate compliance. The false record was material in that it could have influenced the NRC's consideration of the enforcement sanction in the NOV issued to the licensee on July 5, 1984 and the associated corrective action. The circumstances surrounding the submission of the false record indicate that Mr. Ward, the President of Met Lab, Inc., willfully submitted the false statement to the Commission. Mr. Ward also made a deliberately false statement concerning the delay in responding to the NOV. The submission of false information and false records are conditions which would warrant the Commission's refusal to issue a license in the first place. Mr. Ward's conduct calls into question not only his candor in dealing with the Commission, but also his, and consequently the licensee's, ability and willingness to comply with the Commission's requirements. Normally, I would consider ordering the removal of the individual involved in the willful material false statement. However, I recognize that this might not be practical in the case of a two-man operation. If the licensee cannot demonstrate adequate cause why Mr. Ward should not be removed from licensed activities and cannot demonstrate that his removal from such activities would be possible, I will have no alternative but to revoke the license.

I have determined, therefore, that the licensee should be ordered to demonstrate why Met Lab, Inc. should be permitted to retain its license with Mr. Ward in a position of responsibility for licensed activities in light of Mr. Ward's conduct. Because the licensee's submission of the material false statement was willful, no notice pursuant to 10 CFR 2.201 is required.

VI

Accordingly, pursuant to section 81, 161b and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, and Parts 30 and 34, it is hereby ordered that:

The licensee shall show cause, in the manner hereinafter provided, why license No. 45-099663-01 should not be revoked if Mr. Oscar Ward continues to conduct or have responsibilities for licensed activities.

The licensee may show cause, within 25 days after issuance of this Order, as required by section VI., above, by filing a written answer under oath or affirmation setting forth the matters of fact and law on which the licensee relies. In demonstrating why the license should not be revoked the licensee may answer by providing that Mr. Ward will not have responsibility over or conduct any licensed activity. The licensee may answer, as provided in 10 CFR 2.202(d), by consenting to the entry of an order in substantially the form proposed in this Order to Show Cause. Upon failure of the licensee to file an answer within the specified time, the Director, Office of Inspection and Enforcement may issue without further notice an order revoking the license as described above.

VIII

The licensee or any other person adversely affected by this Order may request a hearing within 25 days after issuance of this Order. Any answer to this Order or any request for hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies shall also be sent to the Executive Legal Director at the same address and to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region II, 101 Marietta Street, Suite 2900, Atlanta, Georgia 30323.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be:

Whether, on the basis of the matters set forth in this Order, License No. 45-09963-01 should be revoked.

Dated at Bethesda, Maryland this 15th day of May 1985.

For the Nuclear Regulatory Commission.

James M. Taylor,

Director, Office of Inspection and Enforcement.

[FR Doc. 85-12224 Filed 5-20-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-42 and DPR-60, issued to Northern States Power Company (the licensee), for

operation of the Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, located in Goodhue County, Minnesota.

The amendment would incorporate operability and testing requirements related to the shunt trip attachment which is part of the reactor trip mechanism at the Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2. The licensee was requested by our Generic Letter 83–28 (GL 83–28) to modify the automatic reactor trip system actuation of the reactor trip breaker shunt trip attachment and propose technical specification requirements for the trip mechanism.

This proposed technical specification is in response to our request in GL 83–28 and in accordance with the licensee's application for amendments dated April 5, 1985.

Before issuance of the proposed license amendments the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendments involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of standards for making a no significant hazards consideration determination by providing examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration involves additional limitations, restrictions, or controls not presently included in the technical specifications. Specifically, the proposed technical specification change will impose additional restrictions requiring operability of the shunt trip and specifying testing of the shunt trip attachment of the reactor trip mechanism. These additional restrictions have been requested by GL 83–28 and by our letter dated February 21, 1985. On this basis, the staff believes that this amendment application is enveloped by example (ii) and proposes that this change does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By June 20, 1985, the licensee may file a request for a hearing with respect to issuance of the amendments 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 identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petiton 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 eveidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments involve a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments 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 amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may

be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to James R. Miller: 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 Jay Silberg, Esquire, Shaw, Pottman, Potts and Trowbridge, 1800 M Street, N.W., Washington, 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or 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. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendments which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Dated at Bethesda, Maryland, this 13th day of May, 1985.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Operating Reactors Branch 3, Division of Licensing.

[FR Doc. 85–12225 Filed 5–20–85; 8:45 am]

BILLING CODE 7590–01–M

Monthly Notice; Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Pub. L. 97–415, the Nuclear Regulatory Commission (the Commission) is publishing its regular monthly notice. Pub. L. 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This monthly notice includes all amendments issued, or proposed to be issued, since the date of publication of the last monthly notice which was published on April 23, 1985 (50 FR 15997) through May 13, 1985.

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

By June 21, 1985, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests 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 identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the

hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately 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 before action is taken. 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 requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 345.6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Branch Chief*): 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 the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or 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. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document room for the particular facility involved.

Arkansas Power and Light Company, Docket No. 50–368, Arkansas Nuclear One Unit No. 2, Pope County, Arkansas

Date of amendment request: March 2, 1985.

Description of amendment request: The amendment would delete Appendix B to the Operating License, "Environmental Technical Specifications". Appendix B consists of two types of specifications, one related to radiological effluents and the other related to non-radiological environmental matters. Prior to this request, the NRC staff issued Amendment 60 (December 14, 1984) which incorporated more comprehensive Technical Specifications on radiological effluents into Appendix A of the Operating License. Thus, the radiological parts of Appendix B could have been deleted at that time but were not.

The second type of specifications in Appendix B involve monitoring, control and reporting associated with non-radiological environmental matters such as land management.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards by providing certain examples of actions involving no significant hazards considerations (48 FR 14870). One of the examples of actions not likely to involve a significant hazards consideration relates to a purely administrative change to the Technical Specifications: For example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature. The proposed deletion of the radiological parts of Appendix B appears to be similar to the example in that all the Technical Specifications on radiological effluents have been incorporated into Appendix and the presence of these types of specifications in both Appendices A and B causes inconsistency and confusion. The inconsistency and confusion would be removed by deletion of the appropriate parts of Appendix B.

With respect to the proposed deletion of non-radiological parts of Appendix B, it appears that since the proposed amendment applies only to deletion of specifications related to monitoring, control and reporting associated with non-radiological environmental matters such as land management, 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 an accident of a type different from any evaluated previously; or (3) involve a significant reduction in a margin of safety.

On these bases, the Commission proposes to determine that these actions involve no significant hazards considerations.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Esq., Bishop, Liberman, Cook, Purcell & Reynolds, 1200 Seventeenth Street, NW., Suite 700, Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of amendment request: April 12, 1985.

Description of amendment request: The proposed amendment would revise the Technical Specifications by changing the calibration frequency for the reactor level, reactor pressure and drywell pressure instrument channels from once every 6 months to once each refueling outage. The reason given by Boston Edison for this change is that the obsolete transmitters for the above instrument channels have been replaced by Rosemount transmitters with improved accuracy and stability. The proposed amendment would take advantage of the expected increase in reliability of these instruments by allowing the calibrations to be performed only during refueling outages. This would eliminate on-line valving of

these instruments, which has often been required for 6-month calibrations, and thus reduce the risk of inadvertently actuating reactor safety systems.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether license amendments involve significant hazards consideration by providing certain examples (48 FR 14870). The examples involving no significant hazards consideration include "(vi) a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method." The proposed decrease in the frequency of calibrating certain instrument channels is a relaxation of surveillance requirements which the licensee considers to be acceptable because of the improved performance expected of the replacement transmitters for these channels. The staff considers this change to be similar to example (vi) and has, therefore, made a proposed determination that the requested amendment involves no significant hazards consideration.

Local Public Document Room location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W.S. Stowe, Esq., Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199.

NRC Branch Chief: Domenic B. Vassallo.

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of amendment request: April 12, 1985.

Description of amendment request: The proposed amendment would change the Technical Specifications by raising the K-effective limit of the fuel storage pool from 0.90 to 0.95 for normal conditions. The K-effective of the pool is presently limited to 0.95 for abnormal conditions and this would not be changed. The K-effective limit of 0.95 would then apply to both normal and abnormal conditions in conformance with NRC's current practice.

In addition, the proposed amendment would substitute a maximum K-infinity of 1.35 for the requirements that fuel in the spent fuel pool have a maximum fuel loading of 16.0 grams of U-235 per axial centimeter and a maximum assembly average loading of 3.0 weight percent of U-235. This change would have no effect except to allow credit to be taken in future fuel rack designs for the gadolinia which is mixed with the uranium oxide in the Pilgrim fuel assemblies.

Basis for proposed no significant hazards consideration determination: The NRC has provided guidance concerning the application of standards for determining whether license amendments involve significant hazards considerations by providing certain examples (48 FR 14870). One example which does not involve significant hazards considerations is "(vi) a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan." The licensee stated in its application that the proposed changes to the Technical Specifications would guarantee a K-effective equal to or less than 0.95 when the fuel is stored in the racks of the spent fuel pool. This limit is compatible with NRC acceptance criteria. The NRC staff, therefore, concluded that the changes are compatible with example (vi) and has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W.S. Stowe, Esq., Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199.

NRC Branch Chief: Domenic B. Vassallo.

Carolina Power & Light Company, Docket Nos. 50-325 and 50-324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendment: April 9, 1985.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) to permit loading of up to four fuel bundles around each source range monitor (SRM), if needed, in order to obtain the required minimum count rate. The current Brunswick Units 1 and 2 TS permit loading of up to two fuel bundles around each SRM before a minimum count rate of three counts per second (cps) is required. The minimum count rate satisfies the operability requirement for the SRM.

A "spiral unload" is a core unload performed by first removing the fuel from the outermost control cells (four bundles surrounding a control blade). Unloading continues in a spiral fashion by removing fuel from the outermost periphery to the interior of the core, symmetric about the SRMs, except for fuel bundles around each of the four SRMs. Up to four fuel bundles may be left around each SRM to maintain adequate count rate.

A "spiral reload" is the reverse of a "spiral unload." Except for fuel bundles around each of the four SRMs, the fuel in the interior of the core, symmetric to the SRMs, is loaded first. Up to four fuel bundles may be loaded around each of the four SRMs.

Under the revised procedure, refueling would begin by loading two exposed fuel bundles around each SRM and then verifying at least 3 cps on the SRM. These bundles would be those scheduled to occupy those locations during the next fuel cycle. If an acceptable count rate is then observed, spiral loading of the core would proceed as usual. If insufficient counts are observed, additional high exposure fuel bundles would be inserted to complete the 2 x 2 array around each SRM. These fuel bundles would normally not be loaded in these locations for the next fuel cycle and would be inserted only to assist in the SRM instrumentation checks.

If at this point the minimum 3 cps is not obtained, refueling would be halted until the operability of the SRM instrumentation is verified. If the required count rate is obtained, then spiral loading would proceed. When the spiral loading is complete, the extra bundles will be moved to their proper locations and replaced with fuel bundles assigned to the SRM adjacent positions.

In addition to the prescribed loading procedure, the use of high exposure fuel bundles for the third and fourth assemblies assures that a critical mass is not achieved. Further, General Electric (GE) has performed fuel reactivity (k-effective) calculations which demonstrate that any four GE fuel bundles arranged in a square (2 x 2) array, with a minimum of 12 inches between them and any surrounding bundles, at their maximum reactivity exposure, and in an uncontrolled state, will have a k-effective of less than 0.95. Thus, loading any combination of four GE fuel bundles around each SRM does not constitute a safety concern since

inadvertent criticality with four bundles is not possible.

Basis for proposed no significant hazards consideration determination: Based on the above discussion, the possible use of a third and fourth fuel assembly around an SRM assures the required count rate so the operability of the SRM is demonstrated. In addition, the four assemblies cannot become critical, particularly since the third and fourth assemblies are high exposure assemblies. Thus, there is not a significant increase in the probability or consequences of an accident previously evaluated. Similarly, for the same reasons this proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. The operability of the SRM is added assurance that there is no significant reduction in a margin of safety. Since operation of the facility in accordance with the proposed amendment does not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety, the staff proposes to determine that this revision does not involve a significant hazards consideration.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Attorney for licensee: George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Carolina Power and Light Company, Docket No. 50–261, H.B. Robinson Steam Electric Plant, Unit No. 2, Darlington, South Carolina

Date of amendment request: February 7, 1984, supplemented by July 20, 1984, January 31, 1985 and April 30, 1985.

Description of amendment request: This amendment request was originally noticed on May 23, 1984 (49 FR 21826). The amendment would revise the Technical Specifications to comply with requirements (NUREG–0737) imposed by the Commission as result of the Three Mile Island accident. The proposed changes use the guidance of the staff's Standard Technical Specifications transmitted by Generic Letter 83–37.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of its standards set forth in 10 CFR 50.92 for no significant hazards considerations by providing certain examples published in the **Federal Register** on April 6, 1983 (48 FR 14864). One of the examples of an amendment which will likely be found to involve no significant hazards considerations is a change that constitutes an additional limitation, restriction, or control not presently included in the TS; for example, a more stringent surveillance requirement. The enclosed proposed changes fall within the Commission's example (ii) of changes not likely to involve a significant hazards consideration because, additional requirements were added to previous submittals resulting from staff comments for compliance to the requirements of NUREG–0737.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Attorney for licensee: Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Carolina Power and Light Company, Docket No. 50–261, H.B. Robinson Steam Electric Plant, Unit No. 2, Darlington, South Carolina

Date of amendment request: March 29, 1985.

Description of amendment request: This amendment request proposes a change to the Technical Specifications (TS) by adding requirements for the operating status of the Dedicated/Alternate Shutdown System. The request reflects changes for compliance with 10 CFR 50, Appendix R.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14871). One of the examples of actions involving no significant hazards considerations relates to additional limitations, restrictions, or control not presently included in the Technical Specifications (ii). This amendment specifically adds TS requirements to ensure the operability of the Dedicated Shutdown System (DDS) when the reactor is critical. This addition is to provide compliance with 10 CFR Part 50 Appendix R. The operability of the DSS equipment ensures the ability to safely bring the plant to a hot shutdown condition in the unlikely event that a fire disables the ability to control the plant from the control room or results in the loss of both trains of safeguards equipment. The staff, therefore, proposes to determine that this amendment does not involve a significant hazards consideration.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Attorney for licensee: Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Commonwealth Edison Company, Docket Nos. 50–237/249, Dersden Nuclear Power Station, Units Nos. 2 and 3, Grundy County, Illinois

Date of amendment requests: October 10, 1984.

Description of amendment requests: These amendments would add limiting conditions for operation and surveillance requirements to the Technical Specificions (TS) for certain plant modifications required by TMI Action Plan Items covered by Generic Letter (GL) 83–36. These modifications are (1) Containment High Range Radiation Monitor (II.F.1.3); (2) Containment Pressure Monitor (II.F.1.4); (3) Containment Water Level Monitor (II.F.1.5); and (4) Containment Hydrogen Monitor (II.F.1.6). One item in GL 83–36, Reactor Coolant System Vents (II.B.1), does not require TS. Two others, Noble Gas Effluent Monitors (II.F.1.1) and Sampling and Analysis of Plant Effluents (II.F.1.2), have already received TS. Finally, two more, Post-Accident Sampling (II.B.3) and Control Room Habitability (III.D.3.4) require further staff review and are not included in this notice.

Basis for proposed no significant hazards consideration detemination: Generic Letter 83–36 (issued November 1, 1983) requested all Boiling Water Reactor Licensees to review their TS to determine if they were consistent with the guidance provided with the generic letter. For items where utilities identified deviations or the absence of a specification, they were requested to submit an application for a license amendment. In response to this request Commonwealth Edison determined that there were no provisions in the Dresden Units 2 and 3 TS that addressed the TMI items discussed above. Therefore, the proposed amendment request was submitted.

The Commission has provided guidance concerning the application of standards of no significant hazards consideration determination by providing certain examples (April 6, 1983, 48 FR 14870). One of the examples, (ii), of actions likely to involve no significant hazards consideration relates to a change that constitutes an

additional limitation, restriction, or control not presently included in the TS: For example, a more stringent surveillance requirement. As discussed in the licensee's submittal of the proposed amendments, the changes proposed for each of the TMI items provide additional limiting conditions for operation and surveillance requirements not presently in the TS to assure the functionality of post-TMI modifications. Therefore, since the proposed changes fall within example (ii) of the Commission's guidance, the staff proposes to determine that the requested action would involve a no significant hazards consideration determination.

Attorney for licensee: Robert G. Fitzgibbons, Jr., Isham, Lincoln and Beale, Three First National Plaza, Suite 5200, Chicago, Illinois 60602.

NRC Branch Chief: John A. Zwolinski.

Commonwealth Edison Company, Docket Nos. 50-373 and 50-374, La Salle County Station, Units 1 and 2, La Salle County, Illinois

Date of amendment request: April 18, 1985.

Description of amendment request: The proposed amendments to Operating Licenses NPF-11 and NPF-18 wold add requirements in the La Salle, Units 1 and 2 Technical Specifications for new suppression pool level and water temperature instruments for the remote shutdown monitoring instrumentation to be added to both units. This is in accord with Supplement 7 to the La Salle Safety Evaluation Report and will fulfill License Condition 2.C.(15)(j) for La Salle Unit 2.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether license amendments involve no significant hazards consideration by providing certain examples (48 FR 14871). One of these examples (ii) of an amendment not likely to involve significant hazards considerations is a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The proposed amendments are directly related to this example in that new suppression pool level and water temperature instruments will be added to the remote shutdown monitoring instrumentation at the first refueling outage of each unit. These instruments will constitute an additional control not presently included in the remote shutdown panel. On this basis, the Commission proposes to determine that the amendments involve no significant hazards consideration.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Attorney for licensee: Isham, Lincoln and Burke, Suite 840, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

NRC Branch: Walter R. Bulter.

Commonwealth Edison Company, Docket Nos. 50-295 and 50-304, Zion Nuclear Power Station, Unit Nos. 1 and 2, Benton County, Illinois

Date of application for amendments: March 25, 1985.

Description of amendments request: The amendments would clarify the automatic reactor trip logic testing requirements in accordance with Generic Letter 83-28. The proposed amendments apply to a plant modification scheduled to be installed during the 1985 refueling outage started January 30, 1985 for Unit 1 and scheduled to start September 5, 1985 for Unit 2.

Basis for proposed no significant hazards consideration determination: The proposed amendments would clarify an existing surveillance requirement to indicate that testing of the reactor trip breaker shunt and undervoltage trip mechanisms is to be performed.

The Commission's example of action involving no significant hazards consideration (48 FR 14870) includes: "(ii) A change that constitutes an additional limitation restriction, or control not presently included in the technical specifications; for example, a more stringent surveillance requirement." The above example fits the proposed change. The staff, therefore, proposes to conclude that the proposed changes to the Technical Specifications involve no significant hazards consideration.

Local Public Document Room location: Zion-Benton Library District, 2600 Emmaus Avenue, Zion, Illinois 60099.

Attorney for licensee: P. Steptoe, Esq., Isham, Lincoln and Beale, Counselors at Law, Three First National Plaza, 51st Floor, Chicago, Illinois 60602.

NRC Branch: Steven A. Varga.

Connecticut Yankee Atomic Power Company, Docket No. 50-213, Haddam Neck Plant, Middlesex County, Connecticut.

Date of amendment request: May 18, 1985.

Description of amendment request: The application requests the approval of administrative changes to the Appendix A Technical Specifications (TS) to delete section 6.14, "Environmental Qualification."

Basis for proposed no significant hazards consideration determination: The final rule on Environmental Qualification (EQ) of Electrical Equipment Important to Safety for Nuclear Power Plants (10 CFR 50.49), published in the **Federal Register** on January 21, 1983 (48 FR 2729), as amended on November 19, 1984 (49 FR 45576), contains the current schedular requirements for completion of the environmental qualification program and the requirements for maintaining an auditable record of all equipment qualification documentation. The proposed deletion of section 6.14, which currently addresses these subject areas, from the TS would not eliminate plant conformance to 10 CFR 50.49 (g) (and (i) but would eliminate a situation where the TS do not reflect the current environmental qualification requirements of 10 CFR 50.49.

The Commission has provided guidance concerning the application of standards for no significant hazards consideration determination by providing certain examples published in the **Federal Register** on April 6, 1983 (48 FR 14870). Example (i) pertains to a purely administrative change to the technical specifications. The proposed action is within the purview of example (i) because the current technical specification has been superseded by 10 CFR 50.49 as amended on November 19, 1984.

Therefore, the staff proposes to determine that the requested action involves no significant hazards consideration.

Local Public Document Room location: Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

Attorney for licesee: Gerald Garfield, Esquire, Day, Berry and Howard, Counselors at Law, City Place, Hartford, Connecticut 06103-3499.

NRC Branch Chief: John A. Zwolinski.

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: April 10, 1985.

Description of amendment request: The proposed change would amend the Technical Specifications to remove the requirement of waiting 400 continuous hours after reactor shutdown before unloading more than one region of fuel assemblies. The proposed change would permit the discharge of the entire reactor after a continuous interval of 131

hours following shutdown, the current time constraint for movement of only one region of fuel assemblies. This change would afford greater flexibility in scheduling of refueling activities in future outages and permit a more expeditious full core discharge should it become necessary due to unforeseen circumstances.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for a no significant hazards determination by providing certain examples (49 FR 14870). One of the examples of actions not likely to involve a significant hazards consideration relates to a change which either may result in some increase to the probability or consequences of a previously analyzed accident to or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standards Review Plan (Example vi). The amendment request indicates that the 400 hour limitation was originally established based on spent fuel pool decay heat load calculations for full core discharge. The proposed change presents an evaluation of the decay heat in spent fuel pool following a full core discharge. The licensee's evaluation concludes that if the fuel is removed from the core after 131 hours, the maximum bulk pool water temperature would be less than or equal to 173 °F and that the spent fuel pool heat removal system is adequate to transfer the decay heat generated in this case. This is consistent with the NRC Standard Review Plan section 9.1.3 which states that the temperature for the spent fuel pool water should be kept below the boiling point upon fuel core discharge.

It is expected that final evaluation will agree with the licensee's conclusions. Therefore, the staff proposes to determine that the amendment does not involve a significant hazards determination.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Attorney for Licenee: Thomas J. Farrelly, Esq., 4 Irving Place, New York, New York 10003.

NRC Branch Chief: Steven A. Varga.

Consumers Power Company, Docket No. 50–115, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: November 14, 1984, as revised on January 17, 1985.

Description of amendment request: By Generic Letter dated April 10, 1980, all power reactor licensees were requested by the NRC to propose certain technical specification (TS) changes to resolve Multi-Plant Action D–17. These changes would incorporate the standard definition of operability and Limiting Conditions for Operation which require safety-related systems to be operable and specify required actions in the event systems or components become inoperable. In response to this concern, the licenees's proposed technical specification (TS) incorporate a formal definition of "operability" into the Big Rock Point TS. The request also incorporates Limiting Conditions of Operation for Engineered Safety Feature Systems. These systems include containment ventilation isolation valves and vacuum breakers, emergency condenser system, core spray system, reactor depressurization system and the containment spray system.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870, April 6, 1983). One of the examples (ii) of actions not likely to involve significant hazards considerations relates to changes that constitute an additional limitation, restriction or control not presently included in the TS. The TS proposed by Consumers Power Company fit the above example since they all constitute additional restrictions. On this basis, the staff proposes to determine that the requested action would involve no significant hazards considerations.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: John A. Zwolinski, Chief.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: January 30, 1985 as revised on February 1, 1985.

Description of amendment request: The proposed changes to the Big Rock Point Administrative Controls technical specifications (TSs) pertain to offsite corporate reorganizations of the Consumers Power Company Quality Assurance Organization and the Nuclear Activities Plant Organization, an independent technical support group. The changes relate to three specific areas:

(1) Changes to titles of individuals and groups mentioned in the Administrative Controls TSs,

(2) Miscellaneous administrative changes to clarify wording in the Administrative Controls TSs, and

(3) Reorganization of the Quality Assurance Program functions to elevate the reporting responsibility.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870, April 6, 1983). One of the examples (i) of actions not likely to involve a significant hazards consideration relates to a purely administrative change to the Technical Specifications such as a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature. This example applies to the changes described in Items (1) and (2), above. Thus the staff proposes to determine that these changes involve no significant hazards consideration.

Regarding Item (3) above, the staff notes that the proposed change to the Quality Assurance Program should strengthen the program by elevating the levels of management to which the program reports. Thus the staff proposes to determine that the changes do not involve a significant hazards consideration determination since they (1) do not involve a significant increase in the probability or consequences of a previously evaluated accident, (2) do not create the possibility of a new or different kind of accident from an accident previously evaluated, and (3) do not involve a significant reduction in a margin of safety.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: John A. Zwolinski, Chief.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: April 15, 1985.

Description of amendment request: The proposed amendment would require that control rod drive performance testing for scram insertion time, continuous withdrawal and insertion

and insertion with reduced hydraulic pressure be performed at each major refueling outage, but not less often than once every 20 months, and prior to startup following any outage greater than 120 days in length. This proposal supplements Consumers Power Company application dated May 31, 1984, which was implemented by the NRC staff in Amendment No. 73, dated May 1, 1985. Amendment 73 already modified the Big Rock Point Technical Specifications (TSs) to reduce required control rod drive performance testing frequency from once every 6 months during power operation to once every major refueling outage, but not less often than once every 20 months. Thus, the staff will now only evaluate the proposed change to add the requirement to perform control rod testing prior to startup following any outage greater than 120 days in length.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for a no significant hazards determination by providing certain examples (48 FR 14870, April 6, 1983). One of the examples of actions not likely to involve significant hazards considerations relates to changes that constitute an additional limitation, restriction, or control not presently included in the TSs. The addition of the requirement to perform control rod drive performance testing prior to startup following an outage greater than 120 days in length fits the above example. On this basis, the staff proposes to conclude that the requested action would involve no significant hazards considerations.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: John A. Zwolinski, Chief.

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: September 28, 1984.

Description of amendment request: The proposed amendment would modify the inservice inspection program for the steam generators in the Technical Specifications.

Basis for proposed no significant hazards considerations determination: The proposed change to the steam generator inservice inspection program provides additional inspection requirements, techniques, and criteria to provide for an improved ability to identify and isolate degraded tubes. The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870, April 6, 1983). One of the examples (ii) in this guidance is a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications. Since this proposed change adds inspection controls and involves a change of the type specified in example (ii) of the Commission's guidance, the staff proposes to determine that the proposed change would not involve a significant hazards consideration.

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49007.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: John A. Zwolinski

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: February 5, 1985.

Description of amendment request: The proposed amendment would add a 15 minute time restriction for allowing the reactor to be critical with the reactor coolant temperature less than 525 °F.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the strandards in 10 CFR 50.92 by providing examples (48 FR 14870, April 6, 1983). One of the examples (ii) in this guidance is a change taht constitutes an additional limitation, restriction or control not presently included in the Technical Specifications. This change adds a 15 minute constraint on operation with the reactor coolant temperature less than 525 °F. Presently, the licensee interprets the specification to allow up to an hour per Specification 3.0.3. Therefore, this change is an added restriction of the type in example (ii) of the Commission's guidance and the staff proposes to determine that the proposed change would not involve a significant hazards consideration.

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49007.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: John A. Zwolinski.

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: February 5, 1985.

Description of amendment request: The proposed amendment would clarify identification of zones in the Technical Specification for fire detectors and add Technical Specification requirements for sprinkler systems and fire rated assemblies (walls, floors, ceilings, cable tray enclosures, fire doors, fire dampers, etc.).

Basis for proposed no significant hazards consideration determination: The proposed changes to the Technical Specifications are of two types: (1) Administrative changes in nomenclature to identify fire zones and (2) additional specifications to require controls and surveillance requirements for components presently not included in the technical specifications. The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870, April 6, 1983). One of the examples (i) is a purely administrative change to technical specifications such as a change in nomenclature. Another example (ii) is a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications. Because this amendment request involves changes of the types specified in these examples, (i) and (ii), of the Commisison guidance, the staff proposes to determine that the proposed changes would not involve a significant hazards consideration.

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49007.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: John A. Zwolinski.

Duke Power Company, Dockets Nos. 50-270, and 50-287, Oconee Nuclear Station, Units Nos. 1, 2 and 3, Oconee County, South Carolina

Date of amendment request: October 8, 1984.

Description of amendment request: The proposed amendments would revise the common Technical Specifications (TSs) to provide limiting conditions for operation and surveillance requirements for new systems required as a result of

NUREG–0737, TMI Action Plan. These systems include noble gas effluent monitoring, and containment post-accident monitoring systems for pressure, water level, hydrogen and radiation. The proposed amendments would also revise the Administrative Controls section of the TSs to reflect the administrative program which will include training of personnel, procedures for sampling and analysis, and provisions for maintenance of sampling and analysis equipment.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). Example (ii) of the types of amendments not likely to involve significant hazards considerations is an amendment that constitutes an additional limitation, restriction, or control not presently included in the TSs. New equipment has been installed in response to NUREG–0737. These TSs provide new limiting conditions for operation and new surveillance requirements for this equipment not currently contained in the TSs. The proposed amendments would also revise the Administrative Controls section of the TSs to reflect the administrative program which will include training of personnel, procedures for sampling and analysis and provisions for maintenance of sampling and analysis equipment. The licensee's submittal was made after receiving Commission guidance in the form of Standard TSs for pressurized water reactors (Generic Letter 83–37). The licensee's submittal generally follows this guidance. Therefore, the Commission's staff proposes to find that the proposed amendments do not involve a significant hazards consideration.

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina.

Attorney for licensee: J. Michael McGarry, III, Bishop, Liberman, Cook, Purcell and Reynolds 1200 17th Street, NW., Washington, D.C. 20036

NRC Branch Chief: John F. Stolz.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: March 21, 1985.

Description of amendment request: This is an application for an amendment to Operating License DPR–66, revising the Technical Specifications to clarify the reactor plant component cooling pump and river water pump surveillance requirements.

The proposed surveillance requirements will require verification that each pump develops the required differential pressure and flow rate when tested in accordance with Specification 4.0.5, which in turn requires that certain pumps and valves be tested in accordance with ASME Code Section XI. The testing of certain pumps and valves in accordance with the subject Code is endorsed by 10 CFR 50.55a(g) The existing plant component cooling water pump and river water pump surveillance requirements are inconsistent with the ASME Code Section XI. Violation of the existing technical specification surveillance requirements while maintaining compliance with ASME Section XI testing requirements is possible. Thus, the proposed amendment will (1) correct an internal inconsistency in the current technical specifications, and (2) will assure testing of these pumps be done in accordance with ASME Code Section XI, which is endorsed by a current regulation.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of these Example (i), involving no significant hazards consideration is "A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature." Example (vii) is "A change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with regulations." The requested amendment matches both of these examples and the staff, therefore, proposes to characterize it as involving no significant hazards consideration.

Local Public Document Room location: B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1 Shippingport, Pennsylvania

Date of amendment request: March 21, 1985.

Description of amendment request: This is an application for an amendment to Operation License DPR–66, revising the Technical Specifications as follows: (1) Section 3.5.5, "Refueling Water Storage Tank", would be deleted and the same requirements incorporated into section 3.1.2.8.b, "Borated Water Sources". Such change is not a safety concern since the requirements are not decreased or increased. The change is for editorial clarity. (2) Table 4.12–1 would be revised to correct an editorial error. (3) Section 6.13, "Environmental Qualification", would be deleted to comply with the Commission's final rule for removal of the June 30, 1982 deadline for qualification of all safety-related electrical equipment (49 FR 45571). This change would bring the technical specification into conformance with the Commission's rule.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of these, Example (i), involving no significant hazards consideration is "A purely administrative change to technical specification: For example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature." Changes (1) and (2) above match this example and the staff therefore proposes to characterize them as involving no significant hazards consideration.

Example (vii) is "A change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with regulations." Requested change number (3) matches this example and the staff, therefore, proposes to characterize it as involving no significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Florida Power and Light Company, et al., Docket No. 50–389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of amendment request: January 25, 1985.

Description of amendment request: The amendment would amend operating

license NPF–16 to delete license conditions that have been completed to the satisfaction of the NRC. These license conditions were imposed when operating license NPF–16 was issued to Florida Power and Light Company, et al., for the operation of St. Lucie Plant, Unit No. 2. The following license conditions will be deleted in whole or in part:

Environmental Qualification of Mechanical and Electrical Equipment
Axial Growth Analysis
Inservice Inspection Program Submittal
Natural Circulation Cooldown and Boron Mixing Test Report
Continuour Containment Purge System Modification
Barrier for High Equipment Installation
Non-Safety Loads on Emergency Power Sources Modification
Containment Electrical Penetration Modification Heavy Loads Pertaining to section 5.1.1 of NUREG–0612
Fire Protection Program Schedule Implementation
Emergency Diesel Generator Modifications
Radioactive Waste Management Modifications
Initial Test Program Requirements
NUREG–0737 Requirements Related to Emergency Response Capability, Control Room Design Review, Reactor Coolant Vents, Post Accident Sampling System, In-Containment High Range Radiation Monitors, and Inadequate Core Cooling Instrumentation
Reactor Trip Breakers Post-Trip Review Procedures Submittal.

The amendment would also delete Attachment 1 that lists items to be completed prior to initial criticality and Appendices E and F dealing with Human Engineering Discrepancies and Control Board 206 Equipment Rework.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing examples of amendments considered likely, and not likely, to involve a significant hazards consideration. These were published in the Federal Register on April 6, 1983 (48 FR 14870). Two of the examples of actions involving no significant hazards consideration (i) relates to amendments of a purely administrative change to technical specifications, correction of an error, or a change in nomenclature, or a change to achieve consistency throughout the technical specifications and (v) upon satisfactory completion of construction in connection with an operating facility, a relief granted from an operating restriction that was imposed because the construction was not yet completed satisfactory. Although the proposed change to the St. Lucie Plant, Unit No. 2 licensee does not directly pertain to the technical specifications, it is administrative in nature in that it acknowledges completion of actions that were required as conditions to the operating license. Each of the actions was verified as complete by receipt of a specific document, inspection of the modification or work required, or verification of the completion of the license condition requirement. Some examples of items that fall under (i) are: Axial Growth Analysis, Natural Circulation Cooldown and Boron Mixing Test Report, Fire Protection Schedule Implementation and Initial Test Program Requirements. Some examples of items that fall under (v) are: Continuous Containment Purge System Modification, Barrier for High Energy Equipment Installation, Non-Safety Loads on Emergency Power Sources Modification, Containment Electrical Penetration Modification, Emergency Diesel Generator Modifications, and Radioactive Waste Management Modifications. In addition, in accordance with 10 CFR 50.92, the staff has determined that this change does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Based on the above, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for Licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, D.C. 20036.

NCR Branch Chief: James R. Miller.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of amendment requests: January 28, 1985 and March 28, 1985.

Description of amendments request: The proposed license amendments will modify the current Technical Specifications to allow breaching of the containment integrity of an operating unit to allow surveillance testing of the Post Accident Sampling System (PASS) valves during plant operation under required administrative controls. The proposed amendments also include changes in format and definitions to be consistent with the licensee's overall program for conversion to the format and content of the Standard Technical Specifications for Westinghouse Pressurized Water Reactors (NUREG–0452). The proposed changes reflect the current Turkey Point Plant design and analytical basis and are described in more detail below.

Basis for proposed no significant hazards consideration determination: The standards used to arrive at a proposed determination that a request for amendments involves no significant hazards consideration are included in the Commission's regulations, 10 CFR 50.92, which state that requested amendments involve no significant hazards consideration if the operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing examples of amendments considered likely, and not likely, to involve a significant hazards consideration. These were published in the **Federal Register** on April 6, 1983 (48 FR 14870). Two of the examples not likely to involve a significant hazards consideration are: example (i) a purely administrative change to technical specifications, for example, a change to achieve consistency throughout the technical specifications, correction of an error or a change in nomenclature and; example (ii) a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications, for example, a more stringent surveillance requirement.

The proposed changes to pages 1, v, 1–2, 1–3, 1–4, 1–9, and 3.12–1 update the contents, provide additional definitions and provided consistency with the format and content of the Standard Technical Specifications (STS) for Westinghouse Pressurized Water Reactors (NUREG–0452). These changes are in accordance with example (i) above and on that basis, the staff proposes to determine that these changes involve no significant hazards considerations.

A. Changes to Limiting Conditions of Operation and Containment Requirements

The proposed changes to pages 3.0–1, 3.3–1, 3.3–2, 3.4–3 and Table 1–1 revise the Limiting Conditions of Operation and Containment Requirements by including additional limitations, restrictions or controls, more restrictive

applicability and action statments, and format content changes consistent with the STS. The proposed changes in format are in accordance with example (i). The specific changes that are in accordance with example (ii) except as noted below, are as follows:

Section 3.0: Limiting Conditions of Operations—Applicability. Adds additional limitations, restrictions or controls.

Section 3.3.1: Containment Integrity. Removes the containment integrity requirement when the reactor vessel head is removed. This requirement is not needed due to the proposed action statement in section 3.10.8 which requires the reactor to be maintained in Mode 6 (10% subcritical). Maintaining the reactor in this mode is more restrictive than the present requirement when the reactor vessel head is removed.

An exception to the more restrictive nature of this proposed change is the inclusion of a notice which allows for breaching of containment integrity of an operating unit to allow for required surveillance testing under administrative controls. This portion of the change does not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the opening of valves under administrative controls will not likely cause an accident that has been previously evaluated, the administrative controls will ensure that the valves are quickly shut should a previously evaluated accident occur, and the consequences will not be significantly increased; (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the opening of the valves under administrative controls will not cause an accident; and (3) involve a significant reduction in a margin of safety because the administrative controls will ensure the valves are quickly shut in the event they are required for containment isolation thus assuring an adequate margin of safety.

Section 3.3.2: Internal pressure. Adds additional applicability and action statements which are more restrictive.

Section 3.3.3: Containment Isolation Valves. Adds applicability modes and action statements from the STS to provide clarification upon discovery of inoperable containment isolation valves.

Section 3.3.4: Containment Air Locks. Adds new requirements, applicability and action statements upon discovery of inoperable containment air lock.

Table 1–1: Operational Modes. Adds additional controls not previously required between hot shutdown and cold shutdown by the inclusion of the operational modes.

All of the above sections are being formatted in accordance with the STS. These format changes are in accordance with example (i). In addition, in section 3.4.1, Safety Injection And Residual Heat Removal Systems, items f and g have been moved to proposed section 3.10.7 (page 3.10–3) which relates to refueling requirements. This is a format change only. Thus, all the proposed changes, with the exception of the note in section 3.3.1, which is discussed in detail, meet examples (i) and (ii) of actions not likely to involve significant hazards considerations.

B. Changes to Refueling Operation Requirements

The proposed changes to pages 3.10–1, –2, and –4 are similar to those addresed above, except they relate to refueling operations. The changes are:

Section 3.10.1: Refueling Operations. Adds an additional requirement on the securing of the equipment door. An exception to the more restrictive nature of this change is the note relating to testing of valves. The note is identical to that discussed above in proposed Section 3.3.1. and meets the three criteria for a change involving no significant hazards consideration.

Sections 3.10.2, Containment Ventilation Isolation System, 3.10.5, Decay. Time 3.10.6, Communications, and 3.10–9, Crane Travel—Spent Fuel Storage Aras Changes in format only falling within example (i) of actions not likely to involve significant hazards considerations.

Sections 3.10.3, Instrumentation, and 3.10.4, Radiation Monitoring. Adds additional applicability and action statements which are more restrictive and this is encompassed by example (ii) of actions not likely to involve significant hazards considerations.

Section 3.10.7: RHR and Coolant Circulation. Two subsections are added to separate requirements for high water and low water levels in the reactor vessel with additional applicability and action statements which are more restrictive, and are thus encompassed by example (ii) of actions not likely to involve significant hazards considerations.

Section 3.10.8: Boron Concentration. Adds additional applicability and action statements which are more restrictive. An exception to the more restrictive nature of this proposed change is the surveillance requirement for verifying the boron concentration. The proposed sample time is every 72 hours, which is in accordance with the guidance provided in the STS, in lieu of the current requirement of 24 hours. This portion of the change does not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the inclusion of the applicability and action statements assure that the initial conditions assumed for a boron dilution incident in the safety analysis are valid; (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the surveillance interval change will not cause a new or different kind of accident; and (3) involve a significant reduction in margin of safety because the inclusion of the additional applicability requirements and maintaining the reactor in Mode 6 (10% subcritical) assure that sampling the boron concentrate every 72 hours provides an adequate margin of safety to prevent a boron dilution incident.

Each section is formatted in accordance with the STS. These format changes and those described are in accordance with examples (i) and (ii) with the exception of the note in section 3.10.1 which is discussed above with respect to proposed Section 3.3.1 and the change in the boron surveillance interval discussed above.

The proposed changes to the Bases pages B3.0–1, B3.0–2, B3.3–1, B3.10–1, and B3.10–2 are provided to be consistent with all the proposed Technical Specification and reflect the current Turkey Point plant design and analytical basis.

Based on the above discussion, the staff proposed to determine that the application does not involve a signficant hazards consideration.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, P.C., 1615 L Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of amendments request: February 15, 1985 and April 17, 1985.

Description of amendments request: The amendments would revise the Technical Specifications (TS) relating to the Moderator Temperature Coefficient (MTC). The MTC is one of the components which affect reactivity in the core. A positive MTC results in an increase in reactivity with an increase in temperature and a negative MTC results

in a decrease in reactivity with an increase in temperature. The current TS allow operation with a positive MTC of $+5\times10^{-5}$ delta k/k/°F (change in reactivity per degree Fahrenheit) from zero to 70 percent of rated power and requires a step change at 70 percent of rated power to an MTC of 0 delta k/k/°F. The proposed TS change allows a required linear rampdown from the allowable MTC of $+5\times10^{-5}$ delta k/k/°F to zero between 70 percent and 100 percent of rated power in place of the current requirement for a step change at 70 percent of rated power. The proposed change will remove the restrictive requirement for a step change by requiring the linear rampdown. The proposed change is consistent with the guidance provided in the Standard Technical Specifications for Westinghouse Plants and will provide operational flexibility.

Basis for proposed no significant hazards consideration determination: The standards used to arrive at a proposed determination that a request for amendments involve no significant hazards consideration are included in the Commission's regulations, 10 CFR 50.92, which state that the operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendments do not involve any of the three criteria for significant hazards considerations. Each of the three criteria are met in relation to the proposed amendments as follows:

(1) The proposed change does not involve a signficant increase in the probability or consequences of an accident previously evaluated. The plant will be operated in essentially the same manner and the proposed changes to the TS will not result in any change to the plant components or configuration. The proposed change, which requires a linear decrese of the allowable MTC from 70 percent to 100 percent of rated power in place of the current requirement for a step decrease, will provide improved ease of operation and will not result in a significant increase in the probability of an accident previously evaluated.

The transients which are affected by a positive MTC have been previously analyzed. The analysis assumed a continous positive MTC of $+5\times10^{-5}$ delta k/k/°F to 100 percent of rated power. This is a conservative assumption in that the proposed changes requrie a linear rampdown from 70 percent to 100 percent of rated power. The results of the analysis indicate the consequences are bounded by the acceptance criteria as defined in the Final Safety Analysis Report (FSAR). Therefore, there is no significant increase in the consequences of accidents previously evaluated as the result of the proposed change.

(2) The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. As previously stated, the plant will be operated in essentially the same manner and the proposed change will not result in any change to the plant components or configuration. Neither the NRC staff nor the licensee could identify a new or different kind of accident from any accident previously evaluated as the result of the propsed change.

(3) The proposed change does not cause a significant reduction in a margin of safety. The acceptance criteria for the various postulated transients, as defined in the FSAR, maintain conservative margins of safety. The transients which are affected by a positive MTC have been analyzed using the conservative assumption of a continuous positive MTC to full power in lieu of the required linear rampdown of the proposed change. The results of the analysis indicate the FSAR acceptance criteria are met and the conservative margins of safety are maintained. Therefore, there is no significant reduction in a margin of safety as the result of the change.

Based on the licensee's submittal and the above discussion which demonstrate that the three criteria specified in 10 CFR 50.92 have been met, the staff proposed to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida Internatinal University, Miami, Florida 33199.

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzer, P.C., 1615 L Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: January 23, 1985

Description of amendment request: This submittal proposes to change the Technical Specifications (TSs) to support modifications of the Emergency Feedwater System (EFW). The modifications will satify commitments due to NUREG-0737, Item II.E.1.2, Auxiliary Feedwater System Automatic Initiation and Flow Indication. The modified TSs provide operability and surveillance requirements for EFW automatic and munual initiation channels and replacement specifications for the main steam line rupture matrix (now main steam and emergency feedwater isolation).

Basis for propsed no signficant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples (Example (ii)) of actions involving no signficant hazards considerations is an amendment involving a change that constitutes an additional limitation, restriction, or control not presently included in the TSs. The proposed TS modifications impose additional limitations, restrictions and controls and, therefore, fall within this example. Therefore, since the application for amendment involves proposed changes that are similar to an example for which no significant hazards considerations exist, the Commission has made a proposed determination that the application for amendment involves no significant hazards considerations.

Local Public Document Room location: Crystal River Public Library, 668 NW., First Avenue, Crystal River, Florida.

Attorney for licensee: R. W. Weiser, Senior Vice President and General Counsel, Florida Power Corporation, P. O. Box 14042, St. Petersburg, Florida 33733.

NRC Branch Chief: John F. Stolz.

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: February 27, 1985.

Description of amendment request: The proposed amendment would revise the Technical Specifications to replace six manual leak rate system valves with eight solenoid leak rate valves. The eight new valves would be added during Refuel V.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of these examples involving no significant hazards considerations is (vii), a change to make a license conform to changes in the regulations, where the license

change results in very minor changes to facility operations clearly in keeping with the regulations. The new valves are being installed to provide the capability to use hydrogen recombiners in the event of a Loss-of-Coolant Accident. The capability to use hydrogen recombiners is being added to meet the requirements of 10 CFR 50.44. The requested amendment matches the example, and the staff, therefore, proposes to determine that it involves no significant hazards consideration.

Local Public Document Room location: Crystal River Public Library, 668 NW. First Avenue, Crystal River, Florida.

Attorney for licensee: R.W. Neiser, Senior Vice President and General Counsel, Florida Power Corporation, P.O. Box 14042, St. Petersburg, Florida 33733.

NRC Branch Chief: John F. Stolz.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50–366, Edwin I. Hatch Nuclear Plant, Unit No. 2, Appling County, Georgia

Date of amendment request: March 19, 1985.

Description of amendment request: This amendment would modify the Technical Specifications to add limiting conditions for operation and surveillance requirements for new Automatic Depressurization System (ADS) bypass timers.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). An example of actions involving no significant hazards considerations is Example (ii), an amendment involving a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. ADS bypass timers are being added to Unit 2 to satisfy the requirements of NUREG–0737, Item II.K.3.18. These proposed Technical Specification modifications add operating and surveillance requirements for these new ADS bypass timers and therefore fall within this example.

Therefore, since the application for amendment involves proposed changes that are similar to an example for which no significant hazards considerations exist, the Commission has made a proposed determination that the application for amendment involves no significant hazards considerations.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Attorney for licensee: G. F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

GPU Nuclear Corporation, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: December 10, 1982, as superseded by the submittal of April 15, 1985.

Description of amendment request: Request approval of changes to the Appendix A Technical Specifications (TS) pertaining to shock suppressors (snubbers). These changes are to sections 3.5 and 4.5, Containment, and to section 6.10.2, Administrative Controls-Record Retention, and the Bases for these Sections in the TS.

Basis for proposed no significant hazards consideration determination: On December 10, 1982, in accordance with 10 CFR 50.59 and 50.90, the licensee submitted proposed changes to the TS pertaining to shock suppressors (see 48 FR 33080). These changes were to TS section 3.5.A.8 and Bases, Section 4.5.Q and Bases, section 6.10.2 and Table 3.5.1. The proposed changes were to incorporate revision 1 of the inservice inspection surveillance requirements for snubbers which were transmitted by the Commission to the licensee on March 23, 1981, and to revise Table 3.5.1 to add mechanical snubbers and to reword the table to conform to the then existing NRC Standard TS.

On May 3, 1984, the Commission issued Generic Letter (GL) 84–13, Technical Specifications for Snubbers. The licensee has reviewed GL 84–13 and submitted in its letter dated April 15, 1985, the proposed changes in the licensee's TS changes request dated December 10, 1982, and the licensee's proposed changes in response to GL 84–13 except for the following: The licensee proposed in its letter dated December 10, 1982, to only revise Table 3.5.1 and now, in its letter dated April 15, 1985, the proposed action is to delete Table 3.5.1.

For TS section 3.5.A.8 and Bases and Table 3.5.1, the licensee has requested approval to delete Table 3.5.1 which lists the safety-related snubbers in the plant and to reword the TS to conform to the appropriate NRC Standard TS. The Commission stated in GL 84–13 that a snubber listing within the TS was not necessary provided the TS are modified to specify which snubbers are required to be operable. Therefore, this proposed change is one which may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin but the results of this change are clearly within all acceptable criteria with respect to the system or component specified (example (vi) of actions not likely to involve significant hazards considerations).

For TS 4.5.Q and Bases, the licensee has requested approval to revise the existing surveillance requirements on hydraulic snubbers, add surveillance requirements on mechanical snubbers and delete the reference to Table 3.5.1. The revision to the existing surveillance requirements on snubbers is to incorporate the inservice requirements in the Commission's letter dated March 23, 1981 and the Commission's GL 84–13. Therefore, this proposed change is again one which may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified.

Finally, the revision to TS 6.10.1 would add a requirement that licensee maintain records of service lives of all safety related snubbers. Because this is an additional control not currently in the technical specifications, this change is encompassed by the Commission's example (ii) of actions not likely to involve significant hazards consideration.

Because the proposed changes fall within examples (ii) or (vi), provided by the Commission in 48 FR 14870, of amendments that are not likely to involve significant hazards consideration, the staff proposes to determine that the requested action involves no significant hazards consideration.

Local Public Document Room location: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Attorney for licensee: G.F. Trowbridge, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street NW, Washington, D.C. 20036.

NRC Branch Chief: John A. Zwolinski.

GPU Nuclear Corporation, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: March 21, 1985.

Description of amendment request: The proposed amendment requests

approval of changes to the Appendix A Technical Specification (TS) pertaining to the drywell-suppression chamber differential pressure. The proposed changes are to sections 3.5 and 4.5, Containment, of the TS to (1) correct two typographical errors on TS page 3.5–2, (2) delete the existing requirements and Figure 3.5–1 on the drywell-suppression chamber differential pressure in TS 3.5.A.9, page 3.5–3/3a, (3) revise the Bases for TS section 3.5 to add references for the Mark I Containment Long Program and delete the section and references to the Mark I Containment Short Term Program and (4) delete the requirements on the drywell-suppression chamber differential pressure in TS 4.5.P, page 4.5–6a.

Basis for proposed no significant hazards consideration determination: This TS Change Request by the licensee will (1) correct two typographical errors in the existing TS and (2) delete existing requirements for the limiting conditions for operation and surveillance of the drywell-suppression chamber differential pressure. The first type of proposed change is a purely administrative change to the TS to correct an error. The second type is to remove requirements in TS which are no longer needed in the TS. The operating restriction of a drywell-suppression chamber differential pressure was imposed as part of the Mark I Containment Program. The Mark I Containment Long Term Program has been completed, the staff's Safety Evaluation (SE) dated January 13, 1984, has been issued and the licensee has completed the modifications to the Oyster Creek Mark I Containment. The staff concluded in the SE that the licensee's Plant Unique Analysis Report for Oyster Creek verifies that the containment modifications made have restored the original design safety margins to the plant Mark I Containment. The SE completed the staff's review of this issue. With the completion of these modifications, there is no safety requirement to maintain an acceptable drywell-suppression chamber differential pressure to ensure the structural and functional capability of the containment suppression chamber under suppression pool hydrodynamic load conditions. This change is relief granted upon demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not yet demonstrated.

The above changes are, therefore, consistent with examples (i) and (iv) of the Commission's guidance in 48 FR 14870, April 6, 1983, as types of actions which would not involve a significant hazards consideration. Therefore, the staff proposes to determine that the requested action would not involve a significant hazards consideration.

Local Public Document Room location: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Attorney for licensee: G.F. Trowbridge, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: John A. Zwolinski.

GPU Nuclear Corporation, et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: February 1, 1985.

Description of amendment request: The licensee's Technical Specification (TS) Change Request No. 143 would revise the TSs to specifically identify the regulating rod power silicon controlled rectifiers (SCRs) in the list of instrument surveillance requirements, TS Table 4.1–1. The licensee has identified the proposed change as administrative in nature because the current TSs are sufficiently broad to cover the SCRs and current procedures require confirmation of SCR trip function every month. The Commission's staff, however, considers the proposed change to be a substantive change that imposes additional requirements that are not currently specified in the TSs, even though the proposed surveillance is currently required by operating procedures.

Basis for proposed no significant hazards consideration determination: The propsoed change in the TSs is considered to be in the same category as example (ii) of amendments that are not likely to involve a significant hazards consideration (48 FR 14870), namely, a change that involves additional limitation, restriction or control not presently included in the TSs, since the current TSs do not specifically identify the regulating rod power SCRs in the list of instruments for which surveillance is required. Accordingly, the Commission's staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Attorney for licensee: G.F. Trowbridge, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

GPU Nuclear Corporation, et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: March 8, 1985, as supplemented May 14, 1985.

Description of amendment request: The proposed amendment would provide additional Technical Specifications (TS) requirements for the decay heat removal system to make the TMI–1 TSs compatible with the Standard TSs on decay heat removal. The proposed changes include operability requirements and associated limiting conditions for operation as well as surveillance and testing requirements for the decay heat removal system.

Basis for proposed no significant hazards consideration determination: The proposed amendment is considered to be in the same category as Example (ii) of amendments that are not likely to involve a significant hazards consideration (48 FR 14870), namely a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications. This is clearly the case for the proposed amendment because it would add requirements for operability of redundant means of decay heat removal below 250°F that are not currently included in the TSs. The proposed surveillance and testing requirements are also additional limitations not currently provided in the TSs. Therefore, the Commission proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Attorney for licensee: G.F. Trowbridge, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

Indiana and Michigan Electric Company, Docket No. 50–315, Donald C. Cook Nuclear Plant, Unit No. 1, Berrien County, Michigan

Date of amendment request: March 1, 1985, as supplemented by prior submittals dated March 15 and 23, 1984.

Description of amendment request: The proposed amendment would revise the Technical Specifications to account for increased flow in the pump bypass line. The specific changes would add a footnote to the Safety Injection System

single pump flow requirements to (1) indicate combined loops 1, 2, 3, and 4 cold leg flow is to be less than or equal to 640 gpm to be consistent with the containment analysis and (2) total flow, including miniflow, is not to exceed 700 gpm to be consistent with the limits in the ECCS analysis.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870, April 6, 1983). One of the examples (vi) is a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. The proposed change to the Technical Specification is directly related to this example in that the increase in the miniflow to provide margin against overheating the pump to failure will correspondingly decrease the available flow to core. However, the changes in flow have been incorporated in acceptable methods for calculating the effects of loss of coolant accidents and the increase in fuel temperature as a result of the decreased flow is within the criteria found acceptable by the NRC. In addition, this same change to the Technical Specification for Unit 2 was approved by License Amendment 64 dated June 18, 1984; the staff found the change acceptable there with no significant hazards considerations and that Unit 1 and Unit 2 were sufficiently alike that the analysis was acceptable for both units. The licensee now proposes the change for Unit 1. On the above basis, the staff proposes to conclude that the proposed change to the Technical Specification involves a no significant hazards consideration.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Indiana and Michigan Electric Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment request: March 29, 1985.

Description of amendment request: The amendments would revise the Technical Specification for the reactor trip system instrumentation and the engineered safety feature actuation system instrumentation to (1) make the Unit 1 and Unit 2 requirements consistent, (2) make both units consistent with the Standard Technical Specifications, and (3) make editorial changes. Of four groups of changes, the first would provide criteria for when a channel needs to be adjusted following a heat balance, suspend the requirements for immediate shutdown when all trains of some instrumentation are inoperable, and change the action statement when operable instrument channels are one less than the total number of available channels. The second group would extend the period of time from one hour to two hours in which one channel of the reactor solid state protection system can be bypassed for surveillance testing. The last two groups are editorial in nature and have no effect on safe operation.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether license amendments involve no significant hazards considerations by providing certain examples (48 FR 14871). One of these examples (vi) is a change which either may result in some increase to the probability or consequence of a previously analyzed accident, or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. The changes in groups one and two above, are directly related to this example in that some relaxation of requirements are proposed but the new requirements are within the criteria and values previously found acceptable and currently included in the Standard Technical Specifications. Another example (i) is a purely administrative change to technical specifications. The last two groups of proposed changes by the licensee are directly related to this example in that they are to achieve consistency with no affect on safety. On this basis, the Commission proposes to determine that the amendments involve no significant hazards considerations.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: April 5, 1985.

Description of amendment request: The proposed amendment would revise the Duane Arnold Energy Center (DAEC) Technical Specifications to assure periodic verification that the opening angle of the purge/vent valves is restricted to 30° which was found by the NRC staff to assure valve closure against a postulated design basis loss-of-coolant accident (LOCA) pressure in the containment. The licensee is modifying its Standby Gas Treatment System (SGTS) to provide overpressure protection. This modification will protect both trains of SGTS against the pressure pulse and moisture in the containment due to a postulated design basis accident, when purge/vent valves are open.

The licensee states that as a result of limiting valve opening angle and protecting SGTS trains against design basis LOCA, the current numerical restriction of 90 hours duration of annual purge/vent valve operation is no longer necessary. Accordingly, the licensee has proposed to delete the Technical Specification restriction limiting the valve operation to 90 hours per year. Instead the licensee has proposed to operate the purge/vent valves in such a way as not to creat a flow path to the environment while primary containment is required, except for inerting, deinerting, testing, or pressure control.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of criteria for no significant hazards consideration determination by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). These examples incude: "(ii) A change that consitutes an additional limitation, restriction, or control not presently incuded in the Technical Specifications: for example, a more stringent surveillance requirement. "(vi) a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or reduce in some way a safety margin, but where the results of the change are clerly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP): For example, a change resulting from the application of

a small refinement of a previously used calculational model or design method."

The licensee's proposal to change the Technical Specifications to verify that the purge/vent valve opening angle is limited to 30° constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. Therefore, the proposed change is similar to Commission example (ii) of amendments that are considered not likely to involve a significant hazards consideration.

The licensee has proposed to delete the restriction in the Technical Specifications limiting the operation of purge/vent valves to 90 hours. As a compensatory measure, the licensee proposes to complete the modifications to protect the SGTS against pressure pulse and moisture released as a result of postulated design basis LOCA. As stated above, the licensee will limit the purge/vent valve opening to a 30° angle which will assure its closure as a result of LOCA pressure. The licensee concludes, that adequate protections against purge/vent valves becoming pathways for environmental release, due to LOCA, have been provided and the removal of the restriction on purge/vent valve operating duration is consistent with the staff Standard Review Plan 6.2.4 and the associated position 6–4. Therefore, although the proposed change may result in some increase in probability or consequences of a previously analyzed accident, or may reduce in some way a safety margin, the results of the change are clearly within all acceptable criteria with respect to Standard Review Plan 6.2.4. The proposed change is therefore similar to example (vi) of amendments that are considered not likely to involve a significant hazards consideration.

Therefore, since the application for amendment involves proposed changes similar to examples for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street SE., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Newman and Holtzinger, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Maine Yankee Atomic Power Company, Docket No. 50–309, Maine Yankee Atomic Power Station, Wiscasset, Maine

Date of amendment request: March 4, 1985.

Description of amendment request: This proposed amendment would change the Maine Yankee Technical Specifications (TS) such that the areas of the TS concerning operability and surveillance for new noble gas effluent monitors, high range radiation monitors and water level monitors in the containment are simplified. The areas of the TS concerning surveillance requirements for Containment Pressure Monitors would be changed to reflect certain aspects of NUREG–0737. In addition, the entire section 3.9 of the TS would be rewritten to reflect an overall simplification of language.

Basis for proposed no significant hazards consideration determination: This proposed amendment falls into two categories for which the Commission (48 FR 14870) has provided examples of amendments not likely to involve significant hazards considerations. The Commission's examples include instances where there is: (i) A purely administrative change to technical specifications, and (ii) a change that constitutes an additional limitation, restriction or control not presently in the TS. The new operability and surveillance requirements constitute additional limitations not currently in the TS (example ii). The simplification of the text for requirements for area and process monitors is a purely administrative change (example i). Hence the Commission proposes that the requested amendment involves no significant hazards considerations.

Local Public Document Room location: Wiscasset Public Library, High Street, Wiscasset, Maine.

Attorney for licensee: J.A. Ritscher, Esq., Ropes & Gray, 225 Franklin Street, Boston, Massachusetts 02210.

NRC Branch Chief: James R. Miller.

Maine Yankee Atomic Power Company, Docket No. 50–309, Maine Yankee Atomic Power Station, Wiscasset, Maine

Date of amendment request: March 5, 1985.

Description of amendment request: This proposed change would require more extensive inspection of steam generator tubes in critical areas. Critical areas are defined as areas of the steam generator were degraded and/or defective tubes exist due to a steam generator physical and/or operating characteristic which would promote tube degeneration in that area. The remainder of the steam generator tubes would be subjected to normal sampling inspection before being determined operable.

Basic for proposed no significant hazards consideration determination: This proposed change to the Technical Specifications concerning Steam Generator Tube Surveillance Requirements provides for a more extensive inspection of steam generator tubes where degradation is expected with normal sampling of the remainder of the tubes. This meets example (ii) (48 FR 14870) of the Commission's examples of amendments considered not likely to involve a significant hazards consideration, because this change constitutes and additional limitation not presently included in the Technical Specifications.

Local Public Document Room location: Wiscasset Public Library, High Street, Wiscasset, Maine.

Attorney for licensee: J.A. Ritscher, Esq., Ropes & Gray, 225 Franklin Street, Boston, Massachusetts 02210.

NRC Branch Chief: James R. Miller.

Maine Yankee Atomic Power Company, Docket No. 50–309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of amendment request: March 13, 1985.

Description of amendment request: The proposed Technical Specification (TS) change would bring Maine Yankee's TS into conformance with the requirements set forth in USNRC Generic Letter 83–37 pertaining to the Reactor Coolant System (RCS) Vent System. Generic Letter 83–37 requires at least one RCS vent path to be operable and closed at all times. For Maine Yankee, which uses a pressure operated relief valve (PORV) as a RCS vent, the block valve is not required to be closed if the PORV is operable.

Basis for proposed no significant hazards consideration determination: The proposed amendment falls into two categories for which the Commission (48 FR 14870) has provided examples of amendments not likely to involve significant hazards considerations. The new RCS Vent System requirements constitute additional limitations not currently in the TS (Example (ii)). The clarification of requirements is a purely administrative change (Example (i)). Hence, the Commission intends to propose that the proposed amendment involves no significant hazards consideration.

Local Public Document Room location: Wiscasset Public Library, High Street Wiscasset, Maine.

Attorney for licensee: J.A. Ritscher, Esq., Ropes and Gray, 225 Franklin Street Boston, Massachusetts 02210.

NRC Branch Chief: James R. Miller

Northeast Nuclear Energy Company, Docket No. 50-245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of amendment request: May 18, 1983.

Description of amendment request: The application requests the approval of administrative changes to the Appendix A Technical Specifications (TS) to delete section 6.13, "Environmental Qualification."

Basis for proposed no significant hazards consideration determination: The final rule on Environmental Qualification (EQ) of Electrical Equipment Important to Safety for Nuclear Power Plants (10 CFR 50.49), published in the **Federal Register** on Junuary 21, 1983 (48 FR 2729), as amended on November 19, 1984 (49 FR 45576), contains the current schedular requirements for completion of the environmental qualification program and the requirements for maintaining an auditable record of all equipment qualification documentation. The proposed deletion of section 6.13, which currently address these subject areas, from the TS would not eliminate plant conformance to 10 CFR 50.49(g) and (i) but would eliminate a situation where the TS do not reflect the current environmental qualification requirements of 10 CFR 50.49.

The Commission has provided guidance concerning the application of standards for no significant hazards consideration determination by providing certain examples published in the **Federal Register** on April 6, 1983 (48 FR 14870). Example (i) pertains to a purely administrative change to the technical specifications. The proposed action is within the purview of example (i) because the current technical specification has been superseded by 10 CFR 50.49 as amended on November 19, 1984.

Therefore, the staff proposes to determine that the requested action involves no significant hazards consideration.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry, & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103-3499.

NRC Branch Chief: John A. Zwolinski.

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit 2, New London County, Connecticut

Date of amendment request: March 29, 1985.

Description of amendment request: The proposes change to the Technical Specifications would delete cycle specific footnotes from Technical Specification sections 4.4.5.1.3, 3.4.6.2 and Table 4.7-2. Because these footnotes pertain to the Cycle 5 refueling outage and operation which have been completed, the subject footnotes no longer apply.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for making a no significant hazards consideration determination (48 FR 14870). Example (i) of this guidance is a purely administrative change to technical specifications: For example, a change to achieve consistency throughout the technical specifications, corrections of an error, or a change in nomenclature. The proposed change of deleting Cycle 5 specific footnotes fall within example (i).

Since the proposed deletions no longer apply, operation of the plant will not be adversely affected by this proposed change. Therefore, the proposed change would not: (i) involve a significant increase in the probability or consequences of an accident previously evaluated: Or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Accordingly, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut.

Attorney for licensee: Gerald Garfield, Esq., Day, Berry and Howard, One Constitution Plaza, Hartford, Connecticut 06103.

NRC Branch Chief: James R. Miller.

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit 2, New London County, Connecticut

Date of amendment request: March 29, 1985.

Description of amendment request: The proposed change to the Technical Specification would incorporate a note onto page 3/4 3-27 to clarify that the containment gaseous and particulate radiation monitors are not required to be operable during Type "A" integrated leak rate testing. Because the containment air radiation monitors cannot withstand the pressure generated during Type "A" integrated leak rate testing, the monitors cannot function during the testing. The proposed change clarifies that the monitors are not in operating during Type "A" testing.

Basis for proposed no significant hazards consideration determination: In determining the no significant hazards consideration, we have used the guidance provided by the Commission (48 FR 14870). Example (i) of this guidance is a purely administrative change to technical specifications: For example, a change to achieve consistency throughout the technical specifications, corrections of error, or a change in nomenclature. Because the monotirs cannot function during Type "A" testing, the proposed change is administrative in that it clarifies that the monitors are not used during Type "A" testing.

Because the proposed change allows the subject components to be inoperable only during a period of time when they are not utilized, we conclude that the functional operation of the system is not affected. Therefore, the proposed change would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Accordingly, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut.

Attorney for licensee: Gerald Garfield, Esq., Day, Berry and Howard, One Constitution Plaza, Hartford, Connecticut 06103.

NRC Branch Chief: James R. Miller.

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit 2, New London County, Connecticut

Date of amendment request: March 28, 1985.

Description of amendment request: The proposed change to the Technical Specifications would delete a station procedure number (i.e., Emergency Procedure 2510) from Technical Specification section 3.7.5 in order to be consistent with other technical specification sections. The proposed change serves only to achieve consistency throughout the technical

specifications and does not affect the functional operability of any systems or components.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for making a no significant hazards consideration determination (48 FR 14870). Example (1) of this guidance is a purely administrative change to technical specifications, corrections of an error, or a change in nomenclature. The proposed change to delete a station procedure number falls within example (i). Based on the above information, we conclude that the proposed Technical Specification change would not impact the safe operation of any systems or components. Therefore, the proposed change would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Accordingly, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut.

Attorney for licensee: Gerald Garfield, Esq., Day, Berry and Howard, One Constitution Plaza, Hartford, Connecticut 06103.

NRC Branch Chief: James R. Miller.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of amendment request: February 21, 1985.

Description of amendment request: The proposed amendments would revise the Peach Bottom, Units 2 and 3, Technical Specifications (TSs) to: (1) Make additions to Table 3.14.C.1 (Fire Detectors) to reflect the installation of new fire detectors; (2) add surveillance requirements for a recently installed heat detection system; (3) add electrical cable enclosures, fire walls, ceilings, and floors to the operability and surveillance requirements for fire barrires; (4) revise the fire barrier surveillance requirements to bring the Peach Bottom TSs into closer agreement with the Standard Technical Specifications for General Electric Boiling Water Reactors; (5) delete Specification 3.14.D.1 and associated footnotes that were no longer in effect after September 15, 1984; and (6) add specific surveillance requirements for fire doors as identified in the Standard Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards considerations relates to a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications: For example, a more stringent surveillance requirement. The proposed changes (Items 1, 2, 3 and 6) would add more surveillance requirements, would add more fire detectors to Table 3.14.C.1, and would add electrical cable enclosures, fire walls, ceilings, and floors to the operability and surveillance requirements for fire barriers. These proposed changes fall in the above category in that all the proposed changes involve additional limitations, restrictions, or controls not presently included in the TSs. Therefore, the Commission's staff proposes to determine that the above proposed changes do not involve a significant hazards consideration.

The licensee also proposes fire barrier surveillance requirement revisions to bring the Peach Bottom TSs into closer agreement with the Standard Technical Specifications. The proposed changes involve adding a flexible inspection schedule for fire barriers. The current TSs require visual inspections of fire barriers following repairs or maintenance and at least once every 18 months. The proposed revision (Item 4) would require visual inspections following maintenance or modifications and at least once per 18 months for exposed surfaces (which can be viewed from the floor) for each fire barrier wall, floor, ceiling and electrical cable enclosure as well as a representative sample for fire dampers and fire barrier penetration seals. Inspection of fire doors would occur once every 6 months except for fire doors requiring access to radiation areas where inspection would occur once every refueling outage or shutdown expected to last more than 7 days. These proposed added requirements would bring the Peach Bottom TSs into closer agreement with the Standard Technical Specifications (NUREG–0123, Rev. 3). The Commission's staff has reviewed the above requests concerning fire barrier inspection schedules and has determined that should this request be implemented it would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed TS insures that a representative sample of various types of fire barrier penetrations is inspected every 18 months and additional inspections are triggered upon discovery of penetration seal degradations indicative of possible abnormal seal type degradation; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed fire barrier surveillance requirements would reduce the possibility of damaging vital plant instrumentation, electrical cables, and other equipment which could occur through the installation of ladders and scaffolding needed to reach difficult-to-view areas by coordinating the fire barrier inspection program with the penetration seal sampling program; or (3) involve a significant reduction in a margin of safety because the proposed surveillance requirements will result in an increased benefit to vital equipment safety and a reduction in worker exposure which would more than offset any potential reduction in safety margin by the staff's approval of the licensee's proposed fire barrier surveillance program. Accordingly, the Commission proposes to determine that these changes do not involve a significant hazards consideration.

Finally, the licensee proposes (Item 5) to delete Specification 3.14.D.1 and associated footnotes that were no longer in effect after September 15, 1984 for Unit 3 and after the return to power following the Unit 2 refueling outage commencing in 1984. Another example (i) of an action not likely to involve a significant hazards consideration is a purely administrative change to Technical Specifications: For example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature. The proposed change is like this example in that it removes an obsolete Technical Specification and associated footnotes. On the basis of the above, the Commission proposes to determine that the above change involves no significant hazards consideration.

Since the application involves proposed changes for which no significant hazards considerations exist, the Commission has made a proposed determination that this application for amendments involves no significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania,

Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Attorney for licensee: Troy B. Conner, Jr., 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

NRC Branch Chief: John F. Stolz.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket No. 50-278, Peach Bottom Atomic Power Station, Unit No 3, York County, Pennsylvania

Date of amendment request: April 1, 1985.

Description of amendment request: By application dated January 7, 1985, the licensee requested that the Technical Specifications (TSs) be amended by making certain changes to identify the Maximum Average Planar Linear Heat Generation Rate (MAPLHGR) limits for all fuel bundle types to be used for Unit 3 Cycle 7 operation. This amendment request was noticed in the **Federal Register** on February 27, 1985 (50 FR 7999). On April 1, 1985, the licensee amended its January 7, 1985 application. Because of refueling schedule changes, 284 fuel bundles are to be replaced rather than 260 fuel bundles as originally described in the January 7, 1985 amendment request. The proposed changes would add new Minimum Critical Power Ratio (MCPR) values from beginning-of-cycle (BOC) to 2000 MWD/t before end-of-cycle (EOC). Additionally, the proposed changes would delete reference to PTA fuel because this fuel type will no longer be used in the Unit 3 reactor.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for determining whether a proposed amendment involves a significant hazards consideration (48 FR 14870). One of the examples (iii) of actions not likely to involve a significant hazards consideration relates to a change resulting from a nuclear reactor core reloading if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the Technical Specifications, that the analytical methods used to demonstrate conformance with the Technical Specifications and regulations are not significantly changed, and that NRC has previously found such methods acceptable.

The Commission's staff considers that the above change is similar to example (iii) because the fuel to be inserted in the core for Cycle 7 is similar to that used in previous Unit 3 reloads. Also, the proposed changes in the operating limit MCPR values have been based upon NRC approved calculational methods and the results are predicted not to decrease the safety margins for conditions which could lead to fuel damage during any operational transient. Thus, the probability of reaching the safety limit MCPR during operation is not increased. No change in the previously accepted analytical methods used to demonstrate conformance with the Technical Specifications and regulations are involved. Therefore, no significant difference in safety to the public is expected by the proposed operating limit MCPR values. Based upon the above, the staff has determined that the above change fits example (iii) of a change not likely to involve a significant hazards consideration.

Since the amenement involves a proposed change for which no significant hazards considerations exist, the staff has made a proposed determination that this application for amendment involves no significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Attorney for licensee: Troy B. Conner, Jr., 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006

NRC Branch Chief: John F. Stolz.

Power Authority of The State of New York, Docket No. 50-286, Indian Point Unit No. 3, Westchester County, New York

Date of amendment request: March 12, 1985.

Description of amendment request: The amendment would delete Appendix B, Part I, of the Operating License in its entirety. The requirements of Appendix B, Part I (the Non-Radiological Environmental Protection Plan) are now under the jurisdiction of the New York State Department of Environmental Conservation (NYSDEC) as delegated by the U.S. Environmental Protection Agency. The proposed amendment is a result of the change of jurisdiction from the NRC to the NYSDEC. Appendix B, Part I, addresses the following non-radioactive aquatic protection issues: (1) Controlled release of thermal discharges; (2) Controlled release of non-radioactive chemical discharges; (3) Controlled intake flow velocity to limit impingement of oranisms on intake structures, and (4) Monitoring of aquatic biota in the Hudson River to evaluate effects of once-through operation.

The NYSDEC, being the regulating agency, is notified of any State Pollutant Discharge Elimination System (SPDES) permit violations and of any proposed changes thereto. Since the NRC is not the regulating agency, it is no longer appropriate for there to be a license condition requiring the NRC to be informed of any violations of or changes to the SPDES permit.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). This change does not affect the nuclear safety of plant operation or affect radiological plant effluents. Accordingly, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Branch Chief: Steven A. Varga.

Power Authority of The State of New York, Docket No. 50-286, Indian Point Unit No. 3, Westchester County, New York

Date of amendment request: March 15, 1985.

Description of amendment request: The amendment would revise the Technical Specifications related to the containment purge and vent system. The proposed changes were made in response to an NRC request, dated December 17, 1984, to provide Technical Specifications consistent with the licensee's containment purge and vent system modifications. The modifications were made in response to a generic letter dated November 28, 1978 and to NUREG-0737 dated November 1980. The Technical Specification changes involve: limiting purge and vent to a 60° open angle with the reactor coolant temperature above 200 °F, including limiting conditions for operation and surveillance requirements for the radiation monitoring system, and including the containment ventilation system isolation valves as part of the Weld Channel and Containment Penetration Pressurization System (WCCPPS) testing.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these

standards by providing examples (48 FR 14870). One of the examples of actions not likely to involve a significant hazards consideration relates to changes that consitute additional limitations or restrictions in the Technical Specifications (Example ii). The proposed changes revise sections of the Technical Specifications related to the containment purge and vent system to include additional testing, Surveillance, and limiting conditions for operation. Since the requested changes upgrade the requirements for the containment purge and vent system, the staff proposes to detemine that the application does not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Branch Chief: Steven A. Varga.

Rochester Gas and Electric Corporation, Docket No. 50-244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: September 14, 1984 and superseded on February 21, 1985.

Description of amendment request: This amendment would add limiting conditions for operation (LCO) and Surveillance requirements to the Technical Specifications for various plant modifications required by TMI Action Plan Items covered by Generic Letter 83-37. These modifications are: (1) Reactor coolant system vents (II.B.1); (2) Containment pressure (wide range) monitor (II.F.1.4); (3) Containment water level monitor (II.F.1.5.); (4) Containment hydrogen monitor (II.F.1.6); (5) radiation monitoring instrumentation (II.F.1.1.3); (6) Instrumentation for detection of inadequate core cooling (II.F.2); and Control Room Habitability requirements (III.D.3.4).

Basis for proposed no significant hazards consideration determination: Generic Letter 83-37 (issued November 1, 1983) requested all Pressurized Water Power Reactor Licensees to review their Technical Specifications to determine if they were consistent with the guidance provided with the generic letter. For items where utilities identified deviations or the absence of a specification, they were requested to submit an application for a license amendment. In response to these request, the licensee for R. E. Ginna determined that there were no provisions in the Technical Specifications tha addressed the TMI items discussed above. Therefore, the proposed amendment request was submitted.

The Commission has provided guidance concerning the application of standards for no significant hazards consideration determinations by providing certain examples (April 6, 1983, 48 FR 14870). One of the examples (ii) of actions likely to involve no significant hazards consideration relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: For example, a more stringent surveliance requirement. Example (i) relates to administrative changes. As discussed in the licensee's Safety Evaluation of the proposed change, the change provides additional limiting conditions for operation and surveillance requirements not presently in the Technical Specifications to assure the functionality of post-TMI required modifications. The format changes are strictly administrative since they do not change the provisions of the affected Technical Specifications. The staff therefore agrees that the proposed change falls within the categories of examples (i) and (ii) and thus proposes to detemine that the requested action would involve a no significant hazards consideration determination.

Local Public Document Room location: Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Attorney for licensee: Harry H. Voigt, Esquire, LeBoeuf, Lamb, Leiby and MacRae, 1333 New Hampshire Avenue, NW., Suite 1100, Washington, D.C. 20036.

NRC Branch Chief: John A. Zwolinski.

Rochester Gas and Electric Corporation, Docket No. 50-244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: December 3, 1984.

Description of amendment request: The proposed Technical Specification would relax the restrictions on the auxiliary building crane travel when a non-heavy load (one fuel assembly) is being transported.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards of no significant hazards consideration determination by giving certain examples (48 FR 14870, April 6, 1983). One of the examples of actions considered likely to invlove no significant hazards consideration is example (vi) relating to a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. The proposed change would relax the current Technical Specification requirements of not permitting the auxiliary building crane to be stationed or pass over storage racks containing spent fuel. Standard Review Plan section 9.1.4 allows the movement of up to one fuel assembly and its associated handling tool over stored spent fuel. The proposed amendment allowing movement of one assembly and the auxiliary building crane over spent fuel would be within the acceptance criteria in Stanard Review Plan section 9.1.4.

Therefore, since the application for amendment involves proposed changes similar to example (vi) for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Attorney for licensee: Harry H. Voigt, Esquire, LeBoeuf, Lamb, Leiby and MacRae, 1333 New Hampshire Avenue, NW., Suite 1100, Washington, D.C. 20036.

NRC Branch Chief: John A. Zwolinski.

Rochester Gas and Electric Corporation, Docket No. 50-244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: February 25, 1985.

Description of amendment request: The proposed Technical Specification change reflects changes in the Rochester Gas and Electric Corporation management organization. These changes would be illustrated on the proposed updated management organization chart for the R. E. Ginna Nuclar Power Plant.

Basis for proposed no significant hazards consideration determination: A realignment of responsibilities in the Engineering organization has resulted in a change in title whereby the Engineering Department now reports to the Vice President, Engineering and Construction and a position of Chief Engineer has been created. The position of Assistant Chief Engineer, Engineering and Construction, has been deleted at this time although it is anticipated that there may be further minor changes in the Engineering organization at this level and below in the future. In order to

maintain independence of the Quality Assurance organization from the design, construction and other engineering functions, Quality Assurance now reports to Vice President, Engineering and Construction, instead of the Assistant Chief Engineer.

The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870, April 6, 1983). One of the examples (i) of actions not likely to involve a significant hazards consideration is a purely administrative change to technical specificatins: for example, a change to achieve consistency throughout the specifications, correction of an error, or a change in nomenclature. Since the proposed changes are administrative in nature and fall with example (i), the staff proposes to determine that the request involves no significant hazards consideration.

Local Public Document Room location: Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Attorney for licensee: Harry H. Voigt, Esquire, LeBoeuf, Lamb, Leiby and MacRae, 1333 Hew Hampshire Avenue, NW., Suite 1100, Washington D.C. 20036.

NRC Branch Chief: John A. Zwolinski.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of amendment request: October 29, 1984.

Description of amendment request: The proposed amendment would revise the Technical Specifications to (1) change the words in section 4.18.5.1.d regarding the fire hose referred to in the fire suppression system from "equivalent NFPA tested and approved hose" to "hose that meets or exceeds NFPA guidelines or recommendations" and (2) revise section 6.9.5 on special reporting requirements to (a) change the words "Director of the Regulatory Operations Regional Office" to "Regional Administrator Region V Office," (b) delete Item L., Land Use Census, and Item N., Liquid Holdup Tank, and (c) revise Item M., Fuel Cycle Dose, to correct the references from section 4.25 to section 3.25 and change the reporting requirements from 60 days to 30 days.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (see 48 FR 14870). One of the examples of actions not likely to involve a significant hazards consideration is a purely administrative change to the Technical Specifications: For example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature.

The National Fire Protection Agency (NFPA) does not test or approve fire hoses; therefore, the terminology change in section 4.18.5.1.d is being proposed to correct an error. This is similar to the above example of a purely administrative change.

The revisions proposed for section 6.9.5 on special reporting requirements (a) change the title of the individual to whom the reports are to be submitted to reflect current NRC Region V organization titles and is considered a nomenclature change, (b) delete Items L. and N. from the special reporting requirements to make the reporting requirements of this section consistent with the Limiting Conditions for Operation reporting requirements in sections 3.17.3 and 3.23 and (c) correct the Item M reference error and make the reporting reqirements consistent with section 3.25 in the Technical Specifications (the corrected reference). Therefore, the proposed changes to section 6.9.5 are similar to the above example of a purely administrative change to the Technical Specifications.

Based on the above, the Commission's staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Attorney for licensee: David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830, Sacramento, California 95813.

NRC Branch Chief: John F. Stolz.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of amendment request: February 19, 1985, as supplemented April 24, 1985.

Description of amendment request: This submittal supersedes the request for amendment dated March 16, 1979, as supplemented December 12, 1979, which was noticed in the **Federal Register** on December 21, 1983 (48 FR 56509). This request for Technical Specification change would implement the requirements of 10 CFR 50.55a(g) pertaining to inservice inspection and testing to provide assurance that the structural integrity and operability of systems and components important to safety are maintained. In addition, this request would revise the inspection of the steam generator tubes to reflect operating experience applicable to steam generators of the type utilized at the Rancho Seco facility. Specifically, the proposed amendment would (1) add Surveillance requirements to the Rancho Seco operating license to provide for inservice inspection of safety-related components and operability testing of safety-related pumps and valves in accordance with Section XI of the ASME Boiler and Pressure Vessel Code and applicable addenda as required by 10 CFR 50.55a(g), except where specific written relief has been granted by the NRC; (2) delete the requirement that prior to initiating maintenance on any component of the Emergency Core Cooling, Reactor Building Emergency Cooling, and Reactor Building Spray Systems the redundant component must be tested to demonstrate operability; (3) divide the steam generator tube bundle surveillance requirements into a normal tube area and a special tube area which operating experience has shown to be particularly susceptible to degradation; (4) specify augmented inspection in the special tube area; (5) not consider inspections in the special tube area (number of tubes and failures) when meeting the requirements for inspections in the normal tube area and (6) make miscellaneous changes to paragraph numbers, section titles and phrases for consistency.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards (10 CFR 59.92(c)) for determining whether a significant hazards consideration exists. 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; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. In addition, the Commission has provided examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). The examples includes (vii), a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations; (vi), a change which either may result in some increase to the probability or consequences of a previously-analyzed

accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: For example, a change resulting from the application of a small refinement of a previously used calculational model or design method; and (i), a purely adminstrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature.

The proposed changes to the surveillance requirements for safety-related pumps and valves are intended to implement 10 CFR 50.55a(g), which pertains to inservice inspection of safety-related components, and inservice testing of safety-related pumps and valves to assess operational readiness. These proposed amendment changes, therefore, would reflect changes to make the Rancho Seco Nuclear Generating Station license conform to changes in the regulations. Since the licensee is presently obligated by these regulations to perform inservice inspection of components and inservice testing of pumps and valves, this license change will only result in very minor changes to facility operations which are clearly in keeping with the regulations. These proposed changes are therefore similar to example (vii) of an amendment not likely to involve a significant hazards consideration.

The second proposed change, Item (2) above, would delete the requirement that prior to initiating maintenance on any component in the Emergency Core Cooling, Reactor Building Emergency Cooling and the Reactor Building Spray Systems the redundant component must be tested to assure its operability. Instead, the proposed amendment would require that the redundant component be verified operable by checking that the surveillance test for the component has been successfully completed and will remain in effect for the duration of the maintenance period. This is similar to example (vi) in that the proposed change may in some way reduce safety margins; however, the proposed revised surveillance conforms to the current NRC policy regarding such surveillances and conforms to guidelines of the standard technical specifications.

The change to the surveillance testing of the steam generator tubes (Items 3 and 4) would (a) based on operating experience, divide the steam generator tube bundle into a normal tube area and a special tube area, (b) augment the inspection in the special tube areas while not changing the surveillance requirements in the normal tube area and (c) not consider inspections in the special tube ares (number of tubes and failures) when meeting the requirements for inspections in the normal tube area. These proposed changes are to a surveillance program and do not affect plant operation. In addition, the proposed changes would enhance surveillance in an area (special tubes) where operation has shown it to be a problem area. Inspections in the normal tube area will not change. Therefore, the proposed changes to the steam generator tube surveillance will not (1) involve a significant increase in the probability or consequence of an accident previously evaluated, (2) create the possibility of an accident of a type different from any evaluated previously, or (3) involve a significant reduction in a margin of safety.

The final proposed changes to the Technical Specifications (Item 5) are similar to example (i) of a purely administrative change in that they involve changes to nomenclature and changes to paragraph numbers and section titles to achieve consistency throughout the Technical Specifications.

Based on the above, the Commission's staff proposes to determine that the application for amendment does not involve a significant hazards consideration.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Attorney for licensee: David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830, Sacramento, California 95813.

NRC Branch Chief: John F. Stolz.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50-395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South CArolina

Date of amendment request: April 9, 1985.

Description of amendment request: The amendment would revise Technical Specification 3/4.1.3, "Movable Control Assemblies," and its bases. The revision would permit 72 hours for evaluation and repair when more than one full length rod is inoperable due to a rod control urgent failure alarm or obvious electrical problem in the rod control system before requiring orderly shutdown.

Basis for proposed no significant hazards consideration determination: The V.C. Summer Nuclear Station has 48 full length control rods. the rod control system is electrical and operates independently of the rod drive mechanisms. A rod control urgent failure alarm must be the result of an electrical rod control system failure and cannot be related to inoperable rods due to mechanically bound mechanisms. However, a rod control urgent failure alarm does not occur for all electrical failures that could prevent one or more rods from moving. In that case, the problem could be determined to be either electrical or mechanical by monitoring the mechanism coil currents. The proposed change will provide sufficient time to evaluate and repair electrical rod control system problems before a shutdown is required. Control rods inoperable due to electrical problems are trippable and will trip upon an automatic or manual scram thereby maintaining shutdown margin. In addition, the Technical Specification requirements for core power distribution will still have to be met during the 72 hours allowed for evaluation and repair.

The Commission has provided certain examples (48 FR 14870) of actions likely to involve no significant hazards consideration. The request involved in this case does not match any of those examples. However, the staff has reviewed the licensee's request for the above amendment and determined that should this request be implemented, it will not (1) involve a significant increase in the probability or consequences of an accident previously evaluated because the control rods will be trippable and all other Technical Specification requirements will still have to be met, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the physical plant design is not being changed. Also, it will not (3) involve a significant reduction in a margin of safety because all rods will be trippable and, therefore, shutdown margin will be maintained. Accordingly, the Commission proposes to determine that this change does not involve significant hazards considerations.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Attorney for licensee: Randolph R. Mahan, South Carolina Electric & Gas Company, P.O. Box 764,Columbia, South Carolina 29218.

NRC Branch Chief: Elinor G. Adensam.

Southern California Edison Company, Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: December 13, 1984, as supplemented January 16, 1985 and revised April 10, 1985.

Description of amendment request: The proposed amendment would (1) make corrections to the Radiological Effluent Technical Specifications (RETS) issued by Amendment 79 to the license, (2) update section 5.8 of the Appendix B Technical Specifications and redesignate this updated section as section 6.19 of the Appendix A Technical Specifications, and (3) delete the remaining portion (definitions and administrative controls) of Appendix B, Environmental Technical Specifications.

Basis for proposed no significant hazards consideration determination: Amendment No. 79 became effective as of January 1, 1985. The licensee has identified corrections that reflect as-built field conditions for the liquid and gaseous effluent monitors and design changes that have been implemented since the RETS submittals of December 12, 1983 and March 20, 1984. The corrections also modify channel test requirements to assure compliance to the RETS, clarify sampling and special reporting requirements and other minor clarifications.

In the RETS issued by Amendment No. 79 footnotes on certain tables for monitors R-2100, R-2101, and R-1254 indicate "New instrumentation—conformance with Technical Specifications will have to be determined following installation." These monitors have now been installed and are operable, although certain alarm functions for these instruments are not planned to be installed in the control room until the next refueling outage. Modifications to the footnotes are proposed to reflect the current status of the new monitors. Other proposed modifications to the RETS would (1) change the auto-termination function of release from the waste gas holdup system from gross activity monitor R-1214 to noble gas monitor R-1219, (2) delete the channel test footnote (1) from monitor R-1214 on table 4.1.3.1 because this monitor does not perform an isolation function, (3) revise the surveillance frequency for R-1214 to be consistent with the surveillance frequency required for other stack monitoring instruments, (4) add monitor R-1254 to section 1.d of Tables 3.5.9.1 and 4.1.3.1 because this monitor has a particulate sampler filter, (5) modify the interval for flow estimation (if the stack fan flow indicator or the sampler flow rate measuring device are inoperable) from once per 4 hours to at least once per 8 hours in Action 24 of Table 3.5.9.1 based on the licensee's assertion that system design characteristics can be used to estimate flow and that these characteristics are not subject to rapid change, (6) correct the provision for most of the RETS Action Statements that now indicate that Specification 3.0 is not applicable to indicate that Specifications 3.0.3 and 3.0.4 are not applicable, (7) correct the provisions in the Action Statements of Specifications 3.18.3 and 3.19 regarding the applicability of the special reporting requirement of Specification 6.9.2.b(2), (8) include the combination of the noble gas activity monitor, R-1219, the particulate sampling filter, R-1220, and the iodine sampler cartridge, R-1221, for monitoring gross activity in Table 3.5.9.1, and (9) incorporate other minor footnote corrections to add a missing footnote reference and delete another which is not applicable.

In the April 10, 1985, submittal, the licensee has also proposed (1) updating section 5.8 of the Appendix B Technical Specifications, (2) redesignating this updated section as section 6.19 of the Appendix A Technical Specifications, and (3) deleting the remaining portion of Appendix B, Environmental Technical Specifications.

Amendment No. 79, in addition to adding the RETS to the Appendix A Technical Specifications, also deleted the then existing Radiological Environmental Technical Specification from Appendix B. With the redesignation of section 5.8 of the Appendix B Technical Specifications, discussed above, all that remains of Appendix B are definitions and administrative controls for Technical Specifications that have been deleted. Because the definitions are no longer applicable and the administrative controls are duplicated in the Appendix A Technical Specifications, the licensee has requested that Appendix B be deleted in its entirety.

The proposed changes to the RETS do not involve a significant hazards consideration because: (1) The proposed changes in the monitoring of effluents will not significantly increase the probability or consequences of any accident previously analyzed because adequate information and action will be available with regard to the control of radioactive effluents; (2) The proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated because the requested action would make corrections to the RETS that do not require any actions not already envisioned in the system design because the changes, including the operability of the new instruments, do not require any new kind of plant operations; (3) The proposed changes will not involve a significant reduction in a margin of safety because the changes will result in Technical Specifications for radioactive effluent monitoring not significantly different from those approved by Amendment No. 79.

With regard to the updating of section 5.8 of the Appendix B Technical Specifications, the redesignation of this updated section as section 6.19 of the Appendix A Technical Specifications, and deletion of the remaining sections of Appendix B, Environmental Technical Specifications, the Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870, April 6, 1983). One of the examples (i) of actions not likely to involve a significant hazards consideration relates to a purely administrative change to the Technical Specifications. The updating of the facility design features and operating practices of section 5.8. This descriptive update therefore, is a purely administrative change. The redesignation of section 5.8 in the Appendix B Technical Specifications as section 6.19 of the Appendix A Technical Specifications is a purely administrative change because it merely relocates the section into Appendix A. The deletion of the remaining sections of Appendix B is a purely administrative change because all that remains of Appendix B are definitions and administrative control for Technical Specifications that have been deleted. Because the definitions are no longer applicable and the administrative controls are duplicated in the Appendix A Technical Specifications, the deletion of the remaining sections of Appendix B is a purely administrative change.

Local Public Document Room location: San Clemente Public Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Beoletto, Esquire, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770.

NRC Branch Chief: John A. Zwolinski.

Southern California Edison Company, Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: April 12, 1985

Description of amendment request: This submittal supersedes the request for amendment dated May 1, 1984 which was noticed in the Monthly **Federal Register** Notice on June 20, 1984 (49 FR 25374), and the supplemental information regarding (1) references to reporting requirements in the licensee's August 16, 1984 submittal, and (2) proposed changes to the offsite organization in the September 4, 1984 submittal. The amendment would modify the Adminstrative Controls sections of the Technical Specifications and consistent with these modifications, the references to reporting requirement sections would be renumbered in various specifications in sections 3 and 4.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the appllication of the standards for determining whether a signficant hazards consideration exists by providing certain examples (48 FR 14870, April 6, 1983). One set of the proposed changes is to bring the specifications into compliance with § 50.73 of Title 10 of the Code of Federal Regulations that became effective January 1, 1984. This rule provides for a revised Licensee Event Report system. The NRC staff recommended changes in reporting requirements as a result of the rule are given in Generic Letter No. 83-43. These changes, therefore, fall in example (vii), changes to make a license conform to changes in the regulations, where the license cange results in very minor changes to facility operations clearly keeping with the regulations.

In response to Generic Letter 82-16, it is proposed to modify the requirements for the monthly operating report to include documentation of all challenges to pressurizer safety and relief valves (part of TMI Action Item II.k.3.). This change falls within example (ii), an additional limitation, restriction or control not presently included in the technical specifications.

The administrative controls specifications would be revised to be more consistent with the San Onofre Units 2 and 3 specifications and with the Westinghouse Standard Technical Specifications. These changes include formatting, renumbering of sections, and wording changes which do not alter the intent of the current specifications but make them conform more closely with the Standard Technical Specifications. As the result of these changes, the refefences to reporting requirements sections would be renumbered in various speifications in sections 3 and 4. Also, current section 6.12, "Environmental Qualification" would be deleted. This specification has been superseded by § 50.49 of 10 CFR Part 50. A revised reference to the Regulatory Guide QA requirements for effluent monitoring would be added that is consistent with the San Onofre Units 2 and 3 specifications. These changes, therefore, fall within example (i), purely adminstrative changes.

The last set of changes is proposed to recognize new position titles as a result of utility organization changes, clarify the responsibilities of persons within the utility's nuclear organization, transfer the Nuclear Audit and Review Committee (NARC) responsibilities to the Nuclear Safety Group (NSG) at San Onofre Unit No. 1, change the quorum requirements of the Onsite Review Committee, delete the description of the Nuclear Control Board (NCB) responsibilities and membership, and extend the time for the preparation and submittal of the semiannual radioactive effluent release report. A specification has been proposed to clarify the qualifications of an individual who may be designated to assume the Control Room Command function in the absence of the Shift Superintendent and to recognize the positions of shift superintendent and contol room supervisor as part of the minimum shift crew composition. A further description of the function of the Shift Technical Advisor is proposed and training requirements are revised to include post-TMI required training. A site reference point would be established for keying radiological environmental monitoring sampling locations for consistency among all three units.

The offsite organization would be modified to include the Vice President and Site Manager (Nuclear Generation Site) and the Vice President (Nuclear Engineering, Safety and Licensing) reporting to the Senior Vice President. Previously, these areas were under one Vice President. A new position, Manager of Nuclear Generation Services, would be responsible for the adminstration of the design, construction, and operation/maintenance support activities of San Onofre Units 1, 2, and 3. These changes are intended to provide increased executive attention and oversight over all nuclear activities.

The licensee's proposal to transfer the responsibilities of the NARC to the NSG is consistent with the organization already in effect at Units 2 and 3. The NSG will assume those functions previously performed by the NARC. The licensee has also proposed to increase the number of members of the Onsite Review Committee that will constitute a quorum. The Nuclear Control Board as currently constituted in the San Onofre Unit 1 Technical Specifications consists of four vice presidents and meets at least once per 6 months. The San Onofre Unit 2 and 3 Technical Specifications do not include the Nuclear Control Board. The Westinghouse Standard Technical Specifications also do not include this corporate level board. Although this Board will continue to function as described in the San Onofre Unit 2 and 3 FSAR, the licensee has requested that it be deleted from the Unit 1 Technical Specifications. With regard to the semiannual radioactive effluent release report, the licensee has proposed an additional 30 days for the preparation and submittal of the report. These changes are considered not to decrease the effectiveness of the licensee's administrative controls. On this basis, the staff proposes to determine that the requested action does not involve a significant hazards consideration in that it (1) does not involve a significant increase in the probability or consequences of an accident previously evaluated, (2) does not create the possibility of a new or different kind of accident from any accident previously evaluated and (3) does not involve a significant reduction in a margin of safety.

Local Public Document Room location: San Clemente Public Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Beoletto, Esquire, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770.

NRC Branch Chief: John A. Zwolinski.

Southern California Edison Company, et al, Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment request: January 25, 1984 (Reference PCN-91); March 7, 1984 (Reference PCN-75); May 23, 1984 and August 7, 1984 (Reference PCN-137).

Description of amendment request: The proposed changes would revise Technical Specifications ¾.8.1.1, "Electrical Power Systems—A.C. Sources—Operating," and ¾.8.1.2, "Electrical Power Systems—A.C. Sources—Shutdown," as follows: (1) PCN-75 would revise Technical

Specification 4.8.1.1.2.c, which requires testing of the level of insolubles in the diesel fuel oil, to allow additional time for a retest in the event that the insolubles limit is exceeded. (2) PCN-91 would delete Technical Specification 4.8.1.1.2.d.6, a diesel generator surveillance requirement, to test reloading of a diesel generator following its failure with offsite power not available, consistent with the recommendation of Generic Letter 83-30. (3) PCN-137 would revise Technical Specification ¾.8.1.2 to include only those limiting conditions for operation (LCO's) and surveillance requirements which directly relate to the operability of the A.C. power sources required under shutdown and refueling conditions.

Basis for Proposed No Significant Hazards Determination: The Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870) of amendments that are considered not likely to involve significant hazards considerations. Example (vi) relates to a change which either may result in some increase in the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptance criteria with respect to the system or component specified in the Standard Review Plan: For example, a change resulting from the application of a small refinement of a previously used calculational model or design method. Example (vii) relates to a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations. Each proposed change discussed below is similar to either Example (vi) or Example (vii) of 48 FR 14870. Therefore, it is proposed that these changes do not involve significant hazards considerations. The following is a description of each proposed change to the technical specifications and a discussion of how each change is similar to either Example (vi) or Example (vii) of 48 FR 14870.

Specific Changes Requested and Basis for Proposed No Significant Hazards Determination

1. Proposed Change PCN-75

The proposed change would revise Technical Specification (T.S.) 4.8.1.1.2.c, "Electrical Power System Surveillance Requirements." T.S. 3/4.8.1 provides conditions for the operability of electrical power sources including the diesel generator, which supplies backup power to safety systems in the event that offsite power is lost. T.S. 4.8.1.1.2.c specifies the frequency at which diesel fuel oil must be tested for impurities. One required test involves ascertaining the oil's storage stability by measuring its level of insolubles after the oil has been subjected to an accelerated aging process. If the level of insolubles is greater than 2 mg/100 ml, T.S. 3/4.8.1 states that the diesel generator must be declared inoperable and that it must be restored to operable status within 72 hours. In order to restore the diesel generator to operable status, the fuel oil must either be replaced or retested and shown to contain an acceptable level of insolubles following the accelerated aging process. Each of these methods of restoring operability requires more than seventy-two hours to carry out. Therefore, if the insolubles exceed the allowed limit, a plant shutdown is required, since the action statement cannot be complied with within seventy-two hours. The proposed change would amend T.S. 4.8.1.1.2.c to state that if the diesel generator fuel oil is found to contain a level of insolubles greater than 2mg/100 ml following accelerated aging, a period of fourteen days will be allowed during which the fuel oil must be demonstrated to meet the insolubles requirement. During this time period the diesel generator will retain its operable status, thereby allowing plant operation to continue.

The proposed change is similar to Example (vi) of 48 FR 14870 in that the change may result in some increase in the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are within the SRP acceptance criteria. Specifically, section 9.5.4 of the SRP, "Emergency Diesel Engine Fuel Oil Storage and Transfer System," references Regulatory Guide 1.137. The Guide states that the diesel generator's operability is dependent on the fuel oil viscosity and water and sediment content, but not on the oil's level of insolubles following an accelerated aging process. If the aged fuel oil's level of insolubles is found to exceed its limit, Regulatory Guide 1.137 recommends that a short period of time be allowed during which the fuel oil must be replaced. The proposed change would amend T.S. 4.8.1.1.2.c so that a level of insolubles in aged fuel oil that exceeds the 2 mg/100 ml limit would not cause the diesel generator to be declared inoperable for 14 days. Thus, the diesel generator will be considered operable for a period of fourteen days during which the fuel oil must be demonstrated to contain an acceptable level of insolubles. This proposed change is consistent with Regulatory Guide 1.137 and, therefore, the proposed change is similar to Example (vi) of 48 FR 14870.

2. Proposed Change PCN-91

The proposed change would delete Surveillance Requirement 4.8.1.1.2.d.6 of Technical Specification 3/4.8.1, "A.C. Sources," which defines the operability requirements for A.C. electrical power sources. T.S. 4.8.1.1.2 states the requirements for demonstrating diesel generator operability. Surveillance Requirement 4.8.1.1.2.d.6 states that once every eighteen months, during shutdown, loss of both offsite and diesel generator power must be simulated in order to verify that in this situation all loads depending on the diesel generators will be shed and the diesels will be reloaded in accordance with design requirements. The proposed change would delete this surveillance requirement.

The proposed change is similar to Example (vi) of 48 FR 14870 in that it relates to a change that may reduce in some way a safety margin but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. Generic Letter No. 83-30, "Deletion of Standard Technical Specification Surveillance Requirement 4.8.1.1.2.d.6 for Diesel Generator Testing," states that T.S. 4.8.1.1.2.d.6 should be deleted from the Standard Technical Specifications. The deletion of T.S. 4.8.1.1.2.d.6 is based on its inconsistency with 10 CFR 50, Appendix A, General Design Criteria 17, "Electrical Power Systems," Regulatory Guide 1.108, "Periodic Testing of Diesel Generator Units Used as Onsite Electric Power Systems at Nuclear Power Plants," and the Standard Review Plan Sections 8.2, "Offsite Power System," and 8.3.1, "A.C. Power Systems (Onsite)." These references, which delineate the requirements for diesel generators, do not require diesel generator operability tests such as that currently specified by T.S. 4.8.1.1.2.d.6. Because the result of this change would make the technical specifications conform with all acceptance criteria it is similar to Example (vi) of 48 FR 14870.

3. Proposed Change PCN-137

The proposed change would revise Technical Specification 3/4.8.1.2, "Electrical Power Systems—A.C. Sources—Shutdown," which defines the

requirements for A.C. electrical power source operability during operating Modes 5 and 6. The surveillance requirements governing emergency diesel generator (EDG) operability in Modes 5 and 6 currently prescribe all those surveillances required in Modes 1 through 4 with one exception. The proposed change would revise T.S. 3/4.8.1.2 and T.S. Bases 3/4.8 to include only those limiting conditions for operation and surveillance requirements which verify operability of the A.C. sources required under shutdown and refueling conditions (Modes 5 and 6, respectively). The following functions are not required to be performed by the EDG during Modes 5 and 6 and, on that basis, the surveillance requirements relating to these functions would be deleted by the proposed change. The items to be deleted are: (1) Automatic start of the EDG on an emergency safety feature (ESF) signal, on loss of offsite power in conjunction with an ESF signal, or from a test mode; (2) automatic load sequencing on an ESF signal. Also proposed to be deleted is the surveillance requirement specifying the maximum auto-connected loads applicable in Modes 1 through 4, since in Modes 5 and 6 no loads except the permanently connected shutdown loads are automatically connected to the EDG. In addition, it is proposed that the specification stating the minimum volume of diesel generator fuel to be stored be revised to require a minimum of 37,600 gallons of fuel rather than 47,000 gallons of fuel.

The proposed change is similar to Example (vi) of 48 FR 14870 in that it may result in some increase in the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptance criteria with respect to the system or component specified in the Standard Review Plan (SRP).

SRP section 8.3.1., "A-C Power Systems (Onsite)," delineates the acceptance criteria regarding A.C. electrical power sources. For specific guidelines it references Regulatory Guides 1.108, "Periodic Testing of Diesel Generator Units Used as Onsite Electrical Power Systems at Nuclear Power Plants," and Regulatory Guide 1.137, "Fuel Oil Systems for Standby Diesel Generators." Regulatory Guide 1.108 states that diesel generator design should include provisions so that the testing of the units will simulate the parameters of operations that would be expected if actual demand were to be placed on the system. The first part of the proposed change revises the T.S. 3/4.8.1.2 surveillance requirements to more accurately reflect the parameters of operation that would be expected if an actual demand were to be placed on the diesel generator with the plant in cold shutdown or refueling modes. Regulatory Guide 1.137 states that the calculation of fuel-oil storage requirements may be based on the time-dependent loads of the diesel generator. For this calculational method, the minimum required capacity should include the capacity to power the engineered safety features. The second part of the proposed change reduces the minimum required volume of fuel storage system fuel for operation in Modes 5 and 6. The largest anticipated load in Modes 5 and 6 (considering all loads required to mitigate the consequences of the range of postulated accidents and all loads which facilitate plant operation and maintenance) has been calculated to be less than 80% of the EDG full rated capacity. Therefore, in accordance with Regulatory Guide 1.137, less fuel is required to be stored during Modes 5 and 6 operation since the maximum diesel generator load during these modes is only 80% of full rated capacity. This part of the proposed change is also consistent with Regulatory Guide 1.108 since it more accurately reflects the parameters of operation (i.e., operation in Modes 5 and 6 only) specified for this technical specification.

Based on the above discussion, the NRC staff proposes to determine that these changes meet the SRP acceptance criteria and are similar to Example (vi) of 48 FR 14870.

Local Public Document Room location: San Clemente Library, 242 Avenida Del Mar, San Clemente, California 92672

Attorney for licensees: Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770 and Orrick, Herrington & Sutcliffe, Attn.: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 94111.

NRC Branch Chief: George W. Knighton.

Tennessee Valley Authority, Docket Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request: April 12, 1985.

Description of amendment request: The amendments would add a condition to the license for each Browns Ferry unit that would require the Tennessee Valley Authority (TVA) to follow the NRC approved plan for integrated scheduling of plant improvements and modifications. The proposed plan is described in Enclosure 4, "Program Description" of TVA's April 12, 1985 submittal. This includes improvement and modifications identified by the licensee, the NRC, or other regulatory agencies. The license condition would require the licensee to periodically update the schedule to maintain it current and to provide reports as specified in the approved plan. The license condition also provides a framework for changing project schedules when necessary.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning determination if significant hazards consideration exists, by providing certain standards (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, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The Browns Ferry Integrated Schedule for Plant Modifications is intended to assure continuation of reliable and efficient plant modifications which have been proposed to enhance plant safety. Therefore, the Plan may reduce, but not increase, the probability or consequences of an accident previously evaluated, will not create a new or different kind of accident from any previously evaluated, and will not involve any reduction in a margin of safety.

Therefore, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Attorney for licensee: H.S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33C, Knoxville, Tennessee 37902.

NRC Branch Chief: Domenic B. Vassallo.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of application for amendment: January 15, 1985.

Description of amendment request: The proposed amendment request would change the Technical Specifications to add an iodine peak limit for the reactor coolant concentration to assure that the radiological consequences of a postulated loss-of-coolant accident, while purging, are within 10 CFR Part 100 limitations. The proposed amendment would also require two purge valves to have mechanical stops installed in order to limit valve opening, and thereby reduce possible flow forces opposing valve closure under accident conditions.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870, April 6, 1983). One of the examples (ii) of an action not likely to involve a significant hazards consideration is a change that constitutes an additional limitation, restriction, or control not presently included in the technical specification.

The change to add an iodine peaking limit to the Technical Sepcifications, which do not now contain such a limit, constitutes an additional limitation. Similarly, the change to add a requirement that mechanical stops be in place on two purge valves is an additional restriction.

Therefore, since the application for amendment involves proposed changes similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Attorney for licensee: John A. Ritscher, Esquire, Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02110.

NRC Branch Chief: Domenic B. Vassallo.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of application for amendment: March 4, 1985.

Description of amendment request: By NRC Generic Letter 83–43 to all licensees, model Technical Specifications were forwarded which showed the revisions to reporting requirements as necessitated by §§ 50.72 and 50.73 of Title 10 of the Code of Federal Regulations. Section 50.72 revises the immediate notification requirements for operating nuclear power plants. Section 50.73 provides for a revised Licensee Event Report System.

By letter dated March 4, 1985, the licensee, Vermont Yankee Nuclear Power Corporation, submitted a proposed license amendment for NRC review and approval which reflects: (1) Changes to reporting requirements consistent with 10 CFR 50.72 and 50.73; (2) deletion of requirements for monthly reporting of safety-related maintenance activities; and (3) a number of administrative changes which are editorial in nature or are corrections of errors.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration is a change to make the licenses conform to changes in the regulations where the change results in very minor changes to facility operations clearly in keeping with the regulations. The NRC initial review of the licensee's submittal related to Change No. 1 which deals with reporting requirements consistent with 10 CFR 50.72 and 50.73, indicates that this is the case for Change No. 1.

Another such example is (vi), a change which may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. Proposed Technical Specification Change No. 2 deletes the provision for reporting major safety-related maintenance activity. The licensee states that "the basis for deleting this provision includes: (1) There is no NRC requirement to report maintenance information as part of the Monthly Statistical Report; (2) BWR Standardized Technical Specification (STS) do not require reporting maintenance of any type; (3) existing plant maintenance programs can be inspected and audited by the I&E Resident Inspector; (4) equipment failures are reported to the Nuclear Plant Reliability Data System (NPRDS); and (5) certain equipment failures are reportable under the provisions of 10 CFR 50.73." The Commission's staff concludes that, on balance any change in the safety margin will be small and that the change is clearly within acceptable criteria as specified in the Standard Review Plan. Therefore, Change No. 2 is similar to Commission example (vi).

Another example (i) of actions not likely to involve a significant hazards consideration is a purely administrative change to Technical Specifications; for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature.

The remaining changes fall into this category of administrative changes. Accordingly, the Commission proposes to determine that this amendment does not involve a significant hazards consideration.

Local Public Document Room Location: Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Attorney for licensee: John A. Ritscher, Esquire, Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02110.

NRC Branch Chief: Domenic B. Vassallo.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of application for amendment: March 27, 1985.

Description of amendment request: The proposed amendment request changes the Technical Specifications to: (1) Reflect shift staffing levels for licensed operators consistent with the provisions of the recently revised 10 CFR 50.54; (2) provide corrections which are typographical or clerical in nature; (3) delete from Technical Specifications pages referring to out-of-date testing provisions; (4) change an organization chart to reflect a recent organizational change in the offsite engineering support organization; and (5) revise the setting for low condensate storage tank level from "2-inches" to "3%" which is a physically equivalent value. The change is necesaitated by the replacement of float type limit switches with analog instruments, with corresponding different units of calibration.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazard

consideration include example (vii)—a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations. Change No. 1 proposed in this application for amendment is fully encompassed by this example because the license is being changed solely to conform with a change in the regulations.

Another of the examples is "(i) a purely administrative change to Technical Specifications: For example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature." Change Nos. 2 and 3 are administrative in nature and correspond to example (i).

Consistent with the Commission's criteria for determining whether a proposed amendment to an operating license involves no significant hazards considerations, 10 CFR 50.92 (48 FR 14871), the proposed revisions to the organization chart (Change No. 4) will not involve a significant increase in the probability or consequences of an accident previously evaluated; or create the possibility of a new or different kind of accident from any previously evaluated, or involve a significant reduction in a margin of safety.

Another such example is (vi), a change which may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. Proposed Technical Specification Change No. 5 revises the setting for the low condensate storage tank level to a value which the licensee states is "necessary to reflect the different zero reference for the analog instruments and is effectively the same trip level setting presently required by Technical Specifications." The Commission's staff concludes that a change which maintains "effectively the same trip level setting" is clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. And even if the change resulted in some increase to the probability or consequences to a previously-analyzed accident or reduced in some way a safety margin, the change would be similar to example (vi).

Therefore, since the application for amendment involves proposed changes that are similar to examples for which no significant hazards considerations exist, the Commission has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Attorney for licensee: John A. Ritscher, Esquire, Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02110.

NRC Branch Chief: Domenic B. Vassallo.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Unit Nos. 1 and 2 Louisa County, Virginia

Date of amendments request: April 15, 1984.

Description of amendments request: The proposed Technical Specification changes would revise the minimum decay time prior to fuel movement. Presently, the NA–1&2 TS 3/4 9.3 requires that there must be a minimum decay time of 100 hours prior to any fuel movement. However, in the Updated Final Safety Analysis Report (UFSAR) the NA–1&2 section 9.1.3.1 assumes a minimum decay time of 150 hours. The proposed change would have a minimum decay time of 150 hours prior to fuel movement, and thus keep the NA–1 TS within the envelope of the UFSAR design basis.

Basis for proposed no significant hazards consideration determination. The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications, Example (ii), is explicitly considered not likely to involve significant hazards. The proposed change creates a more stringent limitation by extending the delay time from 100 hours to 150 hours prior to any fuel movement. Accordingly, the Commission proposes to determine this change involves no significant hazards consideration.

Local Public Document Room locations: Board of Supervisors Office, Louisa County Courthouse, Louisa Virginia 23093 and the Alderman Library, Manuscripts Department, University of Virginia Charlottesville, Virginia 22901.

Attorney for licensee: Michael W. Maupin, Esquire, Hunton, Williams, Gay and Gibson, P.O. Box 535, Richmond, Virginia 23212.

NRC Branch Chief: James R. Miller.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment requests: April 12, 1985.

Description of amendment requests: The amendment proposes changes to the Technical Specifications to revise the Limiting Condition Operation (LCO) and Surveillance Requirements for (SR) for the Reactor Trip Bypass Breakers, Undervoltage Trip Logic and Shunt Trip Logic. The proposed changes were requested in response to a generic letter, dated July 8, 1983, concerning required actions based on generic implications of Salem ATWS events (Generic Letter 83–28). Item 4.3 of the letter, "Reactor Trip System Reliability," requires Westinghouse reactors be modified by providing automatic reactor trip system actuation of the breaker shunt trip attachment.

By letter dated July 24, 1984, the staff's review approved the Auto Shunt Trip Modification and indicated a need for additional testing of the Reactor Trip Breakers and its associated equipment. to meet these requirements, revised specifications have been submitted for the Reactor Trip Bypass Breakers, Undervoltage Trip Logic and Shunt Trip Logic. Revised Limiting Conditions for Operation (LCO) and Surveillance Requirements (SR) require Reactor Trip Bypass Breaker testing prior to the routine testing of the Reactor Trip Breakers to further assure the operability of the Bypass Breaker during the testing of the Main Breaker. Secondly, LCO's and SR's have been submitted which require operability and surveillance of both the Undervoltage and Shunt Trip Logic features. Testing of the newly installed Auto Shunt Trip feature will be accomplished in accordance with the Westinghouse Owners Group technique. Finally, a new Surveillance Requirement has been submitted to assure surveillance on the Manual Trip feature is performed at the Refueling interval.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards consideration include: ". . . (ii) A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications, for example, a more

stringent surveillance requirement." The proposed change is encompassed by this example in that the proposed change adds additional operability and surveillance requirements on the Reactor Trip Bypass Breakers and the Undervoltage and Shunt Trip Logic as well as additional surveillance requirement on the Manual Trip circuitry. Since the requested changes upgrade the requirements for the Reactor Trip System, the staff proposes to determine that the application does not involve a significant hazards determination.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Mr. Michale W. Maupin, Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

NRC Branch Chief: Steven A. Varga.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment requests: April 15, 1985.

Description of amendment requests: The amendment proposes Technical Specification changes that would reduce minimum number of thimbles, from 38 to 26 thimbles, required to obtain a flux map for routine monthly surveillance of hot channel factors. A reduced number of thimbles used to provide a flux map would only be allowed when 38 thimbles cannot be obtained due to thimble blockage or inoperable movable incore detector equipment. In addition, a reduced number of thimbles flux map could only be used to verify hot channel factors for monthly surveillance, with additional uncertainties applied to the measured hot channel factors to ensure compliance with the Technical Specifications limits. The proposed changes would not adversely affect the safe operation of the plant since all hot channel factors would be within their present Technical Specification limits.

Basis for proposed no significant hazards consideration determination: Consistent with the Commission's criteria for determining whether a proposed amendment to an operating license involves no significant hazards considerations, 10 CFR 50.92 (48 FR 148710), the proposed revisions to reduce the number of thimbles required for monthly surveillance of hot channel factors will not involve a significant increase in the probability or consequences of an accident previously evaluated; or create the possibility of a new or different kind of accident from any previously evaluated; or involve a significant reduction in margin of safety. While the proposed changes would reduce the minimum number of thimbles required for monthly surveillance of hot channel factors, additional conservatisms would be applied to the measured hot channel factors obtained with a reduced number of thimbles flux map to ensure that all hot channel factors are within their present Technical Specification limits.

Based on the above, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Mr. Michael W. Maupin, Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

NRC Branch Chief: Steven A. Varga.

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this regular monthly notice. They are repeated here because the monthly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Baltimore Gas and Electric Company, Docket No. 50–317, Calvert Cliffs Nuclear Power Plant, Unit No. 1, Calvert County, Maryland

Date of amendment request: February 26, 1985.

Description of amendment: The amendment would revise provisions in TS 4.10.1.2 "Shutdown Margin" to allow an increase from 24 hours to 7 days for the time period within which a scram test must be performed prior to reducing the shutdown margin below specified limits during low power testing.

Date of publication of individual notice in **Federal Register:** April 19, 1985 (50 FR 15661).

Expiration date of individual notice: May 20, 1985.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant Unit Nos. 3 and 4, Dade County, Florida

Date of amendment request: March 7, 1985.

Brief description of amendment: The amendments would revise the Technical Specifications to delete the maximum amount of enriched fissionable material which can be used in the core, or available on site, in the form of fabricated neutron flux detectors for the purpose of monitoring core neutron flux. This is necessary to allow for new excore neutron flux monitoring systems to be installed pursuant to Regulatory Guide (RG) 1.97, "Instrumentation for Light-Water-Cooled Nuclear Power Plants To Access Plant Conditions During and Following An Accident." In addition, the amendments will clarify the existing requirements relating to the surveillance for leak testing of fission detectors, sealed sources and startup sources.

Date of publication of individual notice in **Federal Register:** April 8, 1985 (50 FR 13896).

Expiration date of individual notice: May 8, 1985.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Southern California Edison Company, Docket No. 50–206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: April 9, 1985.

Brief description of amendment: The proposed amendment would modify license condition 3.E to extend the schedule for performing the next steam generator inspection until the refueling outage scheduled to begin no later than November 30, 1985.

Date of publication of individual notice in **Federal Register:** May 1, 1985 (50 FR 18587).

Expiration date of individual notice: May 31, 1985.

Local Public Document Room location: San Clemente Public Library, 242 Avenida Del Mar, San Clemente, California 92672.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: June 13, 1984.

Brief description of amendments: The amendments would permit a revision to the Plant's Physical Security Plan.

Date of publication of individual notice in **Federal Register:** April 26, 1985 (50 FR 16574).

Expiration date of individual notice: May 28, 1985.

Local Public Document Room location: Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37401.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the 30-day period since publication of the last montly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Alabama Power Company, Docket No. 50–348, Joseph M. Farley Nuclear Plant, Unit No. 1, Houston County, Alabama

Date of application for amendment: April 20, 1984.

Brief description of amendment: Modifies Technical Specifications relating to reactor vessel material surveillance schedule and heatup and cooldown curves extending the curves to seven effective full power years of opeation.

Date of issuance: May 2, 1985.

Effective date: May 2, 1985.

Amendment No. 58.

Facility Operating License No. NPF–2. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 20, 1984 (49 FR 25351).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 2, 1985.

No significant hazards consideration comments were received.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Arkansas Power & Light Company, Docket No. 50–368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of application for amendment: December 21, 1984.

Brief description of amendment: The amendment revised the steam generator low water level trip setpoints specified in Table 2.2–1 and Table 3.3–4 of the Technical Specifications. Specifically, the reactor protective instrument trip setpoint and the Engineered Safety Feature Actuation System trip value for the steam generator low water level are reduced from 46.7% to 23%. Similarly, the allowable values in these tables are reduced by the same magnitude from 45.811% to 22.111%.

Date of issuance: April 30, 1985.

Effective date: April 30, 1985.

Amendment No.: 65.

Facility Operating License No. NPF–6. Amendment revised the Technical Specifications.

Date of initial notice in **Fedral Register:** March 27, 1985 (50 FR 12132 at 12133).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 30, 1985.

No significant hazards consideration comments received. No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Arkansas Power & Light Company, Docket No. 50–368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of application for amendment: January 25, 1985.

Brief description of amendment: The amendment revised the Departure from Nucleate Boiling Ratio (DNBR) limit used by the Core Protection Calculators (CPC), modified Table 2.2–2, "CORE PROTECTION CALCULATOR ADDRESSABLE CONSTANTS" and removed the rod bow penalty factor surveillance requirement.

Date of issuance: May 7, 1985.

Effective date: May 7, 1985.

Amendment No.: 66.

Facility Operating License No. NPF–6. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 27, 1985 (50 FR 12132 at 12133, 12134, 12135 and 12136).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 7, 1985.

No significant hazards consideration comments received. No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Baltimore Gas & Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: June 15, 1984.

Brief description of amendments: The amendments changed the expiration date for the Unit 1 Operating License, DPR–53, from July 7, 2009, to July 31, 2014, and changed the expiration date for the Unit 2 Operating License, DPR–69, from July 7, 2009, to August 13, 2016.

Date of issuance: May 1, 1985.

Effective date: May 1, 1985.

Amendment Nos.: 102 and 84.

Facility Operating License Nos. DPR–53 and DPR–69. Amendments revised the Facility Operating Licenses.

Date of initial notice in **Federal Register:** December 31, 1984 (49 FR 50794 at 50796).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 1, 1985.

No siginficant hazards consideration comments received: No.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Boston Edison Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of application for amendment: December 6, 1984.

Brief description of amendment: The amendment changes the Technical Specifications by reducing the permitted oxygen concentration in the primary containment during plant operation from a maximum of 5% to a maximum of 4%.

Date of issuance: April 22, 1985.

Effective date: April 22, 1985.

Amendment No.: 87.

Facility Operating License No. DPR–35. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 27, 1985 (50 FR 7980).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 22, 1985.

No significant hazards consideration comments received: None.

Local Public Document Room location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Commonwealth Edison Company, Docket Nos. 50–373, and 50–374, La Salle County Station, Units 1 and 2, La Salle County, Illinois

Date of application for amendment: January 15, 1985.

Brief Description of amendment: These amendments change the La Salle Unit 1 and Unit 2 Technical Specifications required by Specification 4.6.5.3.d.3 for surveillance. The Technical Specifications change will allow an acceptance range of 23+ or −2 KW when normalized to 460 volts to the present method of testing the performance of heaters of 20+ or −2 KW without reference to bus voltage during testing. This change is as a result of recent replacement of the Standby Gas Treatment Heaters whose rating is 23 KW and because voltage variation in supply voltage during testing does occur. The diesel generator loading which power the heaters will not be significantly affected, and the change in the method of calculating the heater capacity will provide more accurate test information on the heater's function.

Date of issuance: April 29, 1985.

Effective date: April 29, 1985.

Amendment Nos.: 21 and 9.

Facility Operating License Nos. NPF–11 and NPF–18. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 27, 1985 (50 FR 12140).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 29, 1985.

No significant hazards consideration comments received: None.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Commonwealth Edison Company, Docket Nos. 50–373 and 50–374, La Salle County Station, Units 1 and 2, La Salle County, Illinois

Date of amendment request: February 21, 1985.

Brief Description of amendment request: These amendments revise the La Salle Unit 1 and Unit 2 Technical Specifications in Tables 4.3.1.1–1, 4.3.2.1–1, 4.3.3.1–1 and 4.3.5.1–1 to delete the channel check requirements for certain instruments. These instruments contain Barton differential pressure indicating switches to measure vessel level and various system flows. These Barton differential pressure indicating switches have not met the qualification requirements of 10 CFR 50.49 and are being replaced by qualified differential pressure switches manufactured by Static-O-Ring, Inc. These new switches are blind differential switches and do not have local indication as the Barton switches do. Therefore, these channel checks are not possible and are deleted from the Technical Specifications.

Date of issuance: April 30, 1985.

Effective date: November 30, 1985.

Amendment Nos.: 22 and 10.

Facility Operating License Nos. NPF–11 and NPF–18. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 27, 1985 (50 FR 12141).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 30, 1985.

No significant hazards consideration comments received: None.

Local Public Document Room Location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Connecticut Yankee Atomic Power Company, Docket No. 50–213, Haddam Neck Plant, Middlesex County, Connecticut

Date of application for amendment: December 6, 1984.

Brief description of amendment: The amendment revises the Technical Specifications to modify the control rod Power Dependent Rod Insertion Limit curves for the portion from 1473 to 1825 MWt.

Date of issuance: April 24, 1985.

Effective date: April 24, 1985.

Amendment No.: 62

Facilities Operating License No. DPR–61. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 27, 1985 (50 FR 7983).

The Commission related evaluation of the amendments is contained in a Safety Evaluation dated April 24, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Russell Library, 124 Broad Street, Middletown, Connecticut 06457.

Consolidated Edison Company of New York, Docket Nos. 50–003 and 50–247, Indian Point Nuclear Generating Units No. 1 and 2, Westchester County, New York

Date of application for amendments: June 20, 1985.

Brief description of amendment: The amendment revises the Indian Point Unit Nos. 1 and 2 Technical Specifications to incorporate the reporting requirements in section 50.72 and 50.73 of Title 10 Code of Federal Regulations. Section 50.72 revises the immediate notification requirements for operating nuclear power plants. Section 50.73 provides for a revised Licensee Event Report.

Date of issuance: April 22, 1985.

Effective date: April 22, 1985.

Amendment Nos.: 34 and 94

Facilities Operating License Nos. DPR–26 and DPR–5: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 28, 1984 (49 FR 38398).

The Commission related evaluation of the amendments is contained in a Safety Evaluation dated April 22, 1985.

Significant hazards consideration comments received: None.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix County, Michigan

Date of application for amendments: January 10, 1985.

Brief description of amendment: Incorporates 10 CFR Part 30 By-product Materials License and conditions into the 10 CFR Part 50 Facility Operating License.

Date of issuance: April 18, 1985.

Effective date: April 18, 1985.

Amendment No.: 72

Facilities Operating License No. DPR–6. This amendment revised the license and the Technical Specifications.

Date of initial notice in Federal Register: February 27, 1985 (50 FR 7985).

The Commission related evaluation of the amendment is contained in a Safety Evaluation dated April 18, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Consumers Power Company Docket No. 50–155, Big Rock Point Plant, Charlevoix County, Michigan

Date of application for amendment: May 31, 1984 as supplemented on September 13, 1984.

Brief description of amendment: The control rod drive testing frequency for withdrawal and scram time is reduced from every 6 months during power operation to once every major refueling shutdown. The reduced pressure insertion test frequency is reduce from once a year to once every major refueling shutdown.

Date of issuance: May 1, 1985.

Effective date: May 1, 1985.

Amendment No.: 73.

Facilities Operating License No. DPR–6. This amendment revised the Technical Specifications.

Date of initial notice in Federal Register: November 21, 1984 (49 FR 35946).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 1, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Consumers Power Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: October 25, 1884.

Brief description of amendment: This amendment modifies the Appendix A Technical Specifications to properly identify the appropriate waste gas decay tank for release and corrects the setpoint for three process monitors.

Date of issuance: April 29, 1985.

Effective date: April 29, 1985.

Amendment No.: 87.

Provisional Operating License No. DPR–20. This amendment revised the Technical Specifications.

Date of initial notice in Federal Register: January 23, 1985 (50 FR 3049).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 29, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49007

Dairyland Power Cooperative, Docket No. 50–409, La Crosse Boiling Water Reactor, Vernon County, Wisconsin

Date of application for amendment: October 29, 1982.

Brief description of amendment: The amendment modifies the Appendix A Technical Specifications by changing the containment leak testing requirements. Those portions of the amendment request denied by the Commission have been addressed in a separate notice of Denial of Amendment published previously in the Federal Register.

Date of Issuance: April 23, 1985.

Effective Date: April 23, 1985.

Amendment No.: 40.

Provisional Operating License No. DPR–45. Amendment revised the Appendix A Technical Specifications.

Date of initial notice in Federal Register: October 26, 1985 (48 FR 49584).

The Commission's related evaluation of the license amendment is contained in a Safety Evaluation dated April 23, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601.

Duke Power Company, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units Nos. 1, 2 and 3, Oconee County, South Carolina

Date of application for amendments: December 19, 1984, as supplemented March 8, 1985.

Brief description of amendments: These amendments revise the TSs to support the operation of Oconee Unit 2 at full rated power during the upcoming Cycle

8. The amendments change the following areas:

1. Rod Position Limits of TS 3.5.2; and
2. Power Imbalance Limits of TS 3.5.2.

Date of issuance: April 18, 1985.

Effective date: April 18, 1985.

Amendments Nos.: 137, 137 and 134.

Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55. Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: January 23, 1985, 50 FR 3050.

Since the initial notice, the licensee responded by letter dated March 8, 1985, to the NRC staff's request for information. This information clarified the analysis used to evaluate the Cycle 8 reload and did not revise the proposed TSs. Therefore, there was no need to renotice the amendment based on this information since the proposed TSs remain unchanged.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 18, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina.

Duqesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of application for amendment: November 14, 1984, revised by letter dated March 8, 1985.

Brief description of amendment: The amendment changes the Technical Specificiations for Beaver Valley Unit No. 1 to require two reactor coolant pumps, rather than one, to be operating when the reactor trip breakers are closed in Mode 3. These changes would make the Technical Specifications consistent with the Updated FSAR analysis of the limiting low-flow event.

Date of issuance: April 24, 1985.

Effective date: On issuance, to be implemented within 30 days.

Amendment No. 92.

Facility Operating License No. DPR–66. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: January 23, 1985 (50 FR 3050)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 24, 1985.

No significant hazards consideration comments received. None

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of application for amendments: February 8, 1985 and March 6, 1985.

Brief description of amendments: These amendments revise the Technical Specifications to provide consistency in identification of the surveillance specimen capsules in the Technical Specifications and the actual surveillance specimen capsules. The

surveillance specimen examination schedule is also modified to provide better information in accordance with the current regulations. The proposed changes combine the existing Reactor Materials Surveillance Program into a single integrated program which conforms to the requirements of 10 CFR Part 50, Appendices G and H.

Date of issuance: April 22, 1985.

Effective date: April 22, 1985.

Amendment Nos. 112 and 106.

Facility Operating Licenses Nos. DPR–31 and DPR–41: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 12, 1985 (50 FR 9919)

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 22, 1985.

No comments have been received on the proposed no significant hazards consideration determination.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of application for amendments: March 7, 1985.

Brief description of amendments: These amendments revise the Technical Specifications to delete the maximum amount of enriched fissionable material which can be used in the core, or available on site, in the form of fabricated neutron flux detectors for the purpose of monitoring core neutron flux. This is necessary to allow for new excore neutron flux monitoring systems to be installed pursuant to Regulatory Guide (RG) 1.97, "Instrumentation for Light-Water-Cooled Nuclear Power Plants To Assess Plant Conditions During and Following An Accident." In addition, the amendments clarify the existing requirements relating to the surveillance for leak testing of fission detectors, sealed sources and startup sources.

Date of issuance: May 9, 1985.

Effective date: May 9, 1985.

Amendment Nos. 113 and 107.

Facility Operating Licenses Nos. DPR–31 and DPR–41: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 8, 1985 (50 FR 13898)

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 9, 1985.

No comments on the proposed no significant hazards consideration determination have been received.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

GPU Nuclear Corporation, et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of application for amendment: September 24, 1984, as supplemented December 21, 1984.

Brief description of amendment: This amendment adds to the Technical Specifications the specific reference to the definition of High Radiation Area in 10 CFR 20.202(b)(3), and allows individuals entering a High Radiation Area to be monitored as a group. The amendment also specifies limitations when a dose integrating device is used for monitoring personnel radiation doses.

Date of issuance: April 24, 1985.

Effective date: April 24, 1985.

Amendment No. 107.

Facility Operating License No. DPR–50. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 21, 1984, 49 FR 45954. Since the initial notice, the licensee submitted a supplement dated December 21, 1984, which proposed a clarifying change to Technical Specification 6.12, "High Radiation Area." The Commission's staff found that this change only clarified the specification and did not affect the scope of the amendment referenced in the initial notice, and accordingly did not warrant renoticing. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 24, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

GPU Nuclear Corporaton, et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of application for amendment: November 24, 1983, as revised and supplemented June 5, 1984, and December 3, 1984.

Brief description of amendment: This amendment revises the limits on primary coolant activity and incorporates additional restrictions on vent/purge valve operability and surveillance. This amendment also revises the reactor building purge air system TSs and surveillance requirements for containment area monitors and fire hose stations. These changes make the respective TSs compatible with the purge/vent valve requirements and containment accessibility limits. Finally, the hydrogen purge system TSs are removed because this system is no longer needed to perform a safety-related function.

Date of issuance: May 8, 1985.

Effective date: May 8, 1985 and revised procedures are to be implemented within 30 days.

Amendment No. 108.

Facility Operating License No. DPR–50. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 23, 1984, 49 FR 21830, and February 27, 1985, 50 FR 7991.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 8, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: August 17, 1984.

Brief description of amendment: The amendment revises the Technical Specifications to incorporate the changes to support the reload and restart for Cycle 8 operation. The Technical Specifications will incorporate changes to (1) Maximum Average Planar Linear Heat Generation Rate (MAPLHGR), (2) Minimum Critical Power Ratio (MCRP), and (3) identification of the fuel type.

Date of issuance: April 17, 1985.

Effective date: April 17, 1985.

Amendment No. 117.

Facility Operating License No. DPR–49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 24, 1984 49 FR 42826.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 17, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: December 7, 1984.

Brief description of amendment: This amendment revises the Technical Specifications to incorporate changes to support the Lead Test Assembly Program for the Cycle 8 reload. The changes being proposed are (1) update the list of figures, (2) revision of Linear Heat Generation Rate (LHGR), (3) revision of Minimum Critical Power Ratio (MCPR), and (4) revision to the bases.

Date of issuance: April 18, 1985.

Effective date: April 18, 1985.

Amendment No.: 118.

Facility Operating License No. DPR–49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 27, 1985 50 FR 7993.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 18, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street SE., Cedar Rapids, Iowa 52401.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of application for amendment: February 7, 1985.

Brief description of amendment: The amendment added new technical specifications addressing the operability and surveillance requirements for the new Toxic Gas Monitoring System. The amendment also made an administrative change such that there are not two tables in the TS numbered 2–9.

Date of issuance: April 29, 1985.

Effective date: Within 30 days of its issuance.

Amendment No.: 87.

Facility Operating License No. DPR–40. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 27, 1985 (50 FR 12132 at 12152).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 29, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of application for amendment: July 22, 1981, as supplemented by letters dated June 15, 1982, October 27, 1982, September 20, 1983, and April 6, 1984.

Brief description of amendment: The amendment revised the technical specifications to add requirements related to the reactor protection system and the engineered safety features actuation system that would limit the length of time that a channel in these systems may be bypassed. If the length of time is exceeded, then the channel must be tripped.

Date of issuance: May 9, 1985.

Effective date: Within 60 days of issuance.

Amendment No.: 88.

Facility Operating License No. DPR–40: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 20, 1983 (48 FR 33076 at 33083). Supplemental information was received from the licensee after this notice was placed in the **Federal Register.** The supplemental information contained minor changes in the wording of the technical specifications. These changes did not affect what was discussed in the notice nor did it affect our proposed determination of no significant hazards consideration. Based upon this, the staff elected not to renotice the application.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 9, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Pacific Gas and Electric Company, Docket No. 50–275, Diablo Canyon Nuclear Power Plant, Unit 1, San Luis Obispo, California

Date of amendment request: January 30, 1985.

Brief description of amendment: Technical Specification changes on (1) "Mininum Shift Crew Composition" to provide for two-unit operation with a common control room to comply with staffing requirements, and (2) "Electrical Power Systems, Surveillance Requirements" to change the testing frequency requirements for Diesel Generator No. 3.

Date of issuance: April 26, 1985.

Effective date: Upon issuance of a license for Diablo Canyon Unit 2

Amendment No.: 1.

Facility Operating License No. DPR–80: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 7, 1985 (50 FR 9338).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 26, 1985.

No significant hazards consideration comments received.

Local Public Document Room location: California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407.

Pennsylvania Power and Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Dates of application for amendments: August 22, 1983 as supplemented on February 1, 1985

Brief description of amendments: License Condition 2.C.(18)(e) would have required certain equipment to be qualified to detect and mitigate the consequences of a postulated break in the Scram Discharge Volume piping. This requirement has been deleted on an NRC staff evaluation, identified below, that an alternative generic approach satisfying the requirements of Standard Review Plan sections 3.6.1 and 3.6.2 provides adequate assurance that such a pipe break will not occur.

Date of issuance: April 19, 1985.

Effective date: Upon start-up following the first refueling outage.

Amendment No.: 37.

Facility Operating License No. NPF–14: Amendment revised the License.

Dates of initial notices in **Federal Register:** January 26, 1984 (49 FR 3350).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 19, 1985. No comments were received regarding the Commission's proposed no significant hazards consideration determination.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Pennsylvania Power and Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of application for amendment: October 31, 1984.

Brief description of amendments: This amendment changes the Unit 1 Technical Specification. The setpoint for MSIV isolation on reactor vessel water level has been changed from Level 2 to

Level 1 in order to reduce the number of challenges to the Safety Relief Valves (SRV). The change is consistent with the NRC recommendations in Item 16 of NUREG–0737, Section II.K.3, "Reduction of Challenges and Failures of Relief Valves—Feasibility Study and System Modification."

Date of issuance: April 23, 1985.

Effective date: Upon start-up following the first refueling outage.

Amendment No.: 38.

Facility Operating License No. NPF–14: Amendment revised the Technical Specifications.

Dates of initial notices in **Federal Register:** January 23, 1985 (49 FR 3351).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 23, 1985. No comments were received regarding the Commission's proposed no significant hazards consideration determination.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Pennsylvania Power and Light Company, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County Pennsylvania

Date of application for amendments: September 6, 1984.

Brief description of amendments: These amendments revise the Susquehanna Unit 1 and Unit 2 Technical Specifications to (1) add an additional rod block monitor (RBM) setpoint of 108%, creating a dual RBM setpoint to allow additional operating flexibility within the power flow map, (2) change the labels associated with Figures 3.3.2–1 and redesignate as Figure 3.2.3–1a and (3) add Figure 3.3.2–1b. In addition, this amendment revises Susquehanna Unit 1 Technical Specifications to update Figure 3.2.3–1 as a result of actual startup test data relating to recirculation pump coastdown.

Date of issuance: April 23, 1985.

Effective date: Thirty (30) days from the date of issuance.

Amendment Nos.: 39 and 10.

Facility Operating License No. NPF–14 and NPF–22: Amendment revised the the Technical Specifications.

Dates of initial notices in **Federal Register:** December 31, 1984 (49 FR 50816).

The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated April 23, 1985. No comments on the proposed no significant hazards consideration determination were received.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Pennsylvania Power and Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of application for amendments: October 31, 1984

Brief description of amendments: The amendment incorporates plant modifications in accordance with Regulatory Guide 1.97. The first change covers the addition of the ex-core neutron flux monitoring instrumentation to Tables 3.3.7.5–1 and 4.3.7.5–1, "Accident Monitoring Instrumentation." The second change covers the addition of an excess flow check valve to Table 3.6.3–1 which will be installed in the reference leg in support of the new level instrumentation.

Date of issuance: April 23, 1985.

Effective Date: Upon start-up following the first refueling outage.

Amendment No. 40.

Facility Operating License No. NPF–14: Amendment revised the Technical Specifications.

Dates of initial notices in **Federal Register:** December 31, 1984 (49 FR 50816).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 23, 1985.

No comments were received regarding the Commission's proposed no significant hazards consideration determination.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Pennsylvania Power and Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of application for amendment: November 13, 1984.

Brief description of amendment: This amendment changes the Susquehanna Steam Electric Station Unit 1, Technical Specification to incorporate changes necessary to support the plant modifications required to comply with License Condition 2.C.(17)(b)(2). The changes proposed in Tables 2.2.1–1, 3.3.1–1, 3.3.1–2, and 4.3.1.1–1 reflect the addition of a level transmitter to indicate Scram Discharge Volume Water Level-High. Previously only a float switch was used for indication. In table 3.3.6–1 the proposed change imposes an additional restriction by increasing the minimum number of operable channels necessary per trip function from one to two. The final proposed change on page 3/4 8–33 is administrative in nature. The addition of footnote **, "Initial setpoint. Final setpoint to be determined during startup testing following the first refueling outage. Any required change to this setpoint shall be submitted to the Commission within 90 days of test completion," allows the licensee to verify through testing the previously calculated setpoint and correct the calculated value if necessary. This change clarifies the fact that the setpoint contained in the technical specifications is a calculated value requiring verification through testing.

Date of issuance: April 23, 1985.

Effective Date: Upon start-up following the first refueling outage.

Amendment No. 41.

Facility Operating License No. NPF–14: Amendment revised the Technical Specifications.

Dates of initial notices in **Federal Register:** January 23, 1985 (50 FR 3051).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 23, 1985. No comments were received regarding the Commission's proposed no significant hazards consideration determination.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Pennsylvania Power and Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Dates of application for amendments: October 30, 1984 and February 20, 1985.

Brief description of amendments: This amendment deletes license condition 2.C.(4)(b) to Facility Operating License No. NPF–14 for Susquehanna Steam Electric Station (SSES), Unit 1. License Condition 2.C.(4)(b) requires that the licensee provide a new stability analysis indicating the results for appropriate exposure core conditions prior to startup following the first refueling outage.

In the Code of Federal Regulations (10 CFR Part 50 Appendix A), General Design Criteria (GDC) 12, "Suppression of Reactor Power Oscillations," states:

> The reactor core and associated coolant, control, and protection systems shall be designed to assure that power oscillations which can result in conditions exceeding specified acceptable fuel design limits are not

possible or can be reliably and readily detected and suppressed.

License condition 2.C.(4)(b) is more restrictive than GDC 12 in that it does not include the option to detect and suppress power oscillations. With the approval of Technical Specifications implementing the guidance of General Electric Service Information Letter No. 380 (GE-SIL-380), Revision 1, the licensee's procedures for detecting and suppressing power oscillations at SSES have been implemented, and compliance with the intent of license condition 2.C.(4)(b), has been satisfied.

Date of issuance: April 30, 1985.

Effective Date: Upon start-up following the first refueling outage.

Amendment No. 42.

Facility Operating License Nos. NPF-14: Amendment revised the License.

Dates of initial notices in **Federal Register:** March 27, 1985 (50 FR 12152).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 30, 1985.

No comments were received regarding the Commission's proposed no significant hazards consideration determination.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: October 1, 1984; supplemented January 21, 1985.

Brief description of amendment: The amendment changes the facility technical specifications relating to overtime limits; calibration of certain of the imput sensors to the anticipatory reactor trip based on turbine trip (NRC Generic Letter 82-16); and post-accident sampling (NRC Generic Letter 83-37). The amendment also deletes license conditions 2.C.(13), (14), and (15) and incorporates them into paragraph 6.8.4 of the Technical Specifications.

Date of issuance: April 24, 1985.

Effective date: April 24, 1985.

Amendment No.: 106.

Facility Operating License No. NPF-1. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 21, 1984 49 FR 45941 at 45962.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 24, 1985.

No significant hazards consideration comments received: No comments received.

Location of Local Public Document Room: Multnomah County Library, 801 SW. 10th Avenue, Portland, Oregon.

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: January 16, 1985, as supplemented April 8, 1985.

Brief description of amendment: This amendment revises the Technical Specifications to permit reloading and Cycle 7 operation. The revisions account for a new fuel type being added to the core, fuel types being discharged from the core, and the effects of these fuel changes on plant analyses.

Date of issuance: May 2, 1985.

Effective date: May 2, 1985.

Amendment No.: 88

Facility Operating License No. DPR-59. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 27, 1985 50 FR 8001 The April 8, 1985 letter documents the licensee's commitment to submit additional Technical Specifications in the near future and modify operating procedure in accordance with GE SIL-380. The additional Technical Specifications will be subject to a separate **Federal Register** notice when submitted.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 2, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: March 21, 1985, as supplemented March 28, 1985.

Brief description of amendment: The amendment revises the Technical Specifications by changing surveillance and calibration requirements in support of operation with the newly-installed Analog Trip Transmitter System.

Date of issuance: May 7, 1985.

Effective date: May 7, 1985.

Amendment No.: 89.

Facility Operating License No. DPR-59. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 4, 1985 50 FR 13434.

The March 28, 1985 letter provides clarifying information on the Analog Trip Transmitter System and does not alter the initial notice. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 7, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Power Authority of The State of New York, Docket No. 50-286, Indian Point Unit No. 3, Westchester County, New York

Date of application for amendment: January 17, 1985.

Brief description of amendment: The amendment would revise the Technical Specifications related to steam generator tube inservice surveillance to extend the region for which the tube plugging limit of 63% degradation due to pitting applies. This limit will now extend from the tubesheet to the second support plate for the remainder of Cycle 4.

Date of issuance: May 2, 1985.

Effective date: May 2, 1985.

Amendment No.: 55.

Facility Operating License No. DPR-64: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 27, 1985 (50 FR 12159) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 2, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50-395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of application for amendment: August 24 and November 14, 1984.

Brief description of amendment: The amendment modifies the Technical Specifications to change time constant T_1 in the overtemperature delta-T setpoint equation from 33 seconds to 28 seconds and to change the ractor trip setpoint for the steam generator water level low-low signal.

Date of issuance: April 30, 1985.

Effective date: May 7, 1985.

Amendment No.: 40.

Facility Operating License No. NPF-12. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 27, 1985 (50 FR 12162) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 30, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 1, 2, and 3, Limestone County, Alabama

Date of Application for amendment: October 22, 1984.

Brief description of amendment: The amendments change the Technical Specifications (Auxiliary Electrical System section) to reflect the 161–kV offsite power system capability, incorporate changes in start bus utilization, and to clarify wording. The changes also delete unnecessary degraded voltage timer relay tolerances and provide settings which more realistically match relay characteristics.

Date of issuance: May 2, 1985.

Effective date: May 2, 1985.

Amendment Nos.: 117, 112 and 88.

Facility Operating License Nos. DPR–33, DPR–52 and DPR–68. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 23, 1985 (50 FR 30555) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 2, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: January 10, 1985.

Brief description of amendment: The offsite organizational chart has been revised to reduce the level of detail, and the unit organizational chart has been revised to more accurately represent the operational chain of command.

Date of issuance: April 29, 1985.

Effective date: April 29, 1985.

Amendment No.: 7.

Facility Operating License No. NPF–30: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 27, 1985 (50 FR 12166).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation, dated April 29, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room locations: Fulton City Library, 709 Market Street, Fulton, Missouri 65251 and Olin Library of Washington University, Skinker and Lindell Boulevard, St. Louis, Missouri 63130.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR HEARING (EXIGENT OR EMERGENCY CIRCUMSTANCES)

During the 30-day period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing. For exigent circumstances, a press release seeking public comment as to the proposed no significant hazards consideration determination was used, and the State was consulted by telephone. In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant, a shorter public comment period (less than 30 days) has been offered and the State consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By June 21, 1985, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in acordance 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 petitioner should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such 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 satisfied 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.

Since the Commission has made a final determination that the amendment involves no significant hazard consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

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 requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Branch Chief*): Petitioner's name and telephone number; date petition was mailed; plant name; and pulbication 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 the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearings will not be entertained absent a determination by the Commission, the presiding officer or 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. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(iv) and 2.714(d).

Duke Power Company, Dockets Nos. 50-269, 50-270, and 50-287, Oconee Nuclear Station, Units Nos. 1, 2, and 3, Oconee County, South Carolina

Date of application for amendments: Telecopied April 11, 1985, as supplemented on April 12, 1985.

Brief description of amendments: These amendments revise the Station's common Technical Specifications (TSs) to allow a one-time extension to TS 3.3.5.c.(2)(b), associated with the operability of the '3A' Reactor Building Cooling (RBC) Unit for Oconee Unit 3. The change allowed for a seven-day extension of inoperability to replace, test and return to servie the '3A' RBC provided that both Reactor Building Spray trains are operable and the '3A' RBC will be returned to service by April 20, 1985.

Date of Issuance: April 22, 1985.

Effective date: April 12, 1985.

Amendments Nos.: 138, 138, and 135.

Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55. Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

State Contacted: In accordance with the Commission's regulations, consultation was held with the State of South Carolina by telephone. The State expressed no concern either from the standpoint of safety or of our no significant hazards consideration determination.

The State wanted the Commission's staff to verify that the licensee was exerting its best efforts to return the reactor building cooler to service as soon as possible. The staff verified that the licensee is providing its best efforts on this matter.

The Commission's related evaluation of the amendments, finding of emergency circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated April 22, 1985.

Attorney for licensee: J. Michael McGarry, III, Debevoise and Liberman, 1200 17th Street NW., Washington, D.C. 20036.

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina.

GPU Nuclear Corporation, Docket No. 50-219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of application for amendment: April 22, 1985.

Brief description of amendment: The amendment changes the date when the NUREG-0737, Item 11.B.3, Post-Accident Sampling System is required to be fully operational. This date has been changed from 6 months after restart from the Cycle 10 refueling outage (April 29, 1985) to the next shutdown of known sufficient length to draw reactor coolant samples from the Reactor Recirculation System, the Liquid Poison System, and the Shutdown Cooling System but not later than the restart from the planned outage currently scheduled for October 1985 or the Cycle 11 refueling outage, whichever is earlier.

Date of issuance: April 29, 1985.

Effective date: April 29, 1985.

Amendment No. 81.

Provisional Operating License No. DPR-16. Amendment modified the license. Public comments requested as to proposed no significant hazards consideration: No. Comments received: No.

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated April 29, 1985.

Attoney for licensee: G.F. Trowbridge, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

Local Public Document Room location: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Pennsylvania Power and Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of application for amendment: April 9, 1985 as supplemented on April 25, 1985.

Brief description of amendment: This amendment changes the Technical Specifications to permit Susquehanna SES refueling operations (fuel loading and unloading) to take place without using Fuel Loading Chambers (FLCs). This change allows up to eight fuel assemblies to be loaded in order to attain the required Technical Specification count rate on the source range monitors (SRMs) without creating any safety concern.

During the Susquehanna SES Unit 1 end-of-cycle defueling, the FLCs, which were being used to provide neutron monitoring, produced anomalous readings which were attributed to a detector saturation condition caused by the high gamma flux from the irradiated fuel. The FLCs are B–10 lined proportional detectors which are connected to the SRM circuitry, while the SRMs are miniature fission chambers. The B–10 lined detectors are prone to degraded and unpredictable response in a high gamma flux, whereas the fission are chambers not as susceptible to the same phenomena. Although the energy deposited by a gamma in a B–10 detector is less than that deposited by a neutron, in a large flux pulse "pile-up" condition occurs which results in several gammas being counted together thereby producing about the same signal as a neutron; and if the detector electonics are set to reduce the pulse pile-up effect, a reduction in neutron detection efficiency occurs. In comparison the energy deposited by a neutron in a fission chamber is much greater than that of a gamma, thus making the neutron counts easily distinguished from the gammas. Therefore the SRM circuitry can more easily discriminate the gamma flux and thus the SRMs provide a more reliable, well characterized signal than the FLCs in a high gamma environment (i.e., in the presence of irradiated nuclear fuel).

The staff finds that, based on previous SRM response calculations, one irradiated fuel assembly adjacent to a SRM should provide at least 0.7 cps, and two assemblies around a SRM would assure at least 0.7 cps. The Technical Specification changes allow loading of up to eight fuel assemblies (2 assemblies per SRM) before requiring the necessary SRM counts. No loss of neutron monitoring capability is expected to occur as a result.

In order to assure a safe subcritical condition during the loading of the first eight fuel assemblies (2 assemblies per SRM) the licensee has performed calculations assuming maximum reactivity conditions (i.e., cold, clustered, uncontrolled, peak reactivity) which concluded that eight fuel assemblies, as analyzed, would remain subcritical. These calculations were bounding for all the fuel to be used during the Susquehanna SES Unit 1 Cycle 2.

During a typical core reloading, two irradiated fuel assemblies will be loaded around each SRM to produce greater than the minimum required count rate. The loading schemes will be selected to provide for a continuous multiplying medium to be established between the required operable SRMs and the location of the core alteration to enhance the ability of the SRMs to respond to the loading of each fuel assembly. During a core unloading, the last fuel to be removed is that fuel adjacent to the SRMs.

These revisions to the Technical Specifications have been made in response to the licensee's application for amendment dated April 9, 1985.

The Commission has made a final determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

Date of issuance: May 3, 1985.

Effective Date: April 30, 1985.

Amendment No.: 43.

Facility Operating License No. NPF–14: Amendment revised the Technical Specifications.

Dates of initial notices in Federal Register: April 19, 1985 (50 FR 15664). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 3, 1985. The Commission has made a final no significant hazards consideration determination.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Virginia Electric and Power Company, et al., Docket No. 50–339, North Anna Power Station, Unit No. 2, Louisa County, Virginia

Date of application for amendment: February 1, 1985 as supplemented March 1, 1985.

Brief description of amendment: This amendment revised the NA–2 TS by reducing the required testing of emergency diesel generators. The changes reduce the parameters for each test, reduce the number of tests, and apply to both routine surveillance and special tests.

Date of issuance: April 25, 1985.

Effective date: April 25, 1985.

Amendment No.: 48.

Facility Operating License No. NPF–7: Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: April 2, 1985 (50 FR 13109) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 25, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room locations: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093, and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Attorney for Licensee: Michael W. Maupin, Esquire, Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

Dated at Bethesda, Maryland this 15th day of May, 1985.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 85–12223 Filed 5–20–85; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination of Domestic Production Under Section 504(d) of Title V of the Trade Act of 1974

Based on the information gathered during the Trade Policy Staff Committee (TPSC) review conducted pursuant to

the order of the Court of International Trade of July 13, 1984 entered in West Bend v. United States (Slip. Op. 84–85), on May 14, 1985 the President determined that hot air popcorn poppers are directly competitive with hot oil popcorn poppers produced in the United States on January 3, 1975 and are thus ineligible for a waiver of the 50 percent competitive need limit pursuant to section 504(d).

On August 14, 1984 the TPSC initiated a review to determine whether hot air popcorn poppers imported under basket category 684.20 of the Tariff Schedules of the United States are like or directly competitive with products produced in the United States on January 3, 1975 for purposes of section 504(d) of Title V of the Trade Act of 1974. Section 504(d) exempts from the 50 percent competitive need limit those articles for which the President determines there is no U.S. production of a like or directly competitive article. Imports of hot air popcorn poppers classifiable under TSUS item 684.20 part are currently eligible to receive when duty-free treatment when imported from any Generalized System of Preferences (GSP) eligible designated beneficiary.

The TPSC review was undertaken pursuant to an order of the U.S. Court of International Trade and relates only to hot air popcorn poppers classified under TSUS 684.20 part imported from Hong Kong which were denied GSP duty-free treatment from March 30, 1980 to March 30, 1981. The TPSC conducted the review pursuant to the regulations of the U.S. Trade Representative contained in 15 CFR 2007.0 et. seq. Notice of the initiation of the review, the request for advice from the U.S. International Trade Commission (USITC), and the scheduling of a public hearing was published in the **Federal Register** on August 14, 1984 (49 FR 32487). Testimony was heard on the section 504(d) review of hot air popcorn poppers during the public hearing held on October 2, 1984.

The President's finding that hot air popcorn poppers are directly competitive with hot oil popcorn poppers produced in the United States on or before January 3, 1975 was based on an examination of characteristics and uses in light of testimony given during the public hearing, briefs submitted by interested parties and advice from the USITC.

Donald M. Phillips,

Chairman, Trade Policy Staff Committee.

[FR Doc. 85–12178 Filed 5–20–85; 8:45 am]

BILLING CODE 3190–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–22036; SR–NYSE–85–14]

Self-Regulatory Organizations; Notice of Filing of and Order Granting Accelerated Approval of Proposed Rule Change by New York Stock Exchange, Inc.; Relating to Pilot Program To Test Revisions to Specialist Performance Evaluation Questionnaire ("SPEQ") and Its Associated Processes

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 19, 1985, the New York Stock Exchange, Inc. filed with the Securities and Exchange 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 proposed rule change consists of a pilot program to test proposed revisions to the Exchange's Specialist Performance Evaluation Questionnaire ("SPEQ") and its associated processes.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filings with the Commission, the self-regulatory organzation included statements concerning the purpose of and basis for the proposed rule change and discused 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 and is set forth in section (A), (B), and (C) below.

I. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* The purpose of the proposed rule change is to implement a pilot program to test revisions to the current Specialist Performance Evaluation Questionnaire ("SPEQ") and its associated processes. The pilot program will terminate on September 30, 1985.

As described in more detail in File No. SR–NYSE–84–12,[1] the Exchange is reviewing its specialist performance improvement procedures for the purpose of codifying them in an amendment to Rule 103A and requesting that Rule 103A be approved by the Commission as a permanent rule of the Exchange. Rule 103A currently has a sunset date of September 30, 1985.

As part of this review, the Exchange also looked at the SPEQ and its associated processes, since its results are the basis upon which specialist performance improvement actions are determined.

The Exchange's Market Performance Committee's Subcommittee on Performance Measures and Procedures undertook the review. To aid them in their work, Opinion Research Corporation ("ORC"), an outside consulting firm that is expert in the field of survey sampling and methodology, was retained by the Exchange. ORC's final recommendations pertain to each of the three areas of the SPEQ and its associated processes; (1) Sampling, which is the method of selecting floor brokers to rate particular units; (2) the design and content of the SPEQ itself; and (3) the method of scoring and analyzing the results.[2]

ORC recommended that all aspects of the revised process be tested in a pilot program, that all floor brokers be required to complete the screening questionnaire, and that all floor brokers who meet the eligibility requirements be required to complete the SPEQ. Prior to the submission of this filing with the Commission, the Exchange staff conducted educational review sessions with Exchange floor brokers to explain the details of the SPEQ pilot progrm, to inform them that participation in the pilot program would be mandatory, and to inform them that failure to participate might result in disciplinary action. To assist in enforcing mandatory participation in the pilot program, the Exchange is amending the "List of Exchange Rules and Violations and Fines Applicable Thereto" promulgated to administer Rule 467A to include failure to participate in the SPEQ pilot program as required, as a violation subject to the new expedited procedures

[1] *See* Securities Exchange Act Release No. 20851, April 11, 1984; 49 FR 15300, April 18, 1984.

[2] It its filing with the Commission, the NYSE has included the following exhibits: (1) The ORC Report to the NYSE, dated August 1984; (2) a summary of revisions to the current SPEQ, which includes revisions suggested by the ORC, combined with the additional revisions developed by the Subcommittee on Performance Measures and Procedures, and endorsed by Exchange management; (3) the revised screening questionnaire; and (4) the revised SPEQ. Copies of these exhibits are available for inspection and copying at the Commission's Public Reference Room or at the NYSE.

of Rule 476A. The amendment to the "List of Exchange Rules and Violations and Fines Applicable Thereto" is being submitted to the Commission in a companion Rule 19b–4 filing to this one. (See SR–NYSE–85–15).

The pilot program is intended to permit the Exchange to monitor the operation of the revised SPEQ and its associated processes under actual conditions and to make such modifications to the procedures as may be deemed appropriate. The grades which floor brokers assign to specialist units during the pilot program will not be used by the Allocation Committee as criteria for the allocation of securities to specialists, nor by the Market Preformance Committee as a basis for performance improvement action. After an evaluation period, the Exchange expects to codify the appropriate procedures by filing an amendment to Rule 103A with the Commission for its approval.

(2) *Statutory Basis.* The statutory basis for the proposed rule change is Section 6(b)(5) of the Securities Exchange Act of 1934 as amended ("Act") which, among other things, requires Exchange rules to be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling and processing information with respect to and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments regarding the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to Section 19(b)(2) of the Act. The Exchange anticipates that the pilot program testing the revisions to the current SPEQ and its associated processes will begin operation in late April or early May 1985. In order to implement this schedule, the Exchange therefore requests accelerated effectiveness for the proposed rule change.

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 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 the scope of the pilot program is limited only to the testing and monitoring of the revised SPEQ procedures under actual conditions. Thus, grades received under the pilot program will not serve as a basis for the evaluation of specialists, the allocation of securities to specialists, or performance improvement action under Rule 103A. The Commission believes that the pilot is a reasonable means of testing the revised SPEQ and its associated processes without interfering with the on-going administration of current SPEQ procedures.

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 Fifth 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 Fifth Street, NW., Washington, D.C. 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 June 11, 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 Regulations, pursuant to delegated authority.

Dated: May 14, 1985.

John Wheeler,

Secretary.

[FR Doc. 85–12212 Filed 5–20–85; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–22037; SR–NYSE–85–15]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change Relating to Amendment to "List of Exchange Rule Violations and Fines Applicable Thereto Pursuant to Rule 476A"

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 19, 1985, the New York Stock Exchange, Inc. filed with the Securities Exchange 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 proposed rule change consists of an additon to the "List of exchange Rule Violations and Fines Applicable Thereto Pursuant to Rule 476A" to require participation in the pilot program to test revisions to the Specialist Performance Evaluation Questionnaire ("SPEQ") and its associated processes by the completion and return of "screening" and "SPEQ" questionnaires within specified time periods.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing the Commission, the self-regulatory organization included statements conerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed the change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statuatory Basis for, the Proposed Rule Change

(1) *Purpose.* The purpose of the proposed rule change is to amend the "List of Exchange Rule Violations and Fines Applicable Thereto Pursuant to

Rule 476A" [1] to add to such list of Rules for violations of which a fine may be imposed a requirement to participate in the "Pilot Program to Test Revisions to the Specialist Performance Evaluation Questionnaire ("SPEQ") and Its Associated Process" by completing and returning "screening" and "SPEQ" questionnaire within specified time periods. Failure to so participate may thus be deemed to be a violation of an Exchange Rule subject to the imposition of a fine pursuant to the provisions of Rule 476A.

The pilot program to test the revised SPEQ and its associated processes is being submitted in a companion Rule 19b-4 filing to this one. (See SR-NYSE-85-14) As noted in the filing, a significant aspect of the revised SPEQ process is that participation therein be *mandatory* for all qualified Floor brokers. Prior to the submission of this filing with the Commission, the Exchange staff conducted educational review sessions with Exchange Floor brokers to explain in the details of the SPEQ pilot program, to inform them that participation in the pilot program would be mandatory and to inform them the failure to participate might result in disciplinary action. Given the importance placed on the mandatory participation requirement of the revised SPEQ process, the Exchange has determined to amend the list of "Rule 476A violations" to provide that a fine may be imposed on a member who does not complete and return either the screening questionnaire or the SPEQ during the SPEQ pilot program within the time period indicated for such action. The Exchange believes that the ability to impose fines under the expedited procedures of Rule 476A will provide an efficient regulatory means of "putting teeth" into the mandatory participation requirement, while not unduly burdening members, who have merely to complete brief questionnaires within reasonable time periods as specified by the Exchange. The Exchange further believes that the possible imposition of fines pursuant to Rule 476A for non-participation as required will underscore to the Exchange membership the importance of the SPEQ pilot program as a means toward enhancing the measurement of specialist performance, which, in turn, can be expected to add to the overall quality of the Exchange market.

The SPEQ pilot program is expected to begin in late April or early May, and the proposed addition to the list of "Rule 476A Violations" being filed herein would be effective only for the duration of this program. At the conclusion of the pilot program, and in connection with any filing with the Commission seeking approval of the revised SPEQ process on a permanent basis, the Exchange expects to revise its Rule 103A to make mandatory participation by Floor brokers a permanent feature of such SPEQ process. The List of "Rule 476A violations" would be amended at that time to refer to the appropriate provision in Rule 103A.

(2) *Statutory Basis.* The proposed rule change advances the objectives of Section 6(b)(6) of the Securities Exchange Act relating to the "appropriate disciplining" of members for violation of Exchange rules as well as Section 6(b)(7) of the Act, which requires that the rules of the Exchange "provide a fair procedure for the disciplining of members and persons associated with members."

Additionally, the implementation of this revision to the "List of Rules" subject to Rule 476A as it relates to the "SPEQ" pilot program is consistent with Section 6(b)(5) of the Act, which, among other things, requires Exchange rules to promote just and equitable principles of trade and to foster cooperation and coordination with persons engaged in regulating, clearing, settling and processing information with respect to and facilitating transactions in securities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments regarding the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has requested that the proposed rule change be given accelerated effectiveness pursuant to Section 19(b)(2) of the Act. The Exchange anticipates that the pilot program testing the revisions to the current SPEQ and its associated processes will begin operation in late April or early May 1985. As noted in Item II (a)(1) above, the Exchange intends that participation in the pilot program be mandatory. In order to "put teeth" into the mandatory participation requirement, the Exchange has requested that this proposed rule change be approved, on an accelerated basis, concurrently with the Commission's approval of the mandatory participation requirement as submitted in SR-NYSE-85-14.

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 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 the proposed rule change is expected to provide an effective means of facilitating mandatory participation in the pilot program to test revisions to the SPEQ and its associated processes, and should therefore be approved, on an accelerated basis, concurrently with approval of the mandatory participation requirement.

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 Fifth 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

[1] The NYSE already has submitted the following list of Exchange rules covered by Rule 476A: (1) Rule 15(c) (requirement to issue Intermarket Trading System ("ITS") pre-opening notifications); (2) Rule 15A (requirement to comply with ITS block-trade policy; (3) Rule 79A.30 (requirement to obtain floor official approval for trades at wide variations from the last sale price); (4) Rule 123A.40 (requirement to obtain floor official approval for election of stop orders); (5) Rule 440B (short rule sale violations); (6) Rule 104.12 (specialist investment account rule violations); (7) Rule 107.10 (Registered Competitive Market Maker stabilization requirement violations); (8) Rule 112(d) (competitive trader stabilization requirements); (9) record retention rule violations (Rules 117, 121, 123, 123A.20, 410); (10) reporting rule violations (Rule 97, 104A.50, 10730, 112A10); (11) violations of NYSE policies regarding procedures to be followed in delayed opening situations; and (12) Rule 134 (c) and (e) (requirement to comply with specified questioned trade procedures and time periods). Under the Rule, member organizations will be fined $1,000 for a first violation, $2,500 for a second violation, and $2,500 for subsequent violations within the 12-month period. Individual members will be charged $500 for a first time violation, $1,000 for a second violation, and $2,500 for subsequent violations within the 12-month period.

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 Fifth Street NW., Washington, D.C. 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 June 11, 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 14, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-12213 Filed 5-20-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22035; SR-MSRB-85-9]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board, Order Approving Proposed Rule Change

The Municipal Securities Rulemaking Board ("MSRB"), on March 6, 1985, submitted copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend MSRB rule G-12 on uniform practice and rule G-15 on customer confirmations, clearance, and settlement of transactions. The amendment requires that transactions in certain tax-exempt securities that are sold at issuance at a discount from the par amount shall be designated as original issue discount securities in the description area of confirmations.

Notice of the proposed rule change was given in Securities Exchange Act Release No. 21904, published in the Federal Register (50 FR 13905, April 8, 1985). No comments on the proposed rule change were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is approved, but shall become effective on July 15, 1985.[1]

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: May 13, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-12211 Filed 5-20-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1984 Rev., Supp. No. 20]

Surety Companies Acceptable on Federal Bonds: Termination of Authority Issued to North East Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to North East Insurance Company of Portland, Maine, under Sections 9304 to 9308 of Title 31 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective this date.

The company was last listed as an acceptable surety on Federal bonds at 49 FR 27258, July 2, 1984.

With respect to any bonds currently in force with North East Insurance Company, bond-approving officers for the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Questions concerning this notice may be directed to the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, D.C. 20226, telephone (202) 634-2349.

Dated: May 10, 1985.

W.E. Douglas,

Commissioner, Financial Management Service.

[FR Doc. 85-12156 Filed 5-20-85; 8:45 am]

BILLING CODE 3410-02-M

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[1] In filing the proposed rule change the MSRB requested that the Commission delay the effectiveness of the rule change for 60 days following its approval so that the MSRB could apprise affected persons of the rule change.

UNITED STATES INFORMATION AGENCY

United States Advisory Commission on Public Diplomacy; Meeting

The United States Advisory Commission on Public Diplomacy will conduct a meeting in Room 600, 301 4th Street SW. on May 22 from 10:00 am to 3:15 pm. Exceptional circumstances deriving from recent Commission travel and scheduling exigencies have required a waiver of the normal notice period.

The meeting will be closed to the public from 10:00 am-12:00 noon, because it will involve a discussion of classified information relating to VOA site negotiations. (5 U.S.C. 552b(c)(1)) Premature disclosure of this information is likely to significantly frustrate implementation of proposed Agency action, because there will be a discussion of future Agency policy and programs. (5 U.S.C. 522b(c)(9)(B))

The Commission will meet from 2:00-3:15 pm to discuss the role of USIA's Inspector General and plans to extend USIA's foreign student outreach programs in the U.S. This portion of the meeting is open to the public. Please call Gloria Kalamets, (202) 485-2468, if you plan to attend because entrance to the building is controlled.

Dated: May 13, 1985.

Charles Z. Wick,

Director.

Determination to Close Advisory Commission Meeting of May 22, 1985

Based on the information provided to the United States Information Agency by the United States Advisory Commission on Public Diplomacy, I hereby determine that the 10:00 am-12:00 noon portion of the meeting scheduled by the Commission for May 22, 1985 may be closed to the public. Exceptional circumstances deriving from recent Commission travel and scheduling exigencies have required a waiver of the normal notice period.

The Commission has requested that part of its May 22 meeting be closed, because it will involve a discussion of classified information relating to VOA site negotiations. (5 U.S.C. 552b(c)(1)) Premature disclosure of this information is likely to frustrate significantly the implementation of proposed Agency action, because there will be a discussion of future Agency policy and programs. (5 U.S.C. 552b(c)(9)(B)).

Charles Z. Wick,

Director.

[FR Doc. 85-12249 Filed 5-20-85; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 98
Tuesday, May 21, 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

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 2:00 p.m. Tuesday, May 21, 1985.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, MD.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Election of Vice Chairman

The Commission will elect a Vice Chairman for the term ending May 31, 1986.

2. FY 86 Operating Plan

The staff will brief the Commission on the 1985 Operating Plan.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301–492–6800.

May 16, 1985.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 85–12237 Filed 5–17–85; 9:44 am]

BILLING CODE 6355–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Wednesday, May 22, 1985.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: The staff will brief the Commission on the 1986 Operating Plan. (This is a continuation of the May 21, 1985 meeting).

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, (301) 492–6800.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 85–12238 Filed 5–17–85; 9:44 am]

BILLING CODE 6355–01–M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, June 4, 1985, 9:30 a.m.

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200–C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, D.C. 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open

1. Announcement of Notation Vote(s)
2. A Report on Commission Operations (Optional)
3. Proposed Management Directive
4. Draft of EEOC Staff Guide for the Evaluation of Plans and Reports Developed by Federal Agencies
5. Jurisdictional Boundaries of Commission Field Offices
6. Proposed Compliance Manual § 801 of Volume II, Introduction (ADEA)
7. Amendments to the Commission's Section 4(g) of the ADEA 29 U.S.C. Section 623(g)
8. Confidentiality Policy Under Title VII, ADEA and the Equal Pay Act

Closed

1. Litigation Authorization; General Counsel Recommendations
2. Options Paper on Enforcement of an EPA/LOV
3. Proposed ORA Decision

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In additional to publishing notices on EEOC Commission Meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone, (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat at (202) 634–6748.

Dated: May 17, 1985.

Cynthia C. Matthews,

Executive Officer.

This Notice Issued May 17, 1985.

[FR Doc. 85–12308 Filed 5–17–85; 3:23 pm]

BILLING CODE 6750–06–M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Monday, June 3, 1985, 2:00 p.m. (eastern time).

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200–C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, D.C. 20507.

STATUS: Closed to the public.

MATTER TO BE CONSIDERED:

Closed

1. Litigation Authorization; GC Recommendations
2. Options Paper on Enforcement of an EPA/LOV
3. Proposed ORA Decision

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission Meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone, (202) 634–6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat at (202) 634–6748.

Dated: May 17, 1985.

Cynthia C. Matthews,

Executive Officer.

This Notice Issued May 17, 1985.

[FR Doc. 85–12306 Filed 5–17–85; 3:23 pm]

BILLING CODE 6750–06–M

5

NATIONAL CREDIT UNION ADMINISTRATION

Notice of previously held emergency meeting

TIME AND DATE: 3:30 p.m., Wednesday, May 15, 1985.

PLACE: 1776 G Street, NW., Washington, D.C., 6th Floor.

STATUS: Closed.

MATTER CONSIDERED:

1. Personnel Actions.

The Board unanimously voted that the Agency business required that a meeting be held with less than the usual seven days advance notice.

The Board unanimously voted to close the meeting under exemptions (2) and (6). The Director, Department of Legal Services, certified that the meeting could be closed under those exemptions.

FOR MORE INFORMATION CONTACT:

Rosemary Brady, Secretary of the Board, Telephone, (202) 357–1100.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 85–12297 Filed 5–17–85; 2:55 pm]

BILLING CODE 7535–01–M

federal register

Tuesday
May 21, 1985

Part II

Office of Management and Budget

Budget Rescissions and Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report two new rescission proposals totaling $37,401,818, two new deferrals totaling $24,000,000, and a revised deferral now totaling $32,300,000. The rescissions affect programs in the Department of Energy and the Corporation for Public Broadcasting. The deferrals affect programs in the Department of Energy and the Tennessee Valley Authority.

The details of these rescissions and deferrals are contained in the attached report.

Ronald Reagan.

The White House,
May 16, 1985.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

RESCISSION #	ITEM	BUDGET AUTHORITY
	Department of Energy	
	Power Marketing Administration	
R85-243	Southeastern Power Administration, Operation and maintenance	23,402
	Other Independent Agencies	
	Corporation for Public Broadcasting	
R85-244	Public broadcasting fund	14,000
	Total, rescissions	37,402

DEFERRAL #	ITEM	BUDGET AUTHORITY
	Department of Energy	
	Energy Programs	
D85-70	Energy supply research and development activities	15,000
	Power Marketing Administration	
D85-188	Western Area Power Administration, Construction, rehabilitation, operation and maintenance	32,300
	Other Independent Agencies	
D85-71	Tennessee Valley Authority fund	9,000
	Total, deferrals	56,300

SUMMARY OF SPECIAL MESSAGES
FOR FY 1985
(in thousands of dollars)

	RESCISSIONS	DEFERRALS
Ninth special message:		
New items	37,402	24,000
Revisions to previous special messages	---	2,000
Effects of ninth special message	37,402	26,000
Amounts from previous special messages that are changed by this message (changes noted above)	---	30,300
Subtotal, rescissions and deferrals	37,402	56,300
Amounts from previous special messages that are not changed by this message	1,805,913	14,816,323
Total amount proposed to date in all special messages	1,843,315	14,872,623

R85-243

Department of Energy
Power Marketing Administration
Southeastern Power Administration, Operation and Maintenance

Of available funds provided for under this head, $23,401,818 are rescinded.

Rescission Proposal No: R85-243

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Energy Bureau: Power Marketing Administration Appropriation title and symbol: Southeastern Power Administration, Operation and Maintenance 1/ 89X0302	New budget authority..... (P.L. 98-360) $ 35,744,000 Other budgetary resources 12,810,418 Total budgetary resources 48,554,418 Amount proposed for rescission $ 23,401,818
OMB identification code: 89-0302-0-1-271 Grant program: [ ] Yes [X] No	Legal authority (in addition to sec. 1012): [X] Antideficiency Act [ ] Other
Type of account or fund: [ ] Annual [ ] Multiple-year (expiration date) [X] No-Year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification: This account funds the marketing activities of the Southeastern Power Administration (SEPA), an agency that sells wholesale hydroelectric power produced at Corps of Engineers dams in 10 southeastern states. SEPA delivers power to its customers by using power transmission lines owned by other utilities since this agency does not own or operate any power lines. One of SEPA's principal activities is the negotiation of power sales contracts. Costs are recovered by the Federal Government, with interest, in accordance with statutory requirements. As a result of recently negotiated sales contracts, there is a greatly reduced need for Federal funding. Consequently, $23,401,818 of appropriated funds are not needed and are proposed for rescission. This action is proposed under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. The funds proposed for rescission are in excess of the amount necessary for conduct of SEPA's normal power marketing activities in 1985.

Outlay Effect (in thousands of dollars):

1985 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1985	1986	1987	1988
10,501	10,501	---	---	15,736	7,666

1/ This account was the subject of a proposed rescission for the separate purpose of meeting the requirements of section 2901 of the Deficit Reduction Act (R85-95).

Corporation for Public Broadcasting

Of the funds provided for "The Corporation for Public Broadcasting" for fiscal year 1987 in Public Law 98-619, $14,000,000 are rescinded.

Rescission Proposal No: R85-244

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY:
Corporation for Public Broadcasting
Bureau:

Appropriation title and symbol:
Public Broadcasting Fund
2070151

OMB identification code:
20-0151-0-503
Grant program:
[X] Yes [ ] No

Type of account or fund:
[X] Annual (1987 advanced appropriation)
[ ] Multiple-year _____ (expiration date)
[ ] No-Year

New budget authority..... $200,000,000
(P.L. 98-619)
Other budgetary resources 0
Total budgetary resources 200,000,000

Amount proposed for rescission $ 14,000,000

Legal authority (in addition to sec. 1012):
[ ] Antideficiency Act
[ ] Other _____

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other _____

Justification: The Corporation for Public Broadcasting (CPB) provides Federal assistance to the 266 radio and 178 television stations which comprise the non-commercial broadcasting system. It is the Administration's policy to encourage user and private support and whenever possible, to reduce the need for Federal support. The two year advance notice provided by this rescission proposal should permit time to plan for ensuing funding reductions.

Estimated Program Effect: The allocation of the CPB's appropriation among its programs is mandated by the Omnibus Reconciliation Act of 1981. Therefore, the $14 million proposed rescission would be similarly distributed. This proposal will have some effect on program planning levels.

Outlay Effect (in thousands of dollars):

1987 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1985	1986	1987	1988
200,000	186,000	---	---	14,000	---

Deferral No: D85-70

D85-18B

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Energy	New budget authority..... $1,958,165,000 (P.L. 98-360)
Bureau: Energy Programs	Other budgetary resources 556,981,729
Appropriation title and symbol: Energy Supply Research and Development 1/ 2/ 89X0224	Total budgetary resources 2,515,146,729
	Amount to be deferred: Part of year $
	Entire year 15,000,000
OMB Identification code: 89-0224-0-1-271	**Legal authority** (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual [ ] Multiple-year (expiration date) [X] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other

Justification: The purpose of Energy supply research and development activities is to: (1) Support long-term research and development on a mix of technologies that have the potential to provide adequate supplies of energy at reasonable cost, and (2) fund other research programs which provide significant benefits to the Government and the public. One project funded in this account, the Clinch River Breeder Reactor Project (CRBR), was terminated by Congress in November 1983. This deferral of $15,000,000 from CRBR has been determined to be in excess of termination requirements and results from less than expected costs associated with close out of contracts, property disposition, site redress, and technical documentation. The Department expects to utilize these deferred funds to offset its FY 1986 budget request. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of deferrals during 1984 (D84-39 and D84-39A).

2/ This account was also the subject of a proposed rescission (R85-82).

Supplementary Report

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D85-18A transmitted to Congress on February 6, 1985.

This revision to a deferral increases the previous deferral of $30,300,000 by $2,000,000 in the Department of Energy's Western Area Power Administration Construction, rehabilitation, operation and maintenance account, resulting in a total deferral of $32,300,000. The increase is possible because another $2,000,000 became available in 1985 from the deobligation of prior year funds.

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Energy	New budget authority..... $218,230,000 (P.L. 98-360)
Bureau: Power Marketing Administration	Other budgetary resources * 85,896,155
Appropriation title and symbol: Western Area Power Administration, Construction, rehabilitation, operation and maintenance 89X5068 1/ 2/	Total budgetary resources *304,126,155
	Amount to be deferred: Part of year $ ____ Entire year * 32,300,000
OMB identification code: 89-5068-0-2-271	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-Year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: *This account funds the activities of the Western Area Power Administration (WAPA), which markets power in 15 western States from power generating projects principally operated by the Bureau of Reclamation and the Corps of Engineers. WAPA activities also include the construction, operation, and maintenance of approximately 16,000 miles of power transmission lines. Funds are available for deferral for the following three reasons:

- In 1984, the agency did not use as much funding as was previously assumed. In particular, an unobligated balance of $6.3 million resulted from reduced power purchases and favorable construction contract awards.
- In addition, $24 million became available from the deobligation of prior year funds in 1984, including over $21 million deobligated following settlement of litigation.
- Another $2 million became available in 1985 from the additional deobligation of prior year funds.

There is currently no plan to use any of these funds in 1985, although the funds will be released later this year if a critical need arises. If a critical need does not arise, however, the funds will be deferred until 1986. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. The funds deferred are in excess of the amount necessary for conduct of WAPA's normal activities.

Outlay Effect: None

1/ This account was the subject of a similar deferral during 1984 (D84-64 and D84-64A).

2/ This account was also the subject of a proposed rescission (R85-97).

* Revised from previous report.

Deferral No: D85-71

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Tennessee Valley Authority	**New budget authority.....** $ 120,000,000 (P.L. 98-360)
Bureau:	**Other budgetary resources** 95,683,808
Appropriation title and symbol: Tennessee Valley Authority fund 1/ 2/ 64X4110	**Total budgetary resources** 215,683,808
	Amount to be deferred: Part of year $ ____
	Entire year 9,000,000
OMB identification code: 64-4110-0-3-999	**Legal authority** (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other ____
Type of account or fund:	**Type of budget authority:**
[ ] Annual	[X] Appropriation
[ ] Multiple-year ____ (expiration date)	[ ] Contract authority
[X] No-Year	[ ] Other ____

Justification: The Tennessee Valley Authority (TVA) oversees two programs -- the power program, paid for by the region's electricity consumers and non-power (economic, natural resources, energy and fertilizer development) programs, supported by direct Federal appropriations.

In 1981 the Administration and Congress agreed to support TVA's participation in development of a coal gassification demonstration plant. The agreement provided $125 million in appropriations for TVA to initiate the project. The remaining cost (estimated at over $1 billion) was to be financed by a consortium of private investors with possible help from the Synthetic Fuels Corporation (SFC). The SFC, however, rejected all three of the consortium's applications for financial support.

The lack of SFC support and the drop in energy prices has made the project economically unviable. The consortium has concluded that it is no longer prudent to pursue the project, and the investors have withdrawn from a fourth SFC solicitation and from the project. As a result, TVA's Board of Directors voted to place the project in a defense energy reserve status to be reactivated if required by national security considerations. The site will be placed in an environmentally stable condition and reserved for the project in the event it is reactivated. The engineering work already accomplished will be placed in readily accessible files. TVA will retain the major contracts with the architect-engineer and the construction manager.

TVA proposes to reserve $9 million for future use, contingent upon reactivation of the project. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. The funds deferred are in excess of the amount necessary for conduct of TVA's normal program activities in 1985.

Outlay Effect: None

1/ This account was the subject of deferrals during 1984 (D84-19 and D84-48).

2/ This account was also the subject of a proposed rescission (R85-241).

[FR Doc. 85-12292 Filed 5-20-85; 8:45 am]
BILLING CODE 3110-01-C

federal register

Tuesday
May 21, 1985

Part III

Department of Energy

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas; Notice

DEPARTMENT OF ENERGY

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95–621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective June 1, 1985. These prices are based on the prices of alternative fuels.

FOR FURTHER INFORMATION CONTACT: Leroy Brown, Jr., Energy Information Administration, 1000 Independence Avenue, SW., Room BE–034, Washington, D.C. 20585, Telephone: (202) 252–6077.

Section I

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79–21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million Btu's
Alabama[1]	$4.04
Arizona[1]	3.97
Arkansas[1]	3.78
California[1]	3.97
Colorado[2]	3.80
Connecticut[1]	4.11
Delaware[1]	4.14
Florida	4.00
Georgia[1]	4.04
Idaho[2]	3.80
Illinois[1]	3.82
Indiana	3.74
Iowa[1]	3.56
Kansas[1]	3.56
Kentucky[1]	3.82
Louisiana	3.76
Maine[1]	4.11
Maryland[1]	4.14
Massachusetts	4.05
Michigan	3.66
Minnesota	3.50
Mississippi[1]	4.04
Missouri[1]	3.56
Montana[2]	3.80
Nebraska[1]	3.56
Nevada[1]	3.97
New Hampshire	4.11
New Jersey[1]	4.14
New Mexico[1]	3.78
New York	4.12
North Carolina[1]	4.04
North Dakota[1]	3.56
Ohio	3.66
Oklahoma[1]	3.78
Oregon	3.92
Pennsylvania[1]	4.14
Rhode Island[1]	4.11
South Carolina[1]	4.04
South Dakota[1]	3.56
Tennessee	3.85
Texas	3.45
Utah[2]	3.80
Vermont[1]	4.11
Virginia	4.02
Washington	3.93
West Virginia[1]	3.82
Wisconsin[1]	3.82
Wyoming[2]	3.80

[1] Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM–79–21.
[2] Region based price computed as the weighted average price of Regions E, F, G, and H.

Section II.—Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during March 1985 was $31.75 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective June 1, 1985, is $7.12 per million BTU's.

Section III.—Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79–21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81–27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81–28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were requiried from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of January 1985, February 1985, and March 1985.[1] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine Alternative Price Ceiling

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective June 1, 1985 (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, January 1985, February 1985, and March 1985. Reported prices for sales in January 1985 were adjusted by the percent change in the nationwide volume-weighted average price from January 1985 to March 1985. Prices for February 1985 were similarly adjusted by the percent change in the nationwide volume-weighted average price from February 1985 to March 1985. The volume-weighted 3-month average of the adjusted January 1985 and February 1985, and the reported March 1985 prices were then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Price.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or

[1] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

down by the percent change in oil prices at the national level as discussed in Section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were insufficient sales reported in Region G for the months of January 1985, February 1985, and March 1985. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume-weighted average price ceilings for Region E, Region F, Region G, and Region H.

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 20 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending May 14, 1985, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of March 1985. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A	*Region B*
Connecticut	Delaware
Maine	Maryland
Massachusetts	New Jersey
New Hampshire	New York
Rhode Island	Pennsylvania
Vermont	

Region C	*Region D*
Alabama	Illinois
Florida	Indiana
Georgia	Kentucky
Mississippi	Michigan
North Carolina	Ohio
South Carolina	West Virginia
Tennessee	Wisconsin
Virginia	

Region E	*Region F*
Iowa	Arkansas
Kansas	Louisiana
Missouri	New Mexico
Minnesota	Oklahoma
Nebraska	Texas
North Dakota	
South Dakota	

Region G	*Region H*
Colorado	Arizona
Idaho	California
Montana	Nevada
Utah	Oregon
Wyoming	Washington

Issued in Washington, D.C., May 17, 1985.

Jimmie L. Petersen,

Acting Administrator, Energy Information Administration.

[FR Doc. 85-12344 Filed 5-20-85; 8:45 am]

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federal register

Tuesday
May 21, 1985

Part IV

Department of Health and Human Services

Health Care Financing Administration

42 CFR Parts 405 and 412

Medicare Program; Limit on Payments for Direct Medical Education Costs; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405 and 412

[BERC-338-P]

Medicare Program; Limit on Payments for Direct Medical Education Costs

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: We believe that Medicare's policy of basing its reimbursement on 100 percent of the reasonable direct costs of approved educational activities results in payment for some costs that are not necessary in the efficient delivery of health services to Medicare beneficiaries. Therefore, we propose to establish a limit on these costs. This proposal would impose a limit on the amount Medicare reimburses providers for their direct medical education costs for cost reporting periods beginning on or after July 1, 1985 but before July 1, 1986. The limit would be tied to Medicare utilization and would be based on the lesser of a provider's allowable costs of approved medical educational activities during a cost reporting period or during a base year. The base year would be the provider's cost reporting period beginning on or after October 1, 1983 but before October 1, 1984.

DATE: To be considered, comments must be mailed or delivered to the appropriate address, as provided below, and must be received by June 20, 1985.

ADDRESS: Address comments in writing to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BERC-338-P, P.O. Box 26676, Baltimore, Maryland 21207.

If you prefer, you may deliver your comments to one of the following addresses: Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C., or Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to file code BERC-338-P.

Comments will be available for public inspection as they are received, beginning approximately three weeks after publication of this document in Room 309-G of the Department's offices at 200 Independence Avenue SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone: 202-245-7890).

FOR FURTHER INFORMATION CONTACT: Paul Elstein, (301) 597-1758.

SUPPLEMENTARY INFORMATION:

I. Background—Current Policy

Medicare has historically paid a share of the net cost of approved medical educational activities. Our regulations at 42 CFR 405.421 define approved educational activities to mean formally organized or planned programs of study usually engaged in by providers in order to enhance the quality of care in an institution. These activities include approved training programs for physicians, nurses, and certain paraprofessionals (for example, radiology technicians).

Since the inception of the Medicare program, the costs of approved medical educational activities, as described above, have been paid for by the Medicare program on a reasonable cost basis. Section 1861(v)(1)(A) of the Social Security Act (the Act) defines reasonable cost as the cost actually incurred, excluding any cost unnecessary in the efficient delivery of needed health services to Medicare beneficiaries. Seciton 405.421 of the regulations further specifies that the allowable cost of approved educational activities is the net cost, which is determined by deducting tuition revenues from total costs.

Under sections 1886 (a)(4) and (d)(1)(A) of the Act, the costs of approved medical educational activities are excluded from the calculation of the payment rate under the prospective payment system for inpatient hospital services. The Medicare program continues reimbursement for these costs on a reasonable cost basis. In addition, hospitals excluded from the prospective payment system that have approved medical education programs continue to be reimbursed as described in § 405.421.

Thus, costs related to the actual operation of an approved program, such as salaries of interns and residents, are excluded from the "operating costs of inpatient hospital services." These costs are treated as a pass-through cost that is excluded from the calculation of the prospective payment rate and is reimbursed separately on a reasonable cost basis. Costs of on-the-job training, maintenance of a medical library and certain other activities are considered normal operating costs and are included in the calculation of the prospective payment rate.

We also note that section 1886(d)(5)(B) of the Act and § 412.115(b) of our regulations (formerly § 405.477(c)(2) and recently redesignated at 50 FR 12759 on March 29, 1985) specify that hospitals with "indirect costs" for medical education will receive an additional payment amount under the prospective payment system. As used in section 1886(d)(5)(B) of the Act, indirect costs for medical education are those additional operating (that is, patient care) costs incurred by hospitals with medical education programs (for example, added costs caused by the ordering of an increased number of tests by interns and residents in hospitals with approved programs). This proposed regulation would not apply to indirect medical education payments. It would apply only to the costs of approved educational activities as defined in § 405.421. In order to avoid confusion for purposes of this proposal we will use the term "direct medical education costs" to refer to the reimbursement authorized by § 405.421.

II. Proposed Changes

Section 1861(v)(1)(A) of the Act allows HCFA to establish limits on reasonable costs based on estimates of the costs necessary in the efficient delivery of health services to Medicare beneficiaries.

For the reasons discussed below, we now believe that Medicare's policy of basing its reimbursement on 100 percent of the reasonable direct costs of approved educational activities results in payment for some costs that are not necessary in the efficient delivery of health services to Medicare beneficiaries. Therefore, we propose to implement our authority under section 1861(v)(1)(A) of the Act to establish a limit on these costs. First, we believe that the current Medicare policy of reimbursing providers based on 100 percent of their allowable cost for approved educational activities does not provide adequate incentives to providers to hold down their expenditures for these costs. In addition, we believe that Congress intended that local communities bear a greater proportion of these costs than is now the case. The Congressional committee reports that accompanied the original Medicare legislation, the Social Security Amendments of 1965, (Pub. L. 89-97) stated that "[I]t is intended, until the community undertakes to bear such costs in some other way, that a part of the net costs of such activities should be considered as an element in the cost of patient care . . . ." (See S. Rep. No. 404, 89th Cong., 1st Sess. 36 (1965), and H.R. Rep. 213, 89th Cong., 1st Sess. 32 (1965))

We believe that after 20 years, it is time for States and localities, medical schools and private philanthropies to assume a greater role in the costs of

medical education. While the Federal Government will continue to share substantially in these costs, we have determined that any increase above the level of reimbursement in a specified base year, as discussed below, is not necessary in the efficient delivery of health services to Medicare beneficiaries. To the extent that the community finds that additional support is needed for these purpose, it is essential that the community bear more of the costs, as was envisioned by the Congress in passing the original Medicare legislation.

Furthermore, while there may have been a shortage of physicians in 1965, there is now a surplus that is projected to continue into the future. In 1980, the Graduate Medical Education National Advisory Committee (GMENAC), an advisory body created by the Secretary to coordinate public and private efforts in the quest for an equitable distribution of physicians', estimated that in the year 1990 there would be 70,000 more physicians than needed. GMENAC further estimated that there will be a surplus of physicians in virtually all specialties, although upon further study, it subsequently modified its original estimated surplus of 70,000 physicians in 1990 to 63,000 physicians.

Since the GMENAC report was published, additional estimates have been made of the number of health professionals that will be available. We have continued to develop alternative estimates of requirements for physicians based on the projected demand for medical services. We currently estimate a surplus in overall physician supply of 35,000 in 1990, rising to about 51,800 in the year 2000. Similarly, our studies relating to the number of registered nurses indicate that, over the period between 1970 and 1982, the supply of registered nurses increased by 83 percent.

Based on this information, it is our belief that Medicare is paying in many cases for the costs of training additional physicians when the supply is abundant. We believe that the surplus of physicians indicates that some portion of direct medical education costs is no longer necessary for the efficient delivery of patient care.

Although we continue to believe that medical education is important and that Medicare's support is still warranted, we conclude that it would be appropriate at this time to impose a limit on the amount Medicare will reimburse a provider for direct medical education costs. Otherwise, we would continue to be paying for costs that are not necessary in the efficient delivery of health services to Medicare beneficiaries.

Therefore, we are proposing to revise the current Medicare regulations to impose a limit on the amount of reimbursement for direct medical education costs. For cost reporting periods beginning on or after July 1, 1985 but before July 1, 1986, a provider would be paid a share (based on its Medicare utilization in the current year) of the lesser of its net allowable direct costs for medical education in the current year or the allowable costs recognized by Medicare in the base year for medical education. Because the proposed limit applies to the net cost of approved educational activities before the costs are apportioned between inpatient and outpatient cost centers, the limit would affect both Part A and Part B payments.

The base year would be the provider's cost reporting year that began on or after October 1, 1983 and before October 1, 1984. This year was chosen as the base period because it would enable us to use the most recent data available. Therefore, if a provider's cost reporting period begins on July 1, and assuming no change in Medicare utilization, Medicare's payment for direct medical education costs for the provider's cost reporting period beginning July 1, 1985 could not exceed the amount that the provider received for these costs for its fiscal year that began July 1, 1984 and ended June 30, 1985.

If Medicare utilization changes, differing results occur. For example, in its 1984–1985 (July 1, 1984–June 30, 1985) cost reporting year, Hospital A's total net allowable cost for its medical education program is $1 million. The Medicare rate of utilization at this facility is 20 percent. Therefore, Hospital A receives $200,000 ($1 million multiplied by .20) in Medicare reimbursement for medical education costs for that year. In its 1985–1986 cost reporting year, Hospital A's net allowable cost for medical education is $1.1 million and its rate of Medicare utilization is 21 percent. Under this proposal, Hospital A would receive $210,000 (that is, $1 million, or the facility's 1984–1985 net cost for medical education, multipled by .21). Similarly, if during that cost reporting year Hospital A experiences a decline to 18 percent in its Medicare utilization, Hospital A would receive $180,000 ($1 million multiplied by .18). At this point, the costs of approved educational activities apportioned to inpatient cost centers would be reimbursed at 100 percent of reasonable cost while those apportioned to outpatient cost centers would be reimbursed to 80 percent of reasonable cost. Section 405.421(a) would be revised to describe this limitation, and a conforming change would be made in § 412.113.

While we recognize that this policy will impact affected providers, we believe that the policy offers providers an opportunity to become more efficient in their management of medical education programs and gives them the flexibility to design the medical education program most appropriate for their patients and the community in which they are located. Some providers may choose to delete certain residency programs, others may decide to reduce the size of their current programs and still others may find other ways to become more efficient (for example, through the reduction of overhead expenses). In approaching this task, we urge providers to consider devoting a greater share of their medical education programming to the training of physicians specializing in geriatrics, geriatric nurses and other geriatric health care professionals, in lieu of surplus medical specialties. Adequate numbers of well-trained, geriatric health care professionals are essential to meet the needs of our aged beneficiaries.

The Department, as well as Congress, is considering broadly the issue of financing medical education. Other alternatives that might impact upon these proposed regulations and upon Medicare payment for graduate medical education costs may be adopted. For this reason, the proposed regulations have been drafted to be effective for one year only, although we are also considering whether they should be applied for a period longer than one year. Comment is solicited on this question. If the regulations are made effective for only one year, and therefore could be modified for subsequent years, it is our intent to maintain limits on Medicare payments for the direct costs of graduate medical education for subsequent years, fiscally equivalent to the limits that would result from a renewal of these regulations, as proposed. We will continue to review the entire area of graduate medical education and will consider whether further revisions to medical education reimbursement are warranted as the result of changing circumstances and data.

III. Regulatory Impact Analysis

A. Introduction

Executive Order 12291 requires us to prepare and publish a regulatory impact analysis for regulations that are likely to

result in an annual effect on the economy of $100 million or more; cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competitive employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In addition, the Regulatory Flexibility Act (5 U.S.C. 601–612) requires us to prepare and publish a regulatory flexibility analysis for regulations unless the Secretary certifies that the regulations will not have a significant economic impact on a substantial number of small entities. Under both the Executive Order and the Regulatory Flexibility Act, such analyses must show that the agency issuing the regulations has examined alternatives that might minimize an unnecessary burden or otherwise ensure that the regulations are cost-effective.

We have determined that this proposal is a major rule because the budget impact of this proposal would exceed $100 million annually. We are providing a regulatory flexibility analysis because our proposal is a marked change from current policy regarding reimbursement for direct medical education costs. Furthermore, we have determined that a substantial number of participating providers with graduate medical education programs for interns and residents, nurses, or certain paraprofessionals could be affected significantly by this proposal, to a degree dependent on the interaction of several considerations. The following analysis, meeting both the Executive Order and the Regulatory Flexibility Act requirements, includes a discussion of costs, benefits, numbers of providers affected, and a description of alternative approaches to this proposed policy goal and reasons why they cannot be adopted.

B. Background

As noted earlier in this preamble, historically Medicare has paid for a share of providers' costs associated with medical education programs. Under the prospective payment system, we have been reimbursing hospitals on a reasonable cost basis for Medicare's share of their direct medical education costs. This payment is in addition to their prospective payments. Hospitals that are excluded from the prospective payment system (for example, pyschiatric hospitals and rehabilitation hospitals) are also reimbursed on a reasonable costs basis for approved medical education programs.

We estimate that in Federal fiscal year (FY) 1984 there were Medicare expenditures of $1.127 billion to 1660 hospitals for their direct medical education costs. Ninety-seven percent of the payments were received by urban hospitals with more than 100 beds. Fifty-three percent of total direct medical education expenditures were paid to hospitals in two of the nine census regions: the Mid-Atlantic regions (New York, Pennsylvania and New Jersey) and the East North Central region (Illinois, Michigan, Wisconsin, Ohio and Indiana).

C. Costs and Benefits

1. Provider Costs

This proposed limit would affect all participating hospitals reporting direct medical education costs on their cost reports. We estimate Federal savings of $145 million in FY 1986 as a result of implementing the limit on our payment for Part A and Part B direct medical education costs. The projected savings represent the difference between estimated expenditures absent this proposed limit and estimated expenditures under the limit. While the estimated savings represent a very small percentage reduction in Medicare's total payments to hospitals, the FY 1986 projected savings represents an estimated 11 percent reduction in payments that hospital medical education programs would receive absent this proposal.

The impact on an individual hospital would vary depending on the interaction of several factors. First, our data show that urban hospitals would be affected significantly more than rural hospitals with similar training programs. This is due to the fact that urban hospitals receive most of the Medicare expenditures for the cost of these training programs, and that urban hospitals also receive a higher average amount of reimbursement for their programs. A related factor in determining the potential impact on individual hospitals is the location of a hospital among the nine census regions. We noted above that our cost report data show a marked differential impact among the census regions, with hospitals in the Mid-Atlantic and East North Central regions alone receiving 53 percent of Medicare expenditures for medical education programs. Due to the variations in training expenses as well as amounts of reimbursement received by hospitals in each region, we believe that this proposal would result in differential impacts on hospitals among and within the nine census regions.

Finally, we believe that our proposed limit would affect hospitals differently depending on the amount of reimbursement to each hospital, the number and types of programs affiliated with each hospital, the rate of growth in their medical education costs, and the actions they have been taking to control the costs of their training programs. Many hospitals report costs for the maintenance of one type of training program, usually for physicians. About one-quarter of affected hospitals report costs for a combination of two types of training programs, primarily physician and nursing school combinations. Limiting our payment to affected hospitals may lead to changes in numbers of programs, their size or their specialty make-up. However, we are unable to predict what specific actions affected hospitals will take in response to the proposed payment limitation.

2. Program Benefits

Although this proposal may have at least a temporarily adverse economic impact on affected hospitals, we believe that significant benefits to the Medicare program would result. In addition to avoiding payment of unnecessary costs, we believe that by limiting our reimbursement, current fiscal incentives would be modified to encourage greater attention to the appropriateness of educational activities being undertaken and to the development of more cost-effective approaches to medical education activities. The present cost reimbursement methodology does not adequately ensure that unnecessary costs are not incurred in providing medical education. Therefore, one effect of these limits would be to permit more prudent management of the Medicare Hospital Insurance Trust Fund by changing current fiscal incentives that create unnecessary expenditures.

3. Provider Benefits

As stated earlier in this preamble, we believe that after 20 years of program experience, States and localities, medical schools, and private philanthropy should assume more responsibility for the costs of medical education as was originally intended by Congress. We believe that this proposed limit would provide an incentive for the medical education community to examine its priorities and begin to restructure residencies and programs for other health professionals to meet the changing environment of the health care market place. As noted above, we believe that greater attention to the training of geriatric health care professionals is important, and urge the

medical education community to consider the needs of our aged beneficiaries.

This proposal would continue our participation in medical education programs, although limited to recent levels, rather than at the increased levels projected without this proposal. Though we are proposing to limit our reimbursement, we would continue reimbursing providers for a portion of their incurred direct medical education costs.

D. Alternatives Considered

In preparing the regulatory impact analysis and regulatory flexibility analysis, we describe significant alternatives to our proposal that could achieve the same goal and the reasons for not adopting these alternatives. One option we considered was continuing the current policy concerning direct medical education costs. However, this approach would continue the excessive reimbursement and inappropriate incentives of the current system, and would be contrary to the Administration's effort to control the rate of increase in Medicare expenditures and still provide high quality care to beneficiaries. The incentives inherent in the current approach invariably lead to paying for unnecessary costs incurred in the delivery of health care services. We believe, therefore, that the current approach to paying hospitals for medical education costs must be changed.

A second alternative would be to pay only for the services of interns and residents. This option was rejected due to the difficulty of identifying such costs on the cost reports, and because we believe that an overall payment limitation gives providers more flexibility while providing adequate protection to the Medicare Hospital Insurance Trust Fund. However, for the future, we may revise the cost reporting form to elicit discrete data on costs for interns and residents.

A third alternative we could have considered in controlling the rate of increase in Medicare expenditures for medical education, includes paying for these costs under the prospective payment system. However, the requirements stated in section 1886(a)(4) of the Act, preclude our considering this option.

A fourth alternative that we could have considered would have been to reduce Medicare's contribution to the medical educational costs of specialties considered to be in excess of national needs. The geographic distribution of physician specialists is variable making the identification of surplus specialties problematic at the national level. Consequently, we believe that a limit on overall payment for medical education costs, which allows individual hospitals to manage their educational programs in ways they believe best meet the needs of their patients and the local community, is far superior to our attempting to identify surplus specialties or to determine the appropriate size and nature of specific medical education programs. This latter approach would be unduly intrusive and could, for example, involve the setting of quotas.

E. Summary

As noted in the introduction to this analysis, we conclude that the annual economic impact of this proposal would significantly affect a substantial number of providers and medical schools. However, we believe that the expected benefits of this proposal to the program and the public would offset costs incurred by the providers and that, based on a consideration of alternatives that could achieve the same goal, our proposed rule seeks to maximize net benefits to affected parties while including the least net cost to society in general. Therefore, for the reasons stated in this analysis, we believe that this proposed rulemaking adheres to the intent of Executive Order 12291 and the Regulatory Flexibility Act.

F. Paperwork Burden

These proposed changes would not impose information collection requirements; consequently, they need not be reviewed by the Executive Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501).

IV. Other Required Information

A. Public Comment

Because of the large number of pieces of correspondence we normally receive on a proposed rule, we are not able to acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments contained in correspondence that we receive by the date specified in the "Dates" section of this preamble, and, if we decide to proceed with a final rule, we will respond to the comments in the preamble of that rule.

List of Subjects

42 CFR Part 405

Administrative practice and procedure, Health facilities, Health maintenance organizations (HMO), Health professions, Kidney diseases, Laboratories, Medicare, Reporting and recordkeeping requirements, Rural areas, X-rays.

42 CFR Part 412

Cancer hospitals, Christian Science sanatoria, Discharges and transfers, Inpatient hospital services, Medicare, Outlier cases, Prospective payment referral centers, Renal transplantation centers, Sole community hospitals.

42 CFR Chapter IV would be amended as set forth below:

A. Part 405, Subpart D would be amended as set forth below:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart D—Principles of Reimbursement for Providers, Outpatient Maintenance Dialysis, and Services by Hospital-Based Physicians.

1. The authority citation for Subpart D reads as follows:

Authority: Secs. 1102, 1814(b), 1815, 1833(a), 1861(v), 1871, 1881, 1886, and 1887 of the Social Security Act as amended (42 U.S.C. 1302, 1395f(b), 1395g, 1395l(a), 1395x(v), 1395hh, 1395rr, 1395ww, and 1395xx).

2. Section 405.421 is amended by revising paragraph (a) to read as follows:

§ 405.421 Cost of educational activities.

(a) *Reimbursement.*—(1) *General rule.* For cost reporting periods beginning before July 1, 1985, a provider's allowable cost may include its net cost of approved educational activities, as calculated under paragraph (g) of this section.

(2) *Limit applicable to cost reporting periods beginning on or after July 1, 1985 but before July 1, 1986.* For cost reporting periods beginning on or after July 1, 1985 but before July 1, 1986, a provider's net cost of approved educational activities, as calculated under paragraph (g) of this section, incurred during a cost reporting period is limited, under the authority of section 1861(v)(1)(A) of the Act, to the lesser of the hospital's net cost of its program—

(i) For that cost reporting period; or

(ii) For its cost reporting period beginning on or after October 1, 1983 but before October 1, 1984.

(3) *Apportionment.* Once the net cost is determined under this section, it is subject to apportionment for Medicare utilization as described in § 405.403.

* * * * *

B. Part 412 would be amended as set forth below.

PART 412—PROSPECTIVE PAYMENT SYSTEM FOR INPATIENT HOSPITAL SERVICES

1. The authority citation for Part 412 continues to read as follows:

Authority: Secs. 1102, 1871 and 1886 of the Social Security Act (42 U.S.C. 1302, 1395hh, 1395ww).

2. Section 412.113 is amended by revising paragraph (b) to read as follows:

§ 412.113 Payments determined on a reasonable costs basis.

* * * * *

(b) *Direct medical education costs.* Payment for the cost of approved medical educational activities as defined in § 405.421 of this chapter is made on a reasonable cost basis (except with respect to activities defined in § 405.421(d) of this chapter). For cost reporting periods beginning on or after July 1, 1985, but before July 1, 1986, payment for these reasonable costs is limited as described in § 405.421(a) of this chapter. For cost reporting periods beginning before October 1, 1986, the costs of medical education must be determined consistently with the treatment of such costs for purposes of determining the hospital-specific portion of the transition payment rate in Subpart E of this part.

* * * * *

(Catalog of Federal Domestic Assistance Programs No. 13.773, Medicare—Hospital Insurance Program)

Dated: April 29, 1985.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: May 14, 1985.

Margaret M. Heckler,

Secretary.

[FR Doc. 85-12347 Filed 5-20-85; 11:56 am]

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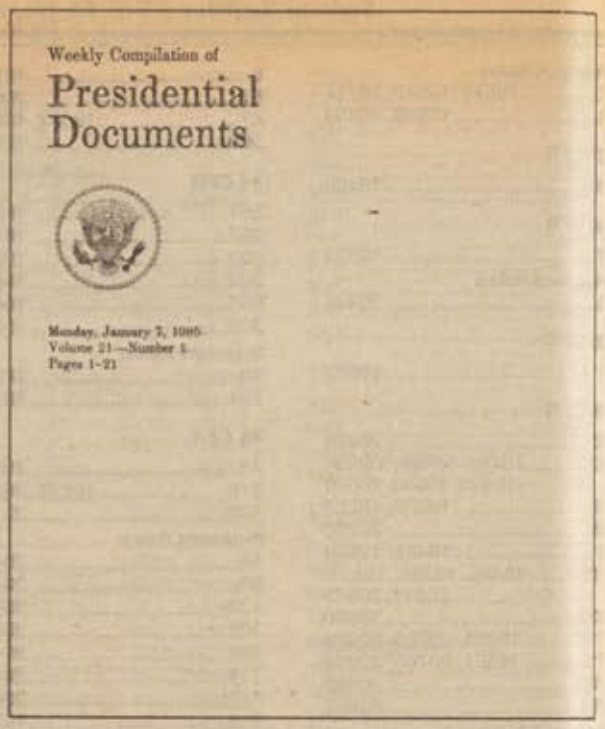

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